

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2018 General  
7 Revisory Act.

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

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 In certain cases in which a repealed Act or Section  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16 incorporate amendments to the repealed Act or Section into the  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

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

1 include other versions of the Section to be found in Public  
2 Acts not included in the list of sources. The list of sources  
3 is not a part of the text of the Section.

4 (d) Public Acts 99-920 through 100-534 were considered in  
5 the preparation of the combining revisories included in this  
6 Act. Many of those combining revisories contain no striking or  
7 underscoring because no additional changes are being made in  
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing  
10 Section 4.30 as follows:

11 (5 ILCS 80/4.30)

12 Sec. 4.30. Acts repealed on January 1, 2020. The following  
13 Acts are repealed on January 1, 2020:

14 The Auction License Act.

15 The Community Association Manager Licensing and  
16 Disciplinary Act.

17 The Illinois Architecture Practice Act of 1989.

18 The Illinois Landscape Architecture Act of 1989.

19 The Illinois Professional Land Surveyor Act of 1989.

20 The Orthotics, Prosthetics, and Pedorthics Practice Act.

21 The Perfusionist Practice Act.

22 The Pharmacy Practice Act.

23 The Professional Engineering Practice Act of 1989.

24 The Real Estate License Act of 2000.

1           The Structural Engineering Practice Act of 1989.  
2           (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;  
3           revised 10-18-17.)

4           Section 10. The Freedom of Information Act is amended by  
5           changing Section 7.5 as follows:

6           (5 ILCS 140/7.5)

7           (Text of Section before amendment by P.A. 100-512 and  
8           100-517)

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

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

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

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

24                 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating  
2 to known or suspected cases of sexually transmissible  
3 disease or any information the disclosure of which is  
4 restricted under the Illinois Sexually Transmissible  
5 Disease Control Act.

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

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

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

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

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

24 (j) Information and data concerning the distribution  
25 of surcharge moneys collected and remitted by carriers  
26 under the Emergency Telephone System Act.

1           (k) Law enforcement officer identification information  
2           or driver identification information compiled by a law  
3           enforcement agency or the Department of Transportation  
4           under Section 11-212 of the Illinois Vehicle Code.

5           (l) Records and information provided to a residential  
6           health care facility resident sexual assault and death  
7           review team or the Executive Council under the Abuse  
8           Prevention Review Team Act.

9           (m) Information provided to the predatory lending  
10          database created pursuant to Article 3 of the Residential  
11          Real Property Disclosure Act, except to the extent  
12          authorized under that Article.

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

20          (o) Information that is prohibited from being  
21          disclosed under Section 4 of the Illinois Health and  
22          Hazardous Substances Registry Act.

23          (p) Security portions of system safety program plans,  
24          investigation reports, surveys, schedules, lists, data, or  
25          information compiled, collected, or prepared by or for the  
26          Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair  
2 County Transit District under the Bi-State Transit Safety  
3 Act.

4 (q) Information prohibited from being disclosed by the  
5 Personnel Records Review Act.

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

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

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

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

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed Carry  
7 Licensing Review Board under the Firearm Concealed Carry  
8 Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of an  
22 eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure  
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from  
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement  
7 Officer-Worn Body Camera Act, except to the extent  
8 authorized under that Act.

9 (dd) Information that is prohibited from being  
10 disclosed under Section 45 of the Condominium and Common  
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure  
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure  
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) ~~(ff)~~ Information that is prohibited from being  
17 disclosed under Section 7-603.5 of the Illinois Vehicle  
18 Code.

19 (hh) ~~(ff)~~ Records that are exempt from disclosure under  
20 Section 1A-16.7 of the Election Code.

21 (ii) ~~(ff)~~ Information which is exempted from  
22 disclosure under Section 2505-800 of the Department of  
23 Revenue Law of the Civil Administrative Code of Illinois.

24 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
25 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
26 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;



1 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
2 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

3 (Text of Section after amendment by P.A. 100-517 but before  
4 amendment by P.A. 100-512)

5 Sec. 7.5. Statutory exemptions. To the extent provided for  
6 by the statutes referenced below, the following shall be exempt  
7 from inspection and copying:

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

11 (b) Library circulation and order records identifying  
12 library users with specific materials under the Library  
13 Records Confidentiality Act.

14 (c) Applications, related documents, and medical  
15 records received by the Experimental Organ Transplantation  
16 Procedures Board and any and all documents or other records  
17 prepared by the Experimental Organ Transplantation  
18 Procedures Board or its staff relating to applications it  
19 has received.

20 (d) Information and records held by the Department of  
21 Public Health and its authorized representatives relating  
22 to known or suspected cases of sexually transmissible  
23 disease or any information the disclosure of which is  
24 restricted under the Illinois Sexually Transmissible  
25 Disease Control Act.

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

3           (f) Firm performance evaluations under Section 55 of  
4 the Architectural, Engineering, and Land Surveying  
5 Qualifications Based Selection Act.

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

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

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

19           (j) Information and data concerning the distribution  
20 of surcharge moneys collected and remitted by carriers  
21 under the Emergency Telephone System Act.

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

26           (l) Records and information provided to a residential

1 health care facility resident sexual assault and death  
2 review team or the Executive Council under the Abuse  
3 Prevention Review Team Act.

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

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

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

18 (p) Security portions of system safety program plans,  
19 investigation reports, surveys, schedules, lists, data, or  
20 information compiled, collected, or prepared by or for the  
21 Regional Transportation Authority under Section 2.11 of  
22 the Regional Transportation Authority Act or the St. Clair  
23 County Transit District under the Bi-State Transit Safety  
24 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  
4 under Section 5-108 of the Public Utilities Act.

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

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

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

1 Firearm Concealed Carry Act, records of the Concealed Carry  
2 Licensing Review Board under the Firearm Concealed Carry  
3 Act, and law enforcement agency objections under the  
4 Firearm Concealed Carry Act.

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6 exempted from disclosure under subsection (g) of Section  
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2 Officer-Worn Body Camera Act, except to the extent  
3 authorized under that Act.

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6 Interest Community Ombudsperson Act.

7           (ee) Information that is exempted from disclosure  
8 under Section 30.1 of the Pharmacy Practice Act.

9           (ff) Information that is exempted from disclosure  
10 under the Revised Uniform Unclaimed Property Act.

11           (gg) ~~(ff)~~ Information that is prohibited from being  
12 disclosed under Section 7-603.5 of the Illinois Vehicle  
13 Code.

14           (hh) ~~(ff)~~ Records that are exempt from disclosure under  
15 Section 1A-16.7 of the Election Code.

16           (ii) ~~(ff)~~ Information which is exempted from  
17 disclosure under Section 2505-800 of the Department of  
18 Revenue Law of the Civil Administrative Code of Illinois.

19           (jj) ~~(ff)~~ Information and reports that are required to  
20 be submitted to the Department of Labor by registering day  
21 and temporary labor service agencies but are exempt from  
22 disclosure under subsection (a-1) of Section 45 of the Day  
23 and Temporary Labor Services Act.

24 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
25 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
26 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;

1 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
2 8-28-17; 100-465, eff. 8-31-17; 100-517, eff. 6-1-18; revised  
3 11-2-17.)

4 (Text of Section after amendment by P.A. 100-512)

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16 plan submitted to a municipality in accordance with a local  
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18 Section 11-21.5-5 of the Illinois Municipal Code.

19           (j) Information and data concerning the distribution  
20 of surcharge moneys collected and remitted by carriers  
21 under the Emergency Telephone System Act.

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

26           (l) Records and information provided to a residential



1 health care facility resident sexual assault and death  
2 review team or the Executive Council under the Abuse  
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4 (m) Information provided to the predatory lending  
5 database created pursuant to Article 3 of the Residential  
6 Real Property Disclosure Act, except to the extent  
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9 compensation and expenses for court appointed trial  
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12 until the conclusion of the trial of the case, even if the  
13 prosecution chooses not to pursue the death penalty prior  
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16 disclosed under Section 4 of the Illinois Health and  
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18 (p) Security portions of system safety program plans,  
19 investigation reports, surveys, schedules, lists, data, or  
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2 Illinois School Student Records Act.

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

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

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22 for or received Firearm Owner's Identification Cards under  
23 the Firearm Owners Identification Card Act or applied for  
24 or received a concealed carry license under the Firearm  
25 Concealed Carry Act, unless otherwise authorized by the  
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed Carry  
2 Licensing Review Board under the Firearm Concealed Carry  
3 Act, and law enforcement agency objections under the  
4 Firearm Concealed Carry Act.

5 (w) Personally identifiable information which is  
6 exempted from disclosure under subsection (g) of Section  
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure  
9 under Section 5-1014.3 of the Counties Code or Section  
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult  
12 Protective Services Act and its predecessor enabling  
13 statute, the Elder Abuse and Neglect Act, including  
14 information about the identity and administrative finding  
15 against any caregiver of a verified and substantiated  
16 decision of abuse, neglect, or financial exploitation of an  
17 eligible adult maintained in the Registry established  
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality  
20 review team or the Illinois Fatality Review Team Advisory  
21 Council under Section 15 of the Adult Protective Services  
22 Act.

23 (aa) Information which is exempted from disclosure  
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from  
26 disclosure by the Juvenile Court Act of 1987.

1           (cc) Recordings made under the Law Enforcement  
2 Officer-Worn Body Camera Act, except to the extent  
3 authorized under that Act.

4           (dd) Information that is prohibited from being  
5 disclosed under Section 45 of the Condominium and Common  
6 Interest Community Ombudsperson Act.

7           (ee) Information that is exempted from disclosure  
8 under Section 30.1 of the Pharmacy Practice Act.

9           (ff) Information that is exempted from disclosure  
10 under the Revised Uniform Unclaimed Property Act.

11           (gg) ~~(ff)~~ Information that is prohibited from being  
12 disclosed under Section 7-603.5 of the Illinois Vehicle  
13 Code.

14           (hh) ~~(ff)~~ Records that are exempt from disclosure under  
15 Section 1A-16.7 of the Election Code.

16           (ii) ~~(ff)~~ Information which is exempted from  
17 disclosure under Section 2505-800 of the Department of  
18 Revenue Law of the Civil Administrative Code of Illinois.

19           (jj) ~~(ff)~~ Information and reports that are required to  
20 be submitted to the Department of Labor by registering day  
21 and temporary labor service agencies but are exempt from  
22 disclosure under subsection (a-1) of Section 45 of the Day  
23 and Temporary Labor Services Act.

24           (kk) ~~(ff)~~ Information prohibited from disclosure under  
25 the Seizure and Forfeiture Reporting Act.

26 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,

1 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
2 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
3 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
4 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
5 eff. 6-1-18; revised 11-2-17.)

6 Section 15. The State Employees Group Insurance Act of 1971  
7 is amended by changing Section 6.11 as follows:

8 (5 ILCS 375/6.11)

9 Sec. 6.11. Required health benefits; Illinois Insurance  
10 Code requirements. The program of health benefits shall provide  
11 the post-mastectomy care benefits required to be covered by a  
12 policy of accident and health insurance under Section 356t of  
13 the Illinois Insurance Code. The program of health benefits  
14 shall provide the coverage required under Sections 356g,  
15 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
16 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
17 356z.14, 356z.15, 356z.17, 356z.22, ~~and 356z.25~~, and 356z.26 of  
18 the Illinois Insurance Code. The program of health benefits  
19 must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c,  
20 and 370c.1 of the Illinois Insurance Code.

21 Rulemaking authority to implement Public Act 95-1045, if  
22 any, is conditioned on the rules being adopted in accordance  
23 with all provisions of the Illinois Administrative Procedure  
24 Act and all rules and procedures of the Joint Committee on

1 Administrative Rules; any purported rule not so adopted, for  
2 whatever reason, is unauthorized.

3 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
4 100-138, eff. 8-18-17; revised 10-3-17.)

5 Section 25. The Election Code is amended by changing  
6 Sections 1-2, 1A-8, 1A-16, 2A-30, 3-5, 12-5, 21-2, and 28-7 as  
7 follows:

8 (10 ILCS 5/1-2) (from Ch. 46, par. 1-2)

9 Sec. 1-2. The provisions of this Act, so far as they are  
10 the same as those of any prior statute, shall be construed as a  
11 continuation of such prior provisions, and not as a new  
12 enactment.

13 If in any other statute reference is made to an Act of the  
14 General Assembly, or a Section ~~section~~ of such an Act, which is  
15 continued in this ~~election~~ Code, such reference shall be held  
16 to refer to the Act or Section ~~section~~ thereof so continued in  
17 this Code.

18 (Source: Laws 1943, vol. 2, p. 1; revised 9-22-17.)

19 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

20 Sec. 1A-8. The State Board of Elections shall exercise the  
21 following powers and perform the following duties in addition  
22 to any powers or duties otherwise provided for by law:

23 (1) Assume all duties and responsibilities of the State

1 Electoral Board and the Secretary of State as heretofore  
2 provided in this Code Act;

3 (2) Disseminate information to and consult with  
4 election authorities concerning the conduct of elections  
5 and registration in accordance with the laws of this State  
6 and the laws of the United States;

7 (3) Furnish to each election authority prior to each  
8 primary and general election and any other election it  
9 deems necessary, a manual of uniform instructions  
10 consistent with the provisions of this Code Act which shall  
11 be used by election authorities in the preparation of the  
12 official manual of instruction to be used by the judges of  
13 election in any such election. In preparing such manual,  
14 the State Board shall consult with representatives of the  
15 election authorities throughout the State. The State Board  
16 may provide separate portions of the uniform instructions  
17 applicable to different election jurisdictions which  
18 administer elections under different options provided by  
19 law. The State Board may by regulation require particular  
20 portions of the uniform instructions to be included in any  
21 official manual of instructions published by election  
22 authorities. Any manual of instructions published by any  
23 election authority shall be identical with the manual of  
24 uniform instructions issued by the Board, but may be  
25 adapted by the election authority to accommodate special or  
26 unusual local election problems, provided that all manuals

1 published by election authorities must be consistent with  
2 the provisions of this Code Act in all respects and must  
3 receive the approval of the State Board of Elections prior  
4 to publication; provided further that if the State Board  
5 does not approve or disapprove of a proposed manual within  
6 60 days of its submission, the manual shall be deemed  
7 approved.

8 (4) Prescribe and require the use of such uniform  
9 forms, notices, and other supplies not inconsistent with  
10 the provisions of this Code Act as it shall deem advisable  
11 which shall be used by election authorities in the conduct  
12 of elections and registrations;

13 (5) Prepare and certify the form of ballot for any  
14 proposed amendment to the Constitution of the State of  
15 Illinois, or any referendum to be submitted to the electors  
16 throughout the State or, when required to do so by law, to  
17 the voters of any area or unit of local government of the  
18 State;

19 (6) Require such statistical reports regarding the  
20 conduct of elections and registration from election  
21 authorities as may be deemed necessary;

22 (7) Review and inspect procedures and records relating  
23 to conduct of elections and registration as may be deemed  
24 necessary, and to report violations of election laws to the  
25 appropriate State's Attorney or the Attorney General;

26 (8) Recommend to the General Assembly legislation to



1 improve the administration of elections and registration;

2 (9) Adopt, amend or rescind rules and regulations in  
3 the performance of its duties provided that all such rules  
4 and regulations must be consistent with the provisions of  
5 this Article 1A or issued pursuant to authority otherwise  
6 provided by law;

7 (10) Determine the validity and sufficiency of  
8 petitions filed under Article XIV, Section 3, of the  
9 Constitution of the State of Illinois of 1970;

10 (11) Maintain in its principal office a research  
11 library that includes, but is not limited to, abstracts of  
12 votes by precinct for general primary elections and general  
13 elections, current precinct maps and current precinct poll  
14 lists from all election jurisdictions within the State. The  
15 research library shall be open to the public during regular  
16 business hours. Such abstracts, maps and lists shall be  
17 preserved as permanent records and shall be available for  
18 examination and copying at a reasonable cost;

19 (12) Supervise the administration of the registration  
20 and election laws throughout the State;

21 (13) Obtain from the Department of Central Management  
22 Services, under Section 405-250 of the Department of  
23 Central Management Services Law (20 ILCS 405/405-250),  
24 such use of electronic data processing equipment as may be  
25 required to perform the duties of the State Board of  
26 Elections and to provide election-related information to

1 candidates, public and party officials, interested civic  
2 organizations and the general public in a timely and  
3 efficient manner;

4 (14) To take such action as may be necessary or  
5 required to give effect to directions of the national  
6 committee or State central committee of an established  
7 political party under Sections 7-8, 7-11, and 7-14.1 or  
8 such other provisions as may be applicable pertaining to  
9 the selection of delegates and alternate delegates to an  
10 established political party's national nominating  
11 conventions or, notwithstanding any candidate  
12 certification schedule contained within this ~~the Election~~  
13 Code, the certification of the Presidential and Vice  
14 Presidential candidate selected by the established  
15 political party's national nominating convention;

16 (15) To post all early voting sites separated by  
17 election authority and hours of operation on its website at  
18 least 5 business days before the period for early voting  
19 begins; and

20 (16) To post on its website the statewide totals, and  
21 totals separated by each election authority, for each of  
22 the counts received pursuant to Section 1-9.2.

23 The Board may by regulation delegate any of its duties or  
24 functions under this Article, except that final determinations  
25 and orders under this Article shall be issued only by the  
26 Board.

1           The requirement for reporting to the General Assembly shall  
2 be satisfied by filing copies of the report with the Speaker,  
3 the Minority Leader, and the Clerk of the House of  
4 Representatives, and the President, the Minority Leader, and  
5 the Secretary of the Senate, and the Legislative Research Unit,  
6 as required by Section 3.1 of the General Assembly Organization  
7 Act ~~"An Act to revise the law in relation to the General~~  
8 ~~Assembly", approved February 25, 1874, as amended,~~ and filing  
9 such additional copies with the State Government Report  
10 Distribution Center for the General Assembly as is required  
11 under paragraph (t) of Section 7 of the State Library Act.

12         (Source: P.A. 98-1171, eff. 6-1-15; revised 9-21-17.)

13           (10 ILCS 5/1A-16)

14           Sec. 1A-16. Voter registration information; Internet  
15 posting; processing of voter registration forms; content of  
16 such forms. Notwithstanding any law to the contrary, the  
17 following provisions shall apply to voter registration under  
18 this Code.

19           (a) Voter registration information; Internet posting of  
20 voter registration form. Within 90 days after August 21, 2003  
21 (the effective date of Public Act 93-574) ~~this amendatory Act~~  
22 ~~of the 93rd General Assembly,~~ the State Board of Elections  
23 shall post on its World Wide Web site the following  
24 information:

25           (1) A comprehensive list of the names, addresses, phone

1 numbers, and websites, if applicable, of all county clerks  
2 and boards of election commissioners in Illinois.

3 (2) A schedule of upcoming elections and the deadline  
4 for voter registration.

5 (3) A downloadable, printable voter registration form,  
6 in at least English and in Spanish versions, that a person  
7 may complete and mail or submit to the State Board of  
8 Elections or the appropriate county clerk or board of  
9 election commissioners.

10 Any forms described under paragraph (3) must state the  
11 following:

12 If you do not have a driver's license or social  
13 security number, and this form is submitted by mail, and  
14 you have never registered to vote in the jurisdiction you  
15 are now registering in, then you must send, with this  
16 application, either (i) a copy of a current and valid photo  
17 identification, or (ii) a copy of a current utility bill,  
18 bank statement, government check, paycheck, or other  
19 government document that shows the name and address of the  
20 voter. If you do not provide the information required  
21 above, then you will be required to provide election  
22 officials with either (i) or (ii) described above the first  
23 time you vote at a voting place.

24 (b) Acceptance of registration forms by the State Board of  
25 Elections and county clerks and board of election  
26 commissioners. The State Board of Elections, county clerks, and

1 board of election commissioners shall accept all completed  
2 voter registration forms described in subsection (a) (3) of this  
3 Section and Sections 1A-17 and 1A-30 that are:

4 (1) postmarked on or before the day that voter  
5 registration is closed under this ~~the Election~~ Code;

6 (2) not postmarked, but arrives no later than 5 days  
7 after the close of registration;

8 (3) submitted in person by a person using the form on  
9 or before the day that voter registration is closed under  
10 this ~~the Election~~ Code; or

11 (4) submitted in person by a person who submits one or  
12 more forms on behalf of one or more persons who used the  
13 form on or before the day that voter registration is closed  
14 under this ~~the Election~~ Code.

15 Upon the receipt of a registration form, the State Board of  
16 Elections shall mark the date on which the form was received  
17 and send the form via first class mail to the appropriate  
18 county clerk or board of election commissioners, as the case  
19 may be, within 2 business days based upon the home address of  
20 the person submitting the registration form. The county clerk  
21 and board of election commissioners shall accept and process  
22 any form received from the State Board of Elections.

23 (c) Processing of registration forms by county clerks and  
24 boards of election commissioners. The county clerk or board of  
25 election commissioners shall promulgate procedures for  
26 processing the voter registration form.

1 (d) Contents of the voter registration form. The State  
2 Board shall create a voter registration form, which must  
3 contain the following content:

4 (1) Instructions for completing the form.

5 (2) A summary of the qualifications to register to vote  
6 in Illinois.

7 (3) Instructions for mailing in or submitting the form  
8 in person.

9 (4) The phone number for the State Board of Elections  
10 should a person submitting the form have questions.

11 (5) A box for the person to check that explains one of  
12 3 reasons for submitting the form:

13 (a) new registration;

14 (b) change of address; or

15 (c) change of name.

16 (6) a box for the person to check yes or no that asks,  
17 "Are you a citizen of the United States?", a box for the  
18 person to check yes or no that asks, "Will you be 18 years  
19 of age on or before election day?", and a statement of "If  
20 you checked 'no' in response to either of these questions,  
21 then do not complete this form."

22 (7) A space for the person to fill in his or her home  
23 telephone number.

24 (8) Spaces for the person to fill in his or her first,  
25 middle, and last names, street address (principal place of  
26 residence), county, city, state, and zip code.

1           (9) Spaces for the person to fill in his or her mailing  
2 address, city, state, and zip code if different from his or  
3 her principal place of residence.

4           (10) A space for the person to fill in his or her  
5 Illinois driver's license number if the person has a  
6 driver's license.

7           (11) A space for a person without a driver's license to  
8 fill in the last four digits of his or her social security  
9 number if the person has a social security number.

10           (12) A space for a person without an Illinois driver's  
11 license to fill in his or her identification number from  
12 his or her State Identification card issued by the  
13 Secretary of State.

14           (13) A space for the person to fill the name appearing  
15 on his or her last voter registration, the street address  
16 of his or her last registration, including the city,  
17 county, state, and zip code.

18           (14) A space where the person swears or affirms the  
19 following under penalty of perjury with his or her  
20 signature:

21                   (a) "I am a citizen of the United States.";

22                   (b) "I will be at least 18 years old on or before  
23 the next election.";

24                   (c) "I will have lived in the State of Illinois and  
25 in my election precinct at least 30 days as of the date  
26 of the next election."; and

1           (d) "The information I have provided is true to the  
2           best of my knowledge under penalty of perjury. If I  
3           have provided false information, then I may be fined,  
4           imprisoned, or, if I am not a U.S. citizen, deported  
5           from or refused entry into the United States.".

6           (15) A space for the person to fill in his or her  
7           e-mail address if he or she chooses to provide that  
8           information.

9           (d-5) Compliance with federal law; rulemaking authority.  
10          The voter registration form described in this Section shall be  
11          consistent with the form prescribed by the Federal Election  
12          Commission under the National Voter Registration Act of 1993,  
13          P.L. 103-31, as amended from time to time, and the Help America  
14          Vote Act of 2002, P.L. 107-252, in all relevant respects. The  
15          State Board of Elections shall periodically update the form  
16          based on changes to federal or State law. The State Board of  
17          Elections shall promulgate any rules necessary for the  
18          implementation of this Section; provided that the rules comport  
19          with the letter and spirit of the National Voter Registration  
20          Act of 1993 and Help America Vote Act of 2002 and maximize the  
21          opportunity for a person to register to vote.

22          (e) Forms available in paper form. The State Board of  
23          Elections shall make the voter registration form available in  
24          regular paper stock and form in sufficient quantities for the  
25          general public. The State Board of Elections may provide the  
26          voter registration form to the Secretary of State, county



1 clerks, boards of election commissioners, designated agencies  
2 of the State of Illinois, and any other person or entity  
3 designated to have these forms by this ~~the Election~~ Code in  
4 regular paper stock and form or some other format deemed  
5 suitable by the Board. Each county clerk or board of election  
6 commissioners has the authority to design and print its own  
7 voter registration form so long as the form complies with the  
8 requirements of this Section. The State Board of Elections,  
9 county clerks, boards of election commissioners, or other  
10 designated agencies of the State of Illinois required to have  
11 these forms under this ~~the Election~~ Code shall provide a member  
12 of the public with any reasonable number of forms that he or  
13 she may request. Nothing in this Section shall permit the State  
14 Board of Elections, county clerk, board of election  
15 commissioners, or other appropriate election official who may  
16 accept a voter registration form to refuse to accept a voter  
17 registration form because the form is printed on photocopier or  
18 regular paper stock and form.

19 (f) (Blank).

20 (Source: P.A. 98-115, eff. 10-1-13; 98-1171, eff. 6-1-15;  
21 revised 9-22-17.)

22 (10 ILCS 5/2A-30) (from Ch. 46, par. 2A-30)

23 Sec. 2A-30. Villages and incorporated towns with  
24 population of less than 50,000; president; trustees; clerk  
25 ~~Incorporated Towns with Population of Less than 50,000~~

1 ~~President—Trustees—Clerk~~. In villages and incorporated  
2 towns with a population of less than 50,000, a president shall  
3 be elected at the consolidated election in every other  
4 odd-numbered year when the president is elected for a 4-year ~~4~~  
5 ~~year~~ term, and in each odd-numbered year when the president is  
6 elected for a 2-year ~~2-year~~ term.

7 Except as provided in Section 2A-30a, in villages and  
8 incorporated towns with a population of less than 50,000, 3  
9 trustees shall be elected at the consolidated election in each  
10 odd-numbered year when trustees are elected for 4-year ~~4-year~~  
11 terms, and at the consolidated election in each odd-numbered  
12 year and at the general primary election in each even-numbered  
13 year when trustees are elected for 2-year ~~2-year~~ terms. A  
14 primary to nominate candidates for the office of trustee to be  
15 elected at the general primary election shall be held on the  
16 Tuesday 6 weeks preceding that election.

17 In villages and incorporated towns with a population of  
18 less than 50,000, a clerk shall be elected at the consolidated  
19 election in every other odd-numbered year when the clerk is  
20 elected for a 4-year ~~4-year~~ term, and in each odd-numbered year  
21 when the clerk is elected for a 2-year ~~2-year~~ term.

22 (Source: P.A. 80-1495; revised 9-22-17.)

23 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

24 Sec. 3-5. No person who has been legally convicted, in this  
25 or another state or in any federal court, of any crime, and is

1 serving a sentence of confinement in any penal institution, or  
2 who has been convicted under any Section of this Code Act and  
3 is serving a sentence of confinement in any penal institution,  
4 shall vote, offer to vote, attempt to vote or be permitted to  
5 vote at any election until his release from confinement.

6 Confinement for purposes of this Section shall include any  
7 person convicted and imprisoned but granted a furlough as  
8 provided by Section 3-11-1 of the "Unified Code of  
9 Corrections", or admitted to a work release program as provided  
10 by Section 3-13-2 of the "Unified Code of Corrections".  
11 Confinement shall not include any person convicted and  
12 imprisoned but released on parole.

13 Confinement or detention in a jail pending acquittal or  
14 conviction of a crime is not a disqualification for voting.

15 (Source: P.A. 94-637, eff. 1-1-06; revised 9-22-17.)

16 (10 ILCS 5/12-5) (from Ch. 46, par. 12-5)

17 Sec. 12-5. Notice for public questions.

18 (a) Except as otherwise provided in subsection (b), for all  
19 elections held after July 1, 1999, notice of public questions  
20 shall be required only as set forth in this Section or as set  
21 forth in Section 17-3 or 19-3 of the School Code. Not more than  
22 60 days nor less than 10 days before the date of a regular  
23 election at which a public question is to be submitted to the  
24 voters of a political or governmental subdivision, and at least  
25 20 days before an emergency referendum, the election authority

1 shall publish notice of the referendum. The notice shall be  
2 published once in a local, community newspaper having general  
3 circulation in the political or governmental subdivision. The  
4 notice shall also be given at least 10 days before the date of  
5 the election by posting a copy of the notice at the principal  
6 office of the election authority. The local election official  
7 shall also post a copy of the notice at the principal office of  
8 the political or governmental subdivision, or if there is no  
9 principal office at the building in which the governing body of  
10 the political or governmental subdivision held its first  
11 meeting of the calendar year in which the referendum is being  
12 held. The election authority and the political or governmental  
13 subdivision may, but are not required to, post the notice  
14 electronically on their World Wide Web pages. The notice, which  
15 shall appear over the name or title of the election authority,  
16 shall be substantially in the following form:

17 NOTICE IS HEREBY GIVEN that at the election to be held  
18 on (insert day of the week), (insert date of election), the  
19 following proposition will be submitted to the voters of  
20 (name of political or governmental subdivision):  
21 (insert the public question as it will appear on the  
22 ballot)

23 The polls at the election will be open at 6:00 o'clock  
24 A.M. and will continue to be open until 7:00 o'clock P.M.  
25 of that day.

26 Dated (date of notice)

1 (Name or title of the election authority)

2 The notice shall also include any additional information  
3 required by the statute authorizing the public question. The  
4 notice may include an explanation, in neutral and plain  
5 language, of the question and its purposes supplied by the  
6 governing body of the political or governmental subdivision to  
7 whose voters the question is to be submitted. The notice shall  
8 set forth the precincts and polling places at which the  
9 referendum will be conducted only in the case of emergency  
10 referenda.

11 (b) Notice of any public question published in a local,  
12 community newspaper having general circulation in the  
13 political or governmental subdivision to which such public  
14 question relates more than 30 days but not more than 35 days  
15 prior to the general election held on November 8, 2016 that  
16 otherwise complies with the requirements of this Section is  
17 sufficient notice to satisfy the newspaper publication  
18 requirement of this Section, such notice shall for all purposes  
19 be deemed to have been given in accordance with this Section,  
20 any bonds approved by the voters at such election are hereby  
21 authorized to be issued in accordance with applicable law  
22 without further referendum approval and taxes to be levied  
23 pursuant to any limiting rate increases approved by the voters  
24 at such election are hereby authorized to be levied and  
25 extended without further referendum approval.

26 (Source: P.A. 99-935, eff. 2-17-17; 100-298, eff. 1-1-18;

1 revised 9-22-17.)

2 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

3 Sec. 21-2. The county clerks of the several counties shall,  
4 within 21 days next after holding the election named in  
5 subsection (1) of Section 2A-1.2 and Section 2A-2, make 2  
6 copies of the abstract of the votes cast for electors by each  
7 political party or group, as indicated by the voter, as  
8 aforesaid, by a cross in the square to the left of the bracket  
9 aforesaid, or as indicated by a cross in the appropriate place  
10 preceding the appellation or title of the particular political  
11 party or group, and transmit by mail one of the copies to the  
12 office of the State Board of Elections and retain the other in  
13 his office, to be sent for by the electoral board in case the  
14 other should be mislaid. Within 31 days after the holding of  
15 such election, and sooner if all the returns are received by  
16 the State Board of Elections, the State Board of Elections  
17 ~~Election~~, shall proceed to open and canvass said election  
18 returns and to declare which set of candidates for President  
19 and Vice-President received, as aforesaid, the highest number  
20 of votes cast at such election as aforesaid; and the electors  
21 of that party whose candidates for President and Vice-President  
22 received the highest number of votes so cast shall be taken and  
23 deemed to be elected as electors of President and  
24 Vice-President, but should 2 or more sets of candidates for  
25 President and Vice-President be returned with an equal and the

1 highest vote, the State Board of Elections shall cause a notice  
2 of the same to be published, which notice shall name some day  
3 and place, not less than 5 days from the time of such  
4 publication of such notice, upon which the State Board of  
5 Elections will decide by lot which of the sets of candidates  
6 for President and Vice-President so equal and highest shall be  
7 declared to be highest. And upon the day and at the place so  
8 appointed in the notice, the board shall so decide by lot and  
9 declare which is deemed highest of the sets of candidates for  
10 President and Vice-President so equal and highest, thereby  
11 determining only that the electors chosen as aforesaid by such  
12 candidates' party or group are thereby elected by general  
13 ticket to be such electors.

14 (Source: P.A. 93-847, eff. 7-30-04; revised 9-22-17.)

15 (10 ILCS 5/28-7) (from Ch. 46, par. 28-7)

16 Sec. 28-7. In any case in which Article VII or paragraph  
17 (a) of Section 5 of the Transition Schedule of the Constitution  
18 authorizes any action to be taken by or with respect to any  
19 unit of local government, as defined in Section 1 of Article  
20 VII of the Constitution, by or subject to approval by  
21 referendum, any such public question shall be initiated in  
22 accordance with this Section.

23 Any such public question may be initiated by the governing  
24 body of the unit of local government by resolution or by the  
25 filing with the clerk or secretary of the governmental unit of

1 a petition signed by a number of qualified electors equal to or  
2 greater than at least 8% of the total votes cast for candidates  
3 for Governor in the preceding gubernatorial election,  
4 requesting the submission of the proposal for such action to  
5 the voters of the governmental unit at a regular election.

6 If the action to be taken requires a referendum involving 2  
7 or more units of local government, the proposal shall be  
8 submitted to the voters of such governmental units by the  
9 election authorities with jurisdiction over the territory of  
10 the governmental units. Such multi-unit proposals may be  
11 initiated by appropriate resolutions by the respective  
12 governing bodies or by petitions of the voters of the several  
13 governmental units filed with the respective clerks or  
14 secretaries.

15 This Section is intended to provide a method of submission  
16 to referendum in all cases of proposals for actions which are  
17 authorized by Article VII of the Constitution by or subject to  
18 approval by referendum and supersedes any conflicting  
19 statutory provisions except those contained in Division 2-5 of  
20 the Counties Code ~~the "County Executive Act"~~.

21 Referenda provided for in this Section may not be held more  
22 than once in any 23-month period on the same proposition,  
23 provided that in any municipality a referendum to elect not to  
24 be a home rule unit may be held only once within any 47-month  
25 period.

26 (Source: P.A. 97-81, eff. 7-5-11; revised 9-22-17.)



1           Section 30. The State Treasurer Act is amended by changing  
2           Section 16.5 as follows:

3           (15 ILCS 505/16.5)

4           Sec. 16.5. College Savings Pool. The State Treasurer may  
5           establish and administer a College Savings Pool to supplement  
6           and enhance the investment opportunities otherwise available  
7           to persons seeking to finance the costs of higher education.  
8           The State Treasurer, in administering the College Savings Pool,  
9           may receive moneys paid into the pool by a participant and may  
10          serve as the fiscal agent of that participant for the purpose  
11          of holding and investing those moneys.

12          "Participant", as used in this Section, means any person  
13          who has authority to withdraw funds, change the designated  
14          beneficiary, or otherwise exercise control over an account.  
15          "Donor", as used in this Section, means any person who makes  
16          investments in the pool. "Designated beneficiary", as used in  
17          this Section, means any person on whose behalf an account is  
18          established in the College Savings Pool by a participant. Both  
19          in-state and out-of-state persons may be participants, donors,  
20          and designated beneficiaries in the College Savings Pool. The  
21          College Savings Pool must be available to any individual with a  
22          valid social security number or taxpayer identification number  
23          for the benefit of any individual with a valid social security  
24          number or taxpayer identification number, unless a contract in

1 effect on August 1, 2011 (the effective date of Public Act  
2 97-233) does not allow for taxpayer identification numbers, in  
3 which case taxpayer identification numbers must be allowed upon  
4 the expiration of the contract.

5 New accounts in the College Savings Pool may be processed  
6 through participating financial institutions. "Participating  
7 financial institution", as used in this Section, means any  
8 financial institution insured by the Federal Deposit Insurance  
9 Corporation and lawfully doing business in the State of  
10 Illinois and any credit union approved by the State Treasurer  
11 and lawfully doing business in the State of Illinois that  
12 agrees to process new accounts in the College Savings Pool.  
13 Participating financial institutions may charge a processing  
14 fee to participants to open an account in the pool that shall  
15 not exceed \$30 until the year 2001. Beginning in 2001 and every  
16 year thereafter, the maximum fee limit shall be adjusted by the  
17 Treasurer based on the Consumer Price Index for the North  
18 Central Region as published by the United States Department of  
19 Labor, Bureau of Labor Statistics for the immediately preceding  
20 calendar year. Every contribution received by a financial  
21 institution for investment in the College Savings Pool shall be  
22 transferred from the financial institution to a location  
23 selected by the State Treasurer within one business day  
24 following the day that the funds must be made available in  
25 accordance with federal law. All communications from the State  
26 Treasurer to participants and donors shall reference the

1 participating financial institution at which the account was  
2 processed.

3       The Treasurer may invest the moneys in the College Savings  
4 Pool in the same manner and in the same types of investments  
5 provided for the investment of moneys by the Illinois State  
6 Board of Investment. To enhance the safety and liquidity of the  
7 College Savings Pool, to ensure the diversification of the  
8 investment portfolio of the pool, and in an effort to keep  
9 investment dollars in the State of Illinois, the State  
10 Treasurer may make a percentage of each account available for  
11 investment in participating financial institutions doing  
12 business in the State. The State Treasurer may deposit with the  
13 participating financial institution at which the account was  
14 processed the following percentage of each account at a  
15 prevailing rate offered by the institution, provided that the  
16 deposit is federally insured or fully collateralized and the  
17 institution accepts the deposit: 10% of the total amount of  
18 each account for which the current age of the beneficiary is  
19 less than 7 years of age, 20% of the total amount of each  
20 account for which the beneficiary is at least 7 years of age  
21 and less than 12 years of age, and 50% of the total amount of  
22 each account for which the current age of the beneficiary is at  
23 least 12 years of age. The Treasurer shall develop, publish,  
24 and implement an investment policy covering the investment of  
25 the moneys in the College Savings Pool. The policy shall be  
26 published each year as part of the audit of the College Savings

1 Pool by the Auditor General, which shall be distributed to all  
2 participants. The Treasurer shall notify all participants in  
3 writing, and the Treasurer shall publish in a newspaper of  
4 general circulation in both Chicago and Springfield, any  
5 changes to the previously published investment policy at least  
6 30 calendar days before implementing the policy. Any investment  
7 policy adopted by the Treasurer shall be reviewed and updated  
8 if necessary within 90 days following the date that the State  
9 Treasurer takes office.

10 Participants shall be required to use moneys distributed  
11 from the College Savings Pool for qualified expenses at  
12 eligible educational institutions. "Qualified expenses", as  
13 used in this Section, means the following: (i) tuition, fees,  
14 and the costs of books, supplies, and equipment required for  
15 enrollment or attendance at an eligible educational  
16 institution; (ii) expenses for special needs services, in the  
17 case of a special needs beneficiary, which are incurred in  
18 connection with such enrollment or attendance; (iii) certain  
19 expenses for the purchase of computer or peripheral equipment,  
20 as defined in Section 168 of the federal Internal Revenue Code  
21 (26 U.S.C. 168), computer software, as defined in Section 197  
22 of the federal Internal Revenue Code (26 U.S.C. 197), or  
23 Internet ~~internet~~ access and related services, if such  
24 equipment, software, or services are to be used primarily by  
25 the beneficiary during any of the years the beneficiary is  
26 enrolled at an eligible educational institution, except that,

1 such expenses shall not include expenses for computer software  
2 designed for sports, games, or hobbies, unless the software is  
3 predominantly educational in nature; and (iv) certain room and  
4 board expenses incurred while attending an eligible  
5 educational institution at least half-time. "Eligible  
6 educational institutions", as used in this Section, means  
7 public and private colleges, junior colleges, graduate  
8 schools, and certain vocational institutions that are  
9 described in Section 481 of the Higher Education Act of 1965  
10 (20 U.S.C. 1088) and that are eligible to participate in  
11 Department of Education student aid programs. A student shall  
12 be considered to be enrolled at least half-time if the student  
13 is enrolled for at least half the full-time academic work load  
14 for the course of study the student is pursuing as determined  
15 under the standards of the institution at which the student is  
16 enrolled. Distributions made from the pool for qualified  
17 expenses shall be made directly to the eligible educational  
18 institution, directly to a vendor, in the form of a check  
19 payable to both the beneficiary and the institution or vendor,  
20 or directly to the designated beneficiary in a manner that is  
21 permissible under Section 529 of the Internal Revenue Code. Any  
22 moneys that are distributed in any other manner or that are  
23 used for expenses other than qualified expenses at an eligible  
24 educational institution shall be subject to a penalty of 10% of  
25 the earnings unless the beneficiary dies, becomes a person with  
26 a disability, or receives a scholarship that equals or exceeds

1 the distribution. Penalties shall be withheld at the time the  
2 distribution is made.

3 The Treasurer shall limit the contributions that may be  
4 made on behalf of a designated beneficiary based on the  
5 limitations established by the Internal Revenue Service. The  
6 contributions made on behalf of a beneficiary who is also a  
7 beneficiary under the Illinois Prepaid Tuition Program shall be  
8 further restricted to ensure that the contributions in both  
9 programs combined do not exceed the limit established for the  
10 College Savings Pool. The Treasurer shall provide the Illinois  
11 Student Assistance Commission each year at a time designated by  
12 the Commission, an electronic report of all participant  
13 accounts in the Treasurer's College Savings Pool, listing total  
14 contributions and disbursements from each individual account  
15 during the previous calendar year. As soon thereafter as is  
16 possible following receipt of the Treasurer's report, the  
17 Illinois Student Assistance Commission shall, in turn, provide  
18 the Treasurer with an electronic report listing those College  
19 Savings Pool participants who also participate in the State's  
20 prepaid tuition program, administered by the Commission. The  
21 Commission shall be responsible for filing any combined tax  
22 reports regarding State qualified savings programs required by  
23 the United States Internal Revenue Service. The Treasurer shall  
24 work with the Illinois Student Assistance Commission to  
25 coordinate the marketing of the College Savings Pool and the  
26 Illinois Prepaid Tuition Program when considered beneficial by

1 the Treasurer and the Director of the Illinois Student  
2 Assistance Commission. The Treasurer's office shall not  
3 publicize or otherwise market the College Savings Pool or  
4 accept any moneys into the College Savings Pool prior to March  
5 1, 2000. The Treasurer shall provide a separate accounting for  
6 each designated beneficiary to each participant, the Illinois  
7 Student Assistance Commission, and the participating financial  
8 institution at which the account was processed. No interest in  
9 the program may be pledged as security for a loan. Moneys held  
10 in an account invested in the Illinois College Savings Pool  
11 shall be exempt from all claims of the creditors of the  
12 participant, donor, or designated beneficiary of that account,  
13 except for the non-exempt College Savings Pool transfers to or  
14 from the account as defined under subsection (j) of Section  
15 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

16 The assets of the College Savings Pool and its income and  
17 operation shall be exempt from all taxation by the State of  
18 Illinois and any of its subdivisions. The accrued earnings on  
19 investments in the Pool once disbursed on behalf of a  
20 designated beneficiary shall be similarly exempt from all  
21 taxation by the State of Illinois and its subdivisions, so long  
22 as they are used for qualified expenses. Contributions to a  
23 College Savings Pool account during the taxable year may be  
24 deducted from adjusted gross income as provided in Section 203  
25 of the Illinois Income Tax Act. The provisions of this  
26 paragraph are exempt from Section 250 of the Illinois Income

1 Tax Act.

2 The Treasurer shall adopt rules he or she considers  
3 necessary for the efficient administration of the College  
4 Savings Pool. The rules shall provide whatever additional  
5 parameters and restrictions are necessary to ensure that the  
6 College Savings Pool meets all of the requirements for a  
7 qualified state tuition program under Section 529 of the  
8 Internal Revenue Code (26 U.S.C. 529). The rules shall provide  
9 for the administration expenses of the pool to be paid from its  
10 earnings and for the investment earnings in excess of the  
11 expenses and all moneys collected as penalties to be credited  
12 or paid monthly to the several participants in the pool in a  
13 manner which equitably reflects the differing amounts of their  
14 respective investments in the pool and the differing periods of  
15 time for which those amounts were in the custody of the pool.  
16 Also, the rules shall require the maintenance of records that  
17 enable the Treasurer's office to produce a report for each  
18 account in the pool at least annually that documents the  
19 account balance and investment earnings. Notice of any proposed  
20 amendments to the rules and regulations shall be provided to  
21 all participants prior to adoption. Amendments to rules and  
22 regulations shall apply only to contributions made after the  
23 adoption of the amendment.

24 Upon creating the College Savings Pool, the State Treasurer  
25 shall give bond with 2 or more sufficient sureties, payable to  
26 and for the benefit of the participants in the College Savings



1 Pool, in the penal sum of \$1,000,000, conditioned upon the  
2 faithful discharge of his or her duties in relation to the  
3 College Savings Pool.

4 (Source: P.A. 91-607, eff. 1-1-00; 91-829, eff. 1-1-01; 91-943,  
5 eff. 2-9-01; 92-16, eff. 6-28-01; 92-439, eff. 8-17-01; 92-626,  
6 eff. 7-11-02; 93-812, eff. 1-1-05; 95-23, eff. 8-3-07; 95-306,  
7 eff. 1-1-08; 95-521, eff. 8-28-07; 95-876, eff. 8-21-08;  
8 97-233, eff. 8-1-11; 97-537, eff. 8-23-11; 97-813, eff.  
9 7-13-12; 99-143, eff. 7-27-15; 100-161, eff. 8-18-17; revised  
10 10-2-17.)

11 Section 35. The Personnel Code is amended by changing  
12 Section 17 as follows:

13 (20 ILCS 415/17) (from Ch. 127, par. 63b117)

14 Sec. 17. Status of present employees. Employees holding  
15 positions in the State service herein shall continue under the  
16 following conditions:

17 (1) Employees who have been appointed as a result of  
18 having passed examinations in existing merit systems, and  
19 who have satisfactorily passed their probationary period,  
20 or who have been promoted in accordance with the rules  
21 thereunder, shall be continued without further  
22 examination, but shall be otherwise subject to the  
23 provisions of this Act and the rules made pursuant to it.

24 (2) All other such employees shall be continued in

1           their respective positions if they pass a qualifying  
2           examination prescribed by the Director prior to October 1,  
3           1958, and satisfactorily complete their respective  
4           probationary periods. Employees in federally aided  
5           programs, which on July 1, 1956, were subject to Federal  
6           merit system standards, who have not been appointed from  
7           registers established as a result of merit system  
8           examinations shall qualify through open competitive  
9           examinations for their positions and certification from  
10          the resulting registers. Those who fail to qualify as  
11          provided herein shall be dismissed from their positions.  
12          Nothing herein precludes the reclassification or  
13          reallocation as provided by this Act of any position held  
14          by any such incumbent.

15          (Source: P.A. 76-628; revised 9-22-17.)

16           Section 40. The Children and Family Services Act is amended  
17          by changing Sections 5 and 35.7 as follows:

18           (20 ILCS 505/5) (from Ch. 23, par. 5005)

19           Sec. 5. Direct child welfare services; Department of  
20          Children and Family Services. To provide direct child welfare  
21          services when not available through other public or private  
22          child care or program facilities.

23           (a) For purposes of this Section:

24           (1) "Children" means persons found within the State who

1 are under the age of 18 years. The term also includes  
2 persons under age 21 who:

3 (A) were committed to the Department pursuant to  
4 the Juvenile Court Act or the Juvenile Court Act of  
5 1987, as amended, prior to the age of 18 and who  
6 continue under the jurisdiction of the court; or

7 (B) were accepted for care, service and training by  
8 the Department prior to the age of 18 and whose best  
9 interest in the discretion of the Department would be  
10 served by continuing that care, service and training  
11 because of severe emotional disturbances, physical  
12 disability, social adjustment or any combination  
13 thereof, or because of the need to complete an  
14 educational or vocational training program.

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

19 (3) "Child welfare services" means public social  
20 services which are directed toward the accomplishment of  
21 the following purposes:

22 (A) protecting and promoting the health, safety  
23 and welfare of children, including homeless, dependent  
24 or neglected children;

25 (B) remedying, or assisting in the solution of  
26 problems which may result in, the neglect, abuse,

1 exploitation or delinquency of children;

2 (C) preventing the unnecessary separation of  
3 children from their families by identifying family  
4 problems, assisting families in resolving their  
5 problems, and preventing the breakup of the family  
6 where the prevention of child removal is desirable and  
7 possible when the child can be cared for at home  
8 without endangering the child's health and safety;

9 (D) restoring to their families children who have  
10 been removed, by the provision of services to the child  
11 and the families when the child can be cared for at  
12 home without endangering the child's health and  
13 safety;

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

17 (F) assuring safe and adequate care of children  
18 away from their homes, in cases where the child cannot  
19 be returned home or cannot be placed for adoption. At  
20 the time of placement, the Department shall consider  
21 concurrent planning, as described in subsection (1-1)  
22 of this Section so that permanency may occur at the  
23 earliest opportunity. Consideration should be given so  
24 that if reunification fails or is delayed, the  
25 placement made is the best available placement to  
26 provide permanency for the child;

1 (G) (blank);

2 (H) (blank); and

3 (I) placing and maintaining children in facilities  
4 that provide separate living quarters for children  
5 under the age of 18 and for children 18 years of age  
6 and older, unless a child 18 years of age is in the  
7 last year of high school education or vocational  
8 training, in an approved individual or group treatment  
9 program, in a licensed shelter facility, or secure  
10 child care facility. The Department is not required to  
11 place or maintain children:

12 (i) who are in a foster home, or

13 (ii) who are persons with a developmental  
14 disability, as defined in the Mental Health and  
15 Developmental Disabilities Code, or

16 (iii) who are female children who are  
17 pregnant, pregnant and parenting or parenting, or

18 (iv) who are siblings, in facilities that  
19 provide separate living quarters for children 18  
20 years of age and older and for children under 18  
21 years of age.

22 (b) Nothing in this Section shall be construed to authorize  
23 the expenditure of public funds for the purpose of performing  
24 abortions.

25 (c) The Department shall establish and maintain  
26 tax-supported child welfare services and extend and seek to

1 improve voluntary services throughout the State, to the end  
2 that services and care shall be available on an equal basis  
3 throughout the State to children requiring such services.

4 (d) The Director may authorize advance disbursements for  
5 any new program initiative to any agency contracting with the  
6 Department. As a prerequisite for an advance disbursement, the  
7 contractor must post a surety bond in the amount of the advance  
8 disbursement and have a purchase of service contract approved  
9 by the Department. The Department may pay up to 2 months  
10 operational expenses in advance. The amount of the advance  
11 disbursement shall be prorated over the life of the contract or  
12 the remaining months of the fiscal year, whichever is less, and  
13 the installment amount shall then be deducted from future  
14 bills. Advance disbursement authorizations for new initiatives  
15 shall not be made to any agency after that agency has operated  
16 during 2 consecutive fiscal years. The requirements of this  
17 Section concerning advance disbursements shall not apply with  
18 respect to the following: payments to local public agencies for  
19 child day care services as authorized by Section 5a of this  
20 Act; and youth service programs receiving grant funds under  
21 Section 17a-4.

22 (e) (Blank).

23 (f) (Blank).

24 (g) The Department shall establish rules and regulations  
25 concerning its operation of programs designed to meet the goals  
26 of child safety and protection, family preservation, family

1 reunification, and adoption, including but not limited to:

2 (1) adoption;

3 (2) foster care;

4 (3) family counseling;

5 (4) protective services;

6 (5) (blank);

7 (6) homemaker service;

8 (7) return of runaway children;

9 (8) (blank);

10 (9) placement under Section 5-7 of the Juvenile Court  
11 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile  
12 Court Act of 1987 in accordance with the federal Adoption  
13 Assistance and Child Welfare Act of 1980; and

14 (10) interstate services.

15 Rules and regulations established by the Department shall  
16 include provisions for training Department staff and the staff  
17 of Department grantees, through contracts with other agencies  
18 or resources, in alcohol and drug abuse screening techniques  
19 approved by the Department of Human Services, as a successor to  
20 the Department of Alcoholism and Substance Abuse, for the  
21 purpose of identifying children and adults who should be  
22 referred to an alcohol and drug abuse treatment program for  
23 professional evaluation.

24 (h) If the Department finds that there is no appropriate  
25 program or facility within or available to the Department for a  
26 youth in care and that no licensed private facility has an

1 adequate and appropriate program or none agrees to accept the  
2 youth in care, the Department shall create an appropriate  
3 individualized, program-oriented plan for such youth in care.  
4 The plan may be developed within the Department or through  
5 purchase of services by the Department to the extent that it is  
6 within its statutory authority to do.

7 (i) Service programs shall be available throughout the  
8 State and shall include but not be limited to the following  
9 services:

- 10 (1) case management;
- 11 (2) homemakers;
- 12 (3) counseling;
- 13 (4) parent education;
- 14 (5) day care; and
- 15 (6) emergency assistance and advocacy.

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

- 18 (1) comprehensive family-based services;
- 19 (2) assessments;
- 20 (3) respite care; and
- 21 (4) in-home health services.

22 The Department shall provide transportation for any of the  
23 services it makes available to children or families or for  
24 which it refers children or families.

25 (j) The Department may provide categories of financial  
26 assistance and education assistance grants, and shall



1 establish rules and regulations concerning the assistance and  
2 grants, to persons who adopt children with physical or mental  
3 disabilities, children who are older, or other hard-to-place  
4 children who (i) immediately prior to their adoption were youth  
5 in care or (ii) were determined eligible for financial  
6 assistance with respect to a prior adoption and who become  
7 available for adoption because the prior adoption has been  
8 dissolved and the parental rights of the adoptive parents have  
9 been terminated or because the child's adoptive parents have  
10 died. The Department may continue to provide financial  
11 assistance and education assistance grants for a child who was  
12 determined eligible for financial assistance under this  
13 subsection (j) in the interim period beginning when the child's  
14 adoptive parents died and ending with the finalization of the  
15 new adoption of the child by another adoptive parent or  
16 parents. The Department may also provide categories of  
17 financial assistance and education assistance grants, and  
18 shall establish rules and regulations for the assistance and  
19 grants, to persons appointed guardian of the person under  
20 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
21 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
22 who were youth in care for 12 months immediately prior to the  
23 appointment of the guardian.

24 The amount of assistance may vary, depending upon the needs  
25 of the child and the adoptive parents, as set forth in the  
26 annual assistance agreement. Special purpose grants are

1 allowed where the child requires special service but such costs  
2 may not exceed the amounts which similar services would cost  
3 the Department if it were to provide or secure them as guardian  
4 of the child.

5 Any financial assistance provided under this subsection is  
6 inalienable by assignment, sale, execution, attachment,  
7 garnishment, or any other remedy for recovery or collection of  
8 a judgment or debt.

9 (j-5) The Department shall not deny or delay the placement  
10 of a child for adoption if an approved family is available  
11 either outside of the Department region handling the case, or  
12 outside of the State of Illinois.

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

17 (l) The Department shall offer family preservation  
18 services, as defined in Section 8.2 of the Abused and Neglected  
19 Child Reporting Act, to help families, including adoptive and  
20 extended families. Family preservation services shall be  
21 offered (i) to prevent the placement of children in substitute  
22 care when the children can be cared for at home or in the  
23 custody of the person responsible for the children's welfare,  
24 (ii) to reunite children with their families, or (iii) to  
25 maintain an adoptive placement. Family preservation services  
26 shall only be offered when doing so will not endanger the

1 children's health or safety. With respect to children who are  
2 in substitute care pursuant to the Juvenile Court Act of 1987,  
3 family preservation services shall not be offered if a goal  
4 other than those of subdivisions (A), (B), or (B-1) of  
5 subsection (2) of Section 2-28 of that Act has been set.  
6 Nothing in this paragraph shall be construed to create a  
7 private right of action or claim on the part of any individual  
8 or child welfare agency, except that when a child is the  
9 subject of an action under Article II of the Juvenile Court Act  
10 of 1987 and the child's service plan calls for services to  
11 facilitate achievement of the permanency goal, the court  
12 hearing the action under Article II of the Juvenile Court Act  
13 of 1987 may order the Department to provide the services set  
14 out in the plan, if those services are not provided with  
15 reasonable promptness and if those services are available.

16 The Department shall notify the child and his family of the  
17 Department's responsibility to offer and provide family  
18 preservation services as identified in the service plan. The  
19 child and his family shall be eligible for services as soon as  
20 the report is determined to be "indicated". The Department may  
21 offer services to any child or family with respect to whom a  
22 report of suspected child abuse or neglect has been filed,  
23 prior to concluding its investigation under Section 7.12 of the  
24 Abused and Neglected Child Reporting Act. However, the child's  
25 or family's willingness to accept services shall not be  
26 considered in the investigation. The Department may also

1 provide services to any child or family who is the subject of  
2 any report of suspected child abuse or neglect or may refer  
3 such child or family to services available from other agencies  
4 in the community, even if the report is determined to be  
5 unfounded, if the conditions in the child's or family's home  
6 are reasonably likely to subject the child or family to future  
7 reports of suspected child abuse or neglect. Acceptance of such  
8 services shall be voluntary. The Department may also provide  
9 services to any child or family after completion of a family  
10 assessment, as an alternative to an investigation, as provided  
11 under the "differential response program" provided for in  
12 subsection (a-5) of Section 7.4 of the Abused and Neglected  
13 Child Reporting Act.

14 The Department may, at its discretion except for those  
15 children also adjudicated neglected or dependent, accept for  
16 care and training any child who has been adjudicated addicted,  
17 as a truant minor in need of supervision or as a minor  
18 requiring authoritative intervention, under the Juvenile Court  
19 Act or the Juvenile Court Act of 1987, but no such child shall  
20 be committed to the Department by any court without the  
21 approval of the Department. On and after January 1, 2015 (the  
22 effective date of Public Act 98-803) ~~this amendatory Act of the~~  
23 ~~98th General Assembly~~ and before January 1, 2017, a minor  
24 charged with a criminal offense under the Criminal Code of 1961  
25 or the Criminal Code of 2012 or adjudicated delinquent shall  
26 not be placed in the custody of or committed to the Department

1 by any court, except (i) a minor less than 16 years of age  
2 committed to the Department under Section 5-710 of the Juvenile  
3 Court Act of 1987, (ii) a minor for whom an independent basis  
4 of abuse, neglect, or dependency exists, which must be defined  
5 by departmental rule, or (iii) a minor for whom the court has  
6 granted a supplemental petition to reinstate wardship pursuant  
7 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
8 1987. On and after January 1, 2017, a minor charged with a  
9 criminal offense under the Criminal Code of 1961 or the  
10 Criminal Code of 2012 or adjudicated delinquent shall not be  
11 placed in the custody of or committed to the Department by any  
12 court, except (i) a minor less than 15 years of age committed  
13 to the Department under Section 5-710 of the Juvenile Court Act  
14 of 1987, ii) a minor for whom an independent basis of abuse,  
15 neglect, or dependency exists, which must be defined by  
16 departmental rule, or (iii) a minor for whom the court has  
17 granted a supplemental petition to reinstate wardship pursuant  
18 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
19 1987. An independent basis exists when the allegations or  
20 adjudication of abuse, neglect, or dependency do not arise from  
21 the same facts, incident, or circumstances which give rise to a  
22 charge or adjudication of delinquency. The Department shall  
23 assign a caseworker to attend any hearing involving a youth in  
24 the care and custody of the Department who is placed on  
25 aftercare release, including hearings involving sanctions for  
26 violation of aftercare release conditions and aftercare

1 release revocation hearings.

2 As soon as is possible after August 7, 2009 (the effective  
3 date of Public Act 96-134), the Department shall develop and  
4 implement a special program of family preservation services to  
5 support intact, foster, and adoptive families who are  
6 experiencing extreme hardships due to the difficulty and stress  
7 of caring for a child who has been diagnosed with a pervasive  
8 developmental disorder if the Department determines that those  
9 services are necessary to ensure the health and safety of the  
10 child. The Department may offer services to any family whether  
11 or not a report has been filed under the Abused and Neglected  
12 Child Reporting Act. The Department may refer the child or  
13 family to services available from other agencies in the  
14 community if the conditions in the child's or family's home are  
15 reasonably likely to subject the child or family to future  
16 reports of suspected child abuse or neglect. Acceptance of  
17 these services shall be voluntary. The Department shall develop  
18 and implement a public information campaign to alert health and  
19 social service providers and the general public about these  
20 special family preservation services. The nature and scope of  
21 the services offered and the number of families served under  
22 the special program implemented under this paragraph shall be  
23 determined by the level of funding that the Department annually  
24 allocates for this purpose. The term "pervasive developmental  
25 disorder" under this paragraph means a neurological condition,  
26 including but not limited to, Asperger's Syndrome and autism,

1 as defined in the most recent edition of the Diagnostic and  
2 Statistical Manual of Mental Disorders of the American  
3 Psychiatric Association.

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

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

21 When a child is placed in foster care, the Department shall  
22 ensure and document that reasonable efforts were made to  
23 prevent or eliminate the need to remove the child from the  
24 child's home. The Department must make reasonable efforts to  
25 reunify the family when temporary placement of the child occurs  
26 unless otherwise required, pursuant to the Juvenile Court Act

1 of 1987. At any time after the dispositional hearing where the  
2 Department believes that further reunification services would  
3 be ineffective, it may request a finding from the court that  
4 reasonable efforts are no longer appropriate. The Department is  
5 not required to provide further reunification services after  
6 such a finding.

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

13 The Department shall adopt rules addressing concurrent  
14 planning for reunification and permanency. The Department  
15 shall consider the following factors when determining  
16 appropriateness of concurrent planning:

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



1 (8) placement of siblings.

2 (m) The Department may assume temporary custody of any  
3 child if:

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

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

11 If the child is found in his or her residence without a parent,  
12 guardian, custodian or responsible caretaker, the Department  
13 may, instead of removing the child and assuming temporary  
14 custody, place an authorized representative of the Department  
15 in that residence until such time as a parent, guardian or  
16 custodian enters the home and expresses a willingness and  
17 apparent ability to ensure the child's health and safety and  
18 resume permanent charge of the child, or until a relative  
19 enters the home and is willing and able to ensure the child's  
20 health and safety and assume charge of the child until a  
21 parent, guardian or custodian enters the home and expresses  
22 such willingness and ability to ensure the child's safety and  
23 resume permanent charge. After a caretaker has remained in the  
24 home for a period not to exceed 12 hours, the Department must  
25 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
26 5-415 of the Juvenile Court Act of 1987.

1           The Department shall have the authority, responsibilities  
2 and duties that a legal custodian of the child would have  
3 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
4 Act of 1987. Whenever a child is taken into temporary custody  
5 pursuant to an investigation under the Abused and Neglected  
6 Child Reporting Act, or pursuant to a referral and acceptance  
7 under the Juvenile Court Act of 1987 of a minor in limited  
8 custody, the Department, during the period of temporary custody  
9 and before the child is brought before a judicial officer as  
10 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
11 Court Act of 1987, shall have the authority, responsibilities  
12 and duties that a legal custodian of the child would have under  
13 subsection (9) of Section 1-3 of the Juvenile Court Act of  
14 1987.

15           The Department shall ensure that any child taken into  
16 custody is scheduled for an appointment for a medical  
17 examination.

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

1 temporary custody of the child until the court orders  
2 otherwise. If a petition is not filed within the 10-day ~~10-day~~  
3 period, the child shall be surrendered to the custody of the  
4 requesting parent, guardian or custodian not later than the  
5 expiration of the 10-day ~~10-day~~ period, at which time the  
6 authority and duties of the Department with respect to the  
7 temporary custody of the child shall terminate.

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

22 (n) The Department may place children under 18 years of age  
23 in licensed child care facilities when in the opinion of the  
24 Department, appropriate services aimed at family preservation  
25 have been unsuccessful and cannot ensure the child's health and  
26 safety or are unavailable and such placement would be for their

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

20 (n-1) The Department shall provide or authorize child  
21 welfare services, aimed at assisting minors to achieve  
22 sustainable self-sufficiency as independent adults, for any  
23 minor eligible for the reinstatement of wardship pursuant to  
24 subsection (2) of Section 2-33 of the Juvenile Court Act of  
25 1987, whether or not such reinstatement is sought or allowed,  
26 provided that the minor consents to such services and has not

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

24 (o) The Department shall establish an administrative  
25 review and appeal process for children and families who request  
26 or receive child welfare services from the Department. Youth in

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

21 (p) (Blank).

22 (q) The Department may receive and use, in their entirety,  
23 for the benefit of children any gift, donation or bequest of  
24 money or other property which is received on behalf of such  
25 children, or any financial benefits to which such children are  
26 or may become entitled while under the jurisdiction or care of

1 the Department.

2 The Department shall set up and administer no-cost,  
3 interest-bearing accounts in appropriate financial  
4 institutions for children for whom the Department is legally  
5 responsible and who have been determined eligible for Veterans'  
6 Benefits, Social Security benefits, assistance allotments from  
7 the armed forces, court ordered payments, parental voluntary  
8 payments, Supplemental Security Income, Railroad Retirement  
9 payments, Black Lung benefits, or other miscellaneous  
10 payments. Interest earned by each account shall be credited to  
11 the account, unless disbursed in accordance with this  
12 subsection.

13 In disbursing funds from children's accounts, the  
14 Department shall:

15 (1) Establish standards in accordance with State and  
16 federal laws for disbursing money from children's  
17 accounts. In all circumstances, the Department's  
18 "Guardianship Administrator" or his or her designee must  
19 approve disbursements from children's accounts. The  
20 Department shall be responsible for keeping complete  
21 records of all disbursements for each account for any  
22 purpose.

23 (2) Calculate on a monthly basis the amounts paid from  
24 State funds for the child's board and care, medical care  
25 not covered under Medicaid, and social services; and  
26 utilize funds from the child's account, as covered by

1 regulation, to reimburse those costs. Monthly,  
2 disbursements from all children's accounts, up to 1/12 of  
3 \$13,000,000, shall be deposited by the Department into the  
4 General Revenue Fund and the balance over 1/12 of  
5 \$13,000,000 into the DCFS Children's Services Fund.

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

11 (r) The Department shall promulgate regulations  
12 encouraging all adoption agencies to voluntarily forward to the  
13 Department or its agent names and addresses of all persons who  
14 have applied for and have been approved for adoption of a  
15 hard-to-place child or child with a disability and the names of  
16 such children who have not been placed for adoption. A list of  
17 such names and addresses shall be maintained by the Department  
18 or its agent, and coded lists which maintain the  
19 confidentiality of the person seeking to adopt the child and of  
20 the child shall be made available, without charge, to every  
21 adoption agency in the State to assist the agencies in placing  
22 such children for adoption. The Department may delegate to an  
23 agent its duty to maintain and make available such lists. The  
24 Department shall ensure that such agent maintains the  
25 confidentiality of the person seeking to adopt the child and of  
26 the child.



1           (s) The Department of Children and Family Services may  
2 establish and implement a program to reimburse Department and  
3 private child welfare agency foster parents licensed by the  
4 Department of Children and Family Services for damages  
5 sustained by the foster parents as a result of the malicious or  
6 negligent acts of foster children, as well as providing third  
7 party coverage for such foster parents with regard to actions  
8 of foster children to other individuals. Such coverage will be  
9 secondary to the foster parent liability insurance policy, if  
10 applicable. The program shall be funded through appropriations  
11 from the General Revenue Fund, specifically designated for such  
12 purposes.

13           (t) The Department shall perform home studies and  
14 investigations and shall exercise supervision over visitation  
15 as ordered by a court pursuant to the Illinois Marriage and  
16 Dissolution of Marriage Act or the Adoption Act only if:

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

19                 (2) the court has ordered one or both of the parties to  
20                 the proceeding to reimburse the Department for its  
21                 reasonable costs for providing such services in accordance  
22                 with Department rules, or has determined that neither party  
23                 is financially able to pay.

24           The Department shall provide written notification to the  
25 court of the specific arrangements for supervised visitation  
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to  
2 the costs incurred except in cases where the court has  
3 determined the parties are financially unable to pay. The court  
4 may order additional periodic reports as appropriate.

5 (u) In addition to other information that must be provided,  
6 whenever the Department places a child with a prospective  
7 adoptive parent or parents or in a licensed foster home, group  
8 home, child care institution, or in a relative home, the  
9 Department shall provide to the prospective adoptive parent or  
10 parents or other caretaker:

11 (1) available detailed information concerning the  
12 child's educational and health history, copies of  
13 immunization records (including insurance and medical card  
14 information), a history of the child's previous  
15 placements, if any, and reasons for placement changes  
16 excluding any information that identifies or reveals the  
17 location of any previous caretaker;

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

21 (3) information containing details of the child's  
22 individualized educational plan when the child is  
23 receiving special education services.

24 The caretaker shall be informed of any known social or  
25 behavioral information (including, but not limited to,  
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to  
2 care for and safeguard the children to be placed or currently  
3 in the home. The Department may prepare a written summary of  
4 the information required by this paragraph, which may be  
5 provided to the foster or prospective adoptive parent in  
6 advance of a placement. The foster or prospective adoptive  
7 parent may review the supporting documents in the child's file  
8 in the presence of casework staff. In the case of an emergency  
9 placement, casework staff shall at least provide known  
10 information verbally, if necessary, and must subsequently  
11 provide the information in writing as required by this  
12 subsection.

13 The information described in this subsection shall be  
14 provided in writing. In the case of emergency placements when  
15 time does not allow prior review, preparation, and collection  
16 of written information, the Department shall provide such  
17 information as it becomes available. Within 10 business days  
18 after placement, the Department shall obtain from the  
19 prospective adoptive parent or parents or other caretaker a  
20 signed verification of receipt of the information provided.  
21 Within 10 business days after placement, the Department shall  
22 provide to the child's guardian ad litem a copy of the  
23 information provided to the prospective adoptive parent or  
24 parents or other caretaker. The information provided to the  
25 prospective adoptive parent or parents or other caretaker shall  
26 be reviewed and approved regarding accuracy at the supervisory

1 level.

2 (u-5) Effective July 1, 1995, only foster care placements  
3 licensed as foster family homes pursuant to the Child Care Act  
4 of 1969 shall be eligible to receive foster care payments from  
5 the Department. Relative caregivers who, as of July 1, 1995,  
6 were approved pursuant to approved relative placement rules  
7 previously promulgated by the Department at 89 Ill. Adm. Code  
8 335 and had submitted an application for licensure as a foster  
9 family home may continue to receive foster care payments only  
10 until the Department determines that they may be licensed as a  
11 foster family home or that their application for licensure is  
12 denied or until September 30, 1995, whichever occurs first.

13 (v) The Department shall access criminal history record  
14 information as defined in the Illinois Uniform Conviction  
15 Information Act and information maintained in the adjudicatory  
16 and dispositional record system as defined in Section 2605-355  
17 of the Department of State Police Law (20 ILCS 2605/2605-355)  
18 if the Department determines the information is necessary to  
19 perform its duties under the Abused and Neglected Child  
20 Reporting Act, the Child Care Act of 1969, and the Children and  
21 Family Services Act. The Department shall provide for  
22 interactive computerized communication and processing  
23 equipment that permits direct on-line communication with the  
24 Department of State Police's central criminal history data  
25 repository. The Department shall comply with all certification  
26 requirements and provide certified operators who have been

1 trained by personnel from the Department of State Police. In  
2 addition, one Office of the Inspector General investigator  
3 shall have training in the use of the criminal history  
4 information access system and have access to the terminal. The  
5 Department of Children and Family Services and its employees  
6 shall abide by rules and regulations established by the  
7 Department of State Police relating to the access and  
8 dissemination of this information.

9 (v-1) Prior to final approval for placement of a child, the  
10 Department shall conduct a criminal records background check of  
11 the prospective foster or adoptive parent, including  
12 fingerprint-based checks of national crime information  
13 databases. Final approval for placement shall not be granted if  
14 the record check reveals a felony conviction for child abuse or  
15 neglect, for spousal abuse, for a crime against children, or  
16 for a crime involving violence, including rape, sexual assault,  
17 or homicide, but not including other physical assault or  
18 battery, or if there is a felony conviction for physical  
19 assault, battery, or a drug-related offense committed within  
20 the past 5 years.

21 (v-2) Prior to final approval for placement of a child, the  
22 Department shall check its child abuse and neglect registry for  
23 information concerning prospective foster and adoptive  
24 parents, and any adult living in the home. If any prospective  
25 foster or adoptive parent or other adult living in the home has  
26 resided in another state in the preceding 5 years, the

1 Department shall request a check of that other state's child  
2 abuse and neglect registry.

3 (w) Within 120 days of August 20, 1995 (the effective date  
4 of Public Act 89-392), the Department shall prepare and submit  
5 to the Governor and the General Assembly, a written plan for  
6 the development of in-state licensed secure child care  
7 facilities that care for children who are in need of secure  
8 living arrangements for their health, safety, and well-being.  
9 For purposes of this subsection, secure care facility shall  
10 mean a facility that is designed and operated to ensure that  
11 all entrances and exits from the facility, a building or a  
12 distinct part of the building, are under the exclusive control  
13 of the staff of the facility, whether or not the child has the  
14 freedom of movement within the perimeter of the facility,  
15 building, or distinct part of the building. The plan shall  
16 include descriptions of the types of facilities that are needed  
17 in Illinois; the cost of developing these secure care  
18 facilities; the estimated number of placements; the potential  
19 cost savings resulting from the movement of children currently  
20 out-of-state who are projected to be returned to Illinois; the  
21 necessary geographic distribution of these facilities in  
22 Illinois; and a proposed timetable for development of such  
23 facilities.

24 (x) The Department shall conduct annual credit history  
25 checks to determine the financial history of children placed  
26 under its guardianship pursuant to the Juvenile Court Act of

1 1987. The Department shall conduct such credit checks starting  
2 when a youth in care turns 12 years old and each year  
3 thereafter for the duration of the guardianship as terminated  
4 pursuant to the Juvenile Court Act of 1987. The Department  
5 shall determine if financial exploitation of the child's  
6 personal information has occurred. If financial exploitation  
7 appears to have taken place or is presently ongoing, the  
8 Department shall notify the proper law enforcement agency, the  
9 proper State's Attorney, or the Attorney General.

10 (y) Beginning on July 22, 2010 (the effective date of  
11 Public Act 96-1189) ~~this amendatory Act of the 96th General~~  
12 ~~Assembly~~, a child with a disability who receives residential  
13 and educational services from the Department shall be eligible  
14 to receive transition services in accordance with Article 14 of  
15 the School Code from the age of 14.5 through age 21, inclusive,  
16 notwithstanding the child's residential services arrangement.  
17 For purposes of this subsection, "child with a disability"  
18 means a child with a disability as defined by the federal  
19 Individuals with Disabilities Education Improvement Act of  
20 2004.

21 (z) The Department shall access criminal history record  
22 information as defined as "background information" in this  
23 subsection and criminal history record information as defined  
24 in the Illinois Uniform Conviction Information Act for each  
25 Department employee or Department applicant. Each Department  
26 employee or Department applicant shall submit his or her

1 fingerprints to the Department of State Police in the form and  
2 manner prescribed by the Department of State Police. These  
3 fingerprints shall be checked against the fingerprint records  
4 now and hereafter filed in the Department of State Police and  
5 the Federal Bureau of Investigation criminal history records  
6 databases. The Department of State Police shall charge a fee  
7 for conducting the criminal history record check, which shall  
8 be deposited into the State Police Services Fund and shall not  
9 exceed the actual cost of the record check. The Department of  
10 State Police shall furnish, pursuant to positive  
11 identification, all Illinois conviction information to the  
12 Department of Children and Family Services.

13 For purposes of this subsection:

14 "Background information" means all of the following:

15 (i) Upon the request of the Department of Children and  
16 Family Services, conviction information obtained from the  
17 Department of State Police as a result of a  
18 fingerprint-based criminal history records check of the  
19 Illinois criminal history records database and the Federal  
20 Bureau of Investigation criminal history records database  
21 concerning a Department employee or Department applicant.

22 (ii) Information obtained by the Department of  
23 Children and Family Services after performing a check of  
24 the Department of State Police's Sex Offender Database, as  
25 authorized by Section 120 of the Sex Offender Community  
26 Notification Law, concerning a Department employee or



1 Department applicant.

2 (iii) Information obtained by the Department of  
3 Children and Family Services after performing a check of  
4 the Child Abuse and Neglect Tracking System (CANTS)  
5 operated and maintained by the Department.

6 "Department employee" means a full-time or temporary  
7 employee coded or certified within the State of Illinois  
8 Personnel System.

9 "Department applicant" means an individual who has  
10 conditional Department full-time or part-time work, a  
11 contractor, an individual used to replace or supplement staff,  
12 an academic intern, a volunteer in Department offices or on  
13 Department contracts, a work-study student, an individual or  
14 entity licensed by the Department, or an unlicensed service  
15 provider who works as a condition of a contract or an agreement  
16 and whose work may bring the unlicensed service provider into  
17 contact with Department clients or client records.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;  
19 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; revised  
20 1-22-18.)

21 (20 ILCS 505/35.7)

22 Sec. 35.7. Error Reduction Implementations Plans;  
23 Inspector General.

24 (a) The Inspector General of the Department of Children and  
25 Family Services shall develop Error Reduction Implementation

1 Plans, as necessary, to remedy patterns of errors or  
2 problematic practices that compromise or threaten the safety of  
3 children as identified in the DCFS Office of the Inspector  
4 General (OIG) death or serious injury investigations and Child  
5 Death Review Teams recommendations. The Error Reduction  
6 Implementation Plans shall include both training and on-site  
7 components. The Inspector General shall submit proposed Error  
8 Reduction Implementation Plans to the Director for review. The  
9 Director may approve the plans submitted, or approve plans  
10 amended by the Office of the Inspector General, taking into  
11 consideration policies ~~policies~~ and procedures that govern the  
12 function and performance of any affected frontline staff. The  
13 Director shall document the basis for disapproval of any  
14 submitted or amended plan. The Department shall deploy Error  
15 Reduction Safety Teams to implement the Error Reduction  
16 Implementation Plans. The Error Reduction Safety Teams shall be  
17 composed of Quality Assurance and Division of Training staff to  
18 implement hands-on training and Error Reduction Implementation  
19 Plans. The teams shall work in the offices of the Department or  
20 of agencies, or both, as required by the Error Reduction  
21 Implementation Plans, and shall work to ensure that systems are  
22 in place to continue reform efforts after the departure of the  
23 teams. The Director shall develop a method to ensure consistent  
24 compliance with any Error Reduction Implementation Plans, the  
25 provisions of which shall be incorporated into the plan.

26 (b) Quality Assurance shall prepare public reports

1 annually detailing the following: the substance of any Error  
2 Reduction Implementation Plan approved; any deviations from  
3 the Error Reduction Plan; whether adequate staff was available  
4 to perform functions necessary to the Error Reduction  
5 Implementation Plan, including identification and reporting of  
6 any staff needs; other problems noted or barriers to  
7 implementing the Error Reduction Implementation Plan; and  
8 recommendations for additional training, amendments to rules  
9 and procedures, or other systemic reform identified by the  
10 teams. Quality Assurance shall work with affected frontline  
11 staff to implement provisions of the approved Error Reduction  
12 Implementation Plans related to staff function and  
13 performance.

14 (c) The Error Reduction Teams shall implement training and  
15 reform protocols through incubating change in each region,  
16 Department office, or purchase of service office, as required.  
17 The teams shall administer hands-on assistance, supervision,  
18 and management while ensuring that the office, region, or  
19 agency develops the skills and systems necessary to incorporate  
20 changes on a permanent basis. For each Error Reduction  
21 Implementation Plan, the Team shall determine whether adequate  
22 staff is available to fulfill the Error Reduction  
23 Implementation Plan, provide case-by-case supervision to  
24 ensure that the plan is implemented, and ensure that management  
25 puts systems in place to enable the reforms to continue. Error  
26 Reduction Teams shall work with affected frontline staff to

1 ensure that provisions of the approved Error Reduction  
2 Implementation Plans relating to staff functions and  
3 performance are achieved to effect necessary reforms.

4 (d) The OIG shall develop and submit new Error Reduction  
5 Implementation Plans as necessary. To implement each Error  
6 Reduction Implementation Plan, as approved by the Director, the  
7 OIG shall work with Quality Assurance members of the Error  
8 Reduction Teams designated by the Department. The teams shall  
9 be comprised of staff from Quality Assurance and Training.  
10 Training shall work with the OIG and with the child death  
11 review teams to develop a curriculum to address errors  
12 identified that compromise the safety of children. Following  
13 the training roll-out, the Teams shall work on-site in  
14 identified offices. The Teams shall review and supervise all  
15 work relevant to the Error Reduction Implementation Plan.  
16 Quality Assurance shall identify outcome measures and track  
17 compliance with the training curriculum. Each quarter, Quality  
18 Assurance shall prepare a report detailing compliance with the  
19 Error Reduction Implementation Plan and alert the Director to  
20 staffing needs or other needs to accomplish the goals of the  
21 Error Reduction Implementation Plan. The report shall be  
22 transmitted to the Director, the OIG, and all management staff  
23 involved in the Error Reduction Implementation Plan.

24 (e) The Director shall review quarterly Quality Assurance  
25 reports and determine adherence to the Error Reduction  
26 Implementation Plan using criteria and standards developed by

1 the Department.

2 (Source: P.A. 95-527, eff. 6-1-08; revised 9-27-17.)

3 Section 45. The Department of Commerce and Economic  
4 Opportunity Law of the Civil Administrative Code of Illinois is  
5 amended by changing Section 605-1020 as follows:

6 (20 ILCS 605/605-1020)

7 Sec. 605-1020. Entrepreneur Learner's Permit pilot  
8 program.

9 (a) Subject to appropriation, there is hereby established  
10 an Entrepreneur Learner's Permit pilot program that shall be  
11 administered by the Department beginning on July 1 of the first  
12 fiscal year for which an appropriation of State moneys is made  
13 for that purpose and continuing for the next 2 immediately  
14 succeeding fiscal years; however, the Department is not  
15 required to administer the program in any fiscal year for which  
16 such an appropriation has not been made. The purpose of the  
17 program shall be to encourage and assist beginning  
18 entrepreneurs in starting new information services,  
19 biotechnology, and green technology businesses by providing  
20 reimbursements to those entrepreneurs for any State filing,  
21 permitting, or licensing fees associated with the formation of  
22 such a business in the State.

23 (b) Applicants for participation in the Entrepreneur  
24 Learner's Permit pilot program shall apply to the Department,

1 in a form and manner prescribed by the Department, prior to the  
2 formation of the business for which the entrepreneur seeks  
3 reimbursement of those fees. The Department shall adopt rules  
4 for the review and approval of applications, provided that it  
5 (1) shall give priority to applicants who are women ~~female~~ or  
6 minority persons, or both, and (2) shall not approve any  
7 application by a person who will not be a beginning  
8 entrepreneur. Reimbursements under this Section shall be  
9 provided in the manner determined by the Department. In no  
10 event shall an applicant apply for participation in the program  
11 more than 3 times.

12 (c) The aggregate amount of all reimbursements provided by  
13 the Department pursuant to this Section shall not exceed  
14 \$500,000 in any State fiscal year.

15 (d) On or before February 1 of the last calendar year  
16 during which the pilot program is in effect, the Department  
17 shall submit a report to the Governor and the General Assembly  
18 on the cumulative effectiveness of the Entrepreneur Learner's  
19 Permit pilot program. The review shall include, but not be  
20 limited to, the number and type of businesses that were formed  
21 in connection with the pilot program, the current status of  
22 each business formed in connection with the pilot program, the  
23 number of employees employed by each such business, the  
24 economic impact to the State from the pilot program, the  
25 satisfaction of participants in the pilot program, and a  
26 recommendation as to whether the program should be continued.

1 (e) As used in this Section:

2 "Beginning entrepreneur" means an individual who, at  
3 the time he or she applies for participation in the  
4 program, has less than 5 years of experience as a business  
5 owner and is not a current business owner.

6 "Woman" ~~"Female"~~ and "minority person" have the  
7 meanings given to those terms in the Business Enterprise  
8 for Minorities, Women ~~Females~~, and Persons with  
9 Disabilities Act.

10 (Source: P.A. 100-541, eff. 11-7-17; revised 12-14-17.)

11 Section 50. The Illinois Emergency Employment Development  
12 Act is amended by changing Section 17 as follows:

13 (20 ILCS 630/17)

14 Sec. 17. Work incentive demonstration project. The  
15 coordinator and members of the Advisory Committee shall explore  
16 available resources to leverage in combination with the wage  
17 subsidies in this Act to develop a Transitional Jobs program.  
18 This Transitional Jobs program would prioritize services for  
19 individuals with limited experience in the labor market and  
20 barriers to employment, including, but not limited to,  
21 recipients of Temporary Assistance for ~~to~~ Needy Families,  
22 Supplemental Nutrition Assistance Program, or other related  
23 public assistance, and people with criminal records.

24 (Source: P.A. 97-581, eff. 8-26-11; 97-813, eff. 7-13-12;

1 revised 10-4-17.)

2 Section 55. The Rural Diversification Act is amended by  
3 changing Section 2 as follows:

4 (20 ILCS 690/2) (from Ch. 5, par. 2252)

5 Sec. 2. Findings and declaration of policy. The General  
6 Assembly hereby finds, determines, and declares:

7 (a) That Illinois is a state of diversified economic  
8 strength and that an important economic strength in  
9 Illinois is derived from rural business production and the  
10 agribusiness industry;

11 (b) That the Illinois rural economy is in a state of  
12 transition, which presents a unique opportunity for the  
13 State to act on its growth and development;

14 (c) That full and continued growth and development of  
15 Illinois' rural economy, especially in the small towns and  
16 farm communities, is vital for Illinois;

17 (d) That by encouraging the development of diversified  
18 rural business and agricultural production, nonproduction  
19 and processing activities in Illinois, the State creates a  
20 beneficial climate for new and improved job opportunities  
21 for its citizens and expands jobs and job training  
22 opportunities;

23 (e) That in order to cultivate strong rural economic  
24 growth and development in Illinois, it is necessary to



1 proceed with a plan which encourages Illinois rural  
2 businesses and agribusinesses to expand business  
3 employment opportunities through diversification of  
4 business and industries, offers managerial, technical, and  
5 financial assistance to or on behalf of rural businesses  
6 and agribusiness, and works in a cooperative venture and  
7 spirit with Illinois' business, labor, local government,  
8 educational, and scientific communities;

9 (f) That dedication of State resources over a  
10 multi-year period targeted to promoting the growth and  
11 development of one or more classes of diversified rural  
12 products, particularly new agricultural products, is an  
13 effective use of State funds;

14 (g) That the United States Congress, having identified  
15 similar needs and purposes has enacted legislation  
16 creating the United States Department of  
17 Agriculture/Farmers Home Administration Non-profit  
18 National Finance Corporations Loan and Grant Program and  
19 made funding available to the states consistent with the  
20 purposes of this Act;

21 (h) That the Illinois General Assembly has enacted  
22 "Rural Revival" and a series of "Harvest the Heartland"  
23 initiatives which create within the Illinois Finance  
24 Authority a "Seed Capital Fund" to provide venture capital  
25 for emerging new agribusinesses, and to help coordinate  
26 cooperative research and development on new agriculture

1 technologies in conjunction with the Agricultural Research  
2 and Development Consortium in Peoria, the United States  
3 Department of Agriculture Northern Regional Research  
4 Laboratory in Peoria, the institutions of higher learning  
5 in Illinois, and the agribusiness community of this State,  
6 identify the need for enhanced efforts by the State to  
7 promote the use of fuels utilizing ethanol made from  
8 Illinois grain, and promote forestry development in this  
9 State; and

10 (i) That there is a need to coordinate the many  
11 programs offered by the State of Illinois Departments of  
12 Agriculture, Commerce and Economic Opportunity, and  
13 Natural Resources, and the Illinois Finance Authority that  
14 are targeted to agriculture and the rural community with  
15 those offered by the federal government. Therefore it is  
16 desirable that the fullest measure of coordination and  
17 integration of the programs offered by the various state  
18 agencies and the federal government be achieved.

19 (Source: P.A. 95-331, eff. 8-21-07; revised 10-4-17.)

20 Section 60. The Department of Natural Resources  
21 (Conservation) Law of the Civil Administrative Code of Illinois  
22 is amended by changing Section 805-45 as follows:

23 (20 ILCS 805/805-45)

24 Sec. 805-45. Adopt-a-Trail program.

1           (a) The Department shall establish an "Adopt-a-Trail"  
2 program that will allow volunteer groups to assist in  
3 maintaining and enhancing trails on State owned land.

4           (b) Subject to subsection (c) of this Section, volunteer  
5 groups in the Adopt-a-Trail program may adopt any available  
6 trail or trail segment and may choose any one or more of the  
7 following volunteer activities:

8                 (1) spring cleanups;

9                 (2) accessibility projects;

10                (3) special events;

11                (4) trail maintenance, enhancement, or realignment;

12                (5) public information and assistance; or

13                (6) training.

14           The Department shall designate and approve specific  
15 activities to be performed by a volunteer group in the  
16 Adopt-a-Trail program which shall be executed with an approved  
17 Adopt-a-Trail agreement. Volunteer services shall not include  
18 work historically performed by Department employees, including  
19 services that result in a reduction of hours or compensation or  
20 that may be performed by an employee on layoff, ~~nor~~ nor shall  
21 volunteer services be inconsistent with the terms of a  
22 collective bargaining agreement. The Department may provide  
23 for more than one volunteer group to adopt an eligible trail or  
24 trail segment.

25           (c) If the Department operates other programs in the  
26 vicinity of the trail that allows volunteers to participate in

1 the Department's Adopt-A-Park ~~Adopt-a-park~~ program or other  
2 resource, the Department shall coordinate these programs to  
3 provide for efficient and effective volunteer programs in the  
4 area.

5 (d) A volunteer group that wishes to participate in the  
6 Adopt-a-Trail program shall submit an application to the  
7 Department on a form provided by the Department. Volunteer  
8 groups shall agree to the following:

9 (1) volunteer groups shall participate in the program  
10 for at least a 2-year period;

11 (2) volunteer groups shall consist of at least 6 people  
12 who are 18 years of age or older, unless the volunteer  
13 group is a school or scout organization, in which case the  
14 volunteers may be under 18 years of age, but supervised by  
15 someone over the age of 18;

16 (3) volunteer groups shall contribute a total of at  
17 least 200 service hours over a 2-year period;

18 (4) volunteer groups shall only execute Adopt-a-Trail  
19 projects and activities after a volunteer project  
20 agreement has been completed and approved by the  
21 Department; and

22 (5) volunteer groups shall comply with all reasonable  
23 requirements of the Department.

24 (Source: P.A. 100-180, eff. 8-18-17; revised 10-5-17.)

25 Section 65. The Department of Human Services Act is amended

1 by changing Section 1-17 and by setting forth, renumbering, and  
2 changing multiple versions of Section 1-65 as follows:

3 (20 ILCS 1305/1-17)

4 Sec. 1-17. Inspector General.

5 (a) Nature and purpose. It is the express intent of the  
6 General Assembly to ensure the health, safety, and financial  
7 condition of individuals receiving services in this State due  
8 to mental illness, developmental disability, or both by  
9 protecting those persons from acts of abuse, neglect, or both  
10 by service providers. To that end, the Office of the Inspector  
11 General for the Department of Human Services is created to  
12 investigate and report upon allegations of the abuse, neglect,  
13 or financial exploitation of individuals receiving services  
14 within mental health facilities, developmental disabilities  
15 facilities, and community agencies operated, licensed, funded  
16 or certified by the Department of Human Services, but not  
17 licensed or certified by any other State agency.

18 (b) Definitions. The following definitions apply to this  
19 Section:

20 "Adult student with a disability" means an adult student,  
21 age 18 through 21, inclusive, with an Individual Education  
22 Program, other than a resident of a facility licensed by the  
23 Department of Children and Family Services in accordance with  
24 the Child Care Act of 1969. For purposes of this definition,  
25 "through age 21, inclusive", means through the day before the

1 student's 22nd birthday.

2 "Agency" or "community agency" means (i) a community agency  
3 licensed, funded, or certified by the Department, but not  
4 licensed or certified by any other human services agency of the  
5 State, to provide mental health service or developmental  
6 disabilities service, or (ii) a program licensed, funded, or  
7 certified by the Department, but not licensed or certified by  
8 any other human services agency of the State, to provide mental  
9 health service or developmental disabilities service.

10 "Aggravating circumstance" means a factor that is  
11 attendant to a finding and that tends to compound or increase  
12 the culpability of the accused.

13 "Allegation" means an assertion, complaint, suspicion, or  
14 incident involving any of the following conduct by an employee,  
15 facility, or agency against an individual or individuals:  
16 mental abuse, physical abuse, sexual abuse, neglect, or  
17 financial exploitation.

18 "Day" means working day, unless otherwise specified.

19 "Deflection" means a situation in which an individual is  
20 presented for admission to a facility or agency, and the  
21 facility staff or agency staff do not admit the individual.  
22 "Deflection" includes triage, redirection, and denial of  
23 admission.

24 "Department" means the Department of Human Services.

25 "Developmental disability" means "developmental  
26 disability" as defined in the Mental Health and Developmental

1 Disabilities Code.

2 "Egregious neglect" means a finding of neglect as  
3 determined by the Inspector General that (i) represents a gross  
4 failure to adequately provide for, or a callused indifference  
5 to, the health, safety, or medical needs of an individual and  
6 (ii) results in an individual's death or other serious  
7 deterioration of an individual's physical condition or mental  
8 condition.

9 "Employee" means any person who provides services at the  
10 facility or agency on-site or off-site. The service  
11 relationship can be with the individual or with the facility or  
12 agency. Also, "employee" includes any employee or contractual  
13 agent of the Department of Human Services or the community  
14 agency involved in providing or monitoring or administering  
15 mental health or developmental disability services. This  
16 includes but is not limited to: owners, operators, payroll  
17 personnel, contractors, subcontractors, and volunteers.

18 "Facility" or "State-operated facility" means a mental  
19 health facility or developmental disabilities facility  
20 operated by the Department.

21 "Financial exploitation" means taking unjust advantage of  
22 an individual's assets, property, or financial resources  
23 through deception, intimidation, or conversion for the  
24 employee's, facility's, or agency's own advantage or benefit.

25 "Finding" means the Office of Inspector General's  
26 determination regarding whether an allegation is

1 substantiated, unsubstantiated, or unfounded.

2 "Health Care Worker Registry" or "Registry" means the  
3 Health Care Worker Registry under the Health Care Worker  
4 Background Check Act.

5 "Individual" means any person receiving mental health  
6 service, developmental disabilities service, or both from a  
7 facility or agency, while either on-site or off-site.

8 "Mental abuse" means the use of demeaning, intimidating, or  
9 threatening words, signs, gestures, or other actions by an  
10 employee about an individual and in the presence of an  
11 individual or individuals that results in emotional distress or  
12 maladaptive behavior, or could have resulted in emotional  
13 distress or maladaptive behavior, for any individual present.

14 "Mental illness" means "mental illness" as defined in the  
15 Mental Health and Developmental Disabilities Code.

16 "Mentally ill" means having a mental illness.

17 "Mitigating circumstance" means a condition that (i) is  
18 attendant to a finding, (ii) does not excuse or justify the  
19 conduct in question, but (iii) may be considered in evaluating  
20 the severity of the conduct, the culpability of the accused, or  
21 both the severity of the conduct and the culpability of the  
22 accused.

23 "Neglect" means an employee's, agency's, or facility's  
24 failure to provide adequate medical care, personal care, or  
25 maintenance and that, as a consequence, (i) causes an  
26 individual pain, injury, or emotional distress, (ii) results in



1 either an individual's maladaptive behavior or the  
2 deterioration of an individual's physical condition or mental  
3 condition, or (iii) places the individual's health or safety at  
4 substantial risk.

5 "Person with a developmental disability" means a person  
6 having a developmental disability.

7 "Physical abuse" means an employee's non-accidental and  
8 inappropriate contact with an individual that causes bodily  
9 harm. "Physical abuse" includes actions that cause bodily harm  
10 as a result of an employee directing an individual or person to  
11 physically abuse another individual.

12 "Recommendation" means an admonition, separate from a  
13 finding, that requires action by the facility, agency, or  
14 Department to correct a systemic issue, problem, or deficiency  
15 identified during an investigation.

16 "Required reporter" means any employee who suspects,  
17 witnesses, or is informed of an allegation of any one or more  
18 of the following: mental abuse, physical abuse, sexual abuse,  
19 neglect, or financial exploitation.

20 "Secretary" means the Chief Administrative Officer of the  
21 Department.

22 "Sexual abuse" means any sexual contact or intimate  
23 physical contact between an employee and an individual,  
24 including an employee's coercion or encouragement of an  
25 individual to engage in sexual behavior that results in sexual  
26 contact, intimate physical contact, sexual behavior, or

1 intimate physical behavior. Sexual abuse also includes (i) an  
2 employee's actions that result in the sending or showing of  
3 sexually explicit images to an individual via computer,  
4 cellular phone, electronic mail, portable electronic device,  
5 or other media with or without contact with the individual or  
6 (ii) an employee's posting of sexually explicit images of an  
7 individual online or elsewhere whether or not there is contact  
8 with the individual.

9 "Sexually explicit images" includes, but is not limited to,  
10 any material which depicts nudity, sexual conduct, or  
11 sado-masochistic abuse, or which contains explicit and  
12 detailed verbal descriptions or narrative accounts of sexual  
13 excitement, sexual conduct, or sado-masochistic abuse.

14 "Substantiated" means there is a preponderance of the  
15 evidence to support the allegation.

16 "Unfounded" means there is no credible evidence to support  
17 the allegation.

18 "Unsubstantiated" means there is credible evidence, but  
19 less than a preponderance of evidence to support the  
20 allegation.

21 (c) Appointment. The Governor shall appoint, and the Senate  
22 shall confirm, an Inspector General. The Inspector General  
23 shall be appointed for a term of 4 years and shall function  
24 within the Department of Human Services and report to the  
25 Secretary and the Governor.

26 (d) Operation and appropriation. The Inspector General

1 shall function independently within the Department with  
2 respect to the operations of the Office, including the  
3 performance of investigations and issuance of findings and  
4 recommendations. The appropriation for the Office of Inspector  
5 General shall be separate from the overall appropriation for  
6 the Department.

7 (e) Powers and duties. The Inspector General shall  
8 investigate reports of suspected mental abuse, physical abuse,  
9 sexual abuse, neglect, or financial exploitation of  
10 individuals in any mental health or developmental disabilities  
11 facility or agency and shall have authority to take immediate  
12 action to prevent any one or more of the following from  
13 happening to individuals under its jurisdiction: mental abuse,  
14 physical abuse, sexual abuse, neglect, or financial  
15 exploitation. Upon written request of an agency of this State,  
16 the Inspector General may assist another agency of the State in  
17 investigating reports of the abuse, neglect, or abuse and  
18 neglect of persons with mental illness, persons with  
19 developmental disabilities, or persons with both. To comply  
20 with the requirements of subsection (k) of this Section, the  
21 Inspector General shall also review all reportable deaths for  
22 which there is no allegation of abuse or neglect. Nothing in  
23 this Section shall preempt any duties of the Medical Review  
24 Board set forth in the Mental Health and Developmental  
25 Disabilities Code. The Inspector General shall have no  
26 authority to investigate alleged violations of the State

1 Officials and Employees Ethics Act. Allegations of misconduct  
2 under the State Officials and Employees Ethics Act shall be  
3 referred to the Office of the Governor's Executive Inspector  
4 General for investigation.

5 (f) Limitations. The Inspector General shall not conduct an  
6 investigation within an agency or facility if that  
7 investigation would be redundant to or interfere with an  
8 investigation conducted by another State agency. The Inspector  
9 General shall have no supervision over, or involvement in, the  
10 routine programmatic, licensing, funding, or certification  
11 operations of the Department. Nothing in this subsection limits  
12 investigations by the Department that may otherwise be required  
13 by law or that may be necessary in the Department's capacity as  
14 central administrative authority responsible for the operation  
15 of the State's mental health and developmental disabilities  
16 facilities.

17 (g) Rulemaking authority. The Inspector General shall  
18 promulgate rules establishing minimum requirements for  
19 reporting allegations as well as for initiating, conducting,  
20 and completing investigations based upon the nature of the  
21 allegation or allegations. The rules shall clearly establish  
22 that if 2 or more State agencies could investigate an  
23 allegation, the Inspector General shall not conduct an  
24 investigation that would be redundant to, or interfere with, an  
25 investigation conducted by another State agency. The rules  
26 shall further clarify the method and circumstances under which

1 the Office of Inspector General may interact with the  
2 licensing, funding, or certification units of the Department in  
3 preventing further occurrences of mental abuse, physical  
4 abuse, sexual abuse, neglect, egregious neglect, and financial  
5 exploitation.

6 (h) Training programs. The Inspector General shall (i)  
7 establish a comprehensive program to ensure that every person  
8 authorized to conduct investigations receives ongoing training  
9 relative to investigation techniques, communication skills,  
10 and the appropriate means of interacting with persons receiving  
11 treatment for mental illness, developmental disability, or  
12 both mental illness and developmental disability, and (ii)  
13 establish and conduct periodic training programs for facility  
14 and agency employees concerning the prevention and reporting of  
15 any one or more of the following: mental abuse, physical abuse,  
16 sexual abuse, neglect, egregious neglect, or financial  
17 exploitation. Nothing in this Section shall be deemed to  
18 prevent the Office of Inspector General from conducting any  
19 other training as determined by the Inspector General to be  
20 necessary or helpful.

21 (i) Duty to cooperate.

22 (1) The Inspector General shall at all times be granted  
23 access to any facility or agency for the purpose of  
24 investigating any allegation, conducting unannounced site  
25 visits, monitoring compliance with a written response, or  
26 completing any other statutorily assigned duty. The

1 Inspector General shall conduct unannounced site visits to  
2 each facility at least annually for the purpose of  
3 reviewing and making recommendations on systemic issues  
4 relative to preventing, reporting, investigating, and  
5 responding to all of the following: mental abuse, physical  
6 abuse, sexual abuse, neglect, egregious neglect, or  
7 financial exploitation.

8 (2) Any employee who fails to cooperate with an Office  
9 of the Inspector General investigation is in violation of  
10 this Act. Failure to cooperate with an investigation  
11 includes, but is not limited to, any one or more of the  
12 following: (i) creating and transmitting a false report to  
13 the Office of the Inspector General hotline, (ii) providing  
14 false information to an Office of the Inspector General  
15 Investigator during an investigation, (iii) colluding with  
16 other employees to cover up evidence, (iv) colluding with  
17 other employees to provide false information to an Office  
18 of the Inspector General investigator, (v) destroying  
19 evidence, (vi) withholding evidence, or (vii) otherwise  
20 obstructing an Office of the Inspector General  
21 investigation. Additionally, any employee who, during an  
22 unannounced site visit or written response compliance  
23 check, fails to cooperate with requests from the Office of  
24 the Inspector General is in violation of this Act.

25 (j) Subpoena powers. The Inspector General shall have the  
26 power to subpoena witnesses and compel the production of all

1 documents and physical evidence relating to his or her  
2 investigations and any hearings authorized by this Act. This  
3 subpoena power shall not extend to persons or documents of a  
4 labor organization or its representatives insofar as the  
5 persons are acting in a representative capacity to an employee  
6 whose conduct is the subject of an investigation or the  
7 documents relate to that representation. Any person who  
8 otherwise fails to respond to a subpoena or who knowingly  
9 provides false information to the Office of the Inspector  
10 General by subpoena during an investigation is guilty of a  
11 Class A misdemeanor.

12 (k) Reporting allegations and deaths.

13 (1) Allegations. If an employee witnesses, is told of,  
14 or has reason to believe an incident of mental abuse,  
15 physical abuse, sexual abuse, neglect, or financial  
16 exploitation has occurred, the employee, agency, or  
17 facility shall report the allegation by phone to the Office  
18 of the Inspector General hotline according to the agency's  
19 or facility's procedures, but in no event later than 4  
20 hours after the initial discovery of the incident,  
21 allegation, or suspicion of any one or more of the  
22 following: mental abuse, physical abuse, sexual abuse,  
23 neglect, or financial exploitation. A required reporter as  
24 defined in subsection (b) of this Section who knowingly or  
25 intentionally fails to comply with these reporting  
26 requirements is guilty of a Class A misdemeanor.

1           (2) Deaths. Absent an allegation, a required reporter  
2 shall, within 24 hours after initial discovery, report by  
3 phone to the Office of the Inspector General hotline each  
4 of the following:

5           (i) Any death of an individual occurring within 14  
6 calendar days after discharge or transfer of the  
7 individual from a residential program or facility.

8           (ii) Any death of an individual occurring within 24  
9 hours after deflection from a residential program or  
10 facility.

11           (iii) Any other death of an individual occurring at  
12 an agency or facility or at any Department-funded site.

13           (3) Retaliation. It is a violation of this Act for any  
14 employee or administrator of an agency or facility to take  
15 retaliatory action against an employee who acts in good  
16 faith in conformance with his or her duties as a required  
17 reporter.

18           (1) Reporting to law enforcement.

19           (1) Reporting criminal acts. Within 24 hours after  
20 determining that there is credible evidence indicating  
21 that a criminal act may have been committed or that special  
22 expertise may be required in an investigation, the  
23 Inspector General shall notify the Department of State  
24 Police or other appropriate law enforcement authority, or  
25 ensure that such notification is made. The Department of  
26 State Police shall investigate any report from a



1 State-operated facility indicating a possible murder,  
2 sexual assault, or other felony by an employee. All  
3 investigations conducted by the Inspector General shall be  
4 conducted in a manner designed to ensure the preservation  
5 of evidence for possible use in a criminal prosecution.

6 (2) Reporting allegations of adult students with  
7 disabilities. Upon receipt of a reportable allegation  
8 regarding an adult student with a disability, the  
9 Department's Office of the Inspector General shall  
10 determine whether the allegation meets the criteria for the  
11 Domestic Abuse Program under the Abuse of Adults with  
12 Disabilities Intervention Act. If the allegation is  
13 reportable to that program, the Office of the Inspector  
14 General shall initiate an investigation. If the allegation  
15 is not reportable to the Domestic Abuse Program, the Office  
16 of the Inspector General shall make an expeditious referral  
17 to the respective law enforcement entity. If the alleged  
18 victim is already receiving services from the Department,  
19 the Office of the Inspector General shall also make a  
20 referral to the respective Department of Human Services'  
21 Division or Bureau.

22 (m) Investigative reports. Upon completion of an  
23 investigation, the Office of Inspector General shall issue an  
24 investigative report identifying whether the allegations are  
25 substantiated, unsubstantiated, or unfounded. Within 10  
26 business days after the transmittal of a completed

1 investigative report substantiating an allegation, finding an  
2 allegation is unsubstantiated, or if a recommendation is made,  
3 the Inspector General shall provide the investigative report on  
4 the case to the Secretary and to the director of the facility  
5 or agency where any one or more of the following occurred:  
6 mental abuse, physical abuse, sexual abuse, neglect, egregious  
7 neglect, or financial exploitation. The director of the  
8 facility or agency shall be responsible for maintaining the  
9 confidentiality of the investigative report consistent with  
10 State and federal law. In a substantiated case, the  
11 investigative report shall include any mitigating or  
12 aggravating circumstances that were identified during the  
13 investigation. If the case involves substantiated neglect, the  
14 investigative report shall also state whether egregious  
15 neglect was found. An investigative report may also set forth  
16 recommendations. All investigative reports prepared by the  
17 Office of the Inspector General shall be considered  
18 confidential and shall not be released except as provided by  
19 the law of this State or as required under applicable federal  
20 law. Unsubstantiated and unfounded reports shall not be  
21 disclosed except as allowed under Section 6 of the Abused and  
22 Neglected Long Term Care Facility Residents Reporting Act. Raw  
23 data used to compile the investigative report shall not be  
24 subject to release unless required by law or a court order.  
25 "Raw data used to compile the investigative report" includes,  
26 but is not limited to, any one or more of the following: the

1 initial complaint, witness statements, photographs,  
2 investigator's notes, police reports, or incident reports. If  
3 the allegations are substantiated, the accused shall be  
4 provided with a redacted copy of the investigative report.  
5 Death reports where there was no allegation of abuse or neglect  
6 shall only be released pursuant to applicable State or federal  
7 law or a valid court order.

8 (n) Written responses and reconsideration requests.

9 (1) Written responses. Within 30 calendar days from  
10 receipt of a substantiated investigative report or an  
11 investigative report which contains recommendations,  
12 absent a reconsideration request, the facility or agency  
13 shall file a written response that addresses, in a concise  
14 and reasoned manner, the actions taken to: (i) protect the  
15 individual; (ii) prevent recurrences; and (iii) eliminate  
16 the problems identified. The response shall include the  
17 implementation and completion dates of such actions. If the  
18 written response is not filed within the allotted 30  
19 calendar day period, the Secretary shall determine the  
20 appropriate corrective action to be taken.

21 (2) Reconsideration requests. The facility, agency,  
22 victim or guardian, or the subject employee may request  
23 that the Office of Inspector General reconsider or clarify  
24 its finding based upon additional information.

25 (o) Disclosure of the finding by the Inspector General. The  
26 Inspector General shall disclose the finding of an

1 investigation to the following persons: (i) the Governor, (ii)  
2 the Secretary, (iii) the director of the facility or agency,  
3 (iv) the alleged victims and their guardians, (v) the  
4 complainant, and (vi) the accused. This information shall  
5 include whether the allegations were deemed substantiated,  
6 unsubstantiated, or unfounded.

7 (p) Secretary review. Upon review of the Inspector  
8 General's investigative report and any agency's or facility's  
9 written response, the Secretary shall accept or reject the  
10 written response and notify the Inspector General of that  
11 determination. The Secretary may further direct that other  
12 administrative action be taken, including, but not limited to,  
13 any one or more of the following: (i) additional site visits,  
14 (ii) training, (iii) provision of technical assistance  
15 relative to administrative needs, licensure or certification,  
16 or (iv) the imposition of appropriate sanctions.

17 (q) Action by facility or agency. Within 30 days of the  
18 date the Secretary approves the written response or directs  
19 that further administrative action be taken, the facility or  
20 agency shall provide an implementation report to the Inspector  
21 General that provides the status of the action taken. The  
22 facility or agency shall be allowed an additional 30 days to  
23 send notice of completion of the action or to send an updated  
24 implementation report. If the action has not been completed  
25 within the additional 30-day ~~30-day~~ period, the facility or  
26 agency shall send updated implementation reports every 60 days

1 until completion. The Inspector General shall conduct a review  
2 of any implementation plan that takes more than 120 days after  
3 approval to complete, and shall monitor compliance through a  
4 random review of approved written responses, which may include,  
5 but are not limited to: (i) site visits, (ii) telephone  
6 contact, and (iii) requests for additional documentation  
7 evidencing compliance.

8 (r) Sanctions. Sanctions, if imposed by the Secretary under  
9 Subdivision (p)(iv) of this Section, shall be designed to  
10 prevent further acts of mental abuse, physical abuse, sexual  
11 abuse, neglect, egregious neglect, or financial exploitation  
12 or some combination of one or more of those acts at a facility  
13 or agency, and may include any one or more of the following:

14 (1) Appointment of on-site monitors.

15 (2) Transfer or relocation of an individual or  
16 individuals.

17 (3) Closure of units.

18 (4) Termination of any one or more of the following:

19 (i) Department licensing, (ii) funding, or (iii)  
20 certification.

21 The Inspector General may seek the assistance of the  
22 Illinois Attorney General or the office of any State's Attorney  
23 in implementing sanctions.

24 (s) Health Care Worker Registry.

25 (1) Reporting to the Registry. The Inspector General  
26 shall report to the Department of Public Health's Health

1 Care Worker Registry, a public registry, the identity and  
2 finding of each employee of a facility or agency against  
3 whom there is a final investigative report containing a  
4 substantiated allegation of physical or sexual abuse,  
5 financial exploitation, or egregious neglect of an  
6 individual.

7 (2) Notice to employee. Prior to reporting the name of  
8 an employee, the employee shall be notified of the  
9 Department's obligation to report and shall be granted an  
10 opportunity to request an administrative hearing, the sole  
11 purpose of which is to determine if the substantiated  
12 finding warrants reporting to the Registry. Notice to the  
13 employee shall contain a clear and concise statement of the  
14 grounds on which the report to the Registry is based, offer  
15 the employee an opportunity for a hearing, and identify the  
16 process for requesting such a hearing. Notice is sufficient  
17 if provided by certified mail to the employee's last known  
18 address. If the employee fails to request a hearing within  
19 30 days from the date of the notice, the Inspector General  
20 shall report the name of the employee to the Registry.  
21 Nothing in this subdivision (s) (2) shall diminish or impair  
22 the rights of a person who is a member of a collective  
23 bargaining unit under the Illinois Public Labor Relations  
24 Act or under any other federal labor statute.

25 (3) Registry hearings. If the employee requests an  
26 administrative hearing, the employee shall be granted an

1 opportunity to appear before an administrative law judge to  
2 present reasons why the employee's name should not be  
3 reported to the Registry. The Department shall bear the  
4 burden of presenting evidence that establishes, by a  
5 preponderance of the evidence, that the substantiated  
6 finding warrants reporting to the Registry. After  
7 considering all the evidence presented, the administrative  
8 law judge shall make a recommendation to the Secretary as  
9 to whether the substantiated finding warrants reporting  
10 the name of the employee to the Registry. The Secretary  
11 shall render the final decision. The Department and the  
12 employee shall have the right to request that the  
13 administrative law judge consider a stipulated disposition  
14 of these proceedings.

15 (4) Testimony at Registry hearings. A person who makes  
16 a report or who investigates a report under this Act shall  
17 testify fully in any judicial proceeding resulting from  
18 such a report, as to any evidence of abuse or neglect, or  
19 the cause thereof. No evidence shall be excluded by reason  
20 of any common law or statutory privilege relating to  
21 communications between the alleged perpetrator of abuse or  
22 neglect, or the individual alleged as the victim in the  
23 report, and the person making or investigating the report.  
24 Testimony at hearings is exempt from the confidentiality  
25 requirements of subsection (f) of Section 10 of the Mental  
26 Health and Developmental Disabilities Confidentiality Act.

1           (5) Employee's rights to collateral action. No  
2 reporting to the Registry shall occur and no hearing shall  
3 be set or proceed if an employee notifies the Inspector  
4 General in writing, including any supporting  
5 documentation, that he or she is formally contesting an  
6 adverse employment action resulting from a substantiated  
7 finding by complaint filed with the Illinois Civil Service  
8 Commission, or which otherwise seeks to enforce the  
9 employee's rights pursuant to any applicable collective  
10 bargaining agreement. If an action taken by an employer  
11 against an employee as a result of a finding of physical  
12 abuse, sexual abuse, or egregious neglect is overturned  
13 through an action filed with the Illinois Civil Service  
14 Commission or under any applicable collective bargaining  
15 agreement and if that employee's name has already been sent  
16 to the Registry, the employee's name shall be removed from  
17 the Registry.

18           (6) Removal from Registry. At any time after the report  
19 to the Registry, but no more than once in any 12-month  
20 period, an employee may petition the Department in writing  
21 to remove his or her name from the Registry. Upon receiving  
22 notice of such request, the Inspector General shall conduct  
23 an investigation into the petition. Upon receipt of such  
24 request, an administrative hearing will be set by the  
25 Department. At the hearing, the employee shall bear the  
26 burden of presenting evidence that establishes, by a



1           preponderance of the evidence, that removal of the name  
2           from the Registry is in the public interest. The parties  
3           may jointly request that the administrative law judge  
4           consider a stipulated disposition of these proceedings.

5           (t) Review of Administrative Decisions. The Department  
6           shall preserve a record of all proceedings at any formal  
7           hearing conducted by the Department involving Health Care  
8           Worker Registry hearings. Final administrative decisions of  
9           the Department are subject to judicial review pursuant to  
10          provisions of the Administrative Review Law.

11          (u) Quality Care Board. There is created, within the Office  
12          of the Inspector General, a Quality Care Board to be composed  
13          of 7 members appointed by the Governor with the advice and  
14          consent of the Senate. One of the members shall be designated  
15          as chairman by the Governor. Of the initial appointments made  
16          by the Governor, 4 Board members shall each be appointed for a  
17          term of 4 years and 3 members shall each be appointed for a  
18          term of 2 years. Upon the expiration of each member's term, a  
19          successor shall be appointed for a term of 4 years. In the case  
20          of a vacancy in the office of any member, the Governor shall  
21          appoint a successor for the remainder of the unexpired term.

22          Members appointed by the Governor shall be qualified by  
23          professional knowledge or experience in the area of law,  
24          investigatory techniques, or in the area of care of the  
25          mentally ill or care of persons with developmental  
26          disabilities. Two members appointed by the Governor shall be

1 persons with a disability or a parent of a person with a  
2 disability. Members shall serve without compensation, but  
3 shall be reimbursed for expenses incurred in connection with  
4 the performance of their duties as members.

5 The Board shall meet quarterly, and may hold other meetings  
6 on the call of the chairman. Four members shall constitute a  
7 quorum allowing the Board to conduct its business. The Board  
8 may adopt rules and regulations it deems necessary to govern  
9 its own procedures.

10 The Board shall monitor and oversee the operations,  
11 policies, and procedures of the Inspector General to ensure the  
12 prompt and thorough investigation of allegations of neglect and  
13 abuse. In fulfilling these responsibilities, the Board may do  
14 the following:

15 (1) Provide independent, expert consultation to the  
16 Inspector General on policies and protocols for  
17 investigations of alleged abuse, neglect, or both abuse and  
18 neglect.

19 (2) Review existing regulations relating to the  
20 operation of facilities.

21 (3) Advise the Inspector General as to the content of  
22 training activities authorized under this Section.

23 (4) Recommend policies concerning methods for  
24 improving the intergovernmental relationships between the  
25 Office of the Inspector General and other State or federal  
26 offices.

1 (v) Annual report. The Inspector General shall provide to  
2 the General Assembly and the Governor, no later than January 1  
3 of each year, a summary of reports and investigations made  
4 under this Act for the prior fiscal year with respect to  
5 individuals receiving mental health or developmental  
6 disabilities services. The report shall detail the imposition  
7 of sanctions, if any, and the final disposition of any  
8 corrective or administrative action directed by the Secretary.  
9 The summaries shall not contain any confidential or identifying  
10 information of any individual, but shall include objective data  
11 identifying any trends in the number of reported allegations,  
12 the timeliness of the Office of the Inspector General's  
13 investigations, and their disposition, for each facility and  
14 Department-wide, for the most recent 3-year time period. The  
15 report shall also identify, by facility, the staff-to-patient  
16 ratios taking account of direct care staff only. The report  
17 shall also include detailed recommended administrative actions  
18 and matters for consideration by the General Assembly.

19 (w) Program audit. The Auditor General shall conduct a  
20 program audit of the Office of the Inspector General on an  
21 as-needed basis, as determined by the Auditor General. The  
22 audit shall specifically include the Inspector General's  
23 compliance with the Act and effectiveness in investigating  
24 reports of allegations occurring in any facility or agency. The  
25 Auditor General shall conduct the program audit according to  
26 the provisions of the Illinois State Auditing Act and shall

1 report its findings to the General Assembly no later than  
2 January 1 following the audit period.

3 (x) Nothing in this Section shall be construed to mean that  
4 an individual is a victim of abuse or neglect because of health  
5 care services appropriately provided or not provided by health  
6 care professionals.

7 (y) Nothing in this Section shall require a facility,  
8 including its employees, agents, medical staff members, and  
9 health care professionals, to provide a service to an  
10 individual in contravention of that individual's stated or  
11 implied objection to the provision of that service on the  
12 ground that that service conflicts with the individual's  
13 religious beliefs or practices, nor shall the failure to  
14 provide a service to an individual be considered abuse under  
15 this Section if the individual has objected to the provision of  
16 that service based on his or her religious beliefs or  
17 practices.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-323, eff. 8-7-15;  
19 99-642, eff. 7-28-16; 100-313, eff. 8-24-17; 100-432, eff.  
20 8-25-17; revised 9-27-17.)

21 (20 ILCS 1305/1-65)

22 (Section scheduled to be repealed on July 1, 2019)

23 Sec. 1-65. Intellectual and Developmental Disability Home  
24 and Community-Based Services Task Force.

25 (a) The Secretary of Human Services shall appoint a task

1 force to review current and potential federal funds for home  
2 and community-based service options for individuals with  
3 intellectual or developmental disabilities. The task force  
4 shall consist of all of the following persons:

5 (1) The Secretary of Human Services, or his or her  
6 designee, who shall serve as chairperson of the task force.

7 (2) One representative of the Department of Healthcare  
8 and Family Services.

9 (3) Six persons selected from recommendations of  
10 organizations whose membership consists of providers  
11 within the intellectual and developmental disabilities  
12 service delivery system.

13 (4) Two persons who are guardians or family members of  
14 individuals with intellectual or developmental  
15 disabilities and who do not have responsibility for  
16 management or formation of policy regarding the programs  
17 subject to review.

18 (5) Two persons selected from the recommendations of  
19 consumer organizations that engage in advocacy or legal  
20 representation on behalf of individuals with intellectual  
21 or developmental disabilities.

22 (6) Three persons who self-identify as individuals  
23 with intellectual or developmental disabilities and who  
24 are engaged in advocacy for the rights of individuals with  
25 disabilities. If these persons require supports in the form  
26 of reasonable accommodations in order to participate, such

1 supports shall be provided.

2 The task force shall also consist of the following members  
3 appointed as follows:

4 (A) One member of the Senate appointed by the President  
5 of the Senate.

6 (B) One member of the Senate appointed by the Minority  
7 Leader of the Senate.

8 (C) One member of the House of Representatives  
9 appointed by the Speaker of the House of Representatives.

10 (D) One member of the House of Representatives  
11 appointed by the Minority Leader of the House of  
12 Representatives.

13 (b) The task force shall review: the current federal  
14 Medicaid matching funds for services provided in the State;  
15 ways to maximize federal supports for the current services  
16 provided, including attendant services, housing, and other  
17 services to promote independent living; options that require  
18 federal approval and federal funding; ways to minimize the  
19 impact of constituents awaiting services; and all avenues to  
20 utilize federal funding involving home and community-based  
21 services identified by the task force. The Department shall  
22 provide administrative support to the task force.

23 (c) The appointments to the task force must be made by July  
24 1, 2017. Task force members shall receive no compensation. The  
25 task force must hold at least 4 hearings. The task force shall  
26 report its findings to the Governor and General Assembly no

1 later than July 1, 2018, and, upon filing its report, the task  
2 force is dissolved.

3 (d) This Section is repealed on July 1, 2019.

4 (Source: P.A. 100-79, eff. 8-11-17.)

5 (20 ILCS 1305/1-70)

6 Sec. 1-70 ~~1-65~~. Uniform demographic data collection.

7 (a) The Department shall collect and publicly report  
8 statistical data on the racial and ethnic demographics of  
9 program participants for each program administered by the  
10 Department. Except as provided in subsection (b), when  
11 collecting the data required under this Section, the Department  
12 shall use the same racial and ethnic classifications for each  
13 program, which shall include, but not be limited to, the  
14 following:

- 15 (1) American Indian and Alaska Native alone.
- 16 (2) Asian alone.
- 17 (3) Black or African American alone.
- 18 (4) Hispanic or Latino of any race.
- 19 (5) Native Hawaiian and Other Pacific Islander alone.
- 20 (6) White alone.
- 21 (7) Some other race alone.
- 22 (8) Two or more races.

23 The Department may further define, by rule, the racial and  
24 ethnic classifications provided in this Section.

25 (b) If a program administered by the Department is subject

1 to federal reporting requirements that include the collection  
2 and public reporting of statistical data on the racial and  
3 ethnic demographics of program participants, the Department  
4 may maintain the same racial and ethnic classifications used  
5 under the federal requirements if such classifications differ  
6 from the classifications listed in subsection (a).

7 (c) The Department shall make all demographic information  
8 collected under this Section available to the public which at a  
9 minimum shall include posting the information for each program  
10 in a timely manner on the Department's official website. If the  
11 Department already has a mechanism or process in place to  
12 report information about program participation for any program  
13 administered by the Department, then the Department shall use  
14 that mechanism or process to include the demographic  
15 information collected under this Section. If the Department  
16 does not have a mechanism or process in place to report  
17 information about program participation for any program  
18 administered by the Department, then the Department shall  
19 create a mechanism or process to disseminate the demographic  
20 information collected under this Section.

21 (Source: P.A. 100-275, eff. 1-1-18; revised 10-3-17.)

22 Section 70. The Mental Health and Developmental  
23 Disabilities Administrative Act is amended by changing Section  
24 15.4 as follows:



1 (20 ILCS 1705/15.4)

2 Sec. 15.4. Authorization for nursing delegation to permit  
3 direct care staff to administer medications.

4 (a) This Section applies to (i) all residential programs  
5 for persons with a developmental disability in settings of 16  
6 persons or fewer that are funded or licensed by the Department  
7 of Human Services and that distribute or administer  
8 medications, (ii) all intermediate care facilities for persons  
9 with developmental disabilities with 16 beds or fewer that are  
10 licensed by the Department of Public Health, and (iii) all day  
11 programs certified to serve persons with developmental  
12 disabilities by the Department of Human Services. The  
13 Department of Human Services shall develop a training program  
14 for authorized direct care staff to administer medications  
15 under the supervision and monitoring of a registered  
16 professional nurse. The training program for authorized direct  
17 care staff shall include educational and oversight components  
18 for staff who work in day programs that are similar to those  
19 for staff who work in residential programs. This training  
20 program shall be developed in consultation with professional  
21 associations representing (i) physicians licensed to practice  
22 medicine in all its branches, (ii) registered professional  
23 nurses, and (iii) pharmacists.

24 (b) For the purposes of this Section:

25 "Authorized direct care staff" means non-licensed persons  
26 who have successfully completed a medication administration

1 training program approved by the Department of Human Services  
2 and conducted by a nurse-trainer. This authorization is  
3 specific to an individual receiving service in a specific  
4 agency and does not transfer to another agency.

5 "Medications" means oral and topical medications, insulin  
6 in an injectable form, oxygen, epinephrine auto-injectors, and  
7 vaginal and rectal creams and suppositories. "Oral" includes  
8 inhalants and medications administered through enteral tubes,  
9 utilizing aseptic technique. "Topical" includes eye, ear, and  
10 nasal medications. Any controlled substances must be packaged  
11 specifically for an identified individual.

12 "Insulin in an injectable form" means a subcutaneous  
13 injection via an insulin pen pre-filled by the manufacturer.  
14 Authorized direct care staff may administer insulin, as ordered  
15 by a physician, advanced practice registered nurse, or  
16 physician assistant, if: (i) the staff has successfully  
17 completed a Department-approved advanced training program  
18 specific to insulin administration developed in consultation  
19 with professional associations listed in subsection (a) of this  
20 Section, and (ii) the staff consults with the registered nurse,  
21 prior to administration, of any insulin dose that is determined  
22 based on a blood glucose test result. The authorized direct  
23 care staff shall not: (i) calculate the insulin dosage needed  
24 when the dose is dependent upon a blood glucose test result, or  
25 (ii) administer insulin to individuals who require blood  
26 glucose monitoring greater than 3 times daily, unless directed

1 to do so by the registered nurse.

2 "Nurse-trainer training program" means a standardized,  
3 competency-based medication administration train-the-trainer  
4 program provided by the Department of Human Services and  
5 conducted by a Department of Human Services master  
6 nurse-trainer for the purpose of training nurse-trainers to  
7 train persons employed or under contract to provide direct care  
8 or treatment to individuals receiving services to administer  
9 medications and provide self-administration of medication  
10 training to individuals under the supervision and monitoring of  
11 the nurse-trainer. The program incorporates adult learning  
12 styles, teaching strategies, classroom management, and a  
13 curriculum overview, including the ethical and legal aspects of  
14 supervising those administering medications.

15 "Self-administration of medications" means an individual  
16 administers his or her own medications. To be considered  
17 capable to self-administer their own medication, individuals  
18 must, at a minimum, be able to identify their medication by  
19 size, shape, or color, know when they should take the  
20 medication, and know the amount of medication to be taken each  
21 time.

22 "Training program" means a standardized medication  
23 administration training program approved by the Department of  
24 Human Services and conducted by a registered professional nurse  
25 for the purpose of training persons employed or under contract  
26 to provide direct care or treatment to individuals receiving

1 services to administer medications and provide  
2 self-administration of medication training to individuals  
3 under the delegation and supervision of a nurse-trainer. The  
4 program incorporates adult learning styles, teaching  
5 strategies, classroom management, curriculum overview,  
6 including ethical-legal aspects, and standardized  
7 competency-based evaluations on administration of medications  
8 and self-administration of medication training programs.

9 (c) Training and authorization of non-licensed direct care  
10 staff by nurse-trainers must meet the requirements of this  
11 subsection.

12 (1) Prior to training non-licensed direct care staff to  
13 administer medication, the nurse-trainer shall perform the  
14 following for each individual to whom medication will be  
15 administered by non-licensed direct care staff:

16 (A) An assessment of the individual's health  
17 history and physical and mental status.

18 (B) An evaluation of the medications prescribed.

19 (2) Non-licensed authorized direct care staff shall  
20 meet the following criteria:

21 (A) Be 18 years of age or older.

22 (B) Have completed high school or have a high  
23 school equivalency certificate.

24 (C) Have demonstrated functional literacy.

25 (D) Have satisfactorily completed the Health and  
26 Safety component of a Department of Human Services

1 authorized direct care staff training program.

2 (E) Have successfully completed the training  
3 program, pass the written portion of the comprehensive  
4 exam, and score 100% on the competency-based  
5 assessment specific to the individual and his or her  
6 medications.

7 (F) Have received additional competency-based  
8 assessment by the nurse-trainer as deemed necessary by  
9 the nurse-trainer whenever a change of medication  
10 occurs or a new individual that requires medication  
11 administration enters the program.

12 (3) Authorized direct care staff shall be re-evaluated  
13 by a nurse-trainer at least annually or more frequently at  
14 the discretion of the registered professional nurse. Any  
15 necessary retraining shall be to the extent that is  
16 necessary to ensure competency of the authorized direct  
17 care staff to administer medication.

18 (4) Authorization of direct care staff to administer  
19 medication shall be revoked if, in the opinion of the  
20 registered professional nurse, the authorized direct care  
21 staff is no longer competent to administer medication.

22 (5) The registered professional nurse shall assess an  
23 individual's health status at least annually or more  
24 frequently at the discretion of the registered  
25 professional nurse.

26 (d) Medication self-administration shall meet the

1 following requirements:

2 (1) As part of the normalization process, in order for  
3 each individual to attain the highest possible level of  
4 independent functioning, all individuals shall be  
5 permitted to participate in their total health care  
6 program. This program shall include, but not be limited to,  
7 individual training in preventive health and  
8 self-medication procedures.

9 (A) Every program shall adopt written policies and  
10 procedures for assisting individuals in obtaining  
11 preventative health and self-medication skills in  
12 consultation with a registered professional nurse,  
13 advanced practice registered nurse, physician  
14 assistant, or physician licensed to practice medicine  
15 in all its branches.

16 (B) Individuals shall be evaluated to determine  
17 their ability to self-medicate by the nurse-trainer  
18 through the use of the Department's required,  
19 standardized screening and assessment instruments.

20 (C) When the results of the screening and  
21 assessment indicate an individual not to be capable to  
22 self-administer his or her own medications, programs  
23 shall be developed in consultation with the Community  
24 Support Team or Interdisciplinary Team to provide  
25 individuals with self-medication administration.

26 (2) Each individual shall be presumed to be competent

1 to self-administer medications if:

2 (A) authorized by an order of a physician licensed  
3 to practice medicine in all its branches, an advanced  
4 practice registered nurse, or a physician assistant;  
5 and

6 (B) approved to self-administer medication by the  
7 individual's Community Support Team or  
8 Interdisciplinary Team, which includes a registered  
9 professional nurse or an advanced practice registered  
10 nurse.

11 (e) Quality Assurance.

12 (1) A registered professional nurse, advanced practice  
13 registered nurse, licensed practical nurse, physician  
14 licensed to practice medicine in all its branches,  
15 physician assistant, or pharmacist shall review the  
16 following for all individuals:

17 (A) Medication orders.

18 (B) Medication labels, including medications  
19 listed on the medication administration record for  
20 persons who are not self-medicating to ensure the  
21 labels match the orders issued by the physician  
22 licensed to practice medicine in all its branches,  
23 advanced practice registered nurse, or physician  
24 assistant.

25 (C) Medication administration records for persons  
26 who are not self-medicating to ensure that the records

1           are completed appropriately for:

2                       (i) medication administered as prescribed;

3                       (ii) refusal by the individual; and

4                       (iii) full signatures provided for all  
5                       initials used.

6           (2) Reviews shall occur at least quarterly, but may be  
7           done more frequently at the discretion of the registered  
8           professional nurse or advanced practice registered nurse.

9           (3) A quality assurance review of medication errors and  
10           data collection for the purpose of monitoring and  
11           recommending corrective action shall be conducted within 7  
12           days and included in the required annual review.

13           (f) Programs using authorized direct care staff to  
14           administer medications are responsible for documenting and  
15           maintaining records on the training that is completed.

16           (g) The absence of this training program constitutes a  
17           threat to the public interest, safety, and welfare and  
18           necessitates emergency rulemaking by the Departments of Human  
19           Services and Public Health under Section 5-45 of the Illinois  
20           Administrative Procedure Act.

21           (h) Direct care staff who fail to qualify for delegated  
22           authority to administer medications pursuant to the provisions  
23           of this Section shall be given additional education and testing  
24           to meet criteria for delegation authority to administer  
25           medications. Any direct care staff person who fails to qualify  
26           as an authorized direct care staff after initial training and



1 testing must within 3 months be given another opportunity for  
2 retraining and retesting. A direct care staff person who fails  
3 to meet criteria for delegated authority to administer  
4 medication, including, but not limited to, failure of the  
5 written test on 2 occasions shall be given consideration for  
6 shift transfer or reassignment, if possible. No employee shall  
7 be terminated for failure to qualify during the 3-month time  
8 period following initial testing. Refusal to complete training  
9 and testing required by this Section may be grounds for  
10 immediate dismissal.

11 (i) No authorized direct care staff person delegated to  
12 administer medication shall be subject to suspension or  
13 discharge for errors resulting from the staff person's acts or  
14 omissions when performing the functions unless the staff  
15 person's actions or omissions constitute willful and wanton  
16 conduct. Nothing in this subsection is intended to supersede  
17 paragraph (4) of subsection (c).

18 (j) A registered professional nurse, advanced practice  
19 registered nurse, physician licensed to practice medicine in  
20 all its branches, or physician assistant shall be on duty or on  
21 call at all times in any program covered by this Section.

22 (k) The employer shall be responsible for maintaining  
23 liability insurance for any program covered by this Section.

24 (l) Any direct care staff person who qualifies as  
25 authorized direct care staff pursuant to this Section shall be  
26 granted consideration for a one-time additional salary

1 differential. The Department shall determine and provide the  
2 necessary funding for the differential in the base. This  
3 subsection (1) is inoperative on and after June 30, 2000.

4 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;  
5 99-581, eff. 1-1-17; 100-50, eff. 1-1-18; 100-513, eff. 1-1-18;  
6 revised 9-22-17.)

7 Section 75. The Department of Professional Regulation Law  
8 of the Civil Administrative Code of Illinois is amended by  
9 changing Sections 2105-15 and 2105-207 as follows:

10 (20 ILCS 2105/2105-15)

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

12 (a) The Department has, subject to the provisions of the  
13 Civil Administrative Code of Illinois, the following powers and  
14 duties:

15 (1) To authorize examinations in English to ascertain  
16 the qualifications and fitness of applicants to exercise  
17 the profession, trade, or occupation for which the  
18 examination is held.

19 (2) To prescribe rules and regulations for a fair and  
20 wholly impartial method of examination of candidates to  
21 exercise the respective professions, trades, or  
22 occupations.

23 (3) To pass upon the qualifications of applicants for  
24 licenses, certificates, and authorities, whether by

1 examination, by reciprocity, or by endorsement.

2 (4) To prescribe rules and regulations defining, for  
3 the respective professions, trades, and occupations, what  
4 shall constitute a school, college, or university, or  
5 department of a university, or other institution,  
6 reputable and in good standing, and to determine the  
7 reputability and good standing of a school, college, or  
8 university, or department of a university, or other  
9 institution, reputable and in good standing, by reference  
10 to a compliance with those rules and regulations; provided,  
11 that no school, college, or university, or department of a  
12 university, or other institution that refuses admittance  
13 to applicants solely on account of race, color, creed, sex,  
14 sexual orientation, or national origin shall be considered  
15 reputable and in good standing.

16 (5) To conduct hearings on proceedings to revoke,  
17 suspend, refuse to renew, place on probationary status, or  
18 take other disciplinary action as authorized in any  
19 licensing Act administered by the Department with regard to  
20 licenses, certificates, or authorities of persons  
21 exercising the respective professions, trades, or  
22 occupations and to revoke, suspend, refuse to renew, place  
23 on probationary status, or take other disciplinary action  
24 as authorized in any licensing Act administered by the  
25 Department with regard to those licenses, certificates, or  
26 authorities.

1           The Department shall issue a monthly disciplinary  
2 report.

3           The Department shall deny any license or renewal  
4 authorized by the Civil Administrative Code of Illinois to  
5 any person who has defaulted on an educational loan or  
6 scholarship provided by or guaranteed by the Illinois  
7 Student Assistance Commission or any governmental agency  
8 of this State; however, the Department may issue a license  
9 or renewal if the aforementioned persons have established a  
10 satisfactory repayment record as determined by the  
11 Illinois Student Assistance Commission or other  
12 appropriate governmental agency of this State.  
13 Additionally, beginning June 1, 1996, any license issued by  
14 the Department may be suspended or revoked if the  
15 Department, after the opportunity for a hearing under the  
16 appropriate licensing Act, finds that the licensee has  
17 failed to make satisfactory repayment to the Illinois  
18 Student Assistance Commission for a delinquent or  
19 defaulted loan. For the purposes of this Section,  
20 "satisfactory repayment record" shall be defined by rule.

21           The Department shall refuse to issue or renew a license  
22 to, or shall suspend or revoke a license of, any person  
23 who, after receiving notice, fails to comply with a  
24 subpoena or warrant relating to a paternity or child  
25 support proceeding. However, the Department may issue a  
26 license or renewal upon compliance with the subpoena or

1 warrant.

2 The Department, without further process or hearings,  
3 shall revoke, suspend, or deny any license or renewal  
4 authorized by the Civil Administrative Code of Illinois to  
5 a person who is certified by the Department of Healthcare  
6 and Family Services (formerly Illinois Department of  
7 Public Aid) as being more than 30 days delinquent in  
8 complying with a child support order or who is certified by  
9 a court as being in violation of the Non-Support Punishment  
10 Act for more than 60 days. The Department may, however,  
11 issue a license or renewal if the person has established a  
12 satisfactory repayment record as determined by the  
13 Department of Healthcare and Family Services (formerly  
14 Illinois Department of Public Aid) or if the person is  
15 determined by the court to be in compliance with the  
16 Non-Support Punishment Act. The Department may implement  
17 this paragraph as added by Public Act 89-6 through the use  
18 of emergency rules in accordance with Section 5-45 of the  
19 Illinois Administrative Procedure Act. For purposes of the  
20 Illinois Administrative Procedure Act, the adoption of  
21 rules to implement this paragraph shall be considered an  
22 emergency and necessary for the public interest, safety,  
23 and welfare.

24 (6) To transfer jurisdiction of any realty under the  
25 control of the Department to any other department of the  
26 State Government or to acquire or accept federal lands when

1 the transfer, acquisition, or acceptance is advantageous  
2 to the State and is approved in writing by the Governor.

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

5 (8) To exchange with the Department of Healthcare and  
6 Family Services information that may be necessary for the  
7 enforcement of child support orders entered pursuant to the  
8 Illinois Public Aid Code, the Illinois Marriage and  
9 Dissolution of Marriage Act, the Non-Support of Spouse and  
10 Children Act, the Non-Support Punishment Act, the Revised  
11 Uniform Reciprocal Enforcement of Support Act, the Uniform  
12 Interstate Family Support Act, the Illinois Parentage Act  
13 of 1984, or the Illinois Parentage Act of 2015.  
14 Notwithstanding any provisions in this Code to the  
15 contrary, the Department of Professional Regulation shall  
16 not be liable under any federal or State law to any person  
17 for any disclosure of information to the Department of  
18 Healthcare and Family Services (formerly Illinois  
19 Department of Public Aid) under this paragraph (8) or for  
20 any other action taken in good faith to comply with the  
21 requirements of this paragraph (8).

22 (8.5) To accept continuing education credit for  
23 mandated reporter training on how to recognize and report  
24 child abuse offered by the Department of Children and  
25 Family Services and completed by any person who holds a  
26 professional license issued by the Department and who is a

1 mandated reporter under the Abused and Neglected Child  
2 Reporting Act. The Department shall adopt any rules  
3 necessary to implement this paragraph.

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

5 (a-5) Except in cases involving default on an educational  
6 loan or scholarship provided by or guaranteed by the Illinois  
7 Student Assistance Commission or any governmental agency of  
8 this State or in cases involving delinquency in complying with  
9 a child support order or violation of the Non-Support  
10 Punishment Act and notwithstanding anything that may appear in  
11 any individual licensing Act or administrative rule, no person  
12 or entity whose license, certificate, or authority has been  
13 revoked as authorized in any licensing Act administered by the  
14 Department may apply for restoration of that license,  
15 certification, or authority until 3 years after the effective  
16 date of the revocation.

17 (b) (Blank).

18 (c) For the purpose of securing and preparing evidence, and  
19 for the purchase of controlled substances, professional  
20 services, and equipment necessary for enforcement activities,  
21 recoupment of investigative costs, and other activities  
22 directed at suppressing the misuse and abuse of controlled  
23 substances, including those activities set forth in Sections  
24 504 and 508 of the Illinois Controlled Substances Act, the  
25 Director and agents appointed and authorized by the Director  
26 may expend sums from the Professional Regulation Evidence Fund

1 that the Director deems necessary from the amounts appropriated  
2 for that purpose. Those sums may be advanced to the agent when  
3 the Director deems that procedure to be in the public interest.  
4 Sums for the purchase of controlled substances, professional  
5 services, and equipment necessary for enforcement activities  
6 and other activities as set forth in this Section shall be  
7 advanced to the agent who is to make the purchase from the  
8 Professional Regulation Evidence Fund on vouchers signed by the  
9 Director. The Director and those agents are authorized to  
10 maintain one or more commercial checking accounts with any  
11 State banking corporation or corporations organized under or  
12 subject to the Illinois Banking Act for the deposit and  
13 withdrawal of moneys to be used for the purposes set forth in  
14 this Section; provided, that no check may be written nor any  
15 withdrawal made from any such account except upon the written  
16 signatures of 2 persons designated by the Director to write  
17 those checks and make those withdrawals. Vouchers for those  
18 expenditures must be signed by the Director. All such  
19 expenditures shall be audited by the Director, and the audit  
20 shall be submitted to the Department of Central Management  
21 Services for approval.

22 (d) Whenever the Department is authorized or required by  
23 law to consider some aspect of criminal history record  
24 information for the purpose of carrying out its statutory  
25 powers and responsibilities, then, upon request and payment of  
26 fees in conformance with the requirements of Section 2605-400



1 of the Department of State Police Law (20 ILCS 2605/2605-400),  
2 the Department of State Police is authorized to furnish,  
3 pursuant to positive identification, the information contained  
4 in State files that is necessary to fulfill the request.

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

8 (f) (Blank).

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

23 In addition, a complaint filed with the Department by the  
24 Illinois Department of Revenue that includes a certification,  
25 signed by its Director or designee, attesting to the amount of  
26 the unpaid tax liability or the years for which a return was

1 not filed, or both, is prima facie evidence of the licensee's  
2 failure to comply with the tax laws administered by the  
3 Illinois Department of Revenue. Upon receipt of that  
4 certification, the Department shall, without a hearing,  
5 immediately suspend all licenses held by the licensee.  
6 Enforcement of the Department's order shall be stayed for 60  
7 days. The Department shall provide notice of the suspension to  
8 the licensee by mailing a copy of the Department's order to the  
9 licensee's address of record or emailing a copy of the order to  
10 the licensee's email address of record. The notice shall advise  
11 the licensee that the suspension shall be effective 60 days  
12 after the issuance of the Department's order unless the  
13 Department receives, from the licensee, a request for a hearing  
14 before the Department to dispute the matters contained in the  
15 order.

16 Any suspension imposed under this subsection (g) shall be  
17 terminated by the Department upon notification from the  
18 Illinois Department of Revenue that the licensee is in  
19 compliance with all tax laws administered by the Illinois  
20 Department of Revenue.

21 The Department may promulgate rules for the administration  
22 of this subsection (g).

23 (h) The Department may grant the title "Retired", to be  
24 used immediately adjacent to the title of a profession  
25 regulated by the Department, to eligible retirees. For  
26 individuals licensed under the Medical Practice Act of 1987,

1 the title "Retired" may be used in the profile required by the  
2 Patients' Right to Know Act. The use of the title "Retired"  
3 shall not constitute representation of current licensure,  
4 registration, or certification. Any person without an active  
5 license, registration, or certificate in a profession that  
6 requires licensure, registration, or certification shall not  
7 be permitted to practice that profession.

8 (i) Within 180 days after December 23, 2009 (the effective  
9 date of Public Act 96-852), the Department shall promulgate  
10 rules which permit a person with a criminal record, who seeks a  
11 license or certificate in an occupation for which a criminal  
12 record is not expressly a per se bar, to apply to the  
13 Department for a non-binding, advisory opinion to be provided  
14 by the Board or body with the authority to issue the license or  
15 certificate as to whether his or her criminal record would bar  
16 the individual from the licensure or certification sought,  
17 should the individual meet all other licensure requirements  
18 including, but not limited to, the successful completion of the  
19 relevant examinations.

20 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,  
21 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;  
22 100-262, eff. 8-22-17; revised 10-4-17.)

23 (20 ILCS 2105/2105-207)

24 Sec. 2105-207. Records of Department actions.

25 (a) Any licensee subject to a licensing Act administered by

1 the Division of Professional Regulation and who has been  
2 subject to disciplinary action by the Department may file an  
3 application with the Department on forms provided by the  
4 Department, along with the required fee of \$175, to have the  
5 records classified as confidential, not for public release, and  
6 considered expunged for reporting purposes if:

7 (1) the application is submitted more than 3 years  
8 after the disciplinary offense or offenses occurred or  
9 after restoration of the license, whichever is later;

10 (2) the licensee has had no incidents of discipline  
11 under the licensing Act since the disciplinary offense or  
12 offenses identified in the application occurred;

13 (3) the Department has no pending investigations  
14 against the licensee; and

15 (4) the licensee is not currently in a disciplinary  
16 status.

17 (b) An application to make disciplinary records  
18 confidential shall only be considered by the Department for an  
19 offense or action relating to:

20 (1) failure to pay taxes or student loans;

21 (2) continuing education;

22 (3) failure to renew a license on time;

23 (4) failure to obtain or renew a certificate of  
24 registration or ancillary license;

25 (5) advertising;

26 (5.1) discipline based on criminal charges or

1 convictions:

2 (A) that did not arise from the licensed activity  
3 and was unrelated to the licensed activity; or

4 (B) that were dismissed or for which records have  
5 been sealed or expunged;

6 (5.2) past probationary status of a license issued to  
7 new applicants on the sole or partial basis of prior  
8 convictions; or

9 (6) any grounds for discipline removed from the  
10 licensing Act.

11 (c) An application shall be submitted to and considered by  
12 the Director of the Division of Professional Regulation upon  
13 submission of an application and the required non-refundable  
14 fee. The Department may establish additional requirements by  
15 rule. The Department is not required to report the removal of  
16 any disciplinary record to any national database. Nothing in  
17 this Section shall prohibit the Department from using a  
18 previous discipline for any regulatory purpose or from  
19 releasing records of a previous discipline upon request from  
20 law enforcement, or other governmental body as permitted by  
21 law. Classification of records as confidential shall result in  
22 removal of records of discipline from records kept pursuant to  
23 Sections 2105-200 and 2105-205 of this Act.

24 (d) Any applicant for licensure or a licensee whose  
25 petition for review is granted by the Department pursuant to  
26 subsection (a-1) of Section 2105-165 of this Law may file an

1 application with the Department on forms provided by the  
2 Department to have records relating to his or her permanent  
3 denial or permanent revocation classified as confidential and  
4 not for public release and considered expunged for reporting  
5 purposes in the same manner and under the same terms as is  
6 provided in this Section for the offenses listed in subsection  
7 (b) of this Section, except that the requirements of a 7-year  
8 waiting period and the \$200 application fee do not apply.

9 (Source: P.A. 100-262, eff. 8-22-17; 100-286, eff. 1-1-18;  
10 revised 10-4-17.)

11 Section 80. The Department of Public Health Powers and  
12 Duties Law of the Civil Administrative Code of Illinois is  
13 amended by changing Section 2310-676 as follows:

14 (20 ILCS 2310/2310-676)

15 Sec. 2310-676. Advisory council on pediatric autoimmune  
16 neuropsychiatric disorder associated with streptococcal  
17 infections and pediatric acute neuropsychiatric syndrome.

18 (a) There is established an advisory council on pediatric  
19 autoimmune neuropsychiatric disorder associated with  
20 streptococcal infections and pediatric acute neuropsychiatric  
21 syndrome to advise the Director of Public Health on research,  
22 diagnosis, treatment, and education relating to the disorder  
23 and syndrome.

24 (b) The advisory council shall consist of the following

1 members, who shall be appointed by the Director of Public  
2 Health within 60 days after August 7, 2015 (the effective date  
3 of Public Act 99-320) ~~this amendatory Act of the 99th General~~  
4 ~~Assembly:~~

5 (1) An immunologist licensed and practicing in this  
6 State who has experience treating persons with pediatric  
7 autoimmune neuropsychiatric disorder associated with  
8 streptococcal infections and pediatric acute  
9 neuropsychiatric syndrome and the use of intravenous  
10 immunoglobulin.

11 (2) A health care provider licensed and practicing in  
12 this State who has expertise in treating persons with  
13 pediatric autoimmune neuropsychiatric disorder associated  
14 with streptococcal infections and pediatric acute  
15 neuropsychiatric syndrome and autism.

16 (3) A representative of PANDAS/PANS Advocacy &  
17 Support.

18 (4) An osteopathic physician licensed and practicing  
19 in this State who has experience treating persons with  
20 pediatric autoimmune neuropsychiatric disorder associated  
21 with streptococcal infections and pediatric acute  
22 neuropsychiatric syndrome.

23 (5) A medical researcher with experience conducting  
24 research concerning pediatric autoimmune neuropsychiatric  
25 disorder associated with streptococcal infections,  
26 pediatric acute neuropsychiatric syndrome,

1 obsessive-compulsive disorder, tic disorder, and other  
2 neurological disorders.

3 (6) A certified dietitian-nutritionist practicing in  
4 this State who provides services to children with autism  
5 spectrum disorder, attention-deficit hyperactivity  
6 disorder, and other neuro-developmental conditions.

7 (7) A representative of a professional organization in  
8 this State for school psychologists.

9 (8) A child psychiatrist who has experience treating  
10 persons with pediatric autoimmune neuropsychiatric  
11 disorder associated with streptococcal infections and  
12 pediatric acute neuropsychiatric syndrome.

13 (9) A representative of a professional organization in  
14 this State for school nurses.

15 (10) A pediatrician who has experience treating  
16 persons with pediatric autoimmune neuropsychiatric  
17 disorder associated with streptococcal infections and  
18 pediatric acute neuropsychiatric syndrome.

19 (11) A representative of an organization focused on  
20 autism.

21 (12) A parent with a child who has been diagnosed with  
22 pediatric autoimmune neuropsychiatric disorder associated  
23 with streptococcal infections or pediatric acute  
24 neuropsychiatric syndrome and autism.

25 (13) A social worker licensed and practicing in this  
26 State.



1           (14) A representative of the Special Education  
2 Services division of the State Board of Education.

3           (15) One member of the General Assembly appointed by  
4 the Speaker of the House of Representatives.

5           (16) One member of the General Assembly appointed by  
6 the President of the Senate.

7           (17) One member of the General Assembly appointed by  
8 the Minority Leader of the House of Representatives.

9           (18) One member of the General Assembly appointed by  
10 the Minority Leader of the Senate.

11           (c) The Director of Public Health, or his or her designee,  
12 shall be an ex officio ~~ex-officio~~, nonvoting member and shall  
13 attend all meetings of the advisory council. Any member of the  
14 advisory council appointed under this Section may be a member  
15 of the General Assembly. Members shall receive no compensation  
16 for their services.

17           (d) The Director of Public Health shall schedule the first  
18 meeting of the advisory council, which shall be held not later  
19 than 90 days after August 7, 2015 (the effective date of Public  
20 Act 99-320) ~~this amendatory Act of the 99th General Assembly~~. A  
21 majority of the council members shall constitute a quorum. A  
22 majority vote of a quorum shall be required for any official  
23 action of the advisory council. The advisory council shall meet  
24 upon the call of the chairperson or upon the request of a  
25 majority of council members.

26           (e) Not later than January 1, 2017, and annually

1 thereafter, the advisory council shall issue a report to the  
2 General Assembly with recommendations concerning:

3 (1) practice guidelines for the diagnosis and  
4 treatment of the disorder and syndrome;

5 (2) mechanisms to increase clinical awareness and  
6 education regarding the disorder and syndrome among  
7 physicians, including pediatricians, school-based health  
8 centers, and providers of mental health services;

9 (3) outreach to educators and parents to increase  
10 awareness of the disorder and syndrome; and

11 (4) development of a network of volunteer experts on  
12 the diagnosis and treatment of the disorder and syndrome to  
13 assist in education and outreach.

14 (Source: P.A. 99-320, eff. 8-7-15; revised 9-27-17.)

15 Section 85. The Rehabilitation of Persons with  
16 Disabilities Act is amended by changing Section 3 as follows:

17 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

18 Sec. 3. Powers and duties. The Department shall have the  
19 powers and duties enumerated herein:

20 (a) To co-operate with the federal government in the  
21 administration of the provisions of the federal  
22 Rehabilitation Act of 1973, as amended, of the Workforce  
23 Innovation and Opportunity Act, and of the federal Social  
24 Security Act to the extent and in the manner provided in

1           these Acts.

2           (b) To prescribe and supervise such courses of  
3 vocational training and provide such other services as may  
4 be necessary for the habilitation and rehabilitation of  
5 persons with one or more disabilities, including the  
6 administrative activities under subsection (e) of this  
7 Section, and to co-operate with State and local school  
8 authorities and other recognized agencies engaged in  
9 habilitation, rehabilitation and comprehensive  
10 rehabilitation services; and to cooperate with the  
11 Department of Children and Family Services regarding the  
12 care and education of children with one or more  
13 disabilities.

14           (c) (Blank).

15           (d) To report in writing, to the Governor, annually on  
16 or before the first day of December, and at such other  
17 times and in such manner and upon such subjects as the  
18 Governor may require. The annual report shall contain (1) a  
19 statement of the existing condition of comprehensive  
20 rehabilitation services, habilitation and rehabilitation  
21 in the State; (2) a statement of suggestions and  
22 recommendations with reference to the development of  
23 comprehensive rehabilitation services, habilitation and  
24 rehabilitation in the State; and (3) an itemized statement  
25 of the amounts of money received from federal, State and  
26 other sources, and of the objects and purposes to which the

1           respective items of these several amounts have been  
2           devoted.

3           (e) (Blank).

4           (f) To establish a program of services to prevent the  
5           unnecessary institutionalization of persons in need of  
6           long term care and who meet the criteria for blindness or  
7           disability as defined by the Social Security Act, thereby  
8           enabling them to remain in their own homes. Such preventive  
9           services include any or all of the following:

- 10                   (1) personal assistant services;
- 11                   (2) homemaker services;
- 12                   (3) home-delivered meals;
- 13                   (4) adult day care services;
- 14                   (5) respite care;
- 15                   (6) home modification or assistive equipment;
- 16                   (7) home health services;
- 17                   (8) electronic home response;
- 18                   (9) brain injury behavioral/cognitive services;
- 19                   (10) brain injury habilitation;
- 20                   (11) brain injury pre-vocational services; or
- 21                   (12) brain injury supported employment.

22           The Department shall establish eligibility standards  
23           for such services taking into consideration the unique  
24           economic and social needs of the population for whom they  
25           are to be provided. Such eligibility standards may be based  
26           on the recipient's ability to pay for services; provided,

1           however, that any portion of a person's income that is  
2           equal to or less than the "protected income" level shall  
3           not be considered by the Department in determining  
4           eligibility. The "protected income" level shall be  
5           determined by the Department, shall never be less than the  
6           federal poverty standard, and shall be adjusted each year  
7           to reflect changes in the Consumer Price Index For All  
8           Urban Consumers as determined by the United States  
9           Department of Labor. The standards must provide that a  
10          person may not have more than \$10,000 in assets to be  
11          eligible for the services, and the Department may increase  
12          or decrease the asset limitation by rule. The Department  
13          may not decrease the asset level below \$10,000.

14           The services shall be provided, as established by the  
15          Department by rule, to eligible persons to prevent  
16          unnecessary or premature institutionalization, to the  
17          extent that the cost of the services, together with the  
18          other personal maintenance expenses of the persons, are  
19          reasonably related to the standards established for care in  
20          a group facility appropriate to their condition. These  
21          non-institutional services, pilot projects or experimental  
22          facilities may be provided as part of or in addition to  
23          those authorized by federal law or those funded and  
24          administered by the Illinois Department on Aging. The  
25          Department shall set rates and fees for services in a fair  
26          and equitable manner. Services identical to those offered

1 by the Department on Aging shall be paid at the same rate.

2 Personal assistants shall be paid at a rate negotiated  
3 between the State and an exclusive representative of  
4 personal assistants under a collective bargaining  
5 agreement. In no case shall the Department pay personal  
6 assistants an hourly wage that is less than the federal  
7 minimum wage. Within 30 days after July 6, 2017 (the  
8 effective date of Public Act 100-23) ~~this amendatory Act of~~  
9 ~~the 100th General Assembly~~, the hourly wage paid to  
10 personal assistants and individual maintenance home health  
11 workers shall be increased by \$0.48 per hour.

12 Solely for the purposes of coverage under the Illinois  
13 Public Labor Relations Act, personal assistants providing  
14 services under the Department's Home Services Program  
15 shall be considered to be public employees and the State of  
16 Illinois shall be considered to be their employer as of  
17 July 16, 2003 (the effective date of Public Act 93-204)  
18 ~~this amendatory Act of the 93rd General Assembly~~, but not  
19 before. Solely for the purposes of coverage under the  
20 Illinois Public Labor Relations Act, home care and home  
21 health workers who function as personal assistants and  
22 individual maintenance home health workers and who also  
23 provide services under the Department's Home Services  
24 Program shall be considered to be public employees, no  
25 matter whether the State provides such services through  
26 direct fee-for-service arrangements, with the assistance

1 of a managed care organization or other intermediary, or  
2 otherwise, and the State of Illinois shall be considered to  
3 be the employer of those persons as of January 29, 2013  
4 (the effective date of Public Act 97-1158), but not before  
5 except as otherwise provided under this subsection (f). The  
6 State shall engage in collective bargaining with an  
7 exclusive representative of home care and home health  
8 workers who function as personal assistants and individual  
9 maintenance home health workers working under the Home  
10 Services Program concerning their terms and conditions of  
11 employment that are within the State's control. Nothing in  
12 this paragraph shall be understood to limit the right of  
13 the persons receiving services defined in this Section to  
14 hire and fire home care and home health workers who  
15 function as personal assistants and individual maintenance  
16 home health workers working under the Home Services Program  
17 or to supervise them within the limitations set by the Home  
18 Services Program. The State shall not be considered to be  
19 the employer of home care and home health workers who  
20 function as personal assistants and individual maintenance  
21 home health workers working under the Home Services Program  
22 for any purposes not specifically provided in Public Act  
23 93-204 or Public Act 97-1158, including but not limited to,  
24 purposes of vicarious liability in tort and purposes of  
25 statutory retirement or health insurance benefits. Home  
26 care and home health workers who function as personal

1 assistants and individual maintenance home health workers  
2 and who also provide services under the Department's Home  
3 Services Program shall not be covered by the State  
4 Employees Group Insurance Act of 1971.

5 The Department shall execute, relative to nursing home  
6 prescreening, as authorized by Section 4.03 of the Illinois  
7 Act on the Aging, written inter-agency agreements with the  
8 Department on Aging and the Department of Healthcare and  
9 Family Services, to effect the intake procedures and  
10 eligibility criteria for those persons who may need long  
11 term care. On and after July 1, 1996, all nursing home  
12 prescreenings for individuals 18 through 59 years of age  
13 shall be conducted by the Department, or a designee of the  
14 Department.

15 The Department is authorized to establish a system of  
16 recipient cost-sharing for services provided under this  
17 Section. The cost-sharing shall be based upon the  
18 recipient's ability to pay for services, but in no case  
19 shall the recipient's share exceed the actual cost of the  
20 services provided. Protected income shall not be  
21 considered by the Department in its determination of the  
22 recipient's ability to pay a share of the cost of services.  
23 The level of cost-sharing shall be adjusted each year to  
24 reflect changes in the "protected income" level. The  
25 Department shall deduct from the recipient's share of the  
26 cost of services any money expended by the recipient for



1           disability-related expenses.

2           To the extent permitted under the federal Social  
3           Security Act, the Department, or the Department's  
4           authorized representative, may recover the amount of  
5           moneys expended for services provided to or in behalf of a  
6           person under this Section by a claim against the person's  
7           estate or against the estate of the person's surviving  
8           spouse, but no recovery may be had until after the death of  
9           the surviving spouse, if any, and then only at such time  
10          when there is no surviving child who is under age 21 or  
11          blind or who has a permanent and total disability. This  
12          paragraph, however, shall not bar recovery, at the death of  
13          the person, of moneys for services provided to the person  
14          or in behalf of the person under this Section to which the  
15          person was not entitled; provided that such recovery shall  
16          not be enforced against any real estate while it is  
17          occupied as a homestead by the surviving spouse or other  
18          dependent, if no claims by other creditors have been filed  
19          against the estate, or, if such claims have been filed,  
20          they remain dormant for failure of prosecution or failure  
21          of the claimant to compel administration of the estate for  
22          the purpose of payment. This paragraph shall not bar  
23          recovery from the estate of a spouse, under Sections 1915  
24          and 1924 of the Social Security Act and Section 5-4 of the  
25          Illinois Public Aid Code, who precedes a person receiving  
26          services under this Section in death. All moneys for

1 services paid to or in behalf of the person under this  
2 Section shall be claimed for recovery from the deceased  
3 spouse's estate. "Homestead", as used in this paragraph,  
4 means the dwelling house and contiguous real estate  
5 occupied by a surviving spouse or relative, as defined by  
6 the rules and regulations of the Department of Healthcare  
7 and Family Services, regardless of the value of the  
8 property.

9 The Department shall submit an annual report on  
10 programs and services provided under this Section. The  
11 report shall be filed with the Governor and the General  
12 Assembly on or before March 30 each year.

13 The requirement for reporting to the General Assembly  
14 shall be satisfied by filing copies of the report with the  
15 Speaker, the Minority Leader and the Clerk of the House of  
16 Representatives and the President, the Minority Leader and  
17 the Secretary of the Senate and the Legislative Research  
18 Unit, as required by Section 3.1 of the General Assembly  
19 Organization Act, and filing additional copies with the  
20 State Government Report Distribution Center for the  
21 General Assembly as required under paragraph (t) of Section  
22 7 of the State Library Act.

23 (g) To establish such subdivisions of the Department as  
24 shall be desirable and assign to the various subdivisions  
25 the responsibilities and duties placed upon the Department  
26 by law.

1           (h) To cooperate and enter into any necessary  
2 agreements with the Department of Employment Security for  
3 the provision of job placement and job referral services to  
4 clients of the Department, including job service  
5 registration of such clients with Illinois Employment  
6 Security offices and making job listings maintained by the  
7 Department of Employment Security available to such  
8 clients.

9           (i) To possess all powers reasonable and necessary for  
10 the exercise and administration of the powers, duties and  
11 responsibilities of the Department which are provided for  
12 by law.

13           (j) (Blank).

14           (k) (Blank).

15           (l) To establish, operate, and maintain a Statewide  
16 Housing Clearinghouse of information on available  
17 government subsidized housing accessible to persons with  
18 disabilities and available privately owned housing  
19 accessible to persons with disabilities. The information  
20 shall include, but not be limited to, the location, rental  
21 requirements, access features and proximity to public  
22 transportation of available housing. The Clearinghouse  
23 shall consist of at least a computerized database for the  
24 storage and retrieval of information and a separate or  
25 shared toll free telephone number for use by those seeking  
26 information from the Clearinghouse. Department offices and

1 personnel throughout the State shall also assist in the  
2 operation of the Statewide Housing Clearinghouse.  
3 Cooperation with local, State, and federal housing  
4 managers shall be sought and extended in order to  
5 frequently and promptly update the Clearinghouse's  
6 information.

7 (m) To assure that the names and case records of  
8 persons who received or are receiving services from the  
9 Department, including persons receiving vocational  
10 rehabilitation, home services, or other services, and  
11 those attending one of the Department's schools or other  
12 supervised facility shall be confidential and not be open  
13 to the general public. Those case records and reports or  
14 the information contained in those records and reports  
15 shall be disclosed by the Director only to proper law  
16 enforcement officials, individuals authorized by a court,  
17 the General Assembly or any committee or commission of the  
18 General Assembly, and other persons and for reasons as the  
19 Director designates by rule. Disclosure by the Director may  
20 be only in accordance with other applicable law.

21 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;  
22 100-477, eff. 9-8-17; revised 9-27-17.)

23 Section 90. The Disabilities Services Act of 2003 is  
24 amended by changing Section 55 as follows:

1 (20 ILCS 2407/55)

2 Sec. 55. Dissemination of reports. ~~(a)~~ On or before April 1  
3 of each year, in conjunction with their annual report, the  
4 Department of Healthcare and Family Services, in cooperation  
5 with the other involved agencies, shall report to the Governor  
6 and the General Assembly on the implementation of this Act and  
7 include, at a minimum, the following data: (i) a description of  
8 any interagency agreements, fiscal payment mechanisms or  
9 methodologies developed under this Act that effectively  
10 support choice; (ii) information concerning the dollar amounts  
11 of State Medicaid long-term care expenditures and the  
12 percentage of such expenditures that were for institutional  
13 long-term care services or were for home and community-based  
14 long-term care services; and (iii) documentation that the  
15 Departments have met the requirements under Section 54(a) to  
16 assure the health and welfare of eligible individuals receiving  
17 home and community-based long-term care services. This report  
18 must be made available to the general public, including via the  
19 Departmental websites.

20 (Source: P.A. 95-438, eff. 1-1-08; revised 9-27-17.)

21 Section 95. The Criminal Identification Act is amended by  
22 changing Section 5.2 as follows:

23 (20 ILCS 2630/5.2)

24 Sec. 5.2. Expungement, sealing, and immediate sealing.

1 (a) General Provisions.

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

5 (A) The following terms shall have the meanings  
6 ascribed to them in the Unified Code of Corrections,  
7 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

11 (iv) Defendant (730 ILCS 5/5-1-7),

12 (v) Felony (730 ILCS 5/5-1-9),

13 (vi) Imprisonment (730 ILCS 5/5-1-10),

14 (vii) Judgment (730 ILCS 5/5-1-12),

15 (viii) Misdemeanor (730 ILCS 5/5-1-14),

16 (ix) Offense (730 ILCS 5/5-1-15),

17 (x) Parole (730 ILCS 5/5-1-16),

18 (xi) Petty Offense (730 ILCS 5/5-1-17),

19 (xii) Probation (730 ILCS 5/5-1-18),

20 (xiii) Sentence (730 ILCS 5/5-1-19),

21 (xiv) Supervision (730 ILCS 5/5-1-21), and

22 (xv) Victim (730 ILCS 5/5-1-22).

23 (B) As used in this Section, "charge not initiated  
24 by arrest" means a charge (as defined by 730 ILCS  
25 5/5-1-3) brought against a defendant where the  
26 defendant is not arrested prior to or as a direct

1 result of the charge.

2 (C) "Conviction" means a judgment of conviction or  
3 sentence entered upon a plea of guilty or upon a  
4 verdict or finding of guilty of an offense, rendered by  
5 a legally constituted jury or by a court of competent  
6 jurisdiction authorized to try the case without a jury.  
7 An order of supervision successfully completed by the  
8 petitioner is not a conviction. An order of qualified  
9 probation (as defined in subsection (a)(1)(J))  
10 successfully completed by the petitioner is not a  
11 conviction. An order of supervision or an order of  
12 qualified probation that is terminated  
13 unsatisfactorily is a conviction, unless the  
14 unsatisfactory termination is reversed, vacated, or  
15 modified and the judgment of conviction, if any, is  
16 reversed or vacated.

17 (D) "Criminal offense" means a petty offense,  
18 business offense, misdemeanor, felony, or municipal  
19 ordinance violation (as defined in subsection  
20 (a)(1)(H)). As used in this Section, a minor traffic  
21 offense (as defined in subsection (a)(1)(G)) shall not  
22 be considered a criminal offense.

23 (E) "Expunge" means to physically destroy the  
24 records or return them to the petitioner and to  
25 obliterate the petitioner's name from any official  
26 index or public record, or both. Nothing in this Act

1 shall require the physical destruction of the circuit  
2 court file, but such records relating to arrests or  
3 charges, or both, ordered expunged shall be impounded  
4 as required by subsections (d)(9)(A)(ii) and  
5 (d)(9)(B)(ii).

6 (F) As used in this Section, "last sentence" means  
7 the sentence, order of supervision, or order of  
8 qualified probation (as defined by subsection  
9 (a)(1)(J)), for a criminal offense (as defined by  
10 subsection (a)(1)(D)) that terminates last in time in  
11 any jurisdiction, regardless of whether the petitioner  
12 has included the criminal offense for which the  
13 sentence or order of supervision or qualified  
14 probation was imposed in his or her petition. If  
15 multiple sentences, orders of supervision, or orders  
16 of qualified probation terminate on the same day and  
17 are last in time, they shall be collectively considered  
18 the "last sentence" regardless of whether they were  
19 ordered to run concurrently.

20 (G) "Minor traffic offense" means a petty offense,  
21 business offense, or Class C misdemeanor under the  
22 Illinois Vehicle Code or a similar provision of a  
23 municipal or local ordinance.

24 (H) "Municipal ordinance violation" means an  
25 offense defined by a municipal or local ordinance that  
26 is criminal in nature and with which the petitioner was



1 charged or for which the petitioner was arrested and  
2 released without charging.

3 (I) "Petitioner" means an adult or a minor  
4 prosecuted as an adult who has applied for relief under  
5 this Section.

6 (J) "Qualified probation" means an order of  
7 probation under Section 10 of the Cannabis Control Act,  
8 Section 410 of the Illinois Controlled Substances Act,  
9 Section 70 of the Methamphetamine Control and  
10 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
11 of the Unified Code of Corrections, Section  
12 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as  
13 those provisions existed before their deletion by  
14 Public Act 89-313), Section 10-102 of the Illinois  
15 Alcoholism and Other Drug Dependency Act, Section  
16 40-10 of the Alcoholism and Other Drug Abuse and  
17 Dependency Act, or Section 10 of the Steroid Control  
18 Act. For the purpose of this Section, "successful  
19 completion" of an order of qualified probation under  
20 Section 10-102 of the Illinois Alcoholism and Other  
21 Drug Dependency Act and Section 40-10 of the Alcoholism  
22 and Other Drug Abuse and Dependency Act means that the  
23 probation was terminated satisfactorily and the  
24 judgment of conviction was vacated.

25 (K) "Seal" means to physically and electronically  
26 maintain the records, unless the records would

1 otherwise be destroyed due to age, but to make the  
2 records unavailable without a court order, subject to  
3 the exceptions in Sections 12 and 13 of this Act. The  
4 petitioner's name shall also be obliterated from the  
5 official index required to be kept by the circuit court  
6 clerk under Section 16 of the Clerks of Courts Act, but  
7 any index issued by the circuit court clerk before the  
8 entry of the order to seal shall not be affected.

9 (L) "Sexual offense committed against a minor"  
10 includes but is not limited to the offenses of indecent  
11 solicitation of a child or criminal sexual abuse when  
12 the victim of such offense is under 18 years of age.

13 (M) "Terminate" as it relates to a sentence or  
14 order of supervision or qualified probation includes  
15 either satisfactory or unsatisfactory termination of  
16 the sentence, unless otherwise specified in this  
17 Section.

18 (2) Minor Traffic Offenses. Orders of supervision or  
19 convictions for minor traffic offenses shall not affect a  
20 petitioner's eligibility to expunge or seal records  
21 pursuant to this Section.

22 (2.5) Commencing 180 days after July 29, 2016 (the  
23 effective date of Public Act 99-697), the law enforcement  
24 agency issuing the citation shall automatically expunge,  
25 on or before January 1 and July 1 of each year, the law  
26 enforcement records of a person found to have committed a

1 civil law violation of subsection (a) of Section 4 of the  
2 Cannabis Control Act or subsection (c) of Section 3.5 of  
3 the Drug Paraphernalia Control Act in the law enforcement  
4 agency's possession or control and which contains the final  
5 satisfactory disposition which pertain to the person  
6 issued a citation for that offense. The law enforcement  
7 agency shall provide by rule the process for access,  
8 review, and to confirm the automatic expungement by the law  
9 enforcement agency issuing the citation. Commencing 180  
10 days after July 29, 2016 (the effective date of Public Act  
11 99-697), the clerk of the circuit court shall expunge, upon  
12 order of the court, or in the absence of a court order on  
13 or before January 1 and July 1 of each year, the court  
14 records of a person found in the circuit court to have  
15 committed a civil law violation of subsection (a) of  
16 Section 4 of the Cannabis Control Act or subsection (c) of  
17 Section 3.5 of the Drug Paraphernalia Control Act in the  
18 clerk's possession or control and which contains the final  
19 satisfactory disposition which pertain to the person  
20 issued a citation for any of those offenses.

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

24 (A) the sealing or expungement of the records of  
25 arrests or charges not initiated by arrest that result  
26 in an order of supervision for or conviction of: (i)

1           any sexual offense committed against a minor; (ii)  
2           Section 11-501 of the Illinois Vehicle Code or a  
3           similar provision of a local ordinance; or (iii)  
4           Section 11-503 of the Illinois Vehicle Code or a  
5           similar provision of a local ordinance, unless the  
6           arrest or charge is for a misdemeanor violation of  
7           subsection (a) of Section 11-503 or a similar provision  
8           of a local ordinance, that occurred prior to the  
9           offender reaching the age of 25 years and the offender  
10          has no other conviction for violating Section 11-501 or  
11          11-503 of the Illinois Vehicle Code or a similar  
12          provision of a local ordinance.

13           (B) the sealing or expungement of records of minor  
14          traffic offenses (as defined in subsection (a)(1)(G)),  
15          unless the petitioner was arrested and released  
16          without charging.

17           (C) the sealing of the records of arrests or  
18          charges not initiated by arrest which result in an  
19          order of supervision or a conviction for the following  
20          offenses:

21                   (i) offenses included in Article 11 of the  
22                   Criminal Code of 1961 or the Criminal Code of 2012  
23                   or a similar provision of a local ordinance, except  
24                   Section 11-14 and a misdemeanor violation of  
25                   Section 11-30 of the Criminal Code of 1961 or the  
26                   Criminal Code of 2012, or a similar provision of a

1 local ordinance;

2 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
3 26-5, or 48-1 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, or a similar provision of a  
5 local ordinance;

6 (iii) Sections 12-3.1 or 12-3.2 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012,  
8 or Section 125 of the Stalking No Contact Order  
9 Act, or Section 219 of the Civil No Contact Order  
10 Act, or a similar provision of a local ordinance;

11 (iv) Class A misdemeanors or felony offenses  
12 under the Humane Care for Animals Act; or

13 (v) any offense or attempted offense that  
14 would subject a person to registration under the  
15 Sex Offender Registration Act.

16 (D) (blank).

17 (b) Expungement.

18 (1) A petitioner may petition the circuit court to  
19 expunge the records of his or her arrests and charges not  
20 initiated by arrest when each arrest or charge not  
21 initiated by arrest sought to be expunged resulted in: (i)  
22 acquittal, dismissal, or the petitioner's release without  
23 charging, unless excluded by subsection (a)(3)(B); (ii) a  
24 conviction which was vacated or reversed, unless excluded  
25 by subsection (a)(3)(B); (iii) an order of supervision and  
26 such supervision was successfully completed by the

1 petitioner, unless excluded by subsection (a)(3)(A) or  
2 (a)(3)(B); or (iv) an order of qualified probation (as  
3 defined in subsection (a)(1)(J)) and such probation was  
4 successfully completed by the petitioner.

5 (1.5) When a petitioner seeks to have a record of  
6 arrest expunged under this Section, and the offender has  
7 been convicted of a criminal offense, the State's Attorney  
8 may object to the expungement on the grounds that the  
9 records contain specific relevant information aside from  
10 the mere fact of the arrest.

11 (2) Time frame for filing a petition to expunge.

12 (A) When the arrest or charge not initiated by  
13 arrest sought to be expunged resulted in an acquittal,  
14 dismissal, the petitioner's release without charging,  
15 or the reversal or vacation of a conviction, there is  
16 no waiting period to petition for the expungement of  
17 such records.

18 (B) When the arrest or charge not initiated by  
19 arrest sought to be expunged resulted in an order of  
20 supervision, successfully completed by the petitioner,  
21 the following time frames will apply:

22 (i) Those arrests or charges that resulted in  
23 orders of supervision under Section 3-707, 3-708,  
24 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance, or under  
26 Section 11-1.50, 12-3.2, or 12-15 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, or a  
2 similar provision of a local ordinance, shall not  
3 be eligible for expungement until 5 years have  
4 passed following the satisfactory termination of  
5 the supervision.

6 (i-5) Those arrests or charges that resulted  
7 in orders of supervision for a misdemeanor  
8 violation of subsection (a) of Section 11-503 of  
9 the Illinois Vehicle Code or a similar provision of  
10 a local ordinance, that occurred prior to the  
11 offender reaching the age of 25 years and the  
12 offender has no other conviction for violating  
13 Section 11-501 or 11-503 of the Illinois Vehicle  
14 Code or a similar provision of a local ordinance  
15 shall not be eligible for expungement until the  
16 petitioner has reached the age of 25 years.

17 (ii) Those arrests or charges that resulted in  
18 orders of supervision for any other offenses shall  
19 not be eligible for expungement until 2 years have  
20 passed following the satisfactory termination of  
21 the supervision.

22 (C) When the arrest or charge not initiated by  
23 arrest sought to be expunged resulted in an order of  
24 qualified probation, successfully completed by the  
25 petitioner, such records shall not be eligible for  
26 expungement until 5 years have passed following the

1           satisfactory termination of the probation.

2           (3) Those records maintained by the Department for  
3 persons arrested prior to their 17th birthday shall be  
4 expunged as provided in Section 5-915 of the Juvenile Court  
5 Act of 1987.

6           (4) Whenever a person has been arrested for or  
7 convicted of any offense, in the name of a person whose  
8 identity he or she has stolen or otherwise come into  
9 possession of, the aggrieved person from whom the identity  
10 was stolen or otherwise obtained without authorization,  
11 upon learning of the person having been arrested using his  
12 or her identity, may, upon verified petition to the chief  
13 judge of the circuit wherein the arrest was made, have a  
14 court order entered nunc pro tunc by the Chief Judge to  
15 correct the arrest record, conviction record, if any, and  
16 all official records of the arresting authority, the  
17 Department, other criminal justice agencies, the  
18 prosecutor, and the trial court concerning such arrest, if  
19 any, by removing his or her name from all such records in  
20 connection with the arrest and conviction, if any, and by  
21 inserting in the records the name of the offender, if known  
22 or ascertainable, in lieu of the aggrieved's name. The  
23 records of the circuit court clerk shall be sealed until  
24 further order of the court upon good cause shown and the  
25 name of the aggrieved person obliterated on the official  
26 index required to be kept by the circuit court clerk under



1 Section 16 of the Clerks of Courts Act, but the order shall  
2 not affect any index issued by the circuit court clerk  
3 before the entry of the order. Nothing in this Section  
4 shall limit the Department of State Police or other  
5 criminal justice agencies or prosecutors from listing  
6 under an offender's name the false names he or she has  
7 used.

8 (5) Whenever a person has been convicted of criminal  
9 sexual assault, aggravated criminal sexual assault,  
10 predatory criminal sexual assault of a child, criminal  
11 sexual abuse, or aggravated criminal sexual abuse, the  
12 victim of that offense may request that the State's  
13 Attorney of the county in which the conviction occurred  
14 file a verified petition with the presiding trial judge at  
15 the petitioner's trial to have a court order entered to  
16 seal the records of the circuit court clerk in connection  
17 with the proceedings of the trial court concerning that  
18 offense. However, the records of the arresting authority  
19 and the Department of State Police concerning the offense  
20 shall not be sealed. The court, upon good cause shown,  
21 shall make the records of the circuit court clerk in  
22 connection with the proceedings of the trial court  
23 concerning the offense available for public inspection.

24 (6) If a conviction has been set aside on direct review  
25 or on collateral attack and the court determines by clear  
26 and convincing evidence that the petitioner was factually

1           innocent of the charge, the court that finds the petitioner  
2           factually innocent of the charge shall enter an expungement  
3           order for the conviction for which the petitioner has been  
4           determined to be innocent as provided in subsection (b) of  
5           Section 5-5-4 of the Unified Code of Corrections.

6           (7) Nothing in this Section shall prevent the  
7           Department of State Police from maintaining all records of  
8           any person who is admitted to probation upon terms and  
9           conditions and who fulfills those terms and conditions  
10          pursuant to Section 10 of the Cannabis Control Act, Section  
11          410 of the Illinois Controlled Substances Act, Section 70  
12          of the Methamphetamine Control and Community Protection  
13          Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
14          Corrections, Section 12-4.3 or subdivision (b)(1) of  
15          Section 12-3.05 of the Criminal Code of 1961 or the  
16          Criminal Code of 2012, Section 10-102 of the Illinois  
17          Alcoholism and Other Drug Dependency Act, Section 40-10 of  
18          the Alcoholism and Other Drug Abuse and Dependency Act, or  
19          Section 10 of the Steroid Control Act.

20          (8) If the petitioner has been granted a certificate of  
21          innocence under Section 2-702 of the Code of Civil  
22          Procedure, the court that grants the certificate of  
23          innocence shall also enter an order expunging the  
24          conviction for which the petitioner has been determined to  
25          be innocent as provided in subsection (h) of Section 2-702  
26          of the Code of Civil Procedure.

1 (c) Sealing.

2 (1) Applicability. Notwithstanding any other provision  
3 of this Act to the contrary, and cumulative with any rights  
4 to expungement of criminal records, this subsection  
5 authorizes the sealing of criminal records of adults and of  
6 minors prosecuted as adults. Subsection (g) of this Section  
7 provides for immediate sealing of certain records.

8 (2) Eligible Records. The following records may be  
9 sealed:

10 (A) All arrests resulting in release without  
11 charging;

12 (B) Arrests or charges not initiated by arrest  
13 resulting in acquittal, dismissal, or conviction when  
14 the conviction was reversed or vacated, except as  
15 excluded by subsection (a) (3) (B);

16 (C) Arrests or charges not initiated by arrest  
17 resulting in orders of supervision, including orders  
18 of supervision for municipal ordinance violations,  
19 successfully completed by the petitioner, unless  
20 excluded by subsection (a) (3);

21 (D) Arrests or charges not initiated by arrest  
22 resulting in convictions, including convictions on  
23 municipal ordinance violations, unless excluded by  
24 subsection (a) (3);

25 (E) Arrests or charges not initiated by arrest  
26 resulting in orders of first offender probation under

1 Section 10 of the Cannabis Control Act, Section 410 of  
2 the Illinois Controlled Substances Act, Section 70 of  
3 the Methamphetamine Control and Community Protection  
4 Act, or Section 5-6-3.3 of the Unified Code of  
5 Corrections; and

6 (F) Arrests or charges not initiated by arrest  
7 resulting in felony convictions unless otherwise  
8 excluded by subsection (a) paragraph (3) of this  
9 Section.

10 (3) When Records Are Eligible to Be Sealed. Records  
11 identified as eligible under subsection (c)(2) may be  
12 sealed as follows:

13 (A) Records identified as eligible under  
14 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
15 time.

16 (B) Except as otherwise provided in subparagraph  
17 (E) of this paragraph (3), records identified as  
18 eligible under subsection (c)(2)(C) may be sealed 2  
19 years after the termination of petitioner's last  
20 sentence (as defined in subsection (a)(1)(F)).

21 (C) Except as otherwise provided in subparagraph  
22 (E) of this paragraph (3), records identified as  
23 eligible under subsections (c)(2)(D), (c)(2)(E), and  
24 (c)(2)(F) may be sealed 3 years after the termination  
25 of the petitioner's last sentence (as defined in  
26 subsection (a)(1)(F)). Convictions requiring public

1 registration under the Arsonist Registration Act, the  
2 Sex Offender Registration Act, or the Murderer and  
3 Violent Offender Against Youth Registration Act may  
4 not be sealed until the petitioner is no longer  
5 required to register under that relevant Act.

6 (D) Records identified in subsection  
7 (a) (3) (A) (iii) may be sealed after the petitioner has  
8 reached the age of 25 years.

9 (E) Records identified as eligible under  
10 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or  
11 (c) (2) (F) may be sealed upon termination of the  
12 petitioner's last sentence if the petitioner earned a  
13 high school diploma, associate's degree, career  
14 certificate, vocational technical certification, or  
15 bachelor's degree, or passed the high school level Test  
16 of General Educational Development, during the period  
17 of his or her sentence, aftercare release, or mandatory  
18 supervised release. This subparagraph shall apply only  
19 to a petitioner who has not completed the same  
20 educational goal prior to the period of his or her  
21 sentence, aftercare release, or mandatory supervised  
22 release. If a petition for sealing eligible records  
23 filed under this subparagraph is denied by the court,  
24 the time periods under subparagraph (B) or (C) shall  
25 apply to any subsequent petition for sealing filed by  
26 the petitioner.

1           (4) Subsequent felony convictions. A person may not  
2           have subsequent felony conviction records sealed as  
3           provided in this subsection (c) if he or she is convicted  
4           of any felony offense after the date of the sealing of  
5           prior felony convictions as provided in this subsection  
6           (c). The court may, upon conviction for a subsequent felony  
7           offense, order the unsealing of prior felony conviction  
8           records previously ordered sealed by the court.

9           (5) Notice of eligibility for sealing. Upon entry of a  
10          disposition for an eligible record under this subsection  
11          (c), the petitioner shall be informed by the court of the  
12          right to have the records sealed and the procedures for the  
13          sealing of the records.

14          (d) Procedure. The following procedures apply to  
15          expungement under subsections (b), (e), and (e-6) and sealing  
16          under subsections (c) and (e-5):

17               (1) Filing the petition. Upon becoming eligible to  
18               petition for the expungement or sealing of records under  
19               this Section, the petitioner shall file a petition  
20               requesting the expungement or sealing of records with the  
21               clerk of the court where the arrests occurred or the  
22               charges were brought, or both. If arrests occurred or  
23               charges were brought in multiple jurisdictions, a petition  
24               must be filed in each such jurisdiction. The petitioner  
25               shall pay the applicable fee, except no fee shall be  
26               required if the petitioner has obtained a court order

1           waiving fees under Supreme Court Rule 298 or it is  
2           otherwise waived.

3           (1.5) County fee waiver pilot program. In a county of  
4           3,000,000 or more inhabitants, no fee shall be required to  
5           be paid by a petitioner if the records sought to be  
6           expunged or sealed were arrests resulting in release  
7           without charging or arrests or charges not initiated by  
8           arrest resulting in acquittal, dismissal, or conviction  
9           when the conviction was reversed or vacated, unless  
10          excluded by subsection (a) (3) (B). The provisions of this  
11          paragraph (1.5), other than this sentence, are inoperative  
12          on and after January 1, 2019 ~~or one year after January 1,~~  
13          ~~2017 (the effective date of Public Act 99-881), whichever~~  
14          ~~is later.~~

15          (2) Contents of petition. The petition shall be  
16          verified and shall contain the petitioner's name, date of  
17          birth, current address and, for each arrest or charge not  
18          initiated by arrest sought to be sealed or expunged, the  
19          case number, the date of arrest (if any), the identity of  
20          the arresting authority, and such other information as the  
21          court may require. During the pendency of the proceeding,  
22          the petitioner shall promptly notify the circuit court  
23          clerk of any change of his or her address. If the  
24          petitioner has received a certificate of eligibility for  
25          sealing from the Prisoner Review Board under paragraph (10)  
26          of subsection (a) of Section 3-3-2 of the Unified Code of

1 Corrections, the certificate shall be attached to the  
2 petition.

3 (3) Drug test. The petitioner must attach to the  
4 petition proof that the petitioner has passed a test taken  
5 within 30 days before the filing of the petition showing  
6 the absence within his or her body of all illegal  
7 substances as defined by the Illinois Controlled  
8 Substances Act, the Methamphetamine Control and Community  
9 Protection Act, and the Cannabis Control Act if he or she  
10 is petitioning to:

11 (A) seal felony records under clause (c) (2) (E);

12 (B) seal felony records for a violation of the  
13 Illinois Controlled Substances Act, the  
14 Methamphetamine Control and Community Protection Act,  
15 or the Cannabis Control Act under clause (c) (2) (F);

16 (C) seal felony records under subsection (e-5); or

17 (D) expunge felony records of a qualified  
18 probation under clause (b) (1) (iv).

19 (4) Service of petition. The circuit court clerk shall  
20 promptly serve a copy of the petition and documentation to  
21 support the petition under subsection (e-5) or (e-6) on the  
22 State's Attorney or prosecutor charged with the duty of  
23 prosecuting the offense, the Department of State Police,  
24 the arresting agency and the chief legal officer of the  
25 unit of local government effecting the arrest.

26 (5) Objections.



1           (A) Any party entitled to notice of the petition  
2           may file an objection to the petition. All objections  
3           shall be in writing, shall be filed with the circuit  
4           court clerk, and shall state with specificity the basis  
5           of the objection. Whenever a person who has been  
6           convicted of an offense is granted a pardon by the  
7           Governor which specifically authorizes expungement, an  
8           objection to the petition may not be filed.

9           (B) Objections to a petition to expunge or seal  
10          must be filed within 60 days of the date of service of  
11          the petition.

12          (6) Entry of order.

13          (A) The Chief Judge of the circuit wherein the  
14          charge was brought, any judge of that circuit  
15          designated by the Chief Judge, or in counties of less  
16          than 3,000,000 inhabitants, the presiding trial judge  
17          at the petitioner's trial, if any, shall rule on the  
18          petition to expunge or seal as set forth in this  
19          subsection (d) (6).

20          (B) Unless the State's Attorney or prosecutor, the  
21          Department of State Police, the arresting agency, or  
22          the chief legal officer files an objection to the  
23          petition to expunge or seal within 60 days from the  
24          date of service of the petition, the court shall enter  
25          an order granting or denying the petition.

26          (7) Hearings. If an objection is filed, the court shall

1 set a date for a hearing and notify the petitioner and all  
2 parties entitled to notice of the petition of the hearing  
3 date at least 30 days prior to the hearing. Prior to the  
4 hearing, the State's Attorney shall consult with the  
5 Department as to the appropriateness of the relief sought  
6 in the petition to expunge or seal. At the hearing, the  
7 court shall hear evidence on whether the petition should or  
8 should not be granted, and shall grant or deny the petition  
9 to expunge or seal the records based on the evidence  
10 presented at the hearing. The court may consider the  
11 following:

12 (A) the strength of the evidence supporting the  
13 defendant's conviction;

14 (B) the reasons for retention of the conviction  
15 records by the State;

16 (C) the petitioner's age, criminal record history,  
17 and employment history;

18 (D) the period of time between the petitioner's  
19 arrest on the charge resulting in the conviction and  
20 the filing of the petition under this Section; and

21 (E) the specific adverse consequences the  
22 petitioner may be subject to if the petition is denied.

23 (8) Service of order. After entering an order to  
24 expunge or seal records, the court must provide copies of  
25 the order to the Department, in a form and manner  
26 prescribed by the Department, to the petitioner, to the

1 State's Attorney or prosecutor charged with the duty of  
2 prosecuting the offense, to the arresting agency, to the  
3 chief legal officer of the unit of local government  
4 effecting the arrest, and to such other criminal justice  
5 agencies as may be ordered by the court.

6 (9) Implementation of order.

7 (A) Upon entry of an order to expunge records  
8 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

9 (i) the records shall be expunged (as defined  
10 in subsection (a) (1) (E)) by the arresting agency,  
11 the Department, and any other agency as ordered by  
12 the court, within 60 days of the date of service of  
13 the order, unless a motion to vacate, modify, or  
14 reconsider the order is filed pursuant to  
15 paragraph (12) of subsection (d) of this Section;

16 (ii) the records of the circuit court clerk  
17 shall be impounded until further order of the court  
18 upon good cause shown and the name of the  
19 petitioner obliterated on the official index  
20 required to be kept by the circuit court clerk  
21 under Section 16 of the Clerks of Courts Act, but  
22 the order shall not affect any index issued by the  
23 circuit court clerk before the entry of the order;  
24 and

25 (iii) in response to an inquiry for expunged  
26 records, the court, the Department, or the agency

1 receiving such inquiry, shall reply as it does in  
2 response to inquiries when no records ever  
3 existed.

4 (B) Upon entry of an order to expunge records  
5 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

6 (i) the records shall be expunged (as defined  
7 in subsection (a) (1) (E)) by the arresting agency  
8 and any other agency as ordered by the court,  
9 within 60 days of the date of service of the order,  
10 unless a motion to vacate, modify, or reconsider  
11 the order is filed pursuant to paragraph (12) of  
12 subsection (d) of this Section;

13 (ii) the records of the circuit court clerk  
14 shall be impounded until further order of the court  
15 upon good cause shown and the name of the  
16 petitioner obliterated on the official index  
17 required to be kept by the circuit court clerk  
18 under Section 16 of the Clerks of Courts Act, but  
19 the order shall not affect any index issued by the  
20 circuit court clerk before the entry of the order;

21 (iii) the records shall be impounded by the  
22 Department within 60 days of the date of service of  
23 the order as ordered by the court, unless a motion  
24 to vacate, modify, or reconsider the order is filed  
25 pursuant to paragraph (12) of subsection (d) of  
26 this Section;

1 (iv) records impounded by the Department may  
2 be disseminated by the Department only as required  
3 by law or to the arresting authority, the State's  
4 Attorney, and the court upon a later arrest for the  
5 same or a similar offense or for the purpose of  
6 sentencing for any subsequent felony, and to the  
7 Department of Corrections upon conviction for any  
8 offense; and

9 (v) in response to an inquiry for such records  
10 from anyone not authorized by law to access such  
11 records, the court, the Department, or the agency  
12 receiving such inquiry shall reply as it does in  
13 response to inquiries when no records ever  
14 existed.

15 (B-5) Upon entry of an order to expunge records  
16 under subsection (e-6):

17 (i) the records shall be expunged (as defined  
18 in subsection (a)(1)(E)) by the arresting agency  
19 and any other agency as ordered by the court,  
20 within 60 days of the date of service of the order,  
21 unless a motion to vacate, modify, or reconsider  
22 the order is filed under paragraph (12) of  
23 subsection (d) of this Section;

24 (ii) the records of the circuit court clerk  
25 shall be impounded until further order of the court  
26 upon good cause shown and the name of the

1 petitioner obliterated on the official index  
2 required to be kept by the circuit court clerk  
3 under Section 16 of the Clerks of Courts Act, but  
4 the order shall not affect any index issued by the  
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the  
7 Department within 60 days of the date of service of  
8 the order as ordered by the court, unless a motion  
9 to vacate, modify, or reconsider the order is filed  
10 under paragraph (12) of subsection (d) of this  
11 Section;

12 (iv) records impounded by the Department may  
13 be disseminated by the Department only as required  
14 by law or to the arresting authority, the State's  
15 Attorney, and the court upon a later arrest for the  
16 same or a similar offense or for the purpose of  
17 sentencing for any subsequent felony, and to the  
18 Department of Corrections upon conviction for any  
19 offense; and

20 (v) in response to an inquiry for these records  
21 from anyone not authorized by law to access the  
22 records, the court, the Department, or the agency  
23 receiving the inquiry shall reply as it does in  
24 response to inquiries when no records ever  
25 existed.

26 (C) Upon entry of an order to seal records under

1 subsection (c), the arresting agency, any other agency  
2 as ordered by the court, the Department, and the court  
3 shall seal the records (as defined in subsection  
4 (a) (1) (K)). In response to an inquiry for such records,  
5 from anyone not authorized by law to access such  
6 records, the court, the Department, or the agency  
7 receiving such inquiry shall reply as it does in  
8 response to inquiries when no records ever existed.

9 (D) The Department shall send written notice to the  
10 petitioner of its compliance with each order to expunge  
11 or seal records within 60 days of the date of service  
12 of that order or, if a motion to vacate, modify, or  
13 reconsider is filed, within 60 days of service of the  
14 order resolving the motion, if that order requires the  
15 Department to expunge or seal records. In the event of  
16 an appeal from the circuit court order, the Department  
17 shall send written notice to the petitioner of its  
18 compliance with an Appellate Court or Supreme Court  
19 judgment to expunge or seal records within 60 days of  
20 the issuance of the court's mandate. The notice is not  
21 required while any motion to vacate, modify, or  
22 reconsider, or any appeal or petition for  
23 discretionary appellate review, is pending.

24 (10) Fees. The Department may charge the petitioner a  
25 fee equivalent to the cost of processing any order to  
26 expunge or seal records. Notwithstanding any provision of

1 the Clerks of Courts Act to the contrary, the circuit court  
2 clerk may charge a fee equivalent to the cost associated  
3 with the sealing or expungement of records by the circuit  
4 court clerk. From the total filing fee collected for the  
5 petition to seal or expunge, the circuit court clerk shall  
6 deposit \$10 into the Circuit Court Clerk Operation and  
7 Administrative Fund, to be used to offset the costs  
8 incurred by the circuit court clerk in performing the  
9 additional duties required to serve the petition to seal or  
10 expunge on all parties. The circuit court clerk shall  
11 collect and forward the Department of State Police portion  
12 of the fee to the Department and it shall be deposited in  
13 the State Police Services Fund.

14 (11) Final Order. No court order issued under the  
15 expungement or sealing provisions of this Section shall  
16 become final for purposes of appeal until 30 days after  
17 service of the order on the petitioner and all parties  
18 entitled to notice of the petition.

19 (12) Motion to Vacate, Modify, or Reconsider. Under  
20 Section 2-1203 of the Code of Civil Procedure, the  
21 petitioner or any party entitled to notice may file a  
22 motion to vacate, modify, or reconsider the order granting  
23 or denying the petition to expunge or seal within 60 days  
24 of service of the order. If filed more than 60 days after  
25 service of the order, a petition to vacate, modify, or  
26 reconsider shall comply with subsection (c) of Section



1           2-1401 of the Code of Civil Procedure. Upon filing of a  
2           motion to vacate, modify, or reconsider, notice of the  
3           motion shall be served upon the petitioner and all parties  
4           entitled to notice of the petition.

5           (13) Effect of Order. An order granting a petition  
6           under the expungement or sealing provisions of this Section  
7           shall not be considered void because it fails to comply  
8           with the provisions of this Section or because of any error  
9           asserted in a motion to vacate, modify, or reconsider. The  
10          circuit court retains jurisdiction to determine whether  
11          the order is voidable and to vacate, modify, or reconsider  
12          its terms based on a motion filed under paragraph (12) of  
13          this subsection (d).

14          (14) Compliance with Order Granting Petition to Seal  
15          Records. Unless a court has entered a stay of an order  
16          granting a petition to seal, all parties entitled to notice  
17          of the petition must fully comply with the terms of the  
18          order within 60 days of service of the order even if a  
19          party is seeking relief from the order through a motion  
20          filed under paragraph (12) of this subsection (d) or is  
21          appealing the order.

22          (15) Compliance with Order Granting Petition to  
23          Expunge Records. While a party is seeking relief from the  
24          order granting the petition to expunge through a motion  
25          filed under paragraph (12) of this subsection (d) or is  
26          appealing the order, and unless a court has entered a stay

1 of that order, the parties entitled to notice of the  
2 petition must seal, but need not expunge, the records until  
3 there is a final order on the motion for relief or, in the  
4 case of an appeal, the issuance of that court's mandate.

5 (16) The changes to this subsection (d) made by Public  
6 Act 98-163 apply to all petitions pending on August 5, 2013  
7 (the effective date of Public Act 98-163) and to all orders  
8 ruling on a petition to expunge or seal on or after August  
9 5, 2013 (the effective date of Public Act 98-163).

10 (e) Whenever a person who has been convicted of an offense  
11 is granted a pardon by the Governor which specifically  
12 authorizes expungement, he or she may, upon verified petition  
13 to the Chief Judge of the circuit where the person had been  
14 convicted, any judge of the circuit designated by the Chief  
15 Judge, or in counties of less than 3,000,000 inhabitants, the  
16 presiding trial judge at the defendant's trial, have a court  
17 order entered expunging the record of arrest from the official  
18 records of the arresting authority and order that the records  
19 of the circuit court clerk and the Department be sealed until  
20 further order of the court upon good cause shown or as  
21 otherwise provided herein, and the name of the defendant  
22 obliterated from the official index requested to be kept by the  
23 circuit court clerk under Section 16 of the Clerks of Courts  
24 Act in connection with the arrest and conviction for the  
25 offense for which he or she had been pardoned but the order  
26 shall not affect any index issued by the circuit court clerk

1 before the entry of the order. All records sealed by the  
2 Department may be disseminated by the Department only to the  
3 arresting authority, the State's Attorney, and the court upon a  
4 later arrest for the same or similar offense or for the purpose  
5 of sentencing for any subsequent felony. Upon conviction for  
6 any subsequent offense, the Department of Corrections shall  
7 have access to all sealed records of the Department pertaining  
8 to that individual. Upon entry of the order of expungement, the  
9 circuit court clerk shall promptly mail a copy of the order to  
10 the person who was pardoned.

11 (e-5) Whenever a person who has been convicted of an  
12 offense is granted a certificate of eligibility for sealing by  
13 the Prisoner Review Board which specifically authorizes  
14 sealing, he or she may, upon verified petition to the Chief  
15 Judge of the circuit where the person had been convicted, any  
16 judge of the circuit designated by the Chief Judge, or in  
17 counties of less than 3,000,000 inhabitants, the presiding  
18 trial judge at the petitioner's trial, have a court order  
19 entered sealing the record of arrest from the official records  
20 of the arresting authority and order that the records of the  
21 circuit court clerk and the Department be sealed until further  
22 order of the court upon good cause shown or as otherwise  
23 provided herein, and the name of the petitioner obliterated  
24 from the official index requested to be kept by the circuit  
25 court clerk under Section 16 of the Clerks of Courts Act in  
26 connection with the arrest and conviction for the offense for

1 which he or she had been granted the certificate but the order  
2 shall not affect any index issued by the circuit court clerk  
3 before the entry of the order. All records sealed by the  
4 Department may be disseminated by the Department only as  
5 required by this Act or to the arresting authority, a law  
6 enforcement agency, the State's Attorney, and the court upon a  
7 later arrest for the same or similar offense or for the purpose  
8 of sentencing for any subsequent felony. Upon conviction for  
9 any subsequent offense, the Department of Corrections shall  
10 have access to all sealed records of the Department pertaining  
11 to that individual. Upon entry of the order of sealing, the  
12 circuit court clerk shall promptly mail a copy of the order to  
13 the person who was granted the certificate of eligibility for  
14 sealing.

15 (e-6) Whenever a person who has been convicted of an  
16 offense is granted a certificate of eligibility for expungement  
17 by the Prisoner Review Board which specifically authorizes  
18 expungement, he or she may, upon verified petition to the Chief  
19 Judge of the circuit where the person had been convicted, any  
20 judge of the circuit designated by the Chief Judge, or in  
21 counties of less than 3,000,000 inhabitants, the presiding  
22 trial judge at the petitioner's trial, have a court order  
23 entered expunging the record of arrest from the official  
24 records of the arresting authority and order that the records  
25 of the circuit court clerk and the Department be sealed until  
26 further order of the court upon good cause shown or as

1 otherwise provided herein, and the name of the petitioner  
2 obliterated from the official index requested to be kept by the  
3 circuit court clerk under Section 16 of the Clerks of Courts  
4 Act in connection with the arrest and conviction for the  
5 offense for which he or she had been granted the certificate  
6 but the order shall not affect any index issued by the circuit  
7 court clerk before the entry of the order. All records sealed  
8 by the Department may be disseminated by the Department only as  
9 required by this Act or to the arresting authority, a law  
10 enforcement agency, the State's Attorney, and the court upon a  
11 later arrest for the same or similar offense or for the purpose  
12 of sentencing for any subsequent felony. Upon conviction for  
13 any subsequent offense, the Department of Corrections shall  
14 have access to all expunged records of the Department  
15 pertaining to that individual. Upon entry of the order of  
16 expungement, the circuit court clerk shall promptly mail a copy  
17 of the order to the person who was granted the certificate of  
18 eligibility for expungement.

19 (f) Subject to available funding, the Illinois Department  
20 of Corrections shall conduct a study of the impact of sealing,  
21 especially on employment and recidivism rates, utilizing a  
22 random sample of those who apply for the sealing of their  
23 criminal records under Public Act 93-211. At the request of the  
24 Illinois Department of Corrections, records of the Illinois  
25 Department of Employment Security shall be utilized as  
26 appropriate to assist in the study. The study shall not

1 disclose any data in a manner that would allow the  
2 identification of any particular individual or employing unit.  
3 The study shall be made available to the General Assembly no  
4 later than September 1, 2010.

5 (g) Immediate Sealing.

6 (1) Applicability. Notwithstanding any other provision  
7 of this Act to the contrary, and cumulative with any rights  
8 to expungement or sealing of criminal records, this  
9 subsection authorizes the immediate sealing of criminal  
10 records of adults and of minors prosecuted as adults.

11 (2) Eligible Records. Arrests or charges not initiated  
12 by arrest resulting in acquittal or dismissal with  
13 prejudice, except as excluded by subsection (a) (3) (B),  
14 that occur on or after January 1, 2018 (the effective date  
15 of Public Act 100-282) ~~this amendatory Act of the 100th~~  
16 ~~General Assembly~~, may be sealed immediately if the petition  
17 is filed with the circuit court clerk on the same day and  
18 during the same hearing in which the case is disposed.

19 (3) When Records are Eligible to be Immediately Sealed.  
20 Eligible records under paragraph (2) of this subsection (g)  
21 may be sealed immediately after entry of the final  
22 disposition of a case, notwithstanding the disposition of  
23 other charges in the same case.

24 (4) Notice of Eligibility for Immediate Sealing. Upon  
25 entry of a disposition for an eligible record under this  
26 subsection (g), the defendant shall be informed by the

1 court of his or her right to have eligible records  
2 immediately sealed and the procedure for the immediate  
3 sealing of these records.

4 (5) Procedure. The following procedures apply to  
5 immediate sealing under this subsection (g).

6 (A) Filing the Petition. Upon entry of the final  
7 disposition of the case, the defendant's attorney may  
8 immediately petition the court, on behalf of the  
9 defendant, for immediate sealing of eligible records  
10 under paragraph (2) of this subsection (g) that are  
11 entered on or after January 1, 2018 (the effective date  
12 of Public Act 100-282) ~~this amendatory Act of the 100th~~  
13 ~~General Assembly~~. The immediate sealing petition may  
14 be filed with the circuit court clerk during the  
15 hearing in which the final disposition of the case is  
16 entered. If the defendant's attorney does not file the  
17 petition for immediate sealing during the hearing, the  
18 defendant may file a petition for sealing at any time  
19 as authorized under subsection (c) (3) (A).

20 (B) Contents of Petition. The immediate sealing  
21 petition shall be verified and shall contain the  
22 petitioner's name, date of birth, current address, and  
23 for each eligible record, the case number, the date of  
24 arrest if applicable, the identity of the arresting  
25 authority if applicable, and other information as the  
26 court may require.

1 (C) Drug Test. The petitioner shall not be required  
2 to attach proof that he or she has passed a drug test.

3 (D) Service of Petition. A copy of the petition  
4 shall be served on the State's Attorney in open court.  
5 The petitioner shall not be required to serve a copy of  
6 the petition on any other agency.

7 (E) Entry of Order. The presiding trial judge shall  
8 enter an order granting or denying the petition for  
9 immediate sealing during the hearing in which it is  
10 filed. Petitions for immediate sealing shall be ruled  
11 on in the same hearing in which the final disposition  
12 of the case is entered.

13 (F) Hearings. The court shall hear the petition for  
14 immediate sealing on the same day and during the same  
15 hearing in which the disposition is rendered.

16 (G) Service of Order. An order to immediately seal  
17 eligible records shall be served in conformance with  
18 subsection (d) (8).

19 (H) Implementation of Order. An order to  
20 immediately seal records shall be implemented in  
21 conformance with subsections (d) (9) (C) and (d) (9) (D).

22 (I) Fees. The fee imposed by the circuit court  
23 clerk and the Department of State Police shall comply  
24 with paragraph (1) of subsection (d) of this Section.

25 (J) Final Order. No court order issued under this  
26 subsection (g) shall become final for purposes of



1 appeal until 30 days after service of the order on the  
2 petitioner and all parties entitled to service of the  
3 order in conformance with subsection (d) (8).

4 (K) Motion to Vacate, Modify, or Reconsider. Under  
5 Section 2-1203 of the Code of Civil Procedure, the  
6 petitioner, State's Attorney, or the Department of  
7 State Police may file a motion to vacate, modify, or  
8 reconsider the order denying the petition to  
9 immediately seal within 60 days of service of the  
10 order. If filed more than 60 days after service of the  
11 order, a petition to vacate, modify, or reconsider  
12 shall comply with subsection (c) of Section 2-1401 of  
13 the Code of Civil Procedure.

14 (L) Effect of Order. An order granting an immediate  
15 sealing petition shall not be considered void because  
16 it fails to comply with the provisions of this Section  
17 or because of an error asserted in a motion to vacate,  
18 modify, or reconsider. The circuit court retains  
19 jurisdiction to determine whether the order is  
20 voidable, and to vacate, modify, or reconsider its  
21 terms based on a motion filed under subparagraph (L) of  
22 this subsection (g).

23 (M) Compliance with Order Granting Petition to  
24 Seal Records. Unless a court has entered a stay of an  
25 order granting a petition to immediately seal, all  
26 parties entitled to service of the order must fully

1           comply with the terms of the order within 60 days of  
2           service of the order.

3           (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,  
4           eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;  
5           99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.  
6           1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; revised  
7           10-13-17.)

8           Section 100. The Department of Veterans' Affairs Act is  
9           amended by changing Section 20 as follows:

10           (20 ILCS 2805/20)

11           (Section scheduled to be repealed on July 1, 2018)

12           Sec. 20. Illinois Discharged Servicemember Task Force. The  
13           Illinois Discharged Servicemember Task Force is hereby created  
14           within the Department of Veterans' Affairs. The Task Force  
15           shall investigate the re-entry process for service members who  
16           return to civilian life after being engaged in an active  
17           theater. The investigation shall include the effects of  
18           post-traumatic stress disorder, homelessness, disabilities,  
19           and other issues the Task Force finds relevant to the re-entry  
20           process. For fiscal year 2012, the Task Force shall include the  
21           availability of prosthetics in its investigation. For fiscal  
22           year 2014, the Task Force shall include the needs of women  
23           veterans with respect to issues including, but not limited to,  
24           compensation, rehabilitation, outreach, health care, and

1 issues facing women veterans in the community, and to offer  
2 recommendations on how best to alleviate these needs which  
3 shall be included in the Task Force Annual Report for 2014. The  
4 Task Force shall include the following members:

5 (a) a representative of the Department of Veterans'  
6 Affairs, who shall chair the committee;

7 (b) a representative from the Department of Military  
8 Affairs;

9 (c) a representative from the Office of the Illinois  
10 Attorney General;

11 (d) a member of the General Assembly appointed by the  
12 Speaker of the House;

13 (e) a member of the General Assembly appointed by the  
14 House Minority Leader;

15 (f) a member of the General Assembly appointed by the  
16 President of the Senate;

17 (g) a member of the General Assembly appointed by the  
18 Senate Minority Leader;

19 (h) 4 members chosen by the Department of Veterans'  
20 Affairs, who shall represent statewide veterans'  
21 organizations or veterans' homeless shelters;

22 (i) one member appointed by the Lieutenant Governor;  
23 and

24 (j) a representative of the United States Department of  
25 Veterans Affairs shall be invited to participate.

26 Vacancies in the Task Force shall be filled by the initial

1 appointing authority. Task Force members shall serve without  
2 compensation, but may be reimbursed for necessary expenses  
3 incurred in performing duties associated with the Task Force.

4 By July 1, 2008 and by July 1 of each year thereafter  
5 through July 1, 2017, the Task Force shall present an annual  
6 report of its findings to the Governor, the Attorney General,  
7 the Director of Veterans' Affairs, the Lieutenant Governor, and  
8 the Secretary of the United States Department of Veterans  
9 Affairs. As soon as is practicable after the Task Force  
10 presents its final report due by July 1, 2017, any information  
11 collected by the Task Force in carrying out its duties under  
12 this Section shall be transferred to the Illinois Veterans'  
13 Advisory Council.

14 The Task Force is dissolved, and this Section is repealed,  
15 on July 1, 2018. ~~Veterans'~~

16 (Source: P.A. 100-10, eff. 6-30-17; 100-143, eff. 1-1-18;  
17 100-201, eff. 8-18-17; revised 9-28-17.)

18 Section 105. The Illinois Emergency Management Agency Act  
19 is amended by changing Sections 5 and 7 as follows:

20 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

21 Sec. 5. Illinois Emergency Management Agency.

22 (a) There is created within the executive branch of the  
23 State Government an Illinois Emergency Management Agency and a  
24 Director of the Illinois Emergency Management Agency, herein

1 called the "Director" who shall be the head thereof. The  
2 Director shall be appointed by the Governor, with the advice  
3 and consent of the Senate, and shall serve for a term of 2  
4 years beginning on the third Monday in January of the  
5 odd-numbered year, and until a successor is appointed and has  
6 qualified; except that the term of the first Director appointed  
7 under this Act shall expire on the third Monday in January,  
8 1989. The Director shall not hold any other remunerative public  
9 office. The Director shall receive an annual salary as set by  
10 the Compensation Review Board.

11 (b) The Illinois Emergency Management Agency shall obtain,  
12 under the provisions of the Personnel Code, technical,  
13 clerical, stenographic and other administrative personnel, and  
14 may make expenditures within the appropriation therefor as may  
15 be necessary to carry out the purpose of this Act. The agency  
16 created by this Act is intended to be a successor to the agency  
17 created under the Illinois Emergency Services and Disaster  
18 Agency Act of 1975 and the personnel, equipment, records, and  
19 appropriations of that agency are transferred to the successor  
20 agency as of June 30, 1988 (the effective date of this Act).

21 (c) The Director, subject to the direction and control of  
22 the Governor, shall be the executive head of the Illinois  
23 Emergency Management Agency and the State Emergency Response  
24 Commission and shall be responsible under the direction of the  
25 Governor, for carrying out the program for emergency management  
26 of this State. The Director shall also maintain liaison and

1 cooperate with the emergency management organizations of this  
2 State and other states and of the federal government.

3 (d) The Illinois Emergency Management Agency shall take an  
4 integral part in the development and revision of political  
5 subdivision emergency operations plans prepared under  
6 paragraph (f) of Section 10. To this end it shall employ or  
7 otherwise secure the services of professional and technical  
8 personnel capable of providing expert assistance to the  
9 emergency services and disaster agencies. These personnel  
10 shall consult with emergency services and disaster agencies on  
11 a regular basis and shall make field examinations of the areas,  
12 circumstances, and conditions that particular political  
13 subdivision emergency operations plans are intended to apply.

14 (e) The Illinois Emergency Management Agency and political  
15 subdivisions shall be encouraged to form an emergency  
16 management advisory committee composed of private and public  
17 personnel representing the emergency management phases of  
18 mitigation, preparedness, response, and recovery. The Local  
19 Emergency Planning Committee, as created under the Illinois  
20 Emergency Planning and Community Right to Know Act, shall serve  
21 as an advisory committee to the emergency services and disaster  
22 agency or agencies serving within the boundaries of that Local  
23 Emergency Planning Committee planning district for:

24 (1) the development of emergency operations plan  
25 provisions for hazardous chemical emergencies; and

26 (2) the assessment of emergency response capabilities

1 related to hazardous chemical emergencies.

2 (f) The Illinois Emergency Management Agency shall:

3 (1) Coordinate the overall emergency management  
4 program of the State.

5 (2) Cooperate with local governments, the federal  
6 government and any public or private agency or entity in  
7 achieving any purpose of this Act and in implementing  
8 emergency management programs for mitigation,  
9 preparedness, response, and recovery.

10 (2.5) Develop a comprehensive emergency preparedness  
11 and response plan for any nuclear accident in accordance  
12 with Section 65 of the Department of Nuclear Safety Law of  
13 2004 (20 ILCS 3310) and in development of the Illinois  
14 Nuclear Safety Preparedness program in accordance with  
15 Section 8 of the Illinois Nuclear Safety Preparedness Act.

16 (2.6) Coordinate with the Department of Public Health  
17 with respect to planning for and responding to public  
18 health emergencies.

19 (3) Prepare, for issuance by the Governor, executive  
20 orders, proclamations, and regulations as necessary or  
21 appropriate in coping with disasters.

22 (4) Promulgate rules and requirements for political  
23 subdivision emergency operations plans that are not  
24 inconsistent with and are at least as stringent as  
25 applicable federal laws and regulations.

26 (5) Review and approve, in accordance with Illinois

1           Emergency Management Agency rules, emergency operations  
2           plans for those political subdivisions required to have an  
3           emergency services and disaster agency pursuant to this  
4           Act.

5           (5.5) Promulgate rules and requirements for the  
6           political subdivision emergency management exercises,  
7           including, but not limited to, exercises of the emergency  
8           operations plans.

9           (5.10) Review, evaluate, and approve, in accordance  
10          with Illinois Emergency Management Agency rules, political  
11          subdivision emergency management exercises for those  
12          political subdivisions required to have an emergency  
13          services and disaster agency pursuant to this Act.

14          (6) Determine requirements of the State and its  
15          political subdivisions for food, clothing, and other  
16          necessities in event of a disaster.

17          (7) Establish a register of persons with types of  
18          emergency management training and skills in mitigation,  
19          preparedness, response, and recovery.

20          (8) Establish a register of government and private  
21          response resources available for use in a disaster.

22          (9) Expand the Earthquake Awareness Program and its  
23          efforts to distribute earthquake preparedness materials to  
24          schools, political subdivisions, community groups, civic  
25          organizations, and the media. Emphasis will be placed on  
26          those areas of the State most at risk from an earthquake.



1 Maintain the list of all school districts, hospitals,  
2 airports, power plants, including nuclear power plants,  
3 lakes, dams, emergency response facilities of all types,  
4 and all other major public or private structures which are  
5 at the greatest risk of damage from earthquakes under  
6 circumstances where the damage would cause subsequent harm  
7 to the surrounding communities and residents.

8 (10) Disseminate all information, completely and  
9 without delay, on water levels for rivers and streams and  
10 any other data pertaining to potential flooding supplied by  
11 the Division of Water Resources within the Department of  
12 Natural Resources to all political subdivisions to the  
13 maximum extent possible.

14 (11) Develop agreements, if feasible, with medical  
15 supply and equipment firms to supply resources as are  
16 necessary to respond to an earthquake or any other disaster  
17 as defined in this Act. These resources will be made  
18 available upon notifying the vendor of the disaster.  
19 Payment for the resources will be in accordance with  
20 Section 7 of this Act. The Illinois Department of Public  
21 Health shall determine which resources will be required and  
22 requested.

23 (11.5) In coordination with the Department of State  
24 Police, develop and implement a community outreach program  
25 to promote awareness among the State's parents and children  
26 of child abduction prevention and response.

1           (12) Out of funds appropriated for these purposes,  
2           award capital and non-capital grants to Illinois hospitals  
3           or health care facilities located outside of a city with a  
4           population in excess of 1,000,000 to be used for purposes  
5           that include, but are not limited to, preparing to respond  
6           to mass casualties and disasters, maintaining and  
7           improving patient safety and quality of care, and  
8           protecting the confidentiality of patient information. No  
9           single grant for a capital expenditure shall exceed  
10          \$300,000. No single grant for a non-capital expenditure  
11          shall exceed \$100,000. In awarding such grants, preference  
12          shall be given to hospitals that serve a significant number  
13          of Medicaid recipients, but do not qualify for  
14          disproportionate share hospital adjustment payments under  
15          the Illinois Public Aid Code. To receive such a grant, a  
16          hospital or health care facility must provide funding of at  
17          least 50% of the cost of the project for which the grant is  
18          being requested. In awarding such grants the Illinois  
19          Emergency Management Agency shall consider the  
20          recommendations of the Illinois Hospital Association.

21          (13) Do all other things necessary, incidental or  
22          appropriate for the implementation of this Act.

23          (g) The Illinois Emergency Management Agency is authorized  
24          to make grants to various higher education institutions, public  
25          K-12 school districts, area vocational centers as designated by  
26          the State Board of Education, inter-district special education

1 cooperatives, regional safe schools, and nonpublic K-12  
2 schools for safety and security improvements. For the purpose  
3 of this subsection (g), "higher education institution" means a  
4 public university, a public community college, or an  
5 independent, not-for-profit or for-profit higher education  
6 institution located in this State. Grants made under this  
7 subsection (g) shall be paid out of moneys appropriated for  
8 that purpose from the Build Illinois Bond Fund. The Illinois  
9 Emergency Management Agency shall adopt rules to implement this  
10 subsection (g). These rules may specify: (i) the manner of  
11 applying for grants; (ii) project eligibility requirements;  
12 (iii) restrictions on the use of grant moneys; (iv) the manner  
13 in which the various higher education institutions must account  
14 for the use of grant moneys; and (v) any other provision that  
15 the Illinois Emergency Management Agency determines to be  
16 necessary or useful for the administration of this subsection  
17 (g).

18 (g-5) The Illinois Emergency Management Agency is  
19 authorized to make grants to not-for-profit organizations  
20 which are exempt from federal income taxation under section  
21 501(c)(3) of the Federal Internal Revenue Code for eligible  
22 security improvements that assist the organization in  
23 preventing, preparing for, or responding to acts of terrorism.  
24 The Director shall establish procedures and forms by which  
25 applicants may apply for a grant, and procedures for  
26 distributing grants to recipients. The procedures shall

1 require each applicant to do the following:

2 (1) identify and substantiate prior threats or attacks  
3 by a terrorist organization, network, or cell against the  
4 not-for-profit organization;

5 (2) indicate the symbolic or strategic value of one or  
6 more sites that renders the site a possible target of  
7 terrorism;

8 (3) discuss potential consequences to the organization  
9 if the site is damaged, destroyed, or disrupted by a  
10 terrorist act;

11 (4) describe how the grant will be used to integrate  
12 organizational preparedness with broader State and local  
13 preparedness efforts;

14 (5) submit a vulnerability assessment conducted by  
15 experienced security, law enforcement, or military  
16 personnel, and a description of how the grant award will be  
17 used to address the vulnerabilities identified in the  
18 assessment; and

19 (6) submit any other relevant information as may be  
20 required by the Director.

21 The Agency is authorized to use funds appropriated for the  
22 grant program described in this subsection (g-5) to administer  
23 the program.

24 (h) Except as provided in Section 17.5 of this Act, any  
25 moneys received by the Agency from donations or sponsorships  
26 shall be deposited in the Emergency Planning and Training Fund

1 and used by the Agency, subject to appropriation, to effectuate  
2 planning and training activities.

3 (i) The Illinois Emergency Management Agency may by rule  
4 assess and collect reasonable fees for attendance at  
5 Agency-sponsored conferences to enable the Agency to carry out  
6 the requirements of this Act. Any moneys received under this  
7 subsection shall be deposited in the Emergency Planning and  
8 Training Fund and used by the Agency, subject to appropriation,  
9 for planning and training activities.

10 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;  
11 revised 9-28-17.)

12 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

13 Sec. 7. Emergency Powers of the Governor. ~~(a)~~ In the event  
14 of a disaster, as defined in Section 4, the Governor may, by  
15 proclamation declare that a disaster exists. Upon such  
16 proclamation, the Governor shall have and may exercise for a  
17 period not to exceed 30 days the following emergency powers;  
18 provided, however, that the lapse of the emergency powers shall  
19 not, as regards any act or acts occurring or committed within  
20 the 30-day ~~30—days~~ period, deprive any person, firm,  
21 corporation, political subdivision, or body politic of any  
22 right or rights to compensation or reimbursement which he, she,  
23 it, or they may have under the provisions of this Act:

24 (1) To suspend the provisions of any regulatory statute  
25 prescribing procedures for conduct of State business, or

1 the orders, rules and regulations of any State agency, if  
2 strict compliance with the provisions of any statute,  
3 order, rule, or regulation would in any way prevent, hinder  
4 or delay necessary action, including emergency purchases,  
5 by the Illinois Emergency Management Agency, in coping with  
6 the disaster.

7 (2) To utilize all available resources of the State  
8 government as reasonably necessary to cope with the  
9 disaster and of each political subdivision of the State.

10 (3) To transfer the direction, personnel or functions  
11 of State departments and agencies or units thereof for the  
12 purpose of performing or facilitating disaster response  
13 and recovery programs.

14 (4) On behalf of this State to take possession of, and  
15 to acquire full title or a lesser specified interest in,  
16 any personal property as may be necessary to accomplish the  
17 objectives set forth in Section 2 of this Act, including:  
18 airplanes, automobiles, trucks, trailers, buses, and other  
19 vehicles; coal, oils, gasoline, and other fuels and means  
20 of propulsion; explosives, materials, equipment, and  
21 supplies; animals and livestock; feed and seed; food and  
22 provisions for humans and animals; clothing and bedding;  
23 and medicines and medical and surgical supplies; and to  
24 take possession of and for a limited period occupy and use  
25 any real estate necessary to accomplish those objectives;  
26 but only upon the undertaking by the State to pay just

1 compensation therefor as in this Act provided, and then  
2 only under the following provisions:

3 a. The Governor, or the person or persons as the  
4 Governor may authorize so to do, may forthwith take  
5 possession of property for and on behalf of the State;  
6 provided, however, that the Governor or persons shall  
7 simultaneously with the taking, deliver to the owner or  
8 his or her agent, if the identity of the owner or  
9 agency is known or readily ascertainable, a signed  
10 statement in writing, that shall include the name and  
11 address of the owner, the date and place of the taking,  
12 description of the property sufficient to identify it,  
13 a statement of interest in the property that is being  
14 so taken, and, if possible, a statement in writing,  
15 signed by the owner, setting forth the sum that he or  
16 she is willing to accept as just compensation for the  
17 property or use. Whether or not the owner or agent is  
18 known or readily ascertainable, a true copy of the  
19 statement shall promptly be filed by the Governor or  
20 the person with the Director, who shall keep the docket  
21 of the statements. In cases where the sum that the  
22 owner is willing to accept as just compensation is less  
23 than \$1,000, copies of the statements shall also be  
24 filed by the Director with, and shall be passed upon by  
25 an Emergency Management Claims Commission, consisting  
26 of 3 disinterested citizens who shall be appointed by

1 the Governor, by and with the advice and consent of the  
2 Senate, within 20 days after the Governor's  
3 declaration of a disaster, and if the sum fixed by them  
4 as just compensation be less than \$1,000 and is  
5 accepted in writing by the owner, then the State  
6 Treasurer out of funds appropriated for these  
7 purposes, shall, upon certification thereof by the  
8 Emergency Management Claims Commission, cause the sum  
9 so certified forthwith to be paid to the owner. The  
10 Emergency Management Claims Commission is hereby given  
11 the power to issue appropriate subpoenas and to  
12 administer oaths to witnesses and shall keep  
13 appropriate minutes and other records of its actions  
14 upon and the disposition made of all claims.

15 b. When the compensation to be paid for the taking  
16 or use of property or interest therein is not or cannot  
17 be determined and paid under item a of this paragraph  
18 (4) ~~(a)~~ above, a petition in the name of The People of  
19 the State of Illinois shall be promptly filed by the  
20 Director, which filing may be enforced by mandamus, in  
21 the circuit court of the county where the property or  
22 any part thereof was located when initially taken or  
23 used under the provisions of this Act praying that the  
24 amount of compensation to be paid to the person or  
25 persons interested therein be fixed and determined.  
26 The petition shall include a description of the



1 property that has been taken, shall state the physical  
2 condition of the property when taken, shall name as  
3 defendants all interested parties, shall set forth the  
4 sum of money estimated to be just compensation for the  
5 property or interest therein taken or used, and shall  
6 be signed by the Director. The litigation shall be  
7 handled by the Attorney General for and on behalf of  
8 the State.

9 c. Just compensation for the taking or use of  
10 property or interest therein shall be promptly  
11 ascertained in proceedings and established by judgment  
12 against the State, that shall include, as part of the  
13 just compensation so awarded, interest at the rate of  
14 6% per annum on the fair market value of the property  
15 or interest therein from the date of the taking or use  
16 to the date of the judgment; and the court may order  
17 the payment of delinquent taxes and special  
18 assessments out of the amount so awarded as just  
19 compensation and may make any other orders with respect  
20 to encumbrances, rents, insurance, and other charges,  
21 if any, as shall be just and equitable.

22 (5) When required by the exigencies of the disaster, to  
23 sell, lend, rent, give, or distribute all or any part of  
24 property so or otherwise acquired to the inhabitants of  
25 this State, or to political subdivisions of this State, or,  
26 under the interstate mutual aid agreements or compacts as

1           are entered into under the provisions of subparagraph (5)  
2           of paragraph (c) of Section 6 to other states, and to  
3           account for and transmit to the State Treasurer all funds,  
4           if any, received therefor.

5           (6) To recommend the evacuation of all or part of the  
6           population from any stricken or threatened area within the  
7           State if the Governor deems this action necessary.

8           (7) To prescribe routes, modes of transportation, and  
9           destinations in connection with evacuation.

10          (8) To control ingress and egress to and from a  
11          disaster area, the movement of persons within the area, and  
12          the occupancy of premises therein.

13          (9) To suspend or limit the sale, dispensing, or  
14          transportation of alcoholic beverages, firearms,  
15          explosives, and combustibles.

16          (10) To make provision for the availability and use of  
17          temporary emergency housing.

18          (11) A proclamation of a disaster shall activate the  
19          State Emergency Operations Plan, and political subdivision  
20          emergency operations plans applicable to the political  
21          subdivision or area in question and be authority for the  
22          deployment and use of any forces that the plan or plans  
23          apply and for use or distribution of any supplies,  
24          equipment, and materials and facilities assembled,  
25          stockpiled or arranged to be made available under this Act  
26          or any other provision of law relating to disasters.

1           (12) Control, restrict, and regulate by rationing,  
2           freezing, use of quotas, prohibitions on shipments, price  
3           fixing, allocation or other means, the use, sale or  
4           distribution of food, feed, fuel, clothing and other  
5           commodities, materials, goods, or services; and perform  
6           and exercise any other functions, powers, and duties as may  
7           be necessary to promote and secure the safety and  
8           protection of the civilian population.

9           (13) During the continuance of any disaster the  
10          Governor is commander-in-chief of the organized and  
11          unorganized militia and of all other forces available for  
12          emergency duty. To the greatest extent practicable, the  
13          Governor shall delegate or assign command authority to do  
14          so by orders issued at the time of the disaster.

15          (14) Prohibit increases in the prices of goods and  
16          services during a disaster.

17          (Source: P.A. 92-73, eff. 1-1-02; revised 9-28-17.)

18          Section 110. The State Historical Library Act is amended by  
19          changing Section 5.1 as follows:

20               (20 ILCS 3425/5.1) (from Ch. 128, par. 16.1)

21          Sec. 5.1. The State Historian shall establish and supervise  
22          a program within the Abraham Lincoln Presidential Library and  
23          Museum designed to preserve as historical records selected past  
24          editions of newspapers of this State. Such editions shall be

1 preserved in accordance with industry standards and shall be  
2 stored in a place provided by the Abraham Lincoln Presidential  
3 Library and Museum and other materials shall be stored in a  
4 place provided by the Abraham Lincoln Presidential Library and  
5 Museum.

6 The State Historian shall determine on the basis of  
7 historical value the various newspaper edition files which  
8 shall be preserved ~~preservation~~. The State Historian or his or  
9 her designee shall supervise the making of arrangements for  
10 acquiring access to past edition files with the editors or  
11 publishers of the various newspapers.

12 Upon payment to the Abraham Lincoln Presidential Library  
13 and Museum of the required fee, any person or organization  
14 shall be granted access to the preserved editions of ~~edition~~  
15 newspapers and all records. The fee required shall be  
16 determined by the State Historian and shall be equal in amount  
17 to the cost incurred by the Abraham Lincoln Presidential  
18 Library and Museum in granting such access.

19 (Source: P.A. 100-120, eff. 8-18-17; 100-164, eff. 8-18-17;  
20 revised 9-28-17.)

21 Section 115. The Old State Capitol Act is amended by  
22 changing Section 1 as follows:

23 (20 ILCS 3430/1) (from Ch. 123, par. 52)

24 Sec. 1. As used in this Act: 7

1 (a) "Old State Capitol Complex" means the Old State Capitol  
2 reconstructed under the "1961 Act" in Springfield and includes  
3 space also occupied by the Abraham Lincoln Presidential Library  
4 and Museum and an underground parking garage.†

5 (b) "1961 Act" means "An Act providing for the  
6 reconstruction and restoration of the old State Capitol at  
7 Springfield and providing for the custody thereof", approved  
8 August 24, 1961, as amended.†

9 (c) "Board of Trustees" means the Board of Trustees of the  
10 Historic Preservation Agency.

11 (Source: P.A. 100-120, eff. 8-18-17; revised 9-28-17.)

12 Section 120. The Abraham Lincoln Presidential Library and  
13 Museum Act is amended by changing Section 20 as follows:

14 (20 ILCS 3475/20)

15 Sec. 20. Composition of the Board. The Board of Trustees  
16 shall consist of 11 members to be appointed by the Governor,  
17 with the advice and consent of the Senate. The Board shall  
18 consist of members with the following qualifications:

19 (1) One member shall have recognized knowledge and  
20 ability in matters related to business administration.

21 (2) One member shall have recognized knowledge and  
22 ability in matters related to the history of Abraham  
23 Lincoln.

24 (3) One member shall have recognized knowledge and

1 ability in matters related to the history of Illinois.

2 (4) One member shall have recognized knowledge and  
3 ability in matters related to library and museum studies.

4 (5) One member shall have recognized knowledge and  
5 ability in matters related to historic preservation.

6 (6) One member shall have recognized knowledge and  
7 ability in matters related to cultural tourism.

8 (7) One member shall have recognized knowledge and  
9 ability in matters related to conservation, digitization,  
10 and technological innovation.

11 The initial terms of office shall be designated by the  
12 Governor as follows: one member to serve for a term of one  
13 year, 2 members to serve for a term of 2 years, 2 members to  
14 serve for a term of 3 years, 2 members to serve for a term of 4  
15 years, 2 members to serve for a term of 5 years, and 2 members  
16 to serve for a term of 6 years. Thereafter, all appointments  
17 shall be for a term of 6 years. The Governor shall appoint one  
18 of the members to serve as chairperson at the pleasure of the  
19 Governor.

20 The members of the Board shall serve without compensation  
21 but shall be entitled to reimbursement for all necessary  
22 expenses incurred in the performance of their official duties  
23 as members of the Board from funds appropriated for that  
24 purpose.

25 To facilitate communication and cooperation between the  
26 Agency and the Abraham Lincoln Presidential Library

1 Foundation, the Foundation CEO shall serve as a non-voting, ex  
2 officio ~~ex-officio~~ member of the Board.

3 (Source: P.A. 100-120, eff. 8-18-17; revised 9-28-17.)

4 Section 125. The Illinois Power Agency Act is amended by  
5 changing Sections 1-60 and 1-75 as follows:

6 (20 ILCS 3855/1-60)

7 Sec. 1-60. Moneys made available by private or public  
8 entities. ~~(a)~~ The Agency may apply for, receive, expend,  
9 allocate, or disburse funds and moneys made available by public  
10 or private entities, including, but not limited to, contracts,  
11 private or public financial gifts, bequests, grants, or  
12 donations from individuals, corporations, foundations, or  
13 public or private institutions of higher learning. All funds  
14 received by the Agency from these sources shall be deposited:

15 (1) into the Illinois Power Agency Operations Fund, if  
16 for general Agency operations, to be held by the State  
17 Treasurer as ex officio custodian, and subject to the  
18 Comptroller-Treasurer, voucher-warrant system; or

19 (2) into the Illinois Power Agency Facilities Fund, if  
20 for costs incurred in connection with the development and  
21 construction of a facility by the Agency, to be held by the  
22 State Treasurer as ex officio custodian, and subject to the  
23 Comptroller-Treasurer, voucher-warrant system.

24 Any funds received, expended, allocated, or disbursed

1 shall be expended by the Agency for the purposes as indicated  
2 by the grantor, donor, or, in the case of funds or moneys given  
3 or donated for no specific purposes, for any purpose deemed  
4 appropriate by the Director in administering the  
5 responsibilities of the Agency as set forth in this Act.

6 (Source: P.A. 95-481, eff. 8-28-07; revised 9-25-17.)

7 (20 ILCS 3855/1-75)

8 Sec. 1-75. Planning and Procurement Bureau. The Planning  
9 and Procurement Bureau has the following duties and  
10 responsibilities:

11 (a) The Planning and Procurement Bureau shall each year,  
12 beginning in 2008, develop procurement plans and conduct  
13 competitive procurement processes in accordance with the  
14 requirements of Section 16-111.5 of the Public Utilities Act  
15 for the eligible retail customers of electric utilities that on  
16 December 31, 2005 provided electric service to at least 100,000  
17 customers in Illinois. Beginning with the delivery year  
18 commencing on June 1, 2017, the Planning and Procurement Bureau  
19 shall develop plans and processes for the procurement of zero  
20 emission credits from zero emission facilities in accordance  
21 with the requirements of subsection (d-5) of this Section. The  
22 Planning and Procurement Bureau shall also develop procurement  
23 plans and conduct competitive procurement processes in  
24 accordance with the requirements of Section 16-111.5 of the  
25 Public Utilities Act for the eligible retail customers of small



1 multi-jurisdictional electric utilities that (i) on December  
2 31, 2005 served less than 100,000 customers in Illinois and  
3 (ii) request a procurement plan for their Illinois  
4 jurisdictional load. This Section shall not apply to a small  
5 multi-jurisdictional utility until such time as a small  
6 multi-jurisdictional utility requests the Agency to prepare a  
7 procurement plan for their Illinois jurisdictional load. For  
8 the purposes of this Section, the term "eligible retail  
9 customers" has the same definition as found in Section  
10 16-111.5(a) of the Public Utilities Act.

11 Beginning with the plan or plans to be implemented in the  
12 2017 delivery year, the Agency shall no longer include the  
13 procurement of renewable energy resources in the annual  
14 procurement plans required by this subsection (a), except as  
15 provided in subsection (q) of Section 16-111.5 of the Public  
16 Utilities Act, and shall instead develop a long-term renewable  
17 resources procurement plan in accordance with subsection (c) of  
18 this Section and Section 16-111.5 of the Public Utilities Act.

19 (1) The Agency shall each year, beginning in 2008, as  
20 needed, issue a request for qualifications for experts or  
21 expert consulting firms to develop the procurement plans in  
22 accordance with Section 16-111.5 of the Public Utilities  
23 Act. In order to qualify an expert or expert consulting  
24 firm must have:

25 (A) direct previous experience assembling  
26 large-scale power supply plans or portfolios for

1 end-use customers;

2 (B) an advanced degree in economics, mathematics,  
3 engineering, risk management, or a related area of  
4 study;

5 (C) 10 years of experience in the electricity  
6 sector, including managing supply risk;

7 (D) expertise in wholesale electricity market  
8 rules, including those established by the Federal  
9 Energy Regulatory Commission and regional transmission  
10 organizations;

11 (E) expertise in credit protocols and familiarity  
12 with contract protocols;

13 (F) adequate resources to perform and fulfill the  
14 required functions and responsibilities; and

15 (G) the absence of a conflict of interest and  
16 inappropriate bias for or against potential bidders or  
17 the affected electric utilities.

18 (2) The Agency shall each year, as needed, issue a  
19 request for qualifications for a procurement administrator  
20 to conduct the competitive procurement processes in  
21 accordance with Section 16-111.5 of the Public Utilities  
22 Act. In order to qualify an expert or expert consulting  
23 firm must have:

24 (A) direct previous experience administering a  
25 large-scale competitive procurement process;

26 (B) an advanced degree in economics, mathematics,

1 engineering, or a related area of study;

2 (C) 10 years of experience in the electricity  
3 sector, including risk management experience;

4 (D) expertise in wholesale electricity market  
5 rules, including those established by the Federal  
6 Energy Regulatory Commission and regional transmission  
7 organizations;

8 (E) expertise in credit and contract protocols;

9 (F) adequate resources to perform and fulfill the  
10 required functions and responsibilities; and

11 (G) the absence of a conflict of interest and  
12 inappropriate bias for or against potential bidders or  
13 the affected electric utilities.

14 (3) The Agency shall provide affected utilities and  
15 other interested parties with the lists of qualified  
16 experts or expert consulting firms identified through the  
17 request for qualifications processes that are under  
18 consideration to develop the procurement plans and to serve  
19 as the procurement administrator. The Agency shall also  
20 provide each qualified expert's or expert consulting  
21 firm's response to the request for qualifications. All  
22 information provided under this subparagraph shall also be  
23 provided to the Commission. The Agency may provide by rule  
24 for fees associated with supplying the information to  
25 utilities and other interested parties. These parties  
26 shall, within 5 business days, notify the Agency in writing

1 if they object to any experts or expert consulting firms on  
2 the lists. Objections shall be based on:

3 (A) failure to satisfy qualification criteria;

4 (B) identification of a conflict of interest; or

5 (C) evidence of inappropriate bias for or against  
6 potential bidders or the affected utilities.

7 The Agency shall remove experts or expert consulting  
8 firms from the lists within 10 days if there is a  
9 reasonable basis for an objection and provide the updated  
10 lists to the affected utilities and other interested  
11 parties. If the Agency fails to remove an expert or expert  
12 consulting firm from a list, an objecting party may seek  
13 review by the Commission within 5 days thereafter by filing  
14 a petition, and the Commission shall render a ruling on the  
15 petition within 10 days. There is no right of appeal of the  
16 Commission's ruling.

17 (4) The Agency shall issue requests for proposals to  
18 the qualified experts or expert consulting firms to develop  
19 a procurement plan for the affected utilities and to serve  
20 as procurement administrator.

21 (5) The Agency shall select an expert or expert  
22 consulting firm to develop procurement plans based on the  
23 proposals submitted and shall award contracts of up to 5  
24 years to those selected.

25 (6) The Agency shall select an expert or expert  
26 consulting firm, with approval of the Commission, to serve

1 as procurement administrator based on the proposals  
2 submitted. If the Commission rejects, within 5 days, the  
3 Agency's selection, the Agency shall submit another  
4 recommendation within 3 days based on the proposals  
5 submitted. The Agency shall award a 5-year contract to the  
6 expert or expert consulting firm so selected with  
7 Commission approval.

8 (b) The experts or expert consulting firms retained by the  
9 Agency shall, as appropriate, prepare procurement plans, and  
10 conduct a competitive procurement process as prescribed in  
11 Section 16-111.5 of the Public Utilities Act, to ensure  
12 adequate, reliable, affordable, efficient, and environmentally  
13 sustainable electric service at the lowest total cost over  
14 time, taking into account any benefits of price stability, for  
15 eligible retail customers of electric utilities that on  
16 December 31, 2005 provided electric service to at least 100,000  
17 customers in the State of Illinois, and for eligible Illinois  
18 retail customers of small multi-jurisdictional electric  
19 utilities that (i) on December 31, 2005 served less than  
20 100,000 customers in Illinois and (ii) request a procurement  
21 plan for their Illinois jurisdictional load.

22 (c) Renewable portfolio standard.

23 (1) (A) The Agency shall develop a long-term renewable  
24 resources procurement plan that shall include procurement  
25 programs and competitive procurement events necessary to  
26 meet the goals set forth in this subsection (c). The

1 initial long-term renewable resources procurement plan  
2 shall be released for comment no later than 160 days after  
3 June 1, 2017 (the effective date of Public Act 99-906) ~~this~~  
4 ~~amendatory Act of the 99th General Assembly~~. The Agency  
5 shall review, and may revise on an expedited basis, the  
6 long-term renewable resources procurement plan at least  
7 every 2 years, which shall be conducted in conjunction with  
8 the procurement plan under Section 16-111.5 of the Public  
9 Utilities Act to the extent practicable to minimize  
10 administrative expense. The long-term renewable resources  
11 procurement plans shall be subject to review and approval  
12 by the Commission under Section 16-111.5 of the Public  
13 Utilities Act.

14 (B) Subject to subparagraph (F) of this paragraph (1),  
15 the long-term renewable resources procurement plan shall  
16 include the goals for procurement of renewable energy  
17 credits to meet at least the following overall percentages:  
18 13% by the 2017 delivery year; increasing by at least 1.5%  
19 each delivery year thereafter to at least 25% by the 2025  
20 delivery year; and continuing at no less than 25% for each  
21 delivery year thereafter. In the event of a conflict  
22 between these goals and the new wind and new photovoltaic  
23 procurement requirements described in items (i) through  
24 (iii) of subparagraph (C) of this paragraph (1), the  
25 long-term plan shall prioritize compliance with the new  
26 wind and new photovoltaic procurement requirements

1 described in items (i) through (iii) of subparagraph (C) of  
2 this paragraph (1) over the annual percentage targets  
3 described in this subparagraph (B).

4 For the delivery year beginning June 1, 2017, the  
5 procurement plan shall include cost-effective renewable  
6 energy resources equal to at least 13% of each utility's  
7 load for eligible retail customers and 13% of the  
8 applicable portion of each utility's load for retail  
9 customers who are not eligible retail customers, which  
10 applicable portion shall equal 50% of the utility's load  
11 for retail customers who are not eligible retail customers  
12 on February 28, 2017.

13 For the delivery year beginning June 1, 2018, the  
14 procurement plan shall include cost-effective renewable  
15 energy resources equal to at least 14.5% of each utility's  
16 load for eligible retail customers and 14.5% of the  
17 applicable portion of each utility's load for retail  
18 customers who are not eligible retail customers, which  
19 applicable portion shall equal 75% of the utility's load  
20 for retail customers who are not eligible retail customers  
21 on February 28, 2017.

22 For the delivery year beginning June 1, 2019, and for  
23 each year thereafter, the procurement plans shall include  
24 cost-effective renewable energy resources equal to a  
25 minimum percentage of each utility's load for all retail  
26 customers as follows: 16% by June 1, 2019; increasing by

1           1.5% each year thereafter to 25% by June 1, 2025; and 25%  
2           by June 1, 2026 and each year thereafter.

3           For each delivery year, the Agency shall first  
4           recognize each utility's obligations for that delivery  
5           year under existing contracts. Any renewable energy  
6           credits under existing contracts, including renewable  
7           energy credits as part of renewable energy resources, shall  
8           be used to meet the goals set forth in this subsection (c)  
9           for the delivery year.

10           (C) Of the renewable energy credits procured under this  
11           subsection (c), at least 75% shall come from wind and  
12           photovoltaic projects. The long-term renewable resources  
13           procurement plan described in subparagraph (A) of this  
14           paragraph (1) shall include the procurement of renewable  
15           energy credits in amounts equal to at least the following:

16                   (i) By the end of the 2020 delivery year:

17                           At least 2,000,000 renewable energy credits  
18                           for each delivery year shall come from new wind  
19                           projects; and

20                           At least 2,000,000 renewable energy credits  
21                           for each delivery year shall come from new  
22                           photovoltaic projects; of that amount, to the  
23                           extent possible, the Agency shall procure: at  
24                           least 50% from solar photovoltaic projects using  
25                           the program outlined in subparagraph (K) of this  
26                           paragraph (1) from distributed renewable energy



1 generation devices or community renewable  
2 generation projects; at least 40% from  
3 utility-scale solar projects; at least 2% from  
4 brownfield site photovoltaic projects that are not  
5 community renewable generation projects; and the  
6 remainder shall be determined through the  
7 long-term planning process described in  
8 subparagraph (A) of this paragraph (1).

9 (ii) By the end of the 2025 delivery year:

10 At least 3,000,000 renewable energy credits  
11 for each delivery year shall come from new wind  
12 projects; and

13 At least 3,000,000 renewable energy credits  
14 for each delivery year shall come from new  
15 photovoltaic projects; of that amount, to the  
16 extent possible, the Agency shall procure: at  
17 least 50% from solar photovoltaic projects using  
18 the program outlined in subparagraph (K) of this  
19 paragraph (1) from distributed renewable energy  
20 devices or community renewable generation  
21 projects; at least 40% from utility-scale solar  
22 projects; at least 2% from brownfield site  
23 photovoltaic projects that are not community  
24 renewable generation projects; and the remainder  
25 shall be determined through the long-term planning  
26 process described in subparagraph (A) of this

1 paragraph (1).

2 (iii) By the end of the 2030 delivery year:

3 At least 4,000,000 renewable energy credits  
4 for each delivery year shall come from new wind  
5 projects; and

6 At least 4,000,000 renewable energy credits  
7 for each delivery year shall come from new  
8 photovoltaic projects; of that amount, to the  
9 extent possible, the Agency shall procure: at  
10 least 50% from solar photovoltaic projects using  
11 the program outlined in subparagraph (K) of this  
12 paragraph (1) from distributed renewable energy  
13 devices or community renewable generation  
14 projects; at least 40% from utility-scale solar  
15 projects; at least 2% from brownfield site  
16 photovoltaic projects that are not community  
17 renewable generation projects; and the remainder  
18 shall be determined through the long-term planning  
19 process described in subparagraph (A) of this  
20 paragraph (1).

21 For purposes of this Section:

22 "New wind projects" means wind renewable  
23 energy facilities that are energized after June 1,  
24 2017 for the delivery year commencing June 1, 2017  
25 or within 3 years after the date the Commission  
26 approves contracts for subsequent delivery years.

1           "New photovoltaic projects" means photovoltaic  
2           renewable energy facilities that are energized  
3           after June 1, 2017. Photovoltaic projects  
4           developed under Section 1-56 of this Act shall not  
5           apply towards the new photovoltaic project  
6           requirements in this subparagraph (C).

7           (D) Renewable energy credits shall be cost effective.  
8           For purposes of this subsection (c), "cost effective" means  
9           that the costs of procuring renewable energy resources do  
10          not cause the limit stated in subparagraph (E) of this  
11          paragraph (1) to be exceeded and, for renewable energy  
12          credits procured through a competitive procurement event,  
13          do not exceed benchmarks based on market prices for like  
14          products in the region. For purposes of this subsection  
15          (c), "like products" means contracts for renewable energy  
16          credits from the same or substantially similar technology,  
17          same or substantially similar vintage (new or existing),  
18          the same or substantially similar quantity, and the same or  
19          substantially similar contract length and structure.  
20          Benchmarks shall be developed by the procurement  
21          administrator, in consultation with the Commission staff,  
22          Agency staff, and the procurement monitor and shall be  
23          subject to Commission review and approval. If price  
24          benchmarks for like products in the region are not  
25          available, the procurement administrator shall establish  
26          price benchmarks based on publicly available data on

1 regional technology costs and expected current and future  
2 regional energy prices. The benchmarks in this Section  
3 shall not be used to curtail or otherwise reduce  
4 contractual obligations entered into by or through the  
5 Agency prior to June 1, 2017 (the effective date of Public  
6 Act 99-906) ~~this amendatory Act of the 99th General~~  
7 ~~Assembly.~~

8 (E) For purposes of this subsection (c), the required  
9 procurement of cost-effective renewable energy resources  
10 for a particular year commencing prior to June 1, 2017  
11 shall be measured as a percentage of the actual amount of  
12 electricity (megawatt-hours) supplied by the electric  
13 utility to eligible retail customers in the delivery year  
14 ending immediately prior to the procurement, and, for  
15 delivery years commencing on and after June 1, 2017, the  
16 required procurement of cost-effective renewable energy  
17 resources for a particular year shall be measured as a  
18 percentage of the actual amount of electricity  
19 (megawatt-hours) delivered by the electric utility in the  
20 delivery year ending immediately prior to the procurement,  
21 to all retail customers in its service territory. For  
22 purposes of this subsection (c), the amount paid per  
23 kilowatthour means the total amount paid for electric  
24 service expressed on a per kilowatthour basis. For purposes  
25 of this subsection (c), the total amount paid for electric  
26 service includes without limitation amounts paid for

1 supply, transmission, distribution, surcharges, and add-on  
2 taxes.

3 Notwithstanding the requirements of this subsection  
4 (c), the total of renewable energy resources procured under  
5 the procurement plan for any single year shall be subject  
6 to the limitations of this subparagraph (E). Such  
7 procurement shall be reduced for all retail customers based  
8 on the amount necessary to limit the annual estimated  
9 average net increase due to the costs of these resources  
10 included in the amounts paid by eligible retail customers  
11 in connection with electric service to no more than the  
12 greater of 2.015% of the amount paid per kilowatthour by  
13 those customers during the year ending May 31, 2007 or the  
14 incremental amount per kilowatthour paid for these  
15 resources in 2011. To arrive at a maximum dollar amount of  
16 renewable energy resources to be procured for the  
17 particular delivery year, the resulting per kilowatthour  
18 amount shall be applied to the actual amount of  
19 kilowatthours of electricity delivered, or applicable  
20 portion of such amount as specified in paragraph (1) of  
21 this subsection (c), as applicable, by the electric utility  
22 in the delivery year immediately prior to the procurement  
23 to all retail customers in its service territory. The  
24 calculations required by this subparagraph (E) shall be  
25 made only once for each delivery year at the time that the  
26 renewable energy resources are procured. Once the

1 determination as to the amount of renewable energy  
2 resources to procure is made based on the calculations set  
3 forth in this subparagraph (E) and the contracts procuring  
4 those amounts are executed, no subsequent rate impact  
5 determinations shall be made and no adjustments to those  
6 contract amounts shall be allowed. All costs incurred under  
7 such contracts shall be fully recoverable by the electric  
8 utility as provided in this Section.

9 (F) If the limitation on the amount of renewable energy  
10 resources procured in subparagraph (E) of this paragraph  
11 (1) prevents the Agency from meeting all of the goals in  
12 this subsection (c), the Agency's long-term plan shall  
13 prioritize compliance with the requirements of this  
14 subsection (c) regarding renewable energy credits in the  
15 following order:

16 (i) renewable energy credits under existing  
17 contractual obligations;

18 (i-5) funding for the Illinois Solar for All  
19 Program, as described in subparagraph (O) of this  
20 paragraph (1);

21 (ii) renewable energy credits necessary to comply  
22 with the new wind and new photovoltaic procurement  
23 requirements described in items (i) through (iii) of  
24 subparagraph (C) of this paragraph (1); and

25 (iii) renewable energy credits necessary to meet  
26 the remaining requirements of this subsection (c).

1           (G) The following provisions shall apply to the  
2 Agency's procurement of renewable energy credits under  
3 this subsection (c):

4           (i) Notwithstanding whether a long-term renewable  
5 resources procurement plan has been approved, the  
6 Agency shall conduct an initial forward procurement  
7 for renewable energy credits from new utility-scale  
8 wind projects within 160 days after June 1, 2017 (the  
9 effective date of Public Act 99-906) ~~this amendatory~~  
10 ~~Act of the 99th General Assembly~~. For the purposes of  
11 this initial forward procurement, the Agency shall  
12 solicit 15-year contracts for delivery of 1,000,000  
13 renewable energy credits delivered annually from new  
14 utility-scale wind projects to begin delivery on June  
15 1, 2019, if available, but not later than June 1, 2021.  
16 Payments to suppliers of renewable energy credits  
17 shall commence upon delivery. Renewable energy credits  
18 procured under this initial procurement shall be  
19 included in the Agency's long-term plan and shall apply  
20 to all renewable energy goals in this subsection (c).

21           (ii) Notwithstanding whether a long-term renewable  
22 resources procurement plan has been approved, the  
23 Agency shall conduct an initial forward procurement  
24 for renewable energy credits from new utility-scale  
25 solar projects and brownfield site photovoltaic  
26 projects within one year after June 1, 2017 (the

1 effective date of Public Act 99-906) ~~this amendatory~~  
2 ~~Act of the 99th General Assembly~~. For the purposes of  
3 this initial forward procurement, the Agency shall  
4 solicit 15-year contracts for delivery of 1,000,000  
5 renewable energy credits delivered annually from new  
6 utility-scale solar projects and brownfield site  
7 photovoltaic projects to begin delivery on June 1,  
8 2019, if available, but not later than June 1, 2021.  
9 The Agency may structure this initial procurement in  
10 one or more discrete procurement events. Payments to  
11 suppliers of renewable energy credits shall commence  
12 upon delivery. Renewable energy credits procured under  
13 this initial procurement shall be included in the  
14 Agency's long-term plan and shall apply to all  
15 renewable energy goals in this subsection (c).

16 (iii) Subsequent forward procurements for  
17 utility-scale wind projects shall solicit at least  
18 1,000,000 renewable energy credits delivered annually  
19 per procurement event and shall be planned, scheduled,  
20 and designed such that the cumulative amount of  
21 renewable energy credits delivered from all new wind  
22 projects in each delivery year shall not exceed the  
23 Agency's projection of the cumulative amount of  
24 renewable energy credits that will be delivered from  
25 all new photovoltaic projects, including utility-scale  
26 and distributed photovoltaic devices, in the same



1 delivery year at the time scheduled for wind contract  
2 delivery.

3 (iv) If, at any time after the time set for  
4 delivery of renewable energy credits pursuant to the  
5 initial procurements in items (i) and (ii) of this  
6 subparagraph (G), the cumulative amount of renewable  
7 energy credits projected to be delivered from all new  
8 wind projects in a given delivery year exceeds the  
9 cumulative amount of renewable energy credits  
10 projected to be delivered from all new photovoltaic  
11 projects in that delivery year by 200,000 or more  
12 renewable energy credits, then the Agency shall within  
13 60 days adjust the procurement programs in the  
14 long-term renewable resources procurement plan to  
15 ensure that the projected cumulative amount of  
16 renewable energy credits to be delivered from all new  
17 wind projects does not exceed the projected cumulative  
18 amount of renewable energy credits to be delivered from  
19 all new photovoltaic projects by 200,000 or more  
20 renewable energy credits, provided that nothing in  
21 this Section shall preclude the projected cumulative  
22 amount of renewable energy credits to be delivered from  
23 all new photovoltaic projects from exceeding the  
24 projected cumulative amount of renewable energy  
25 credits to be delivered from all new wind projects in  
26 each delivery year and provided further that nothing in

1           this item (iv) shall require the curtailment of an  
2           executed contract. The Agency shall update, on a  
3           quarterly basis, its projection of the renewable  
4           energy credits to be delivered from all projects in  
5           each delivery year. Notwithstanding anything to the  
6           contrary, the Agency may adjust the timing of  
7           procurement events conducted under this subparagraph  
8           (G). The long-term renewable resources procurement  
9           plan shall set forth the process by which the  
10          adjustments may be made.

11           (v) All procurements under this subparagraph (G)  
12          shall comply with the geographic requirements in  
13          subparagraph (I) of this paragraph (1) and shall follow  
14          the procurement processes and procedures described in  
15          this Section and Section 16-111.5 of the Public  
16          Utilities Act to the extent practicable, and these  
17          processes and procedures may be expedited to  
18          accommodate the schedule established by this  
19          subparagraph (G).

20           (H) The procurement of renewable energy resources for a  
21          given delivery year shall be reduced as described in this  
22          subparagraph (H) if an alternative ~~alternate~~ retail  
23          electric supplier meets the requirements described in this  
24          subparagraph (H).

25           (i) Within 45 days after June 1, 2017 (the  
26          effective date of Public Act 99-906) ~~this amendatory~~

1       ~~Act of the 99th General Assembly~~, an alternative retail  
2       electric supplier or its successor shall submit an  
3       informational filing to the Illinois Commerce  
4       Commission certifying that, as of December 31, 2015,  
5       the alternative retail electric supplier owned one or  
6       more electric generating facilities that generates  
7       renewable energy resources as defined in Section 1-10  
8       of this Act, provided that such facilities are not  
9       powered by wind or photovoltaics, and the facilities  
10      generate one renewable energy credit for each  
11      megawatthour of energy produced from the facility.

12           The informational filing shall identify each  
13      facility that was eligible to satisfy the alternative  
14      retail electric supplier's obligations under Section  
15      16-115D of the Public Utilities Act as described in  
16      this item (i).

17           (ii) For a given delivery year, the alternative  
18      retail electric supplier may elect to supply its retail  
19      customers with renewable energy credits from the  
20      facility or facilities described in item (i) of this  
21      subparagraph (H) that continue to be owned by the  
22      alternative retail electric supplier.

23           (iii) The alternative retail electric supplier  
24      shall notify the Agency and the applicable utility, no  
25      later than February 28 of the year preceding the  
26      applicable delivery year or 15 days after June 1, 2017

1           (the effective date of Public Act 99-906) ~~this~~  
2           ~~amendatory Act of the 99th General Assembly~~, whichever  
3           is later, of its election under item (ii) of this  
4           subparagraph (H) to supply renewable energy credits to  
5           retail customers of the utility. Such election shall  
6           identify the amount of renewable energy credits to be  
7           supplied by the alternative retail electric supplier  
8           to the utility's retail customers and the source of the  
9           renewable energy credits identified in the  
10          informational filing as described in item (i) of this  
11          subparagraph (H), subject to the following  
12          limitations:

13                   For the delivery year beginning June 1, 2018,  
14                   the maximum amount of renewable energy credits to  
15                   be supplied by an alternative retail electric  
16                   supplier under this subparagraph (H) shall be 68%  
17                   multiplied by 25% multiplied by 14.5% multiplied  
18                   by the amount of metered electricity  
19                   (megawatt-hours) delivered by the alternative  
20                   retail electric supplier to Illinois retail  
21                   customers during the delivery year ending May 31,  
22                   2016.

23                   For delivery years beginning June 1, 2019 and  
24                   each year thereafter, the maximum amount of  
25                   renewable energy credits to be supplied by an  
26                   alternative retail electric supplier under this

1           subparagraph (H) shall be 68% multiplied by 50%  
2           multiplied by 16% multiplied by the amount of  
3           metered electricity (megawatt-hours) delivered by  
4           the alternative retail electric supplier to  
5           Illinois retail customers during the delivery year  
6           ending May 31, 2016, provided that the 16% value  
7           shall increase by 1.5% each delivery year  
8           thereafter to 25% by the delivery year beginning  
9           June 1, 2025, and thereafter the 25% value shall  
10          apply to each delivery year.

11          For each delivery year, the total amount of  
12          renewable energy credits supplied by all alternative  
13          retail electric suppliers under this subparagraph (H)  
14          shall not exceed 9% of the Illinois target renewable  
15          energy credit quantity. The Illinois target renewable  
16          energy credit quantity for the delivery year beginning  
17          June 1, 2018 is 14.5% multiplied by the total amount of  
18          metered electricity (megawatt-hours) delivered in the  
19          delivery year immediately preceding that delivery  
20          year, provided that the 14.5% shall increase by 1.5%  
21          each delivery year thereafter to 25% by the delivery  
22          year beginning June 1, 2025, and thereafter the 25%  
23          value shall apply to each delivery year.

24          If the requirements set forth in items (i) through  
25          (iii) of this subparagraph (H) are met, the charges  
26          that would otherwise be applicable to the retail

1 customers of the alternative retail electric supplier  
2 under paragraph (6) of this subsection (c) for the  
3 applicable delivery year shall be reduced by the ratio  
4 of the quantity of renewable energy credits supplied by  
5 the alternative retail electric supplier compared to  
6 that supplier's target renewable energy credit  
7 quantity. The supplier's target renewable energy  
8 credit quantity for the delivery year beginning June 1,  
9 2018 is 14.5% multiplied by the total amount of metered  
10 electricity (megawatt-hours) delivered by the  
11 alternative retail supplier in that delivery year,  
12 provided that the 14.5% shall increase by 1.5% each  
13 delivery year thereafter to 25% by the delivery year  
14 beginning June 1, 2025, and thereafter the 25% value  
15 shall apply to each delivery year.

16 On or before April 1 of each year, the Agency shall  
17 annually publish a report on its website that  
18 identifies the aggregate amount of renewable energy  
19 credits supplied by alternative retail electric  
20 suppliers under this subparagraph (H).

21 (I) The Agency shall design its long-term renewable  
22 energy procurement plan to maximize the State's interest in  
23 the health, safety, and welfare of its residents, including  
24 but not limited to minimizing sulfur dioxide, nitrogen  
25 oxide, particulate matter and other pollution that  
26 adversely affects public health in this State, increasing

1 fuel and resource diversity in this State, enhancing the  
2 reliability and resiliency of the electricity distribution  
3 system in this State, meeting goals to limit carbon dioxide  
4 emissions under federal or State law, and contributing to a  
5 cleaner and healthier environment for the citizens of this  
6 State. In order to further these legislative purposes,  
7 renewable energy credits shall be eligible to be counted  
8 toward the renewable energy requirements of this  
9 subsection (c) if they are generated from facilities  
10 located in this State. The Agency may qualify renewable  
11 energy credits from facilities located in states adjacent  
12 to Illinois if the generator demonstrates and the Agency  
13 determines that the operation of such facility or  
14 facilities will help promote the State's interest in the  
15 health, safety, and welfare of its residents based on the  
16 public interest criteria described above. To ensure that  
17 the public interest criteria are applied to the procurement  
18 and given full effect, the Agency's long-term procurement  
19 plan shall describe in detail how each public interest  
20 factor shall be considered and weighted for facilities  
21 located in states adjacent to Illinois.

22 (J) In order to promote the competitive development of  
23 renewable energy resources in furtherance of the State's  
24 interest in the health, safety, and welfare of its  
25 residents, renewable energy credits shall not be eligible  
26 to be counted toward the renewable energy requirements of

1           this subsection (c) if they are sourced from a generating  
2           unit whose costs were being recovered through rates  
3           regulated by this State or any other state or states on or  
4           after January 1, 2017. Each contract executed to purchase  
5           renewable energy credits under this subsection (c) shall  
6           provide for the contract's termination if the costs of the  
7           generating unit supplying the renewable energy credits  
8           subsequently begin to be recovered through rates regulated  
9           by this State or any other state or states; and each  
10          contract shall further provide that, in that event, the  
11          supplier of the credits must return 110% of all payments  
12          received under the contract. Amounts returned under the  
13          requirements of this subparagraph (J) shall be retained by  
14          the utility and all of these amounts shall be used for the  
15          procurement of additional renewable energy credits from  
16          new wind or new photovoltaic resources as defined in this  
17          subsection (c). The long-term plan shall provide that these  
18          renewable energy credits shall be procured in the next  
19          procurement event.

20                 Notwithstanding the limitations of this subparagraph  
21                 (J), renewable energy credits sourced from generating  
22                 units that are constructed, purchased, owned, or leased by  
23                 an electric utility as part of an approved project,  
24                 program, or pilot under Section 1-56 of this Act shall be  
25                 eligible to be counted toward the renewable energy  
26                 requirements of this subsection (c), regardless of how the



1 costs of these units are recovered.

2 (K) The long-term renewable resources procurement plan  
3 developed by the Agency in accordance with subparagraph (A)  
4 of this paragraph (1) shall include an Adjustable Block  
5 program for the procurement of renewable energy credits  
6 from new photovoltaic projects that are distributed  
7 renewable energy generation devices or new photovoltaic  
8 community renewable generation projects. The Adjustable  
9 Block program shall be designed to provide a transparent  
10 schedule of prices and quantities to enable the  
11 photovoltaic market to scale up and for renewable energy  
12 credit prices to adjust at a predictable rate over time.  
13 The prices set by the Adjustable Block program can be  
14 reflected as a set value or as the product of a formula.

15 The Adjustable Block program shall include for each  
16 category of eligible projects: a schedule of standard block  
17 purchase prices to be offered; a series of steps, with  
18 associated nameplate capacity and purchase prices that  
19 adjust from step to step; and automatic opening of the next  
20 step as soon as the nameplate capacity and available  
21 purchase prices for an open step are fully committed or  
22 reserved. Only projects energized on or after June 1, 2017  
23 shall be eligible for the Adjustable Block program. For  
24 each block group the Agency shall determine the number of  
25 blocks, the amount of generation capacity in each block,  
26 and the purchase price for each block, provided that the

1 purchase price provided and the total amount of generation  
2 in all blocks for all block groups shall be sufficient to  
3 meet the goals in this subsection (c). The Agency may  
4 periodically review its prior decisions establishing the  
5 number of blocks, the amount of generation capacity in each  
6 block, and the purchase price for each block, and may  
7 propose, on an expedited basis, changes to these previously  
8 set values, including but not limited to redistributing  
9 these amounts and the available funds as necessary and  
10 appropriate, subject to Commission approval as part of the  
11 periodic plan revision process described in Section  
12 16-111.5 of the Public Utilities Act. The Agency may define  
13 different block sizes, purchase prices, or other distinct  
14 terms and conditions for projects located in different  
15 utility service territories if the Agency deems it  
16 necessary to meet the goals in this subsection (c).

17 The Adjustable Block program shall include at least the  
18 following block groups in at least the following amounts,  
19 which may be adjusted upon review by the Agency and  
20 approval by the Commission as described in this  
21 subparagraph (K):

22 (i) At least 25% from distributed renewable energy  
23 generation devices with a nameplate capacity of no more  
24 than 10 kilowatts.

25 (ii) At least 25% from distributed renewable  
26 energy generation devices with a nameplate capacity of

1 more than 10 kilowatts and no more than 2,000  
2 kilowatts. The Agency may create sub-categories within  
3 this category to account for the differences between  
4 projects for small commercial customers, large  
5 commercial customers, and public or non-profit  
6 customers.

7 (iii) At least 25% from photovoltaic community  
8 renewable generation projects.

9 (iv) The remaining 25% shall be allocated as  
10 specified by the Agency in the long-term renewable  
11 resources procurement plan.

12 The Adjustable Block program shall be designed to  
13 ensure that renewable energy credits are procured from  
14 photovoltaic distributed renewable energy generation  
15 devices and new photovoltaic community renewable energy  
16 generation projects in diverse locations and are not  
17 concentrated in a few geographic areas.

18 (L) The procurement of photovoltaic renewable energy  
19 credits under items (i) through (iv) of subparagraph (K) of  
20 this paragraph (1) shall be subject to the following  
21 contract and payment terms:

22 (i) The Agency shall procure contracts of at least  
23 15 years in length.

24 (ii) For those renewable energy credits that  
25 qualify and are procured under item (i) of subparagraph  
26 (K) of this paragraph (1), the renewable energy credit

1 purchase price shall be paid in full by the contracting  
2 utilities at the time that the facility producing the  
3 renewable energy credits is interconnected at the  
4 distribution system level of the utility and  
5 energized. The electric utility shall receive and  
6 retire all renewable energy credits generated by the  
7 project for the first 15 years of operation.

8 (iii) For those renewable energy credits that  
9 qualify and are procured under item (ii) and (iii) of  
10 subparagraph (K) of this paragraph (1) and any  
11 additional categories of distributed generation  
12 included in the long-term renewable resources  
13 procurement plan and approved by the Commission, 20  
14 percent of the renewable energy credit purchase price  
15 shall be paid by the contracting utilities at the time  
16 that the facility producing the renewable energy  
17 credits is interconnected at the distribution system  
18 level of the utility and energized. The remaining  
19 portion shall be paid ratably over the subsequent  
20 4-year period. The electric utility shall receive and  
21 retire all renewable energy credits generated by the  
22 project for the first 15 years of operation.

23 (iv) Each contract shall include provisions to  
24 ensure the delivery of the renewable energy credits for  
25 the full term of the contract.

26 (v) The utility shall be the counterparty to the

1 contracts executed under this subparagraph (L) that  
2 are approved by the Commission under the process  
3 described in Section 16-111.5 of the Public Utilities  
4 Act. No contract shall be executed for an amount that  
5 is less than one renewable energy credit per year.

6 (vi) If, at any time, approved applications for the  
7 Adjustable Block program exceed funds collected by the  
8 electric utility or would cause the Agency to exceed  
9 the limitation described in subparagraph (E) of this  
10 paragraph (1) on the amount of renewable energy  
11 resources that may be procured, then the Agency shall  
12 consider future uncommitted funds to be reserved for  
13 these contracts on a first-come, first-served basis,  
14 with the delivery of renewable energy credits required  
15 beginning at the time that the reserved funds become  
16 available.

17 (vii) Nothing in this Section shall require the  
18 utility to advance any payment or pay any amounts that  
19 exceed the actual amount of revenues collected by the  
20 utility under paragraph (6) of this subsection (c) and  
21 subsection (k) of Section 16-108 of the Public  
22 Utilities Act, and contracts executed under this  
23 Section shall expressly incorporate this limitation.

24 (M) The Agency shall be authorized to retain one or  
25 more experts or expert consulting firms to develop,  
26 administer, implement, operate, and evaluate the

1 Adjustable Block program described in subparagraph (K) of  
2 this paragraph (1), and the Agency shall retain the  
3 consultant or consultants in the same manner, to the extent  
4 practicable, as the Agency retains others to administer  
5 provisions of this Act, including, but not limited to, the  
6 procurement administrator. The selection of experts and  
7 expert consulting firms and the procurement process  
8 described in this subparagraph (M) are exempt from the  
9 requirements of Section 20-10 of the Illinois Procurement  
10 Code, under Section 20-10 of that Code. The Agency shall  
11 strive to minimize administrative expenses in the  
12 implementation of the Adjustable Block program.

13 The Agency and its consultant or consultants shall  
14 monitor block activity, share program activity with  
15 stakeholders and conduct regularly scheduled meetings to  
16 discuss program activity and market conditions. If  
17 necessary, the Agency may make prospective administrative  
18 adjustments to the Adjustable Block program design, such as  
19 redistributing available funds or making adjustments to  
20 purchase prices as necessary to achieve the goals of this  
21 subsection (c). Program modifications to any price,  
22 capacity block, or other program element that do not  
23 deviate from the Commission's approved value by more than  
24 25% shall take effect immediately and are not subject to  
25 Commission review and approval. Program modifications to  
26 any price, capacity block, or other program element that

1 deviate more than 25% from the Commission's approved value  
2 must be approved by the Commission as a long-term plan  
3 amendment under Section 16-111.5 of the Public Utilities  
4 Act. The Agency shall consider stakeholder feedback when  
5 making adjustments to the Adjustable Block design and shall  
6 notify stakeholders in advance of any planned changes.

7 (N) The long-term renewable resources procurement plan  
8 required by this subsection (c) shall include a community  
9 renewable generation program. The Agency shall establish  
10 the terms, conditions, and program requirements for  
11 community renewable generation projects with a goal to  
12 expand renewable energy generating facility access to a  
13 broader group of energy consumers, to ensure robust  
14 participation opportunities for residential and small  
15 commercial customers and those who cannot install  
16 renewable energy on their own properties. Any plan approved  
17 by the Commission shall allow subscriptions to community  
18 renewable generation projects to be portable and  
19 transferable. For purposes of this subparagraph (N),  
20 "portable" means that subscriptions may be retained by the  
21 subscriber even if the subscriber relocates or changes its  
22 address within the same utility service territory; and  
23 "transferable" means that a subscriber may assign or sell  
24 subscriptions to another person within the same utility  
25 service territory.

26 Electric utilities shall provide a monetary credit to a

1 subscriber's subsequent bill for service for the  
2 proportional output of a community renewable generation  
3 project attributable to that subscriber as specified in  
4 Section 16-107.5 of the Public Utilities Act.

5 The Agency shall purchase renewable energy credits  
6 from subscribed shares of photovoltaic community renewable  
7 generation projects through the Adjustable Block program  
8 described in subparagraph (K) of this paragraph (1) or  
9 through the Illinois Solar for All Program described in  
10 Section 1-56 of this Act. The electric utility shall  
11 purchase any unsubscribed energy from community renewable  
12 generation projects that are Qualifying Facilities ("QF")  
13 under the electric utility's tariff for purchasing the  
14 output from QFs under Public Utilities Regulatory Policies  
15 Act of 1978.

16 The owners of and any subscribers to a community  
17 renewable generation project shall not be considered  
18 public utilities or alternative retail electricity  
19 suppliers under the Public Utilities Act solely as a result  
20 of their interest in or subscription to a community  
21 renewable generation project and shall not be required to  
22 become an alternative retail electric supplier by  
23 participating in a community renewable generation project  
24 with a public utility.

25 (O) For the delivery year beginning June 1, 2018, the  
26 long-term renewable resources procurement plan required by



1       this subsection (c) shall provide for the Agency to procure  
2       contracts to continue offering the Illinois Solar for All  
3       Program described in subsection (b) of Section 1-56 of this  
4       Act, and the contracts approved by the Commission shall be  
5       executed by the utilities that are subject to this  
6       subsection (c). The long-term renewable resources  
7       procurement plan shall allocate 5% of the funds available  
8       under the plan for the applicable delivery year, or  
9       \$10,000,000 per delivery year, whichever is greater, to  
10      fund the programs, and the plan shall determine the amount  
11      of funding to be apportioned to the programs identified in  
12      subsection (b) of Section 1-56 of this Act; provided that  
13      for the delivery years beginning June 1, 2017, June 1,  
14      2021, and June 1, 2025, the long-term renewable resources  
15      procurement plan shall allocate 10% of the funds available  
16      under the plan for the applicable delivery year, or  
17      \$20,000,000 per delivery year, whichever is greater, and  
18      \$10,000,000 of such funds in such year shall be used by an  
19      electric utility that serves more than 3,000,000 retail  
20      customers in the State to implement a Commission-approved  
21      plan under Section 16-108.12 of the Public Utilities Act.  
22      In making the determinations required under this  
23      subparagraph (O), the Commission shall consider the  
24      experience and performance under the programs and any  
25      evaluation reports. The Commission shall also provide for  
26      an independent evaluation of those programs on a periodic

1 basis that are funded under this subparagraph (O).

2 (2) (Blank).

3 (3) (Blank).

4 (4) The electric utility shall retire all renewable  
5 energy credits used to comply with the standard.

6 (5) Beginning with the 2010 delivery year and ending  
7 June 1, 2017, an electric utility subject to this  
8 subsection (c) shall apply the lesser of the maximum  
9 alternative compliance payment rate or the most recent  
10 estimated alternative compliance payment rate for its  
11 service territory for the corresponding compliance period,  
12 established pursuant to subsection (d) of Section 16-115D  
13 of the Public Utilities Act to its retail customers that  
14 take service pursuant to the electric utility's hourly  
15 pricing tariff or tariffs. The electric utility shall  
16 retain all amounts collected as a result of the application  
17 of the alternative compliance payment rate or rates to such  
18 customers, and, beginning in 2011, the utility shall  
19 include in the information provided under item (1) of  
20 subsection (d) of Section 16-111.5 of the Public Utilities  
21 Act the amounts collected under the alternative compliance  
22 payment rate or rates for the prior year ending May 31.  
23 Notwithstanding any limitation on the procurement of  
24 renewable energy resources imposed by item (2) of this  
25 subsection (c), the Agency shall increase its spending on  
26 the purchase of renewable energy resources to be procured

1 by the electric utility for the next plan year by an amount  
2 equal to the amounts collected by the utility under the  
3 alternative compliance payment rate or rates in the prior  
4 year ending May 31.

5 (6) The electric utility shall be entitled to recover  
6 all of its costs associated with the procurement of  
7 renewable energy credits under plans approved under this  
8 Section and Section 16-111.5 of the Public Utilities Act.  
9 These costs shall include associated reasonable expenses  
10 for implementing the procurement programs, including, but  
11 not limited to, the costs of administering and evaluating  
12 the Adjustable Block program, through an automatic  
13 adjustment clause tariff in accordance with subsection (k)  
14 of Section 16-108 of the Public Utilities Act.

15 (7) Renewable energy credits procured from new  
16 photovoltaic projects or new distributed renewable energy  
17 generation devices under this Section after June 1, 2017  
18 (the effective date of Public Act 99-906) ~~this amendatory~~  
19 ~~Act of the 99th General Assembly~~ must be procured from  
20 devices installed by a qualified person in compliance with  
21 the requirements of Section 16-128A of the Public Utilities  
22 Act and any rules or regulations adopted thereunder.

23 In meeting the renewable energy requirements of this  
24 subsection (c), to the extent feasible and consistent with  
25 State and federal law, the renewable energy credit  
26 procurements, Adjustable Block solar program, and

1 community renewable generation program shall provide  
2 employment opportunities for all segments of the  
3 population and workforce, including minority-owned and  
4 female-owned business enterprises, and shall not,  
5 consistent with State and federal law, discriminate based  
6 on race or socioeconomic status.

7 (d) Clean coal portfolio standard.

8 (1) The procurement plans shall include electricity  
9 generated using clean coal. Each utility shall enter into  
10 one or more sourcing agreements with the initial clean coal  
11 facility, as provided in paragraph (3) of this subsection  
12 (d), covering electricity generated by the initial clean  
13 coal facility representing at least 5% of each utility's  
14 total supply to serve the load of eligible retail customers  
15 in 2015 and each year thereafter, as described in paragraph  
16 (3) of this subsection (d), subject to the limits specified  
17 in paragraph (2) of this subsection (d). It is the goal of  
18 the State that by January 1, 2025, 25% of the electricity  
19 used in the State shall be generated by cost-effective  
20 clean coal facilities. For purposes of this subsection (d),  
21 "cost-effective" means that the expenditures pursuant to  
22 such sourcing agreements do not cause the limit stated in  
23 paragraph (2) of this subsection (d) to be exceeded and do  
24 not exceed cost-based benchmarks, which shall be developed  
25 to assess all expenditures pursuant to such sourcing  
26 agreements covering electricity generated by clean coal

1 facilities, other than the initial clean coal facility, by  
2 the procurement administrator, in consultation with the  
3 Commission staff, Agency staff, and the procurement  
4 monitor and shall be subject to Commission review and  
5 approval.

6 A utility party to a sourcing agreement shall  
7 immediately retire any emission credits that it receives in  
8 connection with the electricity covered by such agreement.

9 Utilities shall maintain adequate records documenting  
10 the purchases under the sourcing agreement to comply with  
11 this subsection (d) and shall file an accounting with the  
12 load forecast that must be filed with the Agency by July 15  
13 of each year, in accordance with subsection (d) of Section  
14 16-111.5 of the Public Utilities Act.

15 A utility shall be deemed to have complied with the  
16 clean coal portfolio standard specified in this subsection  
17 (d) if the utility enters into a sourcing agreement as  
18 required by this subsection (d).

19 (2) For purposes of this subsection (d), the required  
20 execution of sourcing agreements with the initial clean  
21 coal facility for a particular year shall be measured as a  
22 percentage of the actual amount of electricity  
23 (megawatt-hours) supplied by the electric utility to  
24 eligible retail customers in the planning year ending  
25 immediately prior to the agreement's execution. For  
26 purposes of this subsection (d), the amount paid per

1 kilowatthour means the total amount paid for electric  
2 service expressed on a per kilowatthour basis. For purposes  
3 of this subsection (d), the total amount paid for electric  
4 service includes without limitation amounts paid for  
5 supply, transmission, distribution, surcharges and add-on  
6 taxes.

7 Notwithstanding the requirements of this subsection  
8 (d), the total amount paid under sourcing agreements with  
9 clean coal facilities pursuant to the procurement plan for  
10 any given year shall be reduced by an amount necessary to  
11 limit the annual estimated average net increase due to the  
12 costs of these resources included in the amounts paid by  
13 eligible retail customers in connection with electric  
14 service to:

15 (A) in 2010, no more than 0.5% of the amount paid  
16 per kilowatthour by those customers during the year  
17 ending May 31, 2009;

18 (B) in 2011, the greater of an additional 0.5% of  
19 the amount paid per kilowatthour by those customers  
20 during the year ending May 31, 2010 or 1% of the amount  
21 paid per kilowatthour by those customers during the  
22 year ending May 31, 2009;

23 (C) in 2012, the greater of an additional 0.5% of  
24 the amount paid per kilowatthour by those customers  
25 during the year ending May 31, 2011 or 1.5% of the  
26 amount paid per kilowatthour by those customers during

1 the year ending May 31, 2009;

2 (D) in 2013, the greater of an additional 0.5% of  
3 the amount paid per kilowatthour by those customers  
4 during the year ending May 31, 2012 or 2% of the amount  
5 paid per kilowatthour by those customers during the  
6 year ending May 31, 2009; and

7 (E) thereafter, the total amount paid under  
8 sourcing agreements with clean coal facilities  
9 pursuant to the procurement plan for any single year  
10 shall be reduced by an amount necessary to limit the  
11 estimated average net increase due to the cost of these  
12 resources included in the amounts paid by eligible  
13 retail customers in connection with electric service  
14 to no more than the greater of (i) 2.015% of the amount  
15 paid per kilowatthour by those customers during the  
16 year ending May 31, 2009 or (ii) the incremental amount  
17 per kilowatthour paid for these resources in 2013.  
18 These requirements may be altered only as provided by  
19 statute.

20 No later than June 30, 2015, the Commission shall  
21 review the limitation on the total amount paid under  
22 sourcing agreements, if any, with clean coal facilities  
23 pursuant to this subsection (d) and report to the General  
24 Assembly its findings as to whether that limitation unduly  
25 constrains the amount of electricity generated by  
26 cost-effective clean coal facilities that is covered by

1 sourcing agreements.

2 (3) Initial clean coal facility. In order to promote  
3 development of clean coal facilities in Illinois, each  
4 electric utility subject to this Section shall execute a  
5 sourcing agreement to source electricity from a proposed  
6 clean coal facility in Illinois (the "initial clean coal  
7 facility") that will have a nameplate capacity of at least  
8 500 MW when commercial operation commences, that has a  
9 final Clean Air Act permit on June 1, 2009 (the effective  
10 date of Public Act 95-1027) ~~this amendatory Act of the 95th~~  
11 ~~General Assembly~~, and that will meet the definition of  
12 clean coal facility in Section 1-10 of this Act when  
13 commercial operation commences. The sourcing agreements  
14 with this initial clean coal facility shall be subject to  
15 both approval of the initial clean coal facility by the  
16 General Assembly and satisfaction of the requirements of  
17 paragraph (4) of this subsection (d) and shall be executed  
18 within 90 days after any such approval by the General  
19 Assembly. The Agency and the Commission shall have  
20 authority to inspect all books and records associated with  
21 the initial clean coal facility during the term of such a  
22 sourcing agreement. A utility's sourcing agreement for  
23 electricity produced by the initial clean coal facility  
24 shall include:

25 (A) a formula contractual price (the "contract  
26 price") approved pursuant to paragraph (4) of this



1 subsection (d), which shall:

2 (i) be determined using a cost of service  
3 methodology employing either a level or deferred  
4 capital recovery component, based on a capital  
5 structure consisting of 45% equity and 55% debt,  
6 and a return on equity as may be approved by the  
7 Federal Energy Regulatory Commission, which in any  
8 case may not exceed the lower of 11.5% or the rate  
9 of return approved by the General Assembly  
10 pursuant to paragraph (4) of this subsection (d);  
11 and

12 (ii) provide that all miscellaneous net  
13 revenue, including but not limited to net revenue  
14 from the sale of emission allowances, if any,  
15 substitute natural gas, if any, grants or other  
16 support provided by the State of Illinois or the  
17 United States Government, firm transmission  
18 rights, if any, by-products produced by the  
19 facility, energy or capacity derived from the  
20 facility and not covered by a sourcing agreement  
21 pursuant to paragraph (3) of this subsection (d) or  
22 item (5) of subsection (d) of Section 16-115 of the  
23 Public Utilities Act, whether generated from the  
24 synthesis gas derived from coal, from SNG, or from  
25 natural gas, shall be credited against the revenue  
26 requirement for this initial clean coal facility;

1 (B) power purchase provisions, which shall:

2 (i) provide that the utility party to such  
3 sourcing agreement shall pay the contract price  
4 for electricity delivered under such sourcing  
5 agreement;

6 (ii) require delivery of electricity to the  
7 regional transmission organization market of the  
8 utility that is party to such sourcing agreement;

9 (iii) require the utility party to such  
10 sourcing agreement to buy from the initial clean  
11 coal facility in each hour an amount of energy  
12 equal to all clean coal energy made available from  
13 the initial clean coal facility during such hour  
14 times a fraction, the numerator of which is such  
15 utility's retail market sales of electricity  
16 (expressed in kilowatthours sold) in the State  
17 during the prior calendar month and the  
18 denominator of which is the total retail market  
19 sales of electricity (expressed in kilowatthours  
20 sold) in the State by utilities during such prior  
21 month and the sales of electricity (expressed in  
22 kilowatthours sold) in the State by alternative  
23 retail electric suppliers during such prior month  
24 that are subject to the requirements of this  
25 subsection (d) and paragraph (5) of subsection (d)  
26 of Section 16-115 of the Public Utilities Act,

1 provided that the amount purchased by the utility  
2 in any year will be limited by paragraph (2) of  
3 this subsection (d); and

4 (iv) be considered pre-existing contracts in  
5 such utility's procurement plans for eligible  
6 retail customers;

7 (C) contract for differences provisions, which  
8 shall:

9 (i) require the utility party to such sourcing  
10 agreement to contract with the initial clean coal  
11 facility in each hour with respect to an amount of  
12 energy equal to all clean coal energy made  
13 available from the initial clean coal facility  
14 during such hour times a fraction, the numerator of  
15 which is such utility's retail market sales of  
16 electricity (expressed in kilowatthours sold) in  
17 the utility's service territory in the State  
18 during the prior calendar month and the  
19 denominator of which is the total retail market  
20 sales of electricity (expressed in kilowatthours  
21 sold) in the State by utilities during such prior  
22 month and the sales of electricity (expressed in  
23 kilowatthours sold) in the State by alternative  
24 retail electric suppliers during such prior month  
25 that are subject to the requirements of this  
26 subsection (d) and paragraph (5) of subsection (d)

1 of Section 16-115 of the Public Utilities Act,  
2 provided that the amount paid by the utility in any  
3 year will be limited by paragraph (2) of this  
4 subsection (d);

5 (ii) provide that the utility's payment  
6 obligation in respect of the quantity of  
7 electricity determined pursuant to the preceding  
8 clause (i) shall be limited to an amount equal to  
9 (1) the difference between the contract price  
10 determined pursuant to subparagraph (A) of  
11 paragraph (3) of this subsection (d) and the  
12 day-ahead price for electricity delivered to the  
13 regional transmission organization market of the  
14 utility that is party to such sourcing agreement  
15 (or any successor delivery point at which such  
16 utility's supply obligations are financially  
17 settled on an hourly basis) (the "reference  
18 price") on the day preceding the day on which the  
19 electricity is delivered to the initial clean coal  
20 facility busbar, multiplied by (2) the quantity of  
21 electricity determined pursuant to the preceding  
22 clause (i); and

23 (iii) not require the utility to take physical  
24 delivery of the electricity produced by the  
25 facility;

26 (D) general provisions, which shall:

1           (i) specify a term of no more than 30 years,  
2           commencing on the commercial operation date of the  
3           facility;

4           (ii) provide that utilities shall maintain  
5           adequate records documenting purchases under the  
6           sourcing agreements entered into to comply with  
7           this subsection (d) and shall file an accounting  
8           with the load forecast that must be filed with the  
9           Agency by July 15 of each year, in accordance with  
10          subsection (d) of Section 16-111.5 of the Public  
11          Utilities Act;

12          (iii) provide that all costs associated with  
13          the initial clean coal facility will be  
14          periodically reported to the Federal Energy  
15          Regulatory Commission and to purchasers in  
16          accordance with applicable laws governing  
17          cost-based wholesale power contracts;

18          (iv) permit the Illinois Power Agency to  
19          assume ownership of the initial clean coal  
20          facility, without monetary consideration and  
21          otherwise on reasonable terms acceptable to the  
22          Agency, if the Agency so requests no less than 3  
23          years prior to the end of the stated contract term;

24          (v) require the owner of the initial clean coal  
25          facility to provide documentation to the  
26          Commission each year, starting in the facility's

1 first year of commercial operation, accurately  
2 reporting the quantity of carbon emissions from  
3 the facility that have been captured and  
4 sequestered and report any quantities of carbon  
5 released from the site or sites at which carbon  
6 emissions were sequestered in prior years, based  
7 on continuous monitoring of such sites. If, in any  
8 year after the first year of commercial operation,  
9 the owner of the facility fails to demonstrate that  
10 the initial clean coal facility captured and  
11 sequestered at least 50% of the total carbon  
12 emissions that the facility would otherwise emit  
13 or that sequestration of emissions from prior  
14 years has failed, resulting in the release of  
15 carbon dioxide into the atmosphere, the owner of  
16 the facility must offset excess emissions. Any  
17 such carbon offsets must be permanent, additional,  
18 verifiable, real, located within the State of  
19 Illinois, and legally and practicably enforceable.  
20 The cost of such offsets for the facility that are  
21 not recoverable shall not exceed \$15 million in any  
22 given year. No costs of any such purchases of  
23 carbon offsets may be recovered from a utility or  
24 its customers. All carbon offsets purchased for  
25 this purpose and any carbon emission credits  
26 associated with sequestration of carbon from the

1 facility must be permanently retired. The initial  
2 clean coal facility shall not forfeit its  
3 designation as a clean coal facility if the  
4 facility fails to fully comply with the applicable  
5 carbon sequestration requirements in any given  
6 year, provided the requisite offsets are  
7 purchased. However, the Attorney General, on  
8 behalf of the People of the State of Illinois, may  
9 specifically enforce the facility's sequestration  
10 requirement and the other terms of this contract  
11 provision. Compliance with the sequestration  
12 requirements and offset purchase requirements  
13 specified in paragraph (3) of this subsection (d)  
14 shall be reviewed annually by an independent  
15 expert retained by the owner of the initial clean  
16 coal facility, with the advance written approval  
17 of the Attorney General. The Commission may, in the  
18 course of the review specified in item (vii),  
19 reduce the allowable return on equity for the  
20 facility if the facility willfully ~~wilfully~~ fails  
21 to comply with the carbon capture and  
22 sequestration requirements set forth in this item  
23 (v);

24 (vi) include limits on, and accordingly  
25 provide for modification of, the amount the  
26 utility is required to source under the sourcing

1 agreement consistent with paragraph (2) of this  
2 subsection (d);

3 (vii) require Commission review: (1) to  
4 determine the justness, reasonableness, and  
5 prudence of the inputs to the formula referenced in  
6 subparagraphs (A)(i) through (A)(iii) of paragraph  
7 (3) of this subsection (d), prior to an adjustment  
8 in those inputs including, without limitation, the  
9 capital structure and return on equity, fuel  
10 costs, and other operations and maintenance costs  
11 and (2) to approve the costs to be passed through  
12 to customers under the sourcing agreement by which  
13 the utility satisfies its statutory obligations.  
14 Commission review shall occur no less than every 3  
15 years, regardless of whether any adjustments have  
16 been proposed, and shall be completed within 9  
17 months;

18 (viii) limit the utility's obligation to such  
19 amount as the utility is allowed to recover through  
20 tariffs filed with the Commission, provided that  
21 neither the clean coal facility nor the utility  
22 waives any right to assert federal pre-emption or  
23 any other argument in response to a purported  
24 disallowance of recovery costs;

25 (ix) limit the utility's or alternative retail  
26 electric supplier's obligation to incur any



1 liability until such time as the facility is in  
2 commercial operation and generating power and  
3 energy and such power and energy is being delivered  
4 to the facility busbar;

5 (x) provide that the owner or owners of the  
6 initial clean coal facility, which is the  
7 counterparty to such sourcing agreement, shall  
8 have the right from time to time to elect whether  
9 the obligations of the utility party thereto shall  
10 be governed by the power purchase provisions or the  
11 contract for differences provisions;

12 (xi) append documentation showing that the  
13 formula rate and contract, insofar as they relate  
14 to the power purchase provisions, have been  
15 approved by the Federal Energy Regulatory  
16 Commission pursuant to Section 205 of the Federal  
17 Power Act;

18 (xii) provide that any changes to the terms of  
19 the contract, insofar as such changes relate to the  
20 power purchase provisions, are subject to review  
21 under the public interest standard applied by the  
22 Federal Energy Regulatory Commission pursuant to  
23 Sections 205 and 206 of the Federal Power Act; and

24 (xiii) conform with customary lender  
25 requirements in power purchase agreements used as  
26 the basis for financing non-utility generators.

1           (4) Effective date of sourcing agreements with the  
2           initial clean coal facility.

3           Any proposed sourcing agreement with the initial clean  
4           coal facility shall not become effective unless the  
5           following reports are prepared and submitted and  
6           authorizations and approvals obtained:

7                   (i) Facility cost report. The owner of the initial  
8                   clean coal facility shall submit to the Commission, the  
9                   Agency, and the General Assembly a front-end  
10                  engineering and design study, a facility cost report,  
11                  method of financing (including but not limited to  
12                  structure and associated costs), and an operating and  
13                  maintenance cost quote for the facility (collectively  
14                  "facility cost report"), which shall be prepared in  
15                  accordance with the requirements of this paragraph (4)  
16                  of subsection (d) of this Section, and shall provide  
17                  the Commission and the Agency access to the work  
18                  papers, relied upon documents, and any other backup  
19                  documentation related to the facility cost report.

20                  (ii) Commission report. Within 6 months following  
21                  receipt of the facility cost report, the Commission, in  
22                  consultation with the Agency, shall submit a report to  
23                  the General Assembly setting forth its analysis of the  
24                  facility cost report. Such report shall include, but  
25                  not be limited to, a comparison of the costs associated  
26                  with electricity generated by the initial clean coal

1 facility to the costs associated with electricity  
2 generated by other types of generation facilities, an  
3 analysis of the rate impacts on residential and small  
4 business customers over the life of the sourcing  
5 agreements, and an analysis of the likelihood that the  
6 initial clean coal facility will commence commercial  
7 operation by and be delivering power to the facility's  
8 busbar by 2016. To assist in the preparation of its  
9 report, the Commission, in consultation with the  
10 Agency, may hire one or more experts or consultants,  
11 the costs of which shall be paid for by the owner of  
12 the initial clean coal facility. The Commission and  
13 Agency may begin the process of selecting such experts  
14 or consultants prior to receipt of the facility cost  
15 report.

16 (iii) General Assembly approval. The proposed  
17 sourcing agreements shall not take effect unless,  
18 based on the facility cost report and the Commission's  
19 report, the General Assembly enacts authorizing  
20 legislation approving (A) the projected price, stated  
21 in cents per kilowatthour, to be charged for  
22 electricity generated by the initial clean coal  
23 facility, (B) the projected impact on residential and  
24 small business customers' bills over the life of the  
25 sourcing agreements, and (C) the maximum allowable  
26 return on equity for the project; and

1           (iv) Commission review. If the General Assembly  
2           enacts authorizing legislation pursuant to  
3           subparagraph (iii) approving a sourcing agreement, the  
4           Commission shall, within 90 days of such enactment,  
5           complete a review of such sourcing agreement. During  
6           such time period, the Commission shall implement any  
7           directive of the General Assembly, resolve any  
8           disputes between the parties to the sourcing agreement  
9           concerning the terms of such agreement, approve the  
10          form of such agreement, and issue an order finding that  
11          the sourcing agreement is prudent and reasonable.

12          The facility cost report shall be prepared as follows:

13           (A) The facility cost report shall be prepared by  
14           duly licensed engineering and construction firms  
15           detailing the estimated capital costs payable to one or  
16           more contractors or suppliers for the engineering,  
17           procurement and construction of the components  
18           comprising the initial clean coal facility and the  
19           estimated costs of operation and maintenance of the  
20           facility. The facility cost report shall include:

21           (i) an estimate of the capital cost of the core  
22           plant based on one or more front end engineering  
23           and design studies for the gasification island and  
24           related facilities. The core plant shall include  
25           all civil, structural, mechanical, electrical,  
26           control, and safety systems.

1           (ii) an estimate of the capital cost of the  
2           balance of the plant, including any capital costs  
3           associated with sequestration of carbon dioxide  
4           emissions and all interconnects and interfaces  
5           required to operate the facility, such as  
6           transmission of electricity, construction or  
7           backfeed power supply, pipelines to transport  
8           substitute natural gas or carbon dioxide, potable  
9           water supply, natural gas supply, water supply,  
10          water discharge, landfill, access roads, and coal  
11          delivery.

12          The quoted construction costs shall be expressed  
13          in nominal dollars as of the date that the quote is  
14          prepared and shall include capitalized financing costs  
15          during construction, taxes, insurance, and other  
16          owner's costs, and an assumed escalation in materials  
17          and labor beyond the date as of which the construction  
18          cost quote is expressed.

19          (B) The front end engineering and design study for  
20          the gasification island and the cost study for the  
21          balance of plant shall include sufficient design work  
22          to permit quantification of major categories of  
23          materials, commodities and labor hours, and receipt of  
24          quotes from vendors of major equipment required to  
25          construct and operate the clean coal facility.

26          (C) The facility cost report shall also include an

1 operating and maintenance cost quote that will provide  
2 the estimated cost of delivered fuel, personnel,  
3 maintenance contracts, chemicals, catalysts,  
4 consumables, spares, and other fixed and variable  
5 operations and maintenance costs. The delivered fuel  
6 cost estimate will be provided by a recognized third  
7 party expert or experts in the fuel and transportation  
8 industries. The balance of the operating and  
9 maintenance cost quote, excluding delivered fuel  
10 costs, will be developed based on the inputs provided  
11 by duly licensed engineering and construction firms  
12 performing the construction cost quote, potential  
13 vendors under long-term service agreements and plant  
14 operating agreements, or recognized third party plant  
15 operator or operators.

16 The operating and maintenance cost quote  
17 (including the cost of the front end engineering and  
18 design study) shall be expressed in nominal dollars as  
19 of the date that the quote is prepared and shall  
20 include taxes, insurance, and other owner's costs, and  
21 an assumed escalation in materials and labor beyond the  
22 date as of which the operating and maintenance cost  
23 quote is expressed.

24 (D) The facility cost report shall also include an  
25 analysis of the initial clean coal facility's ability  
26 to deliver power and energy into the applicable

1 regional transmission organization markets and an  
2 analysis of the expected capacity factor for the  
3 initial clean coal facility.

4 (E) Amounts paid to third parties unrelated to the  
5 owner or owners of the initial clean coal facility to  
6 prepare the core plant construction cost quote,  
7 including the front end engineering and design study,  
8 and the operating and maintenance cost quote will be  
9 reimbursed through Coal Development Bonds.

10 (5) Re-powering and retrofitting coal-fired power  
11 plants previously owned by Illinois utilities to qualify as  
12 clean coal facilities. During the 2009 procurement  
13 planning process and thereafter, the Agency and the  
14 Commission shall consider sourcing agreements covering  
15 electricity generated by power plants that were previously  
16 owned by Illinois utilities and that have been or will be  
17 converted into clean coal facilities, as defined by Section  
18 1-10 of this Act. Pursuant to such procurement planning  
19 process, the owners of such facilities may propose to the  
20 Agency sourcing agreements with utilities and alternative  
21 retail electric suppliers required to comply with  
22 subsection (d) of this Section and item (5) of subsection  
23 (d) of Section 16-115 of the Public Utilities Act, covering  
24 electricity generated by such facilities. In the case of  
25 sourcing agreements that are power purchase agreements,  
26 the contract price for electricity sales shall be

1 established on a cost of service basis. In the case of  
2 sourcing agreements that are contracts for differences,  
3 the contract price from which the reference price is  
4 subtracted shall be established on a cost of service basis.  
5 The Agency and the Commission may approve any such utility  
6 sourcing agreements that do not exceed cost-based  
7 benchmarks developed by the procurement administrator, in  
8 consultation with the Commission staff, Agency staff and  
9 the procurement monitor, subject to Commission review and  
10 approval. The Commission shall have authority to inspect  
11 all books and records associated with these clean coal  
12 facilities during the term of any such contract.

13 (6) Costs incurred under this subsection (d) or  
14 pursuant to a contract entered into under this subsection  
15 (d) shall be deemed prudently incurred and reasonable in  
16 amount and the electric utility shall be entitled to full  
17 cost recovery pursuant to the tariffs filed with the  
18 Commission.

19 (d-5) Zero emission standard.

20 (1) Beginning with the delivery year commencing on June  
21 1, 2017, the Agency shall, for electric utilities that  
22 serve at least 100,000 retail customers in this State,  
23 procure contracts with zero emission facilities that are  
24 reasonably capable of generating cost-effective zero  
25 emission credits in an amount approximately equal to 16% of  
26 the actual amount of electricity delivered by each electric



1 utility to retail customers in the State during calendar  
2 year 2014. For an electric utility serving fewer than  
3 100,000 retail customers in this State that requested,  
4 under Section 16-111.5 of the Public Utilities Act, that  
5 the Agency procure power and energy for all or a portion of  
6 the utility's Illinois load for the delivery year  
7 commencing June 1, 2016, the Agency shall procure contracts  
8 with zero emission facilities that are reasonably capable  
9 of generating cost-effective zero emission credits in an  
10 amount approximately equal to 16% of the portion of power  
11 and energy to be procured by the Agency for the utility.  
12 The duration of the contracts procured under this  
13 subsection (d-5) shall be for a term of 10 years ending May  
14 31, 2027. The quantity of zero emission credits to be  
15 procured under the contracts shall be all of the zero  
16 emission credits generated by the zero emission facility in  
17 each delivery year; however, if the zero emission facility  
18 is owned by more than one entity, then the quantity of zero  
19 emission credits to be procured under the contracts shall  
20 be the amount of zero emission credits that are generated  
21 from the portion of the zero emission facility that is  
22 owned by the winning supplier.

23 The 16% value identified in this paragraph (1) is the  
24 average of the percentage targets in subparagraph (B) of  
25 paragraph (1) of subsection (c) of Section 1-75 of this Act  
26 for the 5 delivery years beginning June 1, 2017.

1           The procurement process shall be subject to the  
2 following provisions:

3           (A) Those zero emission facilities that intend to  
4 participate in the procurement shall submit to the  
5 Agency the following eligibility information for each  
6 zero emission facility on or before the date  
7 established by the Agency:

8           (i) the in-service date and remaining useful  
9 life of the zero emission facility;

10           (ii) the amount of power generated annually  
11 for each of the years 2005 through 2015, and the  
12 projected zero emission credits to be generated  
13 over the remaining useful life of the zero emission  
14 facility, which shall be used to determine the  
15 capability of each facility;

16           (iii) the annual zero emission facility cost  
17 projections, expressed on a per megawatthour  
18 basis, over the next 6 delivery years, which shall  
19 include the following: operation and maintenance  
20 expenses; fully allocated overhead costs, which  
21 shall be allocated using the methodology developed  
22 by the Institute for Nuclear Power Operations;  
23 fuel expenditures; non-fuel capital expenditures;  
24 spent fuel expenditures; a return on working  
25 capital; the cost of operational and market risks  
26 that could be avoided by ceasing operation; and any

1 other costs necessary for continued operations,  
2 provided that "necessary" means, for purposes of  
3 this item (iii), that the costs could reasonably be  
4 avoided only by ceasing operations of the zero  
5 emission facility; and

6 (iv) a commitment to continue operating, for  
7 the duration of the contract or contracts executed  
8 under the procurement held under this subsection  
9 (d-5), the zero emission facility that produces  
10 the zero emission credits to be procured in the  
11 procurement.

12 The information described in item (iii) of this  
13 subparagraph (A) may be submitted on a confidential basis  
14 and shall be treated and maintained by the Agency, the  
15 procurement administrator, and the Commission as  
16 confidential and proprietary and exempt from disclosure  
17 under subparagraphs (a) and (g) of paragraph (1) of Section  
18 7 of the Freedom of Information Act. The Office of Attorney  
19 General shall have access to, and maintain the  
20 confidentiality of, such information pursuant to Section  
21 6.5 of the Attorney General Act.

22 (B) The price for each zero emission credit  
23 procured under this subsection (d-5) for each delivery  
24 year shall be in an amount that equals the Social Cost  
25 of Carbon, expressed on a price per megawatthour basis.  
26 However, to ensure that the procurement remains



1 megawatthour, which is based on the sum of (aa) the  
2 average day-ahead energy price across all hours of  
3 such 12-month period at the PJM Interconnection  
4 LLC Northern Illinois Hub, (bb) 50% multiplied by  
5 the Base Residual Auction, or its successor,  
6 capacity price for the rest of the RTO zone group  
7 determined by PJM Interconnection LLC, divided by  
8 24 hours per day, and (cc) 50% multiplied by the  
9 Planning Resource Auction, or its successor,  
10 capacity price for Zone 4 determined by the  
11 Midcontinent Independent System Operator, Inc.,  
12 divided by 24 hours per day.

13 (iii) Market price index: The market price  
14 index for a delivery year shall be the sum of  
15 projected energy prices and projected capacity  
16 prices determined as follows:

17 (aa) Projected energy prices: the  
18 projected energy prices for the applicable  
19 delivery year shall be calculated once for the  
20 year using the forward market price for the PJM  
21 Interconnection, LLC Northern Illinois Hub.  
22 The forward market price shall be calculated as  
23 follows: the energy forward prices for each  
24 month of the applicable delivery year averaged  
25 for each trade date during the calendar year  
26 immediately preceding that delivery year to

1 produce a single energy forward price for the  
2 delivery year. The forward market price  
3 calculation shall use data published by the  
4 Intercontinental Exchange, or its successor.

5 (bb) Projected capacity prices:

6 (I) For the delivery years commencing  
7 June 1, 2017, June 1, 2018, and June 1,  
8 2019, the projected capacity price shall  
9 be equal to the sum of (1) 50% multiplied  
10 by the Base Residual Auction, or its  
11 successor, price for the rest of the RTO  
12 zone group as determined by PJM  
13 Interconnection LLC, divided by 24 hours  
14 per day and, (2) 50% multiplied by the  
15 resource auction price determined in the  
16 resource auction administered by the  
17 Midcontinent Independent System Operator,  
18 Inc., in which the largest percentage of  
19 load cleared for Local Resource Zone 4,  
20 divided by 24 hours per day, and where such  
21 price is determined by the Midcontinent  
22 Independent System Operator, Inc.

23 (II) For the delivery year commencing  
24 June 1, 2020, and each year thereafter, the  
25 projected capacity price shall be equal to  
26 the sum of (1) 50% multiplied by the Base

1 Residual Auction, or its successor, price  
2 for the ComEd zone as determined by PJM  
3 Interconnection LLC, divided by 24 hours  
4 per day, and (2) 50% multiplied by the  
5 resource auction price determined in the  
6 resource auction administered by the  
7 Midcontinent Independent System Operator,  
8 Inc., in which the largest percentage of  
9 load cleared for Local Resource Zone 4,  
10 divided by 24 hours per day, and where such  
11 price is determined by the Midcontinent  
12 Independent System Operator, Inc.

13 For purposes of this subsection (d-5):

14 "Rest of the RTO" and "ComEd Zone" shall have  
15 the meaning ascribed to them by PJM  
16 Interconnection, LLC.

17 "RTO" means regional transmission  
18 organization.

19 (C) No later than 45 days after June 1, 2017 (the  
20 effective date of Public Act 99-906) ~~this amendatory~~  
21 ~~Act of the 99th General Assembly~~, the Agency shall  
22 publish its proposed zero emission standard  
23 procurement plan. The plan shall be consistent with the  
24 provisions of this paragraph (1) and shall provide that  
25 winning bids shall be selected based on public interest  
26 criteria that include, but are not limited to,

1 minimizing carbon dioxide emissions that result from  
2 electricity consumed in Illinois and minimizing sulfur  
3 dioxide, nitrogen oxide, and particulate matter  
4 emissions that adversely affect the citizens of this  
5 State. In particular, the selection of winning bids  
6 shall take into account the incremental environmental  
7 benefits resulting from the procurement, such as any  
8 existing environmental benefits that are preserved by  
9 the procurements held under Public Act 99-906 ~~this~~  
10 ~~amendatory Act of the 99th General Assembly~~ and would  
11 cease to exist if the procurements were not held,  
12 including the preservation of zero emission  
13 facilities. The plan shall also describe in detail how  
14 each public interest factor shall be considered and  
15 weighted in the bid selection process to ensure that  
16 the public interest criteria are applied to the  
17 procurement and given full effect.

18 For purposes of developing the plan, the Agency  
19 shall consider any reports issued by a State agency,  
20 board, or commission under House Resolution 1146 of the  
21 98th General Assembly and paragraph (4) of subsection  
22 (d) of Section 1-75 of this Act, as well as publicly  
23 available analyses and studies performed by or for  
24 regional transmission organizations that serve the  
25 State and their independent market monitors.

26 Upon publishing of the zero emission standard



1 procurement plan, copies of the plan shall be posted  
2 and made publicly available on the Agency's website.  
3 All interested parties shall have 10 days following the  
4 date of posting to provide comment to the Agency on the  
5 plan. All comments shall be posted to the Agency's  
6 website. Following the end of the comment period, but  
7 no more than 60 days later than June 1, 2017 (the  
8 effective date of Public Act 99-906) ~~this amendatory~~  
9 ~~Act of the 99th General Assembly~~, the Agency shall  
10 revise the plan as necessary based on the comments  
11 received and file its zero emission standard  
12 procurement plan with the Commission.

13 If the Commission determines that the plan will  
14 result in the procurement of cost-effective zero  
15 emission credits, then the Commission shall, after  
16 notice and hearing, but no later than 45 days after the  
17 Agency filed the plan, approve the plan or approve with  
18 modification. For purposes of this subsection (d-5),  
19 "cost effective" means the projected costs of  
20 procuring zero emission credits from zero emission  
21 facilities do not cause the limit stated in paragraph  
22 (2) of this subsection to be exceeded.

23 (C-5) As part of the Commission's review and  
24 acceptance or rejection of the procurement results,  
25 the Commission shall, in its public notice of  
26 successful bidders:

1 (i) identify how the winning bids satisfy the  
2 public interest criteria described in subparagraph  
3 (C) of this paragraph (1) of minimizing carbon  
4 dioxide emissions that result from electricity  
5 consumed in Illinois and minimizing sulfur  
6 dioxide, nitrogen oxide, and particulate matter  
7 emissions that adversely affect the citizens of  
8 this State;

9 (ii) specifically address how the selection of  
10 winning bids takes into account the incremental  
11 environmental benefits resulting from the  
12 procurement, including any existing environmental  
13 benefits that are preserved by the procurements  
14 held under Public Act 99-906 ~~this amendatory Act of~~  
15 ~~the 99th General Assembly~~ and would have ceased to  
16 exist if the procurements had not been held, such  
17 as the preservation of zero emission facilities;

18 (iii) quantify the environmental benefit of  
19 preserving the resources identified in item (ii)  
20 of this subparagraph (C-5), including the  
21 following:

22 (aa) the value of avoided greenhouse gas  
23 emissions measured as the product of the zero  
24 emission facilities' output over the contract  
25 term multiplied by the U.S. Environmental  
26 Protection Agency eGrid subregion carbon

1           dioxide emission rate and the U.S. Interagency  
2           Working Group on Social Cost of Carbon's price  
3           in the August 2016 Technical Update using a 3%  
4           discount rate, adjusted for inflation for each  
5           delivery year; and

6           (bb) the costs of replacement with other  
7           zero carbon dioxide resources, including wind  
8           and photovoltaic, based upon the simple  
9           average of the following:

10           (I) the price, or if there is more than  
11           one price, the average of the prices, paid  
12           for renewable energy credits from new  
13           utility-scale wind projects in the  
14           procurement events specified in item (i)  
15           of subparagraph (G) of paragraph (1) of  
16           subsection (c) of Section 1-75 of this Act;  
17           and

18           (II) the price, or if there is more  
19           than one price, the average of the prices,  
20           paid for renewable energy credits from new  
21           utility-scale solar projects and  
22           brownfield site photovoltaic projects in  
23           the procurement events specified in item  
24           (ii) of subparagraph (G) of paragraph (1)  
25           of subsection (c) of Section 1-75 of this  
26           Act and, after January 1, 2015, renewable

1 energy credits from photovoltaic  
2 distributed generation projects in  
3 procurement events held under subsection  
4 (c) of Section 1-75 of this Act.

5 Each utility shall enter into binding contractual  
6 arrangements with the winning suppliers.

7 The procurement described in this subsection  
8 (d-5), including, but not limited to, the execution of  
9 all contracts procured, shall be completed no later  
10 than May 10, 2017. Based on the effective date of  
11 Public Act 99-906 ~~this amendatory Act of the 99th~~  
12 ~~General Assembly~~, the Agency and Commission may, as  
13 appropriate, modify the various dates and timelines  
14 under this subparagraph and subparagraphs (C) and (D)  
15 of this paragraph (1). The procurement and plan  
16 approval processes required by this subsection (d-5)  
17 shall be conducted in conjunction with the procurement  
18 and plan approval processes required by subsection (c)  
19 of this Section and Section 16-111.5 of the Public  
20 Utilities Act, to the extent practicable.  
21 Notwithstanding whether a procurement event is  
22 conducted under Section 16-111.5 of the Public  
23 Utilities Act, the Agency shall immediately initiate a  
24 procurement process on June 1, 2017 (the effective date  
25 of Public Act 99-906) ~~this amendatory Act of the 99th~~  
26 ~~General Assembly~~.

1           (D) Following the procurement event described in  
2 this paragraph (1) and consistent with subparagraph  
3 (B) of this paragraph (1), the Agency shall calculate  
4 the payments to be made under each contract for the  
5 next delivery year based on the market price index for  
6 that delivery year. The Agency shall publish the  
7 payment calculations no later than May 25, 2017 and  
8 every May 25 thereafter.

9           (E) Notwithstanding the requirements of this  
10 subsection (d-5), the contracts executed under this  
11 subsection (d-5) shall provide that the zero emission  
12 facility may, as applicable, suspend or terminate  
13 performance under the contracts in the following  
14 instances:

15           (i) A zero emission facility shall be excused  
16 from its performance under the contract for any  
17 cause beyond the control of the resource,  
18 including, but not restricted to, acts of God,  
19 flood, drought, earthquake, storm, fire,  
20 lightning, epidemic, war, riot, civil disturbance  
21 or disobedience, labor dispute, labor or material  
22 shortage, sabotage, acts of public enemy,  
23 explosions, orders, regulations or restrictions  
24 imposed by governmental, military, or lawfully  
25 established civilian authorities, which, in any of  
26 the foregoing cases, by exercise of commercially

1 reasonable efforts the zero emission facility  
2 could not reasonably have been expected to avoid,  
3 and which, by the exercise of commercially  
4 reasonable efforts, it has been unable to  
5 overcome. In such event, the zero emission  
6 facility shall be excused from performance for the  
7 duration of the event, including, but not limited  
8 to, delivery of zero emission credits, and no  
9 payment shall be due to the zero emission facility  
10 during the duration of the event.

11 (ii) A zero emission facility shall be  
12 permitted to terminate the contract if legislation  
13 is enacted into law by the General Assembly that  
14 imposes or authorizes a new tax, special  
15 assessment, or fee on the generation of  
16 electricity, the ownership or leasehold of a  
17 generating unit, or the privilege or occupation of  
18 such generation, ownership, or leasehold of  
19 generation units by a zero emission facility.  
20 However, the provisions of this item (ii) do not  
21 apply to any generally applicable tax, special  
22 assessment or fee, or requirements imposed by  
23 federal law.

24 (iii) A zero emission facility shall be  
25 permitted to terminate the contract in the event  
26 that the resource requires capital expenditures in

1 excess of \$40,000,000 that were neither known nor  
2 reasonably foreseeable at the time it executed the  
3 contract and that a prudent owner or operator of  
4 such resource would not undertake.

5 (iv) A zero emission facility shall be  
6 permitted to terminate the contract in the event  
7 the Nuclear Regulatory Commission terminates the  
8 resource's license.

9 (F) If the zero emission facility elects to  
10 terminate a contract under this subparagraph (E, of  
11 this paragraph (1), then the Commission shall reopen  
12 the docket in which the Commission approved the zero  
13 emission standard procurement plan under subparagraph  
14 (C) of this paragraph (1) and, after notice and  
15 hearing, enter an order acknowledging the contract  
16 termination election if such termination is consistent  
17 with the provisions of this subsection (d-5).

18 (2) For purposes of this subsection (d-5), the amount  
19 paid per kilowatthour means the total amount paid for  
20 electric service expressed on a per kilowatthour basis. For  
21 purposes of this subsection (d-5), the total amount paid  
22 for electric service includes, without limitation, amounts  
23 paid for supply, transmission, distribution, surcharges,  
24 and add-on taxes.

25 Notwithstanding the requirements of this subsection  
26 (d-5), the contracts executed under this subsection (d-5)

1 shall provide that the total of zero emission credits  
2 procured under a procurement plan shall be subject to the  
3 limitations of this paragraph (2). For each delivery year,  
4 the contractual volume receiving payments in such year  
5 shall be reduced for all retail customers based on the  
6 amount necessary to limit the net increase that delivery  
7 year to the costs of those credits included in the amounts  
8 paid by eligible retail customers in connection with  
9 electric service to no more than 1.65% of the amount paid  
10 per kilowatthour by eligible retail customers during the  
11 year ending May 31, 2009. The result of this computation  
12 shall apply to and reduce the procurement for all retail  
13 customers, and all those customers shall pay the same  
14 single, uniform cents per kilowatthour charge under  
15 subsection (k) of Section 16-108 of the Public Utilities  
16 Act. To arrive at a maximum dollar amount of zero emission  
17 credits to be paid for the particular delivery year, the  
18 resulting per kilowatthour amount shall be applied to the  
19 actual amount of kilowatthours of electricity delivered by  
20 the electric utility in the delivery year immediately prior  
21 to the procurement, to all retail customers in its service  
22 territory. Unpaid contractual volume for any delivery year  
23 shall be paid in any subsequent delivery year in which such  
24 payments can be made without exceeding the amount specified  
25 in this paragraph (2). The calculations required by this  
26 paragraph (2) shall be made only once for each procurement



1 plan year. Once the determination as to the amount of zero  
2 emission credits to be paid is made based on the  
3 calculations set forth in this paragraph (2), no subsequent  
4 rate impact determinations shall be made and no adjustments  
5 to those contract amounts shall be allowed. All costs  
6 incurred under those contracts and in implementing this  
7 subsection (d-5) shall be recovered by the electric utility  
8 as provided in this Section.

9 No later than June 30, 2019, the Commission shall  
10 review the limitation on the amount of zero emission  
11 credits procured under this subsection (d-5) and report to  
12 the General Assembly its findings as to whether that  
13 limitation unduly constrains the procurement of  
14 cost-effective zero emission credits.

15 (3) Six years after the execution of a contract under  
16 this subsection (d-5), the Agency shall determine whether  
17 the actual zero emission credit payments received by the  
18 supplier over the 6-year period exceed the Average ZEC  
19 Payment. In addition, at the end of the term of a contract  
20 executed under this subsection (d-5), or at the time, if  
21 any, a zero emission facility's contract is terminated  
22 under subparagraph (E) of paragraph (1) of this subsection  
23 (d-5), then the Agency shall determine whether the actual  
24 zero emission credit payments received by the supplier over  
25 the term of the contract exceed the Average ZEC Payment,  
26 after taking into account any amounts previously credited

1 back to the utility under this paragraph (3). If the Agency  
2 determines that the actual zero emission credit payments  
3 received by the supplier over the relevant period exceed  
4 the Average ZEC Payment, then the supplier shall credit the  
5 difference back to the utility. The amount of the credit  
6 shall be remitted to the applicable electric utility no  
7 later than 120 days after the Agency's determination, which  
8 the utility shall reflect as a credit on its retail  
9 customer bills as soon as practicable; however, the credit  
10 remitted to the utility shall not exceed the total amount  
11 of payments received by the facility under its contract.

12 For purposes of this Section, the Average ZEC Payment  
13 shall be calculated by multiplying the quantity of zero  
14 emission credits delivered under the contract times the  
15 average contract price. The average contract price shall be  
16 determined by subtracting the amount calculated under  
17 subparagraph (B) of this paragraph (3) from the amount  
18 calculated under subparagraph (A) of this paragraph (3), as  
19 follows:

20 (A) The average of the Social Cost of Carbon, as  
21 defined in subparagraph (B) of paragraph (1) of this  
22 subsection (d-5), during the term of the contract.

23 (B) The average of the market price indices, as  
24 defined in subparagraph (B) of paragraph (1) of this  
25 subsection (d-5), during the term of the contract,  
26 minus the baseline market price index, as defined in

1           subparagraph (B) of paragraph (1) of this subsection  
2           (d-5).

3           If the subtraction yields a negative number, then the  
4           Average ZEC Payment shall be zero.

5           (4) Cost-effective zero emission credits procured from  
6           zero emission facilities shall satisfy the applicable  
7           definitions set forth in Section 1-10 of this Act.

8           (5) The electric utility shall retire all zero emission  
9           credits used to comply with the requirements of this  
10          subsection (d-5).

11          (6) Electric utilities shall be entitled to recover all  
12          of the costs associated with the procurement of zero  
13          emission credits through an automatic adjustment clause  
14          tariff in accordance with subsection (k) and (m) of Section  
15          16-108 of the Public Utilities Act, and the contracts  
16          executed under this subsection (d-5) shall provide that the  
17          utilities' payment obligations under such contracts shall  
18          be reduced if an adjustment is required under subsection  
19          (m) of Section 16-108 of the Public Utilities Act.

20          (7) This subsection (d-5) shall become inoperative on  
21          January 1, 2028.

22          (e) The draft procurement plans are subject to public  
23          comment, as required by Section 16-111.5 of the Public  
24          Utilities Act.

25          (f) The Agency shall submit the final procurement plan to  
26          the Commission. The Agency shall revise a procurement plan if

1 the Commission determines that it does not meet the standards  
2 set forth in Section 16-111.5 of the Public Utilities Act.

3 (g) The Agency shall assess fees to each affected utility  
4 to recover the costs incurred in preparation of the annual  
5 procurement plan for the utility.

6 (h) The Agency shall assess fees to each bidder to recover  
7 the costs incurred in connection with a competitive procurement  
8 process.

9 (i) A renewable energy credit, carbon emission credit, or  
10 zero emission credit can only be used once to comply with a  
11 single portfolio or other standard as set forth in subsection  
12 (c), subsection (d), or subsection (d-5) of this Section,  
13 respectively. A renewable energy credit, carbon emission  
14 credit, or zero emission credit cannot be used to satisfy the  
15 requirements of more than one standard. If more than one type  
16 of credit is issued for the same megawatt hour of energy, only  
17 one credit can be used to satisfy the requirements of a single  
18 standard. After such use, the credit must be retired together  
19 with any other credits issued for the same megawatt hour of  
20 energy.

21 (Source: P.A. 98-463, eff. 8-16-13; 99-536, eff. 7-8-16;  
22 99-906, eff. 6-1-17; revised 1-22-18.)

23 Section 130. The Illinois African-American Family  
24 Commission Act is amended by changing Section 15 as follows:

1 (20 ILCS 3903/15)

2 Sec. 15. Purpose and objectives. ~~(a)~~ The purpose of the  
3 Illinois African-American Family Commission is to advise the  
4 Governor and General Assembly, as well as work directly with  
5 State agencies, to improve and expand existing policies,  
6 services, programs, and opportunities for African-American  
7 families. The Illinois African-American Family Commission  
8 shall guide the efforts of and collaborate with State agencies,  
9 including: the Department on Aging, the Department of Children  
10 and Family Services, the Department of Commerce and Economic  
11 Opportunity, the Department of Corrections, the Department of  
12 Human Services, the Department of Healthcare and Family  
13 Services, the Department of Public Health, the Department of  
14 Transportation, the Department of Employment Security, and  
15 others. This shall be achieved primarily by:

16 (1) monitoring and commenting on existing and proposed  
17 legislation and programs designed to address the needs of  
18 African-Americans in Illinois;

19 (2) assisting State agencies in developing programs,  
20 services, public policies, and research strategies that  
21 will expand and enhance the social and economic well-being  
22 of African-American children and families;

23 (3) facilitating the participation of and  
24 representation of African-Americans in the development,  
25 implementation, and planning of policies, programs, and  
26 services; and

1           (4) promoting research efforts to document the impact  
2           of policies and programs on African-American families.

3           The work of the Illinois African-American Family  
4           Commission shall include the use of existing reports, research  
5           and planning efforts, procedures, and programs.

6           (Source: P.A. 98-693, eff. 1-1-15; revised 9-22-17.)

7           Section 140. The State Finance Act is amended by setting  
8           forth and renumbering multiple versions of Sections 5.875,  
9           5.878, and 6z-102 and by amending Sections 8.3, 8.12, 8g, and  
10          13.2 as follows:

11          (30 ILCS 105/5.875)

12          Sec. 5.875. The Roadside Monarch Habitat Fund.

13          (Source: P.A. 99-723, eff. 8-5-16; 100-201, eff. 8-18-17.)

14          (30 ILCS 105/5.877)

15          Sec. 5.877 ~~5.875~~. The Horsemen's Council of Illinois Fund.

16          (Source: P.A. 100-78, eff. 1-1-18; revised 10-11-17.)

17          (30 ILCS 105/5.878)

18          Sec. 5.878. The Healthy Local Food Incentives Fund.

19          (Source: P.A. 99-928, eff. 1-20-17.)

20          (30 ILCS 105/5.879)

21          Sec. 5.879 ~~5.878~~. The Income Tax Bond Fund.

1 (Source: P.A. 100-23, eff. 7-6-17; revised 10-11-17.)

2 (30 ILCS 105/5.880)

3 Sec. 5.880 ~~5.878~~. The Prostate Cancer Awareness Fund.

4 (Source: P.A. 100-60, eff. 1-1-18; revised 10-11-17.)

5 (30 ILCS 105/5.881)

6 Sec. 5.881 ~~5.878~~. The Thriving Youth Income Tax Checkoff  
7 Fund.

8 (Source: P.A. 100-329, eff. 8-24-17; revised 10-11-17.)

9 (30 ILCS 105/5.882)

10 Sec. 5.882 ~~5.878~~. The Police Training Academy Job Training  
11 Program and Scholarship Fund.

12 (Source: P.A. 100-331, eff. 1-1-18; revised 10-11-17.)

13 (30 ILCS 105/5.883)

14 Sec. 5.883 ~~5.878~~. The BHE Data and Research Cost Recovery  
15 Fund.

16 (Source: P.A. 100-417, eff. 8-25-17; revised 10-11-17.)

17 (30 ILCS 105/5.884)

18 Sec. 5.884 ~~5.878~~. The Rental Purchase Agreement Tax Refund  
19 Fund.

20 (Source: P.A. 100-437, eff. 1-1-18; revised 10-11-17.)

1 (30 ILCS 105/6z-102)

2 Sec. 6z-102. Thriving Youth Income Tax Checkoff Fund;  
3 creation. The Thriving Youth Income Tax Checkoff Fund is  
4 created as a special fund in the State treasury. Moneys in the  
5 Fund shall be used by the Department of Human Services for the  
6 purpose of making grants to providers delivering non-Medicaid  
7 services for community-based youth programs in the State.

8 (Source: P.A. 100-329, eff. 8-24-17.)

9 (30 ILCS 105/6z-103)

10 Sec. 6z-103 ~~6z-102~~. The Police Training Academy Job  
11 Training Program and Scholarship Fund.

12 (a) A Police Training Academy Job Training Program and  
13 Scholarship Fund is created as a special fund in the State  
14 treasury and shall be used to support program and scholarship  
15 activities of the police training academy job training and  
16 scholarship programs established under Section 22-83 of the  
17 School Code and Section 65.95 of the Higher Education Student  
18 Assistance Act. Moneys from fees, gifts, grants, and donations  
19 received by the State Board of Education and Illinois Student  
20 Assistance Commission for purposes of supporting these  
21 programs and scholarships shall be deposited into the Police  
22 Training Academy Job Training Program and Scholarship Fund.

23 (b) The State Board of Education; the Illinois Student  
24 Assistance Commission; and participating counties, school  
25 districts, and law enforcement partners may seek federal,



1 State, and private funds to support the police training academy  
2 job training and scholarship programs established under  
3 Section 22-83 of the School Code and Section 65.95 of the  
4 Higher Education Student Assistance Act.

5 (Source: P.A. 100-331, eff. 1-1-18; revised 10-21-17.)

6 (30 ILCS 105/6z-104)

7 Sec. 6z-104 ~~6z-102~~. The Rental Purchase Agreement Tax  
8 Refund Fund.

9 (a) The Rental Purchase Agreement Tax Refund Fund is hereby  
10 created as a special fund in the State treasury. Moneys in the  
11 Fund shall be used by the Department of Revenue to pay refunds  
12 of Rental Purchase Agreement Tax in the manner provided in  
13 Section 6 of the Retailers' Occupation Tax Act and Section 19  
14 of the Use Tax Act, as incorporated into Sections 10 and 15 of  
15 the Rental Purchase Agreement Tax Act.

16 (b) Moneys in the Rental Purchase Agreement Tax Refund Fund  
17 shall be expended exclusively for the purpose of paying refunds  
18 pursuant to this Section.

19 (c) The Director of Revenue shall order payment of refunds  
20 under this Section from the Rental Purchase Agreement Tax  
21 Refund Fund only to the extent that amounts collected pursuant  
22 to Sections 10 and 15 of the Rental Purchase Agreement  
23 Occupation and Use Tax Act have been deposited and retained in  
24 the Fund.

25 As soon as possible after the end of each fiscal year, the

1 Director of Revenue shall order transferred, and the State  
2 Treasurer and State Comptroller shall transfer from the Rental  
3 Purchase Agreement Tax Refund Fund to the General Revenue Fund,  
4 any surplus remaining as of the end of such fiscal year.

5 This Section shall constitute an irrevocable and  
6 continuing appropriation from the Rental Purchase Agreement  
7 Tax Refund Fund for the purpose of paying refunds in accordance  
8 with the provisions of this Section.

9 (Source: P.A. 100-437, eff. 1-1-18; revised 10-21-17.)

10 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

11 Sec. 8.3. Money in the Road Fund shall, if and when the  
12 State of Illinois incurs any bonded indebtedness for the  
13 construction of permanent highways, be set aside and used for  
14 the purpose of paying and discharging annually the principal  
15 and interest on that bonded indebtedness then due and payable,  
16 and for no other purpose. The surplus, if any, in the Road Fund  
17 after the payment of principal and interest on that bonded  
18 indebtedness then annually due shall be used as follows:

19 first -- to pay the cost of administration of Chapters  
20 2 through 10 of the Illinois Vehicle Code, except the cost  
21 of administration of Articles I and II of Chapter 3 of that  
22 Code; and

23 secondly -- for expenses of the Department of  
24 Transportation for construction, reconstruction,  
25 improvement, repair, maintenance, operation, and

1 administration of highways in accordance with the  
2 provisions of laws relating thereto, or for any purpose  
3 related or incident to and connected therewith, including  
4 the separation of grades of those highways with railroads  
5 and with highways and including the payment of awards made  
6 by the Illinois Workers' Compensation Commission under the  
7 terms of the Workers' Compensation Act or Workers'  
8 Occupational Diseases Act for injury or death of an  
9 employee of the Division of Highways in the Department of  
10 Transportation; or for the acquisition of land and the  
11 erection of buildings for highway purposes, including the  
12 acquisition of highway right-of-way or for investigations  
13 to determine the reasonably anticipated future highway  
14 needs; or for making of surveys, plans, specifications and  
15 estimates for and in the construction and maintenance of  
16 flight strips and of highways necessary to provide access  
17 to military and naval reservations, to defense industries  
18 and defense-industry sites, and to the sources of raw  
19 materials and for replacing existing highways and highway  
20 connections shut off from general public use at military  
21 and naval reservations and defense-industry sites, or for  
22 the purchase of right-of-way, except that the State shall  
23 be reimbursed in full for any expense incurred in building  
24 the flight strips; or for the operating and maintaining of  
25 highway garages; or for patrolling and policing the public  
26 highways and conserving the peace; or for the operating

1 expenses of the Department relating to the administration  
2 of public transportation programs; or, during fiscal year  
3 2012 only, for the purposes of a grant not to exceed  
4 \$8,500,000 to the Regional Transportation Authority on  
5 behalf of PACE for the purpose of ADA/Para-transit  
6 expenses; or, during fiscal year 2013 only, for the  
7 purposes of a grant not to exceed \$3,825,000 to the  
8 Regional Transportation Authority on behalf of PACE for the  
9 purpose of ADA/Para-transit expenses; or, during fiscal  
10 year 2014 only, for the purposes of a grant not to exceed  
11 \$3,825,000 to the Regional Transportation Authority on  
12 behalf of PACE for the purpose of ADA/Para-transit  
13 expenses; or, during fiscal year 2015 only, for the  
14 purposes of a grant not to exceed \$3,825,000 to the  
15 Regional Transportation Authority on behalf of PACE for the  
16 purpose of ADA/Para-transit expenses; or, during fiscal  
17 year 2016 only, for the purposes of a grant not to exceed  
18 \$3,825,000 to the Regional Transportation Authority on  
19 behalf of PACE for the purpose of ADA/Para-transit  
20 expenses; or, during fiscal year 2017 only, for the  
21 purposes of a grant not to exceed \$3,825,000 to the  
22 Regional Transportation Authority on behalf of PACE for the  
23 purpose of ADA/Para-transit expenses; or for any of those  
24 purposes or any other purpose that may be provided by law.

25 Appropriations for any of those purposes are payable from  
26 the Road Fund. Appropriations may also be made from the Road

1 Fund for the administrative expenses of any State agency that  
2 are related to motor vehicles or arise from the use of motor  
3 vehicles.

4 Beginning with fiscal year 1980 and thereafter, no Road  
5 Fund monies shall be appropriated to the following Departments  
6 or agencies of State government for administration, grants, or  
7 operations; but this limitation is not a restriction upon  
8 appropriating for those purposes any Road Fund monies that are  
9 eligible for federal reimbursement: †

10 1. Department of Public Health;

11 2. Department of Transportation, only with respect to  
12 subsidies for one-half fare Student Transportation and  
13 Reduced Fare for Elderly, except during fiscal year 2012  
14 only when no more than \$40,000,000 may be expended and  
15 except during fiscal year 2013 only when no more than  
16 \$17,570,300 may be expended and except during fiscal year  
17 2014 only when no more than \$17,570,000 may be expended and  
18 except during fiscal year 2015 only when no more than  
19 \$17,570,000 may be expended and except during fiscal year  
20 2016 only when no more than \$17,570,000 may be expended and  
21 except during fiscal year 2017 only when no more than  
22 \$17,570,000 may be expended;

23 3. Department of Central Management Services, except  
24 for expenditures incurred for group insurance premiums of  
25 appropriate personnel;

26 4. Judicial Systems and Agencies.

1           Beginning with fiscal year 1981 and thereafter, no Road  
2 Fund monies shall be appropriated to the following Departments  
3 or agencies of State government for administration, grants, or  
4 operations; but this limitation is not a restriction upon  
5 appropriating for those purposes any Road Fund monies that are  
6 eligible for federal reimbursement:

7           1. Department of State Police, except for expenditures  
8 with respect to the Division of Operations;

9           2. Department of Transportation, only with respect to  
10 Intercity Rail Subsidies, except during fiscal year 2012  
11 only when no more than \$40,000,000 may be expended and  
12 except during fiscal year 2013 only when no more than  
13 \$26,000,000 may be expended and except during fiscal year  
14 2014 only when no more than \$38,000,000 may be expended and  
15 except during fiscal year 2015 only when no more than  
16 \$42,000,000 may be expended and except during fiscal year  
17 2016 only when no more than \$38,300,000 may be expended and  
18 except during fiscal year 2017 only when no more than  
19 \$50,000,000 may be expended and except during fiscal year  
20 2018 only when no more than \$52,000,000 may be expended,  
21 and Rail Freight Services.

22           Beginning with fiscal year 1982 and thereafter, no Road  
23 Fund monies shall be appropriated to the following Departments  
24 or agencies of State government for administration, grants, or  
25 operations; but this limitation is not a restriction upon  
26 appropriating for those purposes any Road Fund monies that are

1 eligible for federal reimbursement: Department of Central  
2 Management Services, except for awards made by the Illinois  
3 Workers' Compensation Commission under the terms of the  
4 Workers' Compensation Act or Workers' Occupational Diseases  
5 Act for injury or death of an employee of the Division of  
6 Highways in the Department of Transportation.

7 Beginning with fiscal year 1984 and thereafter, no Road  
8 Fund monies shall be appropriated to the following Departments  
9 or agencies of State government for administration, grants, or  
10 operations; but this limitation is not a restriction upon  
11 appropriating for those purposes any Road Fund monies that are  
12 eligible for federal reimbursement:

- 13 1. Department of State Police, except not more than 40%
- 14 of the funds appropriated for the Division of Operations;
- 15 2. State Officers.

16 Beginning with fiscal year 1984 and thereafter, no Road  
17 Fund monies shall be appropriated to any Department or agency  
18 of State government for administration, grants, or operations  
19 except as provided hereafter; but this limitation is not a  
20 restriction upon appropriating for those purposes any Road Fund  
21 monies that are eligible for federal reimbursement. It shall  
22 not be lawful to circumvent the above appropriation limitations  
23 by governmental reorganization or other methods.  
24 Appropriations shall be made from the Road Fund only in  
25 accordance with the provisions of this Section.

26 Money in the Road Fund shall, if and when the State of

1 Illinois incurs any bonded indebtedness for the construction of  
2 permanent highways, be set aside and used for the purpose of  
3 paying and discharging during each fiscal year the principal  
4 and interest on that bonded indebtedness as it becomes due and  
5 payable as provided in the Transportation Bond Act, and for no  
6 other purpose. The surplus, if any, in the Road Fund after the  
7 payment of principal and interest on that bonded indebtedness  
8 then annually due shall be used as follows:

9 first -- to pay the cost of administration of Chapters  
10 2 through 10 of the Illinois Vehicle Code; and

11 secondly -- no Road Fund monies derived from fees,  
12 excises, or license taxes relating to registration,  
13 operation and use of vehicles on public highways or to  
14 fuels used for the propulsion of those vehicles, shall be  
15 appropriated or expended other than for costs of  
16 administering the laws imposing those fees, excises, and  
17 license taxes, statutory refunds and adjustments allowed  
18 thereunder, administrative costs of the Department of  
19 Transportation, including, but not limited to, the  
20 operating expenses of the Department relating to the  
21 administration of public transportation programs, payment  
22 of debts and liabilities incurred in construction and  
23 reconstruction of public highways and bridges, acquisition  
24 of rights-of-way for and the cost of construction,  
25 reconstruction, maintenance, repair, and operation of  
26 public highways and bridges under the direction and



1 supervision of the State, political subdivision, or  
2 municipality collecting those monies, or during fiscal  
3 year 2012 only for the purposes of a grant not to exceed  
4 \$8,500,000 to the Regional Transportation Authority on  
5 behalf of PACE for the purpose of ADA/Para-transit  
6 expenses, or during fiscal year 2013 only for the purposes  
7 of a grant not to exceed \$3,825,000 to the Regional  
8 Transportation Authority on behalf of PACE for the purpose  
9 of ADA/Para-transit expenses, or during fiscal year 2014  
10 only for the purposes of a grant not to exceed \$3,825,000  
11 to the Regional Transportation Authority on behalf of PACE  
12 for the purpose of ADA/Para-transit expenses, or during  
13 fiscal year 2015 only for the purposes of a grant not to  
14 exceed \$3,825,000 to the Regional Transportation Authority  
15 on behalf of PACE for the purpose of ADA/Para-transit  
16 expenses, or during fiscal year 2016 only for the purposes  
17 of a grant not to exceed \$3,825,000 to the Regional  
18 Transportation Authority on behalf of PACE for the purpose  
19 of ADA/Para-transit expenses, or during fiscal year 2017  
20 only for the purposes of a grant not to exceed \$3,825,000  
21 to the Regional Transportation Authority on behalf of PACE  
22 for the purpose of ADA/Para-transit expenses, and the costs  
23 for patrolling and policing the public highways (by State,  
24 political subdivision, or municipality collecting that  
25 money) for enforcement of traffic laws. The separation of  
26 grades of such highways with railroads and costs associated

1 with protection of at-grade highway and railroad crossing  
2 shall also be permissible.

3 Appropriations for any of such purposes are payable from  
4 the Road Fund or the Grade Crossing Protection Fund as provided  
5 in Section 8 of the Motor Fuel Tax Law.

6 Except as provided in this paragraph, beginning with fiscal  
7 year 1991 and thereafter, no Road Fund monies shall be  
8 appropriated to the Department of State Police for the purposes  
9 of this Section in excess of its total fiscal year 1990 Road  
10 Fund appropriations for those purposes unless otherwise  
11 provided in Section 5g of this Act. For fiscal years 2003,  
12 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
13 appropriated to the Department of State Police for the purposes  
14 of this Section in excess of \$97,310,000. For fiscal year 2008  
15 only, no Road Fund monies shall be appropriated to the  
16 Department of State Police for the purposes of this Section in  
17 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
18 monies shall be appropriated to the Department of State Police  
19 for the purposes of this Section in excess of \$114,700,000.  
20 Beginning in fiscal year 2010, no road fund moneys shall be  
21 appropriated to the Department of State Police. It shall not be  
22 lawful to circumvent this limitation on appropriations by  
23 governmental reorganization or other methods unless otherwise  
24 provided in Section 5g of this Act.

25 In fiscal year 1994, no Road Fund monies shall be  
26 appropriated to the Secretary of State for the purposes of this

1 Section in excess of the total fiscal year 1991 Road Fund  
2 appropriations to the Secretary of State for those purposes,  
3 plus \$9,800,000. It shall not be lawful to circumvent this  
4 limitation on appropriations by governmental reorganization or  
5 other method.

6 Beginning with fiscal year 1995 and thereafter, no Road  
7 Fund monies shall be appropriated to the Secretary of State for  
8 the purposes of this Section in excess of the total fiscal year  
9 1994 Road Fund appropriations to the Secretary of State for  
10 those purposes. It shall not be lawful to circumvent this  
11 limitation on appropriations by governmental reorganization or  
12 other methods.

13 Beginning with fiscal year 2000, total Road Fund  
14 appropriations to the Secretary of State for the purposes of  
15 this Section shall not exceed the amounts specified for the  
16 following fiscal years:

17	Fiscal Year 2000	\$80,500,000;
18	Fiscal Year 2001	\$80,500,000;
19	Fiscal Year 2002	\$80,500,000;
20	Fiscal Year 2003	\$130,500,000;
21	Fiscal Year 2004	\$130,500,000;
22	Fiscal Year 2005	\$130,500,000;
23	Fiscal Year 2006	\$130,500,000;
24	Fiscal Year 2007	\$130,500,000;
25	Fiscal Year 2008	\$130,500,000;
26	Fiscal Year 2009	\$130,500,000.

1           For fiscal year 2010, no road fund moneys shall be  
2 appropriated to the Secretary of State.

3           Beginning in fiscal year 2011, moneys in the Road Fund  
4 shall be appropriated to the Secretary of State for the  
5 exclusive purpose of paying refunds due to overpayment of fees  
6 related to Chapter 3 of the Illinois Vehicle Code unless  
7 otherwise provided for by law.

8           It shall not be lawful to circumvent this limitation on  
9 appropriations by governmental reorganization or other  
10 methods.

11           No new program may be initiated in fiscal year 1991 and  
12 thereafter that is not consistent with the limitations imposed  
13 by this Section for fiscal year 1984 and thereafter, insofar as  
14 appropriation of Road Fund monies is concerned.

15           Nothing in this Section prohibits transfers from the Road  
16 Fund to the State Construction Account Fund under Section 5e of  
17 this Act; nor to the General Revenue Fund, as authorized by  
18 Public Act 93-25 ~~this amendatory Act of the 93rd General~~  
19 ~~Assembly.~~

20           The additional amounts authorized for expenditure in this  
21 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
22 shall be repaid to the Road Fund from the General Revenue Fund  
23 in the next succeeding fiscal year that the General Revenue  
24 Fund has a positive budgetary balance, as determined by  
25 generally accepted accounting principles applicable to  
26 government.

1           The additional amounts authorized for expenditure by the  
2 Secretary of State and the Department of State Police in this  
3 Section by Public Act 94-91 ~~this amendatory Act of the 94th~~  
4 ~~General Assembly~~ shall be repaid to the Road Fund from the  
5 General Revenue Fund in the next succeeding fiscal year that  
6 the General Revenue Fund has a positive budgetary balance, as  
7 determined by generally accepted accounting principles  
8 applicable to government.

9           (Source: P.A. 99-523, eff. 6-30-16; 100-23, eff. 7-6-17;  
10 revised 10-11-17.)

11           (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

12           Sec. 8.12. State Pensions Fund.

13           (a) The moneys in the State Pensions Fund shall be used  
14 exclusively for the administration of the Revised Uniform  
15 Unclaimed Property Act and for the expenses incurred by the  
16 Auditor General for administering the provisions of Section  
17 2-8.1 of the Illinois State Auditing Act and for operational  
18 expenses of the Office of the State Treasurer and for the  
19 funding of the unfunded liabilities of the designated  
20 retirement systems. Beginning in State fiscal year 2019,  
21 payments to the designated retirement systems under this  
22 Section shall be in addition to, and not in lieu of, any State  
23 contributions required under the Illinois Pension Code.

24           "Designated retirement systems" means:

25           (1) the State Employees' Retirement System of

1 Illinois;

2 (2) the Teachers' Retirement System of the State of  
3 Illinois;

4 (3) the State Universities Retirement System;

5 (4) the Judges Retirement System of Illinois; and

6 (5) the General Assembly Retirement System.

7 (b) Each year the General Assembly may make appropriations  
8 from the State Pensions Fund for the administration of the  
9 Revised Uniform Unclaimed Property Act.

10 (c) As soon as possible after July 30, 2004 (the effective  
11 date of Public Act 93-839) ~~this amendatory Act of the 93rd~~  
12 ~~General Assembly~~, the General Assembly shall appropriate from  
13 the State Pensions Fund (1) to the State Universities  
14 Retirement System the amount certified under Section 15-165  
15 during the prior year, (2) to the Judges Retirement System of  
16 Illinois the amount certified under Section 18-140 during the  
17 prior year, and (3) to the General Assembly Retirement System  
18 the amount certified under Section 2-134 during the prior year  
19 as part of the required State contributions to each of those  
20 designated retirement systems; except that amounts  
21 appropriated under this subsection (c) in State fiscal year  
22 2005 shall not reduce the amount in the State Pensions Fund  
23 below \$5,000,000. If the amount in the State Pensions Fund does  
24 not exceed the sum of the amounts certified in Sections 15-165,  
25 18-140, and 2-134 by at least \$5,000,000, the amount paid to  
26 each designated retirement system under this subsection shall

1 be reduced in proportion to the amount certified by each of  
2 those designated retirement systems.

3 (c-5) For fiscal years 2006 through 2018, the General  
4 Assembly shall appropriate from the State Pensions Fund to the  
5 State Universities Retirement System the amount estimated to be  
6 available during the fiscal year in the State Pensions Fund;  
7 provided, however, that the amounts appropriated under this  
8 subsection (c-5) shall not reduce the amount in the State  
9 Pensions Fund below \$5,000,000.

10 (c-6) For fiscal year 2019 and each fiscal year thereafter,  
11 as soon as may be practical after any money is deposited into  
12 the State Pensions Fund from the Unclaimed Property Trust Fund,  
13 the State Treasurer shall apportion the deposited amount among  
14 the designated retirement systems as defined in subsection (a)  
15 to reduce their actuarial reserve deficiencies. The State  
16 Comptroller and State Treasurer shall pay the apportioned  
17 amounts to the designated retirement systems to fund the  
18 unfunded liabilities of the designated retirement systems. The  
19 amount apportioned to each designated retirement system shall  
20 constitute a portion of the amount estimated to be available  
21 for appropriation from the State Pensions Fund that is the same  
22 as that retirement system's portion of the total actual reserve  
23 deficiency of the systems, as determined annually by the  
24 Governor's Office of Management and Budget at the request of  
25 the State Treasurer. The amounts apportioned under this  
26 subsection shall not reduce the amount in the State Pensions

1 Fund below \$5,000,000.

2 (d) The Governor's Office of Management and Budget shall  
3 determine the individual and total reserve deficiencies of the  
4 designated retirement systems. For this purpose, the  
5 Governor's Office of Management and Budget shall utilize the  
6 latest available audit and actuarial reports of each of the  
7 retirement systems and the relevant reports and statistics of  
8 the Public Employee Pension Fund Division of the Department of  
9 Insurance.

10 (d-1) As soon as practicable after March 5, 2004 (the  
11 effective date of Public Act 93-665) ~~this amendatory Act of the~~  
12 ~~93rd General Assembly~~, the Comptroller shall direct and the  
13 Treasurer shall transfer from the State Pensions Fund to the  
14 General Revenue Fund, as funds become available, a sum equal to  
15 the amounts that would have been paid from the State Pensions  
16 Fund to the Teachers' Retirement System of the State of  
17 Illinois, the State Universities Retirement System, the Judges  
18 Retirement System of Illinois, the General Assembly Retirement  
19 System, and the State Employees' Retirement System of Illinois  
20 after March 5, 2004 (the effective date of Public Act 93-665)  
21 ~~this amendatory Act~~ during the remainder of fiscal year 2004 to  
22 the designated retirement systems from the appropriations  
23 provided for in this Section if the transfers provided in  
24 Section 6z-61 had not occurred. The transfers described in this  
25 subsection (d-1) are to partially repay the General Revenue  
26 Fund for the costs associated with the bonds used to fund the



1 moneys transferred to the designated retirement systems under  
2 Section 6z-61.

3 (e) The changes to this Section made by Public Act 88-593  
4 ~~this amendatory Act of 1994~~ shall first apply to distributions  
5 from the Fund for State fiscal year 1996.

6 (Source: P.A. 99-8, eff. 7-9-15; 99-78, eff. 7-20-15; 99-523,  
7 eff. 6-30-16; 100-22, eff. 1-1-18; 100-23, eff. 7-6-17; revised  
8 8-8-17.)

9 (30 ILCS 105/8g)

10 Sec. 8g. Fund transfers.

11 (a) In addition to any other transfers that may be provided  
12 for by law, as soon as may be practical after June 9, 1999 (the  
13 effective date of Public Act 91-25), the State Comptroller  
14 shall direct and the State Treasurer shall transfer the sum of  
15 \$10,000,000 from the General Revenue Fund to the Motor Vehicle  
16 License Plate Fund created by Public Act 91-37.

17 (b) In addition to any other transfers that may be provided  
18 for by law, as soon as may be practical after June 9, 1999 (the  
19 effective date of Public Act 91-25), the State Comptroller  
20 shall direct and the State Treasurer shall transfer the sum of  
21 \$25,000,000 from the General Revenue Fund to the Fund for  
22 Illinois' Future created by Public Act 91-38.

23 (c) In addition to any other transfers that may be provided  
24 for by law, on August 30 of each fiscal year's license period,  
25 the Illinois Liquor Control Commission shall direct and the

1 State Comptroller and State Treasurer shall transfer from the  
2 General Revenue Fund to the Youth Alcoholism and Substance  
3 Abuse Prevention Fund an amount equal to the number of retail  
4 liquor licenses issued for that fiscal year multiplied by \$50.

5 (d) The payments to programs required under subsection (d)  
6 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall  
7 be made, pursuant to appropriation, from the special funds  
8 referred to in the statutes cited in that subsection, rather  
9 than directly from the General Revenue Fund.

10 Beginning January 1, 2000, on the first day of each month,  
11 or as soon as may be practical thereafter, the State  
12 Comptroller shall direct and the State Treasurer shall transfer  
13 from the General Revenue Fund to each of the special funds from  
14 which payments are to be made under subsection (d) of Section  
15 28.1 of the Illinois Horse Racing Act of 1975 an amount equal  
16 to 1/12 of the annual amount required for those payments from  
17 that special fund, which annual amount shall not exceed the  
18 annual amount for those payments from that special fund for the  
19 calendar year 1998. The special funds to which transfers shall  
20 be made under this subsection (d) include, but are not  
21 necessarily limited to, the Agricultural Premium Fund; the  
22 Metropolitan Exposition, Auditorium and Office Building Fund;  
23 the Fair and Exposition Fund; the Illinois Standardbred  
24 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and the  
25 Illinois Veterans' Rehabilitation Fund. Except for transfers  
26 attributable to prior fiscal years, during State fiscal year

1 2018 only, no transfers shall be made from the General Revenue  
2 Fund to the Agricultural Premium Fund, the Fair and Exposition  
3 Fund, the Illinois Standardbred Breeders Fund, or the Illinois  
4 Thoroughbred Breeders Fund.

5 (e) In addition to any other transfers that may be provided  
6 for by law, as soon as may be practical after May 17, 2000 (the  
7 effective date of Public Act 91-704), but in no event later  
8 than June 30, 2000, the State Comptroller shall direct and the  
9 State Treasurer shall transfer the sum of \$15,000,000 from the  
10 General Revenue Fund to the Fund for Illinois' Future.

11 (f) In addition to any other transfers that may be provided  
12 for by law, as soon as may be practical after May 17, 2000 (the  
13 effective date of Public Act 91-704), but in no event later  
14 than June 30, 2000, the State Comptroller shall direct and the  
15 State Treasurer shall transfer the sum of \$70,000,000 from the  
16 General Revenue Fund to the Long-Term Care Provider Fund.

17 (f-1) In fiscal year 2002, in addition to any other  
18 transfers that may be provided for by law, at the direction of  
19 and upon notification from the Governor, the State Comptroller  
20 shall direct and the State Treasurer shall transfer amounts not  
21 exceeding a total of \$160,000,000 from the General Revenue Fund  
22 to the Long-Term Care Provider Fund.

23 (g) In addition to any other transfers that may be provided  
24 for by law, on July 1, 2001, or as soon thereafter as may be  
25 practical, the State Comptroller shall direct and the State  
26 Treasurer shall transfer the sum of \$1,200,000 from the General

1 Revenue Fund to the Violence Prevention Fund.

2 (h) In each of fiscal years 2002 through 2004, but not  
3 thereafter, in addition to any other transfers that may be  
4 provided for by law, the State Comptroller shall direct and the  
5 State Treasurer shall transfer \$5,000,000 from the General  
6 Revenue Fund to the Tourism Promotion Fund.

7 (i) On or after July 1, 2001 and until May 1, 2002, in  
8 addition to any other transfers that may be provided for by  
9 law, at the direction of and upon notification from the  
10 Governor, the State Comptroller shall direct and the State  
11 Treasurer shall transfer amounts not exceeding a total of  
12 \$80,000,000 from the General Revenue Fund to the Tobacco  
13 Settlement Recovery Fund. Any amounts so transferred shall be  
14 re-transferred by the State Comptroller and the State Treasurer  
15 from the Tobacco Settlement Recovery Fund to the General  
16 Revenue Fund at the direction of and upon notification from the  
17 Governor, but in any event on or before June 30, 2002.

18 (i-1) On or after July 1, 2002 and until May 1, 2003, in  
19 addition to any other transfers that may be provided for by  
20 law, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts not exceeding a total of  
23 \$80,000,000 from the General Revenue Fund to the Tobacco  
24 Settlement Recovery Fund. Any amounts so transferred shall be  
25 re-transferred by the State Comptroller and the State Treasurer  
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the  
 2 Governor, but in any event on or before June 30, 2003.

3 (j) On or after July 1, 2001 and no later than June 30,  
 4 2002, in addition to any other transfers that may be provided  
 5 for by law, at the direction of and upon notification from the  
 6 Governor, the State Comptroller shall direct and the State  
 7 Treasurer shall transfer amounts not to exceed the following  
 8 sums into the Statistical Services Revolving Fund:

9	From the General Revenue Fund .....	\$8,450,000
10	From the Public Utility Fund .....	1,700,000
11	From the Transportation Regulatory Fund .....	2,650,000
12	From the Title III Social Security and	
13	Employment Fund .....	3,700,000
14	From the Professions Indirect Cost Fund .....	4,050,000
15	From the Underground Storage Tank Fund .....	550,000
16	From the Agricultural Premium Fund .....	750,000
17	From the State Pensions Fund .....	200,000
18	From the Road Fund .....	2,000,000
19	From the Illinois Health Facilities	
20	Planning Fund .....	1,000,000
21	From the Savings and Residential Finance	
22	Regulatory Fund .....	130,800
23	From the Appraisal Administration Fund .....	28,600
24	From the Pawnbroker Regulation Fund .....	3,600
25	From the Auction Regulation	
26	Administration Fund .....	35,800

1	From the Bank and Trust Company Fund.....	634,800
2	From the Real Estate License	
3	Administration Fund .....	313,600

4 (k) In addition to any other transfers that may be provided  
5 for by law, as soon as may be practical after December 20, 2001  
6 (the effective date of Public Act 92-505), the State  
7 Comptroller shall direct and the State Treasurer shall transfer  
8 the sum of \$2,000,000 from the General Revenue Fund to the  
9 Teachers Health Insurance Security Fund.

10 (k-1) In addition to any other transfers that may be  
11 provided for by law, on July 1, 2002, or as soon as may be  
12 practical thereafter, the State Comptroller shall direct and  
13 the State Treasurer shall transfer the sum of \$2,000,000 from  
14 the General Revenue Fund to the Teachers Health Insurance  
15 Security Fund.

16 (k-2) In addition to any other transfers that may be  
17 provided for by law, on July 1, 2003, or as soon as may be  
18 practical thereafter, the State Comptroller shall direct and  
19 the State Treasurer shall transfer the sum of \$2,000,000 from  
20 the General Revenue Fund to the Teachers Health Insurance  
21 Security Fund.

22 (k-3) On or after July 1, 2002 and no later than June 30,  
23 2003, in addition to any other transfers that may be provided  
24 for by law, at the direction of and upon notification from the  
25 Governor, the State Comptroller shall direct and the State  
26 Treasurer shall transfer amounts not to exceed the following

1 sums into the Statistical Services Revolving Fund:

2	Appraisal Administration Fund .....	\$150,000
3	General Revenue Fund .....	10,440,000
4	Savings and Residential Finance	
5	Regulatory Fund .....	200,000
6	State Pensions Fund .....	100,000
7	Bank and Trust Company Fund .....	100,000
8	Professions Indirect Cost Fund .....	3,400,000
9	Public Utility Fund .....	2,081,200
10	Real Estate License Administration Fund .....	150,000
11	Title III Social Security and	
12	Employment Fund .....	1,000,000
13	Transportation Regulatory Fund .....	3,052,100
14	Underground Storage Tank Fund .....	50,000

15 (l) In addition to any other transfers that may be provided  
 16 for by law, on July 1, 2002, or as soon as may be practical  
 17 thereafter, the State Comptroller shall direct and the State  
 18 Treasurer shall transfer the sum of \$3,000,000 from the General  
 19 Revenue Fund to the Presidential Library and Museum Operating  
 20 Fund.

21 (m) In addition to any other transfers that may be provided  
 22 for by law, on July 1, 2002 and on January 8, 2004 (the  
 23 effective date of Public Act 93-648), or as soon thereafter as  
 24 may be practical, the State Comptroller shall direct and the  
 25 State Treasurer shall transfer the sum of \$1,200,000 from the  
 26 General Revenue Fund to the Violence Prevention Fund.

1           (n) In addition to any other transfers that may be provided  
2 for by law, on July 1, 2003, or as soon thereafter as may be  
3 practical, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$6,800,000 from the General  
5 Revenue Fund to the DHS Recoveries Trust Fund.

6           (o) On or after July 1, 2003, and no later than June 30,  
7 2004, in addition to any other transfers that may be provided  
8 for by law, at the direction of and upon notification from the  
9 Governor, the State Comptroller shall direct and the State  
10 Treasurer shall transfer amounts not to exceed the following  
11 sums into the Vehicle Inspection Fund:

12           From the Underground Storage Tank Fund       ..... \$35,000,000.

13           (p) On or after July 1, 2003 and until May 1, 2004, in  
14 addition to any other transfers that may be provided for by  
15 law, at the direction of and upon notification from the  
16 Governor, the State Comptroller shall direct and the State  
17 Treasurer shall transfer amounts not exceeding a total of  
18 \$80,000,000 from the General Revenue Fund to the Tobacco  
19 Settlement Recovery Fund. Any amounts so transferred shall be  
20 re-transferred from the Tobacco Settlement Recovery Fund to the  
21 General Revenue Fund at the direction of and upon notification  
22 from the Governor, but in any event on or before June 30, 2004.

23           (q) In addition to any other transfers that may be provided  
24 for by law, on July 1, 2003, or as soon as may be practical  
25 thereafter, the State Comptroller shall direct and the State  
26 Treasurer shall transfer the sum of \$5,000,000 from the General



1 Revenue Fund to the Illinois Military Family Relief Fund.

2 (r) In addition to any other transfers that may be provided  
3 for by law, on July 1, 2003, or as soon as may be practical  
4 thereafter, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$1,922,000 from the General  
6 Revenue Fund to the Presidential Library and Museum Operating  
7 Fund.

8 (s) In addition to any other transfers that may be provided  
9 for by law, on or after July 1, 2003, the State Comptroller  
10 shall direct and the State Treasurer shall transfer the sum of  
11 \$4,800,000 from the Statewide Economic Development Fund to the  
12 General Revenue Fund.

13 (t) In addition to any other transfers that may be provided  
14 for by law, on or after July 1, 2003, the State Comptroller  
15 shall direct and the State Treasurer shall transfer the sum of  
16 \$50,000,000 from the General Revenue Fund to the Budget  
17 Stabilization Fund.

18 (u) On or after July 1, 2004 and until May 1, 2005, in  
19 addition to any other transfers that may be provided for by  
20 law, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts not exceeding a total of  
23 \$80,000,000 from the General Revenue Fund to the Tobacco  
24 Settlement Recovery Fund. Any amounts so transferred shall be  
25 retransferred by the State Comptroller and the State Treasurer  
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the  
2 Governor, but in any event on or before June 30, 2005.

3 (v) In addition to any other transfers that may be provided  
4 for by law, on July 1, 2004, or as soon thereafter as may be  
5 practical, the State Comptroller shall direct and the State  
6 Treasurer shall transfer the sum of \$1,200,000 from the General  
7 Revenue Fund to the Violence Prevention Fund.

8 (w) In addition to any other transfers that may be provided  
9 for by law, on July 1, 2004, or as soon thereafter as may be  
10 practical, the State Comptroller shall direct and the State  
11 Treasurer shall transfer the sum of \$6,445,000 from the General  
12 Revenue Fund to the Presidential Library and Museum Operating  
13 Fund.

14 (x) In addition to any other transfers that may be provided  
15 for by law, on January 15, 2005, or as soon thereafter as may  
16 be practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer to the General Revenue Fund the  
18 following sums:

19 From the State Crime Laboratory Fund, \$200,000;

20 From the State Police Wireless Service Emergency Fund,  
21 \$200,000;

22 From the State Offender DNA Identification System  
23 Fund, \$800,000; and

24 From the State Police Whistleblower Reward and  
25 Protection Fund, \$500,000.

26 (y) Notwithstanding any other provision of law to the

1 contrary, in addition to any other transfers that may be  
2 provided for by law on June 30, 2005, or as soon as may be  
3 practical thereafter, the State Comptroller shall direct and  
4 the State Treasurer shall transfer the remaining balance from  
5 the designated funds into the General Revenue Fund and any  
6 future deposits that would otherwise be made into these funds  
7 must instead be made into the General Revenue Fund:

8 (1) the Keep Illinois Beautiful Fund;

9 (2) the Metropolitan Fair and Exposition Authority  
10 Reconstruction Fund;

11 (3) the New Technology Recovery Fund;

12 (4) the Illinois Rural Bond Bank Trust Fund;

13 (5) the ISBE School Bus Driver Permit Fund;

14 (6) the Solid Waste Management Revolving Loan Fund;

15 (7) the State Postsecondary Review Program Fund;

16 (8) the Tourism Attraction Development Matching Grant  
17 Fund;

18 (9) the Patent and Copyright Fund;

19 (10) the Credit Enhancement Development Fund;

20 (11) the Community Mental Health and Developmental  
21 Disabilities Services Provider Participation Fee Trust  
22 Fund;

23 (12) the Nursing Home Grant Assistance Fund;

24 (13) the By-product Material Safety Fund;

25 (14) the Illinois Student Assistance Commission Higher  
26 EdNet Fund;

- 1           (15) the DORS State Project Fund;
- 2           (16) the School Technology Revolving Fund;
- 3           (17) the Energy Assistance Contribution Fund;
- 4           (18) the Illinois Building Commission Revolving Fund;
- 5           (19) the Illinois Aquaculture Development Fund;
- 6           (20) the Homelessness Prevention Fund;
- 7           (21) the DCFS Refugee Assistance Fund;
- 8           (22) the Illinois Century Network Special Purposes
- 9           Fund; and
- 10          (23) the Build Illinois Purposes Fund.

11           (z) In addition to any other transfers that may be provided  
12 for by law, on July 1, 2005, or as soon as may be practical  
13 thereafter, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$1,200,000 from the General  
15 Revenue Fund to the Violence Prevention Fund.

16           (aa) In addition to any other transfers that may be  
17 provided for by law, on July 1, 2005, or as soon as may be  
18 practical thereafter, the State Comptroller shall direct and  
19 the State Treasurer shall transfer the sum of \$9,000,000 from  
20 the General Revenue Fund to the Presidential Library and Museum  
21 Operating Fund.

22           (bb) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2005, or as soon as may be  
24 practical thereafter, the State Comptroller shall direct and  
25 the State Treasurer shall transfer the sum of \$6,803,600 from  
26 the General Revenue Fund to the Securities Audit and

1 Enforcement Fund.

2 (cc) In addition to any other transfers that may be  
3 provided for by law, on or after July 1, 2005 and until May 1,  
4 2006, at the direction of and upon notification from the  
5 Governor, the State Comptroller shall direct and the State  
6 Treasurer shall transfer amounts not exceeding a total of  
7 \$80,000,000 from the General Revenue Fund to the Tobacco  
8 Settlement Recovery Fund. Any amounts so transferred shall be  
9 re-transferred by the State Comptroller and the State Treasurer  
10 from the Tobacco Settlement Recovery Fund to the General  
11 Revenue Fund at the direction of and upon notification from the  
12 Governor, but in any event on or before June 30, 2006.

13 (dd) In addition to any other transfers that may be  
14 provided for by law, on April 1, 2005, or as soon thereafter as  
15 may be practical, at the direction of the Director of Public  
16 Aid (now Director of Healthcare and Family Services), the State  
17 Comptroller shall direct and the State Treasurer shall transfer  
18 from the Public Aid Recoveries Trust Fund amounts not to exceed  
19 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

20 (ee) Notwithstanding any other provision of law, on July 1,  
21 2006, or as soon thereafter as practical, the State Comptroller  
22 shall direct and the State Treasurer shall transfer the  
23 remaining balance from the Illinois Civic Center Bond Fund to  
24 the Illinois Civic Center Bond Retirement and Interest Fund.

25 (ff) In addition to any other transfers that may be  
26 provided for by law, on and after July 1, 2006 and until June

1 30, 2007, at the direction of and upon notification from the  
 2 Director of the Governor's Office of Management and Budget, the  
 3 State Comptroller shall direct and the State Treasurer shall  
 4 transfer amounts not exceeding a total of \$1,900,000 from the  
 5 General Revenue Fund to the Illinois Capital Revolving Loan  
 6 Fund.

7 (gg) In addition to any other transfers that may be  
 8 provided for by law, on and after July 1, 2006 and until May 1,  
 9 2007, at the direction of and upon notification from the  
 10 Governor, the State Comptroller shall direct and the State  
 11 Treasurer shall transfer amounts not exceeding a total of  
 12 \$80,000,000 from the General Revenue Fund to the Tobacco  
 13 Settlement Recovery Fund. Any amounts so transferred shall be  
 14 retransferred by the State Comptroller and the State Treasurer  
 15 from the Tobacco Settlement Recovery Fund to the General  
 16 Revenue Fund at the direction of and upon notification from the  
 17 Governor, but in any event on or before June 30, 2007.

18 (hh) In addition to any other transfers that may be  
 19 provided for by law, on and after July 1, 2006 and until June  
 20 30, 2007, at the direction of and upon notification from the  
 21 Governor, the State Comptroller shall direct and the State  
 22 Treasurer shall transfer amounts from the Illinois Affordable  
 23 Housing Trust Fund to the designated funds not exceeding the  
 24 following amounts:

- 25 DCFS Children's Services Fund ..... \$2,200,000
- 26 Department of Corrections Reimbursement

1           and Education Fund ..... \$1,500,000

2           Supplemental Low-Income Energy

3           Assistance Fund..... \$75,000

4           (ii) In addition to any other transfers that may be  
5 provided for by law, on or before August 31, 2006, the Governor  
6 and the State Comptroller may agree to transfer the surplus  
7 cash balance from the General Revenue Fund to the Budget  
8 Stabilization Fund and the Pension Stabilization Fund in equal  
9 proportions. The determination of the amount of the surplus  
10 cash balance shall be made by the Governor, with the  
11 concurrence of the State Comptroller, after taking into account  
12 the June 30, 2006 balances in the general funds and the actual  
13 or estimated spending from the general funds during the lapse  
14 period. Notwithstanding the foregoing, the maximum amount that  
15 may be transferred under this subsection (ii) is \$50,000,000.

16           (jj) In addition to any other transfers that may be  
17 provided for by law, on July 1, 2006, or as soon thereafter as  
18 practical, the State Comptroller shall direct and the State  
19 Treasurer shall transfer the sum of \$8,250,000 from the General  
20 Revenue Fund to the Presidential Library and Museum Operating  
21 Fund.

22           (kk) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2006, or as soon thereafter as  
24 practical, the State Comptroller shall direct and the State  
25 Treasurer shall transfer the sum of \$1,400,000 from the General  
26 Revenue Fund to the Violence Prevention Fund.

1           (11) In addition to any other transfers that may be  
2 provided for by law, on the first day of each calendar quarter  
3 of the fiscal year beginning July 1, 2006, or as soon  
4 thereafter as practical, the State Comptroller shall direct and  
5 the State Treasurer shall transfer from the General Revenue  
6 Fund amounts equal to one-fourth of \$20,000,000 to the  
7 Renewable Energy Resources Trust Fund.

8           (mm) In addition to any other transfers that may be  
9 provided for by law, on July 1, 2006, or as soon thereafter as  
10 practical, the State Comptroller shall direct and the State  
11 Treasurer shall transfer the sum of \$1,320,000 from the General  
12 Revenue Fund to the I-FLY Fund.

13           (nn) In addition to any other transfers that may be  
14 provided for by law, on July 1, 2006, or as soon thereafter as  
15 practical, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$3,000,000 from the General  
17 Revenue Fund to the African-American HIV/AIDS Response Fund.

18           (oo) In addition to any other transfers that may be  
19 provided for by law, on and after July 1, 2006 and until June  
20 30, 2007, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts identified as net receipts  
23 from the sale of all or part of the Illinois Student Assistance  
24 Commission loan portfolio from the Student Loan Operating Fund  
25 to the General Revenue Fund. The maximum amount that may be  
26 transferred pursuant to this Section is \$38,800,000. In



1 addition, no transfer may be made pursuant to this Section that  
2 would have the effect of reducing the available balance in the  
3 Student Loan Operating Fund to an amount less than the amount  
4 remaining unexpended and unreserved from the total  
5 appropriations from the Fund estimated to be expended for the  
6 fiscal year. The State Treasurer and Comptroller shall transfer  
7 the amounts designated under this Section as soon as may be  
8 practical after receiving the direction to transfer from the  
9 Governor.

10 (pp) In addition to any other transfers that may be  
11 provided for by law, on July 1, 2006, or as soon thereafter as  
12 practical, the State Comptroller shall direct and the State  
13 Treasurer shall transfer the sum of \$2,000,000 from the General  
14 Revenue Fund to the Illinois Veterans Assistance Fund.

15 (qq) In addition to any other transfers that may be  
16 provided for by law, on and after July 1, 2007 and until May 1,  
17 2008, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not exceeding a total of  
20 \$80,000,000 from the General Revenue Fund to the Tobacco  
21 Settlement Recovery Fund. Any amounts so transferred shall be  
22 retransferred by the State Comptroller and the State Treasurer  
23 from the Tobacco Settlement Recovery Fund to the General  
24 Revenue Fund at the direction of and upon notification from the  
25 Governor, but in any event on or before June 30, 2008.

26 (rr) In addition to any other transfers that may be

1 provided for by law, on and after July 1, 2007 and until June  
 2 30, 2008, at the direction of and upon notification from the  
 3 Governor, the State Comptroller shall direct and the State  
 4 Treasurer shall transfer amounts from the Illinois Affordable  
 5 Housing Trust Fund to the designated funds not exceeding the  
 6 following amounts:

- 7 DCFS Children's Services Fund ..... \$2,200,000
- 8 Department of Corrections Reimbursement
- 9 and Education Fund ..... \$1,500,000
- 10 Supplemental Low-Income Energy
- 11 Assistance Fund..... \$75,000

12 (ss) In addition to any other transfers that may be  
 13 provided for by law, on July 1, 2007, or as soon thereafter as  
 14 practical, the State Comptroller shall direct and the State  
 15 Treasurer shall transfer the sum of \$8,250,000 from the General  
 16 Revenue Fund to the Presidential Library and Museum Operating  
 17 Fund.

18 (tt) In addition to any other transfers that may be  
 19 provided for by law, on July 1, 2007, or as soon thereafter as  
 20 practical, the State Comptroller shall direct and the State  
 21 Treasurer shall transfer the sum of \$1,400,000 from the General  
 22 Revenue Fund to the Violence Prevention Fund.

23 (uu) In addition to any other transfers that may be  
 24 provided for by law, on July 1, 2007, or as soon thereafter as  
 25 practical, the State Comptroller shall direct and the State  
 26 Treasurer shall transfer the sum of \$1,320,000 from the General

1 Revenue Fund to the I-FLY Fund.

2 (vv) In addition to any other transfers that may be  
3 provided for by law, on July 1, 2007, or as soon thereafter as  
4 practical, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$3,000,000 from the General  
6 Revenue Fund to the African-American HIV/AIDS Response Fund.

7 (ww) In addition to any other transfers that may be  
8 provided for by law, on July 1, 2007, or as soon thereafter as  
9 practical, the State Comptroller shall direct and the State  
10 Treasurer shall transfer the sum of \$3,500,000 from the General  
11 Revenue Fund to the Predatory Lending Database Program Fund.

12 (xx) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2007, or as soon thereafter as  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$5,000,000 from the General  
16 Revenue Fund to the Digital Divide Elimination Fund.

17 (yy) In addition to any other transfers that may be  
18 provided for by law, on July 1, 2007, or as soon thereafter as  
19 practical, the State Comptroller shall direct and the State  
20 Treasurer shall transfer the sum of \$4,000,000 from the General  
21 Revenue Fund to the Digital Divide Elimination Infrastructure  
22 Fund.

23 (zz) In addition to any other transfers that may be  
24 provided for by law, on July 1, 2008, or as soon thereafter as  
25 practical, the State Comptroller shall direct and the State  
26 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Digital Divide Elimination Fund.

2 (aaa) In addition to any other transfers that may be  
 3 provided for by law, on and after July 1, 2008 and until May 1,  
 4 2009, at the direction of and upon notification from the  
 5 Governor, the State Comptroller shall direct and the State  
 6 Treasurer shall transfer amounts not exceeding a total of  
 7 \$80,000,000 from the General Revenue Fund to the Tobacco  
 8 Settlement Recovery Fund. Any amounts so transferred shall be  
 9 retransferred by the State Comptroller and the State Treasurer  
 10 from the Tobacco Settlement Recovery Fund to the General  
 11 Revenue Fund at the direction of and upon notification from the  
 12 Governor, but in any event on or before June 30, 2009.

13 (bbb) In addition to any other transfers that may be  
 14 provided for by law, on and after July 1, 2008 and until June  
 15 30, 2009, at the direction of and upon notification from the  
 16 Governor, the State Comptroller shall direct and the State  
 17 Treasurer shall transfer amounts from the Illinois Affordable  
 18 Housing Trust Fund to the designated funds not exceeding the  
 19 following amounts:

20	DCFS Children's Services Fund .....	\$2,200,000
21	Department of Corrections Reimbursement	
22	and Education Fund .....	\$1,500,000
23	Supplemental Low-Income Energy	
24	Assistance Fund .....	\$75,000

25 (ccc) In addition to any other transfers that may be  
 26 provided for by law, on July 1, 2008, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$7,450,000 from the General  
3 Revenue Fund to the Presidential Library and Museum Operating  
4 Fund.

5 (ddd) In addition to any other transfers that may be  
6 provided for by law, on July 1, 2008, or as soon thereafter as  
7 practical, the State Comptroller shall direct and the State  
8 Treasurer shall transfer the sum of \$1,400,000 from the General  
9 Revenue Fund to the Violence Prevention Fund.

10 (eee) In addition to any other transfers that may be  
11 provided for by law, on July 1, 2009, or as soon thereafter as  
12 practical, the State Comptroller shall direct and the State  
13 Treasurer shall transfer the sum of \$5,000,000 from the General  
14 Revenue Fund to the Digital Divide Elimination Fund.

15 (fff) In addition to any other transfers that may be  
16 provided for by law, on and after July 1, 2009 and until May 1,  
17 2010, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not exceeding a total of  
20 \$80,000,000 from the General Revenue Fund to the Tobacco  
21 Settlement Recovery Fund. Any amounts so transferred shall be  
22 retransferred by the State Comptroller and the State Treasurer  
23 from the Tobacco Settlement Recovery Fund to the General  
24 Revenue Fund at the direction of and upon notification from the  
25 Governor, but in any event on or before June 30, 2010.

26 (ggg) In addition to any other transfers that may be

1 provided for by law, on July 1, 2009, or as soon thereafter as  
2 practical, the State Comptroller shall direct and the State  
3 Treasurer shall transfer the sum of \$7,450,000 from the General  
4 Revenue Fund to the Presidential Library and Museum Operating  
5 Fund.

6 (hhh) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2009, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$1,400,000 from the General  
10 Revenue Fund to the Violence Prevention Fund.

11 (iii) In addition to any other transfers that may be  
12 provided for by law, on July 1, 2009, or as soon thereafter as  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$100,000 from the General  
15 Revenue Fund to the Heartsaver AED Fund.

16 (jjj) In addition to any other transfers that may be  
17 provided for by law, on and after July 1, 2009 and until June  
18 30, 2010, at the direction of and upon notification from the  
19 Governor, the State Comptroller shall direct and the State  
20 Treasurer shall transfer amounts not exceeding a total of  
21 \$17,000,000 from the General Revenue Fund to the DCFS  
22 Children's Services Fund.

23 (lll) In addition to any other transfers that may be  
24 provided for by law, on July 1, 2009, or as soon thereafter as  
25 practical, the State Comptroller shall direct and the State  
26 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Communications Revolving Fund.

2 (mmm) In addition to any other transfers that may be  
3 provided for by law, on July 1, 2009, or as soon thereafter as  
4 practical, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$9,700,000 from the General  
6 Revenue Fund to the Senior Citizens Real Estate Deferred Tax  
7 Revolving Fund.

8 (nnn) In addition to any other transfers that may be  
9 provided for by law, on July 1, 2009, or as soon thereafter as  
10 practical, the State Comptroller shall direct and the State  
11 Treasurer shall transfer the sum of \$565,000 from the FY09  
12 Budget Relief Fund to the Horse Racing Fund.

13 (ooo) In addition to any other transfers that may be  
14 provided by law, on July 1, 2009, or as soon thereafter as  
15 practical, the State Comptroller shall direct and the State  
16 Treasurer shall transfer the sum of \$600,000 from the General  
17 Revenue Fund to the Temporary Relocation Expenses Revolving  
18 Fund.

19 (ppp) In addition to any other transfers that may be  
20 provided for by law, on July 1, 2010, or as soon thereafter as  
21 practical, the State Comptroller shall direct and the State  
22 Treasurer shall transfer the sum of \$5,000,000 from the General  
23 Revenue Fund to the Digital Divide Elimination Fund.

24 (qqq) In addition to any other transfers that may be  
25 provided for by law, on and after July 1, 2010 and until May 1,  
26 2011, at the direction of and upon notification from the

1 Governor, the State Comptroller shall direct and the State  
2 Treasurer shall transfer amounts not exceeding a total of  
3 \$80,000,000 from the General Revenue Fund to the Tobacco  
4 Settlement Recovery Fund. Any amounts so transferred shall be  
5 retransferred by the State Comptroller and the State Treasurer  
6 from the Tobacco Settlement Recovery Fund to the General  
7 Revenue Fund at the direction of and upon notification from the  
8 Governor, but in any event on or before June 30, 2011.

9 (rrr) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2010, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$6,675,000 from the General  
13 Revenue Fund to the Presidential Library and Museum Operating  
14 Fund.

15 (sss) In addition to any other transfers that may be  
16 provided for by law, on July 1, 2010, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$1,400,000 from the General  
19 Revenue Fund to the Violence Prevention Fund.

20 (ttt) In addition to any other transfers that may be  
21 provided for by law, on July 1, 2010, or as soon thereafter as  
22 practical, the State Comptroller shall direct and the State  
23 Treasurer shall transfer the sum of \$100,000 from the General  
24 Revenue Fund to the Heartsaver AED Fund.

25 (uuu) In addition to any other transfers that may be  
26 provided for by law, on July 1, 2010, or as soon thereafter as



1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$5,000,000 from the General  
3 Revenue Fund to the Communications Revolving Fund.

4 (vvv) In addition to any other transfers that may be  
5 provided for by law, on July 1, 2010, or as soon thereafter as  
6 practical, the State Comptroller shall direct and the State  
7 Treasurer shall transfer the sum of \$3,000,000 from the General  
8 Revenue Fund to the Illinois Capital Revolving Loan Fund.

9 (www) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2010, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$17,000,000 from the  
13 General Revenue Fund to the DCFS Children's Services Fund.

14 (xxx) In addition to any other transfers that may be  
15 provided for by law, on July 1, 2010, or as soon thereafter as  
16 practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer the sum of \$2,000,000 from the Digital  
18 Divide Elimination Infrastructure Fund, of which \$1,000,000  
19 shall go to the Workforce, Technology, and Economic Development  
20 Fund and \$1,000,000 to the Public Utility Fund.

21 (yyy) In addition to any other transfers that may be  
22 provided for by law, on and after July 1, 2011 and until May 1,  
23 2012, at the direction of and upon notification from the  
24 Governor, the State Comptroller shall direct and the State  
25 Treasurer shall transfer amounts not exceeding a total of  
26 \$80,000,000 from the General Revenue Fund to the Tobacco

1 Settlement Recovery Fund. Any amounts so transferred shall be  
2 retransferred by the State Comptroller and the State Treasurer  
3 from the Tobacco Settlement Recovery Fund to the General  
4 Revenue Fund at the direction of and upon notification from the  
5 Governor, but in any event on or before June 30, 2012.

6 (zzz) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2011, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$1,000,000 from the General  
10 Revenue Fund to the Illinois Veterans Assistance Fund.

11 (aaaa) In addition to any other transfers that may be  
12 provided for by law, on July 1, 2011, or as soon thereafter as  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$8,000,000 from the General  
15 Revenue Fund to the Presidential Library and Museum Operating  
16 Fund.

17 (bbbb) In addition to any other transfers that may be  
18 provided for by law, on July 1, 2011, or as soon thereafter as  
19 practical, the State Comptroller shall direct and the State  
20 Treasurer shall transfer the sum of \$1,400,000 from the General  
21 Revenue Fund to the Violence Prevention Fund.

22 (cccc) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2011, or as soon thereafter as  
24 practical, the State Comptroller shall direct and the State  
25 Treasurer shall transfer the sum of \$14,100,000 from the  
26 General Revenue Fund to the State Garage Revolving Fund.

1 (dddd) In addition to any other transfers that may be  
2 provided for by law, on July 1, 2011, or as soon thereafter as  
3 practical, the State Comptroller shall direct and the State  
4 Treasurer shall transfer the sum of \$4,000,000 from the General  
5 Revenue Fund to the Digital Divide Elimination Fund.

6 (eeee) In addition to any other transfers that may be  
7 provided for by law, on July 1, 2011, or as soon thereafter as  
8 practical, the State Comptroller shall direct and the State  
9 Treasurer shall transfer the sum of \$500,000 from the General  
10 Revenue Fund to the Senior Citizens Real Estate Deferred Tax  
11 Revolving Fund.

12 (Source: P.A. 99-933, eff. 1-27-17; 100-23, eff. 7-6-17;  
13 100-201, eff. 8-18-17; revised 10-12-17.)

14 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

15 Sec. 13.2. Transfers among line item appropriations.

16 (a) Transfers among line item appropriations from the same  
17 treasury fund for the objects specified in this Section may be  
18 made in the manner provided in this Section when the balance  
19 remaining in one or more such line item appropriations is  
20 insufficient for the purpose for which the appropriation was  
21 made.

22 (a-1) No transfers may be made from one agency to another  
23 agency, nor may transfers be made from one institution of  
24 higher education to another institution of higher education  
25 except as provided by subsection (a-4).

1           (a-2) Except as otherwise provided in this Section,  
2 transfers may be made only among the objects of expenditure  
3 enumerated in this Section, except that no funds may be  
4 transferred from any appropriation for personal services, from  
5 any appropriation for State contributions to the State  
6 Employees' Retirement System, from any separate appropriation  
7 for employee retirement contributions paid by the employer, nor  
8 from any appropriation for State contribution for employee  
9 group insurance. During State fiscal year 2005, an agency may  
10 transfer amounts among its appropriations within the same  
11 treasury fund for personal services, employee retirement  
12 contributions paid by employer, and State Contributions to  
13 retirement systems; notwithstanding and in addition to the  
14 transfers authorized in subsection (c) of this Section, the  
15 fiscal year 2005 transfers authorized in this sentence may be  
16 made in an amount not to exceed 2% of the aggregate amount  
17 appropriated to an agency within the same treasury fund. During  
18 State fiscal year 2007, the Departments of Children and Family  
19 Services, Corrections, Human Services, and Juvenile Justice  
20 may transfer amounts among their respective appropriations  
21 within the same treasury fund for personal services, employee  
22 retirement contributions paid by employer, and State  
23 contributions to retirement systems. During State fiscal year  
24 2010, the Department of Transportation may transfer amounts  
25 among their respective appropriations within the same treasury  
26 fund for personal services, employee retirement contributions

1 paid by employer, and State contributions to retirement  
2 systems. During State fiscal years 2010 and 2014 only, an  
3 agency may transfer amounts among its respective  
4 appropriations within the same treasury fund for personal  
5 services, employee retirement contributions paid by employer,  
6 and State contributions to retirement systems.  
7 Notwithstanding, and in addition to, the transfers authorized  
8 in subsection (c) of this Section, these transfers may be made  
9 in an amount not to exceed 2% of the aggregate amount  
10 appropriated to an agency within the same treasury fund.

11 (a-2.5) During State fiscal year 2015 only, the State's  
12 Attorneys Appellate Prosecutor may transfer amounts among its  
13 respective appropriations contained in operational line items  
14 within the same treasury fund. Notwithstanding, and in addition  
15 to, the transfers authorized in subsection (c) of this Section,  
16 these transfers may be made in an amount not to exceed 4% of  
17 the aggregate amount appropriated to the State's Attorneys  
18 Appellate Prosecutor within the same treasury fund.

19 (a-3) Further, if an agency receives a separate  
20 appropriation for employee retirement contributions paid by  
21 the employer, any transfer by that agency into an appropriation  
22 for personal services must be accompanied by a corresponding  
23 transfer into the appropriation for employee retirement  
24 contributions paid by the employer, in an amount sufficient to  
25 meet the employer share of the employee contributions required  
26 to be remitted to the retirement system.

1           (a-4) Long-Term Care Rebalancing. The Governor may  
2 designate amounts set aside for institutional services  
3 appropriated from the General Revenue Fund or any other State  
4 fund that receives monies for long-term care services to be  
5 transferred to all State agencies responsible for the  
6 administration of community-based long-term care programs,  
7 including, but not limited to, community-based long-term care  
8 programs administered by the Department of Healthcare and  
9 Family Services, the Department of Human Services, and the  
10 Department on Aging, provided that the Director of Healthcare  
11 and Family Services first certifies that the amounts being  
12 transferred are necessary for the purpose of assisting persons  
13 in or at risk of being in institutional care to transition to  
14 community-based settings, including the financial data needed  
15 to prove the need for the transfer of funds. The total amounts  
16 transferred shall not exceed 4% in total of the amounts  
17 appropriated from the General Revenue Fund or any other State  
18 fund that receives monies for long-term care services for each  
19 fiscal year. A notice of the fund transfer must be made to the  
20 General Assembly and posted at a minimum on the Department of  
21 Healthcare and Family Services website, the Governor's Office  
22 of Management and Budget website, and any other website the  
23 Governor sees fit. These postings shall serve as notice to the  
24 General Assembly of the amounts to be transferred. Notice shall  
25 be given at least 30 days prior to transfer.

26           (b) In addition to the general transfer authority provided

1 under subsection (c), the following agencies have the specific  
2 transfer authority granted in this subsection:

3 The Department of Healthcare and Family Services is  
4 authorized to make transfers representing savings attributable  
5 to not increasing grants due to the births of additional  
6 children from line items for payments of cash grants to line  
7 items for payments for employment and social services for the  
8 purposes outlined in subsection (f) of Section 4-2 of the  
9 Illinois Public Aid Code.

10 The Department of Children and Family Services is  
11 authorized to make transfers not exceeding 2% of the aggregate  
12 amount appropriated to it within the same treasury fund for the  
13 following line items among these same line items: Foster Home  
14 and Specialized Foster Care and Prevention, Institutions and  
15 Group Homes and Prevention, and Purchase of Adoption and  
16 Guardianship Services.

17 The Department on Aging is authorized to make transfers not  
18 exceeding 2% of the aggregate amount appropriated to it within  
19 the same treasury fund for the following Community Care Program  
20 line items among these same line items: purchase of services  
21 covered by the Community Care Program and Comprehensive Case  
22 Coordination.

23 The State Treasurer is authorized to make transfers among  
24 line item appropriations from the Capital Litigation Trust  
25 Fund, with respect to costs incurred in fiscal years 2002 and  
26 2003 only, when the balance remaining in one or more such line

1 item appropriations is insufficient for the purpose for which  
2 the appropriation was made, provided that no such transfer may  
3 be made unless the amount transferred is no longer required for  
4 the purpose for which that appropriation was made.

5 The State Board of Education is authorized to make  
6 transfers from line item appropriations within the same  
7 treasury fund for General State Aid, General State Aid - Hold  
8 Harmless, and Evidence-Based Funding, provided that no such  
9 transfer may be made unless the amount transferred is no longer  
10 required for the purpose for which that appropriation was made,  
11 to the line item appropriation for Transitional Assistance when  
12 the balance remaining in such line item appropriation is  
13 insufficient for the purpose for which the appropriation was  
14 made.

15 The State Board of Education is authorized to make  
16 transfers between the following line item appropriations  
17 within the same treasury fund: Disabled Student  
18 Services/Materials (Section 14-13.01 of the School Code),  
19 Disabled Student Transportation Reimbursement (Section  
20 14-13.01 of the School Code), Disabled Student Tuition -  
21 Private Tuition (Section 14-7.02 of the School Code),  
22 Extraordinary Special Education (Section 14-7.02b of the  
23 School Code), Reimbursement for Free Lunch/Breakfast Program,  
24 Summer School Payments (Section 18-4.3 of the School Code), and  
25 Transportation - Regular/Vocational Reimbursement (Section  
26 29-5 of the School Code). Such transfers shall be made only



1 when the balance remaining in one or more such line item  
2 appropriations is insufficient for the purpose for which the  
3 appropriation was made and provided that no such transfer may  
4 be made unless the amount transferred is no longer required for  
5 the purpose for which that appropriation was made.

6 The Department of Healthcare and Family Services is  
7 authorized to make transfers not exceeding 4% of the aggregate  
8 amount appropriated to it, within the same treasury fund, among  
9 the various line items appropriated for Medical Assistance.

10 (c) The sum of such transfers for an agency in a fiscal  
11 year shall not exceed 2% of the aggregate amount appropriated  
12 to it within the same treasury fund for the following objects:  
13 Personal Services; Extra Help; Student and Inmate  
14 Compensation; State Contributions to Retirement Systems; State  
15 Contributions to Social Security; State Contribution for  
16 Employee Group Insurance; Contractual Services; Travel;  
17 Commodities; Printing; Equipment; Electronic Data Processing;  
18 Operation of Automotive Equipment; Telecommunications  
19 Services; Travel and Allowance for Committed, Paroled and  
20 Discharged Prisoners; Library Books; Federal Matching Grants  
21 for Student Loans; Refunds; Workers' Compensation,  
22 Occupational Disease, and Tort Claims; and, in appropriations  
23 to institutions of higher education, Awards and Grants.  
24 Notwithstanding the above, any amounts appropriated for  
25 payment of workers' compensation claims to an agency to which  
26 the authority to evaluate, administer and pay such claims has

1 been delegated by the Department of Central Management Services  
2 may be transferred to any other expenditure object where such  
3 amounts exceed the amount necessary for the payment of such  
4 claims.

5 (c-1) Special provisions for State fiscal year 2003.  
6 Notwithstanding any other provision of this Section to the  
7 contrary, for State fiscal year 2003 only, transfers among line  
8 item appropriations to an agency from the same treasury fund  
9 may be made provided that the sum of such transfers for an  
10 agency in State fiscal year 2003 shall not exceed 3% of the  
11 aggregate amount appropriated to that State agency for State  
12 fiscal year 2003 for the following objects: personal services,  
13 except that no transfer may be approved which reduces the  
14 aggregate appropriations for personal services within an  
15 agency; extra help; student and inmate compensation; State  
16 contributions to retirement systems; State contributions to  
17 social security; State contributions for employee group  
18 insurance; contractual services; travel; commodities;  
19 printing; equipment; electronic data processing; operation of  
20 automotive equipment; telecommunications services; travel and  
21 allowance for committed, paroled, and discharged prisoners;  
22 library books; federal matching grants for student loans;  
23 refunds; workers' compensation, occupational disease, and tort  
24 claims; and, in appropriations to institutions of higher  
25 education, awards and grants.

26 (c-2) Special provisions for State fiscal year 2005.

1 Notwithstanding subsections (a), (a-2), and (c), for State  
2 fiscal year 2005 only, transfers may be made among any line  
3 item appropriations from the same or any other treasury fund  
4 for any objects or purposes, without limitation, when the  
5 balance remaining in one or more such line item appropriations  
6 is insufficient for the purpose for which the appropriation was  
7 made, provided that the sum of those transfers by a State  
8 agency shall not exceed 4% of the aggregate amount appropriated  
9 to that State agency for fiscal year 2005.

10 (c-3) Special provisions for State fiscal year 2015.  
11 Notwithstanding any other provision of this Section, for State  
12 fiscal year 2015, transfers among line item appropriations to a  
13 State agency from the same State treasury fund may be made for  
14 operational or lump sum expenses only, provided that the sum of  
15 such transfers for a State agency in State fiscal year 2015  
16 shall not exceed 4% of the aggregate amount appropriated to  
17 that State agency for operational or lump sum expenses for  
18 State fiscal year 2015. For the purpose of this subsection,  
19 "operational or lump sum expenses" includes the following  
20 objects: personal services; extra help; student and inmate  
21 compensation; State contributions to retirement systems; State  
22 contributions to social security; State contributions for  
23 employee group insurance; contractual services; travel;  
24 commodities; printing; equipment; electronic data processing;  
25 operation of automotive equipment; telecommunications  
26 services; travel and allowance for committed, paroled, and

1 discharged prisoners; library books; federal matching grants  
2 for student loans; refunds; workers' compensation,  
3 occupational disease, and tort claims; lump sum and other  
4 purposes; and lump sum operations. For the purpose of this  
5 subsection (c-3), "State agency" does not include the Attorney  
6 General, the Secretary of State, the Comptroller, the  
7 Treasurer, or the legislative or judicial branches.

8 (c-4) Special provisions for State fiscal year 2018.  
9 Notwithstanding any other provision of this Section, for State  
10 fiscal year 2018, transfers among line item appropriations to a  
11 State agency from the same State treasury fund may be made for  
12 operational or lump sum expenses only, provided that the sum of  
13 such transfers for a State agency in State fiscal year 2018  
14 shall not exceed 4% of the aggregate amount appropriated to  
15 that State agency for operational or lump sum expenses for  
16 State fiscal year 2018. For the purpose of this subsection  
17 (c-4), "operational or lump sum expenses" includes the  
18 following objects: personal services; extra help; student and  
19 inmate compensation; State contributions to retirement  
20 systems; State contributions to social security; State  
21 contributions for employee group insurance; contractual  
22 services; travel; commodities; printing; equipment; electronic  
23 data processing; operation of automotive equipment;  
24 telecommunications services; travel and allowance for  
25 committed, paroled, and discharged prisoners; library books;  
26 federal matching grants for student loans; refunds; workers'

1 compensation, occupational disease, and tort claims; lump sum  
2 and other purposes; and lump sum operations. For the purpose of  
3 this subsection (c-4), "State agency" does not include the  
4 Attorney General, the Secretary of State, the Comptroller, the  
5 Treasurer, or the legislative or judicial branches.

6 (d) Transfers among appropriations made to agencies of the  
7 Legislative and Judicial departments and to the  
8 constitutionally elected officers in the Executive branch  
9 require the approval of the officer authorized in Section 10 of  
10 this Act to approve and certify vouchers. Transfers among  
11 appropriations made to the University of Illinois, Southern  
12 Illinois University, Chicago State University, Eastern  
13 Illinois University, Governors State University, Illinois  
14 State University, Northeastern Illinois University, Northern  
15 Illinois University, Western Illinois University, the Illinois  
16 Mathematics and Science Academy and the Board of Higher  
17 Education require the approval of the Board of Higher Education  
18 and the Governor. Transfers among appropriations to all other  
19 agencies require the approval of the Governor.

20 The officer responsible for approval shall certify that the  
21 transfer is necessary to carry out the programs and purposes  
22 for which the appropriations were made by the General Assembly  
23 and shall transmit to the State Comptroller a certified copy of  
24 the approval which shall set forth the specific amounts  
25 transferred so that the Comptroller may change his records  
26 accordingly. The Comptroller shall furnish the Governor with

1 information copies of all transfers approved for agencies of  
2 the Legislative and Judicial departments and transfers  
3 approved by the constitutionally elected officials of the  
4 Executive branch other than the Governor, showing the amounts  
5 transferred and indicating the dates such changes were entered  
6 on the Comptroller's records.

7 (e) The State Board of Education, in consultation with the  
8 State Comptroller, may transfer line item appropriations for  
9 General State Aid or Evidence-Based Funding between the Common  
10 School Fund and the Education Assistance Fund. With the advice  
11 and consent of the Governor's Office of Management and Budget,  
12 the State Board of Education, in consultation with the State  
13 Comptroller, may transfer line item appropriations between the  
14 General Revenue Fund and the Education Assistance Fund for the  
15 following programs:

16 (1) Disabled Student Personnel Reimbursement (Section  
17 14-13.01 of the School Code);

18 (2) Disabled Student Transportation Reimbursement  
19 (subsection (b) of Section 14-13.01 of the School Code);

20 (3) Disabled Student Tuition - Private Tuition  
21 (Section 14-7.02 of the School Code);

22 (4) Extraordinary Special Education (Section 14-7.02b  
23 of the School Code);

24 (5) Reimbursement for Free Lunch/Breakfast Programs;

25 (6) Summer School Payments (Section 18-4.3 of the  
26 School Code);

1           (7) Transportation - Regular/Vocational Reimbursement  
2           (Section 29-5 of the School Code);

3           (8) Regular Education Reimbursement (Section 18-3 of  
4           the School Code); and

5           (9) Special Education Reimbursement (Section 14-7.03  
6           of the School Code).

7           (Source: P.A. 99-2, eff. 3-26-15; 100-23, eff. 7-6-17; 100-465,  
8           eff. 8-31-17; revised 10-4-17.)

9           Section 145. The General Obligation Bond Act is amended by  
10          changing Sections 2.5, 9, and 11 as follows:

11          (30 ILCS 330/2.5)

12          Sec. 2.5. Limitation on issuance of Bonds.

13          (a) Except as provided in subsection (b), no Bonds may be  
14          issued if, after the issuance, in the next State fiscal year  
15          after the issuance of the Bonds, the amount of debt service  
16          (including principal, whether payable at maturity or pursuant  
17          to mandatory sinking fund installments, and interest) on all  
18          then-outstanding Bonds, other than (i) Bonds authorized by  
19          Public Act 100-23 ~~this amendatory Act of the 100th General~~  
20          ~~Assembly~~, (ii) Bonds issued by Public Act 96-43, and (iii)  
21          Bonds authorized by Public Act 96-1497, would exceed 7% of the  
22          aggregate appropriations from the general funds (which consist  
23          of the General Revenue Fund, the Common School Fund, the  
24          General Revenue Common School Special Account Fund, and the

1 Education Assistance Fund) and the Road Fund for the fiscal  
2 year immediately prior to the fiscal year of the issuance.

3 (b) If the Comptroller and Treasurer each consent in  
4 writing, Bonds may be issued even if the issuance does not  
5 comply with subsection (a). In addition, \$2,000,000,000 in  
6 Bonds for the purposes set forth in Sections 3, 4, 5, 6, and 7,  
7 and \$2,000,000,000 in Refunding Bonds under Section 16, may be  
8 issued during State fiscal year 2017 without complying with  
9 subsection (a). In addition, \$2,000,000,000 in Bonds for the  
10 purposes set forth in Sections 3, 4, 5, 6, and 7, and  
11 \$2,000,000,000 in Refunding Bonds under Section 16, may be  
12 issued during State fiscal year 2018 without complying with  
13 subsection (a).

14 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
15 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
16 7-6-17; revised 8-8-17.)

17 (30 ILCS 330/9) (from Ch. 127, par. 659)

18 Sec. 9. Conditions for issuance and sale of Bonds;  
19 requirements ~~Issuance and Sale of Bonds — Requirements~~ for  
20 Bonds.

21 (a) Except as otherwise provided in this subsection and  
22 subsection (h), Bonds shall be issued and sold from time to  
23 time, in one or more series, in such amounts and at such prices  
24 as may be directed by the Governor, upon recommendation by the  
25 Director of the Governor's Office of Management and Budget.



1 Bonds shall be in such form (either coupon, registered or book  
2 entry), in such denominations, payable within 25 years from  
3 their date, subject to such terms of redemption with or without  
4 premium, bear interest payable at such times and at such fixed  
5 or variable rate or rates, and be dated as shall be fixed and  
6 determined by the Director of the Governor's Office of  
7 Management and Budget in the order authorizing the issuance and  
8 sale of any series of Bonds, which order shall be approved by  
9 the Governor and is herein called a "Bond Sale Order"; provided  
10 however, that interest payable at fixed or variable rates shall  
11 not exceed that permitted in the Bond Authorization Act, as now  
12 or hereafter amended. Bonds shall be payable at such place or  
13 places, within or without the State of Illinois, and may be  
14 made registrable as to either principal or as to both principal  
15 and interest, as shall be specified in the Bond Sale Order.  
16 Bonds may be callable or subject to purchase and retirement or  
17 tender and remarketing as fixed and determined in the Bond Sale  
18 Order. Bonds, other than Bonds issued under Section 3 of this  
19 Act for the costs associated with the purchase and  
20 implementation of information technology, (i) except for  
21 refunding Bonds satisfying the requirements of Section 16 of  
22 this Act and sold during fiscal year 2009, 2010, 2011, 2017, or  
23 2018 must be issued with principal or mandatory redemption  
24 amounts in equal amounts, with the first maturity issued  
25 occurring within the fiscal year in which the Bonds are issued  
26 or within the next succeeding fiscal year and (ii) must mature

1 or be subject to mandatory redemption each fiscal year  
2 thereafter up to 25 years, except for refunding Bonds  
3 satisfying the requirements of Section 16 of this Act and sold  
4 during fiscal year 2009, 2010, or 2011 which must mature or be  
5 subject to mandatory redemption each fiscal year thereafter up  
6 to 16 years. Bonds issued under Section 3 of this Act for the  
7 costs associated with the purchase and implementation of  
8 information technology must be issued with principal or  
9 mandatory redemption amounts in equal amounts, with the first  
10 maturity issued occurring with the fiscal year in which the  
11 respective bonds are issued or with the next succeeding fiscal  
12 year, with the respective bonds issued maturing or subject to  
13 mandatory redemption each fiscal year thereafter up to 10  
14 years. Notwithstanding any provision of this Act to the  
15 contrary, the Bonds authorized by Public Act 96-43 shall be  
16 payable within 5 years from their date and must be issued with  
17 principal or mandatory redemption amounts in equal amounts,  
18 with payment of principal or mandatory redemption beginning in  
19 the first fiscal year following the fiscal year in which the  
20 Bonds are issued.

21 Notwithstanding any provision of this Act to the contrary,  
22 the Bonds authorized by Public Act 96-1497 shall be payable  
23 within 8 years from their date and shall be issued with payment  
24 of maturing principal or scheduled mandatory redemptions in  
25 accordance with the following schedule, except the following  
26 amounts shall be prorated if less than the total additional

1 amount of Bonds authorized by Public Act 96-1497 are issued:

2	Fiscal Year After Issuance	Amount
3	1-2	\$0
4	3	\$110,712,120
5	4	\$332,136,360
6	5	\$664,272,720
7	6-8	\$996,409,080

8 Notwithstanding any provision of this Act to the contrary,  
9 Income Tax Proceed Bonds issued under Section 7.6 shall be  
10 payable 12 years from the date of sale and shall be issued with  
11 payment of principal or mandatory redemption.

12 In the case of any series of Bonds bearing interest at a  
13 variable interest rate ("Variable Rate Bonds"), in lieu of  
14 determining the rate or rates at which such series of Variable  
15 Rate Bonds shall bear interest and the price or prices at which  
16 such Variable Rate Bonds shall be initially sold or remarketed  
17 (in the event of purchase and subsequent resale), the Bond Sale  
18 Order may provide that such interest rates and prices may vary  
19 from time to time depending on criteria established in such  
20 Bond Sale Order, which criteria may include, without  
21 limitation, references to indices or variations in interest  
22 rates as may, in the judgment of a remarketing agent, be  
23 necessary to cause Variable Rate Bonds of such series to be  
24 remarketable from time to time at a price equal to their  
25 principal amount, and may provide for appointment of a bank,  
26 trust company, investment bank, or other financial institution

1 to serve as remarketing agent in that connection. The Bond Sale  
2 Order may provide that alternative interest rates or provisions  
3 for establishing alternative interest rates, different  
4 security or claim priorities, or different call or amortization  
5 provisions will apply during such times as Variable Rate Bonds  
6 of any series are held by a person providing credit or  
7 liquidity enhancement arrangements for such Bonds as  
8 authorized in subsection (b) of this Section. The Bond Sale  
9 Order may also provide for such variable interest rates to be  
10 established pursuant to a process generally known as an auction  
11 rate process and may provide for appointment of one or more  
12 financial institutions to serve as auction agents and  
13 broker-dealers in connection with the establishment of such  
14 interest rates and the sale and remarketing of such Bonds.

15 (b) In connection with the issuance of any series of Bonds,  
16 the State may enter into arrangements to provide additional  
17 security and liquidity for such Bonds, including, without  
18 limitation, bond or interest rate insurance or letters of  
19 credit, lines of credit, bond purchase contracts, or other  
20 arrangements whereby funds are made available to retire or  
21 purchase Bonds, thereby assuring the ability of owners of the  
22 Bonds to sell or redeem their Bonds. The State may enter into  
23 contracts and may agree to pay fees to persons providing such  
24 arrangements, but only under circumstances where the Director  
25 of the Governor's Office of Management and Budget certifies  
26 that he or she reasonably expects the total interest paid or to

1 be paid on the Bonds, together with the fees for the  
2 arrangements (being treated as if interest), would not, taken  
3 together, cause the Bonds to bear interest, calculated to their  
4 stated maturity, at a rate in excess of the rate that the Bonds  
5 would bear in the absence of such arrangements.

6 The State may, with respect to Bonds issued or anticipated  
7 to be issued, participate in and enter into arrangements with  
8 respect to interest rate protection or exchange agreements,  
9 guarantees, or financial futures contracts for the purpose of  
10 limiting, reducing, or managing interest rate exposure. The  
11 authority granted under this paragraph, however, shall not  
12 increase the principal amount of Bonds authorized to be issued  
13 by law. The arrangements may be executed and delivered by the  
14 Director of the Governor's Office of Management and Budget on  
15 behalf of the State. Net payments for such arrangements shall  
16 constitute interest on the Bonds and shall be paid from the  
17 General Obligation Bond Retirement and Interest Fund. The  
18 Director of the Governor's Office of Management and Budget  
19 shall at least annually certify to the Governor and the State  
20 Comptroller his or her estimate of the amounts of such net  
21 payments to be included in the calculation of interest required  
22 to be paid by the State.

23 (c) Prior to the issuance of any Variable Rate Bonds  
24 pursuant to subsection (a), the Director of the Governor's  
25 Office of Management and Budget shall adopt an interest rate  
26 risk management policy providing that the amount of the State's

1 variable rate exposure with respect to Bonds shall not exceed  
2 20%. This policy shall remain in effect while any Bonds are  
3 outstanding and the issuance of Bonds shall be subject to the  
4 terms of such policy. The terms of this policy may be amended  
5 from time to time by the Director of the Governor's Office of  
6 Management and Budget but in no event shall any amendment cause  
7 the permitted level of the State's variable rate exposure with  
8 respect to Bonds to exceed 20%.

9 (d) "Build America Bonds" in this Section means Bonds  
10 authorized by Section 54AA of the Internal Revenue Code of  
11 1986, as amended ("Internal Revenue Code"), and bonds issued  
12 from time to time to refund or continue to refund "Build  
13 America Bonds".

14 (e) Notwithstanding any other provision of this Section,  
15 Qualified School Construction Bonds shall be issued and sold  
16 from time to time, in one or more series, in such amounts and  
17 at such prices as may be directed by the Governor, upon  
18 recommendation by the Director of the Governor's Office of  
19 Management and Budget. Qualified School Construction Bonds  
20 shall be in such form (either coupon, registered or book  
21 entry), in such denominations, payable within 25 years from  
22 their date, subject to such terms of redemption with or without  
23 premium, and if the Qualified School Construction Bonds are  
24 issued with a supplemental coupon, bear interest payable at  
25 such times and at such fixed or variable rate or rates, and be  
26 dated as shall be fixed and determined by the Director of the

1 Governor's Office of Management and Budget in the order  
2 authorizing the issuance and sale of any series of Qualified  
3 School Construction Bonds, which order shall be approved by the  
4 Governor and is herein called a "Bond Sale Order"; except that  
5 interest payable at fixed or variable rates, if any, shall not  
6 exceed that permitted in the Bond Authorization Act, as now or  
7 hereafter amended. Qualified School Construction Bonds shall  
8 be payable at such place or places, within or without the State  
9 of Illinois, and may be made registrable as to either principal  
10 or as to both principal and interest, as shall be specified in  
11 the Bond Sale Order. Qualified School Construction Bonds may be  
12 callable or subject to purchase and retirement or tender and  
13 remarketing as fixed and determined in the Bond Sale Order.  
14 Qualified School Construction Bonds must be issued with  
15 principal or mandatory redemption amounts or sinking fund  
16 payments into the General Obligation Bond Retirement and  
17 Interest Fund (or subaccount therefor) in equal amounts, with  
18 the first maturity issued, mandatory redemption payment or  
19 sinking fund payment occurring within the fiscal year in which  
20 the Qualified School Construction Bonds are issued or within  
21 the next succeeding fiscal year, with Qualified School  
22 Construction Bonds issued maturing or subject to mandatory  
23 redemption or with sinking fund payments thereof deposited each  
24 fiscal year thereafter up to 25 years. Sinking fund payments  
25 set forth in this subsection shall be permitted only to the  
26 extent authorized in Section 54F of the Internal Revenue Code

1 or as otherwise determined by the Director of the Governor's  
2 Office of Management and Budget. "Qualified School  
3 Construction Bonds" in this subsection means Bonds authorized  
4 by Section 54F of the Internal Revenue Code and for bonds  
5 issued from time to time to refund or continue to refund such  
6 "Qualified School Construction Bonds".

7 (f) Beginning with the next issuance by the Governor's  
8 Office of Management and Budget to the Procurement Policy Board  
9 of a request for quotation for the purpose of formulating a new  
10 pool of qualified underwriting banks list, all entities  
11 responding to such a request for quotation for inclusion on  
12 that list shall provide a written report to the Governor's  
13 Office of Management and Budget and the Illinois Comptroller.  
14 The written report submitted to the Comptroller shall (i) be  
15 published on the Comptroller's Internet website and (ii) be  
16 used by the Governor's Office of Management and Budget for the  
17 purposes of scoring such a request for quotation. The written  
18 report, at a minimum, shall:

19 (1) disclose whether, within the past 3 months,  
20 pursuant to its credit default swap market-making  
21 activities, the firm has entered into any State of Illinois  
22 credit default swaps ("CDS");

23 (2) include, in the event of State of Illinois CDS  
24 activity, disclosure of the firm's cumulative notional  
25 volume of State of Illinois CDS trades and the firm's  
26 outstanding gross and net notional amount of State of



1 Illinois CDS, as of the end of the current 3-month period;

2 (3) indicate, pursuant to the firm's proprietary  
3 trading activities, disclosure of whether the firm, within  
4 the past 3 months, has entered into any proprietary trades  
5 for its own account in State of Illinois CDS;

6 (4) include, in the event of State of Illinois  
7 proprietary trades, disclosure of the firm's outstanding  
8 gross and net notional amount of proprietary State of  
9 Illinois CDS and whether the net position is short or long  
10 credit protection, as of the end of the current 3-month  
11 period;

12 (5) list all time periods during the past 3 months  
13 during which the firm held net long or net short State of  
14 Illinois CDS proprietary credit protection positions, the  
15 amount of such positions, and whether those positions were  
16 net long or net short credit protection positions; and

17 (6) indicate whether, within the previous 3 months, the  
18 firm released any publicly available research or marketing  
19 reports that reference State of Illinois CDS and include  
20 those research or marketing reports as attachments.

21 (g) All entities included on a Governor's Office of  
22 Management and Budget's pool of qualified underwriting banks  
23 list shall, as soon as possible after March 18, 2011 (the  
24 effective date of Public Act 96-1554), but not later than  
25 January 21, 2011, and on a quarterly fiscal basis thereafter,  
26 provide a written report to the Governor's Office of Management

1 and Budget and the Illinois Comptroller. The written reports  
2 submitted to the Comptroller shall be published on the  
3 Comptroller's Internet website. The written reports, at a  
4 minimum, shall:

5 (1) disclose whether, within the past 3 months,  
6 pursuant to its credit default swap market-making  
7 activities, the firm has entered into any State of Illinois  
8 credit default swaps ("CDS");

9 (2) include, in the event of State of Illinois CDS  
10 activity, disclosure of the firm's cumulative notional  
11 volume of State of Illinois CDS trades and the firm's  
12 outstanding gross and net notional amount of State of  
13 Illinois CDS, as of the end of the current 3-month period;

14 (3) indicate, pursuant to the firm's proprietary  
15 trading activities, disclosure of whether the firm, within  
16 the past 3 months, has entered into any proprietary trades  
17 for its own account in State of Illinois CDS;

18 (4) include, in the event of State of Illinois  
19 proprietary trades, disclosure of the firm's outstanding  
20 gross and net notional amount of proprietary State of  
21 Illinois CDS and whether the net position is short or long  
22 credit protection, as of the end of the current 3-month  
23 period;

24 (5) list all time periods during the past 3 months  
25 during which the firm held net long or net short State of  
26 Illinois CDS proprietary credit protection positions, the

1 amount of such positions, and whether those positions were  
2 net long or net short credit protection positions; and

3 (6) indicate whether, within the previous 3 months, the  
4 firm released any publicly available research or marketing  
5 reports that reference State of Illinois CDS and include  
6 those research or marketing reports as attachments.

7 (h) Notwithstanding any other provision of this Section,  
8 for purposes of maximizing market efficiencies and cost  
9 savings, Income Tax Proceed Bonds may be issued and sold from  
10 time to time, in one or more series, in such amounts and at  
11 such prices as may be directed by the Governor, upon  
12 recommendation by the Director of the Governor's Office of  
13 Management and Budget. Income Tax Proceed Bonds shall be in  
14 such form, either coupon, registered, or book entry, in such  
15 denominations, shall bear interest payable at such times and at  
16 such fixed or variable rate or rates, and be dated as shall be  
17 fixed and determined by the Director of the Governor's Office  
18 of Management and Budget in the order authorizing the issuance  
19 and sale of any series of Income Tax Proceed Bonds, which order  
20 shall be approved by the Governor and is herein called a "Bond  
21 Sale Order"; provided, however, that interest payable at fixed  
22 or variable rates shall not exceed that permitted in the Bond  
23 Authorization Act. Income Tax Proceed Bonds shall be payable at  
24 such place or places, within or without the State of Illinois,  
25 and may be made registrable as to either principal or as to  
26 both principal and interest, as shall be specified in the Bond

1 Sale Order. Income Tax Proceed Bonds may be callable or subject  
2 to purchase and retirement or tender and remarketing as fixed  
3 and determined in the Bond Sale Order.

4 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
5 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
6 7-6-17; revised 8-8-17.)

7 (30 ILCS 330/11) (from Ch. 127, par. 661)

8 Sec. 11. Sale of Bonds. Except as otherwise provided in  
9 this Section, Bonds shall be sold from time to time pursuant to  
10 notice of sale and public bid or by negotiated sale in such  
11 amounts and at such times as is directed by the Governor, upon  
12 recommendation by the Director of the Governor's Office of  
13 Management and Budget. At least 25%, based on total principal  
14 amount, of all Bonds issued each fiscal year shall be sold  
15 pursuant to notice of sale and public bid. At all times during  
16 each fiscal year, no more than 75%, based on total principal  
17 amount, of the Bonds issued each fiscal year, shall have been  
18 sold by negotiated sale. Failure to satisfy the requirements in  
19 the preceding 2 sentences shall not affect the validity of any  
20 previously issued Bonds; provided that all Bonds authorized by  
21 Public Act 96-43 and Public Act 96-1497 shall not be included  
22 in determining compliance for any fiscal year with the  
23 requirements of the preceding 2 sentences; and further provided  
24 that refunding Bonds satisfying the requirements of Section 16  
25 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,

1 or 2018 shall not be subject to the requirements in the  
2 preceding 2 sentences.

3 If any Bonds, including refunding Bonds, are to be sold by  
4 negotiated sale, the Director of the Governor's Office of  
5 Management and Budget shall comply with the competitive request  
6 for proposal process set forth in the Illinois Procurement Code  
7 and all other applicable requirements of that Code.

8 If Bonds are to be sold pursuant to notice of sale and  
9 public bid, the Director of the Governor's Office of Management  
10 and Budget may, from time to time, as Bonds are to be sold,  
11 advertise the sale of the Bonds in at least 2 daily newspapers,  
12 one of which is published in the City of Springfield and one in  
13 the City of Chicago. The sale of the Bonds shall also be  
14 advertised in the volume of the Illinois Procurement Bulletin  
15 that is published by the Department of Central Management  
16 Services, and shall be published once at least 10 days prior to  
17 the date fixed for the opening of the bids. The Director of the  
18 Governor's Office of Management and Budget may reschedule the  
19 date of sale upon the giving of such additional notice as the  
20 Director deems adequate to inform prospective bidders of such  
21 change; provided, however, that all other conditions of the  
22 sale shall continue as originally advertised.

23 Executed Bonds shall, upon payment therefor, be delivered  
24 to the purchaser, and the proceeds of Bonds shall be paid into  
25 the State Treasury as directed by Section 12 of this Act.

26 All Income Tax Proceed Bonds shall comply with this

1 Section. Notwithstanding anything to the contrary, however,  
2 for purposes of complying with this Section, Income Tax Proceed  
3 Bonds, regardless of the number of series or issuances sold  
4 thereunder, shall be considered a single issue or series.  
5 Furthermore, for purposes of complying with the competitive  
6 bidding requirements of this Section, the words "at all times"  
7 shall not apply to any such sale of the Income Tax Proceed  
8 Bonds. The Director of the Governor's Office of Management and  
9 Budget shall determine the time and manner of any competitive  
10 sale of the Income Tax Proceed Bonds; however, that sale shall  
11 under no circumstances take place later than 60 days after the  
12 State closes the sale of 75% of the Income Tax Proceed Bonds by  
13 negotiated sale.

14 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section  
15 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.  
16 7-6-17; revised 8-15-17.)

17 Section 150. The Illinois Procurement Code is amended by  
18 changing Sections 15-25, 45-45, and 45-57 as follows:

19 (30 ILCS 500/15-25)

20 Sec. 15-25. Bulletin content.

21 (a) Invitations for bids. Notice of each and every contract  
22 that is offered, including renegotiated contracts and change  
23 orders, shall be published in the Bulletin. The applicable  
24 chief procurement officer may provide by rule an organized

1 format for the publication of this information, but in any case  
2 it must include at least the date first offered, the date  
3 submission of offers is due, the location that offers are to be  
4 submitted to, the purchasing State agency, the responsible  
5 State purchasing officer, a brief purchase description, the  
6 method of source selection, information of how to obtain a  
7 comprehensive purchase description and any disclosure and  
8 contract forms, and encouragement to potential contractors to  
9 hire qualified veterans, as defined by Section 45-67 of this  
10 Code, and qualified Illinois minorities, women, persons with  
11 disabilities, and residents discharged from any Illinois adult  
12 correctional center.

13 (a-5) All businesses listed on the Illinois Unified  
14 Certification Program Disadvantaged Business Enterprise  
15 Directory, the Business Enterprise Program of the Department of  
16 Central Management Services, and any small business database  
17 created pursuant to Section 45-45 of this Code shall be  
18 furnished written instructions and information on how to  
19 register for the Illinois Procurement Bulletin. This  
20 information shall be provided to each business within 30  
21 calendar days after the business's notice of certification or  
22 qualification.

23 (b) Contracts let. Notice of each and every contract that  
24 is let, including renegotiated contracts and change orders,  
25 shall be issued electronically to those bidders submitting  
26 responses to the solicitations, inclusive of the unsuccessful

1 bidders, immediately upon contract let. Failure of any chief  
2 procurement officer to give such notice shall result in tolling  
3 the time for filing a bid protest up to 7 calendar days.

4 For purposes of this subsection (b), "contracts let" means  
5 a construction agency's act of advertising an invitation for  
6 bids for one or more construction projects.

7 (b-5) Contracts awarded. Notice of each and every contract  
8 that is awarded, including renegotiated contracts and change  
9 orders, shall be issued electronically to the successful  
10 responsible bidder, offeror, or contractor and published in the  
11 Bulletin. The applicable chief procurement officer may provide  
12 by rule an organized format for the publication of this  
13 information, but in any case it must include at least all of  
14 the information specified in subsection (a) as well as the name  
15 of the successful responsible bidder, offeror, the contract  
16 price, the number of unsuccessful bidders or offerors and any  
17 other disclosure specified in any Section of this Code. This  
18 notice must be posted in the online electronic Bulletin prior  
19 to execution of the contract.

20 For purposes of this subsection (b-5), "contract award"  
21 means the determination that a particular bidder or offeror has  
22 been selected from among other bidders or offerors to receive a  
23 contract, subject to the successful completion of final  
24 negotiations. "Contract award" is evidenced by the posting of a  
25 Notice of Award or a Notice of Intent to Award to the  
26 respective volume of the Illinois Procurement Bulletin.



1           (c) Emergency purchase disclosure. Any chief procurement  
2 officer or State purchasing officer exercising emergency  
3 purchase authority under this Code shall publish a written  
4 description and reasons and the total cost, if known, or an  
5 estimate if unknown and the name of the responsible chief  
6 procurement officer and State purchasing officer, and the  
7 business or person contracted with for all emergency purchases  
8 in the Bulletin. This notice must be posted in the online  
9 electronic Bulletin no later than 5 calendar days after the  
10 contract is awarded. Notice of a hearing to extend an emergency  
11 contract must be posted in the online electronic Procurement  
12 Bulletin no later than 14 calendar days prior to the hearing.

13           (c-5) Business Enterprise Program report. Each purchasing  
14 agency shall, with the assistance of the applicable chief  
15 procurement officer, post in the online electronic Bulletin a  
16 copy of its annual report of utilization of businesses owned by  
17 minorities, women, and persons with disabilities as submitted  
18 to the Business Enterprise Council for Minorities, Women, and  
19 Persons with Disabilities pursuant to Section 6(c) of the  
20 Business Enterprise for Minorities, Women, and Persons with  
21 Disabilities Act within 10 calendar days after its submission  
22 of its report to the Council.

23           (c-10) Renewals. Notice of each contract renewal shall be  
24 posted in the Bulletin within 14 calendar days of the  
25 determination to execute a renewal of the contract. The notice  
26 shall include at least all of the information required in

1 subsection (a) or (b), as applicable.

2 (c-15) Sole source procurements. Before entering into a  
3 sole source contract, a chief procurement officer exercising  
4 sole source procurement authority under this Code shall publish  
5 a written description of intent to enter into a sole source  
6 contract along with a description of the item to be procured  
7 and the intended sole source contractor. This notice must be  
8 posted in the online electronic Procurement Bulletin before a  
9 sole source contract is awarded and at least 14 calendar days  
10 before the hearing required by Section 20-25.

11 (d) Other required disclosure. The applicable chief  
12 procurement officer shall provide by rule for the organized  
13 publication of all other disclosure required in other Sections  
14 of this Code in a timely manner.

15 (e) The changes to subsections (b), (c), (c-5), (c-10), and  
16 (c-15) of this Section made by Public Act 96-795 ~~this~~  
17 ~~amendatory Act of the 96th General Assembly~~ apply to reports  
18 submitted, offers made, and notices on contracts executed on or  
19 after July 1, 2010 (the ~~its~~ effective date of Public Act  
20 96-795).

21 (f) Each chief procurement officer shall, in consultation  
22 with the agencies under his or her jurisdiction, provide the  
23 Procurement Policy Board with the information and resources  
24 necessary, and in a manner, to effectuate the purpose of Public  
25 Act 96-1444 ~~this amendatory Act of the 96th General Assembly~~.

26 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;

1 revised 10-2-17.)

2 (30 ILCS 500/45-45)

3 Sec. 45-45. Small businesses.

4 (a) Set-asides. Each chief procurement officer has  
5 authority to designate as small business set-asides a fair  
6 proportion of construction, supply, and service contracts for  
7 award to small businesses in Illinois. Advertisements for bids  
8 or offers for those contracts shall specify designation as  
9 small business set-asides. In awarding the contracts, only bids  
10 or offers from qualified small businesses shall be considered.

11 (b) Small business. "Small business" means a business that  
12 is independently owned and operated and that is not dominant in  
13 its field of operation. The chief procurement officer shall  
14 establish a detailed definition by rule, using in addition to  
15 the foregoing criteria other criteria, including the number of  
16 employees and the dollar volume of business. When computing the  
17 size status of a potential contractor, annual sales and  
18 receipts of the potential contractor and all of its affiliates  
19 shall be included. The maximum number of employees and the  
20 maximum dollar volume that a small business may have under the  
21 rules promulgated by the chief procurement officer may vary  
22 from industry to industry to the extent necessary to reflect  
23 differing characteristics of those industries, subject to the  
24 following limitations:

25 (1) No wholesale business is a small business if its

1 annual sales for its most recently completed fiscal year  
2 exceed \$13,000,000.

3 (2) No retail business or business selling services is  
4 a small business if its annual sales and receipts exceed  
5 \$8,000,000.

6 (3) No manufacturing business is a small business if it  
7 employs more than 250 persons.

8 (4) No construction business is a small business if its  
9 annual sales and receipts exceed \$14,000,000.

10 (c) Fair proportion. For the purpose of subsection (a), for  
11 State agencies of the executive branch, a fair proportion of  
12 construction contracts shall be no less than 25% nor more than  
13 40% of the annual total contracts for construction.

14 (d) Withdrawal of designation. A small business set-aside  
15 designation may be withdrawn by the purchasing agency when  
16 deemed in the best interests of the State. Upon withdrawal, all  
17 bids or offers shall be rejected, and the bidders or offerors  
18 shall be notified of the reason for rejection. The contract  
19 shall then be awarded in accordance with this Code without the  
20 designation of small business set-aside.

21 (e) Small business specialist. Each chief procurement  
22 officer shall designate one or more individuals to serve as its  
23 small business specialist. The small business specialists  
24 shall collectively work together to accomplish the following  
25 duties:

26 (1) Compiling and maintaining a comprehensive list of

1 potential small contractors. In this duty, he or she shall  
2 cooperate with the Federal Small Business Administration  
3 in locating potential sources for various products and  
4 services.

5 (2) Assisting small businesses in complying with the  
6 procedures for bidding on State contracts.

7 (3) Examining requests from State agencies for the  
8 purchase of property or services to help determine which  
9 invitations to bid are to be designated small business  
10 set-asides.

11 (4) Making recommendations to the chief procurement  
12 officer for the simplification of specifications and terms  
13 in order to increase the opportunities for small business  
14 participation.

15 (5) Assisting in investigations by purchasing agencies  
16 to determine the responsibility of bidders or offerors on  
17 small business set-asides.

18 (f) Small business annual report. Each small business  
19 specialist designated under subsection (e) shall annually  
20 before November 1 report in writing to the General Assembly  
21 concerning the awarding of contracts to small businesses. The  
22 report shall include the total value of awards made in the  
23 preceding fiscal year under the designation of small business  
24 set-aside. The report shall also include the total value of  
25 awards made to businesses owned by minorities, women, and  
26 persons with disabilities, as defined in the Business

1 Enterprise for Minorities, Women, and Persons with  
2 Disabilities Act, in the preceding fiscal year under the  
3 designation of small business set-aside.

4 The requirement for reporting to the General Assembly shall  
5 be satisfied by filing copies of the report as required by  
6 Section 3.1 of the General Assembly Organization Act.

7 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;  
8 revised 9-25-17.)

9 (30 ILCS 500/45-57)

10 Sec. 45-57. Veterans.

11 (a) Set-aside goal. It is the goal of the State to promote  
12 and encourage the continued economic development of small  
13 businesses owned and controlled by qualified veterans and that  
14 qualified service-disabled veteran-owned small businesses  
15 (referred to as SDVOSB) and veteran-owned small businesses  
16 (referred to as VOSB) participate in the State's procurement  
17 process as both prime contractors and subcontractors. Not less  
18 than 3% of the total dollar amount of State contracts, as  
19 defined by the Director of Central Management Services, shall  
20 be established as a goal to be awarded to SDVOSB and VOSB. That  
21 portion of a contract under which the contractor subcontracts  
22 with a SDVOSB or VOSB may be counted toward the goal of this  
23 subsection. The Department of Central Management Services  
24 shall adopt rules to implement compliance with this subsection  
25 by all State agencies.

1           (b) Fiscal year reports. By each November 1, each chief  
2 procurement officer shall report to the Department of Central  
3 Management Services on all of the following for the immediately  
4 preceding fiscal year, and by each March 1 the Department of  
5 Central Management Services shall compile and report that  
6 information to the General Assembly:

7           (1) The total number of VOSB, and the number of SDVOSB,  
8 who submitted bids for contracts under this Code.

9           (2) The total number of VOSB, and the number of SDVOSB,  
10 who entered into contracts with the State under this Code  
11 and the total value of those contracts.

12           (c) Yearly review and recommendations. Each year, each  
13 chief procurement officer shall review the progress of all  
14 State agencies under its jurisdiction in meeting the goal  
15 described in subsection (a), with input from statewide  
16 veterans' service organizations and from the business  
17 community, including businesses owned by qualified veterans,  
18 and shall make recommendations to be included in the Department  
19 of Central Management Services' report to the General Assembly  
20 regarding continuation, increases, or decreases of the  
21 percentage goal. The recommendations shall be based upon the  
22 number of businesses that are owned by qualified veterans and  
23 on the continued need to encourage and promote businesses owned  
24 by qualified veterans.

25           (d) Governor's recommendations. To assist the State in  
26 reaching the goal described in subsection (a), the Governor

1 shall recommend to the General Assembly changes in programs to  
2 assist businesses owned by qualified veterans.

3 (e) Definitions. As used in this Section:

4 "Armed forces of the United States" means the United States  
5 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
6 active duty as defined under 38 U.S.C. Section 101. Service in  
7 the Merchant Marine that constitutes active duty under Section  
8 401 of federal Public Act 95-202 shall also be considered  
9 service in the armed forces for purposes of this Section.

10 "Certification" means a determination made by the Illinois  
11 Department of Veterans' Affairs and the Department of Central  
12 Management Services that a business entity is a qualified  
13 service-disabled veteran-owned small business or a qualified  
14 veteran-owned small business for whatever purpose. A SDVOSB or  
15 VOSB owned and controlled by women, minorities, or persons with  
16 disabilities, as those terms are defined in Section 2 of the  
17 Business Enterprise for Minorities, Women, and Persons with  
18 Disabilities Act, may also select and designate whether that  
19 business is to be certified as a "women-owned business",  
20 "minority-owned business", or "business owned by a person with  
21 a disability", as defined in Section 2 of the Business  
22 Enterprise for Minorities, Women, and Persons with  
23 Disabilities Act.

24 "Control" means the exclusive, ultimate, majority, or sole  
25 control of the business, including but not limited to capital  
26 investment and all other financial matters, property,



1 acquisitions, contract negotiations, legal matters,  
2 officer-director-employee selection and comprehensive hiring,  
3 operation responsibilities, cost-control matters, income and  
4 dividend matters, financial transactions, and rights of other  
5 shareholders or joint partners. Control shall be real,  
6 substantial, and continuing, not pro forma. Control shall  
7 include the power to direct or cause the direction of the  
8 management and policies of the business and to make the  
9 day-to-day as well as major decisions in matters of policy,  
10 management, and operations. Control shall be exemplified by  
11 possessing the requisite knowledge and expertise to run the  
12 particular business, and control shall not include simple  
13 majority or absentee ownership.

14 "Qualified service-disabled veteran" means a veteran who  
15 has been found to have 10% or more service-connected disability  
16 by the United States Department of Veterans Affairs or the  
17 United States Department of Defense.

18 "Qualified service-disabled veteran-owned small business"  
19 or "SDVOSB" means a small business (i) that is at least 51%  
20 owned by one or more qualified service-disabled veterans living  
21 in Illinois or, in the case of a corporation, at least 51% of  
22 the stock of which is owned by one or more qualified  
23 service-disabled veterans living in Illinois; (ii) that has its  
24 home office in Illinois; and (iii) for which items (i) and (ii)  
25 are factually verified annually by the Department of Central  
26 Management Services.

1 "Qualified veteran-owned small business" or "VOSB" means a  
2 small business (i) that is at least 51% owned by one or more  
3 qualified veterans living in Illinois or, in the case of a  
4 corporation, at least 51% of the stock of which is owned by one  
5 or more qualified veterans living in Illinois; (ii) that has  
6 its home office in Illinois; and (iii) for which items (i) and  
7 (ii) are factually verified annually by the Department of  
8 Central Management Services.

9 "Service-connected disability" means a disability incurred  
10 in the line of duty in the active military, naval, or air  
11 service as described in 38 U.S.C. 101(16).

12 "Small business" means a business that has annual gross  
13 sales of less than \$75,000,000 as evidenced by the federal  
14 income tax return of the business. A firm with gross sales in  
15 excess of this cap may apply to the Department of Central  
16 Management Services for certification for a particular  
17 contract if the firm can demonstrate that the contract would  
18 have significant impact on SDVOSB or VOSB as suppliers or  
19 subcontractors or in employment of veterans or  
20 service-disabled veterans.

21 "State agency" has the meaning provided in Section 1-15.100  
22 of this Code ~~Women~~.

23 "Time of hostilities with a foreign country" means any  
24 period of time in the past, present, or future during which a  
25 declaration of war by the United States Congress has been or is  
26 in effect or during which an emergency condition has been or is

1 in effect that is recognized by the issuance of a Presidential  
2 proclamation or a Presidential executive order and in which the  
3 armed forces expeditionary medal or other campaign service  
4 medals are awarded according to Presidential executive order.

5 "Veteran" means a person who (i) has been a member of the  
6 armed forces of the United States or, while a citizen of the  
7 United States, was a member of the armed forces of allies of  
8 the United States in time of hostilities with a foreign country  
9 and (ii) has served under one or more of the following  
10 conditions: (a) the veteran served a total of at least 6  
11 months; (b) the veteran served for the duration of hostilities  
12 regardless of the length of the engagement; (c) the veteran was  
13 discharged on the basis of hardship; or (d) the veteran was  
14 released from active duty because of a service connected  
15 disability and was discharged under honorable conditions.

16 (f) Certification program. The Illinois Department of  
17 Veterans' Affairs and the Department of Central Management  
18 Services shall work together to devise a certification  
19 procedure to assure that businesses taking advantage of this  
20 Section are legitimately classified as qualified  
21 service-disabled veteran-owned small businesses or qualified  
22 veteran-owned small businesses.

23 (g) Penalties.

24 (1) Administrative penalties. The chief procurement  
25 officers appointed pursuant to Section 10-20 shall suspend  
26 any person who commits a violation of Section 17-10.3 or

1 subsection (d) of Section 33E-6 of the Criminal Code of  
2 2012 relating to this Section from bidding on, or  
3 participating as a contractor, subcontractor, or supplier  
4 in, any State contract or project for a period of not less  
5 than 3 years, and, if the person is certified as a  
6 service-disabled veteran-owned small business or a  
7 veteran-owned small business, then the Department shall  
8 revoke the business's certification for a period of not  
9 less than 3 years. An additional or subsequent violation  
10 shall extend the periods of suspension and revocation for a  
11 period of not less than 5 years. The suspension and  
12 revocation shall apply to the principals of the business  
13 and any subsequent business formed or financed by, or  
14 affiliated with, those principals.

15 (2) Reports of violations. Each State agency shall  
16 report any alleged violation of Section 17-10.3 or  
17 subsection (d) of Section 33E-6 of the Criminal Code of  
18 2012 relating to this Section to the chief procurement  
19 officers appointed pursuant to Section 10-20. The chief  
20 procurement officers appointed pursuant to Section 10-20  
21 shall subsequently report all such alleged violations to  
22 the Attorney General, who shall determine whether to bring  
23 a civil action against any person for the violation.

24 (3) List of suspended persons. The chief procurement  
25 officers appointed pursuant to Section 10-20 shall monitor  
26 the status of all reported violations of Section 17-10.3 or

1 subsection (d) of Section 33E-6 of the Criminal Code of  
2 1961 or the Criminal Code of 2012 relating to this Section  
3 and shall maintain and make available to all State agencies  
4 a central listing of all persons that committed violations  
5 resulting in suspension.

6 (4) Use of suspended persons. During the period of a  
7 person's suspension under paragraph (1) of this  
8 subsection, a State agency shall not enter into any  
9 contract with that person or with any contractor using the  
10 services of that person as a subcontractor.

11 (5) Duty to check list. Each State agency shall check  
12 the central listing provided by the chief procurement  
13 officers appointed pursuant to Section 10-20 under  
14 paragraph (3) of this subsection to verify that a person  
15 being awarded a contract by that State agency, or to be  
16 used as a subcontractor or supplier on a contract being  
17 awarded by that State agency, is not under suspension  
18 pursuant to paragraph (1) of this subsection.

19 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;  
20 revised 10-13-17.)

21 Section 155. The Governmental Joint Purchasing Act is  
22 amended by changing Section 1 as follows:

23 (30 ILCS 525/1) (from Ch. 85, par. 1601)

24 Sec. 1. Definitions. For the purposes of this Act:7

1 "Governmental unit" means the State of Illinois, any State  
2 agency as defined in Section 1-15.100 of the Illinois  
3 Procurement Code, officers of the State of Illinois, any public  
4 authority which has the power to tax, or any other public  
5 entity created by statute.

6 "Master contract" means a definite quantity or indefinite  
7 quantity contract awarded pursuant to this Act against which  
8 subsequent orders may be placed to meet the needs of a  
9 governmental unit or qualified not-for-profit agency.

10 "Multiple award" means an award that is made to 2 or more  
11 bidders or offerors for similar supplies or services.

12 (Source: P.A. 100-43, eff. 8-9-17; revised 9-25-17.)

13 Section 160. The State Prompt Payment Act is amended by  
14 changing Section 7 as follows:

15 (30 ILCS 540/7) (from Ch. 127, par. 132.407)

16 Sec. 7. Payments to subcontractors and material suppliers.

17 (a) When a State official or agency responsible for  
18 administering a contract submits a voucher to the Comptroller  
19 for payment to a contractor, that State official or agency  
20 shall promptly make available electronically the voucher  
21 number, the date of the voucher, and the amount of the voucher.  
22 The State official or agency responsible for administering the  
23 contract shall provide subcontractors and material suppliers,  
24 known to the State official or agency, with instructions on how

1 to access the electronic information.

2 (a-5) When a contractor receives any payment, the  
3 contractor shall pay each subcontractor and material supplier  
4 in proportion to the work completed by each subcontractor and  
5 material supplier its application or pay estimate, plus  
6 interest received under this Act. When a contractor receives  
7 any payment, the contractor shall pay each lower-tiered  
8 subcontractor and material supplier and each subcontractor and  
9 material supplier shall make payment to its own respective  
10 subcontractors and material suppliers. If the contractor  
11 receives less than the full payment due under the public  
12 construction contract, the contractor shall be obligated to  
13 disburse on a pro rata basis those funds received, plus  
14 interest received under this Act, with the contractor,  
15 subcontractors and material suppliers each receiving a  
16 prorated portion based on the amount of payment each has  
17 earned. When, however, the State official or agency does not  
18 release the full payment due under the contract because there  
19 are specific areas of work or materials the State agency or  
20 official has determined are not suitable for payment, then  
21 those specific subcontractors or material suppliers involved  
22 shall not be paid for that portion of work rejected or deemed  
23 not suitable for payment and all other subcontractors and  
24 suppliers shall be paid based upon the amount of payment each  
25 has earned, plus interest received under this Act.

26 (a-10) For construction contracts with the Department of

1 Transportation, the contractor, subcontractor, or material  
2 supplier, regardless of tier, shall not offset, decrease, or  
3 diminish payment or payments that are due to its subcontractors  
4 or material suppliers without reasonable cause.

5 A contractor, who refuses to make prompt payment, in whole  
6 or in part, shall provide to the subcontractor or material  
7 supplier and the public owner or its agent, a written notice of  
8 that refusal. The written notice shall be made by a contractor  
9 no later than 5 calendar days after payment is received by the  
10 contractor. The written notice shall identify the Department of  
11 Transportation's contract, any subcontract or material  
12 purchase agreement, a detailed reason for refusal, the value of  
13 the payment to be withheld, and the specific remedial actions  
14 required of the subcontractor or material supplier so that  
15 payment may be made. Written notice of refusal may be given in  
16 a form and method which is acceptable to the parties and public  
17 owner.

18 (b) If the contractor, without reasonable cause, fails to  
19 make full payment of amounts due under subsection (a) to its  
20 subcontractors and material suppliers within 15 calendar days  
21 after receipt of payment from the State official or agency, the  
22 contractor shall pay to its subcontractors and material  
23 suppliers, in addition to the payment due them, interest in the  
24 amount of 2% per month, calculated from the expiration of the  
25 15-day period until fully paid. This subsection shall further  
26 apply to any payments made by subcontractors and material



1 suppliers to their subcontractors and material suppliers and to  
2 all payments made to lower tier subcontractors and material  
3 suppliers throughout the contracting chain.

4 (1) If a contractor, without reasonable cause, fails to  
5 make payment in full as provided in subsection (a-5) within  
6 15 calendar days after receipt of payment under the public  
7 construction contract, any subcontractor or material  
8 supplier to whom payments are owed may file a written  
9 notice and request for administrative hearing with the  
10 State official or agency setting forth the amount owed by  
11 the contractor and the contractor's failure to timely pay  
12 the amount owed. The written notice and request for  
13 administrative hearing shall identify the public  
14 construction contract, the contractor, and the amount  
15 owed, and shall contain a sworn statement or attestation to  
16 verify the accuracy of the notice. The notice and request  
17 for administrative hearing shall be filed with the State  
18 official for the public construction contract, with a copy  
19 of the notice concurrently provided to the contractor.  
20 Notice to the State official may be made by certified or  
21 registered mail, messenger service, or personal service,  
22 and must include proof of delivery to the State official.

23 (2) The State official or agency, within 15 calendar  
24 days after receipt of a subcontractor's or material  
25 supplier's written notice and request for administrative  
26 hearing, shall hold a hearing convened by an administrative

1 law judge to determine whether the contractor withheld  
2 payment, without reasonable cause, from the subcontractors  
3 or material suppliers and what amount, if any, is due to  
4 the subcontractors or material suppliers, and the  
5 reasonable cause or causes asserted by the contractor. The  
6 State official or agency shall provide appropriate notice  
7 to the parties of the date, time, and location of the  
8 hearing. Each contractor, subcontractor, or material  
9 supplier has the right to be represented by counsel at a  
10 hearing and to cross-examine witnesses and challenge  
11 documents. Upon the request of the subcontractor or  
12 material supplier and a showing of good cause, reasonable  
13 continuances may be granted by the administrative law  
14 judge.

15 (3) Upon a finding by the administrative law judge that  
16 the contractor failed to make payment in full, without  
17 reasonable cause, as provided in subsection (a-10), then  
18 the administrative law judge shall, in writing, order the  
19 contractor to pay the amount owed to the subcontractors or  
20 material suppliers plus interest within 15 calendar days  
21 after the order.

22 (4) If a contractor fails to make full payment as  
23 ordered under paragraph (3) of this subsection (b) within  
24 15 days after the administrative law judge's order, then  
25 the contractor shall be barred from entering into a State  
26 public construction contract for a period of one year

1 beginning on the date of the administrative law judge's  
2 order.

3 (5) If, on 2 or more occasions within a 3-calendar-year  
4 period, there is a finding by an administrative law judge  
5 that the contractor failed to make payment in full, without  
6 reasonable cause, and a written order was issued to a  
7 contractor under paragraph (3) of this subsection (b), then  
8 the contractor shall be barred from entering into a State  
9 public construction contract for a period of 6 months  
10 beginning on the date of the administrative law judge's  
11 second written order, even if the payments required under  
12 the orders were made in full.

13 (6) If a contractor fails to make full payment as  
14 ordered under paragraph (4) of this subsection (b), the  
15 subcontractor or material supplier may, within 30 days of  
16 the date of that order, petition the State agency for an  
17 order for reasonable attorney's fees and costs incurred in  
18 the prosecution of the action under this subsection (b).  
19 Upon that petition and taking of additional evidence, as  
20 may be required, the administrative law judge may issue a  
21 supplemental order directing the contractor to pay those  
22 reasonable attorney's fees and costs.

23 (7) The written order of the administrative law judge  
24 shall be final and appealable under the Administrative  
25 Review Law.

26 (c) This Section shall not be construed to in any manner

1 diminish, negate, or interfere with the  
2 contractor-subcontractor or contractor-material supplier  
3 relationship or commercially useful function.

4 (d) This Section shall not preclude, bar, or stay the  
5 rights, remedies, and defenses available to the parties by way  
6 of the operation of their contract, purchase agreement, the  
7 Mechanics Lien Act, or the Public Construction Bond Act.

8 (e) State officials and agencies may adopt rules as may be  
9 deemed necessary in order to establish the formal procedures  
10 required under this Section.

11 (f) As used in this Section: 7

12 "Payment" means the discharge of an obligation in money or  
13 other valuable consideration or thing delivered in full or  
14 partial satisfaction of an obligation to pay. "Payment" shall  
15 include interest paid pursuant to this Act.

16 "Reasonable cause" may include, but is not limited to,  
17 unsatisfactory workmanship or materials; failure to provide  
18 documentation required by the contract, subcontract, or  
19 material purchase agreement; claims made against the  
20 Department of Transportation or the subcontractor pursuant to  
21 subsection (c) of Section 23 of the Mechanics Lien Act or the  
22 Public Construction Bond Act; judgments, levies, garnishments,  
23 or other court-ordered assessments or offsets in favor of the  
24 Department of Transportation or other State agency entered  
25 against a subcontractor or material supplier. "Reasonable  
26 cause" does not include payments issued to the contractor that

1 create a negative or reduced valuation pay application or pay  
2 estimate due to a reduction of contract quantities or work not  
3 performed or provided by the subcontractor or material  
4 supplier; the interception or withholding of funds for reasons  
5 not related to the subcontractor's or material supplier's work  
6 on the contract; anticipated claims or assessments of third  
7 parties not a party related to the contract or subcontract;  
8 asserted claims or assessments of third parties that are not  
9 authorized by court order, administrative tribunal, or  
10 statute. "Reasonable cause" further does not include the  
11 withholding, offset, or reduction of payment, in whole or in  
12 part, due to the assessment of liquidated damages or penalties  
13 assessed by the Department of Transportation against the  
14 contractor, unless the subcontractor's performance or supplied  
15 materials were the sole and proximate cause of the liquidated  
16 damage or penalty.

17 (Source: P.A. 100-43, eff. 8-9-17; 100-376, eff. 1-1-18;  
18 revised 10-22-17.)

19 Section 165. The Business Enterprise for Minorities,  
20 Women, and Persons with Disabilities Act is amended by setting  
21 forth, renumbering, and changing multiple versions of Section  
22 8g as follows:

23 (30 ILCS 575/8g)

24 (Section scheduled to be repealed on June 30, 2020)

1           Sec. 8g. Business Enterprise Program Council reports.

2           (a) The Department of Central Management Services shall  
3 provide a report to the Council identifying all State agency  
4 non-construction solicitations that exceed \$20,000,000 and  
5 that have less than a 20% established goal prior to  
6 publication.

7           (b) The Department of Central Management Services shall  
8 provide a report to the Council identifying all State agency  
9 non-construction awards that exceed \$20,000,000. The report  
10 shall contain the following: (i) the name of the awardee; (ii)  
11 the total bid amount; (iii) the established Business Enterprise  
12 Program goal; (iv) the dollar amount and percentage of  
13 participation by businesses owned by minorities, women, and  
14 persons with disabilities; and (v) the names of the certified  
15 firms identified in the utilization plan.

16           (Source: P.A. 100-391, eff. 8-25-17.)

17           (30 ILCS 575/8j)

18           (Section scheduled to be repealed on June 30, 2020)

19           Sec. 8j ~~8g~~. Special Committee on Minority, Female, Persons  
20 with Disabilities, and Veterans Contracting.

21           (a) There is created a Special Committee on Minority,  
22 Female, Persons with Disabilities, and Veterans Contracting  
23 under the Council. The Special Committee shall review Illinois'  
24 procurement laws regarding contracting with minority-owned  
25 businesses, women-owned ~~female-owned~~ businesses, businesses

1 owned by persons with disabilities, and veteran-owned  
2 businesses to determine what changes should be made to increase  
3 participation of these businesses in State procurements.

4 (b) The Special Committee shall consist of the following  
5 members:

6 (1) 3 persons each to be appointed by the Speaker of  
7 the House of Representatives, the Minority Leader of the  
8 House of Representatives, the President of the Senate, and  
9 the Minority Leader of the Senate; only one Special  
10 Committee member of each appointee under this paragraph may  
11 be a current member of the General Assembly;

12 (2) the Director of Central Management Services, or his  
13 or her designee;

14 (3) the chairperson of the Council, or his or her  
15 designee; and

16 (4) each chief procurement officer.

17 (c) The Special Committee shall conduct at least 3  
18 hearings, with at least one hearing in Springfield and one in  
19 Chicago. Each hearing shall be open to the public and notice of  
20 the hearings shall be posted on the websites of the Procurement  
21 Policy Board, the Department of Central Management Services,  
22 and the General Assembly at least 6 days prior to the hearing.

23 (Source: P.A. 100-43, eff. 8-9-17; revised 12-14-17.)

24 Section 170. The Grant Accountability and Transparency Act  
25 is amended by changing Section 45 as follows:

1 (30 ILCS 708/45)

2 (Section scheduled to be repealed on July 16, 2020)

3 Sec. 45. Applicability.

4 (a) The requirements established under this Act apply to  
5 State grant-making agencies that make State and federal  
6 pass-through awards to non-federal entities. These  
7 requirements apply to all costs related to State and federal  
8 pass-through awards. The requirements established under this  
9 Act do not apply to private awards.

10 (a-5) Nothing in this Act shall prohibit the use of State  
11 funds for purposes of federal match or maintenance of effort.

12 (b) The terms and conditions of State, federal, and  
13 pass-through awards apply to subawards and subrecipients  
14 unless a particular Section of this Act or the terms and  
15 conditions of the State or federal award specifically indicate  
16 otherwise. Non-federal entities shall comply with requirements  
17 of this Act regardless of whether the non-federal entity is a  
18 recipient or subrecipient of a State or federal pass-through  
19 award. Pass-through entities shall comply with the  
20 requirements set forth under the rules adopted under subsection  
21 (a) of Section 20 of this Act, but not to any requirements in  
22 this Act directed towards State or federal awarding agencies,  
23 unless the requirements of the State or federal awards indicate  
24 otherwise.

25 When a non-federal entity is awarded a cost-reimbursement



1 contract, only 2 CFR 200.330 through 200.332 are incorporated  
2 by reference into the contract. However, when the Cost  
3 Accounting Standards are applicable to the contract, they take  
4 precedence over the requirements of this Act unless they are in  
5 conflict with Subpart F of 2 CFR 200. In addition, costs that  
6 are made unallowable under 10 U.S.C. 2324(e) and 41 U.S.C.  
7 4304(a), as described in the Federal Acquisition Regulations,  
8 subpart 31.2 and subpart 31.603, are always unallowable. For  
9 requirements other than those covered in Subpart D of 2 CFR  
10 200.330 through 200.332, the terms of the contract and the  
11 Federal Acquisition Regulations apply.

12 With the exception of Subpart F of 2 CFR 200, which is  
13 required by the Single Audit Act, in any circumstances where  
14 the provisions of federal statutes or regulations differ from  
15 the provisions of this Act, the provision of the federal  
16 statutes or regulations govern. This includes, for agreements  
17 with Indian tribes, the provisions of the Indian  
18 Self-Determination and Education and Assistance Act, as  
19 amended, 25 U.S.C. 450-458ddd-2.

20 (c) State grant-making agencies may apply subparts A  
21 through E of 2 CFR 200 to for-profit entities, foreign public  
22 entities, or foreign organizations, except where the awarding  
23 agency determines that the application of these subparts would  
24 be inconsistent with the international obligations of the  
25 United States or the statute or regulations of a foreign  
26 government.

1 (d) Except for 2 CFR 200.202 and 200.330 through 200.332,  
2 the requirements in Subparts C, D, and E of 2 CFR 200 do not  
3 apply to the following programs:

4 (1) The block grant awards authorized by the Omnibus  
5 Budget Reconciliation Act of 1981 (including Community  
6 Services; Preventive Health and Health Services; Alcohol,  
7 Drug Abuse, and Mental Health Services; Maternal and Child  
8 Health Services; Social Services; Low-Income Home Energy  
9 Assistance; States' Program of Community Development Block  
10 Grant Awards for Small Cities; and Elementary and Secondary  
11 Education, other than programs administered by the  
12 Secretary of Education under Title V, Subtitle D, Chapter  
13 2, Section 583 - the Secretary's discretionary award  
14 program) and both the Alcohol and Drug Abuse Treatment and  
15 Rehabilitation Block Grant Award (42 U.S.C. 300x-21 to  
16 300x-35 and 42 U.S.C. 300x-51 to 300x-64) and the Mental  
17 Health Service for the Homeless Block Grant Award (42  
18 U.S.C. 300x to 300x-9) under the Public Health Services  
19 Act.

20 (2) Federal awards to local education agencies under 20  
21 U.S.C. 7702 through 7703b (portions of the Impact Aid  
22 program).

23 (3) Payments under the Department of Veterans Affairs'  
24 State Home Per Diem Program (38 U.S.C. 1741).

25 (4) Federal awards authorized under the Child Care and  
26 Development Block Grant Act of 1990, as amended, including

1 the following:

2 (A) Child Care and Development Block Grant (42  
3 U.S.C. 9858).

4 (B) Child Care Mandatory and Matching Funds of the  
5 Child Care and Development Fund (42 U.S.C. 9858).

6 (e) Except for the 2 CFR 200.202 requirement to provide  
7 public notice of federal financial assistance programs, the  
8 guidance in Subpart C Pre-federal Award Requirements and  
9 Contents of Federal Awards does not apply to the following  
10 programs:

11 (1) Entitlement federal awards to carry out the  
12 following programs of the Social Security Act:

13 (A) Temporary Assistance for ~~to~~ Needy Families  
14 (Title IV-A of the Social Security Act, 42 U.S.C.  
15 601-619);

16 (B) Child Support Enforcement and Establishment of  
17 Paternity (Title IV-D of the Social Security Act, 42  
18 U.S.C. 651-669b);

19 (C) Foster Care and Adoption Assistance (Title  
20 IV-E of the Act, 42 U.S.C. 670-679c);

21 (D) Aid to the Aged, Blind, and Disabled (Titles I,  
22 X, XIV, and XVI - AABD of the Act, as amended); and

23 (E) Medical Assistance (Medicaid) (42 U.S.C.  
24 1396-1396w-5), not including the State Medicaid Fraud  
25 Control program authorized by Section 1903(a)(6)(B) of  
26 the Social Security Act (42 U.S.C. 1396b(a)(6)(B)).

1           (2) A federal award for an experimental, pilot, or  
2 demonstration project that is also supported by a federal  
3 award listed in paragraph (1) of subsection (e) of this  
4 Section.

5           (3) Federal awards under subsection 412(e) of the  
6 Immigration and Nationality Act of 1965 and Section 501(a)  
7 of the Refugee Education Assistance Act of 1980 for cash  
8 assistance, medical assistance, and supplemental security  
9 income benefits to refugees and entrants and the  
10 administrative costs of providing the assistance and  
11 benefits under 8 U.S.C. 1522(e).

12           (4) Entitlement awards under the following programs of  
13 The National School Lunch Act:

14           (A) National School Lunch Program (42 U.S.C.  
15 1753);

16           (B) Commodity Assistance (42 U.S.C. 1755);

17           (C) Special Meal Assistance (42 U.S.C. 1759a);

18           (D) Summer Food Service Program for Children (42  
19 U.S.C. 1761); and

20           (E) Child and Adult Care Food Program (42 U.S.C.  
21 1766).

22           (5) Entitlement awards under the following programs of  
23 The Child Nutrition Act of 1966:

24           (A) Special Milk Program (42 U.S.C. 1772);

25           (B) School Breakfast Program (42 U.S.C. 1773); and

26           (C) State Administrative Expenses (42 U.S.C.

1 1776).

2 (6) Entitlement awards for State Administrative  
3 Expenses under The Food and Nutrition Act of 2008 (7 U.S.C.  
4 2025).

5 (7) Non-discretionary federal awards under the  
6 following non-entitlement programs:

7 (A) Special Supplemental Nutrition Program for  
8 Women, Infants and Children under the Child Nutrition  
9 Act of 1966 (42 U.S.C. 1786);

10 (B) The Emergency Food Assistance Programs  
11 (Emergency Food Assistance Act of 1983) (7 U.S.C.  
12 7501); and

13 (C) Commodity Supplemental Food Program (7 U.S.C.  
14 612c).

15 (f) For public institutions of higher education, the  
16 provisions of this Act apply only to awards funded by State  
17 appropriations and federal pass-through awards from a State  
18 agency to public institutions of higher education.

19 (g) Each grant-making agency shall enhance its processes to  
20 monitor and address noncompliance with reporting requirements  
21 and with program performance standards. Where applicable, the  
22 process may include a corrective action plan. The monitoring  
23 process shall include a plan for tracking and documenting  
24 performance-based contracting decisions.

25 (Source: P.A. 98-706, eff. 7-16-14; revised 9-25-17.)

1 Section 175. The Downstate Public Transportation Act is  
2 amended by changing Section 2-3 as follows:

3 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

4 (Text of Section before amendment by P.A. 100-363)

5 Sec. 2-3. (a) As soon as possible after the first day of  
6 each month, beginning July 1, 1984, upon certification of the  
7 Department of Revenue, the Comptroller shall order  
8 transferred, and the Treasurer shall transfer, from the General  
9 Revenue Fund to a special fund in the State Treasury which is  
10 hereby created, to be known as the "Downstate Public  
11 Transportation Fund", an amount equal to 2/32 (beginning July  
12 1, 2005, 3/32) of the net revenue realized from the ~~"Retailers'  
13 Occupation Tax Act", as now or hereafter amended,~~ the ~~"Service  
14 Occupation Tax Act", as now or hereafter amended,~~ the ~~"Use Tax  
15 Act", as now or hereafter amended,~~ and the ~~"Service Use Tax  
16 Act", as now or hereafter amended,~~ from persons incurring  
17 municipal or county retailers' or service occupation tax  
18 liability for the benefit of any municipality or county located  
19 wholly within the boundaries of each participant, other than  
20 any Metro-East Transit District participant certified pursuant  
21 to subsection (c) of this Section during the preceding month,  
22 except that the Department shall pay into the Downstate Public  
23 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%  
24 of the net revenue realized under the State tax Acts named  
25 above within any municipality or county located wholly within

1 the boundaries of each participant, other than any Metro-East  
2 participant, for tax periods beginning on or after January 1,  
3 1990. Net revenue realized for a month shall be the revenue  
4 collected by the State pursuant to such Acts during the  
5 previous month from persons incurring municipal or county  
6 retailers' or service occupation tax liability for the benefit  
7 of any municipality or county located wholly within the  
8 boundaries of a participant, less the amount paid out during  
9 that same month as refunds or credit memoranda to taxpayers for  
10 overpayment of liability under such Acts for the benefit of any  
11 municipality or county located wholly within the boundaries of  
12 a participant.

13 Notwithstanding any provision of law to the contrary,  
14 beginning on July 6, 2017 (the effective date of Public Act  
15 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
16 those amounts required under this subsection (a) to be  
17 transferred by the Treasurer into the Downstate Public  
18 Transportation Fund from the General Revenue Fund shall be  
19 directly deposited into the Downstate Public Transportation  
20 Fund as the revenues are realized from the taxes indicated.

21 (b) As soon as possible after the first day of each month,  
22 beginning July 1, 1989, upon certification of the Department of  
23 Revenue, the Comptroller shall order transferred, and the  
24 Treasurer shall transfer, from the General Revenue Fund to a  
25 special fund in the State Treasury which is hereby created, to  
26 be known as the "Metro-East Public Transportation Fund", an

1 amount equal to  $\frac{2}{32}$  of the net revenue realized, as above,  
2 from within the boundaries of Madison, Monroe, and St. Clair  
3 Counties, except that the Department shall pay into the  
4 Metro-East Public Transportation Fund  $\frac{2}{32}$  of 80% of the net  
5 revenue realized under the State tax Acts specified in  
6 subsection (a) of this Section within the boundaries of  
7 Madison, Monroe and St. Clair Counties for tax periods  
8 beginning on or after January 1, 1990. A local match equivalent  
9 to an amount which could be raised by a tax levy at the rate of  
10 .05% on the assessed value of property within the boundaries of  
11 Madison County is required annually to cause a total of  $\frac{2}{32}$  of  
12 the net revenue to be deposited in the Metro-East Public  
13 Transportation Fund. Failure to raise the required local match  
14 annually shall result in only  $\frac{1}{32}$  being deposited into the  
15 Metro-East Public Transportation Fund after July 1, 1989, or  
16  $\frac{1}{32}$  of 80% of the net revenue realized for tax periods  
17 beginning on or after January 1, 1990.

18 (b-5) As soon as possible after the first day of each  
19 month, beginning July 1, 2005, upon certification of the  
20 Department of Revenue, the Comptroller shall order  
21 transferred, and the Treasurer shall transfer, from the General  
22 Revenue Fund to the Downstate Public Transportation Fund, an  
23 amount equal to  $\frac{3}{32}$  of 80% of the net revenue realized from  
24 within the boundaries of Monroe and St. Clair Counties under  
25 the State Tax Acts specified in subsection (a) of this Section  
26 and provided further that, beginning July 1, 2005, the



1 provisions of subsection (b) shall no longer apply with respect  
2 to such tax receipts from Monroe and St. Clair Counties.

3 Notwithstanding any provision of law to the contrary,  
4 beginning on July 6, 2017 (the effective date of Public Act  
5 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
6 those amounts required under this subsection (b-5) to be  
7 transferred by the Treasurer into the Downstate Public  
8 Transportation Fund from the General Revenue Fund shall be  
9 directly deposited into the Downstate Public Transportation  
10 Fund as the revenues are realized from the taxes indicated.

11 (b-6) As soon as possible after the first day of each  
12 month, beginning July 1, 2008, upon certification by the  
13 Department of Revenue, the Comptroller shall order transferred  
14 and the Treasurer shall transfer, from the General Revenue Fund  
15 to the Downstate Public Transportation Fund, an amount equal to  
16  $\frac{3}{32}$  of 80% of the net revenue realized from within the  
17 boundaries of Madison County under the State Tax Acts specified  
18 in subsection (a) of this Section and provided further that,  
19 beginning July 1, 2008, the provisions of subsection (b) shall  
20 no longer apply with respect to such tax receipts from Madison  
21 County.

22 Notwithstanding any provision of law to the contrary,  
23 beginning on July 6, 2017 (the effective date of Public Act  
24 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
25 those amounts required under this subsection (b-6) to be  
26 transferred by the Treasurer into the Downstate Public

1 Transportation Fund from the General Revenue Fund shall be  
2 directly deposited into the Downstate Public Transportation  
3 Fund as the revenues are realized from the taxes indicated.

4 (c) The Department shall certify to the Department of  
5 Revenue the eligible participants under this Article and the  
6 territorial boundaries of such participants for the purposes of  
7 the Department of Revenue in subsections (a) and (b) of this  
8 Section.

9 (d) For the purposes of this Article, beginning in fiscal  
10 year 2009 the General Assembly shall appropriate an amount from  
11 the Downstate Public Transportation Fund equal to the sum total  
12 funds projected to be paid to the participants pursuant to  
13 Section 2-7. If the General Assembly fails to make  
14 appropriations sufficient to cover the amounts projected to be  
15 paid pursuant to Section 2-7, this Act shall constitute an  
16 irrevocable and continuing appropriation from the Downstate  
17 Public Transportation Fund of all amounts necessary for those  
18 purposes.

19 (e) Notwithstanding anything in this Section to the  
20 contrary, amounts transferred from the General Revenue Fund to  
21 the Downstate Public Transportation Fund pursuant to this  
22 Section shall not exceed \$169,000,000 in State fiscal year  
23 2012.

24 (f) For State fiscal year 2018 only, notwithstanding any  
25 provision of law to the contrary, the total amount of revenue  
26 and deposits under this Section attributable to revenues

1 realized during State fiscal year 2018 shall be reduced by 10%.  
2 (Source: P.A. 100-23, eff. 7-6-17; revised 10-20-17.)

3 (Text of Section after amendment by P.A. 100-363)

4 Sec. 2-3. (a) As soon as possible after the first day of  
5 each month, beginning July 1, 1984, upon certification of the  
6 Department of Revenue, the Comptroller shall order  
7 transferred, and the Treasurer shall transfer, from the General  
8 Revenue Fund to a special fund in the State Treasury which is  
9 hereby created, to be known as the "Downstate Public  
10 Transportation Fund", an amount equal to 2/32 (beginning July  
11 1, 2005, 3/32) of the net revenue realized from the ~~"Retailers'  
12 Occupation Tax Act", as now or hereafter amended,~~ the ~~"Service  
13 Occupation Tax Act", as now or hereafter amended,~~ the ~~"Use Tax  
14 Act", as now or hereafter amended,~~ and the ~~"Service Use Tax  
15 Act", as now or hereafter amended,~~ from persons incurring  
16 municipal or county retailers' or service occupation tax  
17 liability for the benefit of any municipality or county located  
18 wholly within the boundaries of each participant,    other than  
19 any Metro-East Transit District participant certified pursuant  
20 to subsection (c) of this Section during the preceding month,  
21 except that the Department shall pay into the Downstate Public  
22 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%  
23 of the net revenue realized under the State tax Acts named  
24 above within any municipality or county located wholly within  
25 the boundaries of each participant, other than any Metro-East

1 participant, for tax periods beginning on or after January 1,  
2 1990. Net revenue realized for a month shall be the revenue  
3 collected by the State pursuant to such Acts during the  
4 previous month from persons incurring municipal or county  
5 retailers' or service occupation tax liability for the benefit  
6 of any municipality or county located wholly within the  
7 boundaries of a participant, less the amount paid out during  
8 that same month as refunds or credit memoranda to taxpayers for  
9 overpayment of liability under such Acts for the benefit of any  
10 municipality or county located wholly within the boundaries of  
11 a participant.

12 Notwithstanding any provision of law to the contrary,  
13 beginning on July 6, 2017 (the effective date of Public Act  
14 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
15 those amounts required under this subsection (a) to be  
16 transferred by the Treasurer into the Downstate Public  
17 Transportation Fund from the General Revenue Fund shall be  
18 directly deposited into the Downstate Public Transportation  
19 Fund as the revenues are realized from the taxes indicated.

20 (b) As soon as possible after the first day of each month,  
21 beginning July 1, 1989, upon certification of the Department of  
22 Revenue, the Comptroller shall order transferred, and the  
23 Treasurer shall transfer, from the General Revenue Fund to a  
24 special fund in the State Treasury which is hereby created, to  
25 be known as the "Metro-East Public Transportation Fund", an  
26 amount equal to 2/32 of the net revenue realized, as above,

1 from within the boundaries of Madison, Monroe, and St. Clair  
2 Counties, except that the Department shall pay into the  
3 Metro-East Public Transportation Fund 2/32 of 80% of the net  
4 revenue realized under the State tax Acts specified in  
5 subsection (a) of this Section within the boundaries of  
6 Madison, Monroe and St. Clair Counties for tax periods  
7 beginning on or after January 1, 1990. A local match equivalent  
8 to an amount which could be raised by a tax levy at the rate of  
9 .05% on the assessed value of property within the boundaries of  
10 Madison County is required annually to cause a total of 2/32 of  
11 the net revenue to be deposited in the Metro-East Public  
12 Transportation Fund. Failure to raise the required local match  
13 annually shall result in only 1/32 being deposited into the  
14 Metro-East Public Transportation Fund after July 1, 1989, or  
15 1/32 of 80% of the net revenue realized for tax periods  
16 beginning on or after January 1, 1990.

17 (b-5) As soon as possible after the first day of each  
18 month, beginning July 1, 2005, upon certification of the  
19 Department of Revenue, the Comptroller shall order  
20 transferred, and the Treasurer shall transfer, from the General  
21 Revenue Fund to the Downstate Public Transportation Fund, an  
22 amount equal to 3/32 of 80% of the net revenue realized from  
23 within the boundaries of Monroe and St. Clair Counties under  
24 the State Tax Acts specified in subsection (a) of this Section  
25 and provided further that, beginning July 1, 2005, the  
26 provisions of subsection (b) shall no longer apply with respect

1 to such tax receipts from Monroe and St. Clair Counties.

2 Notwithstanding any provision of law to the contrary,  
3 beginning on July 6, 2017 (the effective date of Public Act  
4 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
5 those amounts required under this subsection (b-5) to be  
6 transferred by the Treasurer into the Downstate Public  
7 Transportation Fund from the General Revenue Fund shall be  
8 directly deposited into the Downstate Public Transportation  
9 Fund as the revenues are realized from the taxes indicated.

10 (b-6) As soon as possible after the first day of each  
11 month, beginning July 1, 2008, upon certification by the  
12 Department of Revenue, the Comptroller shall order transferred  
13 and the Treasurer shall transfer, from the General Revenue Fund  
14 to the Downstate Public Transportation Fund, an amount equal to  
15  $\frac{3}{32}$  of 80% of the net revenue realized from within the  
16 boundaries of Madison County under the State Tax Acts specified  
17 in subsection (a) of this Section and provided further that,  
18 beginning July 1, 2008, the provisions of subsection (b) shall  
19 no longer apply with respect to such tax receipts from Madison  
20 County.

21 Notwithstanding any provision of law to the contrary,  
22 beginning on July 6, 2017 (the effective date of Public Act  
23 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
24 those amounts required under this subsection (b-6) to be  
25 transferred by the Treasurer into the Downstate Public  
26 Transportation Fund from the General Revenue Fund shall be

1 directly deposited into the Downstate Public Transportation  
2 Fund as the revenues are realized from the taxes indicated.

3 (b-7) Beginning July 1, 2018, notwithstanding the other  
4 provisions of this Section, instead of the Comptroller making  
5 monthly transfers from the General Revenue Fund to the  
6 Downstate Public Transportation Fund, the Department of  
7 Revenue shall deposit the designated fraction of the net  
8 revenue realized from collections under the Retailers'  
9 Occupation Tax Act, the Service Occupation Tax Act, the Use Tax  
10 Act, and the Service Use Tax Act directly into the Downstate  
11 Public Transportation Fund.

12 (c) The Department shall certify to the Department of  
13 Revenue the eligible participants under this Article and the  
14 territorial boundaries of such participants for the purposes of  
15 the Department of Revenue in subsections (a) and (b) of this  
16 Section.

17 (d) For the purposes of this Article, beginning in fiscal  
18 year 2009 the General Assembly shall appropriate an amount from  
19 the Downstate Public Transportation Fund equal to the sum total  
20 funds projected to be paid to the participants pursuant to  
21 Section 2-7. If the General Assembly fails to make  
22 appropriations sufficient to cover the amounts projected to be  
23 paid pursuant to Section 2-7, this Act shall constitute an  
24 irrevocable and continuing appropriation from the Downstate  
25 Public Transportation Fund of all amounts necessary for those  
26 purposes.

1 (e) Notwithstanding anything in this Section to the  
2 contrary, amounts transferred from the General Revenue Fund to  
3 the Downstate Public Transportation Fund pursuant to this  
4 Section shall not exceed \$169,000,000 in State fiscal year  
5 2012.

6 (f) For State fiscal year 2018 only, notwithstanding any  
7 provision of law to the contrary, the total amount of revenue  
8 and deposits under this Section attributable to revenues  
9 realized during State fiscal year 2018 shall be reduced by 10%.  
10 (Source: P.A. 100-23, eff. 7-6-17; 100-363, eff. 7-1-18;  
11 revised 10-20-17.)

12 Section 180. The Build Illinois Act is amended by changing  
13 Section 9-3 as follows:

14 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

15 Sec. 9-3. Powers and duties. The Department has the power:

16 (a) To make loans or equity investments to small  
17 businesses, and to make loans or grants or investments to  
18 or through financial intermediaries. The loans and  
19 investments shall be made from appropriations from the  
20 Build Illinois Bond Fund, Illinois Capital Revolving Loan  
21 Fund, State Small Business Credit Initiative Fund, or  
22 Illinois Equity Fund for the purpose of promoting the  
23 creation or retention of jobs within small businesses or to  
24 modernize or maintain competitiveness of firms in



1 Illinois. The grants shall be made from appropriations from  
2 the Build Illinois Bond Fund or Illinois Capital Revolving  
3 Loan Fund for the purpose of technical assistance.

4 (b) To make loans to or investments in businesses that  
5 have received federal Phase I Small Business Innovation  
6 Research grants as a bridge while awaiting federal Phase II  
7 Small Business Innovation Research grant funds.

8 (c) To enter into interagency agreements, accept funds  
9 or grants, and engage in cooperation with agencies of the  
10 federal government, local units of government,  
11 universities, research foundations, political subdivisions  
12 of the State, financial intermediaries, and regional  
13 economic development corporations or organizations for the  
14 purposes of carrying out this Article.

15 (d) To enter into contracts, financial intermediary  
16 agreements, or any other agreements or contracts with  
17 financial intermediaries necessary or desirable to further  
18 the purposes of this Article. Any such agreement or  
19 contract may include, without limitation, terms and  
20 provisions, including, but not limited to, loan  
21 documentation, review and approval procedures,  
22 organization and servicing rights, and default conditions.

23 (e) To fix, determine, charge and collect any premiums,  
24 fees, charges, costs and expenses, including, without  
25 limitation, any application fees, commitment fees, program  
26 fees, financing charges, collection fees, training fees,

1 or publication fees in connection with its activities under  
2 this Article and to accept from any source any gifts,  
3 donations, or contributions of money, property, labor, or  
4 other things of value to be held, used, and applied to  
5 carry out the purposes of this Article. All fees, charges,  
6 collections, gifts, donations, or other contributions  
7 shall be deposited into the Illinois Capital Revolving Loan  
8 Fund, or the State Small Business Credit Initiative Fund.

9 (f) To establish application, notification, contract,  
10 and other forms, procedures, rules or regulations deemed  
11 necessary and appropriate.

12 (g) To consent, subject to the provisions of any  
13 contract with another person, whenever it deems it  
14 necessary or desirable in the fulfillment of the purposes  
15 of this Article, to the modification or restructuring of  
16 any financial intermediary agreement, loan agreement or  
17 any equity investment agreement to which the Department is  
18 a party.

19 (h) To take whatever actions are necessary or  
20 appropriate to protect the State's interest in the event of  
21 bankruptcy, default, foreclosure, or noncompliance with  
22 the terms and conditions of financial assistance or  
23 participation provided hereunder or to otherwise protect  
24 or affect the State's interest, including the power to  
25 sell, dispose, lease or rent, upon terms and conditions  
26 determined by the Director to be appropriate, real or

1 personal property which the Department may receive as a  
2 result thereof.

3 (i) To deposit any "Qualified Securities" which have  
4 been received by the Department as the result of any  
5 financial intermediary agreement, loan, or equity  
6 investment agreement executed in the carrying out of this  
7 Act, with the Office of the State Treasurer and held by  
8 that office until agreement to transfer such qualified  
9 security shall be certified by the Director of Commerce and  
10 Economic Opportunity.

11 (j) To assist small businesses that seek to apply for  
12 public or private capital in preparing the application and  
13 to supply them with grant information, plans, reports,  
14 assistance, or advice on development finance and to assist  
15 financial intermediaries and participating lenders to  
16 build capacity to make debt or equity investments through  
17 conferences, workshops, seminars, publications, or any  
18 other media.

19 (k) To provide for staff, administration, and related  
20 support required to manage the programs authorized under  
21 this Article and pay for staffing and administration from  
22 the Illinois Capital Revolving Loan Fund, or the State  
23 Small Business Credit Initiative Fund, as appropriated by  
24 the General Assembly. Administration responsibilities may  
25 include, but are not limited to, research and  
26 identification of credit disadvantaged groups; design of

1 comprehensive statewide capital access plans and programs  
2 addressing capital gap and capital marketplace structure  
3 and information barriers; direction, management, and  
4 control of specific projects; and communicate and  
5 cooperation with public development finance organizations  
6 and private debt and equity sources.

7 (1) To exercise such other powers as are necessary or  
8 incidental to the foregoing.

9 (Source: P.A. 99-933, eff. 1-27-17; 100-377, eff. 8-25-17;  
10 revised 9-27-17.)

11 Section 185. The State Mandates Act is amended by changing  
12 Section 8.41 as follows:

13 (30 ILCS 805/8.41)

14 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8  
15 of this Act, no reimbursement by the State is required for the  
16 implementation of any mandate created by Public Act 100-23,  
17 100-239, 100-281, 100-455, or 100-544 ~~this amendatory Act of~~  
18 ~~the 100th General Assembly.~~

19 (Source: P.A. 100-23, eff. 7-6-17; 100-239, eff. 8-18-17;  
20 100-281, eff. 8-24-17; 100-455, eff. 8-25-17; 100-544, eff.  
21 11-8-17; revised 12-7-17.)

22 Section 190. The Illinois Income Tax Act is amended by  
23 changing Sections 220, 704A, 901, and 917 as follows:

1 (35 ILCS 5/220)

2 Sec. 220. Angel investment credit.

3 (a) As used in this Section:

4 "Applicant" means a corporation, partnership, limited  
5 liability company, or a natural person that makes an investment  
6 in a qualified new business venture. The term "applicant" does  
7 not include a corporation, partnership, limited liability  
8 company, or a natural person who has a direct or indirect  
9 ownership interest of at least 51% in the profits, capital, or  
10 value of the investment or a related member.

11 "Claimant" means an applicant certified by the Department  
12 who files a claim for a credit under this Section.

13 "Department" means the Department of Commerce and Economic  
14 Opportunity.

15 "Investment" means money (or its equivalent) given to a  
16 qualified new business venture, at a risk of loss, in  
17 consideration for an equity interest of the qualified new  
18 business venture. The Department may adopt rules to permit  
19 certain forms of contingent equity investments to be considered  
20 eligible for a tax credit under this Section.

21 "Qualified new business venture" means a business that is  
22 registered with the Department under this Section.

23 "Related member" means a person that, with respect to the  
24 applicant, is any one of the following:

25 (1) An individual, if the individual and the members of

1 the individual's family (as defined in Section 318 of the  
2 Internal Revenue Code) own directly, indirectly,  
3 beneficially, or constructively, in the aggregate, at  
4 least 50% of the value of the outstanding profits, capital,  
5 stock, or other ownership interest in the applicant.

6 (2) A partnership, estate, or trust and any partner or  
7 beneficiary, if the partnership, estate, or trust and its  
8 partners or beneficiaries own directly, indirectly,  
9 beneficially, or constructively, in the aggregate, at  
10 least 50% of the profits, capital, stock, or other  
11 ownership interest in the applicant.

12 (3) A corporation, and any party related to the  
13 corporation in a manner that would require an attribution  
14 of stock from the corporation under the attribution rules  
15 of Section 318 of the Internal Revenue Code, if the  
16 applicant and any other related member own, in the  
17 aggregate, directly, indirectly, beneficially, or  
18 constructively, at least 50% of the value of the  
19 corporation's outstanding stock.

20 (4) A corporation and any party related to that  
21 corporation in a manner that would require an attribution  
22 of stock from the corporation to the party or from the  
23 party to the corporation under the attribution rules of  
24 Section 318 of the Internal Revenue Code, if the  
25 corporation and all such related parties own, in the  
26 aggregate, at least 50% of the profits, capital, stock, or

1 other ownership interest in the applicant.

2 (5) A person to or from whom there is attribution of  
3 stock ownership in accordance with Section 1563(e) of the  
4 Internal Revenue Code, except that for purposes of  
5 determining whether a person is a related member under this  
6 paragraph, "20%" shall be substituted for "5%" whenever  
7 "5%" appears in Section 1563(e) of the Internal Revenue  
8 Code.

9 (b) For taxable years beginning after December 31, 2010,  
10 and ending on or before December 31, 2021, subject to the  
11 limitations provided in this Section, a claimant may claim, as  
12 a credit against the tax imposed under subsections (a) and (b)  
13 of Section 201 of this Act, an amount equal to 25% of the  
14 claimant's investment made directly in a qualified new business  
15 venture. In order for an investment in a qualified new business  
16 venture to be eligible for tax credits, the business must have  
17 applied for and received certification under subsection (e) for  
18 the taxable year in which the investment was made prior to the  
19 date on which the investment was made. The credit under this  
20 Section may not exceed the taxpayer's Illinois income tax  
21 liability for the taxable year. If the amount of the credit  
22 exceeds the tax liability for the year, the excess may be  
23 carried forward and applied to the tax liability of the 5  
24 taxable years following the excess credit year. The credit  
25 shall be applied to the earliest year for which there is a tax  
26 liability. If there are credits from more than one tax year

1 that are available to offset a liability, the earlier credit  
2 shall be applied first. In the case of a partnership or  
3 Subchapter S Corporation, the credit is allowed to the partners  
4 or shareholders in accordance with the determination of income  
5 and distributive share of income under Sections 702 and 704 and  
6 Subchapter S of the Internal Revenue Code.

7 (c) The minimum amount an applicant must invest in any  
8 single qualified new business venture in order to be eligible  
9 for a credit under this Section is \$10,000. The maximum amount  
10 of an applicant's total investment made in any single qualified  
11 new business venture that may be used as the basis for a credit  
12 under this Section is \$2,000,000.

13 (d) The Department shall implement a program to certify an  
14 applicant for an angel investment credit. Upon satisfactory  
15 review, the Department shall issue a tax credit certificate  
16 stating the amount of the tax credit to which the applicant is  
17 entitled. The Department shall annually certify that: (i) each  
18 qualified new business venture that receives an angel  
19 investment under this Section has maintained a minimum  
20 employment threshold, as defined by rule, in the State (and  
21 continues to maintain a minimum employment threshold in the  
22 State for a period of no less than 3 years from the issue date  
23 of the last tax credit certificate issued by the Department  
24 with respect to such business pursuant to this Section); and  
25 (ii) the claimant's investment has been made and remains,  
26 except in the event of a qualifying liquidity event, in the



1 qualified new business venture for no less than 3 years.

2 If an investment for which a claimant is allowed a credit  
3 under subsection (b) is held by the claimant for less than 3  
4 years, other than as a result of a permitted sale of the  
5 investment to person who is not a related member, the claimant  
6 shall pay to the Department of Revenue, in the manner  
7 prescribed by the Department of Revenue, the aggregate amount  
8 of the disqualified credits that the claimant received related  
9 to the subject investment.

10 If the Department determines that a qualified new business  
11 venture failed to maintain a minimum employment threshold in  
12 the State through the date which is 3 years from the issue date  
13 of the last tax credit certificate issued by the Department  
14 with respect to the subject business pursuant to this Section,  
15 the claimant or claimants shall pay to the Department of  
16 Revenue, in the manner prescribed by the Department of Revenue,  
17 the aggregate amount of the disqualified credits that claimant  
18 or claimants received related to investments in that business.

19 (e) The Department shall implement a program to register  
20 qualified new business ventures for purposes of this Section. A  
21 business desiring registration under this Section shall be  
22 required to submit a full and complete application to the  
23 Department. A submitted application shall be effective only for  
24 the taxable year in which it is submitted, and a business  
25 desiring registration under this Section shall be required to  
26 submit a separate application in and for each taxable year for

1 which the business desires registration. Further, if at any  
2 time prior to the acceptance of an application for registration  
3 under this Section by the Department one or more events occurs  
4 which makes the information provided in that application  
5 materially false or incomplete (in whole or in part), the  
6 business shall promptly notify the Department of the same. Any  
7 failure of a business to promptly provide the foregoing  
8 information to the Department may, at the discretion of the  
9 Department, result in a revocation of a previously approved  
10 application for that business, or disqualification of the  
11 business from future registration under this Section, or both.  
12 The Department may register the business only if all of the  
13 following conditions are satisfied:

14 (1) it has its principal place of business in this  
15 State;

16 (2) at least 51% of the employees employed by the  
17 business are employed in this State;

18 (3) the business has the potential for increasing jobs  
19 in this State, increasing capital investment in this State,  
20 or both, as determined by the Department, and either of the  
21 following apply:

22 (A) it is principally engaged in innovation in any  
23 of the following: manufacturing; biotechnology;  
24 nanotechnology; communications; agricultural sciences;  
25 clean energy creation or storage technology;  
26 processing or assembling products, including medical

1 devices, pharmaceuticals, computer software, computer  
2 hardware, semiconductors, other innovative technology  
3 products, or other products that are produced using  
4 manufacturing methods that are enabled by applying  
5 proprietary technology; or providing services that are  
6 enabled by applying proprietary technology; or

7 (B) it is undertaking pre-commercialization  
8 activity related to proprietary technology that  
9 includes conducting research, developing a new product  
10 or business process, or developing a service that is  
11 principally reliant on applying proprietary  
12 technology;

13 (4) it is not principally engaged in real estate  
14 development, insurance, banking, lending, lobbying,  
15 political consulting, professional services provided by  
16 attorneys, accountants, business consultants, physicians,  
17 or health care consultants, wholesale or retail trade,  
18 leisure, hospitality, transportation, or construction,  
19 except construction of power production plants that derive  
20 energy from a renewable energy resource, as defined in  
21 Section 1 of the Illinois Power Agency Act;

22 (5) at the time it is first certified:

23 (A) it has fewer than 100 employees;

24 (B) it has been in operation in Illinois for not  
25 more than 10 consecutive years prior to the year of  
26 certification; and

1 (C) it has received not more than \$10,000,000 in  
2 aggregate investments;

3 (5.1) it agrees to maintain a minimum employment  
4 threshold in the State of Illinois prior to the date which  
5 is 3 years from the issue date of the last tax credit  
6 certificate issued by the Department with respect to that  
7 business pursuant to this Section;

8 (6) (blank); and

9 (7) it has received not more than \$4,000,000 in  
10 investments that qualified for tax credits under this  
11 Section.

12 (f) The Department, in consultation with the Department of  
13 Revenue, shall adopt rules to administer this Section. The  
14 aggregate amount of the tax credits that may be claimed under  
15 this Section for investments made in qualified new business  
16 ventures shall be limited at \$10,000,000 per calendar year, of  
17 which \$500,000 shall be reserved for investments made in  
18 qualified new business ventures which are minority-owned  
19 ~~"minority-owned businesses"~~, female-owned ~~"female-owned~~  
20 ~~businesses"~~, or ~~"businesses owned by a person with a~~  
21 ~~disability"~~ (as those terms are used and defined in the  
22 Business Enterprise for Minorities, Women Females, and Persons  
23 with Disabilities Act), and an additional \$500,000 shall be  
24 reserved for investments made in qualified new business  
25 ventures with their principal place of business in counties  
26 with a population of not more than 250,000. The foregoing

1 annual allowable amounts shall be allocated by the Department,  
2 on a per calendar quarter basis and prior to the commencement  
3 of each calendar year, in such proportion as determined by the  
4 Department, provided that: (i) the amount initially allocated  
5 by the Department for any one calendar quarter shall not exceed  
6 35% of the total allowable amount; and (ii) any portion of the  
7 allocated allowable amount remaining unused as of the end of  
8 any of the first 2 calendar quarters of a given calendar year  
9 shall be rolled into, and added to, the total allocated amount  
10 for the next available calendar quarter.

11 (g) A claimant may not sell or otherwise transfer a credit  
12 awarded under this Section to another person.

13 (h) On or before March 1 of each year, the Department shall  
14 report to the Governor and to the General Assembly on the tax  
15 credit certificates awarded under this Section for the prior  
16 calendar year.

17 (1) This report must include, for each tax credit  
18 certificate awarded:

19 (A) the name of the claimant and the amount of  
20 credit awarded or allocated to that claimant;

21 (B) the name and address (including the county) of  
22 the qualified new business venture that received the  
23 investment giving rise to the credit, the North  
24 American Industry Classification System (NAICS) code  
25 applicable to that qualified new business venture, and  
26 the number of employees of the qualified new business

1 venture; and

2 (C) the date of approval by the Department of each  
3 claimant's tax credit certificate.

4 (2) The report must also include:

5 (A) the total number of applicants and the total  
6 number of claimants, including the amount of each tax  
7 credit certificate awarded to a claimant under this  
8 Section in the prior calendar year;

9 (B) the total number of applications from  
10 businesses seeking registration under this Section,  
11 the total number of new qualified business ventures  
12 registered by the Department, and the aggregate amount  
13 of investment upon which tax credit certificates were  
14 issued in the prior calendar year; and

15 (C) the total amount of tax credit certificates  
16 sought by applicants, the amount of each tax credit  
17 certificate issued to a claimant, the aggregate amount  
18 of all tax credit certificates issued in the prior  
19 calendar year and the aggregate amount of tax credit  
20 certificates issued as authorized under this Section  
21 for all calendar years.

22 (i) For each business seeking registration under this  
23 Section after December 31, 2016, the Department shall require  
24 the business to include in its application the North American  
25 Industry Classification System (NAICS) code applicable to the  
26 business and the number of employees of the business at the

1 time of application. Each business registered by the Department  
2 as a qualified new business venture that receives an investment  
3 giving rise to the issuance of a tax credit certificate  
4 pursuant to this Section shall, for each of the 3 years  
5 following the issue date of the last tax credit certificate  
6 issued by the Department with respect to such business pursuant  
7 to this Section, report to the Department the following:

8 (1) the number of employees and the location at which  
9 those employees are employed, both as of the end of each  
10 year;

11 (2) the amount of additional new capital investment  
12 raised as of the end of each year, if any; and

13 (3) the terms of any liquidity event occurring during  
14 such year; for the purposes of this Section, a "liquidity  
15 event" means any event that would be considered an exit for  
16 an illiquid investment, including any event that allows the  
17 equity holders of the business (or any material portion  
18 thereof) to cash out some or all of their respective equity  
19 interests.

20 (Source: P.A. 100-328, eff. 1-1-18; revised 12-14-17.)

21 (35 ILCS 5/704A)

22 Sec. 704A. Employer's return and payment of tax withheld.

23 (a) In general, every employer who deducts and withholds or  
24 is required to deduct and withhold tax under this Act on or  
25 after January 1, 2008 shall make those payments and returns as

1 provided in this Section.

2 (b) Returns. Every employer shall, in the form and manner  
3 required by the Department, make returns with respect to taxes  
4 withheld or required to be withheld under this Article 7 for  
5 each quarter beginning on or after January 1, 2008, on or  
6 before the last day of the first month following the close of  
7 that quarter.

8 (c) Payments. With respect to amounts withheld or required  
9 to be withheld on or after January 1, 2008:

10 (1) Semi-weekly payments. For each calendar year, each  
11 employer who withheld or was required to withhold more than  
12 \$12,000 during the one-year period ending on June 30 of the  
13 immediately preceding calendar year, payment must be made:

14 (A) on or before each Friday of the calendar year,  
15 for taxes withheld or required to be withheld on the  
16 immediately preceding Saturday, Sunday, Monday, or  
17 Tuesday;

18 (B) on or before each Wednesday of the calendar  
19 year, for taxes withheld or required to be withheld on  
20 the immediately preceding Wednesday, Thursday, or  
21 Friday.

22 Beginning with calendar year 2011, payments made under  
23 this paragraph (1) of subsection (c) must be made by  
24 electronic funds transfer.

25 (2) Semi-weekly payments. Any employer who withholds  
26 or is required to withhold more than \$12,000 in any quarter



1 of a calendar year is required to make payments on the  
2 dates set forth under item (1) of this subsection (c) for  
3 each remaining quarter of that calendar year and for the  
4 subsequent calendar year.

5 (3) Monthly payments. Each employer, other than an  
6 employer described in items (1) or (2) of this subsection,  
7 shall pay to the Department, on or before the 15th day of  
8 each month the taxes withheld or required to be withheld  
9 during the immediately preceding month.

10 (4) Payments with returns. Each employer shall pay to  
11 the Department, on or before the due date for each return  
12 required to be filed under this Section, any tax withheld  
13 or required to be withheld during the period for which the  
14 return is due and not previously paid to the Department.

15 (d) Regulatory authority. The Department may, by rule:

16 (1) Permit employers, in lieu of the requirements of  
17 subsections (b) and (c), to file annual returns due on or  
18 before January 31 of the year for taxes withheld or  
19 required to be withheld during the previous calendar year  
20 and, if the aggregate amounts required to be withheld by  
21 the employer under this Article 7 (other than amounts  
22 required to be withheld under Section 709.5) do not exceed  
23 \$1,000 for the previous calendar year, to pay the taxes  
24 required to be shown on each such return no later than the  
25 due date for such return.

26 (2) Provide that any payment required to be made under

1 subsection (c) (1) or (c) (2) is deemed to be timely to the  
2 extent paid by electronic funds transfer on or before the  
3 due date for deposit of federal income taxes withheld from,  
4 or federal employment taxes due with respect to, the wages  
5 from which the Illinois taxes were withheld.

6 (3) Designate one or more depositories to which payment  
7 of taxes required to be withheld under this Article 7 must  
8 be paid by some or all employers.

9 (4) Increase the threshold dollar amounts at which  
10 employers are required to make semi-weekly payments under  
11 subsection (c) (1) or (c) (2).

12 (e) Annual return and payment. Every employer who deducts  
13 and withholds or is required to deduct and withhold tax from a  
14 person engaged in domestic service employment, as that term is  
15 defined in Section 3510 of the Internal Revenue Code, may  
16 comply with the requirements of this Section with respect to  
17 such employees by filing an annual return and paying the taxes  
18 required to be deducted and withheld on or before the 15th day  
19 of the fourth month following the close of the employer's  
20 taxable year. The Department may allow the employer's return to  
21 be submitted with the employer's individual income tax return  
22 or to be submitted with a return due from the employer under  
23 Section 1400.2 of the Unemployment Insurance Act.

24 (f) Magnetic media and electronic filing. With respect to  
25 taxes withheld in calendar years prior to 2017, any W-2 Form  
26 that, under the Internal Revenue Code and regulations

1 promulgated thereunder, is required to be submitted to the  
2 Internal Revenue Service on magnetic media or electronically  
3 must also be submitted to the Department on magnetic media or  
4 electronically for Illinois purposes, if required by the  
5 Department.

6 With respect to taxes withheld in 2017 and subsequent  
7 calendar years, the Department may, by rule, require that any  
8 return (including any amended return) under this Section and  
9 any W-2 Form that is required to be submitted to the Department  
10 must be submitted on magnetic media or electronically.

11 The due date for submitting W-2 Forms shall be as  
12 prescribed by the Department by rule.

13 (g) For amounts deducted or withheld after December 31,  
14 2009, a taxpayer who makes an election under subsection (f) of  
15 Section 5-15 of the Economic Development for a Growing Economy  
16 Tax Credit Act for a taxable year shall be allowed a credit  
17 against payments due under this Section for amounts withheld  
18 during the first calendar year beginning after the end of that  
19 taxable year equal to the amount of the credit for the  
20 incremental income tax attributable to full-time employees of  
21 the taxpayer awarded to the taxpayer by the Department of  
22 Commerce and Economic Opportunity under the Economic  
23 Development for a Growing Economy Tax Credit Act for the  
24 taxable year and credits not previously claimed and allowed to  
25 be carried forward under Section 211(4) of this Act as provided  
26 in subsection (f) of Section 5-15 of the Economic Development

1 for a Growing Economy Tax Credit Act. The credit or credits may  
2 not reduce the taxpayer's obligation for any payment due under  
3 this Section to less than zero. If the amount of the credit or  
4 credits exceeds the total payments due under this Section with  
5 respect to amounts withheld during the calendar year, the  
6 excess may be carried forward and applied against the  
7 taxpayer's liability under this Section in the succeeding  
8 calendar years as allowed to be carried forward under paragraph  
9 (4) of Section 211 of this Act. The credit or credits shall be  
10 applied to the earliest year for which there is a tax  
11 liability. If there are credits from more than one taxable year  
12 that are available to offset a liability, the earlier credit  
13 shall be applied first. Each employer who deducts and withholds  
14 or is required to deduct and withhold tax under this Act and  
15 who retains income tax withholdings under subsection (f) of  
16 Section 5-15 of the Economic Development for a Growing Economy  
17 Tax Credit Act must make a return with respect to such taxes  
18 and retained amounts in the form and manner that the  
19 Department, by rule, requires and pay to the Department or to a  
20 depository designated by the Department those withheld taxes  
21 not retained by the taxpayer. For purposes of this subsection  
22 (g), the term taxpayer shall include taxpayer and members of  
23 the taxpayer's unitary business group as defined under  
24 paragraph (27) of subsection (a) of Section 1501 of this Act.  
25 This Section is exempt from the provisions of Section 250 of  
26 this Act. No credit awarded under the Economic Development for

1 a Growing Economy Tax Credit Act for agreements entered into on  
2 or after January 1, 2015 may be credited against payments due  
3 under this Section.

4 (h) An employer may claim a credit against payments due  
5 under this Section for amounts withheld during the first  
6 calendar year ending after the date on which a tax credit  
7 certificate was issued under Section 35 of the Small Business  
8 Job Creation Tax Credit Act. The credit shall be equal to the  
9 amount shown on the certificate, but may not reduce the  
10 taxpayer's obligation for any payment due under this Section to  
11 less than zero. If the amount of the credit exceeds the total  
12 payments due under this Section with respect to amounts  
13 withheld during the calendar year, the excess may be carried  
14 forward and applied against the taxpayer's liability under this  
15 Section in the 5 succeeding calendar years. The credit shall be  
16 applied to the earliest year for which there is a tax  
17 liability. If there are credits from more than one calendar  
18 year that are available to offset a liability, the earlier  
19 credit shall be applied first. This Section is exempt from the  
20 provisions of Section 250 of this Act.

21 (Source: P.A. 100-303, eff. 8-24-17; 100-511, eff. 9-18-17;  
22 revised 11-6-17.)

23 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

24 Sec. 901. Collection authority.

25 (a) In general. The Department shall collect the taxes

1 imposed by this Act. The Department shall collect certified  
2 past due child support amounts under Section 2505-650 of the  
3 Department of Revenue Law of the Civil Administrative Code of  
4 Illinois. Except as provided in subsections (b), (c), (e), (f),  
5 (g), and (h) of this Section, money collected pursuant to  
6 subsections (a) and (b) of Section 201 of this Act shall be  
7 paid into the General Revenue Fund in the State treasury; money  
8 collected pursuant to subsections (c) and (d) of Section 201 of  
9 this Act shall be paid into the Personal Property Tax  
10 Replacement Fund, a special fund in the State Treasury; and  
11 money collected under Section 2505-650 of the Department of  
12 Revenue Law of the Civil Administrative Code of Illinois ~~(20~~  
13 ~~ILCS 2505/2505-650)~~ shall be paid into the Child Support  
14 Enforcement Trust Fund, a special fund outside the State  
15 Treasury, or to the State Disbursement Unit established under  
16 Section 10-26 of the Illinois Public Aid Code, as directed by  
17 the Department of Healthcare and Family Services.

18 (b) Local Government Distributive Fund. Beginning August  
19 1, 1969, and continuing through June 30, 1994, the Treasurer  
20 shall transfer each month from the General Revenue Fund to a  
21 special fund in the State treasury, to be known as the "Local  
22 Government Distributive Fund", an amount equal to 1/12 of the  
23 net revenue realized from the tax imposed by subsections (a)  
24 and (b) of Section 201 of this Act during the preceding month.  
25 Beginning July 1, 1994, and continuing through June 30, 1995,  
26 the Treasurer shall transfer each month from the General

1 Revenue Fund to the Local Government Distributive Fund an  
2 amount equal to 1/11 of the net revenue realized from the tax  
3 imposed by subsections (a) and (b) of Section 201 of this Act  
4 during the preceding month. Beginning July 1, 1995 and  
5 continuing through January 31, 2011, the Treasurer shall  
6 transfer each month from the General Revenue Fund to the Local  
7 Government Distributive Fund an amount equal to the net of (i)  
8 1/10 of the net revenue realized from the tax imposed by  
9 subsections (a) and (b) of Section 201 of the Illinois Income  
10 Tax Act during the preceding month (ii) minus, beginning July  
11 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning  
12 July 1, 2004, zero. Beginning February 1, 2011, and continuing  
13 through January 31, 2015, the Treasurer shall transfer each  
14 month from the General Revenue Fund to the Local Government  
15 Distributive Fund an amount equal to the sum of (i) 6% (10% of  
16 the ratio of the 3% individual income tax rate prior to 2011 to  
17 the 5% individual income tax rate after 2010) of the net  
18 revenue realized from the tax imposed by subsections (a) and  
19 (b) of Section 201 of this Act upon individuals, trusts, and  
20 estates during the preceding month and (ii) 6.86% (10% of the  
21 ratio of the 4.8% corporate income tax rate prior to 2011 to  
22 the 7% corporate income tax rate after 2010) of the net revenue  
23 realized from the tax imposed by subsections (a) and (b) of  
24 Section 201 of this Act upon corporations during the preceding  
25 month. Beginning February 1, 2015 and continuing through July  
26 31, 2017, the Treasurer shall transfer each month from the

1 General Revenue Fund to the Local Government Distributive Fund  
2 an amount equal to the sum of (i) 8% (10% of the ratio of the 3%  
3 individual income tax rate prior to 2011 to the 3.75%  
4 individual income tax rate after 2014) of the net revenue  
5 realized from the tax imposed by subsections (a) and (b) of  
6 Section 201 of this Act upon individuals, trusts, and estates  
7 during the preceding month and (ii) 9.14% (10% of the ratio of  
8 the 4.8% corporate income tax rate prior to 2011 to the 5.25%  
9 corporate income tax rate after 2014) of the net revenue  
10 realized from the tax imposed by subsections (a) and (b) of  
11 Section 201 of this Act upon corporations during the preceding  
12 month. Beginning August 1, 2017, the Treasurer shall transfer  
13 each month from the General Revenue Fund to the Local  
14 Government Distributive Fund an amount equal to the sum of (i)  
15 6.06% (10% of the ratio of the 3% individual income tax rate  
16 prior to 2011 to the 4.95% individual income tax rate after  
17 July 1, 2017) of the net revenue realized from the tax imposed  
18 by subsections (a) and (b) of Section 201 of this Act upon  
19 individuals, trusts, and estates during the preceding month and  
20 (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax  
21 rate prior to 2011 to the 7% corporate income tax rate after  
22 July 1, 2017) of the net revenue realized from the tax imposed  
23 by subsections (a) and (b) of Section 201 of this Act upon  
24 corporations during the preceding month. Net revenue realized  
25 for a month shall be defined as the revenue from the tax  
26 imposed by subsections (a) and (b) of Section 201 of this Act



1 which is deposited in the General Revenue Fund, the Education  
2 Assistance Fund, the Income Tax Surcharge Local Government  
3 Distributive Fund, the Fund for the Advancement of Education,  
4 and the Commitment to Human Services Fund during the month  
5 minus the amount paid out of the General Revenue Fund in State  
6 warrants during that same month as refunds to taxpayers for  
7 overpayment of liability under the tax imposed by subsections  
8 (a) and (b) of Section 201 of this Act.

9 Notwithstanding any provision of law to the contrary,  
10 beginning on July 6, 2017 (the effective date of Public Act  
11 100-23) ~~this amendatory Act of the 100th General Assembly,~~  
12 those amounts required under this subsection (b) to be  
13 transferred by the Treasurer into the Local Government  
14 Distributive Fund from the General Revenue Fund shall be  
15 directly deposited into the Local Government Distributive Fund  
16 as the revenue is realized from the tax imposed by subsections  
17 (a) and (b) of Section 201 of this Act.

18 For State fiscal year 2018 only, notwithstanding any  
19 provision of law to the contrary, the total amount of revenue  
20 and deposits under this Section attributable to revenues  
21 realized during State fiscal year 2018 shall be reduced by 10%.

22 (c) Deposits Into Income Tax Refund Fund.

23 (1) Beginning on January 1, 1989 and thereafter, the  
24 Department shall deposit a percentage of the amounts  
25 collected pursuant to subsections (a) and (b) (1), (2), and  
26 (3)~~7~~ of Section 201 of this Act into a fund in the State

1 treasury known as the Income Tax Refund Fund. The  
2 Department shall deposit 6% of such amounts during the  
3 period beginning January 1, 1989 and ending on June 30,  
4 1989. Beginning with State fiscal year 1990 and for each  
5 fiscal year thereafter, the percentage deposited into the  
6 Income Tax Refund Fund during a fiscal year shall be the  
7 Annual Percentage. For fiscal years 1999 through 2001, the  
8 Annual Percentage shall be 7.1%. For fiscal year 2003, the  
9 Annual Percentage shall be 8%. For fiscal year 2004, the  
10 Annual Percentage shall be 11.7%. Upon the effective date  
11 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~  
12 ~~the 93rd General Assembly~~, the Annual Percentage shall be  
13 10% for fiscal year 2005. For fiscal year 2006, the Annual  
14 Percentage shall be 9.75%. For fiscal year 2007, the Annual  
15 Percentage shall be 9.75%. For fiscal year 2008, the Annual  
16 Percentage shall be 7.75%. For fiscal year 2009, the Annual  
17 Percentage shall be 9.75%. For fiscal year 2010, the Annual  
18 Percentage shall be 9.75%. For fiscal year 2011, the Annual  
19 Percentage shall be 8.75%. For fiscal year 2012, the Annual  
20 Percentage shall be 8.75%. For fiscal year 2013, the Annual  
21 Percentage shall be 9.75%. For fiscal year 2014, the Annual  
22 Percentage shall be 9.5%. For fiscal year 2015, the Annual  
23 Percentage shall be 10%. For fiscal year 2018, the Annual  
24 Percentage shall be 9.8%. For all other fiscal years, the  
25 Annual Percentage shall be calculated as a fraction, the  
26 numerator of which shall be the amount of refunds approved

1 for payment by the Department during the preceding fiscal  
2 year as a result of overpayment of tax liability under  
3 subsections (a) and (b)(1), (2), and (3) of Section 201 of  
4 this Act plus the amount of such refunds remaining approved  
5 but unpaid at the end of the preceding fiscal year, minus  
6 the amounts transferred into the Income Tax Refund Fund  
7 from the Tobacco Settlement Recovery Fund, and the  
8 denominator of which shall be the amounts which will be  
9 collected pursuant to subsections (a) and (b)(1), (2), and  
10 (3) of Section 201 of this Act during the preceding fiscal  
11 year; except that in State fiscal year 2002, the Annual  
12 Percentage shall in no event exceed 7.6%. The Director of  
13 Revenue shall certify the Annual Percentage to the  
14 Comptroller on the last business day of the fiscal year  
15 immediately preceding the fiscal year for which it is to be  
16 effective.

17 (2) Beginning on January 1, 1989 and thereafter, the  
18 Department shall deposit a percentage of the amounts  
19 collected pursuant to subsections (a) and (b)(6), (7), and  
20 (8), (c) and (d) of Section 201 of this Act into a fund in  
21 the State treasury known as the Income Tax Refund Fund. The  
22 Department shall deposit 18% of such amounts during the  
23 period beginning January 1, 1989 and ending on June 30,  
24 1989. Beginning with State fiscal year 1990 and for each  
25 fiscal year thereafter, the percentage deposited into the  
26 Income Tax Refund Fund during a fiscal year shall be the

1 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
2 the Annual Percentage shall be 19%. For fiscal year 2003,  
3 the Annual Percentage shall be 27%. For fiscal year 2004,  
4 the Annual Percentage shall be 32%. Upon the effective date  
5 of Public Act 93-839 (July 30, 2004) ~~this amendatory Act of~~  
6 ~~the 93rd General Assembly~~, the Annual Percentage shall be  
7 24% for fiscal year 2005. For fiscal year 2006, the Annual  
8 Percentage shall be 20%. For fiscal year 2007, the Annual  
9 Percentage shall be 17.5%. For fiscal year 2008, the Annual  
10 Percentage shall be 15.5%. For fiscal year 2009, the Annual  
11 Percentage shall be 17.5%. For fiscal year 2010, the Annual  
12 Percentage shall be 17.5%. For fiscal year 2011, the Annual  
13 Percentage shall be 17.5%. For fiscal year 2012, the Annual  
14 Percentage shall be 17.5%. For fiscal year 2013, the Annual  
15 Percentage shall be 14%. For fiscal year 2014, the Annual  
16 Percentage shall be 13.4%. For fiscal year 2015, the Annual  
17 Percentage shall be 14%. For fiscal year 2018, the Annual  
18 Percentage shall be 17.5%. For all other fiscal years, the  
19 Annual Percentage shall be calculated as a fraction, the  
20 numerator of which shall be the amount of refunds approved  
21 for payment by the Department during the preceding fiscal  
22 year as a result of overpayment of tax liability under  
23 subsections (a) and (b) (6), (7), and (8), (c) and (d) of  
24 Section 201 of this Act plus the amount of such refunds  
25 remaining approved but unpaid at the end of the preceding  
26 fiscal year, and the denominator of which shall be the

1 amounts which will be collected pursuant to subsections (a)  
2 and (b) (6), (7), and (8), (c) and (d) of Section 201 of  
3 this Act during the preceding fiscal year; except that in  
4 State fiscal year 2002, the Annual Percentage shall in no  
5 event exceed 23%. The Director of Revenue shall certify the  
6 Annual Percentage to the Comptroller on the last business  
7 day of the fiscal year immediately preceding the fiscal  
8 year for which it is to be effective.

9 (3) The Comptroller shall order transferred and the  
10 Treasurer shall transfer from the Tobacco Settlement  
11 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
12 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
13 (iii) \$35,000,000 in January, 2003.

14 (d) Expenditures from Income Tax Refund Fund.

15 (1) Beginning January 1, 1989, money in the Income Tax  
16 Refund Fund shall be expended exclusively for the purpose  
17 of paying refunds resulting from overpayment of tax  
18 liability under Section 201 of this Act, for paying rebates  
19 under Section 208.1 in the event that the amounts in the  
20 Homeowners' Tax Relief Fund are insufficient for that  
21 purpose, and for making transfers pursuant to this  
22 subsection (d).

23 (2) The Director shall order payment of refunds  
24 resulting from overpayment of tax liability under Section  
25 201 of this Act from the Income Tax Refund Fund only to the  
26 extent that amounts collected pursuant to Section 201 of

1           this Act and transfers pursuant to this subsection (d) and  
2           item (3) of subsection (c) have been deposited and retained  
3           in the Fund.

4           (3) As soon as possible after the end of each fiscal  
5           year, the Director shall order transferred and the State  
6           Treasurer and State Comptroller shall transfer from the  
7           Income Tax Refund Fund to the Personal Property Tax  
8           Replacement Fund an amount, certified by the Director to  
9           the Comptroller, equal to the excess of the amount  
10          collected pursuant to subsections (c) and (d) of Section  
11          201 of this Act deposited into the Income Tax Refund Fund  
12          during the fiscal year over the amount of refunds resulting  
13          from overpayment of tax liability under subsections (c) and  
14          (d) of Section 201 of this Act paid from the Income Tax  
15          Refund Fund during the fiscal year.

16          (4) As soon as possible after the end of each fiscal  
17          year, the Director shall order transferred and the State  
18          Treasurer and State Comptroller shall transfer from the  
19          Personal Property Tax Replacement Fund to the Income Tax  
20          Refund Fund an amount, certified by the Director to the  
21          Comptroller, equal to the excess of the amount of refunds  
22          resulting from overpayment of tax liability under  
23          subsections (c) and (d) of Section 201 of this Act paid  
24          from the Income Tax Refund Fund during the fiscal year over  
25          the amount collected pursuant to subsections (c) and (d) of  
26          Section 201 of this Act deposited into the Income Tax

1 Refund Fund during the fiscal year.

2 (4.5) As soon as possible after the end of fiscal year  
3 1999 and of each fiscal year thereafter, the Director shall  
4 order transferred and the State Treasurer and State  
5 Comptroller shall transfer from the Income Tax Refund Fund  
6 to the General Revenue Fund any surplus remaining in the  
7 Income Tax Refund Fund as of the end of such fiscal year;  
8 excluding for fiscal years 2000, 2001, and 2002 amounts  
9 attributable to transfers under item (3) of subsection (c)  
10 less refunds resulting from the earned income tax credit.

11 (5) This Act shall constitute an irrevocable and  
12 continuing appropriation from the Income Tax Refund Fund  
13 for the purpose of paying refunds upon the order of the  
14 Director in accordance with the provisions of this Section.

15 (e) Deposits into the Education Assistance Fund and the  
16 Income Tax Surcharge Local Government Distributive Fund. On  
17 July 1, 1991, and thereafter, of the amounts collected pursuant  
18 to subsections (a) and (b) of Section 201 of this Act, minus  
19 deposits into the Income Tax Refund Fund, the Department shall  
20 deposit 7.3% into the Education Assistance Fund in the State  
21 Treasury. Beginning July 1, 1991, and continuing through  
22 January 31, 1993, of the amounts collected pursuant to  
23 subsections (a) and (b) of Section 201 of the Illinois Income  
24 Tax Act, minus deposits into the Income Tax Refund Fund, the  
25 Department shall deposit 3.0% into the Income Tax Surcharge  
26 Local Government Distributive Fund in the State Treasury.

1 Beginning February 1, 1993 and continuing through June 30,  
2 1993, of the amounts collected pursuant to subsections (a) and  
3 (b) of Section 201 of the Illinois Income Tax Act, minus  
4 deposits into the Income Tax Refund Fund, the Department shall  
5 deposit 4.4% into the Income Tax Surcharge Local Government  
6 Distributive Fund in the State Treasury. Beginning July 1,  
7 1993, and continuing through June 30, 1994, of the amounts  
8 collected under subsections (a) and (b) of Section 201 of this  
9 Act, minus deposits into the Income Tax Refund Fund, the  
10 Department shall deposit 1.475% into the Income Tax Surcharge  
11 Local Government Distributive Fund in the State Treasury.

12 (f) Deposits into the Fund for the Advancement of  
13 Education. Beginning February 1, 2015, the Department shall  
14 deposit the following portions of the revenue realized from the  
15 tax imposed upon individuals, trusts, and estates by  
16 subsections (a) and (b) of Section 201 of this Act during the  
17 preceding month, minus deposits into the Income Tax Refund  
18 Fund, into the Fund for the Advancement of Education:

19 (1) beginning February 1, 2015, and prior to February  
20 1, 2025, 1/30; and

21 (2) beginning February 1, 2025, 1/26.

22 If the rate of tax imposed by subsection (a) and (b) of  
23 Section 201 is reduced pursuant to Section 201.5 of this Act,  
24 the Department shall not make the deposits required by this  
25 subsection (f) on or after the effective date of the reduction.

26 (g) Deposits into the Commitment to Human Services Fund.



1 Beginning February 1, 2015, the Department shall deposit the  
2 following portions of the revenue realized from the tax imposed  
3 upon individuals, trusts, and estates by subsections (a) and  
4 (b) of Section 201 of this Act during the preceding month,  
5 minus deposits into the Income Tax Refund Fund, into the  
6 Commitment to Human Services Fund:

7 (1) beginning February 1, 2015, and prior to February  
8 1, 2025, 1/30; and

9 (2) beginning February 1, 2025, 1/26.

10 If the rate of tax imposed by subsection (a) and (b) of  
11 Section 201 is reduced pursuant to Section 201.5 of this Act,  
12 the Department shall not make the deposits required by this  
13 subsection (g) on or after the effective date of the reduction.

14 (h) Deposits into the Tax Compliance and Administration  
15 Fund. Beginning on the first day of the first calendar month to  
16 occur on or after August 26, 2014 (the effective date of Public  
17 Act 98-1098), each month the Department shall pay into the Tax  
18 Compliance and Administration Fund, to be used, subject to  
19 appropriation, to fund additional auditors and compliance  
20 personnel at the Department, an amount equal to 1/12 of 5% of  
21 the cash receipts collected during the preceding fiscal year by  
22 the Audit Bureau of the Department from the tax imposed by  
23 subsections (a), (b), (c), and (d) of Section 201 of this Act,  
24 net of deposits into the Income Tax Refund Fund made from those  
25 cash receipts.

26 (Source: P.A. 99-78, eff. 7-20-15; 100-22, eff. 7-6-17; 100-23,

1 eff. 7-6-17; revised 8-3-17.)

2 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

3 Sec. 917. Confidentiality and information sharing.

4 (a) Confidentiality. Except as provided in this Section,  
5 all information received by the Department from returns filed  
6 under this Act, or from any investigation conducted under the  
7 provisions of this Act, shall be confidential, except for  
8 official purposes within the Department or pursuant to official  
9 procedures for collection of any State tax or pursuant to an  
10 investigation or audit by the Illinois State Scholarship  
11 Commission of a delinquent student loan or monetary award or  
12 enforcement of any civil or criminal penalty or sanction  
13 imposed by this Act or by another statute imposing a State tax,  
14 and any person who divulges any such information in any manner,  
15 except for such purposes and pursuant to order of the Director  
16 or in accordance with a proper judicial order, shall be guilty  
17 of a Class A misdemeanor. However, the provisions of this  
18 paragraph are not applicable to information furnished to (i)  
19 the Department of Healthcare and Family Services (formerly  
20 Department of Public Aid), State's Attorneys, and the Attorney  
21 General for child support enforcement purposes and (ii) a  
22 licensed attorney representing the taxpayer where an appeal or  
23 a protest has been filed on behalf of the taxpayer. If it is  
24 necessary to file information obtained pursuant to this Act in  
25 a child support enforcement proceeding, the information shall

1 be filed under seal.

2 (b) Public information. Nothing contained in this Act shall  
3 prevent the Director from publishing or making available to the  
4 public the names and addresses of persons filing returns under  
5 this Act, or from publishing or making available reasonable  
6 statistics concerning the operation of the tax wherein the  
7 contents of returns are grouped into aggregates in such a way  
8 that the information contained in any individual return shall  
9 not be disclosed.

10 (c) Governmental agencies. The Director may make available  
11 to the Secretary of the Treasury of the United States or his  
12 delegate, or the proper officer or his delegate of any other  
13 state imposing a tax upon or measured by income, for  
14 exclusively official purposes, information received by the  
15 Department in the administration of this Act, but such  
16 permission shall be granted only if the United States or such  
17 other state, as the case may be, grants the Department  
18 substantially similar privileges. The Director may exchange  
19 information with the Department of Healthcare and Family  
20 Services and the Department of Human Services (acting as  
21 successor to the Department of Public Aid under the Department  
22 of Human Services Act) for the purpose of verifying sources and  
23 amounts of income and for other purposes directly connected  
24 with the administration of this Act, the Illinois Public Aid  
25 Code, and any other health benefit program administered by the  
26 State. The Director may exchange information with the Director

1 of the Department of Employment Security for the purpose of  
2 verifying sources and amounts of income and for other purposes  
3 directly connected with the administration of this Act and Acts  
4 administered by the Department of Employment Security. The  
5 Director may make available to the Illinois Workers'  
6 Compensation Commission information regarding employers for  
7 the purpose of verifying the insurance coverage required under  
8 the Workers' Compensation Act and Workers' Occupational  
9 Diseases Act. The Director may exchange information with the  
10 Illinois Department on Aging for the purpose of verifying  
11 sources and amounts of income for purposes directly related to  
12 confirming eligibility for participation in the programs of  
13 benefits authorized by the Senior Citizens and Persons with  
14 Disabilities Property Tax Relief and Pharmaceutical Assistance  
15 Act. The Director may exchange information with the State  
16 Treasurer's Office and the Department of Employment Security  
17 for the purpose of implementing, administering, and enforcing  
18 the Illinois Secure Choice Savings Program Act. The Director  
19 may exchange information with the State Treasurer's Office for  
20 the purpose of administering the Revised Uniform ~~Disposition of~~  
21 Unclaimed Property Act or successor Acts.

22 The Director may make available to any State agency,  
23 including the Illinois Supreme Court, which licenses persons to  
24 engage in any occupation, information that a person licensed by  
25 such agency has failed to file returns under this Act or pay  
26 the tax, penalty and interest shown therein, or has failed to

1 pay any final assessment of tax, penalty or interest due under  
2 this Act. The Director may make available to any State agency,  
3 including the Illinois Supreme Court, information regarding  
4 whether a bidder, contractor, or an affiliate of a bidder or  
5 contractor has failed to file returns under this Act or pay the  
6 tax, penalty, and interest shown therein, or has failed to pay  
7 any final assessment of tax, penalty, or interest due under  
8 this Act, for the limited purpose of enforcing bidder and  
9 contractor certifications. For purposes of this Section, the  
10 term "affiliate" means any entity that (1) directly,  
11 indirectly, or constructively controls another entity, (2) is  
12 directly, indirectly, or constructively controlled by another  
13 entity, or (3) is subject to the control of a common entity.  
14 For purposes of this subsection (a), an entity controls another  
15 entity if it owns, directly or individually, more than 10% of  
16 the voting securities of that entity. As used in this  
17 subsection (a), the term "voting security" means a security  
18 that (1) confers upon the holder the right to vote for the  
19 election of members of the board of directors or similar  
20 governing body of the business or (2) is convertible into, or  
21 entitles the holder to receive upon its exercise, a security  
22 that confers such a right to vote. A general partnership  
23 interest is a voting security.

24 The Director may make available to any State agency,  
25 including the Illinois Supreme Court, units of local  
26 government, and school districts, information regarding

1 whether a bidder or contractor is an affiliate of a person who  
2 is not collecting and remitting Illinois Use taxes, for the  
3 limited purpose of enforcing bidder and contractor  
4 certifications.

5 The Director may also make available to the Secretary of  
6 State information that a corporation which has been issued a  
7 certificate of incorporation by the Secretary of State has  
8 failed to file returns under this Act or pay the tax, penalty  
9 and interest shown therein, or has failed to pay any final  
10 assessment of tax, penalty or interest due under this Act. An  
11 assessment is final when all proceedings in court for review of  
12 such assessment have terminated or the time for the taking  
13 thereof has expired without such proceedings being instituted.  
14 For taxable years ending on or after December 31, 1987, the  
15 Director may make available to the Director or principal  
16 officer of any Department of the State of Illinois, information  
17 that a person employed by such Department has failed to file  
18 returns under this Act or pay the tax, penalty and interest  
19 shown therein. For purposes of this paragraph, the word  
20 "Department" shall have the same meaning as provided in Section  
21 3 of the State Employees Group Insurance Act of 1971.

22 (d) The Director shall make available for public inspection  
23 in the Department's principal office and for publication, at  
24 cost, administrative decisions issued on or after January 1,  
25 1995. These decisions are to be made available in a manner so  
26 that the following taxpayer information is not disclosed:

1           (1) The names, addresses, and identification numbers  
2 of the taxpayer, related entities, and employees.

3           (2) At the sole discretion of the Director, trade  
4 secrets or other confidential information identified as  
5 such by the taxpayer, no later than 30 days after receipt  
6 of an administrative decision, by such means as the  
7 Department shall provide by rule.

8           The Director shall determine the appropriate extent of the  
9 deletions allowed in paragraph (2). In the event the taxpayer  
10 does not submit deletions, the Director shall make only the  
11 deletions specified in paragraph (1).

12           The Director shall make available for public inspection and  
13 publication an administrative decision within 180 days after  
14 the issuance of the administrative decision. The term  
15 "administrative decision" has the same meaning as defined in  
16 Section 3-101 of Article III of the Code of Civil Procedure.  
17 Costs collected under this Section shall be paid into the Tax  
18 Compliance and Administration Fund.

19           (e) Nothing contained in this Act shall prevent the  
20 Director from divulging information to any person pursuant to a  
21 request or authorization made by the taxpayer, by an authorized  
22 representative of the taxpayer, or, in the case of information  
23 related to a joint return, by the spouse filing the joint  
24 return with the taxpayer.

25           (Source: P.A. 99-143, eff. 7-27-15; 99-571, eff. 7-15-16;  
26 100-47, eff. 8-11-17; revised 10-2-17.)

1           Section 195. The Small Business Job Creation Tax Credit Act  
2 is amended by changing Section 10 as follows:

3           (35 ILCS 25/10)

4           Sec. 10. Definitions. In this Act:

5           "Applicant" means a person that is operating a business  
6 located within the State of Illinois that is engaged in  
7 interstate or intrastate commerce and either:

8           (1) has no more than 50 full-time employees, without  
9 regard to the location of employment of such employees at  
10 the beginning of the incentive period; or

11           (2) hired within the incentive period an employee who  
12 had participated as worker-trainee in the Put Illinois to  
13 Work Program during 2010.

14           In the case of any person that is a member of a unitary  
15 business group within the meaning of subdivision (a)(27) of  
16 Section 1501 of the Illinois Income Tax Act, "applicant" refers  
17 to the unitary business group.

18           "Certificate" means the tax credit certificate issued by  
19 the Department under Section 35 of this Act.

20           "Certificate of eligibility" means the certificate issued  
21 by the Department under Section 20 of this Act.

22           "Credit" means the amount awarded by the Department to an  
23 applicant by issuance of a certificate under Section 35 of this  
24 Act for each new full-time equivalent employee hired or job



1 created.

2 "Department" means the Department of Commerce and Economic  
3 Opportunity.

4 "Director" means the Director of the Department.

5 "Full-time employee" means an individual who is employed  
6 for a basic wage for at least 35 hours each week or who renders  
7 any other standard of service generally accepted by industry  
8 custom or practice as full-time employment. An individual for  
9 whom a W-2 is issued by a Professional Employer Organization is  
10 a full-time employee if he or she is employed in the service of  
11 the applicant for a basic wage for at least 35 hours each week  
12 or renders any other standard of service generally accepted by  
13 industry custom or practice as full-time employment. For the  
14 purposes of this Act, such an individual shall be considered a  
15 full-time employee of the applicant.

16 "Professional Employer Organization" (PEO) shall have the  
17 same meaning as defined in Section 5-5 of the Economic  
18 Development for a Growing Economy Tax Credit Act. As used in  
19 this Section, "Professional Employer Organization" does not  
20 include a day and temporary labor service agency regulated  
21 under the Day and Temporary Labor Services Act.

22 "Incentive period" means the period beginning on July 1 and  
23 ending on June 30 of the following year. The first incentive  
24 period shall begin on July 1, 2010 and the last incentive  
25 period shall end on June 30, 2016.

26 "Basic wage" means compensation for employment that is no

1 less than \$10 per hour or the equivalent salary for a new  
2 employee.

3 "New employee" means a full-time employee:

4 (1) who first became employed by an applicant with less  
5 than 50 full-time employees within the incentive period  
6 whose hire results in a net increase in the applicant's  
7 full-time Illinois employees and who is receiving a basic  
8 wage as compensation; or

9 (2) who participated as a worker-trainee in the Put  
10 Illinois to Work Program during 2010 and who is  
11 subsequently hired during the incentive period by an  
12 applicant and who is receiving a basic wage as  
13 compensation.

14 The term "new employee" does not include:

15 (1) a person who was previously employed in Illinois by  
16 the applicant or a related member prior to the onset of the  
17 incentive period; or

18 (2) any individual who has a direct or indirect  
19 ownership interest of at least 5% in the profits, capital,  
20 or value of the applicant or a related member.

21 "Noncompliance date" means, in the case of an applicant  
22 that is not complying with the requirements of the provisions  
23 of this Act, the day following the last date upon which the  
24 taxpayer was in compliance with the requirements of the  
25 provisions of this Act, as determined by the Director, pursuant  
26 to Section 45 of this Act.

1 "Put Illinois to Work Program" means a worker training and  
2 employment program that was established by the State of  
3 Illinois with funding from the United States Department of  
4 Health and Human Services of Emergency Temporary Assistance for  
5 ~~to~~ Needy Families funds authorized by the American Recovery and  
6 Reinvestment Act of 2009 (ARRA TANF Funds). These ARRA TANF  
7 funds were in turn used by the State of Illinois to fund the  
8 Put Illinois to Work Program.

9 "Related member" means a person that, with respect to the  
10 applicant during any portion of the incentive period, is any  
11 one of the following,

12 (1) An individual, if the individual and the members of  
13 the individual's family (as defined in Section 318 of the  
14 Internal Revenue Code) own directly, indirectly,  
15 beneficially, or constructively, in the aggregate, at  
16 least 50% of the value of the outstanding profits, capital,  
17 stock, or other ownership interest in the applicant.

18 (2) A partnership, estate, or trust and any partner or  
19 beneficiary, if the partnership, estate, or trust and its  
20 partners or beneficiaries own directly, indirectly,  
21 beneficially, or constructively, in the aggregate, at  
22 least 50% of the profits, capital, stock, or other  
23 ownership interest in the applicant.

24 (3) A corporation, and any party related to the  
25 corporation in a manner that would require an attribution  
26 of stock from the corporation under the attribution rules

1 of Section 318 of the Internal Revenue Code, if the  
2 applicant and any other related member own, in the  
3 aggregate, directly, indirectly, beneficially, or  
4 constructively, at least 50% of the value of the  
5 corporation's outstanding stock.

6 (4) A corporation and any party related to that  
7 corporation in a manner that would require an attribution  
8 of stock from the corporation to the party or from the  
9 party to the corporation under the attribution rules of  
10 Section 318 of the Internal Revenue Code, if the  
11 corporation and all such related parties own, in the  
12 aggregate, at least 50% of the profits, capital, stock, or  
13 other ownership interest in the applicant.

14 (5) A person to or from whom there is attribution of  
15 stock ownership in accordance with Section 1563(e) of the  
16 Internal Revenue Code, except that for purposes of  
17 determining whether a person is a related member under this  
18 paragraph, "20%" shall be substituted for "5%" whenever  
19 "5%" appears in Section 1563(e) of the Internal Revenue  
20 Code.

21 (Source: P.A. 96-888, eff. 4-13-10; 96-1498, eff. 1-18-11;  
22 97-636, eff. 6-1-12; 97-1052, eff. 8-23-12; revised 9-26-17.)

23 Section 200. The Use Tax Act is amended by changing  
24 Sections 3-5 and 9 as follows:

1 (35 ILCS 105/3-5)

2 Sec. 3-5. Exemptions. Use of the following tangible  
3 personal property is exempt from the tax imposed by this Act:

4 (1) Personal property purchased from a corporation,  
5 society, association, foundation, institution, or  
6 organization, other than a limited liability company, that is  
7 organized and operated as a not-for-profit service enterprise  
8 for the benefit of persons 65 years of age or older if the  
9 personal property was not purchased by the enterprise for the  
10 purpose of resale 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 a not-for-profit arts or  
15 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 July 1, 2001 (the  
25 effective date of Public Act 92-35) ~~this amendatory Act of the~~  
26 ~~92nd General Assembly~~, however, an entity otherwise eligible

1 for this exemption shall not make tax-free purchases unless it  
2 has an active identification number issued by the Department.

3 (4) Personal property purchased by a governmental body, by  
4 a corporation, society, association, foundation, or  
5 institution organized and operated exclusively for charitable,  
6 religious, or educational purposes, or by a not-for-profit  
7 corporation, society, association, foundation, institution, or  
8 organization that has no compensated officers or employees and  
9 that is organized and operated primarily for the recreation of  
10 persons 55 years of age or older. A limited liability company  
11 may qualify for the exemption under this paragraph only if the  
12 limited liability company is organized and operated  
13 exclusively for educational purposes. On and after July 1,  
14 1987, however, no entity otherwise eligible for this exemption  
15 shall make tax-free purchases unless it has an active exemption  
16 identification number issued by the Department.

17 (5) Until July 1, 2003, a passenger car that is a  
18 replacement vehicle to the extent that the purchase price of  
19 the car is subject to the Replacement Vehicle Tax.

20 (6) Until July 1, 2003 and beginning again on September 1,  
21 2004 through August 30, 2014, graphic arts machinery and  
22 equipment, including repair and replacement parts, both new and  
23 used, and including that manufactured on special order,  
24 certified by the purchaser to be used primarily for graphic  
25 arts production, and including machinery and equipment  
26 purchased for lease. Equipment includes chemicals or chemicals

1 acting as catalysts but only if the chemicals or chemicals  
2 acting as catalysts effect a direct and immediate change upon a  
3 graphic arts product. Beginning on July 1, 2017, graphic arts  
4 machinery and equipment is included in the manufacturing and  
5 assembling machinery and equipment exemption under paragraph  
6 (18).

7 (7) Farm chemicals.

8 (8) Legal tender, currency, medallions, or gold or silver  
9 coinage issued by the State of Illinois, the government of the  
10 United States of America, or the government of any foreign  
11 country, and bullion.

12 (9) Personal property purchased from a teacher-sponsored  
13 student organization affiliated with an elementary or  
14 secondary school located in Illinois.

15 (10) A motor vehicle that is used for automobile renting,  
16 as defined in the Automobile Renting Occupation and Use Tax  
17 Act.

18 (11) Farm machinery and equipment, both new and used,  
19 including that manufactured on special order, certified by the  
20 purchaser to be used primarily for production agriculture or  
21 State or federal agricultural programs, including individual  
22 replacement parts for the machinery and equipment, including  
23 machinery and equipment purchased for lease, and including  
24 implements of husbandry defined in Section 1-130 of the  
25 Illinois Vehicle Code, farm machinery and agricultural  
26 chemical and fertilizer spreaders, and nurse wagons required to

1 be registered under Section 3-809 of the Illinois Vehicle Code,  
2 but excluding other motor vehicles required to be registered  
3 under the Illinois Vehicle Code. Horticultural polyhouses or  
4 hoop houses used for propagating, growing, or overwintering  
5 plants shall be considered farm machinery and equipment under  
6 this item (11). Agricultural chemical tender tanks and dry  
7 boxes shall include units sold separately from a motor vehicle  
8 required to be licensed and units sold mounted on a motor  
9 vehicle required to be licensed if the selling price of the  
10 tender is separately stated.

11 Farm machinery and equipment shall include precision  
12 farming equipment that is installed or purchased to be  
13 installed on farm machinery and equipment including, but not  
14 limited to, tractors, harvesters, sprayers, planters, seeders,  
15 or spreaders. Precision farming equipment includes, but is not  
16 limited to, soil testing sensors, computers, monitors,  
17 software, global positioning and mapping systems, and other  
18 such equipment.

19 Farm machinery and equipment also includes computers,  
20 sensors, software, and related equipment used primarily in the  
21 computer-assisted operation of production agriculture  
22 facilities, equipment, and activities such as, but not limited  
23 to, the collection, monitoring, and correlation of animal and  
24 crop data for the purpose of formulating animal diets and  
25 agricultural chemicals. This item (11) is exempt from the  
26 provisions of Section 3-90.



1           (12) Until June 30, 2013, fuel and petroleum products sold  
2 to or used by an air common carrier, certified by the carrier  
3 to be used for consumption, shipment, or storage in the conduct  
4 of its business as an air common carrier, for a flight destined  
5 for or returning from a location or locations outside the  
6 United States without regard to previous or subsequent domestic  
7 stopovers.

8           Beginning July 1, 2013, fuel and petroleum products sold to  
9 or used by an air carrier, certified by the carrier to be used  
10 for consumption, shipment, or storage in the conduct of its  
11 business as an air common carrier, for a flight that (i) is  
12 engaged in foreign trade or is engaged in trade between the  
13 United States and any of its possessions and (ii) transports at  
14 least one individual or package for hire from the city of  
15 origination to the city of final destination on the same  
16 aircraft, without regard to a change in the flight number of  
17 that aircraft.

18           (13) Proceeds of mandatory service charges separately  
19 stated on customers' bills for the purchase and consumption of  
20 food and beverages purchased at retail from a retailer, to the  
21 extent that the proceeds of the service charge are in fact  
22 turned over as tips or as a substitute for tips to the  
23 employees who participate directly in preparing, serving,  
24 hosting or cleaning up the food or beverage function with  
25 respect to which the service charge is imposed.

26           (14) Until July 1, 2003, oil field exploration, drilling,

1 and production equipment, including (i) rigs and parts of rigs,  
2 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
3 tubular goods, including casing and drill strings, (iii) pumps  
4 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
5 individual replacement part for oil field exploration,  
6 drilling, and production equipment, and (vi) machinery and  
7 equipment purchased for lease; but excluding motor vehicles  
8 required to be registered under the Illinois Vehicle Code.

9 (15) Photoprocessing machinery and equipment, including  
10 repair and replacement parts, both new and used, including that  
11 manufactured on special order, certified by the purchaser to be  
12 used primarily for photoprocessing, and including  
13 photoprocessing machinery and equipment purchased for lease.

14 (16) Coal and aggregate exploration, mining, off-highway  
15 hauling, processing, maintenance, and reclamation equipment,  
16 including replacement parts and equipment, and including  
17 equipment purchased for lease, but excluding motor vehicles  
18 required to be registered under the Illinois Vehicle Code. The  
19 changes made to this Section by Public Act 97-767 apply on and  
20 after July 1, 2003, but no claim for credit or refund is  
21 allowed on or after August 16, 2013 (the effective date of  
22 Public Act 98-456) for such taxes paid during the period  
23 beginning July 1, 2003 and ending on August 16, 2013 (the  
24 effective date of Public Act 98-456).

25 (17) Until July 1, 2003, distillation machinery and  
26 equipment, sold as a unit or kit, assembled or installed by the

1 retailer, certified by the user to be used only for the  
2 production of ethyl alcohol that will be used for consumption  
3 as motor fuel or as a component of motor fuel for the personal  
4 use of the user, and not subject to sale or resale.

5 (18) Manufacturing and assembling machinery and equipment  
6 used primarily in the process of manufacturing or assembling  
7 tangible personal property for wholesale or retail sale or  
8 lease, whether that sale or lease is made directly by the  
9 manufacturer or by some other person, whether the materials  
10 used in the process are owned by the manufacturer or some other  
11 person, or whether that sale or lease is made apart from or as  
12 an incident to the seller's engaging in the service occupation  
13 of producing machines, tools, dies, jigs, patterns, gauges, or  
14 other similar items of no commercial value on special order for  
15 a particular purchaser. The exemption provided by this  
16 paragraph (18) does not include machinery and equipment used in  
17 (i) the generation of electricity for wholesale or retail sale;  
18 (ii) the generation or treatment of natural or artificial gas  
19 for wholesale or retail sale that is delivered to customers  
20 through pipes, pipelines, or mains; or (iii) the treatment of  
21 water for wholesale or retail sale that is delivered to  
22 customers through pipes, pipelines, or mains. The provisions of  
23 Public Act 98-583 are declaratory of existing law as to the  
24 meaning and scope of this exemption. Beginning on July 1, 2017,  
25 the exemption provided by this paragraph (18) includes, but is  
26 not limited to, graphic arts machinery and equipment, as

1 defined in paragraph (6) of this Section.

2 (19) Personal property delivered to a purchaser or  
3 purchaser's donee inside Illinois when the purchase order for  
4 that personal property was received by a florist located  
5 outside Illinois who has a florist located inside Illinois  
6 deliver the personal property.

7 (20) Semen used for artificial insemination of livestock  
8 for direct agricultural production.

9 (21) Horses, or interests in horses, registered with and  
10 meeting the requirements of any of the Arabian Horse Club  
11 Registry of America, Appaloosa Horse Club, American Quarter  
12 Horse Association, United States Trotting Association, or  
13 Jockey Club, as appropriate, used for purposes of breeding or  
14 racing for prizes. This item (21) is exempt from the provisions  
15 of Section 3-90, and the exemption provided for under this item  
16 (21) applies for all periods beginning May 30, 1995, but no  
17 claim for credit or refund is allowed on or after January 1,  
18 2008 for such taxes paid during the period beginning May 30,  
19 2000 and ending on January 1, 2008.

20 (22) Computers and communications equipment utilized for  
21 any hospital purpose and equipment used in the diagnosis,  
22 analysis, or treatment of hospital patients purchased by a  
23 lessor who leases the equipment, under a lease of one year or  
24 longer executed or in effect at the time the lessor would  
25 otherwise be subject to the tax imposed by this Act, to a  
26 hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g of the  
2 Retailers' Occupation Tax Act. If the equipment is leased in a  
3 manner that does not qualify for this exemption or is used in  
4 any other non-exempt manner, the lessor shall be liable for the  
5 tax imposed under this Act or the Service Use Tax Act, as the  
6 case may be, based on the fair market value of the property at  
7 the time the non-qualifying use occurs. No lessor shall collect  
8 or attempt to collect an amount (however designated) that  
9 purports to reimburse that lessor for the tax imposed by this  
10 Act or the Service Use Tax Act, as the case may be, if the tax  
11 has not been paid by the lessor. If a lessor improperly  
12 collects any such amount from the lessee, the lessee shall have  
13 a legal right to claim a refund of that amount from the lessor.  
14 If, however, that amount is not refunded to the lessee for any  
15 reason, the lessor is liable to pay that amount to the  
16 Department.

17 (23) Personal property purchased by a lessor who leases the  
18 property, under a lease of one year or longer executed or in  
19 effect at the time the lessor would otherwise be subject to the  
20 tax imposed by this Act, to a governmental body that has been  
21 issued an active sales tax exemption identification number by  
22 the Department under Section 1g of the Retailers' Occupation  
23 Tax Act. If the property is leased in a manner that does not  
24 qualify for this exemption or used in any other non-exempt  
25 manner, the lessor shall be liable for the tax imposed under  
26 this Act or the Service Use Tax Act, as the case may be, based

1 on the fair market value of the property at the time the  
2 non-qualifying use occurs. No lessor shall collect or attempt  
3 to collect an amount (however designated) that purports to  
4 reimburse that lessor for the tax imposed by this Act or the  
5 Service Use Tax Act, as the case may be, if the tax has not been  
6 paid by the lessor. If a lessor improperly collects any such  
7 amount from the lessee, the lessee shall have a legal right to  
8 claim a refund of that amount from the lessor. If, however,  
9 that amount is not refunded to the lessee for any reason, the  
10 lessor is liable to pay that amount to the Department.

11 (24) Beginning with taxable years ending on or after  
12 December 31, 1995 and ending with taxable years ending on or  
13 before December 31, 2004, personal property that is donated for  
14 disaster relief to be used in a State or federally declared  
15 disaster area in Illinois or bordering Illinois by a  
16 manufacturer or retailer that is registered in this State to a  
17 corporation, society, association, foundation, or institution  
18 that has been issued a sales tax exemption identification  
19 number by the Department that assists victims of the disaster  
20 who reside within the declared disaster area.

21 (25) Beginning with taxable years ending on or after  
22 December 31, 1995 and ending with taxable years ending on or  
23 before December 31, 2004, personal property that is used in the  
24 performance of infrastructure repairs in this State, including  
25 but not limited to municipal roads and streets, access roads,  
26 bridges, sidewalks, waste disposal systems, water and sewer

1 line extensions, water distribution and purification  
2 facilities, storm water drainage and retention facilities, and  
3 sewage treatment facilities, resulting from a State or  
4 federally declared disaster in Illinois or bordering Illinois  
5 when such repairs are initiated on facilities located in the  
6 declared disaster area within 6 months after the disaster.

7 (26) Beginning July 1, 1999, game or game birds purchased  
8 at a "game breeding and hunting preserve area" as that term is  
9 used in the Wildlife Code. This paragraph is exempt from the  
10 provisions of Section 3-90.

11 (27) A motor vehicle, as that term is defined in Section  
12 1-146 of the Illinois Vehicle Code, that is donated to a  
13 corporation, limited liability company, society, association,  
14 foundation, or institution that is determined by the Department  
15 to be organized and operated exclusively for educational  
16 purposes. For purposes of this exemption, "a corporation,  
17 limited liability company, society, association, foundation,  
18 or institution organized and operated exclusively for  
19 educational purposes" means all tax-supported public schools,  
20 private schools that offer systematic instruction in useful  
21 branches of learning by methods common to public schools and  
22 that compare favorably in their scope and intensity with the  
23 course of study presented in tax-supported schools, and  
24 vocational or technical schools or institutes organized and  
25 operated exclusively to provide a course of study of not less  
26 than 6 weeks duration and designed to prepare individuals to

1 follow a trade or to pursue a manual, technical, mechanical,  
2 industrial, business, or commercial occupation.

3 (28) Beginning January 1, 2000, personal property,  
4 including food, purchased through fundraising events for the  
5 benefit of a public or private elementary or secondary school,  
6 a group of those schools, or one or more school districts if  
7 the events are sponsored by an entity recognized by the school  
8 district that consists primarily of volunteers and includes  
9 parents and teachers of the school children. This paragraph  
10 does not apply to fundraising events (i) for the benefit of  
11 private home instruction or (ii) for which the fundraising  
12 entity purchases the personal property sold at the events from  
13 another individual or entity that sold the property for the  
14 purpose of resale by the fundraising entity and that profits  
15 from the sale to the fundraising entity. This paragraph is  
16 exempt from the provisions of Section 3-90.

17 (29) Beginning January 1, 2000 and through December 31,  
18 2001, new or used automatic vending machines that prepare and  
19 serve hot food and beverages, including coffee, soup, and other  
20 items, and replacement parts for these machines. Beginning  
21 January 1, 2002 and through June 30, 2003, machines and parts  
22 for machines used in commercial, coin-operated amusement and  
23 vending business if a use or occupation tax is paid on the  
24 gross receipts derived from the use of the commercial,  
25 coin-operated amusement and vending machines. This paragraph  
26 is exempt from the provisions of Section 3-90.



1           (30) Beginning January 1, 2001 and through June 30, 2016,  
2 food for human consumption that is to be consumed off the  
3 premises where it is sold (other than alcoholic beverages, soft  
4 drinks, and food that has been prepared for immediate  
5 consumption) and prescription and nonprescription medicines,  
6 drugs, medical appliances, and insulin, urine testing  
7 materials, syringes, and needles used by diabetics, for human  
8 use, when purchased for use by a person receiving medical  
9 assistance under Article V of the Illinois Public Aid Code who  
10 resides in a licensed long-term care facility, as defined in  
11 the Nursing Home Care Act, or in a licensed facility as defined  
12 in the ID/DD Community Care Act, the MC/DD Act, or the  
13 Specialized Mental Health Rehabilitation Act of 2013.

14           (31) Beginning on August 2, 2001 (the effective date of  
15 Public Act 92-227) ~~this amendatory Act of the 92nd General~~  
16 ~~Assembly~~, computers and communications equipment utilized for  
17 any hospital purpose and equipment used in the diagnosis,  
18 analysis, or treatment of hospital patients purchased by a  
19 lessor who leases the equipment, under a lease of one year or  
20 longer executed or in effect at the time the lessor would  
21 otherwise be subject to the tax imposed by this Act, to a  
22 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 August 2, 2001 (the effective date of  
15 Public Act 92-227) ~~this amendatory Act of the 92nd General~~  
16 ~~Assembly~~, personal property purchased by a lessor who leases  
17 the property, under a lease of one year or longer executed or  
18 in effect at the time the lessor would otherwise be subject to  
19 the tax imposed by this Act, to a governmental body that has  
20 been issued an active sales tax exemption identification number  
21 by the Department under Section 1g of the Retailers' Occupation  
22 Tax Act. If the property is leased in a manner that does not  
23 qualify for this exemption or used in any other nonexempt  
24 manner, the lessor shall be liable for the tax imposed under  
25 this Act or the Service Use Tax Act, as the case may be, based  
26 on the fair market value of the property at the time the

1 nonqualifying use occurs. No lessor shall collect or attempt to  
2 collect an amount (however designated) that purports to  
3 reimburse that lessor for the tax imposed by this Act or the  
4 Service Use Tax Act, as the case may be, if the tax has not been  
5 paid by the lessor. If a lessor improperly collects any such  
6 amount from the lessee, the lessee shall have a legal right to  
7 claim a refund of that amount from the lessor. If, however,  
8 that amount is not refunded to the lessee for any reason, the  
9 lessor is liable to pay that amount to the Department. This  
10 paragraph is exempt 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 are declarative of existing  
11 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 (37) Beginning January 1, 2017, menstrual pads, tampons,

1 and menstrual cups.

2 (38) Merchandise that is subject to the Rental Purchase  
3 Agreement Occupation and Use Tax. The purchaser must certify  
4 that the item is purchased to be rented subject to a rental  
5 purchase agreement, as defined in the Rental Purchase Agreement  
6 Act, and provide proof of registration under the Rental  
7 Purchase Agreement Occupation and Use Tax Act. This paragraph  
8 is exempt from the provisions of Section 3-90.

9 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;  
10 100-22, eff. 7-6-17; 100-437, eff. 1-1-18; revised 9-27-17.)

11 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

12 (Text of Section before amendment by P.A. 100-363)

13 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
14 and trailers that are required to be registered with an agency  
15 of this State, each retailer required or authorized to collect  
16 the tax imposed by this Act shall pay to the Department the  
17 amount of such tax (except as otherwise provided) at the time  
18 when he is required to file his return for the period during  
19 which such tax was collected, less a discount of 2.1% prior to  
20 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
21 per calendar year, whichever is greater, which is allowed to  
22 reimburse the retailer for expenses incurred in collecting the  
23 tax, keeping records, preparing and filing returns, remitting  
24 the tax and supplying data to the Department on request. In the  
25 case of retailers who report and pay the tax on a transaction

1 by transaction basis, as provided in this Section, such  
2 discount shall be taken with each such tax remittance instead  
3 of when such retailer files his periodic return. The discount  
4 allowed under this Section is allowed only for returns that are  
5 filed in the manner required by this Act. The Department may  
6 disallow the discount for retailers whose certificate of  
7 registration is revoked at the time the return is filed, but  
8 only if the Department's decision to revoke the certificate of  
9 registration has become final. A retailer need not remit that  
10 part of any tax collected by him to the extent that he is  
11 required to remit and does remit the tax imposed by the  
12 Retailers' Occupation Tax Act, with respect to the sale of the  
13 same property.

14 Where such tangible personal property is sold under a  
15 conditional sales contract, or under any other form of sale  
16 wherein the payment of the principal sum, or a part thereof, is  
17 extended beyond the close of the period for which the return is  
18 filed, the retailer, in collecting the tax (except as to motor  
19 vehicles, watercraft, aircraft, and trailers that are required  
20 to be registered with an agency of this State), may collect for  
21 each tax return period, only the tax applicable to that part of  
22 the selling price actually received during such tax return  
23 period.

24 Except as provided in this Section, on or before the  
25 twentieth day of each calendar month, such retailer shall file  
26 a return for the preceding calendar month. Such return shall be

1 filed on forms prescribed by the Department and shall furnish  
2 such information as the Department may reasonably require. On  
3 and after January 1, 2018, except for returns for motor  
4 vehicles, watercraft, aircraft, and trailers that are required  
5 to be registered with an agency of this State, with respect to  
6 retailers whose annual gross receipts average \$20,000 or more,  
7 all returns required to be filed pursuant to this Act shall be  
8 filed electronically. Retailers who demonstrate that they do  
9 not have access to the Internet or demonstrate hardship in  
10 filing electronically may petition the Department to waive the  
11 electronic filing requirement.

12 The Department may require returns to be filed on a  
13 quarterly basis. If so required, a return for each calendar  
14 quarter shall be filed on or before the twentieth day of the  
15 calendar month following the end of such calendar quarter. The  
16 taxpayer shall also file a return with the Department for each  
17 of the first two months of each calendar quarter, on or before  
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from  
21 which he engages in the business of selling tangible  
22 personal property at retail in this State;

23 3. The total amount of taxable receipts received by him  
24 during the preceding calendar month from sales of tangible  
25 personal property by him during such preceding calendar  
26 month, including receipts from charge and time sales, but



1 less all deductions allowed 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 Before October 1, 2000, if the taxpayer's average monthly

1 tax liability to the Department under this Act, the Retailers'  
2 Occupation Tax Act, the Service Occupation Tax Act, the Service  
3 Use Tax Act was \$10,000 or more during the preceding 4 complete  
4 calendar quarters, he shall file a return with the Department  
5 each month by the 20th day of the month next following the  
6 month during which such tax liability is incurred and shall  
7 make payments to the Department on or before the 7th, 15th,  
8 22nd and last day of the month during which such liability is  
9 incurred. On and after October 1, 2000, if the taxpayer's  
10 average monthly tax liability to the Department under this Act,  
11 the Retailers' Occupation Tax Act, the Service Occupation Tax  
12 Act, and the Service Use Tax Act was \$20,000 or more during the  
13 preceding 4 complete calendar quarters, he shall file a return  
14 with the Department each month by the 20th day of the month  
15 next following the month during which such tax liability is  
16 incurred and shall make payment to the Department on or before  
17 the 7th, 15th, 22nd and last day of the month during which such  
18 liability is incurred. If the month during which such tax  
19 liability is incurred began prior to January 1, 1985, each  
20 payment shall be in an amount equal to 1/4 of the taxpayer's  
21 actual liability for the month or an amount set by the  
22 Department not to exceed 1/4 of the average monthly liability  
23 of the taxpayer to the Department for the preceding 4 complete  
24 calendar quarters (excluding the month of highest liability and  
25 the month of lowest liability in such 4 quarter period). If the  
26 month during which such tax liability is incurred begins on or

1 after January 1, 1985, and prior to January 1, 1987, each  
2 payment shall be in an amount equal to 22.5% of the taxpayer's  
3 actual liability for the month or 27.5% of the taxpayer's  
4 liability for the same calendar month of the preceding year. If  
5 the month during which such tax liability is incurred begins on  
6 or after January 1, 1987, and prior to January 1, 1988, each  
7 payment shall be in an amount equal to 22.5% of the taxpayer's  
8 actual liability for the month or 26.25% of the taxpayer's  
9 liability for the same calendar month of the preceding year. If  
10 the month during which such tax liability is incurred begins on  
11 or after January 1, 1988, and prior to January 1, 1989, or  
12 begins on or after January 1, 1996, each payment shall be in an  
13 amount equal to 22.5% of the taxpayer's actual liability for  
14 the month or 25% of the taxpayer's liability for the same  
15 calendar month of the preceding year. If the month during which  
16 such tax liability is incurred begins on or after January 1,  
17 1989, and prior to January 1, 1996, each payment shall be in an  
18 amount equal to 22.5% of the taxpayer's actual liability for  
19 the month or 25% of the taxpayer's liability for the same  
20 calendar month of the preceding year or 100% of the taxpayer's  
21 actual liability for the quarter monthly reporting period. The  
22 amount of such quarter monthly payments shall be credited  
23 against the final tax liability of the taxpayer's return for  
24 that month. Before October 1, 2000, once applicable, the  
25 requirement of the making of quarter monthly payments to the  
26 Department shall continue until such taxpayer's average

1 monthly liability to the Department during the preceding 4  
2 complete calendar quarters (excluding the month of highest  
3 liability and the month of lowest liability) is less than  
4 \$9,000, or until such taxpayer's average monthly liability to  
5 the Department as computed for each calendar quarter of the 4  
6 preceding complete calendar quarter period is less than  
7 \$10,000. However, if a taxpayer can show the Department that a  
8 substantial change in the taxpayer's business has occurred  
9 which causes the taxpayer to anticipate that his average  
10 monthly tax liability for the reasonably foreseeable future  
11 will fall below the \$10,000 threshold stated above, then such  
12 taxpayer may petition the Department for change in such  
13 taxpayer's reporting status. On and after October 1, 2000, once  
14 applicable, the requirement of the making of quarter monthly  
15 payments to the Department shall continue until such taxpayer's  
16 average monthly liability to the Department during the  
17 preceding 4 complete calendar quarters (excluding the month of  
18 highest liability and the month of lowest liability) is less  
19 than \$19,000 or until such taxpayer's average monthly liability  
20 to the Department as computed for each calendar quarter of the  
21 4 preceding complete calendar quarter period is less than  
22 \$20,000. However, if a taxpayer can show the Department that a  
23 substantial change in the taxpayer's business has occurred  
24 which causes the taxpayer to anticipate that his average  
25 monthly tax liability for the reasonably foreseeable future  
26 will fall below the \$20,000 threshold stated above, then such

1 taxpayer may petition the Department for a change in such  
2 taxpayer's reporting status. The Department shall change such  
3 taxpayer's reporting status unless it finds that such change is  
4 seasonal in nature and not likely to be long term. If any such  
5 quarter monthly payment is not paid at the time or in the  
6 amount required by this Section, then the taxpayer shall be  
7 liable for penalties and interest on the difference between the  
8 minimum amount due and the amount of such quarter monthly  
9 payment actually and timely paid, except insofar as the  
10 taxpayer has previously made payments for that month to the  
11 Department in excess of the minimum payments previously due as  
12 provided in this Section. The Department shall make reasonable  
13 rules and regulations to govern the quarter monthly payment  
14 amount and quarter monthly payment dates for taxpayers who file  
15 on other than a calendar monthly basis.

16 If any such payment provided for in this Section exceeds  
17 the taxpayer's liabilities under this Act, the Retailers'  
18 Occupation Tax Act, the Service Occupation Tax Act and the  
19 Service Use Tax Act, as shown by an original monthly return,  
20 the Department shall issue to the taxpayer a credit memorandum  
21 no later than 30 days after the date of payment, which  
22 memorandum may be submitted by the taxpayer to the Department  
23 in payment of tax liability subsequently to be remitted by the  
24 taxpayer to the Department or be assigned by the taxpayer to a  
25 similar taxpayer under this Act, the Retailers' Occupation Tax  
26 Act, the Service Occupation Tax Act or the Service Use Tax Act,

1 in accordance with reasonable rules and regulations to be  
2 prescribed by the Department, except that if such excess  
3 payment is shown on an original monthly return and is made  
4 after December 31, 1986, no credit memorandum shall be issued,  
5 unless requested by the taxpayer. If no such request is made,  
6 the taxpayer may credit such excess payment against tax  
7 liability subsequently to be remitted by the taxpayer to the  
8 Department under this Act, the Retailers' Occupation Tax Act,  
9 the Service Occupation Tax Act or the Service Use Tax Act, in  
10 accordance with reasonable rules and regulations prescribed by  
11 the Department. If the Department subsequently determines that  
12 all or any part of the credit taken was not actually due to the  
13 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
14 be reduced by 2.1% or 1.75% of the difference between the  
15 credit taken and that actually due, and the taxpayer shall be  
16 liable for penalties and interest on such difference.

17 If the retailer is otherwise required to file a monthly  
18 return and if the retailer's average monthly tax liability to  
19 the Department does not exceed \$200, the Department may  
20 authorize his returns to be filed on a quarter annual basis,  
21 with the return for January, February, and March of a given  
22 year being due by April 20 of such year; with the return for  
23 April, May and June of a given year being due by July 20 of such  
24 year; with the return for July, August and September of a given  
25 year being due by October 20 of such year, and with the return  
26 for October, November and December of a given year being due by

1 January 20 of the following year.

2 If the retailer is otherwise required to file a monthly or  
3 quarterly return and if the retailer's average monthly tax  
4 liability to the Department does not exceed \$50, the Department  
5 may authorize his returns to be filed on an annual basis, with  
6 the return for a given year being due by January 20 of the  
7 following year.

8 Such quarter annual and annual returns, as to form and  
9 substance, shall be subject to the same requirements as monthly  
10 returns.

11 Notwithstanding any other provision in this Act concerning  
12 the time within which a retailer may file his return, in the  
13 case of any retailer who ceases to engage in a kind of business  
14 which makes him responsible for filing returns under this Act,  
15 such retailer shall file a final return under this Act with the  
16 Department not more than one month after discontinuing such  
17 business.

18 In addition, with respect to motor vehicles, watercraft,  
19 aircraft, and trailers that are required to be registered with  
20 an agency of this State, every retailer selling this kind of  
21 tangible personal property shall file, with the Department,  
22 upon a form to be prescribed and supplied by the Department, a  
23 separate return for each such item of tangible personal  
24 property which the retailer sells, except that if, in the same  
25 transaction, (i) a retailer of aircraft, watercraft, motor  
26 vehicles or trailers transfers more than one aircraft,



1 watercraft, motor vehicle or trailer to another aircraft,  
2 watercraft, motor vehicle or trailer retailer for the purpose  
3 of resale or (ii) a retailer of aircraft, watercraft, motor  
4 vehicles, or trailers transfers more than one aircraft,  
5 watercraft, motor vehicle, or trailer to a purchaser for use as  
6 a qualifying rolling stock as provided in Section 3-55 of this  
7 Act, then that seller may report the transfer of all the  
8 aircraft, watercraft, motor vehicles or trailers involved in  
9 that transaction to the Department on the same uniform  
10 invoice-transaction reporting return form. For purposes of  
11 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
12 watercraft as defined in Section 3-2 of the Boat Registration  
13 and Safety Act, a personal watercraft, or any boat equipped  
14 with an inboard motor.

15 The transaction reporting return in the case of motor  
16 vehicles or trailers that are required to be registered with an  
17 agency of this State, shall be the same document as the Uniform  
18 Invoice referred to in Section 5-402 of the Illinois Vehicle  
19 Code and must show the name and address of the seller; the name  
20 and address of the purchaser; the amount of the selling price  
21 including the amount allowed by the retailer for traded-in  
22 property, if any; the amount allowed by the retailer for the  
23 traded-in tangible personal property, if any, to the extent to  
24 which Section 2 of this Act allows an exemption for the value  
25 of traded-in property; the balance payable after deducting such  
26 trade-in allowance from the total selling price; the amount of

1 tax due from the retailer with respect to such transaction; the  
2 amount of tax collected from the purchaser by the retailer on  
3 such transaction (or satisfactory evidence that such tax is not  
4 due in that particular instance, if that is claimed to be the  
5 fact); the place and date of the sale; a sufficient  
6 identification of the property sold; such other information as  
7 is required in Section 5-402 of the Illinois Vehicle Code, and  
8 such other information as the Department may reasonably  
9 require.

10 The transaction reporting return in the case of watercraft  
11 and aircraft must show the name and address of the seller; the  
12 name and address of the purchaser; the amount of the selling  
13 price including the amount allowed by the retailer for  
14 traded-in property, if any; the amount allowed by the retailer  
15 for the traded-in tangible personal property, if any, to the  
16 extent to which Section 2 of this Act allows an exemption for  
17 the value of traded-in property; the balance payable after  
18 deducting such trade-in allowance from the total selling price;  
19 the amount of tax due from the retailer with respect to such  
20 transaction; the amount of tax collected from the purchaser by  
21 the retailer on such transaction (or satisfactory evidence that  
22 such tax is not due in that particular instance, if that is  
23 claimed to be the fact); the place and date of the sale, a  
24 sufficient identification of the property sold, and such other  
25 information as the Department may reasonably require.

26 Such transaction reporting return shall be filed not later

1 than 20 days after the date of delivery of the item that is  
2 being sold, but may be filed by the retailer at any time sooner  
3 than that if he chooses to do so. The transaction reporting  
4 return and tax remittance or proof of exemption from the tax  
5 that is imposed by this Act may be transmitted to the  
6 Department by way of the State agency with which, or State  
7 officer with whom, the tangible personal property must be  
8 titled or registered (if titling or registration is required)  
9 if the Department and such agency or State officer determine  
10 that this procedure will expedite the processing of  
11 applications for title or registration.

12 With each such transaction reporting return, the retailer  
13 shall remit the proper amount of tax due (or shall submit  
14 satisfactory evidence that the sale is not taxable if that is  
15 the case), to the Department or its agents, whereupon the  
16 Department shall issue, in the purchaser's name, a tax receipt  
17 (or a certificate of exemption if the Department is satisfied  
18 that the particular sale is tax exempt) which such purchaser  
19 may submit to the agency with which, or State officer with  
20 whom, he must title or register the tangible personal property  
21 that is involved (if titling or registration is required) in  
22 support of such purchaser's application for an Illinois  
23 certificate or other evidence of title or registration to such  
24 tangible personal property.

25 No retailer's failure or refusal to remit tax under this  
26 Act precludes a user, who has paid the proper tax to the

1 retailer, from obtaining his certificate of title or other  
2 evidence of title or registration (if titling or registration  
3 is required) upon satisfying the Department that such user has  
4 paid the proper tax (if tax is due) to the retailer. The  
5 Department shall adopt appropriate rules to carry out the  
6 mandate of this paragraph.

7 If the user who would otherwise pay tax to the retailer  
8 wants the transaction reporting return filed and the payment of  
9 tax or proof of exemption made to the Department before the  
10 retailer is willing to take these actions and such user has not  
11 paid the tax to the retailer, such user may certify to the fact  
12 of such delay by the retailer, and may (upon the Department  
13 being satisfied of the truth of such certification) transmit  
14 the information required by the transaction reporting return  
15 and the remittance for tax or proof of exemption directly to  
16 the Department and obtain his tax receipt or exemption  
17 determination, in which event the transaction reporting return  
18 and tax remittance (if a tax payment was required) shall be  
19 credited by the Department to the proper retailer's account  
20 with the Department, but without the 2.1% or 1.75% discount  
21 provided for in this Section being allowed. When the user pays  
22 the tax directly to the Department, he shall pay the tax in the  
23 same amount and in the same form in which it would be remitted  
24 if the tax had been remitted to the Department by the retailer.

25 Where a retailer collects the tax with respect to the  
26 selling price of tangible personal property which he sells and

1 the purchaser thereafter returns such tangible personal  
2 property and the retailer refunds the selling price thereof to  
3 the purchaser, such retailer shall also refund, to the  
4 purchaser, the tax so collected from the purchaser. When filing  
5 his return for the period in which he refunds such tax to the  
6 purchaser, the retailer may deduct the amount of the tax so  
7 refunded by him to the purchaser from any other use tax which  
8 such retailer may be required to pay or remit to the  
9 Department, as shown by such return, if the amount of the tax  
10 to be deducted was previously remitted to the Department by  
11 such retailer. If the retailer has not previously remitted the  
12 amount of such tax to the Department, he is entitled to no  
13 deduction under this Act upon refunding such tax to the  
14 purchaser.

15 Any retailer filing a return under this Section shall also  
16 include (for the purpose of paying tax thereon) the total tax  
17 covered by such return upon the selling price of tangible  
18 personal property purchased by him at retail from a retailer,  
19 but as to which the tax imposed by this Act was not collected  
20 from the retailer filing such return, and such retailer shall  
21 remit the amount of such tax to the Department when filing such  
22 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 retailers, who are required to file  
26 returns hereunder and also under the Retailers' Occupation Tax

1 Act, to furnish all the return information required by both  
2 Acts on the one form.

3 Where the retailer has more than one business registered  
4 with the Department under separate registration under this Act,  
5 such retailer may not file each return that is due as a single  
6 return covering all such registered businesses, but shall file  
7 separate returns for each such registered business.

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the State and Local Sales Tax Reform Fund, a special  
10 fund in the State Treasury which is hereby created, the net  
11 revenue realized for the preceding month from the 1% tax on  
12 sales of food for human consumption which is to be consumed off  
13 the premises where it is sold (other than alcoholic beverages,  
14 soft drinks and food which has been prepared for immediate  
15 consumption) and prescription and nonprescription medicines,  
16 drugs, medical appliances, products classified as Class III  
17 medical devices by the United States Food and Drug  
18 Administration that are used for cancer treatment pursuant to a  
19 prescription, as well as any accessories and components related  
20 to those devices, and insulin, urine testing materials,  
21 syringes and needles used by diabetics.

22 Beginning January 1, 1990, each month the Department shall  
23 pay into the County and Mass Transit District Fund 4% of the  
24 net revenue realized for the preceding month from the 6.25%  
25 general rate on the selling price of tangible personal property  
26 which is purchased outside Illinois at retail from a retailer

1 and which is titled or registered by an agency of this State's  
2 government.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the State and Local Sales Tax Reform Fund, a special  
5 fund in the State Treasury, 20% of the net revenue realized for  
6 the preceding month from the 6.25% general rate on the selling  
7 price of tangible personal property, other than tangible  
8 personal property which is purchased outside Illinois at retail  
9 from a retailer and which is titled or registered by an agency  
10 of this State's government.

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the State and Local Sales Tax Reform Fund 100% of the  
13 net revenue realized for the preceding month from the 1.25%  
14 rate on the selling price of motor fuel and gasohol. Beginning  
15 September 1, 2010, each month the Department shall pay into the  
16 State and Local Sales Tax Reform Fund 100% of the net revenue  
17 realized for the preceding month from the 1.25% rate on the  
18 selling price of sales tax holiday items.

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the Local Government Tax Fund 16% of the net revenue  
21 realized for the preceding month from the 6.25% general rate on  
22 the selling price of tangible personal property which is  
23 purchased outside Illinois at retail from a retailer and which  
24 is titled or registered by an agency of this State's  
25 government.

26 Beginning October 1, 2009, each month the Department shall

1 pay into the Capital Projects Fund an amount that is equal to  
2 an amount estimated by the Department to represent 80% of the  
3 net revenue realized for the preceding month from the sale of  
4 candy, grooming and hygiene products, and soft drinks that had  
5 been taxed at a rate of 1% prior to September 1, 2009 but that  
6 are now taxed at 6.25%.

7 Beginning July 1, 2011, each month the Department shall pay  
8 into the Clean Air Act Permit Fund 80% of the net revenue  
9 realized for the preceding month from the 6.25% general rate on  
10 the selling price of sorbents used in Illinois in the process  
11 of sorbent injection as used to comply with the Environmental  
12 Protection Act or the federal Clean Air Act, but the total  
13 payment into the Clean Air Act Permit Fund under this Act and  
14 the Retailers' Occupation Tax Act shall not exceed \$2,000,000  
15 in any fiscal year.

16 Beginning July 1, 2013, each month the Department shall pay  
17 into the Underground Storage Tank Fund from the proceeds  
18 collected under this Act, the Service Use Tax Act, the Service  
19 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
20 amount equal to the average monthly deficit in the Underground  
21 Storage Tank Fund during the prior year, as certified annually  
22 by the Illinois Environmental Protection Agency, but the total  
23 payment into the Underground Storage Tank Fund under this Act,  
24 the Service Use Tax Act, the Service Occupation Tax Act, and  
25 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
26 in any State fiscal year. As used in this paragraph, the



1 "average monthly deficit" shall be equal to the difference  
2 between the average monthly claims for payment by the fund and  
3 the average monthly revenues deposited into the fund, excluding  
4 payments made pursuant to this paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys  
6 received by the Department under this Act, the Service Use Tax  
7 Act, the Service Occupation Tax Act, and the Retailers'  
8 Occupation Tax Act, each month the Department shall deposit  
9 \$500,000 into the State Crime Laboratory Fund.

10 Of the remainder of the moneys received by the Department  
11 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
12 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
13 and after July 1, 1989, 3.8% thereof shall be paid into the  
14 Build Illinois Fund; provided, however, that if in any fiscal  
15 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
16 may be, of the moneys received by the Department and required  
17 to be paid into the Build Illinois Fund pursuant to Section 3  
18 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
19 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
20 Service Occupation Tax Act, such Acts being hereinafter called  
21 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
22 may be, of moneys being hereinafter called the "Tax Act  
23 Amount", and (2) the amount transferred to the Build Illinois  
24 Fund from the State and Local Sales Tax Reform Fund shall be  
25 less than the Annual Specified Amount (as defined in Section 3  
26 of the Retailers' Occupation Tax Act), an amount equal to the

1 difference shall be immediately paid into the Build Illinois  
2 Fund from other moneys received by the Department pursuant to  
3 the Tax Acts; and further provided, that if on the last  
4 business day of any month the sum of (1) the Tax Act Amount  
5 required to be deposited into the Build Illinois Bond Account  
6 in the Build Illinois Fund during such month and (2) the amount  
7 transferred during such month to the Build Illinois Fund from  
8 the State and Local Sales Tax Reform Fund shall have been less  
9 than 1/12 of the Annual Specified Amount, an amount equal to  
10 the difference shall be immediately paid into the Build  
11 Illinois Fund from other moneys received by the Department  
12 pursuant to the Tax Acts; and, further provided, that in no  
13 event shall the payments required under the preceding proviso  
14 result in aggregate payments into the Build Illinois Fund  
15 pursuant to this clause (b) for any fiscal year in excess of  
16 the greater of (i) the Tax Act Amount or (ii) the Annual  
17 Specified Amount for such fiscal year; and, further provided,  
18 that the amounts payable into the Build Illinois Fund under  
19 this clause (b) shall be payable only until such time as the  
20 aggregate amount on deposit under each trust indenture securing  
21 Bonds issued and outstanding pursuant to the Build Illinois  
22 Bond Act is sufficient, taking into account any future  
23 investment income, to fully provide, in accordance with such  
24 indenture, for the defeasance of or the payment of the  
25 principal of, premium, if any, and interest on the Bonds  
26 secured by such indenture and on any Bonds expected to be

1 issued thereafter and all fees and costs payable with respect  
2 thereto, all as certified by the Director of the Bureau of the  
3 Budget (now Governor's Office of Management and Budget). If on  
4 the last business day of any month in which Bonds are  
5 outstanding pursuant to the Build Illinois Bond Act, the  
6 aggregate of the moneys deposited in the Build Illinois Bond  
7 Account in the Build Illinois Fund in such month shall be less  
8 than the amount required to be transferred in such month from  
9 the Build Illinois Bond Account to the Build Illinois Bond  
10 Retirement and Interest Fund pursuant to Section 13 of the  
11 Build Illinois Bond Act, an amount equal to such deficiency  
12 shall be immediately paid from other moneys received by the  
13 Department pursuant to the Tax Acts to the Build Illinois Fund;  
14 provided, however, that any amounts paid to the Build Illinois  
15 Fund in any fiscal year pursuant to this sentence shall be  
16 deemed to constitute payments pursuant to clause (b) of the  
17 preceding sentence and shall reduce the amount otherwise  
18 payable for such fiscal year pursuant to clause (b) of the  
19 preceding sentence. The moneys received by the Department  
20 pursuant to this Act and required to be deposited into the  
21 Build Illinois Fund are subject to the pledge, claim and charge  
22 set forth in Section 12 of the Build Illinois Bond Act.

23 Subject to payment of amounts into the Build Illinois Fund  
24 as provided in the preceding paragraph or in any amendment  
25 thereto hereafter enacted, the following specified monthly  
26 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority  
2 provided under Section 8.25f of the State Finance Act, but not  
3 in excess of the sums designated as "Total Deposit", shall be  
4 deposited in the aggregate from collections under Section 9 of  
5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
6 9 of the Service Occupation Tax Act, and Section 3 of the  
7 Retailers' Occupation Tax Act into the McCormick Place  
8 Expansion Project Fund in the specified fiscal years.

9	Fiscal Year	Total Deposit
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000
26	2009	132,000,000

1	2010	139,000,000
2	2011	146,000,000
3	2012	153,000,000
4	2013	161,000,000
5	2014	170,000,000
6	2015	179,000,000
7	2016	189,000,000
8	2017	199,000,000
9	2018	210,000,000
10	2019	221,000,000
11	2020	233,000,000
12	2021	246,000,000
13	2022	260,000,000
14	2023	275,000,000
15	2024	275,000,000
16	2025	275,000,000
17	2026	279,000,000
18	2027	292,000,000
19	2028	307,000,000
20	2029	322,000,000
21	2030	338,000,000
22	2031	350,000,000
23	2032	350,000,000
24	and	
25	each fiscal year	
26	thereafter that bonds	

1           are outstanding under  
2           Section 13.2 of the  
3           Metropolitan Pier and  
4           Exposition Authority Act,  
5       but not after fiscal year 2060.

6           Beginning July 20, 1993 and in each month of each fiscal  
7       year thereafter, one-eighth of the amount requested in the  
8       certificate of the Chairman of the Metropolitan Pier and  
9       Exposition Authority for that fiscal year, less the amount  
10      deposited into the McCormick Place Expansion Project Fund by  
11      the State Treasurer in the respective month under subsection  
12      (g) of Section 13 of the Metropolitan Pier and Exposition  
13      Authority Act, plus cumulative deficiencies in the deposits  
14      required under this Section for previous months and years,  
15      shall be deposited into the McCormick Place Expansion Project  
16      Fund, until the full amount requested for the fiscal year, but  
17      not in excess of the amount specified above as "Total Deposit",  
18      has been deposited.

19           Subject to payment of amounts into the Build Illinois Fund  
20      and the McCormick Place Expansion Project Fund pursuant to the  
21      preceding paragraphs or in any amendments thereto hereafter  
22      enacted, beginning July 1, 1993 and ending on September 30,  
23      2013, the Department shall each month pay into the Illinois Tax  
24      Increment Fund 0.27% of 80% of the net revenue realized for the  
25      preceding month from the 6.25% general rate on the selling  
26      price of tangible personal property.

1           Subject to payment of amounts into the Build Illinois Fund  
2           and the McCormick Place Expansion Project Fund pursuant to the  
3           preceding paragraphs or in any amendments thereto hereafter  
4           enacted, beginning with the receipt of the first report of  
5           taxes paid by an eligible business and continuing for a 25-year  
6           period, the Department shall each month pay into the Energy  
7           Infrastructure Fund 80% of the net revenue realized from the  
8           6.25% general rate on the selling price of Illinois-mined coal  
9           that was sold to an eligible business. For purposes of this  
10          paragraph, the term "eligible business" means a new electric  
11          generating facility certified pursuant to Section 605-332 of  
12          the Department of Commerce and Economic Opportunity Law of the  
13          Civil Administrative Code of Illinois.

14          Subject to payment of amounts into the Build Illinois Fund,  
15          the McCormick Place Expansion Project Fund, the Illinois Tax  
16          Increment Fund, and the Energy Infrastructure Fund pursuant to  
17          the preceding paragraphs or in any amendments to this Section  
18          hereafter enacted, beginning on the first day of the first  
19          calendar month to occur on or after August 26, 2014 (the  
20          effective date of Public Act 98-1098), each month, from the  
21          collections made under Section 9 of the Use Tax Act, Section 9  
22          of the Service Use Tax Act, Section 9 of the Service Occupation  
23          Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
24          the Department shall pay into the Tax Compliance and  
25          Administration Fund, to be used, subject to appropriation, to  
26          fund additional auditors and compliance personnel at the

1 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
2 the cash receipts collected during the preceding fiscal year by  
3 the Audit Bureau of the Department under the Use Tax Act, the  
4 Service Use Tax Act, the Service Occupation Tax Act, the  
5 Retailers' Occupation Tax Act, and associated local occupation  
6 and use taxes administered by the Department.

7 Of the remainder of the moneys received by the Department  
8 pursuant to this Act, 75% thereof shall be paid into the State  
9 Treasury and 25% shall be reserved in a special account and  
10 used only for the transfer to the Common School Fund as part of  
11 the monthly transfer from the General Revenue Fund in  
12 accordance with Section 8a of the State Finance Act.

13 As soon as possible after the first day of each month, upon  
14 certification of the Department of Revenue, the Comptroller  
15 shall order transferred and the Treasurer shall transfer from  
16 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
17 equal to 1.7% of 80% of the net revenue realized under this Act  
18 for the second preceding month. Beginning April 1, 2000, this  
19 transfer is no longer required and shall not be made.

20 Net revenue realized for a month shall be the revenue  
21 collected by the State pursuant to this Act, less the amount  
22 paid out during that month as refunds to taxpayers for  
23 overpayment of liability.

24 For greater simplicity of administration, manufacturers,  
25 importers and wholesalers whose products are sold at retail in  
26 Illinois by numerous retailers, and who wish to do so, may



1 assume the responsibility for accounting and paying to the  
2 Department all tax accruing under this Act with respect to such  
3 sales, if the retailers who are affected do not make written  
4 objection to the Department to this arrangement.

5 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
6 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

7 (Text of Section after amendment by P.A. 100-363)

8 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
9 and trailers that are required to be registered with an agency  
10 of this State, each retailer required or authorized to collect  
11 the tax imposed by this Act shall pay to the Department the  
12 amount of such tax (except as otherwise provided) at the time  
13 when he is required to file his return for the period during  
14 which such tax was collected, less a discount of 2.1% prior to  
15 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
16 per calendar year, whichever is greater, which is allowed to  
17 reimburse the retailer for expenses incurred in collecting the  
18 tax, keeping records, preparing and filing returns, remitting  
19 the tax and supplying data to the Department on request. In the  
20 case of retailers who report and pay the tax on a transaction  
21 by transaction basis, as provided in this Section, such  
22 discount shall be taken with each such tax remittance instead  
23 of when such retailer files his periodic return. The discount  
24 allowed under this Section is allowed only for returns that are  
25 filed in the manner required by this Act. The Department may

1 disallow the discount for retailers whose certificate of  
2 registration is revoked at the time the return is filed, but  
3 only if the Department's decision to revoke the certificate of  
4 registration has become final. A retailer need not remit that  
5 part of any tax collected by him to the extent that he is  
6 required to remit and does remit the tax imposed by the  
7 Retailers' Occupation Tax Act, with respect to the sale of the  
8 same property.

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 retailer, in collecting the tax (except as to motor  
14 vehicles, watercraft, aircraft, and trailers that are required  
15 to be registered with an agency of this State), may collect for  
16 each tax return period, only the tax applicable to that part of  
17 the selling price actually received during such tax return  
18 period.

19 Except as provided in this Section, on or before the  
20 twentieth day of each calendar month, such retailer shall file  
21 a return for the preceding calendar month. Such return shall be  
22 filed on forms prescribed by the Department and shall furnish  
23 such information as the Department may reasonably require. On  
24 and after January 1, 2018, except for returns for motor  
25 vehicles, watercraft, aircraft, and trailers that are required  
26 to be registered with an agency of this State, with respect to

1 retailers whose annual gross receipts average \$20,000 or more,  
2 all returns required to be filed pursuant to this Act shall be  
3 filed electronically. Retailers who demonstrate that they do  
4 not have access to the Internet or demonstrate hardship in  
5 filing electronically may petition the Department to waive the  
6 electronic filing requirement.

7 The Department may require returns to be filed on a  
8 quarterly basis. If so required, a return for each calendar  
9 quarter shall be filed on or before the twentieth day of the  
10 calendar month following the end of such calendar quarter. The  
11 taxpayer shall also file a return with the Department for each  
12 of the first two months of each calendar quarter, on or before  
13 the twentieth day of the following calendar month, stating:

14 1. The name of the seller;

15 2. The address of the principal place of business from  
16 which he engages in the business of selling tangible  
17 personal property at retail in this State;

18 3. The total amount of taxable receipts received by him  
19 during the preceding calendar month from sales of tangible  
20 personal property by him during such preceding calendar  
21 month, including receipts from charge and time sales, but  
22 less all deductions allowed by law;

23 4. The amount of credit provided in Section 2d of this  
24 Act;

25 5. The amount of tax due;

26 5-5. The signature of the taxpayer; and

1           6. Such other reasonable information as the Department  
2           may require.

3           If a taxpayer fails to sign a return within 30 days after  
4           the proper notice and demand for signature by the Department,  
5           the return shall be considered valid and any amount shown to be  
6           due on the return shall be deemed assessed.

7           Beginning October 1, 1993, a taxpayer who has an average  
8           monthly tax liability of \$150,000 or more shall make all  
9           payments required by rules of the Department by electronic  
10          funds transfer. Beginning October 1, 1994, a taxpayer who has  
11          an average monthly tax liability of \$100,000 or more shall make  
12          all payments required by rules of the Department by electronic  
13          funds transfer. Beginning October 1, 1995, a taxpayer who has  
14          an average monthly tax liability of \$50,000 or more shall make  
15          all payments required by rules of the Department by electronic  
16          funds transfer. Beginning October 1, 2000, a taxpayer who has  
17          an annual tax liability of \$200,000 or more shall make all  
18          payments required by rules of the Department by electronic  
19          funds transfer. The term "annual tax liability" shall be the  
20          sum of the taxpayer's liabilities under this Act, and under all  
21          other State and local occupation and use tax laws administered  
22          by the Department, for the immediately preceding calendar year.  
23          The term "average monthly tax liability" means the sum of the  
24          taxpayer's liabilities under this Act, and under all other  
25          State and local occupation and use tax laws administered by the  
26          Department, for the immediately preceding calendar year

1 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
2 a tax liability in the amount set forth in subsection (b) of  
3 Section 2505-210 of the Department of Revenue Law shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer.

6 Before August 1 of each year beginning in 1993, the  
7 Department shall notify all taxpayers required to make payments  
8 by electronic funds transfer. All taxpayers required to make  
9 payments by electronic funds transfer shall make those payments  
10 for a minimum of one year beginning on October 1.

11 Any taxpayer not required to make payments by electronic  
12 funds transfer may make payments by electronic funds transfer  
13 with the permission of the Department.

14 All taxpayers required to make payment by electronic funds  
15 transfer and any taxpayers authorized to voluntarily make  
16 payments by electronic funds transfer shall make those payments  
17 in the manner authorized by the Department.

18 The Department shall adopt such rules as are necessary to  
19 effectuate a program of electronic funds transfer and the  
20 requirements of this Section.

21 Before October 1, 2000, if the taxpayer's average monthly  
22 tax liability to the Department under this Act, the Retailers'  
23 Occupation Tax Act, the Service Occupation Tax Act, the Service  
24 Use Tax Act was \$10,000 or more during the preceding 4 complete  
25 calendar quarters, he shall file a return with the Department  
26 each month by the 20th day of the month next following the

1 month during which such tax liability is incurred and shall  
2 make payments to the Department on or before the 7th, 15th,  
3 22nd and last day of the month during which such liability is  
4 incurred. On and after October 1, 2000, if the taxpayer's  
5 average monthly tax liability to the Department under this Act,  
6 the Retailers' Occupation Tax Act, the Service Occupation Tax  
7 Act, and the Service Use Tax Act was \$20,000 or more during the  
8 preceding 4 complete calendar quarters, he shall file a return  
9 with the Department each month by the 20th day of the month  
10 next following the month during which such tax liability is  
11 incurred and shall make payment to the Department on or before  
12 the 7th, 15th, 22nd and last day of the month during which such  
13 liability is incurred. If the month during which such tax  
14 liability is incurred began prior to January 1, 1985, each  
15 payment shall be in an amount equal to 1/4 of the taxpayer's  
16 actual liability for the month or an amount set by the  
17 Department not to exceed 1/4 of the average monthly liability  
18 of the taxpayer to the Department for the preceding 4 complete  
19 calendar quarters (excluding the month of highest liability and  
20 the month of lowest liability in such 4 quarter period). If the  
21 month during which such tax liability is incurred begins on or  
22 after January 1, 1985, and prior to January 1, 1987, each  
23 payment shall be in an amount equal to 22.5% of the taxpayer's  
24 actual liability for the month or 27.5% of the taxpayer's  
25 liability for the same calendar month of the preceding year. If  
26 the month during which such tax liability is incurred begins on

1 or after January 1, 1987, and prior to January 1, 1988, each  
2 payment shall be in an amount equal to 22.5% of the taxpayer's  
3 actual liability for the month or 26.25% of the taxpayer's  
4 liability for the same calendar month of the preceding year. If  
5 the month during which such tax liability is incurred begins on  
6 or after January 1, 1988, and prior to January 1, 1989, or  
7 begins on or after January 1, 1996, each payment shall be in an  
8 amount equal to 22.5% of the taxpayer's actual liability for  
9 the month or 25% of the taxpayer's liability for the same  
10 calendar month of the preceding year. If the month during which  
11 such tax liability is incurred begins on or after January 1,  
12 1989, and prior to January 1, 1996, each payment shall be in an  
13 amount equal to 22.5% of the taxpayer's actual liability for  
14 the month or 25% of the taxpayer's liability for the same  
15 calendar month of the preceding year or 100% of the taxpayer's  
16 actual liability for the quarter monthly reporting period. The  
17 amount of such quarter monthly payments shall be credited  
18 against the final tax liability of the taxpayer's return for  
19 that month. Before October 1, 2000, once applicable, the  
20 requirement of the making of quarter monthly payments to the  
21 Department shall continue until such taxpayer's average  
22 monthly liability to the Department during the preceding 4  
23 complete calendar quarters (excluding the month of highest  
24 liability and the month of lowest liability) is less than  
25 \$9,000, or until such taxpayer's average monthly liability to  
26 the Department as computed for each calendar quarter of the 4

1 preceding complete calendar quarter period is less than  
2 \$10,000. However, if a taxpayer can show the Department that a  
3 substantial change in the taxpayer's business has occurred  
4 which causes the taxpayer to anticipate that his average  
5 monthly tax liability for the reasonably foreseeable future  
6 will fall below the \$10,000 threshold stated above, then such  
7 taxpayer may petition the Department for change in such  
8 taxpayer's reporting status. On and after October 1, 2000, once  
9 applicable, the requirement of the making of quarter monthly  
10 payments to the Department shall continue until such taxpayer's  
11 average monthly liability to the Department during the  
12 preceding 4 complete calendar quarters (excluding the month of  
13 highest liability and the month of lowest liability) is less  
14 than \$19,000 or until such taxpayer's average monthly liability  
15 to the Department as computed for each calendar quarter of the  
16 4 preceding complete calendar quarter period is less than  
17 \$20,000. However, if a taxpayer can show the Department that a  
18 substantial change in the taxpayer's business has occurred  
19 which causes the taxpayer to anticipate that his average  
20 monthly tax liability for the reasonably foreseeable future  
21 will fall below the \$20,000 threshold stated above, then such  
22 taxpayer may petition the Department for a change in such  
23 taxpayer's reporting status. The Department shall change such  
24 taxpayer's reporting status unless it finds that such change is  
25 seasonal in nature and not likely to be long term. If any such  
26 quarter monthly payment is not paid at the time or in the



1 amount required by this Section, then the taxpayer shall be  
2 liable for penalties and interest on the difference between the  
3 minimum amount due and the amount of such quarter monthly  
4 payment actually and timely paid, except insofar as the  
5 taxpayer has previously made payments for that month to the  
6 Department in excess of the minimum payments previously due as  
7 provided in this Section. The Department shall make reasonable  
8 rules and regulations to govern the quarter monthly payment  
9 amount and quarter monthly payment dates for taxpayers who file  
10 on other than a calendar monthly basis.

11 If any such payment provided for in this Section exceeds  
12 the taxpayer's liabilities under this Act, the Retailers'  
13 Occupation Tax Act, the Service Occupation Tax Act and the  
14 Service Use Tax Act, as shown by an original monthly return,  
15 the Department shall issue to the taxpayer a credit memorandum  
16 no later than 30 days after the date of payment, which  
17 memorandum may be submitted by the taxpayer to the Department  
18 in payment of tax liability subsequently to be remitted by the  
19 taxpayer to the Department or be assigned by the taxpayer to a  
20 similar taxpayer under this Act, the Retailers' Occupation Tax  
21 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
22 in accordance with reasonable rules and regulations to be  
23 prescribed by the Department, except that if such excess  
24 payment is shown on an original monthly return and is made  
25 after December 31, 1986, no credit memorandum shall be issued,  
26 unless requested by the taxpayer. If no such request is made,

1 the taxpayer may credit such excess payment against tax  
2 liability subsequently to be remitted by the taxpayer to the  
3 Department under this Act, the Retailers' Occupation Tax Act,  
4 the Service Occupation Tax Act or the Service Use Tax Act, in  
5 accordance with reasonable rules and regulations prescribed by  
6 the Department. If the Department subsequently determines that  
7 all or any part of the credit taken was not actually due to the  
8 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
9 be reduced by 2.1% or 1.75% of the difference between the  
10 credit taken and that actually due, and the taxpayer shall be  
11 liable for penalties and interest on such difference.

12 If the retailer is otherwise required to file a monthly  
13 return and if the retailer's average monthly tax liability to  
14 the Department does not exceed \$200, the Department may  
15 authorize his returns to be filed on a quarter annual basis,  
16 with the return for January, February, and March of a given  
17 year being due by April 20 of such year; with the return for  
18 April, May and June of a given year being due by July 20 of such  
19 year; with the return for July, August and September of a given  
20 year being due by October 20 of such year, and with the return  
21 for October, November and December of a given year being due by  
22 January 20 of the following year.

23 If the retailer is otherwise required to file a monthly or  
24 quarterly return and if the retailer's average monthly tax  
25 liability to the Department does not exceed \$50, the Department  
26 may authorize his returns to be filed on an annual basis, with

1 the return for a given year being due by January 20 of the  
2 following year.

3 Such quarter annual and annual returns, as to form and  
4 substance, shall be subject to the same requirements as monthly  
5 returns.

6 Notwithstanding any other provision in this Act concerning  
7 the time within which a retailer may file his return, in the  
8 case of any retailer who ceases to engage in a kind of business  
9 which makes him responsible for filing returns under this Act,  
10 such retailer shall file a final return under this Act with the  
11 Department not more than one month after discontinuing such  
12 business.

13 In addition, with respect to motor vehicles, watercraft,  
14 aircraft, and trailers that are required to be registered with  
15 an agency of this State, every retailer selling this kind of  
16 tangible personal property shall file, with the Department,  
17 upon a form to be prescribed and supplied by the Department, a  
18 separate return for each such item of tangible personal  
19 property which the retailer sells, except that if, in the same  
20 transaction, (i) a retailer of aircraft, watercraft, motor  
21 vehicles or trailers transfers more than one aircraft,  
22 watercraft, motor vehicle or trailer to another aircraft,  
23 watercraft, motor vehicle or trailer retailer for the purpose  
24 of resale or (ii) a retailer of aircraft, watercraft, motor  
25 vehicles, or trailers transfers more than one aircraft,  
26 watercraft, motor vehicle, or trailer to a purchaser for use as

1 a qualifying rolling stock as provided in Section 3-55 of this  
2 Act, then that seller may report the transfer of all the  
3 aircraft, watercraft, motor vehicles or trailers involved in  
4 that transaction to the Department on the same uniform  
5 invoice-transaction reporting return form. For purposes of  
6 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
7 watercraft as defined in Section 3-2 of the Boat Registration  
8 and Safety Act, a personal watercraft, or any boat equipped  
9 with an inboard motor.

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 2 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 and 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 2 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 date 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 tax  
26 that is imposed by this Act may be transmitted to the

1 Department by way of the State agency with which, or State  
2 officer with whom, the tangible personal property must be  
3 titled or registered (if titling or registration is required)  
4 if the Department and such agency or State officer determine  
5 that this procedure will expedite the processing of  
6 applications for title or 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 tax receipt  
12 (or a certificate of exemption if the Department is satisfied  
13 that the particular sale is tax exempt) which such purchaser  
14 may submit to the agency with which, or State officer with  
15 whom, he must title or register the tangible personal property  
16 that is involved (if titling or registration is required) in  
17 support of such purchaser's application for an Illinois  
18 certificate or other evidence of title or registration to such  
19 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 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       Where a retailer collects the tax with respect to the  
21 selling price of tangible personal property which he sells and  
22 the purchaser thereafter returns such tangible personal  
23 property and the retailer refunds the selling price thereof to  
24 the purchaser, such retailer shall also refund, to the  
25 purchaser, the tax so collected from the purchaser. When filing  
26 his return for the period in which he refunds such tax to the

1 purchaser, the retailer may deduct the amount of the tax so  
2 refunded by him to the purchaser from any other use tax which  
3 such retailer may be required to pay or remit to the  
4 Department, as shown by such return, if the amount of the tax  
5 to be deducted was previously remitted to the Department by  
6 such retailer. If the retailer has not previously remitted the  
7 amount of such tax to the Department, he is entitled to no  
8 deduction under this Act upon refunding such tax to the  
9 purchaser.

10 Any retailer filing a return under this Section shall also  
11 include (for the purpose of paying tax thereon) the total tax  
12 covered by such return upon the selling price of tangible  
13 personal property purchased by him at retail from a retailer,  
14 but as to which the tax imposed by this Act was not collected  
15 from the retailer filing such return, and such retailer shall  
16 remit the amount of such tax to the Department when filing such  
17 return.

18 If experience indicates such action to be practicable, the  
19 Department may prescribe and furnish a combination or joint  
20 return which will enable retailers, who are required to file  
21 returns hereunder and also under the Retailers' Occupation Tax  
22 Act, to furnish all the return information required by both  
23 Acts on the one form.

24 Where the retailer has more than one business registered  
25 with the Department under separate registration under this Act,  
26 such retailer may not file each return that is due as a single



1 return covering all such registered businesses, but shall file  
2 separate returns for each such registered business.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the State and Local Sales Tax Reform Fund, a special  
5 fund in the State Treasury which is hereby created, the net  
6 revenue realized for the preceding month from the 1% tax on  
7 sales of food for human consumption which is to be consumed off  
8 the premises where it is sold (other than alcoholic beverages,  
9 soft drinks and food which has been prepared for immediate  
10 consumption) and prescription and nonprescription medicines,  
11 drugs, medical appliances, products classified as Class III  
12 medical devices by the United States Food and Drug  
13 Administration that are used for cancer treatment pursuant to a  
14 prescription, as well as any accessories and components related  
15 to those devices, and insulin, urine testing materials,  
16 syringes and needles used by diabetics.

17 Beginning January 1, 1990, each month the Department shall  
18 pay into the County and Mass Transit District Fund 4% of the  
19 net revenue realized for the preceding month from the 6.25%  
20 general rate on the selling price of tangible personal property  
21 which is purchased outside Illinois at retail from a retailer  
22 and which is titled or registered by an agency of this State's  
23 government.

24 Beginning January 1, 1990, each month the Department shall  
25 pay into the State and Local Sales Tax Reform Fund, a special  
26 fund in the State Treasury, 20% of the net revenue realized for

1 the preceding month from the 6.25% general rate on the selling  
2 price of tangible personal property, other than tangible  
3 personal property which is purchased outside Illinois at retail  
4 from a retailer and which is titled or registered by an agency  
5 of this State's government.

6 Beginning August 1, 2000, each month the Department shall  
7 pay into the State and Local Sales Tax Reform Fund 100% of the  
8 net revenue realized for the preceding month from the 1.25%  
9 rate on the selling price of motor fuel and gasohol. Beginning  
10 September 1, 2010, each month the Department shall pay into the  
11 State and Local Sales Tax Reform Fund 100% of the net revenue  
12 realized for the preceding month from the 1.25% rate on the  
13 selling price of sales tax holiday items.

14 Beginning January 1, 1990, each month the Department shall  
15 pay into the Local Government Tax Fund 16% of the net revenue  
16 realized for the preceding month from the 6.25% general rate on  
17 the selling price of tangible personal property which is  
18 purchased outside Illinois at retail from a retailer and which  
19 is titled or registered by an agency of this State's  
20 government.

21 Beginning October 1, 2009, each month the Department shall  
22 pay into the Capital Projects Fund an amount that is equal to  
23 an amount estimated by the Department to represent 80% of the  
24 net revenue realized for the preceding month from the sale of  
25 candy, grooming and hygiene products, and soft drinks that had  
26 been taxed at a rate of 1% prior to September 1, 2009 but that

1 are now taxed at 6.25%.

2 Beginning July 1, 2011, each month the Department shall pay  
3 into the Clean Air Act Permit Fund 80% of the net revenue  
4 realized for the preceding month from the 6.25% general rate on  
5 the selling price of sorbents used in Illinois in the process  
6 of sorbent injection as used to comply with the Environmental  
7 Protection Act or the federal Clean Air Act, but the total  
8 payment into the Clean Air Act Permit Fund under this Act and  
9 the Retailers' Occupation Tax Act shall not exceed \$2,000,000  
10 in any fiscal year.

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 Service Use Tax Act, the Service  
14 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
15 amount equal to the average monthly deficit in the Underground  
16 Storage Tank Fund during the prior year, as certified annually  
17 by the Illinois Environmental Protection Agency, but the total  
18 payment into the Underground Storage Tank Fund under this Act,  
19 the Service Use Tax Act, the Service Occupation Tax Act, and  
20 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
21 in any State fiscal year. As used in this paragraph, the  
22 "average monthly deficit" shall be equal to the difference  
23 between the average monthly claims for payment by the fund and  
24 the average monthly revenues deposited into the fund, excluding  
25 payments made pursuant to this paragraph.

26 Beginning July 1, 2015, of the remainder of the moneys

1 received by the Department under this Act, the Service Use Tax  
2 Act, the Service Occupation Tax Act, and the Retailers'  
3 Occupation Tax Act, each month the Department shall deposit  
4 \$500,000 into the State Crime Laboratory Fund.

5 Of the remainder of the moneys received by the Department  
6 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
7 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
8 and after July 1, 1989, 3.8% thereof shall be paid into the  
9 Build Illinois Fund; provided, however, that if in any fiscal  
10 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
11 may be, of the moneys received by the Department and required  
12 to be paid into the Build Illinois Fund pursuant to Section 3  
13 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
14 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
15 Service Occupation Tax Act, such Acts being hereinafter called  
16 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
17 may be, of moneys being hereinafter called the "Tax Act  
18 Amount", and (2) the amount transferred to the Build Illinois  
19 Fund from the State and Local Sales Tax Reform Fund shall be  
20 less than the Annual Specified Amount (as defined in Section 3  
21 of the Retailers' Occupation Tax Act), an amount equal to the  
22 difference shall be immediately paid into the Build Illinois  
23 Fund from other moneys received by the Department pursuant to  
24 the Tax Acts; and further provided, that if on the last  
25 business day of any month the sum of (1) the Tax Act Amount  
26 required to be deposited into the Build Illinois Bond Account

1 in the Build Illinois Fund during such month and (2) the amount  
2 transferred during such month to the Build Illinois Fund from  
3 the State and Local Sales Tax Reform Fund shall have been less  
4 than 1/12 of the Annual Specified Amount, an amount equal to  
5 the difference shall be immediately paid into the Build  
6 Illinois Fund from other moneys received by the Department  
7 pursuant to the Tax Acts; and, further provided, that in no  
8 event shall the payments required under the preceding proviso  
9 result in aggregate payments into the Build Illinois Fund  
10 pursuant to this clause (b) for any fiscal year in excess of  
11 the greater of (i) the Tax Act Amount or (ii) the Annual  
12 Specified Amount for such fiscal year; and, further provided,  
13 that the amounts payable into the Build Illinois Fund under  
14 this clause (b) shall be payable only until such time as the  
15 aggregate amount on deposit under each trust indenture securing  
16 Bonds issued and outstanding pursuant to the Build Illinois  
17 Bond Act is sufficient, taking into account any future  
18 investment income, to fully provide, in accordance with such  
19 indenture, for the defeasance of or the payment of the  
20 principal of, premium, if any, and interest on the Bonds  
21 secured by such indenture and on any Bonds expected to be  
22 issued thereafter and all fees and costs payable with respect  
23 thereto, all as certified by the Director of the Bureau of the  
24 Budget (now Governor's Office of Management and Budget). If on  
25 the last business day of any month in which Bonds are  
26 outstanding pursuant to the Build Illinois Bond Act, the

1 aggregate of the moneys deposited in the Build Illinois Bond  
2 Account in the Build Illinois Fund in such month shall be less  
3 than the amount required to be transferred in such month from  
4 the Build Illinois Bond Account to the Build Illinois Bond  
5 Retirement and Interest Fund pursuant to Section 13 of the  
6 Build Illinois Bond Act, an amount equal to such deficiency  
7 shall be immediately paid from other moneys received by the  
8 Department pursuant to the Tax Acts to the Build Illinois Fund;  
9 provided, however, that any amounts paid to the Build Illinois  
10 Fund in any fiscal year pursuant to this sentence shall be  
11 deemed to constitute payments pursuant to clause (b) of the  
12 preceding sentence and shall reduce the amount otherwise  
13 payable for such fiscal year pursuant to clause (b) of the  
14 preceding sentence. The moneys received by the Department  
15 pursuant to this Act and required to be deposited into the  
16 Build Illinois Fund are subject to the pledge, claim and charge  
17 set forth in Section 12 of the Build Illinois Bond Act.

18 Subject to payment of amounts into the Build Illinois Fund  
19 as provided in the preceding paragraph or in any amendment  
20 thereto hereafter enacted, the following specified monthly  
21 installment of the amount requested in the certificate of the  
22 Chairman of the Metropolitan Pier and Exposition Authority  
23 provided under Section 8.25f of the State Finance Act, but not  
24 in excess of the sums designated as "Total Deposit", shall be  
25 deposited in the aggregate from collections under Section 9 of  
26 the Use Tax Act, Section 9 of the Service Use Tax Act, Section

1 9 of the Service Occupation Tax Act, and Section 3 of the  
2 Retailers' Occupation Tax Act into the McCormick Place  
3 Expansion Project Fund in the specified fiscal years.

4	Fiscal Year	Total Deposit
5	1993	\$0
6	1994	53,000,000
7	1995	58,000,000
8	1996	61,000,000
9	1997	64,000,000
10	1998	68,000,000
11	1999	71,000,000
12	2000	75,000,000
13	2001	80,000,000
14	2002	93,000,000
15	2003	99,000,000
16	2004	103,000,000
17	2005	108,000,000
18	2006	113,000,000
19	2007	119,000,000
20	2008	126,000,000
21	2009	132,000,000
22	2010	139,000,000
23	2011	146,000,000
24	2012	153,000,000
25	2013	161,000,000
26	2014	170,000,000

1	2015	179,000,000
2	2016	189,000,000
3	2017	199,000,000
4	2018	210,000,000
5	2019	221,000,000
6	2020	233,000,000
7	2021	246,000,000
8	2022	260,000,000
9	2023	275,000,000
10	2024	275,000,000
11	2025	275,000,000
12	2026	279,000,000
13	2027	292,000,000
14	2028	307,000,000
15	2029	322,000,000
16	2030	338,000,000
17	2031	350,000,000
18	2032	350,000,000

19                   and  
20                    each fiscal year  
21                   thereafter that bonds  
22                   are outstanding under  
23                   Section 13.2 of the  
24                   Metropolitan Pier and  
25                   Exposition Authority Act,  
26                   but not after fiscal year 2060.



1           Beginning July 20, 1993 and in each month of each fiscal  
2 year thereafter, one-eighth of the amount requested in the  
3 certificate of the Chairman of the Metropolitan Pier and  
4 Exposition Authority for that fiscal year, less the amount  
5 deposited into the McCormick Place Expansion Project Fund by  
6 the State Treasurer in the respective month under subsection  
7 (g) of Section 13 of the Metropolitan Pier and Exposition  
8 Authority Act, plus cumulative deficiencies in the deposits  
9 required under this Section for previous months and years,  
10 shall be deposited into the McCormick Place Expansion Project  
11 Fund, until the full amount requested for the fiscal year, but  
12 not in excess of the amount specified above as "Total Deposit",  
13 has been deposited.

14           Subject to payment of amounts into the Build Illinois Fund  
15 and the McCormick Place Expansion Project Fund pursuant to the  
16 preceding paragraphs or in any amendments thereto hereafter  
17 enacted, beginning July 1, 1993 and ending on September 30,  
18 2013, the Department shall each month pay into the Illinois Tax  
19 Increment Fund 0.27% of 80% of the net revenue realized for the  
20 preceding month from the 6.25% general rate on the selling  
21 price of tangible personal property.

22           Subject to payment of amounts into the Build Illinois Fund  
23 and the McCormick Place Expansion Project Fund pursuant to the  
24 preceding paragraphs or in any amendments thereto hereafter  
25 enacted, beginning with the receipt of the first report of  
26 taxes paid by an eligible business and continuing for a 25-year

1 period, the Department shall each month pay into the Energy  
2 Infrastructure Fund 80% of the net revenue realized from the  
3 6.25% general rate on the selling price of Illinois-mined coal  
4 that was sold to an eligible business. For purposes of this  
5 paragraph, the term "eligible business" means a new electric  
6 generating facility certified pursuant to Section 605-332 of  
7 the Department of Commerce and Economic Opportunity Law of the  
8 Civil Administrative Code of Illinois.

9 Subject to payment of amounts into the Build Illinois Fund,  
10 the McCormick Place Expansion Project Fund, the Illinois Tax  
11 Increment Fund, and the Energy Infrastructure Fund pursuant to  
12 the preceding paragraphs or in any amendments to this Section  
13 hereafter enacted, beginning on the first day of the first  
14 calendar month to occur on or after August 26, 2014 (the  
15 effective date of Public Act 98-1098), each month, from the  
16 collections made under Section 9 of the Use Tax Act, Section 9  
17 of the Service Use Tax Act, Section 9 of the Service Occupation  
18 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
19 the Department shall pay into the Tax Compliance and  
20 Administration Fund, to be used, subject to appropriation, to  
21 fund additional auditors and compliance personnel at the  
22 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
23 the cash receipts collected during the preceding fiscal year by  
24 the Audit Bureau of the Department under the Use Tax Act, the  
25 Service Use Tax Act, the Service Occupation Tax Act, the  
26 Retailers' Occupation Tax Act, and associated local occupation

1 and use taxes administered by the Department.

2 Subject to payments of amounts into the Build Illinois  
3 Fund, the McCormick Place Expansion Project Fund, the Illinois  
4 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
5 Compliance and Administration Fund as provided in this Section,  
6 beginning on July 1, 2018 the Department shall pay each month  
7 into the Downstate Public Transportation Fund the moneys  
8 required to be so paid under Section 2-3 of the Downstate  
9 Public Transportation Act.

10 Of the remainder of the moneys received by the Department  
11 pursuant to this Act, 75% thereof shall be paid into the State  
12 Treasury and 25% shall be reserved in a special account and  
13 used only for the transfer to the Common School Fund as part of  
14 the monthly transfer from the General Revenue Fund in  
15 accordance with Section 8a of the State Finance Act.

16 As soon as possible after the first day of each month, upon  
17 certification of the Department of Revenue, the Comptroller  
18 shall order transferred and the Treasurer shall transfer from  
19 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
20 equal to 1.7% of 80% of the net revenue realized under this Act  
21 for the second preceding month. Beginning April 1, 2000, this  
22 transfer is no longer required and shall not be made.

23 Net revenue realized for a month shall be the revenue  
24 collected by the State pursuant to this Act, less the amount  
25 paid out during that month as refunds to taxpayers for  
26 overpayment of liability.

1 For greater simplicity of administration, manufacturers,  
2 importers and wholesalers whose products are sold at retail in  
3 Illinois by numerous retailers, and who wish to do so, may  
4 assume the responsibility for accounting and paying to the  
5 Department all tax accruing under this Act with respect to such  
6 sales, if the retailers who are affected do not make written  
7 objection to the Department to this arrangement.

8 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
9 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.  
10 7-1-18; revised 10-20-17.)

11 Section 205. The Service Use Tax Act is amended by changing  
12 Sections 2 and 9 as follows:

13 (35 ILCS 110/2) (from Ch. 120, par. 439.32)

14 Sec. 2. Definitions. In this Act:

15 "Use" means the exercise by any person of any right or  
16 power over tangible personal property incident to the ownership  
17 of that property, but does not include the sale or use for  
18 demonstration by him of that property in any form as tangible  
19 personal property in the regular course of business. "Use" does  
20 not mean the interim use of tangible personal property nor the  
21 physical incorporation of tangible personal property, as an  
22 ingredient or constituent, into other tangible personal  
23 property, (a) which is sold in the regular course of business  
24 or (b) which the person incorporating such ingredient or

1 constituent therein has undertaken at the time of such purchase  
2 to cause to be transported in interstate commerce to  
3 destinations outside the State of Illinois.

4 "Purchased from a serviceman" means the acquisition of the  
5 ownership of, or title to, tangible personal property through a  
6 sale of service.

7 "Purchaser" means any person who, through a sale of  
8 service, acquires the ownership of, or title to, any tangible  
9 personal property.

10 "Cost price" means the consideration paid by the serviceman  
11 for a purchase valued in money, whether paid in money or  
12 otherwise, including cash, credits and services, and shall be  
13 determined without any deduction on account of the supplier's  
14 cost of the property sold or on account of any other expense  
15 incurred by the supplier. When a serviceman contracts out part  
16 or all of the services required in his sale of service, it  
17 shall be presumed that the cost price to the serviceman of the  
18 property transferred to him or her by his or her subcontractor  
19 is equal to 50% of the subcontractor's charges to the  
20 serviceman in the absence of proof of the consideration paid by  
21 the subcontractor for the purchase of such property.

22 "Selling price" means the consideration for a sale valued  
23 in money whether received in money or otherwise, including  
24 cash, credits and service, and shall be determined without any  
25 deduction on account of the serviceman's cost of the property  
26 sold, the cost of materials used, labor or service cost or any

1 other expense whatsoever, but does not include interest or  
2 finance charges which appear as separate items on the bill of  
3 sale or sales contract nor charges that are added to prices by  
4 sellers on account of the seller's duty to collect, from the  
5 purchaser, the tax that is imposed by this Act.

6 "Department" means the Department of Revenue.

7 "Person" means any natural individual, firm, partnership,  
8 association, joint stock company, joint venture, public or  
9 private corporation, limited liability company, and any  
10 receiver, executor, trustee, guardian or other representative  
11 appointed by order of any court.

12 "Sale of service" means any transaction except:

13 (1) a retail sale of tangible personal property taxable  
14 under the Retailers' Occupation Tax Act or under the Use  
15 Tax Act.

16 (2) a sale of tangible personal property for the  
17 purpose of resale made in compliance with Section 2c of the  
18 Retailers' Occupation Tax Act.

19 (3) except as hereinafter provided, a sale or transfer  
20 of tangible personal property as an incident to the  
21 rendering of service for or by any governmental body, or  
22 for or by any corporation, society, association,  
23 foundation or institution organized and operated  
24 exclusively for charitable, religious or educational  
25 purposes or any not-for-profit corporation, society,  
26 association, foundation, institution or organization which

1 has no compensated officers or employees and which is  
2 organized and operated primarily for the recreation of  
3 persons 55 years of age or older. A limited liability  
4 company may qualify for the exemption under this paragraph  
5 only if the limited liability company is organized and  
6 operated exclusively for educational purposes.

7 (4) (blank).

8 (4a) a sale or transfer of tangible personal property  
9 as an incident to the rendering of service for owners,  
10 lessors, or shippers of tangible personal property which is  
11 utilized by interstate carriers for hire for use as rolling  
12 stock moving in interstate commerce so long as so used by  
13 interstate carriers for hire, and equipment operated by a  
14 telecommunications provider, licensed as a common carrier  
15 by the Federal Communications Commission, which is  
16 permanently installed in or affixed to aircraft moving in  
17 interstate commerce.

18 (4a-5) on and after July 1, 2003 and through June 30,  
19 2004, a sale or transfer of a motor vehicle of the second  
20 division with a gross vehicle weight in excess of 8,000  
21 pounds as an incident to the rendering of service if that  
22 motor vehicle is subject to the commercial distribution fee  
23 imposed under Section 3-815.1 of the Illinois Vehicle Code.  
24 Beginning on July 1, 2004 and through June 30, 2005, the  
25 use in this State of motor vehicles of the second division:  
26 (i) with a gross vehicle weight rating in excess of 8,000

1           pounds; (ii) that are subject to the commercial  
2           distribution fee imposed under Section 3-815.1 of the  
3           Illinois Vehicle Code; and (iii) that are primarily used  
4           for commercial purposes. Through June 30, 2005, this  
5           exemption applies to repair and replacement parts added  
6           after the initial purchase of such a motor vehicle if that  
7           motor vehicle is used in a manner that would qualify for  
8           the rolling stock exemption otherwise provided for in this  
9           Act. For purposes of this paragraph, "used for commercial  
10          purposes" means the transportation of persons or property  
11          in furtherance of any commercial or industrial enterprise  
12          whether for-hire or not.

13                 (5) a sale or transfer of machinery and equipment used  
14          primarily in the process of the manufacturing or  
15          assembling, either in an existing, an expanded or a new  
16          manufacturing facility, of tangible personal property for  
17          wholesale or retail sale or lease, whether such sale or  
18          lease is made directly by the manufacturer or by some other  
19          person, whether the materials used in the process are owned  
20          by the manufacturer or some other person, or whether such  
21          sale or lease is made apart from or as an incident to the  
22          seller's engaging in a service occupation and the  
23          applicable tax is a Service Use Tax or Service Occupation  
24          Tax, rather than Use Tax or Retailers' Occupation Tax. The  
25          exemption provided by this paragraph (5) does not include  
26          machinery and equipment used in (i) the generation of



1 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  
4 through pipes, pipelines, or mains; or (iii) the treatment  
5 of water for wholesale or retail sale that is delivered to  
6 customers through pipes, pipelines, or mains. The  
7 provisions of Public Act 98-583 ~~this amendatory Act of the~~  
8 ~~98th General Assembly~~ are declaratory of existing law as to  
9 the meaning and scope of this exemption. The exemption  
10 under this paragraph (5) is exempt from the provisions of  
11 Section 3-75.

12 (5a) the repairing, reconditioning or remodeling, for  
13 a common carrier by rail, of tangible personal property  
14 which belongs to such carrier for hire, and as to which  
15 such carrier receives the physical possession of the  
16 repaired, reconditioned or remodeled item of tangible  
17 personal property in Illinois, and which such carrier  
18 transports, or shares with another common carrier in the  
19 transportation of such property, out of Illinois on a  
20 standard uniform bill of lading showing the person who  
21 repaired, reconditioned or remodeled the property to a  
22 destination outside Illinois, for use outside Illinois.

23 (5b) a sale or transfer of tangible personal property  
24 which is produced by the seller thereof on special order in  
25 such a way as to have made the applicable tax the Service  
26 Occupation Tax or the Service Use Tax, rather than the

1       Retailers' Occupation Tax or the Use Tax, for an interstate  
2       carrier by rail which receives the physical possession of  
3       such property in Illinois, and which transports such  
4       property, or shares with another common carrier in the  
5       transportation of such property, out of Illinois on a  
6       standard uniform bill of lading showing the seller of the  
7       property as the shipper or consignor of such property to a  
8       destination outside Illinois, for use outside Illinois.

9           (6) until July 1, 2003, a sale or transfer of  
10       distillation machinery and equipment, sold as a unit or kit  
11       and assembled or installed by the retailer, which machinery  
12       and equipment is certified by the user to be used only for  
13       the production of ethyl alcohol that will be used for  
14       consumption as motor fuel or as a component of motor fuel  
15       for the personal use of such user and not subject to sale  
16       or resale.

17           (7) at the election of any serviceman not required to  
18       be otherwise registered as a retailer under Section 2a of  
19       the Retailers' Occupation Tax Act, made for each fiscal  
20       year sales of service in which the aggregate annual cost  
21       price of tangible personal property transferred as an  
22       incident to the sales of service is less than 35%, or 75%  
23       in the case of servicemen transferring prescription drugs  
24       or servicemen engaged in graphic arts production, of the  
25       aggregate annual total gross receipts from all sales of  
26       service. The purchase of such tangible personal property by

1           the serviceman shall be subject to tax under the Retailers'  
2           Occupation Tax Act and the Use Tax Act. However, if a  
3           primary serviceman who has made the election described in  
4           this paragraph subcontracts service work to a secondary  
5           serviceman who has also made the election described in this  
6           paragraph, the primary serviceman does not incur a Use Tax  
7           liability if the secondary serviceman (i) has paid or will  
8           pay Use Tax on his or her cost price of any tangible  
9           personal property transferred to the primary serviceman  
10          and (ii) certifies that fact in writing to the primary  
11          serviceman.

12          Tangible personal property transferred incident to the  
13          completion of a maintenance agreement is exempt from the tax  
14          imposed pursuant to this Act.

15          Exemption (5) also includes machinery and equipment used in  
16          the general maintenance or repair of such exempt machinery and  
17          equipment or for in-house manufacture of exempt machinery and  
18          equipment. On and after July 1, 2017, exemption (5) also  
19          includes graphic arts machinery and equipment, as defined in  
20          paragraph (5) of Section 3-5. The machinery and equipment  
21          exemption does not include machinery and equipment used in (i)  
22          the generation of electricity for wholesale or retail sale;  
23          (ii) the generation or treatment of natural or artificial gas  
24          for wholesale or retail sale that is delivered to customers  
25          through pipes, pipelines, or mains; or (iii) the treatment of  
26          water for wholesale or retail sale that is delivered to

1 customers through pipes, pipelines, or mains. The provisions of  
2 Public Act 98-583 ~~this amendatory Act of the 98th General~~  
3 ~~Assembly~~ are declaratory of existing law as to the meaning and  
4 scope of this exemption. For the purposes of exemption (5),  
5 each of these terms shall have the following meanings: (1)  
6 "manufacturing process" shall mean the production of any  
7 article of tangible personal property, whether such article is  
8 a finished product or an article for use in the process of  
9 manufacturing or assembling a different article of tangible  
10 personal property, by procedures commonly regarded as  
11 manufacturing, processing, fabricating, or refining which  
12 changes some existing material or materials into a material  
13 with a different form, use or name. In relation to a recognized  
14 integrated business composed of a series of operations which  
15 collectively constitute manufacturing, or individually  
16 constitute manufacturing operations, the manufacturing process  
17 shall be deemed to commence with the first operation or stage  
18 of production in the series, and shall not be deemed to end  
19 until the completion of the final product in the last operation  
20 or stage of production in the series; and further, for purposes  
21 of exemption (5), photoprocessing is deemed to be a  
22 manufacturing process of tangible personal property for  
23 wholesale or retail sale; (2) "assembling process" shall mean  
24 the production of any article of tangible personal property,  
25 whether such article is a finished product or an article for  
26 use in the process of manufacturing or assembling a different

1 article of tangible personal property, by the combination of  
2 existing materials in a manner commonly regarded as assembling  
3 which results in a material of a different form, use or name;  
4 (3) "machinery" shall mean major mechanical machines or major  
5 components of such machines contributing to a manufacturing or  
6 assembling process; and (4) "equipment" shall include any  
7 independent device or tool separate from any machinery but  
8 essential to an integrated manufacturing or assembly process;  
9 including computers used primarily in a manufacturer's  
10 computer assisted design, computer assisted manufacturing  
11 (CAD/CAM) system; or any subunit or assembly comprising a  
12 component of any machinery or auxiliary, adjunct or attachment  
13 parts of machinery, such as tools, dies, jigs, fixtures,  
14 patterns and molds; or any parts which require periodic  
15 replacement in the course of normal operation; but shall not  
16 include hand tools. Equipment includes chemicals or chemicals  
17 acting as catalysts but only if the chemicals or chemicals  
18 acting as catalysts effect a direct and immediate change upon a  
19 product being manufactured or assembled for wholesale or retail  
20 sale or lease. The purchaser of such machinery and equipment  
21 who has an active resale registration number shall furnish such  
22 number to the seller at the time of purchase. The user of such  
23 machinery and equipment and tools without an active resale  
24 registration number shall prepare a certificate of exemption  
25 for each transaction stating facts establishing the exemption  
26 for that transaction, which certificate shall be available to

1 the Department for inspection or audit. The Department shall  
2 prescribe the form of the certificate.

3 Any informal rulings, opinions or letters issued by the  
4 Department in response to an inquiry or request for any opinion  
5 from any person regarding the coverage and applicability of  
6 exemption (5) to specific devices shall be published,  
7 maintained as a public record, and made available for public  
8 inspection and copying. If the informal ruling, opinion or  
9 letter contains trade secrets or other confidential  
10 information, where possible the Department shall delete such  
11 information prior to publication. Whenever such informal  
12 rulings, opinions, or letters contain any policy of general  
13 applicability, the Department shall formulate and adopt such  
14 policy as a rule in accordance with the provisions of the  
15 Illinois Administrative Procedure Act.

16 On and after July 1, 1987, no entity otherwise eligible  
17 under exemption (3) of this Section shall make tax-free ~~tax~~  
18 ~~free~~ purchases unless it has an active exemption identification  
19 number issued by the Department.

20 The purchase, employment and transfer of such tangible  
21 personal property as newsprint and ink for the primary purpose  
22 of conveying news (with or without other information) is not a  
23 purchase, use or sale of service or of tangible personal  
24 property within the meaning of this Act.

25 "Serviceman" means any person who is engaged in the  
26 occupation of making sales of service.

1 "Sale at retail" means "sale at retail" as defined in the  
2 Retailers' Occupation Tax Act.

3 "Supplier" means any person who makes sales of tangible  
4 personal property to servicemen for the purpose of resale as an  
5 incident to a sale of service.

6 "Serviceman maintaining a place of business in this State",  
7 or any like term, means and includes any serviceman:

8 1. having or maintaining within this State, directly or  
9 by a subsidiary, an office, distribution house, sales  
10 house, warehouse or other place of business, or any agent  
11 or other representative operating within this State under  
12 the authority of the serviceman or its subsidiary,  
13 irrespective of whether such place of business or agent or  
14 other representative is located here permanently or  
15 temporarily, or whether such serviceman or subsidiary is  
16 licensed to do business in this State;

17 1.1. having a contract with a person located in this  
18 State under which the person, for a commission or other  
19 consideration based on the sale of service by the  
20 serviceman, directly or indirectly refers potential  
21 customers to the serviceman by providing to the potential  
22 customers a promotional code or other mechanism that allows  
23 the serviceman to track purchases referred by such persons.  
24 Examples of mechanisms that allow the serviceman to track  
25 purchases referred by such persons include but are not  
26 limited to the use of a link on the person's Internet

1 website, promotional codes distributed through the  
2 person's hand-delivered or mailed material, and  
3 promotional codes distributed by the person through radio  
4 or other broadcast media. The provisions of this paragraph  
5 1.1 shall apply only if the cumulative gross receipts from  
6 sales of service by the serviceman to customers who are  
7 referred to the serviceman by all persons in this State  
8 under such contracts exceed \$10,000 during the preceding 4  
9 quarterly periods ending on the last day of March, June,  
10 September, and December; a serviceman meeting the  
11 requirements of this paragraph 1.1 shall be presumed to be  
12 maintaining a place of business in this State but may rebut  
13 this presumption by submitting proof that the referrals or  
14 other activities pursued within this State by such persons  
15 were not sufficient to meet the nexus standards of the  
16 United States Constitution during the preceding 4  
17 quarterly periods;

18 1.2. beginning July 1, 2011, having a contract with a  
19 person located in this State under which:

20 A. the serviceman sells the same or substantially  
21 similar line of services as the person located in this  
22 State and does so using an identical or substantially  
23 similar name, trade name, or trademark as the person  
24 located in this State; and

25 B. the serviceman provides a commission or other  
26 consideration to the person located in this State based



1           upon the sale of services by the serviceman.

2           The provisions of this paragraph 1.2 shall apply only if  
3           the cumulative gross receipts from sales of service by the  
4           serviceman to customers in this State under all such  
5           contracts exceed \$10,000 during the preceding 4 quarterly  
6           periods ending on the last day of March, June, September,  
7           and December;

8           2. soliciting orders for tangible personal property by  
9           means of a telecommunication or television shopping system  
10          (which utilizes toll free numbers) which is intended by the  
11          retailer to be broadcast by cable television or other means  
12          of broadcasting, to consumers located in this State;

13          3. pursuant to a contract with a broadcaster or  
14          publisher located in this State, soliciting orders for  
15          tangible personal property by means of advertising which is  
16          disseminated primarily to consumers located in this State  
17          and only secondarily to bordering jurisdictions;

18          4. soliciting orders for tangible personal property by  
19          mail if the solicitations are substantial and recurring and  
20          if the retailer benefits from any banking, financing, debt  
21          collection, telecommunication, or marketing activities  
22          occurring in this State or benefits from the location in  
23          this State of authorized installation, servicing, or  
24          repair facilities;

25          5. being owned or controlled by the same interests  
26          which own or control any retailer engaging in business in

1 the same or similar line of business in this State;

2 6. having a franchisee or licensee operating under its  
3 trade name if the franchisee or licensee is required to  
4 collect the tax under this Section;

5 7. pursuant to a contract with a cable television  
6 operator located in this State, soliciting orders for  
7 tangible personal property by means of advertising which is  
8 transmitted or distributed over a cable television system  
9 in this State; or

10 8. engaging in activities in Illinois, which  
11 activities in the state in which the supply business  
12 engaging in such activities is located would constitute  
13 maintaining a place of business in that state.

14 (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;  
15 revised 9-27-17.)

16 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

17 (Text of Section before amendment by P.A. 100-363)

18 Sec. 9. Each serviceman required or authorized to collect  
19 the tax herein imposed shall pay to the Department the amount  
20 of such tax (except as otherwise provided) at the time when he  
21 is required to file his return for the period during which such  
22 tax was collected, less a discount of 2.1% prior to January 1,  
23 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
24 year, whichever is greater, which is allowed to reimburse the  
25 serviceman for expenses incurred in collecting the tax, keeping

1 records, preparing and filing returns, remitting the tax and  
2 supplying data to the Department on request. The discount  
3 allowed under this Section is allowed only for returns that are  
4 filed in the manner required by this Act. The Department may  
5 disallow the discount for servicemen whose certificate of  
6 registration is revoked at the time the return is filed, but  
7 only if the Department's decision to revoke the certificate of  
8 registration has become final. A serviceman need not remit that  
9 part of any tax collected by him to the extent that he is  
10 required to pay and does pay the tax imposed by the Service  
11 Occupation Tax Act with respect to his sale of service  
12 involving the incidental transfer by him of the same property.

13 Except as provided hereinafter in this Section, on or  
14 before the twentieth day of each calendar month, such  
15 serviceman shall file a return for the preceding calendar month  
16 in accordance with reasonable Rules and Regulations to be  
17 promulgated by the Department. Such return shall be filed on a  
18 form prescribed by the Department and shall contain such  
19 information as the Department may reasonably require. On and  
20 after January 1, 2018, with respect to servicemen whose annual  
21 gross receipts average \$20,000 or more, all returns required to  
22 be filed pursuant to this Act shall be filed electronically.  
23 Servicemen who demonstrate that they do not have access to the  
24 Internet or demonstrate hardship in filing electronically may  
25 petition the Department to waive the electronic filing  
26 requirement.

1           The Department may require returns to be filed on a  
2 quarterly basis. If so required, a return for each calendar  
3 quarter shall be filed on or before the twentieth day of the  
4 calendar month following the end of such calendar quarter. The  
5 taxpayer shall also file a return with the Department for each  
6 of the first two months of each calendar quarter, on or before  
7 the twentieth day of the following calendar month, stating:

8           1. The name of the seller;

9           2. The address of the principal place of business from  
10 which he engages in business as a serviceman in this State;

11           3. The total amount of taxable receipts received by him  
12 during the preceding calendar month, including receipts  
13 from charge and time sales, but less all deductions allowed  
14 by law;

15           4. The amount of credit provided in Section 2d of this  
16 Act;

17           5. The amount of tax due;

18           5-5. The signature of the taxpayer; and

19           6. Such other reasonable information as the Department  
20 may require.

21           If a taxpayer fails to sign a return within 30 days after  
22 the proper notice and demand for signature by the Department,  
23 the return shall be considered valid and any amount shown to be  
24 due on the return shall be deemed assessed.

25           Beginning October 1, 1993, a taxpayer who has an average  
26 monthly tax liability of \$150,000 or more shall make all

1 payments required by rules of the Department by electronic  
2 funds transfer. Beginning October 1, 1994, a taxpayer who has  
3 an average monthly tax liability of \$100,000 or more shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer. Beginning October 1, 1995, a taxpayer who has  
6 an average monthly tax liability of \$50,000 or more shall make  
7 all payments required by rules of the Department by electronic  
8 funds transfer. Beginning October 1, 2000, a taxpayer who has  
9 an annual tax liability of \$200,000 or more shall make all  
10 payments required by rules of the Department by electronic  
11 funds transfer. The term "annual tax liability" shall be the  
12 sum of the taxpayer's liabilities under this Act, and under all  
13 other State and local occupation and use tax laws administered  
14 by the Department, for the immediately preceding calendar year.  
15 The term "average monthly tax liability" means the sum of the  
16 taxpayer's liabilities under this Act, and under all other  
17 State and local occupation and use tax laws administered by the  
18 Department, for the immediately preceding calendar year  
19 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
20 a tax liability in the amount set forth in subsection (b) of  
21 Section 2505-210 of the Department of Revenue Law shall make  
22 all payments required by rules of the Department by electronic  
23 funds transfer.

24 Before August 1 of each year beginning in 1993, the  
25 Department shall notify all taxpayers required to make payments  
26 by electronic funds transfer. All taxpayers required to make

1 payments by electronic funds transfer shall make those payments  
2 for a minimum of one year beginning on October 1.

3 Any taxpayer not required to make payments by electronic  
4 funds transfer may make payments by electronic funds transfer  
5 with the permission of the Department.

6 All taxpayers required to make payment by electronic funds  
7 transfer and any taxpayers authorized to voluntarily make  
8 payments by electronic funds transfer shall make those payments  
9 in the manner authorized by the Department.

10 The Department shall adopt such rules as are necessary to  
11 effectuate a program of electronic funds transfer and the  
12 requirements of this Section.

13 If the serviceman is otherwise required to file a monthly  
14 return and if the serviceman's average monthly tax liability to  
15 the Department does not exceed \$200, the Department may  
16 authorize his returns to be filed on a quarter annual basis,  
17 with the return for January, February and March of a given year  
18 being due by April 20 of such year; with the return for April,  
19 May and June of a given year being due by July 20 of such year;  
20 with the return for July, August and September of a given year  
21 being due by October 20 of such year, and with the return for  
22 October, November and December of a given year being due by  
23 January 20 of the following year.

24 If the serviceman is otherwise required to file a monthly  
25 or quarterly return and if the serviceman's average monthly tax  
26 liability to the Department does not exceed \$50, the Department

1 may authorize his returns to be filed on an annual basis, with  
2 the return for a given year being due by January 20 of the  
3 following year.

4 Such quarter annual and annual returns, as to form and  
5 substance, shall be subject to the same requirements as monthly  
6 returns.

7 Notwithstanding any other provision in this Act concerning  
8 the time within which a serviceman may file his return, in the  
9 case of any serviceman who ceases to engage in a kind of  
10 business which makes him responsible for filing returns under  
11 this Act, such serviceman shall file a final return under this  
12 Act with the Department not more than 1 month after  
13 discontinuing such business.

14 Where a serviceman collects the tax with respect to the  
15 selling price of property which he sells and the purchaser  
16 thereafter returns such property and the serviceman refunds the  
17 selling price thereof to the purchaser, such serviceman shall  
18 also refund, to the purchaser, the tax so collected from the  
19 purchaser. When filing his return for the period in which he  
20 refunds such tax to the purchaser, the serviceman may deduct  
21 the amount of the tax so refunded by him to the purchaser from  
22 any other Service Use Tax, Service Occupation Tax, retailers'  
23 occupation tax or use tax which such serviceman may be required  
24 to pay or remit to the Department, as shown by such return,  
25 provided that the amount of the tax to be deducted shall  
26 previously have been remitted to the Department by such

1 serviceman. If the serviceman shall not previously have  
2 remitted the amount of such tax to the Department, he shall be  
3 entitled to no deduction hereunder upon refunding such tax to  
4 the purchaser.

5 Any serviceman filing a return hereunder shall also include  
6 the total tax upon the selling price of tangible personal  
7 property purchased for use by him as an incident to a sale of  
8 service, and such serviceman shall remit the amount of such tax  
9 to the Department when filing such return.

10 If experience indicates such action to be practicable, the  
11 Department may prescribe and furnish a combination or joint  
12 return which will enable servicemen, who are required to file  
13 returns hereunder and also under the Service Occupation Tax  
14 Act, to furnish all the return information required by both  
15 Acts on the one form.

16 Where the serviceman has more than one business registered  
17 with the Department under separate registration hereunder,  
18 such serviceman shall not file each return that is due as a  
19 single return covering all such registered businesses, but  
20 shall file separate returns for each such registered business.

21 Beginning January 1, 1990, each month the Department shall  
22 pay into the State and Local Tax Reform Fund, a special fund in  
23 the State Treasury, the net revenue realized for the preceding  
24 month from the 1% tax on sales of food for human consumption  
25 which is to be consumed off the premises where it is sold  
26 (other than alcoholic beverages, soft drinks and food which has



1 been prepared for immediate consumption) and prescription and  
2 nonprescription medicines, drugs, medical appliances, products  
3 classified as Class III medical devices, by the United States  
4 Food and Drug Administration that are used for cancer treatment  
5 pursuant to a prescription, as well as any accessories and  
6 components related to those devices, and insulin, urine testing  
7 materials, syringes and needles used by diabetics.

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the State and Local Sales Tax Reform Fund 20% of the  
10 net revenue realized for the preceding month from the 6.25%  
11 general rate on transfers of tangible personal property, other  
12 than tangible personal property which is purchased outside  
13 Illinois at retail from a retailer and which is titled or  
14 registered by an agency 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.

19 Beginning October 1, 2009, each month the Department shall  
20 pay into the Capital Projects Fund an amount that is equal to  
21 an amount estimated by the Department to represent 80% of the  
22 net revenue realized for the preceding month from the sale of  
23 candy, grooming and hygiene products, and soft drinks that had  
24 been taxed at a rate of 1% prior to September 1, 2009 but that  
25 are now taxed at 6.25%.

26 Beginning July 1, 2013, each month the Department shall pay

1 into the Underground Storage Tank Fund from the proceeds  
2 collected under this Act, the Use Tax Act, the Service  
3 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
4 amount equal to the average monthly deficit in the Underground  
5 Storage Tank Fund during the prior year, as certified annually  
6 by the Illinois Environmental Protection Agency, but the total  
7 payment into the Underground Storage Tank Fund under this Act,  
8 the Use Tax Act, the Service Occupation Tax Act, and the  
9 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in  
10 any State fiscal year. As used in this paragraph, the "average  
11 monthly deficit" shall be equal to the difference between the  
12 average monthly claims for payment by the fund and the average  
13 monthly revenues deposited into the fund, excluding payments  
14 made pursuant to this paragraph.

15 Beginning July 1, 2015, of the remainder of the moneys  
16 received by the Department under the Use Tax Act, this Act, the  
17 Service Occupation Tax Act, and the Retailers' Occupation Tax  
18 Act, each month the Department shall deposit \$500,000 into the  
19 State Crime Laboratory Fund.

20 Of the remainder of the moneys received by the Department  
21 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
22 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
23 and after July 1, 1989, 3.8% thereof shall be paid into the  
24 Build Illinois Fund; provided, however, that if in any fiscal  
25 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
26 may be, of the moneys received by the Department and required

1 to be paid into the Build Illinois Fund pursuant to Section 3  
2 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
3 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
4 Service Occupation Tax Act, such Acts being hereinafter called  
5 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
6 may be, of moneys being hereinafter called the "Tax Act  
7 Amount", and (2) the amount transferred to the Build Illinois  
8 Fund from the State and Local Sales Tax Reform Fund shall be  
9 less than the Annual Specified Amount (as defined in Section 3  
10 of the Retailers' Occupation Tax Act), an amount equal to the  
11 difference shall be immediately paid into the Build Illinois  
12 Fund from other moneys received by the Department pursuant to  
13 the Tax Acts; and further provided, that if on the last  
14 business day of any month the sum of (1) the Tax Act Amount  
15 required to be deposited into the Build Illinois Bond Account  
16 in the Build Illinois Fund during such month and (2) the amount  
17 transferred during such month to the Build Illinois Fund from  
18 the State and Local Sales Tax Reform Fund shall have been less  
19 than 1/12 of the Annual Specified Amount, an amount equal to  
20 the difference shall be immediately paid into the Build  
21 Illinois Fund from other moneys received by the Department  
22 pursuant to the Tax Acts; and, further provided, that in no  
23 event shall the payments required under the preceding proviso  
24 result in aggregate payments into the Build Illinois Fund  
25 pursuant to this clause (b) for any fiscal year in excess of  
26 the greater of (i) the Tax Act Amount or (ii) the Annual

1 Specified Amount for such fiscal year; and, further provided,  
2 that the amounts payable into the Build Illinois Fund under  
3 this clause (b) shall be payable only until such time as the  
4 aggregate amount on deposit under each trust indenture securing  
5 Bonds issued and outstanding pursuant to the Build Illinois  
6 Bond Act is sufficient, taking into account any future  
7 investment income, to fully provide, in accordance with such  
8 indenture, for the defeasance of or the payment of the  
9 principal of, premium, if any, and interest on the Bonds  
10 secured by such indenture and on any Bonds expected to be  
11 issued thereafter and all fees and costs payable with respect  
12 thereto, all as certified by the Director of the Bureau of the  
13 Budget (now Governor's Office of Management and Budget). If on  
14 the last business day of any month in which Bonds are  
15 outstanding pursuant to the Build Illinois Bond Act, the  
16 aggregate of the moneys deposited in the Build Illinois Bond  
17 Account in the Build Illinois Fund in such month shall be less  
18 than the amount required to be transferred in such month from  
19 the Build Illinois Bond Account to the Build Illinois Bond  
20 Retirement and Interest Fund pursuant to Section 13 of the  
21 Build Illinois Bond Act, an amount equal to such deficiency  
22 shall be immediately paid from other moneys received by the  
23 Department pursuant to the Tax Acts to the Build Illinois Fund;  
24 provided, however, that any amounts paid to the Build Illinois  
25 Fund in any fiscal year pursuant to this sentence shall be  
26 deemed to constitute payments pursuant to clause (b) of the

1 preceding sentence and shall reduce the amount otherwise  
 2 payable for such fiscal year pursuant to clause (b) of the  
 3 preceding sentence. The moneys received by the Department  
 4 pursuant to this Act and required to be deposited into the  
 5 Build Illinois Fund are subject to the pledge, claim and charge  
 6 set forth in Section 12 of the Build Illinois Bond Act.

7 Subject to payment of amounts into the Build Illinois Fund  
 8 as provided in the preceding paragraph or in any amendment  
 9 thereto hereafter enacted, the following specified monthly  
 10 installment of the amount requested in the certificate of the  
 11 Chairman of the Metropolitan Pier and Exposition Authority  
 12 provided under Section 8.25f of the State Finance Act, but not  
 13 in excess of the sums designated as "Total Deposit", shall be  
 14 deposited in the aggregate from collections under Section 9 of  
 15 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 16 9 of the Service Occupation Tax Act, and Section 3 of the  
 17 Retailers' Occupation Tax Act into the McCormick Place  
 18 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
20	1993	\$0
21	1994	53,000,000
22	1995	58,000,000
23	1996	61,000,000
24	1997	64,000,000
25	1998	68,000,000

1	1999	71,000,000
2	2000	75,000,000
3	2001	80,000,000
4	2002	93,000,000
5	2003	99,000,000
6	2004	103,000,000
7	2005	108,000,000
8	2006	113,000,000
9	2007	119,000,000
10	2008	126,000,000
11	2009	132,000,000
12	2010	139,000,000
13	2011	146,000,000
14	2012	153,000,000
15	2013	161,000,000
16	2014	170,000,000
17	2015	179,000,000
18	2016	189,000,000
19	2017	199,000,000
20	2018	210,000,000
21	2019	221,000,000
22	2020	233,000,000
23	2021	246,000,000
24	2022	260,000,000
25	2023	275,000,000
26	2024	275,000,000

1	2025	275,000,000
2	2026	279,000,000
3	2027	292,000,000
4	2028	307,000,000
5	2029	322,000,000
6	2030	338,000,000
7	2031	350,000,000
8	2032	350,000,000

9                                   and  
 10                                  each fiscal year  
 11                                  thereafter that bonds  
 12                                  are outstanding under  
 13                                  Section 13.2 of the  
 14                                  Metropolitan Pier and  
 15                                  Exposition Authority Act,  
 16                                  but not after fiscal year 2060.

17                   Beginning July 20, 1993 and in each month of each fiscal  
 18                   year thereafter, one-eighth of the amount requested in the  
 19                   certificate of the Chairman of the Metropolitan Pier and  
 20                   Exposition Authority for that fiscal year, less the amount  
 21                   deposited into the McCormick Place Expansion Project Fund by  
 22                   the State Treasurer in the respective month under subsection  
 23                   (g) of Section 13 of the Metropolitan Pier and Exposition  
 24                   Authority Act, plus cumulative deficiencies in the deposits  
 25                   required under this Section for previous months and years,  
 26                   shall be deposited into the McCormick Place Expansion Project

1 Fund, until the full amount requested for the fiscal year, but  
2 not in excess of the amount specified above as "Total Deposit",  
3 has been deposited.

4 Subject to payment of amounts into the Build Illinois Fund  
5 and the McCormick Place Expansion Project Fund pursuant to the  
6 preceding paragraphs or in any amendments thereto hereafter  
7 enacted, beginning July 1, 1993 and ending on September 30,  
8 2013, the Department shall each month pay into the Illinois Tax  
9 Increment Fund 0.27% of 80% of the net revenue realized for the  
10 preceding month from the 6.25% general rate on the selling  
11 price of tangible personal property.

12 Subject to payment of amounts into the Build Illinois Fund  
13 and the McCormick Place Expansion Project Fund pursuant to the  
14 preceding paragraphs or in any amendments thereto hereafter  
15 enacted, beginning with the receipt of the first report of  
16 taxes paid by an eligible business and continuing for a 25-year  
17 period, the Department shall each month pay into the Energy  
18 Infrastructure Fund 80% of the net revenue realized from the  
19 6.25% general rate on the selling price of Illinois-mined coal  
20 that was sold to an eligible business. For purposes of this  
21 paragraph, the term "eligible business" means a new electric  
22 generating facility certified pursuant to Section 605-332 of  
23 the Department of Commerce and Economic Opportunity Law of the  
24 Civil Administrative Code of Illinois.

25 Subject to payment of amounts into the Build Illinois Fund,  
26 the McCormick Place Expansion Project Fund, the Illinois Tax



1 Increment Fund, and the Energy Infrastructure Fund pursuant to  
2 the preceding paragraphs or in any amendments to this Section  
3 hereafter enacted, beginning on the first day of the first  
4 calendar month to occur on or after August 26, 2014 (the  
5 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
6 ~~the 98th General Assembly~~, each month, from the collections  
7 made under Section 9 of the Use Tax Act, Section 9 of the  
8 Service Use Tax Act, Section 9 of the Service Occupation Tax  
9 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
10 Department shall pay into the Tax Compliance and Administration  
11 Fund, to be used, subject to appropriation, to fund additional  
12 auditors and compliance personnel at the Department of Revenue,  
13 an amount equal to 1/12 of 5% of 80% of the cash receipts  
14 collected during the preceding fiscal year by the Audit Bureau  
15 of the Department under the Use Tax Act, the Service Use Tax  
16 Act, the Service Occupation Tax Act, the Retailers' Occupation  
17 Tax Act, and associated local occupation and use taxes  
18 administered by the Department.

19 Of the remainder of the moneys received by the Department  
20 pursuant to this Act, 75% thereof shall be paid into the  
21 General Revenue Fund of the State Treasury and 25% shall be  
22 reserved in a special account and used only for the transfer to  
23 the Common School Fund as part of the monthly transfer from the  
24 General Revenue Fund in accordance with Section 8a of the State  
25 Finance Act.

26 As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller  
2 shall order transferred and the Treasurer shall transfer from  
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
4 equal to 1.7% of 80% of the net revenue realized under this Act  
5 for the second preceding month. Beginning April 1, 2000, this  
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue  
8 collected by the State pursuant to this Act, less the amount  
9 paid out during that month as refunds to taxpayers for  
10 overpayment of liability.

11 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
12 100-303, eff. 8-24-17; revised 1-22-18.)

13 (Text of Section after amendment by P.A. 100-363)

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 discount  
24 allowed under this Section is allowed only for returns that are  
25 filed in the manner required by this Act. The Department may

1 disallow the discount for servicemen whose certificate of  
2 registration is revoked at the time the return is filed, but  
3 only if the Department's decision to revoke the certificate of  
4 registration has become final. A serviceman need not remit that  
5 part of any tax collected by him to the extent that he is  
6 required to pay and does pay the tax imposed by the Service  
7 Occupation Tax Act with respect to his sale of service  
8 involving the incidental transfer by him of the same property.

9 Except as provided hereinafter in this Section, on or  
10 before the twentieth day of each calendar month, such  
11 serviceman shall file a return for the preceding calendar month  
12 in accordance with reasonable Rules and Regulations to be  
13 promulgated by the Department. Such return shall be filed on a  
14 form prescribed by the Department and shall contain such  
15 information as the Department may reasonably require. On and  
16 after January 1, 2018, with respect to servicemen whose annual  
17 gross receipts average \$20,000 or more, all returns required to  
18 be filed pursuant to this Act shall be filed electronically.  
19 Servicemen who demonstrate that they do not have access to the  
20 Internet or demonstrate hardship in filing electronically may  
21 petition the Department to waive the electronic filing  
22 requirement.

23 The Department may require returns to be filed on a  
24 quarterly basis. If so required, a return for each calendar  
25 quarter shall be filed on or before the twentieth day of the  
26 calendar month following the end of such calendar quarter. The

1 taxpayer shall also file a return with the Department for each  
2 of the first two months of each calendar quarter, on or before  
3 the twentieth day of the following calendar month, stating:

4 1. The name of the seller;

5 2. The address of the principal place of business from  
6 which he engages in business as a serviceman in this State;

7 3. The total amount of taxable receipts received by him  
8 during the preceding calendar month, including receipts  
9 from charge and time sales, but less all deductions allowed  
10 by law;

11 4. The amount of credit provided in Section 2d of this  
12 Act;

13 5. The amount of tax due;

14 5-5. The signature of the taxpayer; and

15 6. Such other reasonable information as the Department  
16 may require.

17 If a taxpayer fails to sign a return within 30 days after  
18 the proper notice and demand for signature by the Department,  
19 the return shall be considered valid and any amount shown to be  
20 due on the return shall be deemed assessed.

21 Beginning October 1, 1993, a taxpayer who has an average  
22 monthly tax liability of \$150,000 or more shall make all  
23 payments required by rules of the Department by electronic  
24 funds transfer. Beginning October 1, 1994, a taxpayer who has  
25 an average monthly tax liability of \$100,000 or more shall make  
26 all payments required by rules of the Department by electronic

1 funds transfer. Beginning October 1, 1995, a taxpayer who has  
2 an average monthly tax liability of \$50,000 or more shall make  
3 all payments required by rules of the Department by electronic  
4 funds transfer. Beginning October 1, 2000, a taxpayer who has  
5 an annual tax liability of \$200,000 or more shall make all  
6 payments required by rules of the Department by electronic  
7 funds transfer. The term "annual tax liability" shall be the  
8 sum of the taxpayer's liabilities under this Act, and under all  
9 other State and local occupation and use tax laws administered  
10 by the Department, for the immediately preceding calendar year.  
11 The term "average monthly tax liability" means the sum of the  
12 taxpayer's liabilities under this Act, and under all other  
13 State and local occupation and use tax laws administered by the  
14 Department, for the immediately preceding calendar year  
15 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
16 a tax liability in the amount set forth in subsection (b) of  
17 Section 2505-210 of the Department of Revenue Law shall make  
18 all payments required by rules of the Department by electronic  
19 funds transfer.

20 Before August 1 of each year beginning in 1993, the  
21 Department shall notify all taxpayers required to make payments  
22 by electronic funds transfer. All taxpayers required to make  
23 payments by electronic funds transfer shall make those payments  
24 for a minimum of one year beginning on October 1.

25 Any taxpayer not required to make payments by electronic  
26 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic funds  
3 transfer and any taxpayers authorized to voluntarily make  
4 payments by electronic funds transfer shall make those payments  
5 in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to  
7 effectuate a program of electronic funds transfer and the  
8 requirements of this Section.

9 If the serviceman is otherwise required to file a monthly  
10 return and if the serviceman's average monthly tax liability to  
11 the Department does not exceed \$200, the Department may  
12 authorize his returns to be filed on a quarter annual basis,  
13 with the return for January, February and March of a given year  
14 being due by April 20 of such year; with the return for April,  
15 May and June of a given year being due by July 20 of such year;  
16 with the return for July, August and September of a given year  
17 being due by October 20 of such year, and with the return for  
18 October, November and December of a given year being due by  
19 January 20 of the following year.

20 If the serviceman is otherwise required to file a monthly  
21 or quarterly return and if the serviceman's average monthly tax  
22 liability to the Department does not exceed \$50, the Department  
23 may authorize his returns to be filed on an annual basis, with  
24 the return for a given year being due by January 20 of the  
25 following year.

26 Such quarter annual and annual returns, as to form and

1 substance, shall be subject to the same requirements as monthly  
2 returns.

3 Notwithstanding any other provision in this Act concerning  
4 the time within which a serviceman may file his return, in the  
5 case of any serviceman who ceases to engage in a kind of  
6 business which makes him responsible for filing returns under  
7 this Act, such serviceman shall file a final return under this  
8 Act with the Department not more than 1 month after  
9 discontinuing such business.

10 Where a serviceman collects the tax with respect to the  
11 selling price of property which he sells and the purchaser  
12 thereafter returns such property and the serviceman refunds the  
13 selling price thereof to the purchaser, such serviceman shall  
14 also refund, to the purchaser, the tax so collected from the  
15 purchaser. When filing his return for the period in which he  
16 refunds such tax to the purchaser, the serviceman may deduct  
17 the amount of the tax so refunded by him to the purchaser from  
18 any other Service Use Tax, Service Occupation Tax, retailers'  
19 occupation tax or use tax which such serviceman may be required  
20 to pay or remit to the Department, as shown by such return,  
21 provided that the amount of the tax to be deducted shall  
22 previously have been remitted to the Department by such  
23 serviceman. If the serviceman shall not previously have  
24 remitted the amount of such tax to the Department, he shall be  
25 entitled to no deduction hereunder upon refunding such tax to  
26 the purchaser.

1 Any serviceman filing a return hereunder shall also include  
2 the total tax upon the selling price of tangible personal  
3 property purchased for use by him as an incident to a sale of  
4 service, and such serviceman shall remit the amount of such tax  
5 to the Department when filing such return.

6 If experience indicates such action to be practicable, the  
7 Department may prescribe and furnish a combination or joint  
8 return which will enable servicemen, who are required to file  
9 returns hereunder and also under the Service Occupation Tax  
10 Act, to furnish all the return information required by both  
11 Acts on the one form.

12 Where the serviceman has more than one business registered  
13 with the Department under separate registration hereunder,  
14 such serviceman shall not file each return that is due as a  
15 single return covering all such registered businesses, but  
16 shall file separate returns for each such registered business.

17 Beginning January 1, 1990, each month the Department shall  
18 pay into the State and Local Tax Reform Fund, a special fund in  
19 the State Treasury, the net revenue realized for the preceding  
20 month from the 1% tax on sales of food for human consumption  
21 which is to be consumed off the premises where it is sold  
22 (other than alcoholic beverages, soft drinks and food which has  
23 been prepared for immediate consumption) and prescription and  
24 nonprescription medicines, drugs, medical appliances, products  
25 classified as Class III medical devices, by the United States  
26 Food and Drug Administration that are used for cancer treatment



1 pursuant to a prescription, as well as any accessories and  
2 components related to those devices, and insulin, urine testing  
3 materials, syringes and needles used by diabetics.

4 Beginning January 1, 1990, each month the Department shall  
5 pay into the State and Local Sales Tax Reform Fund 20% of the  
6 net revenue realized for the preceding month from the 6.25%  
7 general rate on transfers of tangible personal property, other  
8 than tangible personal property which is purchased outside  
9 Illinois at retail from a retailer and which is titled or  
10 registered by an agency of this State's government.

11 Beginning August 1, 2000, each month the Department shall  
12 pay into the State and Local Sales Tax Reform Fund 100% of the  
13 net revenue realized for the preceding month from the 1.25%  
14 rate on the selling price of motor fuel and gasohol.

15 Beginning October 1, 2009, each month the Department shall  
16 pay into the Capital Projects Fund an amount that is equal to  
17 an amount estimated by the Department to represent 80% of the  
18 net revenue realized for the preceding month from the sale of  
19 candy, grooming and hygiene products, and soft drinks that had  
20 been taxed at a rate of 1% prior to September 1, 2009 but that  
21 are now taxed at 6.25%.

22 Beginning July 1, 2013, each month the Department shall pay  
23 into the Underground Storage Tank Fund from the proceeds  
24 collected under this Act, the Use Tax Act, the Service  
25 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
26 amount equal to the average monthly deficit in the Underground

1 Storage Tank Fund during the prior year, as certified annually  
2 by the Illinois Environmental Protection Agency, but the total  
3 payment into the Underground Storage Tank Fund under this Act,  
4 the Use Tax Act, the Service Occupation Tax Act, and the  
5 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in  
6 any State fiscal year. As used in this paragraph, the "average  
7 monthly deficit" shall be equal to the difference between the  
8 average monthly claims for payment by the fund and the average  
9 monthly revenues deposited into the fund, excluding payments  
10 made pursuant to this paragraph.

11 Beginning July 1, 2015, of the remainder of the moneys  
12 received by the Department under the Use Tax Act, this Act, the  
13 Service Occupation Tax Act, and the Retailers' Occupation Tax  
14 Act, each month the Department shall deposit \$500,000 into the  
15 State Crime Laboratory Fund.

16 Of the remainder of the moneys received by the Department  
17 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
18 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
19 and after July 1, 1989, 3.8% thereof shall be paid into the  
20 Build Illinois Fund; provided, however, that if in any fiscal  
21 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
22 may be, of the moneys received by the Department and required  
23 to be paid into the Build Illinois Fund pursuant to Section 3  
24 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
25 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
26 Service Occupation Tax Act, such Acts being hereinafter called

1 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
2 may be, of moneys being hereinafter called the "Tax Act  
3 Amount", and (2) the amount transferred to the Build Illinois  
4 Fund from the State and Local Sales Tax Reform Fund shall be  
5 less than the Annual Specified Amount (as defined in Section 3  
6 of the Retailers' Occupation Tax Act), an amount equal to the  
7 difference shall be immediately paid into the Build Illinois  
8 Fund from other moneys received by the Department pursuant to  
9 the Tax Acts; and further provided, that if on the last  
10 business day of any month the sum of (1) the Tax Act Amount  
11 required to be deposited into the Build Illinois Bond Account  
12 in the Build Illinois Fund during such month and (2) the amount  
13 transferred during such month to the Build Illinois Fund from  
14 the State and Local Sales Tax Reform Fund shall have been less  
15 than 1/12 of the Annual Specified Amount, an amount equal to  
16 the difference shall be immediately paid into the Build  
17 Illinois Fund from other moneys received by the Department  
18 pursuant to the Tax Acts; and, further provided, that in no  
19 event shall the payments required under the preceding proviso  
20 result in aggregate payments into the Build Illinois Fund  
21 pursuant to this clause (b) for any fiscal year in excess of  
22 the greater of (i) the Tax Act Amount or (ii) the Annual  
23 Specified Amount for such fiscal year; and, further provided,  
24 that the amounts payable into the Build Illinois Fund under  
25 this clause (b) shall be payable only until such time as the  
26 aggregate amount on deposit under each trust indenture securing

1 Bonds issued and outstanding pursuant to the Build Illinois  
2 Bond Act is sufficient, taking into account any future  
3 investment income, to fully provide, in accordance with such  
4 indenture, for the defeasance of or the payment of the  
5 principal of, premium, if any, and interest on the Bonds  
6 secured by such indenture and on any Bonds expected to be  
7 issued thereafter and all fees and costs payable with respect  
8 thereto, all as certified by the Director of the Bureau of the  
9 Budget (now Governor's Office of Management and Budget). If on  
10 the last business day of any month in which Bonds are  
11 outstanding pursuant to the Build Illinois Bond Act, the  
12 aggregate of the moneys deposited in the Build Illinois Bond  
13 Account in the Build Illinois Fund in such month shall be less  
14 than the amount required to be transferred in such month from  
15 the Build Illinois Bond Account to the Build Illinois Bond  
16 Retirement and Interest Fund pursuant to Section 13 of the  
17 Build Illinois Bond Act, an amount equal to such deficiency  
18 shall be immediately paid from other moneys received by the  
19 Department pursuant to the Tax Acts to the Build Illinois Fund;  
20 provided, however, that any amounts paid to the Build Illinois  
21 Fund in any fiscal year pursuant to this sentence shall be  
22 deemed to constitute payments pursuant to clause (b) of the  
23 preceding sentence and shall reduce the amount otherwise  
24 payable for such fiscal year pursuant to clause (b) of the  
25 preceding sentence. The moneys received by the Department  
26 pursuant to this Act and required to be deposited into the

1 Build Illinois Fund are subject to the pledge, claim and charge  
 2 set forth in Section 12 of the Build Illinois Bond 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 the 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	Fiscal Year	Total
		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 Subject to payment of amounts into the Build Illinois Fund,  
22 the McCormick Place Expansion Project Fund, the Illinois Tax  
23 Increment Fund, and the Energy Infrastructure Fund pursuant to  
24 the preceding paragraphs or in any amendments to this Section  
25 hereafter enacted, beginning on the first day of the first  
26 calendar month to occur on or after August 26, 2014 (the



1 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
2 ~~the 98th General Assembly~~, each month, from the collections  
3 made under Section 9 of the Use Tax Act, Section 9 of the  
4 Service Use Tax Act, Section 9 of the Service Occupation Tax  
5 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
6 Department shall pay into the Tax Compliance and Administration  
7 Fund, to be used, subject to appropriation, to fund additional  
8 auditors and compliance personnel at the Department of Revenue,  
9 an amount equal to 1/12 of 5% of 80% of the cash receipts  
10 collected during the preceding fiscal year by the Audit Bureau  
11 of the Department under the Use Tax Act, the Service Use Tax  
12 Act, the Service Occupation Tax Act, the Retailers' Occupation  
13 Tax Act, and associated local occupation and use taxes  
14 administered by the Department.

15 Subject to payments of amounts into the Build Illinois  
16 Fund, the McCormick Place Expansion Project Fund, the Illinois  
17 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
18 Compliance and Administration Fund as provided in this Section,  
19 beginning on July 1, 2018 the Department shall pay each month  
20 into the Downstate Public Transportation Fund the moneys  
21 required to be so paid under Section 2-3 of the Downstate  
22 Public Transportation Act.

23 Of the remainder of the moneys received by the Department  
24 pursuant to this Act, 75% thereof shall be paid into the  
25 General Revenue Fund of the State Treasury and 25% shall be  
26 reserved in a special account and used only for the transfer to

1 the Common School Fund as part of the monthly transfer from the  
2 General Revenue Fund in accordance with Section 8a of the State  
3 Finance Act.

4 As soon as possible after the first day of each month, upon  
5 certification of the Department of Revenue, the Comptroller  
6 shall order transferred and the Treasurer shall transfer from  
7 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
8 equal to 1.7% of 80% of the net revenue realized under this Act  
9 for the second preceding month. Beginning April 1, 2000, this  
10 transfer is no longer required and shall not be made.

11 Net revenue realized for a month shall be the revenue  
12 collected by the State pursuant to this Act, less the amount  
13 paid out during that month as refunds to taxpayers for  
14 overpayment of liability.

15 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
16 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised 1-22-18.)

17 Section 210. The Service Occupation Tax Act is amended by  
18 changing Sections 2 and 9 as follows:

19 (35 ILCS 115/2) (from Ch. 120, par. 439.102)

20 Sec. 2. In this Act:

21 "Transfer" means any transfer of the title to property or  
22 of the ownership of property whether or not the transferor  
23 retains title as security for the payment of amounts due him  
24 from the transferee.

1 "Cost Price" means the consideration paid by the serviceman  
2 for a purchase valued in money, whether paid in money or  
3 otherwise, including cash, credits and services, and shall be  
4 determined without any deduction on account of the supplier's  
5 cost of the property sold or on account of any other expense  
6 incurred by the supplier. When a serviceman contracts out part  
7 or all of the services required in his sale of service, it  
8 shall be presumed that the cost price to the serviceman of the  
9 property transferred to him by his or her subcontractor is  
10 equal to 50% of the subcontractor's charges to the serviceman  
11 in the absence of proof of the consideration paid by the  
12 subcontractor for the purchase of such property.

13 "Department" means the Department of Revenue.

14 "Person" means any natural individual, firm, partnership,  
15 association, joint stock company, joint venture, public or  
16 private corporation, limited liability company, and any  
17 receiver, executor, trustee, guardian or other representative  
18 appointed by order of any court.

19 "Sale of Service" means any transaction except:

20 (a) A retail sale of tangible personal property taxable  
21 under the Retailers' Occupation Tax Act or under the Use Tax  
22 Act.

23 (b) A sale of tangible personal property for the purpose of  
24 resale made in compliance with Section 2c of the Retailers'  
25 Occupation Tax Act.

26 (c) Except as hereinafter provided, a sale or transfer of

1 tangible personal property as an incident to the rendering of  
2 service for or by any governmental body or for or by any  
3 corporation, society, association, foundation or institution  
4 organized and operated exclusively for charitable, religious  
5 or educational purposes or any not-for-profit corporation,  
6 society, association, foundation, institution or organization  
7 which has no compensated officers or employees and which is  
8 organized and operated primarily for the recreation of persons  
9 55 years of age or older. A limited liability company may  
10 qualify for the exemption under this paragraph only if the  
11 limited liability company is organized and operated  
12 exclusively for educational purposes.

13 (d) (Blank).

14 (d-1) A sale or transfer of tangible personal property as  
15 an incident to the rendering of service for owners, lessors or  
16 shippers of tangible personal property which is utilized by  
17 interstate carriers for hire for use as rolling stock moving in  
18 interstate commerce, and equipment operated by a  
19 telecommunications provider, licensed as a common carrier by  
20 the Federal Communications Commission, which is permanently  
21 installed in or affixed to aircraft moving in interstate  
22 commerce.

23 (d-1.1) On and after July 1, 2003 and through June 30,  
24 2004, a sale or transfer of a motor vehicle of the second  
25 division with a gross vehicle weight in excess of 8,000 pounds  
26 as an incident to the rendering of service if that motor

1 vehicle is subject to the commercial distribution fee imposed  
2 under Section 3-815.1 of the Illinois Vehicle Code. Beginning  
3 on July 1, 2004 and through June 30, 2005, the use in this  
4 State of motor vehicles of the second division: (i) with a  
5 gross vehicle weight rating in excess of 8,000 pounds; (ii)  
6 that are subject to the commercial distribution fee imposed  
7 under Section 3-815.1 of the Illinois Vehicle Code; and (iii)  
8 that are primarily used for commercial purposes. Through June  
9 30, 2005, this exemption applies to repair and replacement  
10 parts added after the initial purchase of such a motor vehicle  
11 if that motor vehicle is used in a manner that would qualify  
12 for the rolling stock exemption otherwise provided for in this  
13 Act. For purposes of this paragraph, "used for commercial  
14 purposes" means the transportation of persons or property in  
15 furtherance of any commercial or industrial enterprise whether  
16 for-hire or not.

17 (d-2) The repairing, reconditioning or remodeling, for a  
18 common carrier by rail, of tangible personal property which  
19 belongs to such carrier for hire, and as to which such carrier  
20 receives the physical possession of the repaired,  
21 reconditioned or remodeled item of tangible personal property  
22 in Illinois, and which such carrier transports, or shares with  
23 another common carrier in the transportation of such property,  
24 out of Illinois on a standard uniform bill of lading showing  
25 the person who repaired, reconditioned or remodeled the  
26 property as the shipper or consignor of such property to a

1 destination outside Illinois, for use outside Illinois.

2 (d-3) A sale or transfer of tangible personal property  
3 which is produced by the seller thereof on special order in  
4 such a way as to have made the applicable tax the Service  
5 Occupation Tax or the Service Use Tax, rather than the  
6 Retailers' Occupation Tax or the Use Tax, for an interstate  
7 carrier by rail which receives the physical possession of such  
8 property in Illinois, and which transports such property, or  
9 shares with another common carrier in the transportation of  
10 such property, out of Illinois on a standard uniform bill of  
11 lading showing the seller of the property as the shipper or  
12 consignor of such property to a destination outside Illinois,  
13 for use outside Illinois.

14 (d-4) Until January 1, 1997, a sale, by a registered  
15 serviceman paying tax under this Act to the Department, of  
16 special order printed materials delivered outside Illinois and  
17 which are not returned to this State, if delivery is made by  
18 the seller or agent of the seller, including an agent who  
19 causes the product to be delivered outside Illinois by a common  
20 carrier or the U.S. postal service.

21 (e) A sale or transfer of machinery and equipment used  
22 primarily in the process of the manufacturing or assembling,  
23 either in an existing, an expanded or a new manufacturing  
24 facility, of tangible personal property for wholesale or retail  
25 sale or lease, whether such sale or lease is made directly by  
26 the manufacturer or by some other person, whether the materials

1 used in the process are owned by the manufacturer or some other  
2 person, or whether such sale or lease is made apart from or as  
3 an incident to the seller's engaging in a service occupation  
4 and the applicable tax is a Service Occupation Tax or Service  
5 Use Tax, rather than Retailers' Occupation Tax or Use Tax. The  
6 exemption provided by this paragraph (e) does not include  
7 machinery and equipment used in (i) the generation of  
8 electricity for wholesale or retail sale; (ii) the generation  
9 or treatment of natural or artificial gas for wholesale or  
10 retail sale that is delivered to customers through pipes,  
11 pipelines, or mains; or (iii) the treatment of water for  
12 wholesale or retail sale that is delivered to customers through  
13 pipes, pipelines, or mains. The provisions of Public Act 98-583  
14 ~~this amendatory Act of the 98th General Assembly~~ are  
15 declaratory of existing law as to the meaning and scope of this  
16 exemption. The exemption under this subsection (e) is exempt  
17 from the provisions of Section 3-75.

18 (f) Until July 1, 2003, the sale or transfer of  
19 distillation machinery and equipment, sold as a unit or kit and  
20 assembled or installed by the retailer, which machinery and  
21 equipment is certified by the user to be used only for the  
22 production of ethyl alcohol that will be used for consumption  
23 as motor fuel or as a component of motor fuel for the personal  
24 use of such user and not subject to sale or resale.

25 (g) At the election of any serviceman not required to be  
26 otherwise registered as a retailer under Section 2a of the

1 Retailers' Occupation Tax Act, made for each fiscal year sales  
2 of service in which the aggregate annual cost price of tangible  
3 personal property transferred as an incident to the sales of  
4 service is less than 35% (75% in the case of servicemen  
5 transferring prescription drugs or servicemen engaged in  
6 graphic arts production) of the aggregate annual total gross  
7 receipts from all sales of service. The purchase of such  
8 tangible personal property by the serviceman shall be subject  
9 to tax under the Retailers' Occupation Tax Act and the Use Tax  
10 Act. However, if a primary serviceman who has made the election  
11 described in this paragraph subcontracts service work to a  
12 secondary serviceman who has also made the election described  
13 in this paragraph, the primary serviceman does not incur a Use  
14 Tax liability if the secondary serviceman (i) has paid or will  
15 pay Use Tax on his or her cost price of any tangible personal  
16 property transferred to the primary serviceman and (ii)  
17 certifies that fact in writing to the primary serviceman.

18 Tangible personal property transferred incident to the  
19 completion of a maintenance agreement is exempt from the tax  
20 imposed pursuant to this Act.

21 Exemption (e) also includes machinery and equipment used in  
22 the general maintenance or repair of such exempt machinery and  
23 equipment or for in-house manufacture of exempt machinery and  
24 equipment. On and after July 1, 2017, exemption (e) also  
25 includes graphic arts machinery and equipment, as defined in  
26 paragraph (5) of Section 3-5. The machinery and equipment



1 exemption does not include machinery and equipment used in (i)  
2 the generation of electricity for wholesale or retail sale;  
3 (ii) the generation or treatment of natural or artificial gas  
4 for wholesale or retail sale that is delivered to customers  
5 through pipes, pipelines, or mains; or (iii) the treatment of  
6 water for wholesale or retail sale that is delivered to  
7 customers through pipes, pipelines, or mains. The provisions of  
8 Public Act 98-583 ~~this amendatory Act of the 98th General~~  
9 ~~Assembly~~ are declaratory of existing law as to the meaning and  
10 scope of this exemption. For the purposes of exemption (e),  
11 each of these terms shall have the following meanings: (1)  
12 "manufacturing process" shall mean the production of any  
13 article of tangible personal property, whether such article is  
14 a finished product or an article for use in the process of  
15 manufacturing or assembling a different article of tangible  
16 personal property, by procedures commonly regarded as  
17 manufacturing, processing, fabricating, or refining which  
18 changes some existing material or materials into a material  
19 with a different form, use or name. In relation to a recognized  
20 integrated business composed of a series of operations which  
21 collectively constitute manufacturing, or individually  
22 constitute manufacturing operations, the manufacturing process  
23 shall be deemed to commence with the first operation or stage  
24 of production in the series, and shall not be deemed to end  
25 until the completion of the final product in the last operation  
26 or stage of production in the series; and further for purposes

1 of exemption (e), photoprocessing is deemed to be a  
2 manufacturing process of tangible personal property for  
3 wholesale or retail sale; (2) "assembling process" shall mean  
4 the production of any article of tangible personal property,  
5 whether such article is a finished product or an article for  
6 use in the process of manufacturing or assembling a different  
7 article of tangible personal property, by the combination of  
8 existing materials in a manner commonly regarded as assembling  
9 which results in a material of a different form, use or name;  
10 (3) "machinery" shall mean major mechanical machines or major  
11 components of such machines contributing to a manufacturing or  
12 assembling process; and (4) "equipment" shall include any  
13 independent device or tool separate from any machinery but  
14 essential to an integrated manufacturing or assembly process;  
15 including computers used primarily in a manufacturer's  
16 computer assisted design, computer assisted manufacturing  
17 (CAD/CAM) system; or any subunit or assembly comprising a  
18 component of any machinery or auxiliary, adjunct or attachment  
19 parts of machinery, such as tools, dies, jigs, fixtures,  
20 patterns and molds; or any parts which require periodic  
21 replacement in the course of normal operation; but shall not  
22 include hand tools. Equipment includes chemicals or chemicals  
23 acting as catalysts but only if the chemicals or chemicals  
24 acting as catalysts effect a direct and immediate change upon a  
25 product being manufactured or assembled for wholesale or retail  
26 sale or lease. The purchaser of such machinery and equipment

1 who has an active resale registration number shall furnish such  
2 number to the seller at the time of purchase. The purchaser of  
3 such machinery and equipment and tools without an active resale  
4 registration number shall furnish to the seller a certificate  
5 of exemption for each transaction stating facts establishing  
6 the exemption for that transaction, which certificate shall be  
7 available to the Department for inspection or audit.

8 Except as provided in Section 2d of this Act, the rolling  
9 stock exemption applies to rolling stock used by an interstate  
10 carrier for hire, even just between points in Illinois, if such  
11 rolling stock transports, for hire, persons whose journeys or  
12 property whose shipments originate or terminate outside  
13 Illinois.

14 Any informal rulings, opinions or letters issued by the  
15 Department in response to an inquiry or request for any opinion  
16 from any person regarding the coverage and applicability of  
17 exemption (e) to specific devices shall be published,  
18 maintained as a public record, and made available for public  
19 inspection and copying. If the informal ruling, opinion or  
20 letter contains trade secrets or other confidential  
21 information, where possible the Department shall delete such  
22 information prior to publication. Whenever such informal  
23 rulings, opinions, or letters contain any policy of general  
24 applicability, the Department shall formulate and adopt such  
25 policy as a rule in accordance with the provisions of the  
26 Illinois Administrative Procedure Act.

1           On and after July 1, 1987, no entity otherwise eligible  
2 under exemption (c) of this Section shall make tax-free ~~tax~~  
3 ~~free~~ purchases unless it has an active exemption identification  
4 number issued by the Department.

5           "Serviceman" means any person who is engaged in the  
6 occupation of making sales of service.

7           "Sale at Retail" means "sale at retail" as defined in the  
8 Retailers' Occupation Tax Act.

9           "Supplier" means any person who makes sales of tangible  
10 personal property to servicemen for the purpose of resale as an  
11 incident to a sale of service.

12           (Source: P.A. 100-22, eff. 7-6-17; 100-321, eff. 8-24-17;  
13 revised 9-27-17.)

14           (35 ILCS 115/9) (from Ch. 120, par. 439.109)

15           (Text of Section before amendment by P.A. 100-363)

16           Sec. 9. Each serviceman required or authorized to collect  
17 the tax herein imposed shall pay to the Department the amount  
18 of such tax at the time when he is required to file his return  
19 for the period during which such tax was collectible, less a  
20 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
21 after January 1, 1990, or \$5 per calendar year, whichever is  
22 greater, which is allowed to reimburse the serviceman for  
23 expenses incurred in collecting the tax, keeping records,  
24 preparing and filing returns, remitting the tax and supplying  
25 data to the Department on request. The discount allowed under

1 this Section is allowed only for returns that are filed in the  
2 manner required by this Act. The Department may disallow the  
3 discount for servicemen whose certificate of registration is  
4 revoked at the time the return is filed, but only if the  
5 Department's decision to revoke the certificate of  
6 registration has become final.

7 Where such tangible personal property is sold under a  
8 conditional sales contract, or under any other form of sale  
9 wherein the payment of the principal sum, or a part thereof, is  
10 extended beyond the close of the period for which the return is  
11 filed, the serviceman, in collecting the tax may collect, for  
12 each tax return period, only the tax applicable to the part of  
13 the selling price actually received during such tax return  
14 period.

15 Except as provided hereinafter in this Section, on or  
16 before the twentieth day of each calendar month, such  
17 serviceman shall file a return for the preceding calendar month  
18 in accordance with reasonable rules and regulations to be  
19 promulgated by the Department of Revenue. Such return shall be  
20 filed on a form prescribed by the Department and shall contain  
21 such information as the Department may reasonably require. On  
22 and after January 1, 2018, with respect to servicemen whose  
23 annual gross receipts average \$20,000 or more, all returns  
24 required to be filed pursuant to this Act shall be filed  
25 electronically. Servicemen who demonstrate that they do not  
26 have access to the Internet or demonstrate hardship in filing

1 electronically may petition the Department to waive the  
2 electronic filing requirement.

3 The Department may require returns to be filed on a  
4 quarterly basis. If so required, a return for each calendar  
5 quarter shall be filed on or before the twentieth day of the  
6 calendar month following the end of such calendar quarter. The  
7 taxpayer shall also file a return with the Department for each  
8 of the first two months of each calendar quarter, on or before  
9 the twentieth day of the following calendar month, stating:

- 10 1. The name of the seller;
- 11 2. The address of the principal place of business from  
12 which he engages in business as a serviceman in this State;
- 13 3. The total amount of taxable receipts received by him  
14 during the preceding calendar month, including receipts  
15 from charge and time sales, but less all deductions allowed  
16 by law;
- 17 4. The amount of credit provided in Section 2d of this  
18 Act;
- 19 5. The amount of tax due;
- 20 5-5. The signature of the taxpayer; and
- 21 6. Such other reasonable information as the Department  
22 may require.

23 If a taxpayer fails to sign a return within 30 days after  
24 the proper notice and demand for signature by the Department,  
25 the return shall be considered valid and any amount shown to be  
26 due on the return shall be deemed assessed.

1 Prior to October 1, 2003, and on and after September 1,  
2 2004 a serviceman may accept a Manufacturer's Purchase Credit  
3 certification from a purchaser in satisfaction of Service Use  
4 Tax as provided in Section 3-70 of the Service Use Tax Act if  
5 the purchaser provides the appropriate documentation as  
6 required by Section 3-70 of the Service Use Tax Act. A  
7 Manufacturer's Purchase Credit certification, accepted prior  
8 to October 1, 2003 or on or after September 1, 2004 by a  
9 serviceman as provided in Section 3-70 of the Service Use Tax  
10 Act, may be used by that serviceman to satisfy Service  
11 Occupation Tax liability in the amount claimed in the  
12 certification, not to exceed 6.25% of the receipts subject to  
13 tax from a qualifying purchase. A Manufacturer's Purchase  
14 Credit reported on any original or amended return filed under  
15 this Act after October 20, 2003 for reporting periods prior to  
16 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
17 Credit reported on annual returns due on or after January 1,  
18 2005 will be disallowed for periods prior to September 1, 2004.  
19 No Manufacturer's Purchase Credit may be used after September  
20 30, 2003 through August 31, 2004 to satisfy any tax liability  
21 imposed under this Act, including any audit liability.

22 If the serviceman's average monthly tax liability to the  
23 Department does not exceed \$200, the Department may authorize  
24 his returns to be filed on a quarter annual basis, with the  
25 return for January, February and March of a given year being  
26 due by April 20 of such year; with the return for April, May

1 and June of a given year being due by July 20 of such year; with  
2 the return for July, August and September of a given year being  
3 due by October 20 of such year, and with the return for  
4 October, November and December of a given year being due by  
5 January 20 of the following year.

6 If the serviceman's average monthly tax liability to the  
7 Department does not exceed \$50, the Department may authorize  
8 his returns to be filed on an annual basis, with the return for  
9 a given year being due by January 20 of the following year.

10 Such quarter annual and annual returns, as to form and  
11 substance, shall be subject to the same requirements as monthly  
12 returns.

13 Notwithstanding any other provision in this Act concerning  
14 the time within which a serviceman may file his return, in the  
15 case of any serviceman who ceases to engage in a kind of  
16 business which makes him responsible for filing returns under  
17 this Act, such serviceman shall file a final return under this  
18 Act with the Department not more than 1 month after  
19 discontinuing such business.

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 Where a serviceman collects the tax with respect to the  
9 selling price of tangible personal property which he sells and  
10 the purchaser thereafter returns such tangible personal  
11 property and the serviceman refunds the selling price thereof  
12 to the purchaser, such serviceman shall also refund, to the  
13 purchaser, the tax so collected from the purchaser. When filing  
14 his return for the period in which he refunds such tax to the  
15 purchaser, the serviceman may deduct the amount of the tax so  
16 refunded by him to the purchaser from any other Service  
17 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or  
18 Use Tax which such serviceman may be required to pay or remit  
19 to the Department, as shown by such return, provided that the  
20 amount of the tax to be deducted shall previously have been  
21 remitted to the Department by such serviceman. If the  
22 serviceman shall not previously have remitted the amount of  
23 such tax to the Department, he shall be entitled to no  
24 deduction hereunder upon refunding such tax to the purchaser.

25 If experience indicates such action to be practicable, the  
26 Department may prescribe and furnish a combination or joint

1 return which will enable servicemen, who are required to file  
2 returns hereunder and also under the Retailers' Occupation Tax  
3 Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
4 the return information required by all said Acts on the one  
5 form.

6 Where the serviceman has more than one business registered  
7 with the Department under separate registrations hereunder,  
8 such serviceman shall file separate returns for each registered  
9 business.

10 Beginning January 1, 1990, each month the Department shall  
11 pay into the Local Government Tax Fund the revenue realized for  
12 the preceding month from the 1% tax on sales of food for human  
13 consumption which is to be consumed off the premises where it  
14 is sold (other than alcoholic beverages, soft drinks and food  
15 which has been prepared for immediate consumption) and  
16 prescription and nonprescription medicines, drugs, medical  
17 appliances, products classified as Class III medical devices by  
18 the United States Food and Drug Administration that are used  
19 for cancer treatment pursuant to a prescription, as well as any  
20 accessories and components related to those devices, and  
21 insulin, urine testing materials, syringes and needles used by  
22 diabetics.

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the County and Mass Transit District Fund 4% of the  
25 revenue realized for the preceding month from the 6.25% general  
26 rate.

1           Beginning August 1, 2000, each month the Department shall  
2 pay into the County and Mass Transit District Fund 20% of the  
3 net revenue realized for the preceding month from the 1.25%  
4 rate on the selling price of motor fuel and gasohol.

5           Beginning January 1, 1990, each month the Department shall  
6 pay into the Local Government Tax Fund 16% of the revenue  
7 realized for the preceding month from the 6.25% general rate on  
8 transfers of tangible personal property.

9           Beginning August 1, 2000, each month the Department shall  
10 pay into the Local Government Tax Fund 80% of the net revenue  
11 realized for the preceding month from the 1.25% rate on the  
12 selling price of motor fuel and gasohol.

13           Beginning October 1, 2009, each month the Department shall  
14 pay into the Capital Projects Fund an amount that is equal to  
15 an amount estimated by the Department to represent 80% of the  
16 net revenue realized for the preceding month from the sale of  
17 candy, grooming and hygiene products, and soft drinks that had  
18 been taxed at a rate of 1% prior to September 1, 2009 but that  
19 are now taxed at 6.25%.

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 Use Tax Act, the Service Use Tax  
23 Act, and the Retailers' Occupation Tax Act an amount equal to  
24 the average monthly deficit in the Underground Storage Tank  
25 Fund during the prior year, as certified annually by the  
26 Illinois Environmental Protection Agency, but the total

1 payment into the Underground Storage Tank Fund under this Act,  
2 the Use Tax Act, the Service Use Tax Act, and the Retailers'  
3 Occupation Tax Act shall not exceed \$18,000,000 in any State  
4 fiscal year. As used in this paragraph, the "average monthly  
5 deficit" shall be equal to the difference between the average  
6 monthly claims for payment by the fund and the average monthly  
7 revenues deposited into the fund, excluding payments made  
8 pursuant to this paragraph.

9 Beginning July 1, 2015, of the remainder of the moneys  
10 received by the Department under the Use Tax Act, the Service  
11 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
12 each month the Department shall deposit \$500,000 into the State  
13 Crime Laboratory Fund.

14 Of the remainder of the moneys received by the Department  
15 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
16 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
17 and after July 1, 1989, 3.8% thereof shall be paid into the  
18 Build Illinois Fund; provided, however, that if in any fiscal  
19 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
20 may be, of the moneys received by the Department and required  
21 to be paid into the Build Illinois Fund pursuant to Section 3  
22 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
23 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
24 Service Occupation Tax Act, such Acts being hereinafter called  
25 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
26 may be, of moneys being hereinafter called the "Tax Act

1 Amount", and (2) the amount transferred to the Build Illinois  
2 Fund from the State and Local Sales Tax Reform Fund shall be  
3 less than the Annual Specified Amount (as defined in Section 3  
4 of the Retailers' Occupation Tax Act), an amount equal to the  
5 difference shall be immediately paid into the Build Illinois  
6 Fund from other moneys received by the Department pursuant to  
7 the Tax Acts; and further provided, that if on the last  
8 business day of any month the sum of (1) the Tax Act Amount  
9 required to be deposited into the Build Illinois Account in the  
10 Build Illinois Fund during such month and (2) the amount  
11 transferred during such month to the Build Illinois Fund from  
12 the State and Local Sales Tax Reform Fund shall have been less  
13 than 1/12 of the Annual Specified Amount, an amount equal to  
14 the difference shall be immediately paid into the Build  
15 Illinois Fund from other moneys received by the Department  
16 pursuant to the Tax Acts; and, further provided, that in no  
17 event shall the payments required under the preceding proviso  
18 result in aggregate payments into the Build Illinois Fund  
19 pursuant to this clause (b) for any fiscal year in excess of  
20 the greater of (i) the Tax Act Amount or (ii) the Annual  
21 Specified Amount for such fiscal year; and, further provided,  
22 that the amounts payable into the Build Illinois Fund under  
23 this clause (b) shall be payable only until such time as the  
24 aggregate amount on deposit under each trust indenture securing  
25 Bonds issued and outstanding pursuant to the Build Illinois  
26 Bond Act is sufficient, taking into account any future

1 investment income, to fully provide, in accordance with such  
2 indenture, for the defeasance of or the payment of the  
3 principal of, premium, if any, and interest on the Bonds  
4 secured by such indenture and on any Bonds expected to be  
5 issued thereafter and all fees and costs payable with respect  
6 thereto, all as certified by the Director of the Bureau of the  
7 Budget (now Governor's Office of Management and Budget). If on  
8 the last business day of any month in which Bonds are  
9 outstanding pursuant to the Build Illinois Bond Act, the  
10 aggregate of the moneys deposited in the Build Illinois Bond  
11 Account in the Build Illinois Fund in such month shall be less  
12 than the amount required to be transferred in such month from  
13 the Build Illinois Bond Account to the Build Illinois Bond  
14 Retirement and Interest Fund pursuant to Section 13 of the  
15 Build Illinois Bond Act, an amount equal to such deficiency  
16 shall be immediately paid from other moneys received by the  
17 Department pursuant to the Tax Acts to the Build Illinois Fund;  
18 provided, however, that any amounts paid to the Build Illinois  
19 Fund in any fiscal year pursuant to this sentence shall be  
20 deemed to constitute payments pursuant to clause (b) of the  
21 preceding sentence and shall reduce the amount otherwise  
22 payable for such fiscal year pursuant to clause (b) of the  
23 preceding sentence. The moneys received by the Department  
24 pursuant to this Act and required to be deposited into the  
25 Build Illinois Fund are subject to the pledge, claim and charge  
26 set forth in Section 12 of the Build Illinois Bond Act.

1           Subject to payment of amounts into the Build Illinois Fund  
 2           as provided in the preceding paragraph or in any amendment  
 3           thereto hereafter enacted, the following specified monthly  
 4           installment of the amount requested in the certificate of the  
 5           Chairman of the Metropolitan Pier and Exposition Authority  
 6           provided under Section 8.25f of the State Finance Act, but not  
 7           in excess of the sums designated as "Total Deposit", shall be  
 8           deposited in the aggregate from collections under Section 9 of  
 9           the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 10          9 of the Service Occupation Tax Act, and Section 3 of the  
 11          Retailers' Occupation Tax Act into the McCormick Place  
 12          Expansion Project Fund in the specified fiscal years.

13	Fiscal Year	Total
		Deposit
14	1993	\$0
15	1994	53,000,000
16	1995	58,000,000
17	1996	61,000,000
18	1997	64,000,000
19	1998	68,000,000
20	1999	71,000,000
21	2000	75,000,000
22	2001	80,000,000
23	2002	93,000,000
24	2003	99,000,000
25	2004	103,000,000



1	2005	108,000,000
2	2006	113,000,000
3	2007	119,000,000
4	2008	126,000,000
5	2009	132,000,000
6	2010	139,000,000
7	2011	146,000,000
8	2012	153,000,000
9	2013	161,000,000
10	2014	170,000,000
11	2015	179,000,000
12	2016	189,000,000
13	2017	199,000,000
14	2018	210,000,000
15	2019	221,000,000
16	2020	233,000,000
17	2021	246,000,000
18	2022	260,000,000
19	2023	275,000,000
20	2024	275,000,000
21	2025	275,000,000
22	2026	279,000,000
23	2027	292,000,000
24	2028	307,000,000
25	2029	322,000,000
26	2030	338,000,000

1                                   2031                                   350,000,000

2                                   2032                                   350,000,000

3                                   and

4                                   each fiscal year

5                                   thereafter that bonds

6                                   are outstanding under

7                                   Section 13.2 of the

8                                   Metropolitan Pier and

9                                   Exposition Authority Act,

10                                  but not after fiscal year 2060.

11                                  Beginning July 20, 1993 and in each month of each fiscal  
12                                  year thereafter, one-eighth of the amount requested in the  
13                                  certificate of the Chairman of the Metropolitan Pier and  
14                                  Exposition Authority for that fiscal year, less the amount  
15                                  deposited into the McCormick Place Expansion Project Fund by  
16                                  the State Treasurer in the respective month under subsection  
17                                  (g) of Section 13 of the Metropolitan Pier and Exposition  
18                                  Authority Act, plus cumulative deficiencies in the deposits  
19                                  required under this Section for previous months and years,  
20                                  shall be deposited into the McCormick Place Expansion Project  
21                                  Fund, until the full amount requested for the fiscal year, but  
22                                  not in excess of the amount specified above as "Total Deposit",  
23                                  has been deposited.

24                                  Subject to payment of amounts into the Build Illinois Fund  
25                                  and the McCormick Place Expansion Project Fund pursuant to the  
26                                  preceding paragraphs or in any amendments thereto hereafter

1 enacted, beginning July 1, 1993 and ending on September 30,  
2 2013, the Department shall each month pay into the Illinois Tax  
3 Increment Fund 0.27% of 80% of the net revenue realized for the  
4 preceding month from the 6.25% general rate on the selling  
5 price of tangible personal property.

6 Subject to payment of amounts into the Build Illinois Fund  
7 and the McCormick Place Expansion Project Fund pursuant to the  
8 preceding paragraphs or in any amendments thereto hereafter  
9 enacted, beginning with the receipt of the first report of  
10 taxes paid by an eligible business and continuing for a 25-year  
11 period, the Department shall each month pay into the Energy  
12 Infrastructure Fund 80% of the net revenue realized from the  
13 6.25% general rate on the selling price of Illinois-mined coal  
14 that was sold to an eligible business. For purposes of this  
15 paragraph, the term "eligible business" means a new electric  
16 generating facility certified pursuant to Section 605-332 of  
17 the Department of Commerce and Economic Opportunity Law of the  
18 Civil Administrative Code of Illinois.

19 Subject to payment of amounts into the Build Illinois Fund,  
20 the McCormick Place Expansion Project Fund, the Illinois Tax  
21 Increment Fund, and the Energy Infrastructure Fund pursuant to  
22 the preceding paragraphs or in any amendments to this Section  
23 hereafter enacted, beginning on the first day of the first  
24 calendar month to occur on or after August 26, 2014 (the  
25 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
26 ~~the 98th General Assembly~~, each month, from the collections

1 made under Section 9 of the Use Tax Act, Section 9 of the  
2 Service Use Tax Act, Section 9 of the Service Occupation Tax  
3 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
4 Department shall pay into the Tax Compliance and Administration  
5 Fund, to be used, subject to appropriation, to fund additional  
6 auditors and compliance personnel at the Department of Revenue,  
7 an amount equal to 1/12 of 5% of 80% of the cash receipts  
8 collected during the preceding fiscal year by the Audit Bureau  
9 of the Department under the Use Tax Act, the Service Use Tax  
10 Act, the Service Occupation Tax Act, the Retailers' Occupation  
11 Tax Act, and associated local occupation and use taxes  
12 administered by the Department.

13 Of the remainder of the moneys received by the Department  
14 pursuant to this Act, 75% shall be paid into the General  
15 Revenue Fund of the State Treasury and 25% shall be reserved in  
16 a special account and used only for the transfer to the Common  
17 School Fund as part of the monthly transfer from the General  
18 Revenue Fund in accordance with Section 8a of the State Finance  
19 Act.

20 The Department may, upon separate written notice to a  
21 taxpayer, require the taxpayer to prepare and file with the  
22 Department on a form prescribed by the Department within not  
23 less than 60 days after receipt of the notice an annual  
24 information return for the tax year specified in the notice.  
25 Such annual return to the Department shall include a statement  
26 of gross receipts as shown by the taxpayer's last Federal

1 income tax return. If the total receipts of the business as  
2 reported in the Federal income tax return do not agree with the  
3 gross receipts reported to the Department of Revenue for the  
4 same period, the taxpayer shall attach to his annual return a  
5 schedule showing a reconciliation of the 2 amounts and the  
6 reasons for the difference. The taxpayer's annual return to the  
7 Department shall also disclose the cost of goods sold by the  
8 taxpayer during the year covered by such return, opening and  
9 closing inventories of such goods for such year, cost of goods  
10 used from stock or taken from stock and given away by the  
11 taxpayer during such year, pay roll information of the  
12 taxpayer's business during such year and any additional  
13 reasonable information which the Department deems would be  
14 helpful in determining the accuracy of the monthly, quarterly  
15 or annual returns filed by such taxpayer as hereinbefore  
16 provided for in this Section.

17 If the annual information return required by this Section  
18 is not filed when and as required, the taxpayer shall be liable  
19 as follows:

20 (i) Until January 1, 1994, the taxpayer shall be liable  
21 for a penalty equal to 1/6 of 1% of the tax due from such  
22 taxpayer under this Act during the period to be covered by  
23 the annual return for each month or fraction of a month  
24 until such return is filed as required, the penalty to be  
25 assessed and collected in the same manner as any other  
26 penalty provided for in this Act.

1           (ii) On and after January 1, 1994, the taxpayer shall  
2           be liable for a penalty as described in Section 3-4 of the  
3           Uniform Penalty and Interest Act.

4           The chief executive officer, proprietor, owner or highest  
5           ranking manager shall sign the annual return to certify the  
6           accuracy of the information contained therein. Any person who  
7           willfully signs the annual return containing false or  
8           inaccurate information shall be guilty of perjury and punished  
9           accordingly. The annual return form prescribed by the  
10          Department shall include a warning that the person signing the  
11          return may be liable for perjury.

12          The foregoing portion of this Section concerning the filing  
13          of an annual information return shall not apply to a serviceman  
14          who is not required to file an income tax return with the  
15          United States Government.

16          As soon as possible after the first day of each month, upon  
17          certification of the Department of Revenue, the Comptroller  
18          shall order transferred and the Treasurer shall transfer from  
19          the General Revenue Fund to the Motor Fuel Tax Fund an amount  
20          equal to 1.7% of 80% of the net revenue realized under this Act  
21          for the second preceding month. Beginning April 1, 2000, this  
22          transfer is no longer required and shall not be made.

23          Net revenue realized for a month shall be the revenue  
24          collected by the State pursuant to this Act, less the amount  
25          paid out during that month as refunds to taxpayers for  
26          overpayment of liability.

1           For greater simplicity of administration, it shall be  
2 permissible for manufacturers, importers and wholesalers whose  
3 products are sold by numerous servicemen in Illinois, and who  
4 wish to do so, to assume the responsibility for accounting and  
5 paying to the Department all tax accruing under this Act with  
6 respect to such sales, if the servicemen who are affected do  
7 not make written objection to the Department to this  
8 arrangement.

9           (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
10 100-303, eff. 8-24-17; revised 10-31-17)

11           (Text of Section after amendment by P.A. 100-363)

12           Sec. 9. Each serviceman required or authorized to collect  
13 the tax herein imposed shall pay to the Department the amount  
14 of such tax at the time when he is required to file his return  
15 for the period during which such tax was collectible, less a  
16 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
17 after January 1, 1990, or \$5 per calendar year, whichever is  
18 greater, which is allowed to reimburse the serviceman for  
19 expenses incurred in collecting the tax, keeping records,  
20 preparing and filing returns, remitting the tax and supplying  
21 data to the Department on request. The discount allowed under  
22 this Section is allowed only for returns that are filed in the  
23 manner required by this Act. The Department may disallow the  
24 discount for servicemen whose certificate of registration is  
25 revoked at the time the return is filed, but only if the

1 Department's decision to revoke the certificate of  
2 registration has become final.

3 Where such tangible personal property is sold under a  
4 conditional sales contract, or under any other form of sale  
5 wherein the payment of the principal sum, or a part thereof, is  
6 extended beyond the close of the period for which the return is  
7 filed, the serviceman, in collecting the tax may collect, for  
8 each tax return period, only the tax applicable to the part of  
9 the selling price actually received during such tax return  
10 period.

11 Except as provided hereinafter in this Section, on or  
12 before the twentieth day of each calendar month, such  
13 serviceman shall file a return for the preceding calendar month  
14 in accordance with reasonable rules and regulations to be  
15 promulgated by the Department of Revenue. Such return shall be  
16 filed on a form prescribed by the Department and shall contain  
17 such information as the Department may reasonably require. On  
18 and after January 1, 2018, with respect to servicemen whose  
19 annual gross receipts average \$20,000 or more, all returns  
20 required to be filed pursuant to this Act shall be filed  
21 electronically. Servicemen who demonstrate that they do not  
22 have access to the Internet or demonstrate hardship in filing  
23 electronically may petition the Department to waive the  
24 electronic filing requirement.

25 The Department may require returns to be filed on a  
26 quarterly basis. If so required, a return for each calendar



1 quarter shall be filed on or before the twentieth day of the  
2 calendar month following the end of such calendar quarter. The  
3 taxpayer shall also file a return with the Department for each  
4 of the first two months of each calendar quarter, on or before  
5 the twentieth day of the following calendar month, stating:

6 1. The name of the seller;

7 2. The address of the principal place of business from  
8 which he engages in business as a serviceman in this State;

9 3. The total amount of taxable receipts received by him  
10 during the preceding calendar month, including receipts  
11 from charge and time sales, but less all deductions allowed  
12 by law;

13 4. The amount of credit provided in Section 2d of this  
14 Act;

15 5. The amount of tax due;

16 5-5. The signature of the taxpayer; and

17 6. Such other reasonable information as the Department  
18 may require.

19 If a taxpayer fails to sign a return within 30 days after  
20 the proper notice and demand for signature by the Department,  
21 the return shall be considered valid and any amount shown to be  
22 due on the return shall be deemed assessed.

23 Prior to October 1, 2003, and on and after September 1,  
24 2004 a serviceman may accept a Manufacturer's Purchase Credit  
25 certification from a purchaser in satisfaction of Service Use  
26 Tax as provided in Section 3-70 of the Service Use Tax Act if

1 the purchaser provides the appropriate documentation as  
2 required by Section 3-70 of the Service Use Tax Act. A  
3 Manufacturer's Purchase Credit certification, accepted prior  
4 to October 1, 2003 or on or after September 1, 2004 by a  
5 serviceman as provided in Section 3-70 of the Service Use Tax  
6 Act, may be used by that serviceman to satisfy Service  
7 Occupation Tax liability in the amount claimed in the  
8 certification, not to exceed 6.25% of the receipts subject to  
9 tax from a qualifying purchase. A Manufacturer's Purchase  
10 Credit reported on any original or amended return filed under  
11 this Act after October 20, 2003 for reporting periods prior to  
12 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
13 Credit reported on annual returns due on or after January 1,  
14 2005 will be disallowed for periods prior to September 1, 2004.  
15 No Manufacturer's Purchase Credit may be used after September  
16 30, 2003 through August 31, 2004 to satisfy any tax liability  
17 imposed under this Act, including any audit liability.

18 If the serviceman's average monthly tax liability to the  
19 Department does not exceed \$200, the Department may authorize  
20 his returns to be filed on a quarter annual basis, with the  
21 return for January, February and March of a given year being  
22 due by April 20 of such year; with the return for April, May  
23 and June of a given year being due by July 20 of such year; with  
24 the return for July, August and September of a given year being  
25 due by October 20 of such year, and with the return for  
26 October, November and December of a given year being due by

1 January 20 of the following year.

2 If the serviceman's average monthly tax liability to the  
3 Department does not exceed \$50, the Department may authorize  
4 his returns to be filed on an annual basis, with the return for  
5 a given year being due by January 20 of the following year.

6 Such quarter annual and annual returns, as to form and  
7 substance, shall be subject to the same requirements as monthly  
8 returns.

9 Notwithstanding any other provision in this Act concerning  
10 the time within which a serviceman may file his return, in the  
11 case of any serviceman who ceases to engage in a kind of  
12 business which makes him responsible for filing returns under  
13 this Act, such serviceman shall file a final return under this  
14 Act with the Department not more than 1 month after  
15 discontinuing such business.

16 Beginning October 1, 1993, a taxpayer who has an average  
17 monthly tax liability of \$150,000 or more shall make all  
18 payments required by rules of the Department by electronic  
19 funds transfer. Beginning October 1, 1994, a taxpayer who has  
20 an average monthly tax liability of \$100,000 or more shall make  
21 all payments required by rules of the Department by electronic  
22 funds transfer. Beginning October 1, 1995, a taxpayer who has  
23 an average monthly tax liability of \$50,000 or more shall make  
24 all payments required by rules of the Department by electronic  
25 funds transfer. Beginning October 1, 2000, a taxpayer who has  
26 an annual tax liability of \$200,000 or more shall make all

1 payments required by rules of the Department by electronic  
2 funds transfer. The term "annual tax liability" shall be the  
3 sum of the taxpayer's liabilities under this Act, and under all  
4 other State and local occupation and use tax laws administered  
5 by the Department, for the immediately preceding calendar year.  
6 The term "average monthly tax liability" means the sum of the  
7 taxpayer's liabilities under this Act, and under all other  
8 State and local occupation and use tax laws administered by the  
9 Department, for the immediately preceding calendar year  
10 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
11 a tax liability in the amount set forth in subsection (b) of  
12 Section 2505-210 of the Department of Revenue Law shall make  
13 all payments required by rules of the Department by electronic  
14 funds transfer.

15 Before August 1 of each year beginning in 1993, the  
16 Department shall notify all taxpayers required to make payments  
17 by electronic funds transfer. All taxpayers required to make  
18 payments by electronic funds transfer shall make those payments  
19 for a minimum of one year beginning on October 1.

20 Any taxpayer not required to make payments by electronic  
21 funds transfer may make payments by electronic funds transfer  
22 with the permission of the Department.

23 All taxpayers required to make payment by electronic funds  
24 transfer and any taxpayers authorized to voluntarily make  
25 payments by electronic funds transfer shall make those payments  
26 in the manner authorized by the Department.

1           The Department shall adopt such rules as are necessary to  
2           effectuate a program of electronic funds transfer and the  
3           requirements of this Section.

4           Where a serviceman collects the tax with respect to the  
5           selling price of tangible personal property which he sells and  
6           the purchaser thereafter returns such tangible personal  
7           property and the serviceman refunds the selling price thereof  
8           to the purchaser, such serviceman shall also refund, to the  
9           purchaser, the tax so collected from the purchaser. When filing  
10          his return for the period in which he refunds such tax to the  
11          purchaser, the serviceman may deduct the amount of the tax so  
12          refunded by him to the purchaser from any other Service  
13          Occupation Tax, Service Use Tax, Retailers' Occupation Tax or  
14          Use Tax which such serviceman may be required to pay or remit  
15          to the Department, as shown by such return, provided that the  
16          amount of the tax to be deducted shall previously have been  
17          remitted to the Department by such serviceman. If the  
18          serviceman shall not previously have remitted the amount of  
19          such tax to the Department, he shall be entitled to no  
20          deduction hereunder upon refunding such tax to the purchaser.

21          If experience indicates such action to be practicable, the  
22          Department may prescribe and furnish a combination or joint  
23          return which will enable servicemen, who are required to file  
24          returns hereunder and also under the Retailers' Occupation Tax  
25          Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
26          the return information required by all said Acts on the one

1 form.

2 Where the serviceman has more than one business registered  
3 with the Department under separate registrations hereunder,  
4 such serviceman shall file separate returns for each registered  
5 business.

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the Local Government Tax Fund the revenue realized for  
8 the preceding month from the 1% tax on sales of food for human  
9 consumption which is to be consumed off the premises where it  
10 is sold (other than alcoholic beverages, soft drinks and food  
11 which has been prepared for immediate consumption) and  
12 prescription and nonprescription medicines, drugs, medical  
13 appliances, products classified as Class III medical devices by  
14 the United States Food and Drug Administration that are used  
15 for cancer treatment pursuant to a prescription, as well as any  
16 accessories and components related to those devices, and  
17 insulin, urine testing materials, syringes and needles used by  
18 diabetics.

19 Beginning January 1, 1990, each month the Department shall  
20 pay into the County and Mass Transit District Fund 4% of the  
21 revenue realized for the preceding month from the 6.25% general  
22 rate.

23 Beginning August 1, 2000, each month the Department shall  
24 pay into the County and Mass Transit District Fund 20% of the  
25 net revenue realized for the preceding month from the 1.25%  
26 rate on the selling price of motor fuel and gasohol.

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the Local Government Tax Fund 16% of the revenue  
3 realized for the preceding month from the 6.25% general rate on  
4 transfers of tangible personal property.

5           Beginning August 1, 2000, each month the Department shall  
6 pay into the Local Government Tax Fund 80% of the net revenue  
7 realized for the preceding month from the 1.25% rate on the  
8 selling price of motor fuel and gasohol.

9           Beginning October 1, 2009, each month the Department shall  
10 pay into the Capital Projects Fund an amount that is equal to  
11 an amount estimated by the Department to represent 80% of the  
12 net revenue realized for the preceding month from the sale of  
13 candy, grooming and hygiene products, and soft drinks that had  
14 been taxed at a rate of 1% prior to September 1, 2009 but that  
15 are now taxed at 6.25%.

16           Beginning July 1, 2013, each month the Department shall pay  
17 into the Underground Storage Tank Fund from the proceeds  
18 collected under this Act, the Use Tax Act, the Service Use Tax  
19 Act, and the Retailers' Occupation Tax Act an amount equal to  
20 the average monthly deficit in the Underground Storage Tank  
21 Fund during the prior year, as certified annually by the  
22 Illinois Environmental Protection Agency, but the total  
23 payment into the Underground Storage Tank Fund under this Act,  
24 the Use Tax Act, the Service Use Tax Act, and the Retailers'  
25 Occupation Tax Act shall not exceed \$18,000,000 in any State  
26 fiscal year. As used in this paragraph, the "average monthly

1 deficit" shall be equal to the difference between the average  
2 monthly claims for payment by the fund and the average monthly  
3 revenues deposited into the fund, excluding payments made  
4 pursuant to this paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys  
6 received by the Department under the Use Tax Act, the Service  
7 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
8 each month the Department shall deposit \$500,000 into the State  
9 Crime Laboratory Fund.

10 Of the remainder of the moneys received by the Department  
11 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
12 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
13 and after July 1, 1989, 3.8% thereof shall be paid into the  
14 Build Illinois Fund; provided, however, that if in any fiscal  
15 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
16 may be, of the moneys received by the Department and required  
17 to be paid into the Build Illinois Fund pursuant to Section 3  
18 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
19 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
20 Service Occupation Tax Act, such Acts being hereinafter called  
21 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
22 may be, of moneys being hereinafter called the "Tax Act  
23 Amount", and (2) the amount transferred to the Build Illinois  
24 Fund from the State and Local Sales Tax Reform Fund shall be  
25 less than the Annual Specified Amount (as defined in Section 3  
26 of the Retailers' Occupation Tax Act), an amount equal to the



1 difference shall be immediately paid into the Build Illinois  
2 Fund from other moneys received by the Department pursuant to  
3 the Tax Acts; and further provided, that if on the last  
4 business day of any month the sum of (1) the Tax Act Amount  
5 required to be deposited into the Build Illinois Account in the  
6 Build Illinois Fund during such month and (2) the amount  
7 transferred during such month to the Build Illinois Fund from  
8 the State and Local Sales Tax Reform Fund shall have been less  
9 than 1/12 of the Annual Specified Amount, an amount equal to  
10 the difference shall be immediately paid into the Build  
11 Illinois Fund from other moneys received by the Department  
12 pursuant to the Tax Acts; and, further provided, that in no  
13 event shall the payments required under the preceding proviso  
14 result in aggregate payments into the Build Illinois Fund  
15 pursuant to this clause (b) for any fiscal year in excess of  
16 the greater of (i) the Tax Act Amount or (ii) the Annual  
17 Specified Amount for such fiscal year; and, further provided,  
18 that the amounts payable into the Build Illinois Fund under  
19 this clause (b) shall be payable only until such time as the  
20 aggregate amount on deposit under each trust indenture securing  
21 Bonds issued and outstanding pursuant to the Build Illinois  
22 Bond Act is sufficient, taking into account any future  
23 investment income, to fully provide, in accordance with such  
24 indenture, for the defeasance of or the payment of the  
25 principal of, premium, if any, and interest on the Bonds  
26 secured by such indenture and on any Bonds expected to be

1 issued thereafter and all fees and costs payable with respect  
2 thereto, all as certified by the Director of the Bureau of the  
3 Budget (now Governor's Office of Management and Budget). If on  
4 the last business day of any month in which Bonds are  
5 outstanding pursuant to the Build Illinois Bond Act, the  
6 aggregate of the moneys deposited in the Build Illinois Bond  
7 Account in the Build Illinois Fund in such month shall be less  
8 than the amount required to be transferred in such month from  
9 the Build Illinois Bond Account to the Build Illinois Bond  
10 Retirement and Interest Fund pursuant to Section 13 of the  
11 Build Illinois Bond Act, an amount equal to such deficiency  
12 shall be immediately paid from other moneys received by the  
13 Department pursuant to the Tax Acts to the Build Illinois Fund;  
14 provided, however, that any amounts paid to the Build Illinois  
15 Fund in any fiscal year pursuant to this sentence shall be  
16 deemed to constitute payments pursuant to clause (b) of the  
17 preceding sentence and shall reduce the amount otherwise  
18 payable for such fiscal year pursuant to clause (b) of the  
19 preceding sentence. The moneys received by the Department  
20 pursuant to this Act and required to be deposited into the  
21 Build Illinois Fund are subject to the pledge, claim and charge  
22 set forth in Section 12 of the Build Illinois Bond Act.

23 Subject to payment of amounts into the Build Illinois Fund  
24 as provided in the preceding paragraph or in any amendment  
25 thereto hereafter enacted, the following specified monthly  
26 installment of the amount requested in the certificate of the

1 Chairman of the Metropolitan Pier and Exposition Authority  
 2 provided under Section 8.25f of the State Finance Act, but not  
 3 in excess of the sums designated as "Total Deposit", shall be  
 4 deposited in the aggregate from collections under Section 9 of  
 5 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 6 9 of the Service Occupation Tax Act, and Section 3 of the  
 7 Retailers' Occupation Tax Act into the McCormick Place  
 8 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
9		
10	1993	\$0
11	1994	53,000,000
12	1995	58,000,000
13	1996	61,000,000
14	1997	64,000,000
15	1998	68,000,000
16	1999	71,000,000
17	2000	75,000,000
18	2001	80,000,000
19	2002	93,000,000
20	2003	99,000,000
21	2004	103,000,000
22	2005	108,000,000
23	2006	113,000,000
24	2007	119,000,000
25	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023	275,000,000
16	2024	275,000,000
17	2025	275,000,000
18	2026	279,000,000
19	2027	292,000,000
20	2028	307,000,000
21	2029	322,000,000
22	2030	338,000,000
23	2031	350,000,000
24	2032	350,000,000
25	and	
26	each fiscal year	

1           thereafter that bonds  
2           are outstanding under  
3           Section 13.2 of the  
4           Metropolitan Pier and  
5           Exposition Authority Act,  
6       but not after fiscal year 2060.

7           Beginning July 20, 1993 and in each month of each fiscal  
8       year thereafter, one-eighth of the amount requested in the  
9       certificate of the Chairman of the Metropolitan Pier and  
10      Exposition Authority for that fiscal year, less the amount  
11      deposited into the McCormick Place Expansion Project Fund by  
12      the State Treasurer in the respective month under subsection  
13      (g) of Section 13 of the Metropolitan Pier and Exposition  
14      Authority Act, plus cumulative deficiencies in the deposits  
15      required under this Section for previous months and years,  
16      shall be deposited into the McCormick Place Expansion Project  
17      Fund, until the full amount requested for the fiscal year, but  
18      not in excess of the amount specified above as "Total Deposit",  
19      has been deposited.

20           Subject to payment of amounts into the Build Illinois Fund  
21      and the McCormick Place Expansion Project Fund pursuant to the  
22      preceding paragraphs or in any amendments thereto hereafter  
23      enacted, beginning July 1, 1993 and ending on September 30,  
24      2013, the Department shall each month pay into the Illinois Tax  
25      Increment Fund 0.27% of 80% of the net revenue realized for the  
26      preceding month from the 6.25% general rate on the selling

1 price of tangible personal property.

2 Subject to payment of amounts into the Build Illinois Fund  
3 and the McCormick Place Expansion Project Fund pursuant to the  
4 preceding paragraphs or in any amendments thereto hereafter  
5 enacted, beginning with the receipt of the first report of  
6 taxes paid by an eligible business and continuing for a 25-year  
7 period, the Department shall each month pay into the Energy  
8 Infrastructure Fund 80% of the net revenue realized from the  
9 6.25% general rate on the selling price of Illinois-mined coal  
10 that was sold to an eligible business. For purposes of this  
11 paragraph, the term "eligible business" means a new electric  
12 generating facility certified pursuant to Section 605-332 of  
13 the Department of Commerce and Economic Opportunity Law of the  
14 Civil Administrative Code of Illinois.

15 Subject to payment of amounts into the Build Illinois Fund,  
16 the McCormick Place Expansion Project Fund, the Illinois Tax  
17 Increment Fund, and the Energy Infrastructure Fund pursuant to  
18 the preceding paragraphs or in any amendments to this Section  
19 hereafter enacted, beginning on the first day of the first  
20 calendar month to occur on or after August 26, 2014 (the  
21 effective date of Public Act 98-1098) ~~this amendatory Act of~~  
22 ~~the 98th General Assembly~~, each month, from the collections  
23 made under Section 9 of the Use Tax Act, Section 9 of the  
24 Service Use Tax Act, Section 9 of the Service Occupation Tax  
25 Act, and Section 3 of the Retailers' Occupation Tax Act, the  
26 Department shall pay into the Tax Compliance and Administration

1 Fund, to be used, subject to appropriation, to fund additional  
2 auditors and compliance personnel at the Department of Revenue,  
3 an amount equal to 1/12 of 5% of 80% of the cash receipts  
4 collected during the preceding fiscal year by the Audit Bureau  
5 of the Department under the Use Tax Act, the Service Use Tax  
6 Act, the Service Occupation Tax Act, the Retailers' Occupation  
7 Tax Act, and associated local occupation and use taxes  
8 administered by the Department.

9 Subject to payments of amounts into the Build Illinois  
10 Fund, the McCormick Place Expansion Project Fund, the Illinois  
11 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
12 Compliance and Administration Fund as provided in this Section,  
13 beginning on July 1, 2018 the Department shall pay each month  
14 into the Downstate Public Transportation Fund the moneys  
15 required to be so paid under Section 2-3 of the Downstate  
16 Public Transportation Act.

17 Of the remainder of the moneys received by the Department  
18 pursuant to this Act, 75% shall be paid into the General  
19 Revenue Fund of the State Treasury and 25% shall be reserved in  
20 a special account and used only for the transfer to the Common  
21 School Fund as part of the monthly transfer from the General  
22 Revenue Fund in accordance with Section 8a of the State Finance  
23 Act.

24 The Department may, upon separate written notice to a  
25 taxpayer, require the taxpayer to prepare and file with the  
26 Department on a form prescribed by the Department within not

1 less than 60 days after receipt of the notice an annual  
2 information return for the tax year specified in the notice.  
3 Such annual return to the Department shall include a statement  
4 of gross receipts as shown by the taxpayer's last Federal  
5 income tax return. If the total receipts of the business as  
6 reported in the Federal income tax return do not agree with the  
7 gross receipts reported to the Department of Revenue for the  
8 same period, the taxpayer shall attach to his annual return a  
9 schedule showing a reconciliation of the 2 amounts and the  
10 reasons for the difference. The taxpayer's annual return to the  
11 Department shall also disclose the cost of goods sold by the  
12 taxpayer during the year covered by such return, opening and  
13 closing inventories of such goods for such year, cost of goods  
14 used from stock or taken from stock and given away by the  
15 taxpayer during such year, pay roll information of the  
16 taxpayer's business during such year and any additional  
17 reasonable information which the Department deems would be  
18 helpful in determining the accuracy of the monthly, quarterly  
19 or annual returns filed by such taxpayer as hereinbefore  
20 provided for in this Section.

21 If the annual information return required by this Section  
22 is not filed when and as required, the taxpayer shall be liable  
23 as follows:

24 (i) Until January 1, 1994, the taxpayer shall be liable  
25 for a penalty equal to 1/6 of 1% of the tax due from such  
26 taxpayer under this Act during the period to be covered by



1           the annual return for each month or fraction of a month  
2           until such return is filed as required, the penalty to be  
3           assessed and collected in the same manner as any other  
4           penalty provided for in this Act.

5           (ii) On and after January 1, 1994, the taxpayer shall  
6           be liable for a penalty as described in Section 3-4 of the  
7           Uniform Penalty and Interest Act.

8           The chief executive officer, proprietor, owner or highest  
9           ranking manager shall sign the annual return to certify the  
10          accuracy of the information contained therein. Any person who  
11          willfully signs the annual return containing false or  
12          inaccurate information shall be guilty of perjury and punished  
13          accordingly. The annual return form prescribed by the  
14          Department shall include a warning that the person signing the  
15          return may be liable for perjury.

16          The foregoing portion of this Section concerning the filing  
17          of an annual information return shall not apply to a serviceman  
18          who is not required to file an income tax return with the  
19          United States Government.

20          As soon as possible after the first day of each month, upon  
21          certification of the Department of Revenue, the Comptroller  
22          shall order transferred and the Treasurer shall transfer from  
23          the General Revenue Fund to the Motor Fuel Tax Fund an amount  
24          equal to 1.7% of 80% of the net revenue realized under this Act  
25          for the second preceding month. Beginning April 1, 2000, this  
26          transfer is no longer required and shall not be made.

1 Net revenue realized for a month shall be the revenue  
2 collected by the State pursuant to this Act, less the amount  
3 paid out during that month as refunds to taxpayers for  
4 overpayment of liability.

5 For greater simplicity of administration, it shall be  
6 permissible for manufacturers, importers and wholesalers whose  
7 products are sold by numerous servicemen in Illinois, and who  
8 wish to do so, to assume the responsibility for accounting and  
9 paying to the Department all tax accruing under this Act with  
10 respect to such sales, if the servicemen who are affected do  
11 not make written objection to the Department to this  
12 arrangement.

13 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
14 100-303, eff. 8-24-17; 100-363, eff. 7-1-18; revised  
15 10-31-17.)

16 Section 215. The Retailers' Occupation Tax Act is amended  
17 by changing Sections 2-5, 2a, and 3 as follows:

18 (35 ILCS 120/2-5)

19 Sec. 2-5. Exemptions. Gross receipts from proceeds from the  
20 sale of the following tangible personal property are exempt  
21 from the tax imposed by this Act:

22 (1) Farm chemicals.

23 (2) Farm machinery and equipment, both new and used,  
24 including that manufactured on special order, certified by

1 the purchaser to be used primarily for production  
2 agriculture or State or federal agricultural programs,  
3 including individual replacement parts for the machinery  
4 and equipment, including machinery and equipment purchased  
5 for lease, and including implements of husbandry defined in  
6 Section 1-130 of the Illinois Vehicle Code, farm machinery  
7 and agricultural chemical and fertilizer spreaders, and  
8 nurse wagons required to be registered under Section 3-809  
9 of the Illinois Vehicle Code, but excluding other motor  
10 vehicles required to be registered under the Illinois  
11 Vehicle Code. Horticultural polyhouses or hoop houses used  
12 for propagating, growing, or overwintering plants shall be  
13 considered farm machinery and equipment under this item  
14 (2). Agricultural chemical tender tanks and dry boxes shall  
15 include units sold separately from a motor vehicle required  
16 to be licensed and units sold mounted on a motor vehicle  
17 required to be licensed, if the selling price of the tender  
18 is separately stated.

19 Farm machinery and equipment shall include precision  
20 farming equipment that is installed or purchased to be  
21 installed on farm machinery and equipment including, but  
22 not limited to, tractors, harvesters, sprayers, planters,  
23 seeders, or spreaders. Precision farming equipment  
24 includes, but is not limited to, soil testing sensors,  
25 computers, monitors, software, global positioning and  
26 mapping systems, and other such equipment.

1           Farm machinery and equipment also includes computers,  
2           sensors, software, and related equipment used primarily in  
3           the computer-assisted operation of production agriculture  
4           facilities, equipment, and activities such as, but not  
5           limited to, the collection, monitoring, and correlation of  
6           animal and crop data for the purpose of formulating animal  
7           diets and agricultural chemicals. This item (2) is exempt  
8           from the provisions of Section 2-70.

9           (3) Until July 1, 2003, distillation machinery and  
10          equipment, sold as a unit or kit, assembled or installed by  
11          the retailer, certified by the user to be used only for the  
12          production of ethyl alcohol that will be used for  
13          consumption as motor fuel or as a component of motor fuel  
14          for the personal use of the user, and not subject to sale  
15          or resale.

16          (4) Until July 1, 2003 and beginning again September 1,  
17          2004 through August 30, 2014, graphic arts machinery and  
18          equipment, including repair and replacement parts, both  
19          new and used, and including that manufactured on special  
20          order or purchased for lease, certified by the purchaser to  
21          be used primarily for graphic arts production. Equipment  
22          includes chemicals or chemicals acting as catalysts but  
23          only if the chemicals or chemicals acting as catalysts  
24          effect a direct and immediate change upon a graphic arts  
25          product. Beginning on July 1, 2017, graphic arts machinery  
26          and equipment is included in the manufacturing and

1 assembling machinery and equipment exemption under  
2 paragraph (14).

3 (5) A motor vehicle that is used for automobile  
4 renting, as defined in the Automobile Renting Occupation  
5 and Use Tax Act. This paragraph is exempt from the  
6 provisions of Section 2-70.

7 (6) Personal property sold by a teacher-sponsored  
8 student organization affiliated with an elementary or  
9 secondary school located in Illinois.

10 (7) Until July 1, 2003, proceeds of that portion of the  
11 selling price of a passenger car the sale of which is  
12 subject to the Replacement Vehicle Tax.

13 (8) Personal property sold to an Illinois county fair  
14 association for use in conducting, operating, or promoting  
15 the county fair.

16 (9) Personal property sold to a not-for-profit arts or  
17 cultural organization that establishes, by proof required  
18 by the Department by rule, that it has received an  
19 exemption under Section 501(c)(3) of the Internal Revenue  
20 Code and that is organized and operated primarily for the  
21 presentation or support of arts or cultural programming,  
22 activities, or services. These organizations include, but  
23 are not limited to, music and dramatic arts organizations  
24 such as symphony orchestras and theatrical groups, arts and  
25 cultural service organizations, local arts councils,  
26 visual arts organizations, and media arts organizations.

1 On and after July 1, 2001 (the effective date of Public Act  
2 92-35) ~~this amendatory Act of the 92nd General Assembly,~~  
3 however, an entity otherwise eligible for this exemption  
4 shall not make tax-free purchases unless it has an active  
5 identification number issued by the Department.

6 (10) Personal property sold by a corporation, society,  
7 association, foundation, institution, or organization,  
8 other than a limited liability company, that is organized  
9 and operated as a not-for-profit service enterprise for the  
10 benefit of persons 65 years of age or older if the personal  
11 property was not purchased by the enterprise for the  
12 purpose of resale by the enterprise.

13 (11) Personal property sold to a governmental body, to  
14 a corporation, society, association, foundation, or  
15 institution organized and operated exclusively for  
16 charitable, religious, or educational purposes, or to a  
17 not-for-profit corporation, society, association,  
18 foundation, institution, or organization that has no  
19 compensated officers or employees and that is organized and  
20 operated primarily for the recreation of persons 55 years  
21 of age or older. A limited liability company may qualify  
22 for the exemption under this paragraph only if the limited  
23 liability company is organized and operated exclusively  
24 for educational purposes. On and after July 1, 1987,  
25 however, no entity otherwise eligible for this exemption  
26 shall make tax-free purchases unless it has an active

1 identification number issued by the Department.

2 (12) (Blank).

3 (12-5) On and after July 1, 2003 and through June 30,  
4 2004, motor vehicles of the second division with a gross  
5 vehicle weight in excess of 8,000 pounds that are subject  
6 to the commercial distribution fee imposed under Section  
7 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,  
8 2004 and through June 30, 2005, the use in this State of  
9 motor vehicles of the second division: (i) with a gross  
10 vehicle weight rating in excess of 8,000 pounds; (ii) that  
11 are subject to the commercial distribution fee imposed  
12 under Section 3-815.1 of the Illinois Vehicle Code; and  
13 (iii) that are primarily used for commercial purposes.  
14 Through June 30, 2005, this exemption applies to repair and  
15 replacement parts added after the initial purchase of such  
16 a motor vehicle if that motor vehicle is used in a manner  
17 that would qualify for the rolling stock exemption  
18 otherwise provided for in this Act. For purposes of this  
19 paragraph, "used for commercial purposes" means the  
20 transportation of persons or property in furtherance of any  
21 commercial or industrial enterprise whether for-hire or  
22 not.

23 (13) Proceeds from sales to owners, lessors, or  
24 shippers of tangible personal property that is utilized by  
25 interstate carriers for hire for use as rolling stock  
26 moving in interstate commerce and equipment operated by a

1 telecommunications provider, licensed as a common carrier  
2 by the Federal Communications Commission, which is  
3 permanently installed in or affixed to aircraft moving in  
4 interstate commerce.

5 (14) Machinery and equipment that will be used by the  
6 purchaser, or a lessee of the purchaser, primarily in the  
7 process of manufacturing or assembling tangible personal  
8 property for wholesale or retail sale or lease, whether the  
9 sale or lease is made directly by the manufacturer or by  
10 some other person, whether the materials used in the  
11 process are owned by the manufacturer or some other person,  
12 or whether the sale or lease is made apart from or as an  
13 incident to the seller's engaging in the service occupation  
14 of producing machines, tools, dies, jigs, patterns,  
15 gauges, or other similar items of no commercial value on  
16 special order for a particular purchaser. The exemption  
17 provided by this paragraph (14) does not include machinery  
18 and equipment used in (i) the generation of electricity for  
19 wholesale or retail sale; (ii) the generation or treatment  
20 of natural or artificial gas for wholesale or retail sale  
21 that is delivered to customers through pipes, pipelines, or  
22 mains; or (iii) the treatment of water for wholesale or  
23 retail sale that is delivered to customers through pipes,  
24 pipelines, or mains. The provisions of Public Act 98-583  
25 are declaratory of existing law as to the meaning and scope  
26 of this exemption. Beginning on July 1, 2017, the exemption



1 provided by this paragraph (14) includes, but is not  
2 limited to, graphic arts machinery and equipment, as  
3 defined in paragraph (4) of this Section.

4 (15) Proceeds of mandatory service charges separately  
5 stated on customers' bills for purchase and consumption of  
6 food and beverages, to the extent that the proceeds of the  
7 service charge are in fact turned over as tips or as a  
8 substitute for tips to the employees who participate  
9 directly in preparing, serving, hosting or cleaning up the  
10 food or beverage function with respect to which the service  
11 charge is imposed.

12 (16) Petroleum products sold to a purchaser if the  
13 seller is prohibited by federal law from charging tax to  
14 the purchaser.

15 (17) Tangible personal property sold to a common  
16 carrier by rail or motor that receives the physical  
17 possession of the property in Illinois and that transports  
18 the property, or shares with another common carrier in the  
19 transportation of the property, out of Illinois on a  
20 standard uniform bill of lading showing the seller of the  
21 property as the shipper or consignor of the property to a  
22 destination outside Illinois, for use outside Illinois.

23 (18) Legal tender, currency, medallions, or gold or  
24 silver coinage issued by the State of Illinois, the  
25 government of the United States of America, or the  
26 government of any foreign country, and bullion.

1           (19) Until July 1, 2003, oil field exploration,  
2 drilling, and production equipment, including (i) rigs and  
3 parts of rigs, rotary rigs, cable tool rigs, and workover  
4 rigs, (ii) pipe and tubular goods, including casing and  
5 drill strings, (iii) pumps and pump-jack units, (iv)  
6 storage tanks and flow lines, (v) any individual  
7 replacement part for oil field exploration, drilling, and  
8 production equipment, and (vi) machinery and equipment  
9 purchased for lease; but excluding motor vehicles required  
10 to be registered under the Illinois Vehicle Code.

11           (20) Photoprocessing machinery and equipment,  
12 including repair and replacement parts, both new and used,  
13 including that manufactured on special order, certified by  
14 the purchaser to be used primarily for photoprocessing, and  
15 including photoprocessing machinery and equipment  
16 purchased for lease.

17           (21) Coal and aggregate exploration, mining,  
18 off-highway hauling, processing, maintenance, and  
19 reclamation equipment, including replacement parts and  
20 equipment, and including equipment purchased for lease,  
21 but excluding motor vehicles required to be registered  
22 under the Illinois Vehicle Code. The changes made to this  
23 Section by Public Act 97-767 apply on and after July 1,  
24 2003, but no claim for credit or refund is allowed on or  
25 after August 16, 2013 (the effective date of Public Act  
26 98-456) for such taxes paid during the period beginning

1 July 1, 2003 and ending on August 16, 2013 (the effective  
2 date of Public Act 98-456).

3 (22) Until June 30, 2013, fuel and petroleum products  
4 sold to or used by an air carrier, certified by the carrier  
5 to be used for consumption, shipment, or storage in the  
6 conduct of its business as an air common carrier, for a  
7 flight destined for or returning from a location or  
8 locations outside the United States without regard to  
9 previous or subsequent domestic stopovers.

10 Beginning July 1, 2013, fuel and petroleum products  
11 sold to or used by an air carrier, certified by the carrier  
12 to be used for consumption, shipment, or storage in the  
13 conduct of its business as an air common carrier, for a  
14 flight that (i) is engaged in foreign trade or is engaged  
15 in trade between the United States and any of its  
16 possessions and (ii) transports at least one individual or  
17 package for hire from the city of origination to the city  
18 of final destination on the same aircraft, without regard  
19 to a change in the flight number of that aircraft.

20 (23) A transaction in which the purchase order is  
21 received by a florist who is located outside Illinois, but  
22 who has a florist located in Illinois deliver the property  
23 to the purchaser or the purchaser's donee in Illinois.

24 (24) Fuel consumed or used in the operation of ships,  
25 barges, or vessels that are used primarily in or for the  
26 transportation of property or the conveyance of persons for

1 hire on rivers bordering on this State if the fuel is  
2 delivered by the seller to the purchaser's barge, ship, or  
3 vessel while it is afloat upon that bordering river.

4 (25) Except as provided in item (25-5) of this Section,  
5 a motor vehicle sold in this State to a nonresident even  
6 though the motor vehicle is delivered to the nonresident in  
7 this State, if the motor vehicle is not to be titled in  
8 this State, and if a drive-away permit is issued to the  
9 motor vehicle as provided in Section 3-603 of the Illinois  
10 Vehicle Code or if the nonresident purchaser has vehicle  
11 registration plates to transfer to the motor vehicle upon  
12 returning to his or her home state. The issuance of the  
13 drive-away permit or having the out-of-state registration  
14 plates to be transferred is prima facie evidence that the  
15 motor vehicle will not be titled in this State.

16 (25-5) The exemption under item (25) does not apply if  
17 the state in which the motor vehicle will be titled does  
18 not allow a reciprocal exemption for a motor vehicle sold  
19 and delivered in that state to an Illinois resident but  
20 titled in Illinois. The tax collected under this Act on the  
21 sale of a motor vehicle in this State to a resident of  
22 another state that does not allow a reciprocal exemption  
23 shall be imposed at a rate equal to the state's rate of tax  
24 on taxable property in the state in which the purchaser is  
25 a resident, except that the tax shall not exceed the tax  
26 that would otherwise be imposed under this Act. At the time

1 of the sale, the purchaser shall execute a statement,  
2 signed under penalty of perjury, of his or her intent to  
3 title the vehicle in the state in which the purchaser is a  
4 resident within 30 days after the sale and of the fact of  
5 the payment to the State of Illinois of tax in an amount  
6 equivalent to the state's rate of tax on taxable property  
7 in his or her state of residence and shall submit the  
8 statement to the appropriate tax collection agency in his  
9 or her state of residence. In addition, the retailer must  
10 retain a signed copy of the statement in his or her  
11 records. Nothing in this item shall be construed to require  
12 the removal of the vehicle from this state following the  
13 filing of an intent to title the vehicle in the purchaser's  
14 state of residence if the purchaser titles the vehicle in  
15 his or her state of residence within 30 days after the date  
16 of sale. The tax collected under this Act in accordance  
17 with this item (25-5) shall be proportionately distributed  
18 as if the tax were collected at the 6.25% general rate  
19 imposed under this Act.

20 (25-7) Beginning on July 1, 2007, no tax is imposed  
21 under this Act on the sale of an aircraft, as defined in  
22 Section 3 of the Illinois Aeronautics Act, if all of the  
23 following conditions are met:

- 24 (1) the aircraft leaves this State within 15 days  
25 after the later of either the issuance of the final  
26 billing for the sale of the aircraft, or the authorized

1 approval for return to service, completion of the  
2 maintenance record entry, and completion of the test  
3 flight and ground test for inspection, as required by  
4 14 C.F.R. 91.407;

5 (2) the aircraft is not based or registered in this  
6 State after the sale of the aircraft; and

7 (3) the seller retains in his or her books and  
8 records and provides to the Department a signed and  
9 dated certification from the purchaser, on a form  
10 prescribed by the Department, certifying that the  
11 requirements of this item (25-7) are met. The  
12 certificate must also include the name and address of  
13 the purchaser, the address of the location where the  
14 aircraft is to be titled or registered, the address of  
15 the primary physical location of the aircraft, and  
16 other information that the Department may reasonably  
17 require.

18 For purposes of this item (25-7):

19 "Based in this State" means hangared, stored, or  
20 otherwise used, excluding post-sale customizations as  
21 defined in this Section, for 10 or more days in each  
22 12-month period immediately following the date of the sale  
23 of the aircraft.

24 "Registered in this State" means an aircraft  
25 registered with the Department of Transportation,  
26 Aeronautics Division, or titled or registered with the

1 Federal Aviation Administration to an address located in  
2 this State.

3 This paragraph (25-7) is exempt from the provisions of  
4 Section 2-70.

5 (26) Semen used for artificial insemination of  
6 livestock for direct agricultural production.

7 (27) Horses, or interests in horses, registered with  
8 and meeting the requirements of any of the Arabian Horse  
9 Club Registry of America, Appaloosa Horse Club, American  
10 Quarter Horse Association, United States Trotting  
11 Association, or Jockey Club, as appropriate, used for  
12 purposes of breeding or racing for prizes. This item (27)  
13 is exempt from the provisions of Section 2-70, and the  
14 exemption provided for under this item (27) applies for all  
15 periods beginning May 30, 1995, but no claim for credit or  
16 refund is allowed on or after January 1, 2008 (the  
17 effective date of Public Act 95-88) for such taxes paid  
18 during the period beginning May 30, 2000 and ending on  
19 January 1, 2008 (the effective date of Public Act 95-88).

20 (28) Computers and communications equipment utilized  
21 for any hospital purpose and equipment used in the  
22 diagnosis, analysis, or treatment of hospital patients  
23 sold to a lessor who leases the equipment, under a lease of  
24 one year or longer executed or in effect at the time of the  
25 purchase, to a hospital that has been issued an active tax  
26 exemption identification number by the Department under

1 Section 1g of this Act.

2 (29) Personal property sold to a lessor who leases the  
3 property, under a lease of one year or longer executed or  
4 in effect at the time of the purchase, to a governmental  
5 body that has been issued an active tax exemption  
6 identification number by the Department under Section 1g of  
7 this Act.

8 (30) Beginning with taxable years ending on or after  
9 December 31, 1995 and ending with taxable years ending on  
10 or before December 31, 2004, personal property that is  
11 donated for disaster relief to be used in a State or  
12 federally declared disaster area in Illinois or bordering  
13 Illinois by a manufacturer or retailer that is registered  
14 in this State to a corporation, society, association,  
15 foundation, or institution that has been issued a sales tax  
16 exemption identification number by the Department that  
17 assists victims of the disaster who reside within the  
18 declared disaster area.

19 (31) Beginning with taxable years ending on or after  
20 December 31, 1995 and ending with taxable years ending on  
21 or before December 31, 2004, personal property that is used  
22 in the performance of infrastructure repairs in this State,  
23 including but not limited to municipal roads and streets,  
24 access roads, bridges, sidewalks, waste disposal systems,  
25 water and sewer line extensions, water distribution and  
26 purification facilities, storm water drainage and



1 retention facilities, and sewage treatment facilities,  
2 resulting from a State or federally declared disaster in  
3 Illinois or bordering Illinois when such repairs are  
4 initiated on facilities located in the declared disaster  
5 area within 6 months after the disaster.

6 (32) Beginning July 1, 1999, game or game birds sold at  
7 a "game breeding and hunting preserve area" as that term is  
8 used in the Wildlife Code. This paragraph is exempt from  
9 the provisions of Section 2-70.

10 (33) A motor vehicle, as that term is defined in  
11 Section 1-146 of the Illinois Vehicle Code, that is donated  
12 to a corporation, limited liability company, society,  
13 association, foundation, or institution that is determined  
14 by the Department to be organized and operated exclusively  
15 for educational purposes. For purposes of this exemption,  
16 "a corporation, limited liability company, society,  
17 association, foundation, or institution organized and  
18 operated exclusively for educational purposes" means all  
19 tax-supported public schools, private schools that offer  
20 systematic instruction in useful branches of learning by  
21 methods common to public schools and that compare favorably  
22 in their scope and intensity with the course of study  
23 presented in tax-supported schools, and vocational or  
24 technical schools or institutes organized and operated  
25 exclusively to provide a course of study of not less than 6  
26 weeks duration and designed to prepare individuals to

1 follow a trade or to pursue a manual, technical,  
2 mechanical, industrial, business, or commercial  
3 occupation.

4 (34) Beginning January 1, 2000, personal property,  
5 including food, purchased through fundraising events for  
6 the benefit of a public or private elementary or secondary  
7 school, a group of those schools, or one or more school  
8 districts if the events are sponsored by an entity  
9 recognized by the school district that consists primarily  
10 of volunteers and includes parents and teachers of the  
11 school children. This paragraph does not apply to  
12 fundraising events (i) for the benefit of private home  
13 instruction or (ii) for which the fundraising entity  
14 purchases the personal property sold at the events from  
15 another individual or entity that sold the property for the  
16 purpose of resale by the fundraising entity and that  
17 profits from the sale to the fundraising entity. This  
18 paragraph is exempt from the provisions of Section 2-70.

19 (35) Beginning January 1, 2000 and through December 31,  
20 2001, new or used automatic vending machines that prepare  
21 and serve hot food and beverages, including coffee, soup,  
22 and other items, and replacement parts for these machines.  
23 Beginning January 1, 2002 and through June 30, 2003,  
24 machines and parts for machines used in commercial,  
25 coin-operated amusement and vending business if a use or  
26 occupation tax is paid on the gross receipts derived from

1 the use of the commercial, coin-operated amusement and  
2 vending machines. This paragraph is exempt from the  
3 provisions of Section 2-70.

4 (35-5) Beginning August 23, 2001 and through June 30,  
5 2016, food for human consumption that is to be consumed off  
6 the premises where it is sold (other than alcoholic  
7 beverages, soft drinks, and food that has been prepared for  
8 immediate consumption) and prescription and  
9 nonprescription medicines, drugs, medical appliances, and  
10 insulin, urine testing materials, syringes, and needles  
11 used by diabetics, for human use, when purchased for use by  
12 a person receiving medical assistance under Article V of  
13 the Illinois Public Aid Code who resides in a licensed  
14 long-term care facility, as defined in the Nursing Home  
15 Care Act, or a licensed facility as defined in the ID/DD  
16 Community Care Act, the MC/DD Act, or the Specialized  
17 Mental Health Rehabilitation Act of 2013.

18 (36) Beginning August 2, 2001, computers and  
19 communications equipment utilized for any hospital purpose  
20 and equipment used in the diagnosis, analysis, or treatment  
21 of hospital patients sold to a lessor who leases the  
22 equipment, under a lease of one year or longer executed or  
23 in effect at the time of the purchase, to a hospital that  
24 has been issued an active tax exemption identification  
25 number by the Department under Section 1g of this Act. This  
26 paragraph is exempt from the provisions of Section 2-70.

1           (37) Beginning August 2, 2001, personal property sold  
2           to a lessor who leases the property, under a lease of one  
3           year or longer executed or in effect at the time of the  
4           purchase, to a governmental body that has been issued an  
5           active tax exemption identification number by the  
6           Department under Section 1g of this Act. This paragraph is  
7           exempt from the provisions of Section 2-70.

8           (38) Beginning on January 1, 2002 and through June 30,  
9           2016, tangible personal property purchased from an  
10          Illinois retailer by a taxpayer engaged in centralized  
11          purchasing activities in Illinois who will, upon receipt of  
12          the property in Illinois, temporarily store the property in  
13          Illinois (i) for the purpose of subsequently transporting  
14          it outside this State for use or consumption thereafter  
15          solely outside this State or (ii) for the purpose of being  
16          processed, fabricated, or manufactured into, attached to,  
17          or incorporated into other tangible personal property to be  
18          transported outside this State and thereafter used or  
19          consumed solely outside this State. The Director of Revenue  
20          shall, pursuant to rules adopted in accordance with the  
21          Illinois Administrative Procedure Act, issue a permit to  
22          any taxpayer in good standing with the Department who is  
23          eligible for the exemption under this paragraph (38). The  
24          permit issued under this paragraph (38) shall authorize the  
25          holder, to the extent and in the manner specified in the  
26          rules adopted under this Act, to purchase tangible personal

1 property from a retailer exempt from the taxes imposed by  
2 this Act. Taxpayers shall maintain all necessary books and  
3 records to substantiate the use and consumption of all such  
4 tangible personal property outside of the State of  
5 Illinois.

6 (39) Beginning January 1, 2008, tangible personal  
7 property used in the construction or maintenance of a  
8 community water supply, as defined under Section 3.145 of  
9 the Environmental Protection Act, that is operated by a  
10 not-for-profit corporation that holds a valid water supply  
11 permit issued under Title IV of the Environmental  
12 Protection Act. This paragraph is exempt from the  
13 provisions of Section 2-70.

14 (40) Beginning January 1, 2010, materials, parts,  
15 equipment, components, and furnishings incorporated into  
16 or upon an aircraft as part of the modification,  
17 refurbishment, completion, replacement, repair, or  
18 maintenance of the aircraft. This exemption includes  
19 consumable supplies used in the modification,  
20 refurbishment, completion, replacement, repair, and  
21 maintenance of aircraft, but excludes any materials,  
22 parts, equipment, components, and consumable supplies used  
23 in the modification, replacement, repair, and maintenance  
24 of aircraft engines or power plants, whether such engines  
25 or power plants are installed or uninstalled upon any such  
26 aircraft. "Consumable supplies" include, but are not

1 limited to, adhesive, tape, sandpaper, general purpose  
2 lubricants, cleaning solution, latex gloves, and  
3 protective films. This exemption applies only to the sale  
4 of qualifying tangible personal property to persons who  
5 modify, refurbish, complete, replace, or maintain an  
6 aircraft and who (i) hold an Air Agency Certificate and are  
7 empowered to operate an approved repair station by the  
8 Federal Aviation Administration, (ii) have a Class IV  
9 Rating, and (iii) conduct operations in accordance with  
10 Part 145 of the Federal Aviation Regulations. The exemption  
11 does not include aircraft operated by a commercial air  
12 carrier providing scheduled passenger air service pursuant  
13 to authority issued under Part 121 or Part 129 of the  
14 Federal Aviation Regulations. The changes made to this  
15 paragraph (40) by Public Act 98-534 are declarative of  
16 existing law.

17 (41) Tangible personal property sold to a  
18 public-facilities corporation, as described in Section  
19 11-65-10 of the Illinois Municipal Code, for purposes of  
20 constructing or furnishing a municipal convention hall,  
21 but only if the legal title to the municipal convention  
22 hall is transferred to the municipality without any further  
23 consideration by or on behalf of the municipality at the  
24 time of the completion of the municipal convention hall or  
25 upon the retirement or redemption of any bonds or other  
26 debt instruments issued by the public-facilities

1 corporation in connection with the development of the  
2 municipal convention hall. This exemption includes  
3 existing public-facilities corporations as provided in  
4 Section 11-65-25 of the Illinois Municipal Code. This  
5 paragraph is exempt from the provisions of Section 2-70.

6 (42) Beginning January 1, 2017, menstrual pads,  
7 tampons, and menstrual cups.

8 (43) Merchandise that is subject to the Rental Purchase  
9 Agreement Occupation and Use Tax. The purchaser must  
10 certify that the item is purchased to be rented subject to  
11 a rental purchase agreement, as defined in the Rental  
12 Purchase Agreement Act, and provide proof of registration  
13 under the Rental Purchase Agreement Occupation and Use Tax  
14 Act. This paragraph is exempt from the provisions of  
15 Section 2-70.

16 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;  
17 100-22, eff. 7-6-17; 100-321, eff. 8-24-17; 100-437, eff.  
18 1-1-18; revised 9-26-17.)

19 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

20 Sec. 2a. It is unlawful for any person to engage in the  
21 business of selling tangible personal property at retail in  
22 this State without a certificate of registration from the  
23 Department. Application for a certificate of registration  
24 shall be made to the Department upon forms furnished by it.  
25 Each such application shall be signed and verified and shall

1 state: (1) the name and social security number of the  
2 applicant; (2) the address of his principal place of business;  
3 (3) the address of the principal place of business from which  
4 he engages in the business of selling tangible personal  
5 property at retail in this State and the addresses of all other  
6 places of business, if any (enumerating such addresses, if any,  
7 in a separate list attached to and made a part of the  
8 application), from which he engages in the business of selling  
9 tangible personal property at retail in this State; (4) the  
10 name and address of the person or persons who will be  
11 responsible for filing returns and payment of taxes due under  
12 this Act; (5) in the case of a publicly traded corporation, the  
13 name and title of the Chief Financial Officer, Chief Operating  
14 Officer, and any other officer or employee with responsibility  
15 for preparing tax returns under this Act, and, in the case of  
16 all other corporations, the name, title, and social security  
17 number of each corporate officer; (6) in the case of a limited  
18 liability company, the name, social security number, and FEIN  
19 number of each manager and member; and (7) such other  
20 information as the Department may reasonably require. The  
21 application shall contain an acceptance of responsibility  
22 signed by the person or persons who will be responsible for  
23 filing returns and payment of the taxes due under this Act. If  
24 the applicant will sell tangible personal property at retail  
25 through vending machines, his application to register shall  
26 indicate the number of vending machines to be so operated. If



1 requested by the Department at any time, that person shall  
2 verify the total number of vending machines he or she uses in  
3 his or her business of selling tangible personal property at  
4 retail.

5 The Department may deny a certificate of registration to  
6 any applicant if a person who is named as the owner, a partner,  
7 a manager or member of a limited liability company, or a  
8 corporate officer of the applicant on the application for the  
9 certificate of registration is or has been named as the owner,  
10 a partner, a manager or member of a limited liability company,  
11 or a corporate officer on the application for the certificate  
12 of registration of another retailer that is in default for  
13 moneys due under this Act or any other tax or fee Act  
14 administered by the Department. For purposes of this paragraph  
15 only, in determining whether a person is in default for moneys  
16 due, the Department shall include only amounts established as a  
17 final liability within the 20 years prior to the date of the  
18 Department's notice of denial of a certificate of registration.

19 The Department may require an applicant for a certificate  
20 of registration hereunder to, at the time of filing such  
21 application, furnish a bond from a surety company authorized to  
22 do business in the State of Illinois, or an irrevocable bank  
23 letter of credit or a bond signed by 2 personal sureties who  
24 have filed, with the Department, sworn statements disclosing  
25 net assets equal to at least 3 times the amount of the bond to  
26 be required of such applicant, or a bond secured by an

1 assignment of a bank account or certificate of deposit, stocks  
2 or bonds, conditioned upon the applicant paying to the State of  
3 Illinois all moneys becoming due under this Act and under any  
4 other State tax law or municipal or county tax ordinance or  
5 resolution under which the certificate of registration that is  
6 issued to the applicant under this Act will permit the  
7 applicant to engage in business without registering separately  
8 under such other law, ordinance or resolution. In making a  
9 determination as to whether to require a bond or other  
10 security, the Department shall take into consideration whether  
11 the owner, any partner, any manager or member of a limited  
12 liability company, or a corporate officer of the applicant is  
13 or has been the owner, a partner, a manager or member of a  
14 limited liability company, or a corporate officer of another  
15 retailer that is in default for moneys due under this Act or  
16 any other tax or fee Act administered by the Department; and  
17 whether the owner, any partner, any manager or member of a  
18 limited liability company, or a corporate officer of the  
19 applicant is or has been the owner, a partner, a manager or  
20 member of a limited liability company, or a corporate officer  
21 of another retailer whose certificate of registration has been  
22 revoked within the previous 5 years under this Act or any other  
23 tax or fee Act administered by the Department. If a bond or  
24 other security is required, the Department shall fix the amount  
25 of the bond or other security, taking into consideration the  
26 amount of money expected to become due from the applicant under

1 this Act and under any other State tax law or municipal or  
2 county tax ordinance or resolution under which the certificate  
3 of registration that is issued to the applicant under this Act  
4 will permit the applicant to engage in business without  
5 registering separately under such other law, ordinance, or  
6 resolution. The amount of security required by the Department  
7 shall be such as, in its opinion, will protect the State of  
8 Illinois against failure to pay the amount which may become due  
9 from the applicant under this Act and under any other State tax  
10 law or municipal or county tax ordinance or resolution under  
11 which the certificate of registration that is issued to the  
12 applicant under this Act will permit the applicant to engage in  
13 business without registering separately under such other law,  
14 ordinance or resolution, but the amount of the security  
15 required by the Department shall not exceed three times the  
16 amount of the applicant's average monthly tax liability, or  
17 \$50,000.00, whichever amount is lower.

18 No certificate of registration under this Act shall be  
19 issued by the Department until the applicant provides the  
20 Department with satisfactory security, if required, as herein  
21 provided for.

22 Upon receipt of the application for certificate of  
23 registration in proper form, and upon approval by the  
24 Department of the security furnished by the applicant, if  
25 required, the Department shall issue to such applicant a  
26 certificate of registration which shall permit the person to

1 whom it is issued to engage in the business of selling tangible  
2 personal property at retail in this State. The certificate of  
3 registration shall be conspicuously displayed at the place of  
4 business which the person so registered states in his  
5 application to be the principal place of business from which he  
6 engages in the business of selling tangible personal property  
7 at retail in this State.

8 No certificate of registration issued prior to July 1, 2017  
9 to a taxpayer who files returns required by this Act on a  
10 monthly basis or renewed prior to July 1, 2017 by a taxpayer  
11 who files returns required by this Act on a monthly basis shall  
12 be valid after the expiration of 5 years from the date of its  
13 issuance or last renewal. No certificate of registration issued  
14 on or after July 1, 2017 to a taxpayer who files returns  
15 required by this Act on a monthly basis or renewed on or after  
16 July 1, 2017 by a taxpayer who files returns required by this  
17 Act on a monthly basis shall be valid after the expiration of  
18 one year from the date of its issuance or last renewal. The  
19 expiration date of a sub-certificate of registration shall be  
20 that of the certificate of registration to which the  
21 sub-certificate relates. Prior to July 1, 2017, a certificate  
22 of registration shall automatically be renewed, subject to  
23 revocation as provided by this Act, for an additional 5 years  
24 from the date of its expiration unless otherwise notified by  
25 the Department as provided by this paragraph. On and after July  
26 1, 2017, a certificate of registration shall automatically be

1 renewed, subject to revocation as provided by this Act, for an  
2 additional one year from the date of its expiration unless  
3 otherwise notified by the Department as provided by this  
4 paragraph.

5 Where a taxpayer to whom a certificate of registration is  
6 issued under this Act is in default to the State of Illinois  
7 for delinquent returns or for moneys due under this Act or any  
8 other State tax law or municipal or county ordinance  
9 administered or enforced by the Department, the Department  
10 shall, not less than 60 days before the expiration date of such  
11 certificate of registration, give notice to the taxpayer to  
12 whom the certificate was issued of the account period of the  
13 delinquent returns, the amount of tax, penalty and interest due  
14 and owing from the taxpayer, and that the certificate of  
15 registration shall not be automatically renewed upon its  
16 expiration date unless the taxpayer, on or before the date of  
17 expiration, has filed and paid the delinquent returns or paid  
18 the defaulted amount in full. A taxpayer to whom such a notice  
19 is issued shall be deemed an applicant for renewal. The  
20 Department shall promulgate regulations establishing  
21 procedures for taxpayers who file returns on a monthly basis  
22 but desire and qualify to change to a quarterly or yearly  
23 filing basis and will no longer be subject to renewal under  
24 this Section, and for taxpayers who file returns on a yearly or  
25 quarterly basis but who desire or are required to change to a  
26 monthly filing basis and will be subject to renewal under this

1 Section.

2 The Department may in its discretion approve renewal by an  
3 applicant who is in default if, at the time of application for  
4 renewal, the applicant files all of the delinquent returns or  
5 pays to the Department such percentage of the defaulted amount  
6 as may be determined by the Department and agrees in writing to  
7 waive all limitations upon the Department for collection of the  
8 remaining defaulted amount to the Department over a period not  
9 to exceed 5 years from the date of renewal of the certificate;  
10 however, no renewal application submitted by an applicant who  
11 is in default shall be approved if the immediately preceding  
12 renewal by the applicant was conditioned upon the installment  
13 payment agreement described in this Section. The payment  
14 agreement herein provided for shall be in addition to and not  
15 in lieu of the security that may be required by this Section of  
16 a taxpayer who is no longer considered a prior continuous  
17 compliance taxpayer. The execution of the payment agreement as  
18 provided in this Act shall not toll the accrual of interest at  
19 the statutory rate.

20 The Department may suspend a certificate of registration if  
21 the Department finds that the person to whom the certificate of  
22 registration has been issued knowingly sold contraband  
23 cigarettes.

24 A certificate of registration issued under this Act more  
25 than 5 years before January 1, 1990 (the effective date of  
26 Public Act 86-383) ~~this amendatory Act of 1989~~ shall expire and

1 be subject to the renewal provisions of this Section on the  
2 next anniversary of the date of issuance of such certificate  
3 which occurs more than 6 months after January 1, 1990 (the  
4 effective date of Public Act 86-383) ~~this amendatory Act of~~  
5 ~~1989~~. A certificate of registration issued less than 5 years  
6 before January 1, 1990 (the effective date of Public Act  
7 86-383) ~~this amendatory Act of 1989~~ shall expire and be subject  
8 to the renewal provisions of this Section on the 5th  
9 anniversary of the issuance of the certificate.

10 If the person so registered states that he operates other  
11 places of business from which he engages in the business of  
12 selling tangible personal property at retail in this State, the  
13 Department shall furnish him with a sub-certificate of  
14 registration for each such place of business, and the applicant  
15 shall display the appropriate sub-certificate of registration  
16 at each such place of business. All sub-certificates of  
17 registration shall bear the same registration number as that  
18 appearing upon the certificate of registration to which such  
19 sub-certificates relate.

20 If the applicant will sell tangible personal property at  
21 retail through vending machines, the Department shall furnish  
22 him with a sub-certificate of registration for each such  
23 vending machine, and the applicant shall display the  
24 appropriate sub-certificate of registration on each such  
25 vending machine by attaching the sub-certificate of  
26 registration to a conspicuous part of such vending machine. If

1 a person who is registered to sell tangible personal property  
2 at retail through vending machines adds an additional vending  
3 machine or additional vending machines to the number of vending  
4 machines he or she uses in his or her business of selling  
5 tangible personal property at retail, he or she shall notify  
6 the Department, on a form prescribed by the Department, to  
7 request an additional sub-certificate or additional  
8 sub-certificates of registration, as applicable. With each  
9 such request, the applicant shall report the number of  
10 sub-certificates of registration he or she is requesting as  
11 well as the total number of vending machines from which he or  
12 she makes retail sales.

13 Where the same person engages in 2 or more businesses of  
14 selling tangible personal property at retail in this State,  
15 which businesses are substantially different in character or  
16 engaged in under different trade names or engaged in under  
17 other substantially dissimilar circumstances (so that it is  
18 more practicable, from an accounting, auditing or bookkeeping  
19 standpoint, for such businesses to be separately registered),  
20 the Department may require or permit such person (subject to  
21 the same requirements concerning the furnishing of security as  
22 those that are provided for hereinbefore in this Section as to  
23 each application for a certificate of registration) to apply  
24 for and obtain a separate certificate of registration for each  
25 such business or for any of such businesses, under a single  
26 certificate of registration supplemented by related



1 sub-certificates of registration.

2 Any person who is registered under the "Retailers'  
3 Occupation Tax Act" as of March 8, 1963, and who, during the  
4 3-year period immediately prior to March 8, 1963, or during a  
5 continuous 3-year period part of which passed immediately  
6 before and the remainder of which passes immediately after  
7 March 8, 1963, has been so registered continuously and who is  
8 determined by the Department not to have been either delinquent  
9 or deficient in the payment of tax liability during that period  
10 under this Act or under any other State tax law or municipal or  
11 county tax ordinance or resolution under which the certificate  
12 of registration that is issued to the registrant under this Act  
13 will permit the registrant to engage in business without  
14 registering separately under such other law, ordinance or  
15 resolution, shall be considered to be a Prior Continuous  
16 Compliance taxpayer. Also any taxpayer who has, as verified by  
17 the Department, faithfully and continuously complied with the  
18 condition of his bond or other security under the provisions of  
19 this Act for a period of 3 consecutive years shall be  
20 considered to be a Prior Continuous Compliance taxpayer.

21 Every Prior Continuous Compliance taxpayer shall be exempt  
22 from all requirements under this Act concerning the furnishing  
23 of a bond or other security as a condition precedent to his  
24 being authorized to engage in the business of selling tangible  
25 personal property at retail in this State. This exemption shall  
26 continue for each such taxpayer until such time as he may be

1 determined by the Department to be delinquent in the filing of  
2 any returns, or is determined by the Department (either through  
3 the Department's issuance of a final assessment which has  
4 become final under the Act, or by the taxpayer's filing of a  
5 return which admits tax that is not paid to be due) to be  
6 delinquent or deficient in the paying of any tax under this Act  
7 or under any other State tax law or municipal or county tax  
8 ordinance or resolution under which the certificate of  
9 registration that is issued to the registrant under this Act  
10 will permit the registrant to engage in business without  
11 registering separately under such other law, ordinance or  
12 resolution, at which time that taxpayer shall become subject to  
13 all the financial responsibility requirements of this Act and,  
14 as a condition of being allowed to continue to engage in the  
15 business of selling tangible personal property at retail, may  
16 be required to post bond or other acceptable security with the  
17 Department covering liability which such taxpayer may  
18 thereafter incur. Any taxpayer who fails to pay an admitted or  
19 established liability under this Act may also be required to  
20 post bond or other acceptable security with this Department  
21 guaranteeing the payment of such admitted or established  
22 liability.

23 No certificate of registration shall be issued to any  
24 person who is in default to the State of Illinois for moneys  
25 due under this Act or under any other State tax law or  
26 municipal or county tax ordinance or resolution under which the

1 certificate of registration that is issued to the applicant  
2 under this Act will permit the applicant to engage in business  
3 without registering separately under such other law, ordinance  
4 or resolution.

5 Any person aggrieved by any decision of the Department  
6 under this Section may, within 20 days after notice of such  
7 decision, protest and request a hearing, whereupon the  
8 Department shall give notice to such person of the time and  
9 place fixed for such hearing and shall hold a hearing in  
10 conformity with the provisions of this Act and then issue its  
11 final administrative decision in the matter to such person. In  
12 the absence of such a protest within 20 days, the Department's  
13 decision shall become final without any further determination  
14 being made or notice given.

15 With respect to security other than bonds (upon which the  
16 Department may sue in the event of a forfeiture), if the  
17 taxpayer fails to pay, when due, any amount whose payment such  
18 security guarantees, the Department shall, after such  
19 liability is admitted by the taxpayer or established by the  
20 Department through the issuance of a final assessment that has  
21 become final under the law, convert the security which that  
22 taxpayer has furnished into money for the State, after first  
23 giving the taxpayer at least 10 days' written notice, by  
24 registered or certified mail, to pay the liability or forfeit  
25 such security to the Department. If the security consists of  
26 stocks or bonds or other securities which are listed on a

1 public exchange, the Department shall sell such securities  
2 through such public exchange. If the security consists of an  
3 irrevocable bank letter of credit, the Department shall convert  
4 the security in the manner provided for in the Uniform  
5 Commercial Code. If the security consists of a bank certificate  
6 of deposit, the Department shall convert the security into  
7 money by demanding and collecting the amount of such bank  
8 certificate of deposit from the bank which issued such  
9 certificate. If the security consists of a type of stocks or  
10 other securities which are not listed on a public exchange, the  
11 Department shall sell such security to the highest and best  
12 bidder after giving at least 10 days' notice of the date, time  
13 and place of the intended sale by publication in the "State  
14 Official Newspaper". If the Department realizes more than the  
15 amount of such liability from the security, plus the expenses  
16 incurred by the Department in converting the security into  
17 money, the Department shall pay such excess to the taxpayer who  
18 furnished such security, and the balance shall be paid into the  
19 State Treasury.

20 The Department shall discharge any surety and shall release  
21 and return any security deposited, assigned, pledged or  
22 otherwise provided to it by a taxpayer under this Section  
23 within 30 days after:

24 (1) such taxpayer becomes a Prior Continuous  
25 Compliance taxpayer; or

26 (2) such taxpayer has ceased to collect receipts on

1           which he is required to remit tax to the Department, has  
2           filed a final tax return, and has paid to the Department an  
3           amount sufficient to discharge his remaining tax  
4           liability, as determined by the Department, under this Act  
5           and under every other State tax law or municipal or county  
6           tax ordinance or resolution under which the certificate of  
7           registration issued under this Act permits the registrant  
8           to engage in business without registering separately under  
9           such other law, ordinance or resolution. The Department  
10          shall make a final determination of the taxpayer's  
11          outstanding tax liability as expeditiously as possible  
12          after his final tax return has been filed; if the  
13          Department cannot make such final determination within 45  
14          days after receiving the final tax return, within such  
15          period it shall so notify the taxpayer, stating its reasons  
16          therefor.

17          (Source: P.A. 100-302, eff. 8-24-17; 100-303, eff. 8-24-17;  
18          revised 9-25-17.)

19                 (35 ILCS 120/3) (from Ch. 120, par. 442)

20                 (Text of Section before amendment by P.A. 100-363)

21           Sec. 3. Except as provided in this Section, on or before  
22          the twentieth day of each calendar month, every person engaged  
23          in the business of selling tangible personal property at retail  
24          in this State during the preceding calendar month shall file a  
25          return with the Department, stating:

- 1           1. The name of the seller;
- 2           2. His residence address and the address of his  
3           principal place of business and the address of the  
4           principal place of business (if that is a different  
5           address) from which he engages in the business of selling  
6           tangible personal property at retail in this State;
- 7           3. Total amount of receipts received by him during the  
8           preceding calendar month or quarter, as the case may be,  
9           from sales of tangible personal property, and from services  
10          furnished, by him during such preceding calendar month or  
11          quarter;
- 12          4. Total amount received by him during the preceding  
13          calendar month or quarter on charge and time sales of  
14          tangible personal property, and from services furnished,  
15          by him prior to the month or quarter for which the return  
16          is filed;
- 17          5. Deductions allowed by law;
- 18          6. Gross receipts which were received by him during the  
19          preceding calendar month or quarter and upon the basis of  
20          which the tax is imposed;
- 21          7. The amount of credit provided in Section 2d of this  
22          Act;
- 23          8. The amount of tax due;
- 24          9. The signature of the taxpayer; and
- 25          10. Such other reasonable information as the  
26          Department may require.

1           On and after January 1, 2018, except for returns for motor  
2 vehicles, watercraft, aircraft, and trailers that are required  
3 to be registered with an agency of this State, with respect to  
4 retailers whose annual gross receipts average \$20,000 or more,  
5 all returns required to be filed pursuant to this Act shall be  
6 filed electronically. Retailers who demonstrate that they do  
7 not have access to the Internet or demonstrate hardship in  
8 filing electronically may petition the Department to waive the  
9 electronic filing requirement.

10           If a taxpayer fails to sign a return within 30 days after  
11 the proper notice and demand for signature by the Department,  
12 the return shall be considered valid and any amount shown to be  
13 due on the return shall be deemed assessed.

14           Each return shall be accompanied by the statement of  
15 prepaid tax issued pursuant to Section 2e for which credit is  
16 claimed.

17           Prior to October 1, 2003, and on and after September 1,  
18 2004 a retailer may accept a Manufacturer's Purchase Credit  
19 certification from a purchaser in satisfaction of Use Tax as  
20 provided in Section 3-85 of the Use Tax Act if the purchaser  
21 provides the appropriate documentation as required by Section  
22 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
23 certification, accepted by a retailer prior to October 1, 2003  
24 and on and after September 1, 2004 as provided in Section 3-85  
25 of the Use Tax Act, may be used by that retailer to satisfy  
26 Retailers' Occupation Tax liability in the amount claimed in

1 the certification, not to exceed 6.25% of the receipts subject  
2 to tax from a qualifying purchase. A Manufacturer's Purchase  
3 Credit reported on any original or amended return filed under  
4 this Act after October 20, 2003 for reporting periods prior to  
5 September 1, 2004 shall be disallowed. Manufacturer's  
6 Purchaser Credit reported on annual returns due on or after  
7 January 1, 2005 will be disallowed for periods prior to  
8 September 1, 2004. No Manufacturer's Purchase Credit may be  
9 used after September 30, 2003 through August 31, 2004 to  
10 satisfy any tax liability imposed under this Act, including any  
11 audit liability.

12 The Department may require returns to be filed on a  
13 quarterly basis. If so required, a return for each calendar  
14 quarter shall be filed on or before the twentieth day of the  
15 calendar month following the end of such calendar quarter. The  
16 taxpayer shall also file a return with the Department for each  
17 of the first two months of each calendar quarter, on or before  
18 the twentieth day of the following calendar month, stating:

- 19 1. The name of the seller;
- 20 2. The address of the principal place of business from  
21 which he engages in the business of selling tangible  
22 personal property at retail in this State;
- 23 3. The total amount of taxable receipts received by him  
24 during the preceding calendar month from sales of tangible  
25 personal property by him during such preceding calendar  
26 month, including receipts from charge and time sales, but



1 less all deductions allowed by law;

2 4. The amount of credit provided in Section 2d of this  
3 Act;

4 5. The amount of tax due; and

5 6. Such other reasonable information as the Department  
6 may require.

7 Beginning on October 1, 2003, any person who is not a  
8 licensed distributor, importing distributor, or manufacturer,  
9 as defined in the Liquor Control Act of 1934, but is engaged in  
10 the business of selling, at retail, alcoholic liquor shall file  
11 a statement with the Department of Revenue, in a format and at  
12 a time prescribed by the Department, showing the total amount  
13 paid for alcoholic liquor purchased during the preceding month  
14 and such other information as is reasonably required by the  
15 Department. The Department may adopt rules to require that this  
16 statement be filed in an electronic or telephonic format. Such  
17 rules may provide for exceptions from the filing requirements  
18 of this paragraph. For the purposes of this paragraph, the term  
19 "alcoholic liquor" shall have the meaning prescribed in the  
20 Liquor Control Act of 1934.

21 Beginning on October 1, 2003, every distributor, importing  
22 distributor, and manufacturer of alcoholic liquor as defined in  
23 the Liquor Control Act of 1934, shall file a statement with the  
24 Department of Revenue, no later than the 10th day of the month  
25 for the preceding month during which transactions occurred, by  
26 electronic means, showing the total amount of gross receipts

1 from the sale of alcoholic liquor sold or distributed during  
2 the preceding month to purchasers; identifying the purchaser to  
3 whom it was sold or distributed; the purchaser's tax  
4 registration number; and such other information reasonably  
5 required by the Department. A distributor, importing  
6 distributor, or manufacturer of alcoholic liquor must  
7 personally deliver, mail, or provide by electronic means to  
8 each retailer listed on the monthly statement a report  
9 containing a cumulative total of that distributor's, importing  
10 distributor's, or manufacturer's total sales of alcoholic  
11 liquor to that retailer no later than the 10th day of the month  
12 for the preceding month during which the transaction occurred.  
13 The distributor, importing distributor, or manufacturer shall  
14 notify the retailer as to the method by which the distributor,  
15 importing distributor, or manufacturer will provide the sales  
16 information. If the retailer is unable to receive the sales  
17 information by electronic means, the distributor, importing  
18 distributor, or manufacturer shall furnish the sales  
19 information by personal delivery or by mail. For purposes of  
20 this paragraph, the term "electronic means" includes, but is  
21 not limited to, the use of a secure Internet website, e-mail,  
22 or facsimile.

23 If a total amount of less than \$1 is payable, refundable or  
24 creditable, such amount shall be disregarded if it is less than  
25 50 cents and shall be increased to \$1 if it is 50 cents or more.

26 Beginning October 1, 1993, a taxpayer who has an average

1 monthly tax liability of \$150,000 or more shall make all  
2 payments required by rules of the Department by electronic  
3 funds transfer. Beginning October 1, 1994, a taxpayer who has  
4 an average monthly tax liability of \$100,000 or more shall make  
5 all payments required by rules of the Department by electronic  
6 funds transfer. Beginning October 1, 1995, a taxpayer who has  
7 an average monthly tax liability of \$50,000 or more shall make  
8 all payments required by rules of the Department by electronic  
9 funds transfer. Beginning October 1, 2000, a taxpayer who has  
10 an annual tax liability of \$200,000 or more shall make all  
11 payments required by rules of the Department by electronic  
12 funds transfer. The term "annual tax liability" shall be the  
13 sum of the taxpayer's liabilities under this Act, and under all  
14 other State and local occupation and use tax laws administered  
15 by the Department, for the immediately preceding calendar year.  
16 The term "average monthly tax liability" shall be the sum of  
17 the taxpayer's liabilities under this Act, and under all other  
18 State and local occupation and use tax laws administered by the  
19 Department, for the immediately preceding calendar year  
20 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
21 a tax liability in the amount set forth in subsection (b) of  
22 Section 2505-210 of the Department of Revenue Law shall make  
23 all payments required by rules of the Department by electronic  
24 funds transfer.

25 Before August 1 of each year beginning in 1993, the  
26 Department shall notify all taxpayers required to make payments

1 by electronic funds transfer. All taxpayers required to make  
2 payments by electronic funds transfer shall make those payments  
3 for a minimum of one year beginning on October 1.

4 Any taxpayer not required to make payments by electronic  
5 funds transfer may make payments by electronic funds transfer  
6 with the permission of the Department.

7 All taxpayers required to make payment by electronic funds  
8 transfer and any taxpayers authorized to voluntarily make  
9 payments by electronic funds transfer shall make those payments  
10 in the manner authorized by the Department.

11 The Department shall adopt such rules as are necessary to  
12 effectuate a program of electronic funds transfer and the  
13 requirements of this Section.

14 Any amount which is required to be shown or reported on any  
15 return or other document under this Act shall, if such amount  
16 is not a whole-dollar amount, be increased to the nearest  
17 whole-dollar amount in any case where the fractional part of a  
18 dollar is 50 cents or more, and decreased to the nearest  
19 whole-dollar amount where the fractional part of a dollar is  
20 less than 50 cents.

21 If the retailer is otherwise required to file a monthly  
22 return and if the retailer's average monthly tax liability to  
23 the Department does not exceed \$200, the Department may  
24 authorize his returns to be filed on a quarter annual basis,  
25 with the return for January, February and March of a given year  
26 being due by April 20 of such year; with the return for April,

1 May and June of a given year being due by July 20 of such year;  
2 with the return for July, August and September of a given year  
3 being due by October 20 of such year, and with the return for  
4 October, November and December of a given year being due by  
5 January 20 of the following year.

6 If the retailer is otherwise required to file a monthly or  
7 quarterly return and if the retailer's average monthly tax  
8 liability with the Department does not exceed \$50, the  
9 Department may authorize his returns to be filed on an annual  
10 basis, with the return for a given year being due by January 20  
11 of the following year.

12 Such quarter annual and annual returns, as to form and  
13 substance, shall be subject to the same requirements as monthly  
14 returns.

15 Notwithstanding any other provision in this Act concerning  
16 the time within which a retailer may file his return, in the  
17 case of any retailer who ceases to engage in a kind of business  
18 which makes him responsible for filing returns under this Act,  
19 such retailer shall file a final return under this Act with the  
20 Department not more than one month after discontinuing such  
21 business.

22 Where the same person has more than one business registered  
23 with the Department under separate registrations under this  
24 Act, such person may not file each return that is due as a  
25 single return covering all such registered businesses, but  
26 shall file separate returns for each such registered business.

1           In addition, with respect to motor vehicles, watercraft,  
2           aircraft, and trailers that are required to be registered with  
3           an agency of this State, every retailer selling this kind of  
4           tangible personal property shall file, with the Department,  
5           upon a form to be prescribed and supplied by the Department, a  
6           separate return for each such item of tangible personal  
7           property which the retailer sells, except that if, in the same  
8           transaction, (i) a retailer of aircraft, watercraft, motor  
9           vehicles or trailers transfers more than one aircraft,  
10          watercraft, motor vehicle or trailer to another aircraft,  
11          watercraft, motor vehicle retailer or trailer retailer for the  
12          purpose of resale or (ii) a retailer of aircraft, watercraft,  
13          motor vehicles, or trailers transfers more than one aircraft,  
14          watercraft, motor vehicle, or trailer to a purchaser for use as  
15          a qualifying rolling stock as provided in Section 2-5 of this  
16          Act, then that seller may report the transfer of all aircraft,  
17          watercraft, motor vehicles or trailers involved in that  
18          transaction to the Department on the same uniform  
19          invoice-transaction reporting return form. For purposes of  
20          this Section, "watercraft" means a Class 2, Class 3, or Class 4  
21          watercraft as defined in Section 3-2 of the Boat Registration  
22          and Safety Act, a personal watercraft, or any boat equipped  
23          with an inboard motor.

24          Any retailer who sells only motor vehicles, watercraft,  
25          aircraft, or trailers that are required to be registered with  
26          an agency of this State, so that all retailers' occupation tax

1 liability is required to be reported, and is reported, on such  
2 transaction reporting returns and who is not otherwise required  
3 to file monthly or quarterly returns, need not file monthly or  
4 quarterly returns. However, those retailers shall be required  
5 to file returns on an annual basis.

6 The transaction reporting return, in the case of motor  
7 vehicles or trailers that are required to be registered with an  
8 agency of this State, shall be the same document as the Uniform  
9 Invoice referred to in Section 5-402 of The Illinois Vehicle  
10 Code and must show the name and address of the seller; the name  
11 and address of the purchaser; the amount of the selling price  
12 including the amount allowed by the retailer for traded-in  
13 property, if any; the amount allowed by the retailer for the  
14 traded-in tangible personal property, if any, to the extent to  
15 which Section 1 of this Act allows an exemption for the value  
16 of traded-in property; the balance payable after deducting such  
17 trade-in allowance from the total selling price; the amount of  
18 tax due from the retailer with respect to such transaction; the  
19 amount of tax collected from the purchaser by the retailer on  
20 such transaction (or satisfactory evidence that such tax is not  
21 due in that particular instance, if that is claimed to be the  
22 fact); the place and date of the sale; a sufficient  
23 identification of the property sold; such other information as  
24 is required in Section 5-402 of The Illinois Vehicle Code, and  
25 such other information as the Department may reasonably  
26 require.

1           The transaction reporting return in the case of watercraft  
2           or aircraft must show the name and address of the seller; the  
3           name and address of the purchaser; the amount of the selling  
4           price including the amount allowed by the retailer for  
5           traded-in property, if any; the amount allowed by the retailer  
6           for the traded-in tangible personal property, if any, to the  
7           extent to which Section 1 of this Act allows an exemption for  
8           the value of traded-in property; the balance payable after  
9           deducting such trade-in allowance from the total selling price;  
10          the amount of tax due from the retailer with respect to such  
11          transaction; the amount of tax collected from the purchaser by  
12          the retailer on such transaction (or satisfactory evidence that  
13          such tax is not due in that particular instance, if that is  
14          claimed to be the fact); the place and date of the sale, a  
15          sufficient identification of the property sold, and such other  
16          information as the Department may reasonably require.

17          Such transaction reporting return shall be filed not later  
18          than 20 days after the day of delivery of the item that is  
19          being sold, but may be filed by the retailer at any time sooner  
20          than that if he chooses to do so. The transaction reporting  
21          return and tax remittance or proof of exemption from the  
22          Illinois use tax may be transmitted to the Department by way of  
23          the State agency with which, or State officer with whom the  
24          tangible personal property must be titled or registered (if  
25          titling or registration is required) if the Department and such  
26          agency or State officer determine that this procedure will



1 expedite the processing of applications for title or  
2 registration.

3 With each such transaction reporting return, the retailer  
4 shall remit the proper amount of tax due (or shall submit  
5 satisfactory evidence that the sale is not taxable if that is  
6 the case), to the Department or its agents, whereupon the  
7 Department shall issue, in the purchaser's name, a use tax  
8 receipt (or a certificate of exemption if the Department is  
9 satisfied that the particular sale is tax exempt) which such  
10 purchaser may submit to the agency with which, or State officer  
11 with whom, he must title or register the tangible personal  
12 property that is involved (if titling or registration is  
13 required) in support of such purchaser's application for an  
14 Illinois certificate or other evidence of title or registration  
15 to such tangible personal property.

16 No retailer's failure or refusal to remit tax under this  
17 Act precludes a user, who has paid the proper tax to the  
18 retailer, from obtaining his certificate of title or other  
19 evidence of title or registration (if titling or registration  
20 is required) upon satisfying the Department that such user has  
21 paid the proper tax (if tax is due) to the retailer. The  
22 Department shall adopt appropriate rules to carry out the  
23 mandate of this paragraph.

24 If the user who would otherwise pay tax to the retailer  
25 wants the transaction reporting return filed and the payment of  
26 the tax or proof of exemption made to the Department before the

1 retailer is willing to take these actions and such user has not  
2 paid the tax to the retailer, such user may certify to the fact  
3 of such delay by the retailer and may (upon the Department  
4 being satisfied of the truth of such certification) transmit  
5 the information required by the transaction reporting return  
6 and the remittance for tax or proof of exemption directly to  
7 the Department and obtain his tax receipt or exemption  
8 determination, in which event the transaction reporting return  
9 and tax remittance (if a tax payment was required) shall be  
10 credited by the Department to the proper retailer's account  
11 with the Department, but without the 2.1% or 1.75% discount  
12 provided for in this Section being allowed. When the user pays  
13 the tax directly to the Department, he shall pay the tax in the  
14 same amount and in the same form in which it would be remitted  
15 if the tax had been remitted to the Department by the retailer.

16 Refunds made by the seller during the preceding return  
17 period to purchasers, on account of tangible personal property  
18 returned to the seller, shall be allowed as a deduction under  
19 subdivision 5 of his monthly or quarterly return, as the case  
20 may be, in case the seller had theretofore included the  
21 receipts from the sale of such tangible personal property in a  
22 return filed by him and had paid the tax imposed by this Act  
23 with respect to such receipts.

24 Where the seller is a corporation, the return filed on  
25 behalf of such corporation shall be signed by the president,  
26 vice-president, secretary or treasurer or by the properly

1 accredited agent of such corporation.

2 Where the seller is a limited liability company, the return  
3 filed on behalf of the limited liability company shall be  
4 signed by a manager, member, or properly accredited agent of  
5 the limited liability company.

6 Except as provided in this Section, the retailer filing the  
7 return under this Section shall, at the time of filing such  
8 return, pay to the Department the amount of tax imposed by this  
9 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
10 on and after January 1, 1990, or \$5 per calendar year,  
11 whichever is greater, which is allowed to reimburse the  
12 retailer for the expenses incurred in keeping records,  
13 preparing and filing returns, remitting the tax and supplying  
14 data to the Department on request. Any prepayment made pursuant  
15 to Section 2d of this Act shall be included in the amount on  
16 which such 2.1% or 1.75% discount is computed. In the case of  
17 retailers who report and pay the tax on a transaction by  
18 transaction basis, as provided in this Section, such discount  
19 shall be taken with each such tax remittance instead of when  
20 such retailer files his periodic return. The discount allowed  
21 under this Section is allowed only for returns that are filed  
22 in the manner required by this Act. The Department may disallow  
23 the discount for retailers whose certificate of registration is  
24 revoked at the time the return is filed, but only if the  
25 Department's decision to revoke the certificate of  
26 registration has become final.

1           Before October 1, 2000, if the taxpayer's average monthly  
2 tax liability to the Department under this Act, the Use Tax  
3 Act, the Service Occupation Tax Act, and the Service Use Tax  
4 Act, excluding any liability for prepaid sales tax to be  
5 remitted in accordance with Section 2d of this Act, was \$10,000  
6 or more during the preceding 4 complete calendar quarters, he  
7 shall file a return with the Department each month by the 20th  
8 day of the month next following the month during which such tax  
9 liability is incurred and shall make payments to the Department  
10 on or before the 7th, 15th, 22nd and last day of the month  
11 during which such liability is incurred. On and after October  
12 1, 2000, if the taxpayer's average monthly tax liability to the  
13 Department under this Act, the Use Tax Act, the Service  
14 Occupation Tax Act, and the Service Use Tax Act, excluding any  
15 liability for prepaid sales tax to be remitted in accordance  
16 with Section 2d of this Act, was \$20,000 or more during the  
17 preceding 4 complete calendar quarters, he shall file a return  
18 with the Department each month by the 20th day of the month  
19 next following the month during which such tax liability is  
20 incurred and shall make payment to the Department on or before  
21 the 7th, 15th, 22nd and last day of the month during which such  
22 liability is incurred. If the month during which such tax  
23 liability is incurred began prior to January 1, 1985, each  
24 payment shall be in an amount equal to 1/4 of the taxpayer's  
25 actual liability for the month or an amount set by the  
26 Department not to exceed 1/4 of the average monthly liability

1 of the taxpayer to the Department for the preceding 4 complete  
2 calendar quarters (excluding the month of highest liability and  
3 the month of lowest liability in such 4 quarter period). If the  
4 month during which such tax liability is incurred begins on or  
5 after January 1, 1985 and prior to January 1, 1987, each  
6 payment shall be in an amount equal to 22.5% of the taxpayer's  
7 actual liability for the month or 27.5% of the taxpayer's  
8 liability for the same calendar month of the preceding year. If  
9 the month during which such tax liability is incurred begins on  
10 or after January 1, 1987 and prior to January 1, 1988, each  
11 payment shall be in an amount equal to 22.5% of the taxpayer's  
12 actual liability for the month or 26.25% of the taxpayer's  
13 liability for the same calendar month of the preceding year. If  
14 the month during which such tax liability is incurred begins on  
15 or after January 1, 1988, and prior to January 1, 1989, or  
16 begins on or after January 1, 1996, each payment shall be in an  
17 amount equal to 22.5% of the taxpayer's actual liability for  
18 the month or 25% of the taxpayer's liability for the same  
19 calendar month of the preceding year. If the month during which  
20 such tax liability is incurred begins on or after January 1,  
21 1989, and prior to January 1, 1996, each payment shall be in an  
22 amount equal to 22.5% of the taxpayer's actual liability for  
23 the month or 25% of the taxpayer's liability for the same  
24 calendar month of the preceding year or 100% of the taxpayer's  
25 actual liability for the quarter monthly reporting period. The  
26 amount of such quarter monthly payments shall be credited

1 against the final tax liability of the taxpayer's return for  
2 that month. Before October 1, 2000, once applicable, the  
3 requirement of the making of quarter monthly payments to the  
4 Department by taxpayers having an average monthly tax liability  
5 of \$10,000 or more as determined in the manner provided above  
6 shall continue until such taxpayer's average monthly liability  
7 to the Department during the preceding 4 complete calendar  
8 quarters (excluding the month of highest liability and the  
9 month of lowest liability) is less than \$9,000, or until such  
10 taxpayer's average monthly liability to the Department as  
11 computed for each calendar quarter of the 4 preceding complete  
12 calendar quarter period is less than \$10,000. However, if a  
13 taxpayer can show the Department that a substantial change in  
14 the taxpayer's business has occurred which causes the taxpayer  
15 to anticipate that his average monthly tax liability for the  
16 reasonably foreseeable future will fall below the \$10,000  
17 threshold stated above, then such taxpayer may petition the  
18 Department for a change in such taxpayer's reporting status. On  
19 and after October 1, 2000, once applicable, the requirement of  
20 the making of quarter monthly payments to the Department by  
21 taxpayers having an average monthly tax liability of \$20,000 or  
22 more as determined in the manner provided above shall continue  
23 until such taxpayer's average monthly liability to the  
24 Department during the preceding 4 complete calendar quarters  
25 (excluding the month of highest liability and the month of  
26 lowest liability) is less than \$19,000 or until such taxpayer's

1 average monthly liability to the Department as computed for  
2 each calendar quarter of the 4 preceding complete calendar  
3 quarter period is less than \$20,000. However, if a taxpayer can  
4 show the Department that a substantial change in the taxpayer's  
5 business has occurred which causes the taxpayer to anticipate  
6 that his average monthly tax liability for the reasonably  
7 foreseeable future will fall below the \$20,000 threshold stated  
8 above, then such taxpayer may petition the Department for a  
9 change in such taxpayer's reporting status. The Department  
10 shall change such taxpayer's reporting status unless it finds  
11 that such change is seasonal in nature and not likely to be  
12 long term. If any such quarter monthly payment is not paid at  
13 the time or in the amount required by this Section, then the  
14 taxpayer shall be liable for penalties and interest on the  
15 difference between the minimum amount due as a payment and the  
16 amount of such quarter monthly payment actually and timely  
17 paid, except insofar as the taxpayer has previously made  
18 payments for that month to the Department in excess of the  
19 minimum payments previously due as provided in this Section.  
20 The Department shall make reasonable rules and regulations to  
21 govern the quarter monthly payment amount and quarter monthly  
22 payment dates for taxpayers who file on other than a calendar  
23 monthly basis.

24 The provisions of this paragraph apply before October 1,  
25 2001. Without regard to whether a taxpayer is required to make  
26 quarter monthly payments as specified above, any taxpayer who

1 is required by Section 2d of this Act to collect and remit  
2 prepaid taxes and has collected prepaid taxes which average in  
3 excess of \$25,000 per month during the preceding 2 complete  
4 calendar quarters, shall file a return with the Department as  
5 required by Section 2f and shall make payments to the  
6 Department on or before the 7th, 15th, 22nd and last day of the  
7 month during which such liability is incurred. If the month  
8 during which such tax liability is incurred began prior to  
9 September 1, 1985 (the effective date of Public Act 84-221),  
10 each payment shall be in an amount not less than 22.5% of the  
11 taxpayer's actual liability under Section 2d. If the month  
12 during which such tax liability is incurred begins on or after  
13 January 1, 1986, each payment shall be in an amount equal to  
14 22.5% of the taxpayer's actual liability for the month or 27.5%  
15 of the taxpayer's liability for the same calendar month of the  
16 preceding calendar year. If the month during which such tax  
17 liability is incurred begins on or after January 1, 1987, each  
18 payment shall be in an amount equal to 22.5% of the taxpayer's  
19 actual liability for the month or 26.25% of the taxpayer's  
20 liability for the same calendar month of the preceding year.  
21 The amount of such quarter monthly payments shall be credited  
22 against the final tax liability of the taxpayer's return for  
23 that month filed under this Section or Section 2f, as the case  
24 may be. Once applicable, the requirement of the making of  
25 quarter monthly payments to the Department pursuant to this  
26 paragraph shall continue until such taxpayer's average monthly



1 prepaid tax collections during the preceding 2 complete  
2 calendar quarters is \$25,000 or less. If any such quarter  
3 monthly payment is not paid at the time or in the amount  
4 required, the taxpayer shall be liable for penalties and  
5 interest on such difference, except insofar as the taxpayer has  
6 previously made payments for that month in excess of the  
7 minimum payments previously due.

8 The provisions of this paragraph apply on and after October  
9 1, 2001. Without regard to whether a taxpayer is required to  
10 make quarter monthly payments as specified above, any taxpayer  
11 who is required by Section 2d of this Act to collect and remit  
12 prepaid taxes and has collected prepaid taxes that average in  
13 excess of \$20,000 per month during the preceding 4 complete  
14 calendar quarters shall file a return with the Department as  
15 required by Section 2f and shall make payments to the  
16 Department on or before the 7th, 15th, 22nd and last day of the  
17 month during which the liability is incurred. Each payment  
18 shall be in an amount equal to 22.5% of the taxpayer's actual  
19 liability for the month or 25% of the taxpayer's liability for  
20 the same calendar month of the preceding year. The amount of  
21 the quarter monthly payments shall be credited against the  
22 final tax liability of the taxpayer's return for that month  
23 filed under this Section or Section 2f, as the case may be.  
24 Once applicable, the requirement of the making of quarter  
25 monthly payments to the Department pursuant to this paragraph  
26 shall continue until the taxpayer's average monthly prepaid tax

1 collections during the preceding 4 complete calendar quarters  
2 (excluding the month of highest liability and the month of  
3 lowest liability) is less than \$19,000 or until such taxpayer's  
4 average monthly liability to the Department as computed for  
5 each calendar quarter of the 4 preceding complete calendar  
6 quarters is less than \$20,000. If any such quarter monthly  
7 payment is not paid at the time or in the amount required, the  
8 taxpayer shall be liable for penalties and interest on such  
9 difference, except insofar as the taxpayer has previously made  
10 payments for that month in excess of the minimum payments  
11 previously due.

12 If any payment provided for in this Section exceeds the  
13 taxpayer's liabilities under this Act, the Use Tax Act, the  
14 Service Occupation Tax Act and the Service Use Tax Act, as  
15 shown on an original monthly return, the Department shall, if  
16 requested by the taxpayer, issue to the taxpayer a credit  
17 memorandum no later than 30 days after the date of payment. The  
18 credit evidenced by such credit memorandum may be assigned by  
19 the taxpayer to a similar taxpayer under this Act, the Use Tax  
20 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
21 in accordance with reasonable rules and regulations to be  
22 prescribed by the Department. If no such request is made, the  
23 taxpayer may credit such excess payment against tax liability  
24 subsequently to be remitted to the Department under this Act,  
25 the Use Tax Act, the Service Occupation Tax Act or the Service  
26 Use Tax Act, in accordance with reasonable rules and

1 regulations prescribed by the Department. If the Department  
2 subsequently determined that all or any part of the credit  
3 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
4 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
5 of the difference between the credit taken and that actually  
6 due, and that taxpayer shall be liable for penalties and  
7 interest on such difference.

8 If a retailer of motor fuel is entitled to a credit under  
9 Section 2d of this Act which exceeds the taxpayer's liability  
10 to the Department under this Act for the month which the  
11 taxpayer is filing a return, the Department shall issue the  
12 taxpayer a credit memorandum for the excess.

13 Beginning January 1, 1990, each month the Department shall  
14 pay into the Local Government Tax Fund, a special fund in the  
15 State treasury which is hereby created, the net revenue  
16 realized for the preceding month from the 1% tax on sales of  
17 food for human consumption which is to be consumed off the  
18 premises where it is sold (other than alcoholic beverages, soft  
19 drinks and food which has been prepared for immediate  
20 consumption) and prescription and nonprescription medicines,  
21 drugs, medical appliances, products classified as Class III  
22 medical devices by the United States Food and Drug  
23 Administration that are used for cancer treatment pursuant to a  
24 prescription, as well as any accessories and components related  
25 to those devices, and insulin, urine testing materials,  
26 syringes and needles used by diabetics.

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the County and Mass Transit District Fund, a special  
3 fund in the State treasury which is hereby created, 4% of the  
4 net revenue realized for the preceding month from the 6.25%  
5 general rate.

6           Beginning August 1, 2000, each month the Department shall  
7 pay into the County and Mass Transit District Fund 20% of the  
8 net revenue realized for the preceding month from the 1.25%  
9 rate on the selling price of motor fuel and gasohol. Beginning  
10 September 1, 2010, each month the Department shall pay into the  
11 County and Mass Transit District Fund 20% of the net revenue  
12 realized for the preceding month from the 1.25% rate on the  
13 selling price of sales tax holiday items.

14           Beginning January 1, 1990, each month the Department shall  
15 pay into the Local Government Tax Fund 16% of the net revenue  
16 realized for the preceding month from the 6.25% general rate on  
17 the selling price of tangible personal property.

18           Beginning August 1, 2000, each month the Department shall  
19 pay into the Local Government Tax Fund 80% of the net revenue  
20 realized for the preceding month from the 1.25% rate on the  
21 selling price of motor fuel and gasohol. Beginning September 1,  
22 2010, each month the Department shall pay into the Local  
23 Government Tax Fund 80% of the net revenue realized for the  
24 preceding month from the 1.25% rate on the selling price of  
25 sales tax holiday items.

26           Beginning October 1, 2009, each month the Department shall

1 pay into the Capital Projects Fund an amount that is equal to  
2 an amount estimated by the Department to represent 80% of the  
3 net revenue realized for the preceding month from the sale of  
4 candy, grooming and hygiene products, and soft drinks that had  
5 been taxed at a rate of 1% prior to September 1, 2009 but that  
6 are now taxed at 6.25%.

7 Beginning July 1, 2011, each month the Department shall pay  
8 into the Clean Air Act Permit Fund 80% of the net revenue  
9 realized for the preceding month from the 6.25% general rate on  
10 the selling price of sorbents used in Illinois in the process  
11 of sorbent injection as used to comply with the Environmental  
12 Protection Act or the federal Clean Air Act, but the total  
13 payment into the Clean Air Act Permit Fund under this Act and  
14 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

15 Beginning July 1, 2013, each month the Department shall pay  
16 into the Underground Storage Tank Fund from the proceeds  
17 collected under this Act, the Use Tax Act, the Service Use Tax  
18 Act, and the Service Occupation Tax Act an amount equal to the  
19 average monthly deficit in the Underground Storage Tank Fund  
20 during the prior year, as certified annually by the Illinois  
21 Environmental Protection Agency, but the total payment into the  
22 Underground Storage Tank Fund under this Act, the Use Tax Act,  
23 the Service Use Tax Act, and the Service Occupation Tax Act  
24 shall not exceed \$18,000,000 in any State fiscal year. As used  
25 in this paragraph, the "average monthly deficit" shall be equal  
26 to the difference between the average monthly claims for

1 payment by the fund and the average monthly revenues deposited  
2 into the fund, excluding payments made pursuant to this  
3 paragraph.

4 Beginning July 1, 2015, of the remainder of the moneys  
5 received by the Department under the Use Tax Act, the Service  
6 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
7 month the Department shall deposit \$500,000 into the State  
8 Crime Laboratory Fund.

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 this Act,  
17 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
18 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
19 being hereinafter called the "Tax Acts" and such aggregate of  
20 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
21 called the "Tax Act Amount", and (2) the amount transferred to  
22 the Build Illinois Fund from the State and Local Sales Tax  
23 Reform Fund shall be less than the Annual Specified Amount (as  
24 hereinafter defined), an amount equal to the difference shall  
25 be immediately paid into the Build Illinois Fund from other  
26 moneys received by the Department pursuant to the Tax Acts; the

1 "Annual Specified Amount" means the amounts specified below for  
2 fiscal years 1986 through 1993:

3	Fiscal Year	Annual Specified Amount
4	1986	\$54,800,000
5	1987	\$76,650,000
6	1988	\$80,480,000
7	1989	\$88,510,000
8	1990	\$115,330,000
9	1991	\$145,470,000
10	1992	\$182,730,000
11	1993	\$206,520,000;

12 and means the Certified Annual Debt Service Requirement (as  
13 defined in Section 13 of the Build Illinois Bond Act) or the  
14 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
15 each fiscal year thereafter; and further provided, that if on  
16 the last business day of any month the sum of (1) the Tax Act  
17 Amount required to be deposited into the Build Illinois Bond  
18 Account in the Build Illinois Fund during such month and (2)  
19 the amount transferred to the Build Illinois Fund from the  
20 State and Local Sales Tax Reform Fund shall have been less than  
21 1/12 of the Annual Specified Amount, an amount equal to the  
22 difference shall be immediately paid into the Build Illinois  
23 Fund from other moneys received by the Department pursuant to  
24 the Tax Acts; and, further provided, that in no event shall the  
25 payments required under the preceding proviso result in  
26 aggregate payments into the Build Illinois Fund pursuant to

1 this clause (b) for any fiscal year in excess of the greater of  
2 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
3 such fiscal year. The amounts payable into the Build Illinois  
4 Fund under clause (b) of the first sentence in this paragraph  
5 shall be payable only until such time as the aggregate amount  
6 on deposit under each trust indenture securing Bonds issued and  
7 outstanding pursuant to the Build Illinois Bond Act is  
8 sufficient, taking into account any future investment income,  
9 to fully provide, in accordance with such indenture, for the  
10 defeasance of or the payment of the principal of, premium, if  
11 any, and interest on the Bonds secured by such indenture and on  
12 any Bonds expected to be issued thereafter and all fees and  
13 costs payable with respect thereto, all as certified by the  
14 Director of the Bureau of the Budget (now Governor's Office of  
15 Management and Budget). If on the last business day of any  
16 month in which Bonds are outstanding pursuant to the Build  
17 Illinois Bond Act, the aggregate of moneys deposited in the  
18 Build Illinois Bond Account in the Build Illinois Fund in such  
19 month shall be less than the amount required to be transferred  
20 in such month from the Build Illinois Bond Account to the Build  
21 Illinois Bond Retirement and Interest Fund pursuant to Section  
22 13 of the Build Illinois Bond Act, an amount equal to such  
23 deficiency shall be immediately paid from other moneys received  
24 by the Department pursuant to the Tax Acts to the Build  
25 Illinois Fund; provided, however, that any amounts paid to the  
26 Build Illinois Fund in any fiscal year pursuant to this



1 sentence shall be deemed to constitute payments pursuant to  
 2 clause (b) of the first sentence of this paragraph and shall  
 3 reduce the amount otherwise payable for such fiscal year  
 4 pursuant to that clause (b). The moneys received by the  
 5 Department pursuant to this Act and required to be deposited  
 6 into the Build Illinois Fund are subject to the pledge, claim  
 7 and charge set forth in Section 12 of the Build Illinois Bond  
 8 Act.

9 Subject to payment of amounts into the Build Illinois Fund  
 10 as provided in the preceding paragraph or in any amendment  
 11 thereto hereafter enacted, the following specified monthly  
 12 installment of the amount requested in the certificate of the  
 13 Chairman of the Metropolitan Pier and Exposition Authority  
 14 provided under Section 8.25f of the State Finance Act, but not  
 15 in excess of sums designated as "Total Deposit", shall be  
 16 deposited in the aggregate from collections under Section 9 of  
 17 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 18 9 of the Service Occupation Tax Act, and Section 3 of the  
 19 Retailers' Occupation Tax Act into the McCormick Place  
 20 Expansion Project Fund in the specified fiscal years.

21	Fiscal Year	Total
		Deposit
22	1993	\$0
23	1994	53,000,000
24	1995	58,000,000
25	1996	61,000,000

1	1997	64,000,000
2	1998	68,000,000
3	1999	71,000,000
4	2000	75,000,000
5	2001	80,000,000
6	2002	93,000,000
7	2003	99,000,000
8	2004	103,000,000
9	2005	108,000,000
10	2006	113,000,000
11	2007	119,000,000
12	2008	126,000,000
13	2009	132,000,000
14	2010	139,000,000
15	2011	146,000,000
16	2012	153,000,000
17	2013	161,000,000
18	2014	170,000,000
19	2015	179,000,000
20	2016	189,000,000
21	2017	199,000,000
22	2018	210,000,000
23	2019	221,000,000
24	2020	233,000,000
25	2021	246,000,000
26	2022	260,000,000

1	2023	275,000,000
2	2024	275,000,000
3	2025	275,000,000
4	2026	279,000,000
5	2027	292,000,000
6	2028	307,000,000
7	2029	322,000,000
8	2030	338,000,000
9	2031	350,000,000
10	2032	350,000,000

11 and  
12 each fiscal year  
13 thereafter that bonds  
14 are outstanding under  
15 Section 13.2 of the  
16 Metropolitan Pier and  
17 Exposition Authority Act,  
18 but not after fiscal year 2060.

19 Beginning July 20, 1993 and in each month of each fiscal  
20 year thereafter, one-eighth of the amount requested in the  
21 certificate of the Chairman of the Metropolitan Pier and  
22 Exposition Authority for that fiscal year, less the amount  
23 deposited into the McCormick Place Expansion Project Fund by  
24 the State Treasurer in the respective month under subsection  
25 (g) of Section 13 of the Metropolitan Pier and Exposition  
26 Authority Act, plus cumulative deficiencies in the deposits

1 required under this Section for previous months and years,  
2 shall be deposited into the McCormick Place Expansion Project  
3 Fund, until the full amount requested for the fiscal year, but  
4 not in excess of the amount specified above as "Total Deposit",  
5 has been deposited.

6 Subject to payment of amounts into the Build Illinois Fund  
7 and the McCormick Place Expansion Project Fund pursuant to the  
8 preceding paragraphs or in any amendments thereto hereafter  
9 enacted, beginning July 1, 1993 and ending on September 30,  
10 2013, the Department shall each month pay into the Illinois Tax  
11 Increment Fund 0.27% of 80% of the net revenue realized for the  
12 preceding month from the 6.25% general rate on the selling  
13 price of tangible personal property.

14 Subject to payment of amounts into the Build Illinois Fund  
15 and the McCormick Place Expansion Project Fund pursuant to the  
16 preceding paragraphs or in any amendments thereto hereafter  
17 enacted, beginning with the receipt of the first report of  
18 taxes paid by an eligible business and continuing for a 25-year  
19 period, the Department shall each month pay into the Energy  
20 Infrastructure Fund 80% of the net revenue realized from the  
21 6.25% general rate on the selling price of Illinois-mined coal  
22 that was sold to an eligible business. For purposes of this  
23 paragraph, the term "eligible business" means a new electric  
24 generating facility certified pursuant to Section 605-332 of  
25 the Department of Commerce and Economic Opportunity Law of the  
26 Civil Administrative Code of Illinois.

1           Subject to payment of amounts into the Build Illinois Fund,  
2           the McCormick Place Expansion Project Fund, the Illinois Tax  
3           Increment Fund, and the Energy Infrastructure Fund pursuant to  
4           the preceding paragraphs or in any amendments to this Section  
5           hereafter enacted, beginning on the first day of the first  
6           calendar month to occur on or after August 26, 2014 (the  
7           effective date of Public Act 98-1098), each month, from the  
8           collections made under Section 9 of the Use Tax Act, Section 9  
9           of the Service Use Tax Act, Section 9 of the Service Occupation  
10          Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
11          the Department shall pay into the Tax Compliance and  
12          Administration Fund, to be used, subject to appropriation, to  
13          fund additional auditors and compliance personnel at the  
14          Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
15          the cash receipts collected during the preceding fiscal year by  
16          the Audit Bureau of the Department under the Use Tax Act, the  
17          Service Use Tax Act, the Service Occupation Tax Act, the  
18          Retailers' Occupation Tax Act, and associated local occupation  
19          and use taxes administered by the Department.

20          Of the remainder of the moneys received by the Department  
21          pursuant to this Act, 75% thereof shall be paid into the State  
22          Treasury and 25% shall be reserved in a special account and  
23          used only for the transfer to the Common School Fund as part of  
24          the monthly transfer from the General Revenue Fund in  
25          accordance with Section 8a of the State Finance Act.

26          The Department may, upon separate written notice to a

1 taxpayer, require the taxpayer to prepare and file with the  
2 Department on a form prescribed by the Department within not  
3 less than 60 days after receipt of the notice an annual  
4 information return for the tax year specified in the notice.  
5 Such annual return to the Department shall include a statement  
6 of gross receipts as shown by the retailer's last Federal  
7 income tax return. If the total receipts of the business as  
8 reported in the Federal income tax return do not agree with the  
9 gross receipts reported to the Department of Revenue for the  
10 same period, the retailer shall attach to his annual return a  
11 schedule showing a reconciliation of the 2 amounts and the  
12 reasons for the difference. The retailer's annual return to the  
13 Department shall also disclose the cost of goods sold by the  
14 retailer during the year covered by such return, opening and  
15 closing inventories of such goods for such year, costs of goods  
16 used from stock or taken from stock and given away by the  
17 retailer during such year, payroll information of the  
18 retailer's business during such year and any additional  
19 reasonable information which the Department deems would be  
20 helpful in determining the accuracy of the monthly, quarterly  
21 or annual returns filed by such retailer as provided for in  
22 this Section.

23 If the annual information return required by this Section  
24 is not filed when and as required, the taxpayer shall be liable  
25 as follows:

26 (i) Until January 1, 1994, the taxpayer shall be liable

1 for a penalty equal to  $1/6$  of 1% of the tax due from such  
2 taxpayer under this Act during the period to be covered by  
3 the annual return for each month or fraction of a month  
4 until such return is filed as required, the penalty to be  
5 assessed and collected in the same manner as any other  
6 penalty provided for in this Act.

7 (ii) On and after January 1, 1994, the taxpayer shall  
8 be liable for a penalty as described in Section 3-4 of the  
9 Uniform Penalty and Interest Act.

10 The chief executive officer, proprietor, owner or highest  
11 ranking manager shall sign the annual return to certify the  
12 accuracy of the information contained therein. Any person who  
13 willfully signs the annual return containing false or  
14 inaccurate information shall be guilty of perjury and punished  
15 accordingly. The annual return form prescribed by the  
16 Department shall include a warning that the person signing the  
17 return may be liable for perjury.

18 The provisions of this Section concerning the filing of an  
19 annual information return do not apply to a retailer who is not  
20 required to file an income tax return with the United States  
21 Government.

22 As soon as possible after the first day of each month, upon  
23 certification of the Department of Revenue, the Comptroller  
24 shall order transferred and the Treasurer shall transfer from  
25 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
26 equal to 1.7% of 80% of the net revenue realized under this Act

1 for the second preceding month. Beginning April 1, 2000, this  
2 transfer is no longer required and shall not be made.

3 Net revenue realized for a month shall be the revenue  
4 collected by the State pursuant to this Act, less the amount  
5 paid out during that month as refunds to taxpayers for  
6 overpayment of liability.

7 For greater simplicity of administration, manufacturers,  
8 importers and wholesalers whose products are sold at retail in  
9 Illinois by numerous retailers, and who wish to do so, may  
10 assume the responsibility for accounting and paying to the  
11 Department all tax accruing under this Act with respect to such  
12 sales, if the retailers who are affected do not make written  
13 objection to the Department to this arrangement.

14 Any person who promotes, organizes, provides retail  
15 selling space for concessionaires or other types of sellers at  
16 the Illinois State Fair, DuQuoin State Fair, county fairs,  
17 local fairs, art shows, flea markets and similar exhibitions or  
18 events, including any transient merchant as defined by Section  
19 2 of the Transient Merchant Act of 1987, is required to file a  
20 report with the Department providing the name of the merchant's  
21 business, the name of the person or persons engaged in  
22 merchant's business, the permanent address and Illinois  
23 Retailers Occupation Tax Registration Number of the merchant,  
24 the dates and location of the event and other reasonable  
25 information that the Department may require. The report must be  
26 filed not later than the 20th day of the month next following



1 the month during which the event with retail sales was held.  
2 Any person who fails to file a report required by this Section  
3 commits a business offense and is subject to a fine not to  
4 exceed \$250.

5 Any person engaged in the business of selling tangible  
6 personal property at retail as a concessionaire or other type  
7 of seller at the Illinois State Fair, county fairs, art shows,  
8 flea markets and similar exhibitions or events, or any  
9 transient merchants, as defined by Section 2 of the Transient  
10 Merchant Act of 1987, may be required to make a daily report of  
11 the amount of such sales to the Department and to make a daily  
12 payment of the full amount of tax due. The Department shall  
13 impose this requirement when it finds that there is a  
14 significant risk of loss of revenue to the State at such an  
15 exhibition or event. Such a finding shall be based on evidence  
16 that a substantial number of concessionaires or other sellers  
17 who are not residents of Illinois will be engaging in the  
18 business of selling tangible personal property at retail at the  
19 exhibition or event, or other evidence of a significant risk of  
20 loss of revenue to the State. The Department shall notify  
21 concessionaires and other sellers affected by the imposition of  
22 this requirement. In the absence of notification by the  
23 Department, the concessionaires and other sellers shall file  
24 their returns as otherwise required in this Section.

25 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
26 99-933, eff. 1-27-17; 100-303, eff. 8-24-17.)

1 (Text of Section after amendment by P.A. 100-363)

2 Sec. 3. Except as provided in this Section, on or before  
3 the twentieth day of each calendar month, every person engaged  
4 in the business of selling tangible personal property at retail  
5 in this State during the preceding calendar month shall file a  
6 return with the Department, stating:

7 1. The name of the seller;

8 2. His residence address and the address of his  
9 principal place of business and the address of the  
10 principal place of business (if that is a different  
11 address) from which he engages in the business of selling  
12 tangible personal property at retail in this State;

13 3. Total amount of receipts received by him during the  
14 preceding calendar month or quarter, as the case may be,  
15 from sales of tangible personal property, and from services  
16 furnished, by him during such preceding calendar month or  
17 quarter;

18 4. Total amount received by him during the preceding  
19 calendar month or quarter on charge and time sales of  
20 tangible personal property, and from services furnished,  
21 by him prior to the month or quarter for which the return  
22 is filed;

23 5. Deductions allowed by law;

24 6. Gross receipts which were received by him during the  
25 preceding calendar month or quarter and upon the basis of

1           which the tax is imposed;

2           7. The amount of credit provided in Section 2d of this  
3           Act;

4           8. The amount of tax due;

5           9. The signature of the taxpayer; and

6           10. Such other reasonable information as the  
7           Department may require.

8           On and after January 1, 2018, except for returns for motor  
9           vehicles, watercraft, aircraft, and trailers that are required  
10          to be registered with an agency of this State, with respect to  
11          retailers whose annual gross receipts average \$20,000 or more,  
12          all returns required to be filed pursuant to this Act shall be  
13          filed electronically. Retailers who demonstrate that they do  
14          not have access to the Internet or demonstrate hardship in  
15          filing electronically may petition the Department to waive the  
16          electronic filing requirement.

17          If a taxpayer fails to sign a return within 30 days after  
18          the proper notice and demand for signature by the Department,  
19          the return shall be considered valid and any amount shown to be  
20          due on the return shall be deemed assessed.

21          Each return shall be accompanied by the statement of  
22          prepaid tax issued pursuant to Section 2e for which credit is  
23          claimed.

24          Prior to October 1, 2003, and on and after September 1,  
25          2004 a retailer may accept a Manufacturer's Purchase Credit  
26          certification from a purchaser in satisfaction of Use Tax as

1 provided in Section 3-85 of the Use Tax Act if the purchaser  
2 provides the appropriate documentation as required by Section  
3 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
4 certification, accepted by a retailer prior to October 1, 2003  
5 and on and after September 1, 2004 as provided in Section 3-85  
6 of the Use Tax Act, may be used by that retailer to satisfy  
7 Retailers' Occupation Tax liability in the amount claimed in  
8 the certification, not to exceed 6.25% of the receipts subject  
9 to tax from a qualifying purchase. A Manufacturer's Purchase  
10 Credit reported on any original or amended return filed under  
11 this Act after October 20, 2003 for reporting periods prior to  
12 September 1, 2004 shall be disallowed. Manufacturer's  
13 Purchaser Credit reported on annual returns due on or after  
14 January 1, 2005 will be disallowed for periods prior to  
15 September 1, 2004. No Manufacturer's Purchase Credit may be  
16 used after September 30, 2003 through August 31, 2004 to  
17 satisfy any tax liability imposed under this Act, including any  
18 audit liability.

19 The Department may require returns to be filed on a  
20 quarterly basis. If so required, a return for each calendar  
21 quarter shall be filed on or before the twentieth day of the  
22 calendar month following the end of such calendar quarter. The  
23 taxpayer shall also file a return with the Department for each  
24 of the first two months of each calendar quarter, on or before  
25 the twentieth day of the following calendar month, stating:

- 26 1. The name of the seller;

1           2. The address of the principal place of business from  
2           which he engages in the business of selling tangible  
3           personal property at retail in this State;

4           3. The total amount of taxable receipts received by him  
5           during the preceding calendar month from sales of tangible  
6           personal property by him during such preceding calendar  
7           month, including receipts from charge and time sales, but  
8           less all deductions allowed by law;

9           4. The amount of credit provided in Section 2d of this  
10          Act;

11          5. The amount of tax due; and

12          6. Such other reasonable information as the Department  
13          may require.

14          Beginning on October 1, 2003, any person who is not a  
15          licensed distributor, importing distributor, or manufacturer,  
16          as defined in the Liquor Control Act of 1934, but is engaged in  
17          the business of selling, at retail, alcoholic liquor shall file  
18          a statement with the Department of Revenue, in a format and at  
19          a time prescribed by the Department, showing the total amount  
20          paid for alcoholic liquor purchased during the preceding month  
21          and such other information as is reasonably required by the  
22          Department. The Department may adopt rules to require that this  
23          statement be filed in an electronic or telephonic format. Such  
24          rules may provide for exceptions from the filing requirements  
25          of this paragraph. For the purposes of this paragraph, the term  
26          "alcoholic liquor" shall have the meaning prescribed in the

1 Liquor Control Act of 1934.

2 Beginning on October 1, 2003, every distributor, importing  
3 distributor, and manufacturer of alcoholic liquor as defined in  
4 the Liquor Control Act of 1934, shall file a statement with the  
5 Department of Revenue, no later than the 10th day of the month  
6 for the preceding month during which transactions occurred, by  
7 electronic means, showing the total amount of gross receipts  
8 from the sale of alcoholic liquor sold or distributed during  
9 the preceding month to purchasers; identifying the purchaser to  
10 whom it was sold or distributed; the purchaser's tax  
11 registration number; and such other information reasonably  
12 required by the Department. A distributor, importing  
13 distributor, or manufacturer of alcoholic liquor must  
14 personally deliver, mail, or provide by electronic means to  
15 each retailer listed on the monthly statement a report  
16 containing a cumulative total of that distributor's, importing  
17 distributor's, or manufacturer's total sales of alcoholic  
18 liquor to that retailer no later than the 10th day of the month  
19 for the preceding month during which the transaction occurred.  
20 The distributor, importing distributor, or manufacturer shall  
21 notify the retailer as to the method by which the distributor,  
22 importing distributor, or manufacturer will provide the sales  
23 information. If the retailer is unable to receive the sales  
24 information by electronic means, the distributor, importing  
25 distributor, or manufacturer shall furnish the sales  
26 information by personal delivery or by mail. For purposes of

1 this paragraph, the term "electronic means" includes, but is  
2 not limited to, the use of a secure Internet website, e-mail,  
3 or facsimile.

4 If a total amount of less than \$1 is payable, refundable or  
5 creditable, such amount shall be disregarded if it is less than  
6 50 cents and shall be increased to \$1 if it is 50 cents or more.

7 Beginning October 1, 1993, a taxpayer who has an average  
8 monthly tax liability of \$150,000 or more shall make all  
9 payments required by rules of the Department by electronic  
10 funds transfer. Beginning October 1, 1994, a taxpayer who has  
11 an average monthly tax liability of \$100,000 or more shall make  
12 all payments required by rules of the Department by electronic  
13 funds transfer. Beginning October 1, 1995, a taxpayer who has  
14 an average monthly tax liability of \$50,000 or more shall make  
15 all payments required by rules of the Department by electronic  
16 funds transfer. Beginning October 1, 2000, a taxpayer who has  
17 an annual tax liability of \$200,000 or more shall make all  
18 payments required by rules of the Department by electronic  
19 funds transfer. The term "annual tax liability" shall be the  
20 sum of the taxpayer's liabilities under this Act, and under all  
21 other State and local occupation and use tax laws administered  
22 by the Department, for the immediately preceding calendar year.  
23 The term "average monthly tax liability" shall be the sum of  
24 the taxpayer's liabilities under this Act, and under all other  
25 State and local occupation and use tax laws administered by the  
26 Department, for the immediately preceding calendar year

1 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
2 a tax liability in the amount set forth in subsection (b) of  
3 Section 2505-210 of the Department of Revenue Law shall make  
4 all payments required by rules of the Department by electronic  
5 funds transfer.

6 Before August 1 of each year beginning in 1993, the  
7 Department shall notify all taxpayers required to make payments  
8 by electronic funds transfer. All taxpayers required to make  
9 payments by electronic funds transfer shall make those payments  
10 for a minimum of one year beginning on October 1.

11 Any taxpayer not required to make payments by electronic  
12 funds transfer may make payments by electronic funds transfer  
13 with the permission of the Department.

14 All taxpayers required to make payment by electronic funds  
15 transfer and any taxpayers authorized to voluntarily make  
16 payments by electronic funds transfer shall make those payments  
17 in the manner authorized by the Department.

18 The Department shall adopt such rules as are necessary to  
19 effectuate a program of electronic funds transfer and the  
20 requirements of this Section.

21 Any amount which is required to be shown or reported on any  
22 return or other document under this Act shall, if such amount  
23 is not a whole-dollar amount, be increased to the nearest  
24 whole-dollar amount in any case where the fractional part of a  
25 dollar is 50 cents or more, and decreased to the nearest  
26 whole-dollar amount where the fractional part of a dollar is



1 less than 50 cents.

2 If the retailer is otherwise required to file a monthly  
3 return and if the retailer's average monthly tax liability to  
4 the Department does not exceed \$200, the Department may  
5 authorize his returns to be filed on a quarter annual basis,  
6 with the return for January, February and March of a given year  
7 being due by April 20 of such year; with the return for April,  
8 May and June of a given year being due by July 20 of such year;  
9 with the return for July, August and September of a given year  
10 being due by October 20 of such year, and with the return for  
11 October, November and December of a given year being due by  
12 January 20 of the following year.

13 If the retailer is otherwise required to file a monthly or  
14 quarterly return and if the retailer's average monthly tax  
15 liability with the Department does not exceed \$50, the  
16 Department may authorize his returns to be filed on an annual  
17 basis, with the return for a given year being due by January 20  
18 of the following year.

19 Such quarter annual and annual returns, as to form and  
20 substance, shall be subject to the same requirements as monthly  
21 returns.

22 Notwithstanding any other provision in this Act concerning  
23 the time within which a retailer may file his return, in the  
24 case of any retailer who ceases to engage in a kind of business  
25 which makes him responsible for filing returns under this Act,  
26 such retailer shall file a final return under this Act with the

1 Department not more than one month after discontinuing such  
2 business.

3 Where the same person has more than one business registered  
4 with the Department under separate registrations under this  
5 Act, such person may 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 In addition, with respect to motor vehicles, watercraft,  
9 aircraft, and trailers that are required to be registered with  
10 an agency of this State, every retailer selling this kind of  
11 tangible personal property shall file, with the Department,  
12 upon a form to be prescribed and supplied by the Department, a  
13 separate return for each such item of tangible personal  
14 property which the retailer sells, except that if, in the same  
15 transaction, (i) a retailer of aircraft, watercraft, motor  
16 vehicles or trailers transfers more than one aircraft,  
17 watercraft, motor vehicle or trailer to another aircraft,  
18 watercraft, motor vehicle retailer or trailer retailer for the  
19 purpose of resale or (ii) a retailer of aircraft, watercraft,  
20 motor vehicles, or trailers transfers more than one aircraft,  
21 watercraft, motor vehicle, or trailer to a purchaser for use as  
22 a qualifying rolling stock as provided in Section 2-5 of this  
23 Act, then that seller may report the transfer of all aircraft,  
24 watercraft, motor vehicles or trailers involved in that  
25 transaction to the Department on the same uniform  
26 invoice-transaction reporting return form. For purposes of

1 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
2 watercraft as defined in Section 3-2 of the Boat Registration  
3 and Safety Act, a personal watercraft, or any boat equipped  
4 with an inboard motor.

5 Any retailer who sells only motor vehicles, watercraft,  
6 aircraft, or trailers that are required to be registered with  
7 an agency of this State, so that all retailers' occupation tax  
8 liability is required to be reported, and is reported, on such  
9 transaction reporting returns and who is not otherwise required  
10 to file monthly or quarterly returns, need not file monthly or  
11 quarterly returns. However, those retailers shall be required  
12 to file returns on an annual basis.

13 The transaction reporting return, in the case of motor  
14 vehicles or trailers that are required to be registered with an  
15 agency of this State, shall be the same document as the Uniform  
16 Invoice referred to in Section 5-402 of The Illinois Vehicle  
17 Code and must show the name and address of the seller; the name  
18 and address of the purchaser; the amount of the selling price  
19 including the amount allowed by the retailer for traded-in  
20 property, if any; the amount allowed by the retailer for the  
21 traded-in tangible personal property, if any, to the extent to  
22 which Section 1 of this Act allows an exemption for the value  
23 of traded-in property; the balance payable after deducting such  
24 trade-in allowance from the total selling price; the amount of  
25 tax due from the retailer with respect to such transaction; the  
26 amount of tax collected from the purchaser by the retailer on

1 such transaction (or satisfactory evidence that such tax is not  
2 due in that particular instance, if that is claimed to be the  
3 fact); the place and date of the sale; a sufficient  
4 identification of the property sold; such other information as  
5 is required in Section 5-402 of The Illinois Vehicle Code, and  
6 such other information as the Department may reasonably  
7 require.

8 The transaction reporting return in the case of watercraft  
9 or aircraft must show the name and address of the seller; the  
10 name and address of the purchaser; the amount of the selling  
11 price including the amount allowed by the retailer for  
12 traded-in property, if any; the amount allowed by the retailer  
13 for the traded-in tangible personal property, if any, to the  
14 extent to which Section 1 of this Act allows an exemption for  
15 the value of traded-in property; the balance payable after  
16 deducting such trade-in allowance from the total selling price;  
17 the amount of tax due from the retailer with respect to such  
18 transaction; the amount of tax collected from the purchaser by  
19 the retailer on such transaction (or satisfactory evidence that  
20 such tax is not due in that particular instance, if that is  
21 claimed to be the fact); the place and date of the sale, a  
22 sufficient identification of the property sold, and such other  
23 information as the Department may reasonably require.

24 Such transaction reporting return shall be filed not later  
25 than 20 days after the day of delivery of the item that is  
26 being sold, but may be filed by the retailer at any time sooner

1 than that if he chooses to do so. The transaction reporting  
2 return and tax remittance or proof of exemption from the  
3 Illinois use tax may be transmitted to the Department by way of  
4 the State agency with which, or State officer with whom the  
5 tangible personal property must be titled or registered (if  
6 titling or registration is required) if the Department and such  
7 agency or State officer determine that this procedure will  
8 expedite the processing of applications for title or  
9 registration.

10 With each such transaction reporting return, the retailer  
11 shall remit the proper amount of tax due (or shall submit  
12 satisfactory evidence that the sale is not taxable if that is  
13 the case), to the Department or its agents, whereupon the  
14 Department shall issue, in the purchaser's name, a use tax  
15 receipt (or a certificate of exemption if the Department is  
16 satisfied that the particular sale is tax exempt) which such  
17 purchaser may submit to the agency with which, or State officer  
18 with whom, he must title or register the tangible personal  
19 property that is involved (if titling or registration is  
20 required) in support of such purchaser's application for an  
21 Illinois certificate or other evidence of title or registration  
22 to such tangible personal property.

23 No retailer's failure or refusal to remit tax under this  
24 Act precludes a user, who has paid the proper tax to the  
25 retailer, from obtaining his certificate of title or other  
26 evidence of title or registration (if titling or registration

1 is required) upon satisfying the Department that such user has  
2 paid the proper tax (if tax is due) to the retailer. The  
3 Department shall adopt appropriate rules to carry out the  
4 mandate of this paragraph.

5 If the user who would otherwise pay tax to the retailer  
6 wants the transaction reporting return filed and the payment of  
7 the tax or proof of exemption made to the Department before the  
8 retailer is willing to take these actions and such user has not  
9 paid the tax to the retailer, such user may certify to the fact  
10 of such delay by the retailer and may (upon the Department  
11 being satisfied of the truth of such certification) transmit  
12 the information required by the transaction reporting return  
13 and the remittance for tax or proof of exemption directly to  
14 the Department and obtain his tax receipt or exemption  
15 determination, in which event the transaction reporting return  
16 and tax remittance (if a tax payment was required) shall be  
17 credited by the Department to the proper retailer's account  
18 with the Department, but without the 2.1% or 1.75% discount  
19 provided for in this Section being allowed. When the user pays  
20 the tax directly to the Department, he shall pay the tax in the  
21 same amount and in the same form in which it would be remitted  
22 if the tax had been remitted to the Department by the retailer.

23 Refunds made by the seller during the preceding return  
24 period to purchasers, on account of tangible personal property  
25 returned to the seller, shall be allowed as a deduction under  
26 subdivision 5 of his monthly or quarterly return, as the case

1 may be, in case the seller had theretofore included the  
2 receipts from the sale of such tangible personal property in a  
3 return filed by him and had paid the tax imposed by this Act  
4 with respect to such receipts.

5 Where the seller is a corporation, the return filed on  
6 behalf of such corporation shall be signed by the president,  
7 vice-president, secretary or treasurer or by the properly  
8 accredited agent of such corporation.

9 Where the seller is a limited liability company, the return  
10 filed on behalf of the limited liability company shall be  
11 signed by a manager, member, or properly accredited agent of  
12 the limited liability company.

13 Except as provided in this Section, the retailer filing the  
14 return under this Section shall, at the time of filing such  
15 return, pay to the Department the amount of tax imposed by this  
16 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
17 on and after January 1, 1990, or \$5 per calendar year,  
18 whichever is greater, which is allowed to reimburse the  
19 retailer for the expenses incurred in keeping records,  
20 preparing and filing returns, remitting the tax and supplying  
21 data to the Department on request. Any prepayment made pursuant  
22 to Section 2d of this Act shall be included in the amount on  
23 which such 2.1% or 1.75% discount is computed. In the case of  
24 retailers who report and pay the tax on a transaction by  
25 transaction basis, as provided in this Section, such discount  
26 shall be taken with each such tax remittance instead of when

1 such retailer files his periodic return. The discount allowed  
2 under this Section is allowed only for returns that are filed  
3 in the manner required by this Act. The Department may disallow  
4 the discount for retailers whose certificate of registration is  
5 revoked at the time the return is filed, but only if the  
6 Department's decision to revoke the certificate of  
7 registration has become final.

8 Before October 1, 2000, if the taxpayer's average monthly  
9 tax liability to the Department under this Act, the Use Tax  
10 Act, the Service Occupation Tax Act, and the Service Use Tax  
11 Act, excluding any liability for prepaid sales tax to be  
12 remitted in accordance with Section 2d of this Act, was \$10,000  
13 or more during the preceding 4 complete calendar quarters, he  
14 shall file a return with the Department each month by the 20th  
15 day of the month next following the month during which such tax  
16 liability is incurred and shall make payments to the Department  
17 on or before the 7th, 15th, 22nd and last day of the month  
18 during which such liability is incurred. On and after October  
19 1, 2000, if the taxpayer's average monthly tax liability to the  
20 Department under this Act, the Use Tax Act, the Service  
21 Occupation Tax Act, and the Service Use Tax Act, excluding any  
22 liability for prepaid sales tax to be remitted in accordance  
23 with Section 2d of this Act, was \$20,000 or more during the  
24 preceding 4 complete calendar quarters, he shall file a return  
25 with the Department each month by the 20th day of the month  
26 next following the month during which such tax liability is



1 incurred and shall make payment to the Department on or before  
2 the 7th, 15th, 22nd and last day of the month during which such  
3 liability is incurred. If the month during which such tax  
4 liability is incurred began prior to January 1, 1985, each  
5 payment shall be in an amount equal to 1/4 of the taxpayer's  
6 actual liability for the month or an amount set by the  
7 Department not to exceed 1/4 of the average monthly liability  
8 of the taxpayer to the Department for the preceding 4 complete  
9 calendar quarters (excluding the month of highest liability and  
10 the month of lowest liability in such 4 quarter period). If the  
11 month during which such tax liability is incurred begins on or  
12 after January 1, 1985 and prior to January 1, 1987, each  
13 payment shall be in an amount equal to 22.5% of the taxpayer's  
14 actual liability for the month or 27.5% 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, 1987 and prior to January 1, 1988, each  
18 payment shall be in an amount equal to 22.5% of the taxpayer's  
19 actual liability for the month or 26.25% of the taxpayer's  
20 liability for the same calendar month of the preceding year. If  
21 the month during which such tax liability is incurred begins on  
22 or after January 1, 1988, and prior to January 1, 1989, or  
23 begins on or after 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. If the month during which

1 such tax liability is incurred begins on or after January 1,  
2 1989, and prior to January 1, 1996, each payment shall be in an  
3 amount equal to 22.5% of the taxpayer's actual liability for  
4 the month or 25% of the taxpayer's liability for the same  
5 calendar month of the preceding year or 100% of the taxpayer's  
6 actual liability for the quarter monthly reporting period. The  
7 amount of such quarter monthly payments shall be credited  
8 against the final tax liability of the taxpayer's return for  
9 that month. Before October 1, 2000, once applicable, the  
10 requirement of the making of quarter monthly payments to the  
11 Department by taxpayers having an average monthly tax liability  
12 of \$10,000 or more as determined in the manner provided above  
13 shall continue until such taxpayer's average monthly liability  
14 to the Department during the preceding 4 complete calendar  
15 quarters (excluding the month of highest liability and the  
16 month of lowest liability) is less than \$9,000, or until such  
17 taxpayer's average monthly liability to the Department as  
18 computed for each calendar quarter of the 4 preceding complete  
19 calendar quarter period is less than \$10,000. However, if a  
20 taxpayer can show the Department that a substantial change in  
21 the taxpayer's business has occurred which causes the taxpayer  
22 to anticipate that his average monthly tax liability for the  
23 reasonably foreseeable future will fall below the \$10,000  
24 threshold stated above, then such taxpayer may petition the  
25 Department for a change in such taxpayer's reporting status. On  
26 and after October 1, 2000, once applicable, the requirement of

1 the making of quarter monthly payments to the Department by  
2 taxpayers having an average monthly tax liability of \$20,000 or  
3 more as determined in the manner provided above shall continue  
4 until such taxpayer's average monthly liability to the  
5 Department during the preceding 4 complete calendar quarters  
6 (excluding the month of highest liability and the month of  
7 lowest liability) is less than \$19,000 or until such taxpayer's  
8 average monthly liability to the Department as computed for  
9 each calendar quarter of the 4 preceding complete calendar  
10 quarter period is less than \$20,000. However, if a taxpayer can  
11 show the Department that a substantial change in the taxpayer's  
12 business has occurred which causes the taxpayer to anticipate  
13 that his average monthly tax liability for the reasonably  
14 foreseeable future will fall below the \$20,000 threshold stated  
15 above, then such taxpayer may petition the Department for a  
16 change in such taxpayer's reporting status. The Department  
17 shall change such taxpayer's reporting status unless it finds  
18 that such change is seasonal in nature and not likely to be  
19 long term. If any such quarter monthly payment is not paid at  
20 the time or in the amount required by this Section, then the  
21 taxpayer shall be liable for penalties and interest on the  
22 difference between the minimum amount due as a payment and the  
23 amount of such quarter monthly payment actually and timely  
24 paid, except insofar as the taxpayer has previously made  
25 payments for that month to the Department in excess of the  
26 minimum payments previously due as provided in this Section.

1 The Department shall make reasonable rules and regulations to  
2 govern the quarter monthly payment amount and quarter monthly  
3 payment dates for taxpayers who file on other than a calendar  
4 monthly basis.

5 The provisions of this paragraph apply before October 1,  
6 2001. Without regard to whether a taxpayer is required to make  
7 quarter monthly payments as specified above, any taxpayer who  
8 is required by Section 2d of this Act to collect and remit  
9 prepaid taxes and has collected prepaid taxes which average in  
10 excess of \$25,000 per month during the preceding 2 complete  
11 calendar quarters, shall file a return with the Department as  
12 required by Section 2f and shall make payments to the  
13 Department on or before the 7th, 15th, 22nd and last day of the  
14 month during which such liability is incurred. If the month  
15 during which such tax liability is incurred began prior to  
16 September 1, 1985 (the effective date of Public Act 84-221),  
17 each payment shall be in an amount not less than 22.5% of the  
18 taxpayer's actual liability under Section 2d. If the month  
19 during which such tax liability is incurred begins on or after  
20 January 1, 1986, each payment shall be in an amount equal to  
21 22.5% of the taxpayer's actual liability for the month or 27.5%  
22 of the taxpayer's liability for the same calendar month of the  
23 preceding calendar year. If the month during which such tax  
24 liability is incurred begins on or after January 1, 1987, each  
25 payment shall be in an amount equal to 22.5% of the taxpayer's  
26 actual liability for the month or 26.25% of the taxpayer's

1 liability for the same calendar month of the preceding year.  
2 The amount of such quarter monthly payments shall be credited  
3 against the final tax liability of the taxpayer's return for  
4 that month filed under this Section or Section 2f, as the case  
5 may be. Once applicable, the requirement of the making of  
6 quarter monthly payments to the Department pursuant to this  
7 paragraph shall continue until such taxpayer's average monthly  
8 prepaid tax collections during the preceding 2 complete  
9 calendar quarters is \$25,000 or less. If any such quarter  
10 monthly payment is not paid at the time or in the amount  
11 required, the taxpayer shall be liable for penalties and  
12 interest on such difference, except insofar as the taxpayer has  
13 previously made payments for that month in excess of the  
14 minimum payments previously due.

15 The provisions of this paragraph apply on and after October  
16 1, 2001. Without regard to whether a taxpayer is required to  
17 make quarter monthly payments as specified above, any taxpayer  
18 who is required by Section 2d of this Act to collect and remit  
19 prepaid taxes and has collected prepaid taxes that average in  
20 excess of \$20,000 per month during the preceding 4 complete  
21 calendar quarters shall file a return with the Department as  
22 required by Section 2f and shall make payments to the  
23 Department on or before the 7th, 15th, 22nd and last day of the  
24 month during which the liability is incurred. Each payment  
25 shall be in an amount equal to 22.5% of the taxpayer's actual  
26 liability for the month or 25% of the taxpayer's liability for

1 the same calendar month of the preceding year. The amount of  
2 the quarter monthly payments shall be credited against the  
3 final tax liability of the taxpayer's return for that month  
4 filed under this Section or Section 2f, as the case may be.  
5 Once applicable, the requirement of the making of quarter  
6 monthly payments to the Department pursuant to this paragraph  
7 shall continue until the taxpayer's average monthly prepaid tax  
8 collections during the preceding 4 complete calendar quarters  
9 (excluding the month of highest liability and the month of  
10 lowest liability) is less than \$19,000 or until such taxpayer's  
11 average monthly liability to the Department as computed for  
12 each calendar quarter of the 4 preceding complete calendar  
13 quarters is less than \$20,000. If any such quarter monthly  
14 payment is not paid at the time or in the amount required, the  
15 taxpayer shall be liable for penalties and interest on such  
16 difference, except insofar as the taxpayer has previously made  
17 payments for that month in excess of the minimum payments  
18 previously due.

19 If any payment provided for in this Section exceeds the  
20 taxpayer's liabilities under this Act, the Use Tax Act, the  
21 Service Occupation Tax Act and the Service Use Tax Act, as  
22 shown on an original monthly return, the Department shall, if  
23 requested by the taxpayer, issue to the taxpayer a credit  
24 memorandum no later than 30 days after the date of payment. The  
25 credit evidenced by such credit memorandum may be assigned by  
26 the taxpayer to a similar taxpayer under this Act, the Use Tax

1 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
2 in accordance with reasonable rules and regulations to be  
3 prescribed by the Department. If no such request is made, the  
4 taxpayer may credit such excess payment against tax liability  
5 subsequently to be remitted to the Department under this Act,  
6 the Use Tax Act, the Service Occupation Tax Act or the Service  
7 Use Tax Act, in accordance with reasonable rules and  
8 regulations prescribed by the Department. If the Department  
9 subsequently determined that all or any part of the credit  
10 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
11 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
12 of the difference between the credit taken and that actually  
13 due, and that taxpayer shall be liable for penalties and  
14 interest on such difference.

15 If a retailer of motor fuel is entitled to a credit under  
16 Section 2d of this Act which exceeds the taxpayer's liability  
17 to the Department under this Act for the month which the  
18 taxpayer is filing a return, the Department shall issue the  
19 taxpayer a credit memorandum for the excess.

20 Beginning January 1, 1990, each month the Department shall  
21 pay into the Local Government Tax Fund, a special fund in the  
22 State treasury which is hereby created, the net revenue  
23 realized for the preceding month from the 1% tax on sales of  
24 food for human consumption which is to be consumed off the  
25 premises where it is sold (other than alcoholic beverages, soft  
26 drinks and food which has been prepared for immediate

1 consumption) and prescription and nonprescription medicines,  
2 drugs, medical appliances, products classified as Class III  
3 medical devices by the United States Food and Drug  
4 Administration that are used for cancer treatment pursuant to a  
5 prescription, as well as any accessories and components related  
6 to those devices, and insulin, urine testing materials,  
7 syringes and needles used by diabetics.

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the County and Mass Transit District Fund, a special  
10 fund in the State treasury which is hereby created, 4% of the  
11 net revenue realized for the preceding month from the 6.25%  
12 general rate.

13 Beginning August 1, 2000, each month the Department shall  
14 pay into the County and Mass Transit District Fund 20% of the  
15 net revenue realized for the preceding month from the 1.25%  
16 rate on the selling price of motor fuel and gasohol. Beginning  
17 September 1, 2010, each month the Department shall pay into the  
18 County and Mass Transit District Fund 20% of the net revenue  
19 realized for the preceding month from the 1.25% rate on the  
20 selling price of sales tax holiday items.

21 Beginning January 1, 1990, each month the Department shall  
22 pay into the Local Government Tax Fund 16% of the net revenue  
23 realized for the preceding month from the 6.25% general rate on  
24 the selling price of tangible personal property.

25 Beginning August 1, 2000, each month the Department shall  
26 pay into the Local Government Tax Fund 80% of the net revenue



1 realized for the preceding month from the 1.25% rate on the  
2 selling price of motor fuel and gasohol. Beginning September 1,  
3 2010, each month the Department shall pay into the Local  
4 Government Tax Fund 80% of the net revenue realized for the  
5 preceding month from the 1.25% rate on the selling price of  
6 sales tax holiday items.

7 Beginning October 1, 2009, each month the Department shall  
8 pay into the Capital Projects Fund an amount that is equal to  
9 an amount estimated by the Department to represent 80% of the  
10 net revenue realized for the preceding month from the sale of  
11 candy, grooming and hygiene products, and soft drinks that had  
12 been taxed at a rate of 1% prior to September 1, 2009 but that  
13 are now taxed at 6.25%.

14 Beginning July 1, 2011, each month the Department shall pay  
15 into the Clean Air Act Permit Fund 80% of the net revenue  
16 realized for the preceding month from the 6.25% general rate on  
17 the selling price of sorbents used in Illinois in the process  
18 of sorbent injection as used to comply with the Environmental  
19 Protection Act or the federal Clean Air Act, but the total  
20 payment into the Clean Air Act Permit Fund under this Act and  
21 the Use Tax Act shall not exceed \$2,000,000 in any fiscal year.

22 Beginning July 1, 2013, each month the Department shall pay  
23 into the Underground Storage Tank Fund from the proceeds  
24 collected under this Act, the Use Tax Act, the Service Use Tax  
25 Act, and the Service Occupation Tax Act an amount equal to the  
26 average monthly deficit in the Underground Storage Tank Fund

1 during the prior year, as certified annually by the Illinois  
2 Environmental Protection Agency, but the total payment into the  
3 Underground Storage Tank Fund under this Act, the Use Tax Act,  
4 the Service Use Tax Act, and the Service Occupation Tax Act  
5 shall not exceed \$18,000,000 in any State fiscal year. As used  
6 in this paragraph, the "average monthly deficit" shall be equal  
7 to the difference between the average monthly claims for  
8 payment by the fund and the average monthly revenues deposited  
9 into the fund, excluding payments made pursuant to this  
10 paragraph.

11 Beginning July 1, 2015, of the remainder of the moneys  
12 received by the Department under the Use Tax Act, the Service  
13 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
14 month the Department shall deposit \$500,000 into the State  
15 Crime Laboratory Fund.

16 Of the remainder of the moneys received by the Department  
17 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
18 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
19 and after July 1, 1989, 3.8% thereof shall be paid into the  
20 Build Illinois Fund; provided, however, that if in any fiscal  
21 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
22 may be, of the moneys received by the Department and required  
23 to be paid into the Build Illinois Fund pursuant to this Act,  
24 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
25 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
26 being hereinafter called the "Tax Acts" and such aggregate of

1 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
2 called the "Tax Act Amount", and (2) the amount transferred to  
3 the Build Illinois Fund from the State and Local Sales Tax  
4 Reform Fund shall be less than the Annual Specified Amount (as  
5 hereinafter defined), an amount equal to the difference shall  
6 be immediately paid into the Build Illinois Fund from other  
7 moneys received by the Department pursuant to the Tax Acts; the  
8 "Annual Specified Amount" means the amounts specified below for  
9 fiscal years 1986 through 1993:

10	Fiscal Year	Annual Specified Amount
11	1986	\$54,800,000
12	1987	\$76,650,000
13	1988	\$80,480,000
14	1989	\$88,510,000
15	1990	\$115,330,000
16	1991	\$145,470,000
17	1992	\$182,730,000
18	1993	\$206,520,000;

19 and means the Certified Annual Debt Service Requirement (as  
20 defined in Section 13 of the Build Illinois Bond Act) or the  
21 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
22 each fiscal year thereafter; and further provided, that if on  
23 the last business day of any month the sum of (1) the Tax Act  
24 Amount required to be deposited into the Build Illinois Bond  
25 Account in the Build Illinois Fund during such month and (2)  
26 the amount transferred to the Build Illinois Fund from the

1 State and Local Sales Tax Reform Fund shall have been less than  
2 1/12 of the Annual Specified Amount, an amount equal to the  
3 difference shall be immediately paid into the Build Illinois  
4 Fund from other moneys received by the Department pursuant to  
5 the Tax Acts; and, further provided, that in no event shall the  
6 payments required under the preceding proviso result in  
7 aggregate payments into the Build Illinois Fund pursuant to  
8 this clause (b) for any fiscal year in excess of the greater of  
9 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
10 such fiscal year. The amounts payable into the Build Illinois  
11 Fund under clause (b) of the first sentence in this paragraph  
12 shall be payable only until such time as the aggregate amount  
13 on deposit under each trust indenture securing Bonds issued and  
14 outstanding pursuant to the Build Illinois Bond Act is  
15 sufficient, taking into account any future investment income,  
16 to fully provide, in accordance with such indenture, for the  
17 defeasance of or the payment of the principal of, premium, if  
18 any, and interest on the Bonds secured by such indenture and on  
19 any Bonds expected to be issued thereafter and all fees and  
20 costs payable with respect thereto, all as certified by the  
21 Director of the Bureau of the Budget (now Governor's Office of  
22 Management and Budget). If on the last business day of any  
23 month in which Bonds are outstanding pursuant to the Build  
24 Illinois Bond Act, the aggregate of moneys deposited in the  
25 Build Illinois Bond Account in the Build Illinois Fund in such  
26 month shall be less than the amount required to be transferred

1 in such month from the Build Illinois Bond Account to the Build  
2 Illinois Bond Retirement and Interest Fund pursuant to Section  
3 13 of the Build Illinois Bond Act, an amount equal to such  
4 deficiency shall be immediately paid from other moneys received  
5 by the Department pursuant to the Tax Acts to the Build  
6 Illinois Fund; provided, however, that any amounts paid to the  
7 Build Illinois Fund in any fiscal year pursuant to this  
8 sentence shall be deemed to constitute payments pursuant to  
9 clause (b) of the first sentence of this paragraph and shall  
10 reduce the amount otherwise payable for such fiscal year  
11 pursuant to that clause (b). The moneys received by the  
12 Department pursuant to this Act and required to be deposited  
13 into the Build Illinois Fund are subject to the pledge, claim  
14 and charge set forth in Section 12 of the Build Illinois Bond  
15 Act.

16 Subject to payment of amounts into the Build Illinois Fund  
17 as provided in the preceding paragraph or in any amendment  
18 thereto hereafter enacted, the following specified monthly  
19 installment of the amount requested in the certificate of the  
20 Chairman of the Metropolitan Pier and Exposition Authority  
21 provided under Section 8.25f of the State Finance Act, but not  
22 in excess of sums designated as "Total Deposit", shall be  
23 deposited in the aggregate from collections under Section 9 of  
24 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
25 9 of the Service Occupation Tax Act, and Section 3 of the  
26 Retailers' Occupation Tax Act into the McCormick Place

1 Expansion Project Fund in the specified fiscal years.

2		Total
	Fiscal Year	Deposit
3	1993	\$0
4	1994	53,000,000
5	1995	58,000,000
6	1996	61,000,000
7	1997	64,000,000
8	1998	68,000,000
9	1999	71,000,000
10	2000	75,000,000
11	2001	80,000,000
12	2002	93,000,000
13	2003	99,000,000
14	2004	103,000,000
15	2005	108,000,000
16	2006	113,000,000
17	2007	119,000,000
18	2008	126,000,000
19	2009	132,000,000
20	2010	139,000,000
21	2011	146,000,000
22	2012	153,000,000
23	2013	161,000,000
24	2014	170,000,000
25	2015	179,000,000

1	2016	189,000,000
2	2017	199,000,000
3	2018	210,000,000
4	2019	221,000,000
5	2020	233,000,000
6	2021	246,000,000
7	2022	260,000,000
8	2023	275,000,000
9	2024	275,000,000
10	2025	275,000,000
11	2026	279,000,000
12	2027	292,000,000
13	2028	307,000,000
14	2029	322,000,000
15	2030	338,000,000
16	2031	350,000,000
17	2032	350,000,000

18 and

19 each fiscal year

20 thereafter that bonds

21 are outstanding under

22 Section 13.2 of the

23 Metropolitan Pier and

24 Exposition Authority Act,

25 but not after fiscal year 2060.

26 Beginning July 20, 1993 and in each month of each fiscal

1 year thereafter, one-eighth of the amount requested in the  
2 certificate of the Chairman of the Metropolitan Pier and  
3 Exposition Authority for that fiscal year, less the amount  
4 deposited into the McCormick Place Expansion Project Fund by  
5 the State Treasurer in the respective month under subsection  
6 (g) of Section 13 of the Metropolitan Pier and Exposition  
7 Authority Act, plus cumulative deficiencies in the deposits  
8 required under this Section for previous months and years,  
9 shall be deposited into the McCormick Place Expansion Project  
10 Fund, until the full amount requested for the fiscal year, but  
11 not in excess of the amount specified above as "Total Deposit",  
12 has been deposited.

13 Subject to payment of amounts into the Build Illinois Fund  
14 and the McCormick Place Expansion Project Fund pursuant to the  
15 preceding paragraphs or in any amendments thereto hereafter  
16 enacted, beginning July 1, 1993 and ending on September 30,  
17 2013, the Department shall each month pay into the Illinois Tax  
18 Increment Fund 0.27% of 80% of the net revenue realized for the  
19 preceding month from the 6.25% general rate on the selling  
20 price of tangible personal property.

21 Subject to payment of amounts into the Build Illinois Fund  
22 and the McCormick Place Expansion Project Fund pursuant to the  
23 preceding paragraphs or in any amendments thereto hereafter  
24 enacted, beginning with the receipt of the first report of  
25 taxes paid by an eligible business and continuing for a 25-year  
26 period, the Department shall each month pay into the Energy



1 Infrastructure Fund 80% of the net revenue realized from the  
2 6.25% general rate on the selling price of Illinois-mined coal  
3 that was sold to an eligible business. For purposes of this  
4 paragraph, the term "eligible business" means a new electric  
5 generating facility certified pursuant to Section 605-332 of  
6 the Department of Commerce and Economic Opportunity Law of the  
7 Civil Administrative Code of Illinois.

8 Subject to payment of amounts into the Build Illinois Fund,  
9 the McCormick Place Expansion Project Fund, the Illinois Tax  
10 Increment Fund, and the Energy Infrastructure Fund pursuant to  
11 the preceding paragraphs or in any amendments to this Section  
12 hereafter enacted, beginning on the first day of the first  
13 calendar month to occur on or after August 26, 2014 (the  
14 effective date of Public Act 98-1098), each month, from the  
15 collections made under Section 9 of the Use Tax Act, Section 9  
16 of the Service Use Tax Act, Section 9 of the Service Occupation  
17 Tax Act, and Section 3 of the Retailers' Occupation Tax Act,  
18 the Department shall pay into the Tax Compliance and  
19 Administration Fund, to be used, subject to appropriation, to  
20 fund additional auditors and compliance personnel at the  
21 Department of Revenue, an amount equal to 1/12 of 5% of 80% of  
22 the cash receipts collected during the preceding fiscal year by  
23 the Audit Bureau of the Department under the Use Tax Act, the  
24 Service Use Tax Act, the Service Occupation Tax Act, the  
25 Retailers' Occupation Tax Act, and associated local occupation  
26 and use taxes administered by the Department.

1           Subject to payments of amounts into the Build Illinois  
2 Fund, the McCormick Place Expansion Project Fund, the Illinois  
3 Tax Increment Fund, the Energy Infrastructure Fund, and the Tax  
4 Compliance and Administration Fund as provided in this Section,  
5 beginning on July 1, 2018 the Department shall pay each month  
6 into the Downstate Public Transportation Fund the moneys  
7 required to be so paid under Section 2-3 of the Downstate  
8 Public Transportation Act.

9           Of the remainder of the moneys received by the Department  
10 pursuant to this Act, 75% thereof shall be paid into the State  
11 Treasury and 25% shall be reserved in a special account and  
12 used only for the transfer to the Common School Fund as part of  
13 the monthly transfer from the General Revenue Fund in  
14 accordance with Section 8a of the State Finance Act.

15           The Department may, upon separate written notice to a  
16 taxpayer, require the taxpayer to prepare and file with the  
17 Department on a form prescribed by the Department within not  
18 less than 60 days after receipt of the notice an annual  
19 information return for the tax year specified in the notice.  
20 Such annual return to the Department shall include a statement  
21 of gross receipts as shown by the retailer's last Federal  
22 income tax return. If the total receipts of the business as  
23 reported in the Federal income tax return do not agree with the  
24 gross receipts reported to the Department of Revenue for the  
25 same period, the retailer shall attach to his annual return a  
26 schedule showing a reconciliation of the 2 amounts and the

1 reasons for the difference. The retailer's annual return to the  
2 Department shall also disclose the cost of goods sold by the  
3 retailer during the year covered by such return, opening and  
4 closing inventories of such goods for such year, costs of goods  
5 used from stock or taken from stock and given away by the  
6 retailer during such year, payroll information of the  
7 retailer's business during such year and any additional  
8 reasonable information which the Department deems would be  
9 helpful in determining the accuracy of the monthly, quarterly  
10 or annual returns filed by such retailer as provided for in  
11 this Section.

12 If the annual information return required by this Section  
13 is not filed when and as required, the taxpayer shall be liable  
14 as follows:

15 (i) Until January 1, 1994, the taxpayer shall be liable  
16 for a penalty equal to 1/6 of 1% of the tax due from such  
17 taxpayer under this Act during the period to be covered by  
18 the annual return for each month or fraction of a month  
19 until such return is filed as required, the penalty to be  
20 assessed and collected in the same manner as any other  
21 penalty provided for in this Act.

22 (ii) On and after January 1, 1994, the taxpayer shall  
23 be liable for a penalty as described in Section 3-4 of the  
24 Uniform Penalty and Interest Act.

25 The chief executive officer, proprietor, owner or highest  
26 ranking manager shall sign the annual return to certify the

1 accuracy of the information contained therein. Any person who  
2 willfully signs the annual return containing false or  
3 inaccurate information shall be guilty of perjury and punished  
4 accordingly. The annual return form prescribed by the  
5 Department shall include a warning that the person signing the  
6 return may be liable for perjury.

7 The provisions of this Section concerning the filing of an  
8 annual information return do not apply to a retailer who is not  
9 required to file an income tax return with the United States  
10 Government.

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 For greater simplicity of administration, manufacturers,  
23 importers and wholesalers whose products are sold at retail in  
24 Illinois by numerous retailers, and who wish to do so, may  
25 assume the responsibility for accounting and paying to the  
26 Department all tax accruing under this Act with respect to such

1 sales, if the retailers who are affected do not make written  
2 objection to the Department to this arrangement.

3 Any person who promotes, organizes, provides retail  
4 selling space for concessionaires or other types of sellers at  
5 the Illinois State Fair, DuQuoin State Fair, county fairs,  
6 local fairs, art shows, flea markets and similar exhibitions or  
7 events, including any transient merchant as defined by Section  
8 2 of the Transient Merchant Act of 1987, is required to file a  
9 report with the Department providing the name of the merchant's  
10 business, the name of the person or persons engaged in  
11 merchant's business, the permanent address and Illinois  
12 Retailers Occupation Tax Registration Number of the merchant,  
13 the dates and location of the event and other reasonable  
14 information that the Department may require. The report must be  
15 filed not later than the 20th day of the month next following  
16 the month during which the event with retail sales was held.  
17 Any person who fails to file a report required by this Section  
18 commits a business offense and is subject to a fine not to  
19 exceed \$250.

20 Any person engaged in the business of selling tangible  
21 personal property at retail as a concessionaire or other type  
22 of seller at the Illinois State Fair, county fairs, art shows,  
23 flea markets and similar exhibitions or events, or any  
24 transient merchants, as defined by Section 2 of the Transient  
25 Merchant Act of 1987, may be required to make a daily report of  
26 the amount of such sales to the Department and to make a daily

1 payment of the full amount of tax due. The Department shall  
2 impose this requirement when it finds that there is a  
3 significant risk of loss of revenue to the State at such an  
4 exhibition or event. Such a finding shall be based on evidence  
5 that a substantial number of concessionaires or other sellers  
6 who are not residents of Illinois will be engaging in the  
7 business of selling tangible personal property at retail at the  
8 exhibition or event, or other evidence of a significant risk of  
9 loss of revenue to the State. The Department shall notify  
10 concessionaires and other sellers affected by the imposition of  
11 this requirement. In the absence of notification by the  
12 Department, the concessionaires and other sellers shall file  
13 their returns as otherwise required in this Section.

14 (Source: P.A. 99-352, eff. 8-12-15; 99-858, eff. 8-19-16;  
15 99-933, eff. 1-27-17; 100-303, eff. 8-24-17; 100-363, eff.  
16 7-1-18; revised 10-27-17.)

17 Section 220. The Property Tax Code is amended by changing  
18 Sections 15-172, 21-95, and 21-265 as follows:

19 (35 ILCS 200/15-172)

20 Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
21 Exemption.

22 (a) This Section may be cited as the Senior Citizens  
23 Assessment Freeze Homestead Exemption.

24 (b) As used in this Section:

1 "Applicant" means an individual who has filed an  
2 application under this Section.

3 "Base amount" means the base year equalized assessed value  
4 of the residence plus the first year's equalized assessed value  
5 of any added improvements which increased the assessed value of  
6 the residence after the base year.

7 "Base year" means the taxable year prior to the taxable  
8 year for which the applicant first qualifies and applies for  
9 the exemption provided that in the prior taxable year the  
10 property was improved with a permanent structure that was  
11 occupied as a residence by the applicant who was liable for  
12 paying real property taxes on the property and who was either  
13 (i) an owner of record of the property or had legal or  
14 equitable interest in the property as evidenced by a written  
15 instrument or (ii) had a legal or equitable interest as a  
16 lessee in the parcel of property that was single family  
17 residence. If in any subsequent taxable year for which the  
18 applicant applies and qualifies for the exemption the equalized  
19 assessed value of the residence is less than the equalized  
20 assessed value in the existing base year (provided that such  
21 equalized assessed value is not based on an assessed value that  
22 results from a temporary irregularity in the property that  
23 reduces the assessed value for one or more taxable years), then  
24 that subsequent taxable year shall become the base year until a  
25 new base year is established under the terms of this paragraph.  
26 For taxable year 1999 only, the Chief County Assessment Officer

1 shall review (i) all taxable years for which the applicant  
2 applied and qualified for the exemption and (ii) the existing  
3 base year. The assessment officer shall select as the new base  
4 year the year with the lowest equalized assessed value. An  
5 equalized assessed value that is based on an assessed value  
6 that results from a temporary irregularity in the property that  
7 reduces the assessed value for one or more taxable years shall  
8 not be considered the lowest equalized assessed value. The  
9 selected year shall be the base year for taxable year 1999 and  
10 thereafter until a new base year is established under the terms  
11 of this paragraph.

12 "Chief County Assessment Officer" means the County  
13 Assessor or Supervisor of Assessments of the county in which  
14 the property is located.

15 "Equalized assessed value" means the assessed value as  
16 equalized by the Illinois Department of Revenue.

17 "Household" means the applicant, the spouse of the  
18 applicant, and all persons using the residence of the applicant  
19 as their principal place of residence.

20 "Household income" means the combined income of the members  
21 of a household for the calendar year preceding the taxable  
22 year.

23 "Income" has the same meaning as provided in Section 3.07  
24 of the Senior Citizens and Persons with Disabilities Property  
25 Tax Relief Act, except that, beginning in assessment year 2001,  
26 "income" does not include veteran's benefits.



1 "Internal Revenue Code of 1986" means the United States  
2 Internal Revenue Code of 1986 or any successor law or laws  
3 relating to federal income taxes in effect for the year  
4 preceding the taxable year.

5 "Life care facility that qualifies as a cooperative" means  
6 a facility as defined in Section 2 of the Life Care Facilities  
7 Act.

8 "Maximum income limitation" means:

- 9 (1) \$35,000 prior to taxable year 1999;
- 10 (2) \$40,000 in taxable years 1999 through 2003;
- 11 (3) \$45,000 in taxable years 2004 through 2005;
- 12 (4) \$50,000 in taxable years 2006 and 2007;
- 13 (5) \$55,000 in taxable years 2008 through 2016;
- 14 (6) for taxable year 2017, (i) \$65,000 for qualified  
15 property located in a county with 3,000,000 or more  
16 inhabitants and (ii) \$55,000 for qualified property  
17 located in a county with fewer than 3,000,000 inhabitants;  
18 and
- 19 (7) for taxable years 2018 and thereafter, \$65,000 for  
20 all qualified property.

21 "Residence" means the principal dwelling place and  
22 appurtenant structures used for residential purposes in this  
23 State occupied on January 1 of the taxable year by a household  
24 and so much of the surrounding land, constituting the parcel  
25 upon which the dwelling place is situated, as is used for  
26 residential purposes. If the Chief County Assessment Officer

1 has established a specific legal description for a portion of  
2 property constituting the residence, then that portion of  
3 property shall be deemed the residence for the purposes of this  
4 Section.

5 "Taxable year" means the calendar year during which ad  
6 valorem property taxes payable in the next succeeding year are  
7 levied.

8 (c) Beginning in taxable year 1994, a senior citizens  
9 assessment freeze homestead exemption is granted for real  
10 property that is improved with a permanent structure that is  
11 occupied as a residence by an applicant who (i) is 65 years of  
12 age or older during the taxable year, (ii) has a household  
13 income that does not exceed the maximum income limitation,  
14 (iii) is liable for paying real property taxes on the property,  
15 and (iv) is an owner of record of the property or has a legal or  
16 equitable interest in the property as evidenced by a written  
17 instrument. This homestead exemption shall also apply to a  
18 leasehold interest in a parcel of property improved with a  
19 permanent structure that is a single family residence that is  
20 occupied as a residence by a person who (i) is 65 years of age  
21 or older during the taxable year, (ii) has a household income  
22 that does not exceed the maximum income limitation, (iii) has a  
23 legal or equitable ownership interest in the property as  
24 lessee, and (iv) is liable for the payment of real property  
25 taxes on that property.

26 In counties of 3,000,000 or more inhabitants, the amount of

1 the exemption for all taxable years is the equalized assessed  
2 value of the residence in the taxable year for which  
3 application is made minus the base amount. In all other  
4 counties, the amount of the exemption is as follows: (i)  
5 through taxable year 2005 and for taxable year 2007 and  
6 thereafter, the amount of this exemption shall be the equalized  
7 assessed value of the residence in the taxable year for which  
8 application is made minus the base amount; and (ii) for taxable  
9 year 2006, the amount of the exemption is as follows:

10 (1) For an applicant who has a household income of  
11 \$45,000 or less, the amount of the exemption is the  
12 equalized assessed value of the residence in the taxable  
13 year for which application is made minus the base amount.

14 (2) For an applicant who has a household income  
15 exceeding \$45,000 but not exceeding \$46,250, the amount of  
16 the exemption is (i) the equalized assessed value of the  
17 residence in the taxable year for which application is made  
18 minus the base amount (ii) multiplied by 0.8.

19 (3) For an applicant who has a household income  
20 exceeding \$46,250 but not exceeding \$47,500, the amount of  
21 the exemption is (i) the equalized assessed value of the  
22 residence in the taxable year for which application is made  
23 minus the base amount (ii) multiplied by 0.6.

24 (4) For an applicant who has a household income  
25 exceeding \$47,500 but not exceeding \$48,750, the amount of  
26 the exemption is (i) the equalized assessed value of the

1 residence in the taxable year for which application is made  
2 minus the base amount (ii) multiplied by 0.4.

3 (5) For an applicant who has a household income  
4 exceeding \$48,750 but not exceeding \$50,000, the amount of  
5 the exemption is (i) the equalized assessed value of the  
6 residence in the taxable year for which application is made  
7 minus the base amount (ii) multiplied by 0.2.

8 When the applicant is a surviving spouse of an applicant  
9 for a prior year for the same residence for which an exemption  
10 under this Section has been granted, the base year and base  
11 amount for that residence are the same as for the applicant for  
12 the prior year.

13 Each year at the time the assessment books are certified to  
14 the County Clerk, the Board of Review or Board of Appeals shall  
15 give to the County Clerk a list of the assessed values of  
16 improvements on each parcel qualifying for this exemption that  
17 were added after the base year for this parcel and that  
18 increased the assessed value of the property.

19 In the case of land improved with an apartment building  
20 owned and operated as a cooperative or a building that is a  
21 life care facility that qualifies as a cooperative, the maximum  
22 reduction from the equalized assessed value of the property is  
23 limited to the sum of the reductions calculated for each unit  
24 occupied as a residence by a person or persons (i) 65 years of  
25 age or older, (ii) with a household income that does not exceed  
26 the maximum income limitation, (iii) who is liable, by contract

1 with the owner or owners of record, for paying real property  
2 taxes on the property, and (iv) who is an owner of record of a  
3 legal or equitable interest in the cooperative apartment  
4 building, other than a leasehold interest. In the instance of a  
5 cooperative where a homestead exemption has been granted under  
6 this Section, the cooperative association or its management  
7 firm shall credit the savings resulting from that exemption  
8 only to the apportioned tax liability of the owner who  
9 qualified for the exemption. Any person who willfully refuses  
10 to credit that savings to an owner who qualifies for the  
11 exemption is guilty of a Class B misdemeanor.

12 When a homestead exemption has been granted under this  
13 Section and an applicant then becomes a resident of a facility  
14 licensed under the Assisted Living and Shared Housing Act, the  
15 Nursing Home Care Act, the Specialized Mental Health  
16 Rehabilitation Act of 2013, the ID/DD Community Care Act, or  
17 the MC/DD Act, the exemption shall be granted in subsequent  
18 years so long as the residence (i) continues to be occupied by  
19 the qualified applicant's spouse or (ii) if remaining  
20 unoccupied, is still owned by the qualified applicant for the  
21 homestead exemption.

22 Beginning January 1, 1997, when an individual dies who  
23 would have qualified for an exemption under this Section, and  
24 the surviving spouse does not independently qualify for this  
25 exemption because of age, the exemption under this Section  
26 shall be granted to the surviving spouse for the taxable year

1 preceding and the taxable year of the death, provided that,  
2 except for age, the surviving spouse meets all other  
3 qualifications for the granting of this exemption for those  
4 years.

5 When married persons maintain separate residences, the  
6 exemption provided for in this Section may be claimed by only  
7 one of such persons and for only one residence.

8 For taxable year 1994 only, in counties having less than  
9 3,000,000 inhabitants, to receive the exemption, a person shall  
10 submit an application by February 15, 1995 to the Chief County  
11 Assessment Officer of the county in which the property is  
12 located. In counties having 3,000,000 or more inhabitants, for  
13 taxable year 1994 and all subsequent taxable years, to receive  
14 the exemption, a person may submit an application to the Chief  
15 County Assessment Officer of the county in which the property  
16 is located during such period as may be specified by the Chief  
17 County Assessment Officer. The Chief County Assessment Officer  
18 in counties of 3,000,000 or more inhabitants shall annually  
19 give notice of the application period by mail or by  
20 publication. In counties having less than 3,000,000  
21 inhabitants, beginning with taxable year 1995 and thereafter,  
22 to receive the exemption, a person shall submit an application  
23 by July 1 of each taxable year to the Chief County Assessment  
24 Officer of the county in which the property is located. A  
25 county may, by ordinance, establish a date for submission of  
26 applications that is different than July 1. The applicant shall

1 submit with the application an affidavit of the applicant's  
2 total household income, age, marital status (and if married the  
3 name and address of the applicant's spouse, if known), and  
4 principal dwelling place of members of the household on January  
5 1 of the taxable year. The Department shall establish, by rule,  
6 a method for verifying the accuracy of affidavits filed by  
7 applicants under this Section, and the Chief County Assessment  
8 Officer may conduct audits of any taxpayer claiming an  
9 exemption under this Section to verify that the taxpayer is  
10 eligible to receive the exemption. Each application shall  
11 contain or be verified by a written declaration that it is made  
12 under the penalties of perjury. A taxpayer's signing a  
13 fraudulent application under this Act is perjury, as defined in  
14 Section 32-2 of the Criminal Code of 2012. The applications  
15 shall be clearly marked as applications for the Senior Citizens  
16 Assessment Freeze Homestead Exemption and must contain a notice  
17 that any taxpayer who receives the exemption is subject to an  
18 audit by the Chief County Assessment Officer.

19 Notwithstanding any other provision to the contrary, in  
20 counties having fewer than 3,000,000 inhabitants, if an  
21 applicant fails to file the application required by this  
22 Section in a timely manner and this failure to file is due to a  
23 mental or physical condition sufficiently severe so as to  
24 render the applicant incapable of filing the application in a  
25 timely manner, the Chief County Assessment Officer may extend  
26 the filing deadline for a period of 30 days after the applicant

1 regains the capability to file the application, but in no case  
2 may the filing deadline be extended beyond 3 months of the  
3 original filing deadline. In order to receive the extension  
4 provided in this paragraph, the applicant shall provide the  
5 Chief County Assessment Officer with a signed statement from  
6 the applicant's physician, advanced practice registered nurse,  
7 or physician assistant stating the nature and extent of the  
8 condition, that, in the physician's, advanced practice  
9 registered nurse's, or physician assistant's opinion, the  
10 condition was so severe that it rendered the applicant  
11 incapable of filing the application in a timely manner, and the  
12 date on which the applicant regained the capability to file the  
13 application.

14 Beginning January 1, 1998, notwithstanding any other  
15 provision to the contrary, in counties having fewer than  
16 3,000,000 inhabitants, if an applicant fails to file the  
17 application required by this Section in a timely manner and  
18 this failure to file is due to a mental or physical condition  
19 sufficiently severe so as to render the applicant incapable of  
20 filing the application in a timely manner, the Chief County  
21 Assessment Officer may extend the filing deadline for a period  
22 of 3 months. In order to receive the extension provided in this  
23 paragraph, the applicant shall provide the Chief County  
24 Assessment Officer with a signed statement from the applicant's  
25 physician, advanced practice registered nurse, or physician  
26 assistant stating the nature and extent of the condition, and



1 that, in the physician's, advanced practice registered  
2 nurse's, or physician assistant's opinion, the condition was so  
3 severe that it rendered the applicant incapable of filing the  
4 application in a timely manner.

5 In counties having less than 3,000,000 inhabitants, if an  
6 applicant was denied an exemption in taxable year 1994 and the  
7 denial occurred due to an error on the part of an assessment  
8 official, or his or her agent or employee, then beginning in  
9 taxable year 1997 the applicant's base year, for purposes of  
10 determining the amount of the exemption, shall be 1993 rather  
11 than 1994. In addition, in taxable year 1997, the applicant's  
12 exemption shall also include an amount equal to (i) the amount  
13 of any exemption denied to the applicant in taxable year 1995  
14 as a result of using 1994, rather than 1993, as the base year,  
15 (ii) the amount of any exemption denied to the applicant in  
16 taxable year 1996 as a result of using 1994, rather than 1993,  
17 as the base year, and (iii) the amount of the exemption  
18 erroneously denied for taxable year 1994.

19 For purposes of this Section, a person who will be 65 years  
20 of age during the current taxable year shall be eligible to  
21 apply for the homestead exemption during that taxable year.  
22 Application shall be made during the application period in  
23 effect for the county of his or her residence.

24 The Chief County Assessment Officer may determine the  
25 eligibility of a life care facility that qualifies as a  
26 cooperative to receive the benefits provided by this Section by

1 use of an affidavit, application, visual inspection,  
2 questionnaire, or other reasonable method in order to insure  
3 that the tax savings resulting from the exemption are credited  
4 by the management firm to the apportioned tax liability of each  
5 qualifying resident. The Chief County Assessment Officer may  
6 request reasonable proof that the management firm has so  
7 credited that exemption.

8 Except as provided in this Section, all information  
9 received by the chief county assessment officer or the  
10 Department from applications filed under this Section, or from  
11 any investigation conducted under the provisions of this  
12 Section, shall be confidential, except for official purposes or  
13 pursuant to official procedures for collection of any State or  
14 local tax or enforcement of any civil or criminal penalty or  
15 sanction imposed by this Act or by any statute or ordinance  
16 imposing a State or local tax. Any person who divulges any such  
17 information in any manner, except in accordance with a proper  
18 judicial order, is guilty of a Class A misdemeanor.

19 Nothing contained in this Section shall prevent the  
20 Director or chief county assessment officer from publishing or  
21 making available reasonable statistics concerning the  
22 operation of the exemption contained in this Section in which  
23 the contents of claims are grouped into aggregates in such a  
24 way that information contained in any individual claim shall  
25 not be disclosed.

26 Notwithstanding any other provision of law, for taxable

1 year 2017 and thereafter, in counties of 3,000,000 or more  
2 inhabitants, the amount of the exemption shall be the greater  
3 of (i) the amount of the exemption otherwise calculated under  
4 this Section or (ii) \$2,000.

5 (d) Each Chief County Assessment Officer shall annually  
6 publish a notice of availability of the exemption provided  
7 under this Section. The notice shall be published at least 60  
8 days but no more than 75 days prior to the date on which the  
9 application must be submitted to the Chief County Assessment  
10 Officer of the county in which the property is located. The  
11 notice shall appear in a newspaper of general circulation in  
12 the county.

13 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
14 no reimbursement by the State is required for the  
15 implementation of any mandate created by this Section.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15;  
17 99-581, eff. 1-1-17; 99-642, eff. 7-28-16; 100-401, eff.  
18 8-25-17; 100-513, eff. 1-1-18; revised 9-25-17.)

19 (35 ILCS 200/21-95)

20 Sec. 21-95. Tax abatement after acquisition by a  
21 governmental unit. When any county, municipality, school  
22 district, forest preserve district, or park district acquires  
23 property through the foreclosure of a lien, through a judicial  
24 deed, through the foreclosure of receivership certificate  
25 lien, or by acceptance of a deed of conveyance in lieu of

1 foreclosing any lien against the property, or when a government  
2 unit acquires property under the Abandoned Housing  
3 Rehabilitation Act or a blight reduction or abandoned property  
4 program administered by the Illinois Housing Development  
5 Authority, or when any county or other taxing district acquires  
6 a deed for property under Section 21-90 or Sections 21-145 and  
7 21-260, or when any county, municipality, school district,  
8 forest preserve district, or park district acquires title to  
9 property that was to be transferred to that county,  
10 municipality, school district, forest preserve district, or  
11 park district under the terms of an annexation agreement,  
12 development agreement, donation agreement, plat of  
13 subdivision, or zoning ordinance by an entity that has been  
14 dissolved or is being dissolved or has been in bankruptcy  
15 proceedings or is in bankruptcy proceedings, all due or unpaid  
16 property taxes and existing liens for unpaid property taxes  
17 imposed or pending under any law or ordinance of this State or  
18 any of its political subdivisions shall become null and void.

19 (Source: P.A. 100-314; eff. 8-24-17; 100-445, eff. 1-1-18;  
20 revised 9-22-17.)

21 (35 ILCS 200/21-265)

22 Sec. 21-265. Scavenger sale; persons ineligible to bid or  
23 purchase. ~~(a)~~ No person, except a unit of local government,  
24 shall be eligible to bid or receive a certificate of purchase  
25 at any sale under Section 21-260 unless that person has

1 completed and delivered to the county clerk a true, accurate  
2 and complete application for certificate of purchase which  
3 shall affirm that:

4 (1) the person has not bid upon or applied to purchase  
5 any property at the sale for a person who is the party or  
6 agent of the party who owns the property or is responsible  
7 for the payment of the delinquent taxes;

8 (2) the person is not, nor is he or she the agent for,  
9 the owner or party responsible for payment of the general  
10 taxes on any property which is located in the same county  
11 in which the sale is held and which is tax delinquent or  
12 forfeited for all or any part of each of 2 or more years,  
13 excepting any year for which a certificate of error issued  
14 under Sections 14-15, 14-20, and 14-25 is pending for  
15 adjudication; and

16 (3) the person, although otherwise eligible to bid, has  
17 not either directly or through an agent twice during the  
18 same sale failed to complete a purchase by the immediate  
19 payment of the minimum bid or the payment of the balance of  
20 a bid within the time provided by Section 21-260.

21 (Source: P.A. 86-949; 87-669; 88-455; revised 9-22-17.)

22 Section 225. The Mobile Home Local Services Tax Enforcement  
23 Act is amended by changing Section 205 as follows:

24 (35 ILCS 516/205)

1           Sec. 205. Scavenger sale; persons ineligible to bid or  
2 purchase. ~~(a)~~ No person, except a unit of local government,  
3 shall be eligible to bid or receive a certificate of purchase  
4 at any sale under Section 200 unless that person has completed  
5 and delivered to the county clerk a true, accurate, and  
6 complete application for certificate of purchase which shall  
7 affirm that:

8           (1) the person has not bid upon or applied to purchase  
9 any mobile home at the sale for a person who is the party  
10 or agent of the party who owns the mobile home or is  
11 responsible for the payment of the delinquent taxes;

12           (2) the person is not, nor is he or she the agent for,  
13 the owner or party responsible for payment of the taxes on  
14 any mobile home which is located in the same county in  
15 which the sale is held and which is tax delinquent or  
16 forfeited for all or any part of each of 2 or more years;  
17 and

18           (3) the person, although otherwise eligible to bid, has  
19 not either directly or through an agent twice during the  
20 same sale failed to complete a purchase by the immediate  
21 payment of the minimum bid or the payment of the balance of  
22 a bid within the time provided by Section 200.

23 (Source: P.A. 92-807, eff. 1-1-03; revised 9-22-17.)

24           Section 230. The Water Company Invested Capital Tax Act is  
25 amended by changing Section 2 as follows:

1 (35 ILCS 625/2) (from Ch. 120, par. 1412)

2 Sec. 2. Definitions. As used in this Section, the following  
3 words and phrases shall have the meanings ascribed herein  
4 unless the context clearly requires otherwise:

5 "Department" means the Department of Revenue of the State  
6 of Illinois.

7 "Director" means the Director of Revenue for the Department  
8 of Revenue of the State of Illinois.

9 "Taxpayer" means a person engaged in the business of  
10 distributing, supplying, furnishing or selling water for use or  
11 consumption and not for resale or distributing, supplying,  
12 furnishing or selling water for use or consumption and  
13 providing sewerage disposal service.

14 "Person" means any natural individual, firm, trust,  
15 estate, partnership, association, joint stock company, joint  
16 adventure, corporation, limited liability company, or a  
17 receiver, trustee, conservator or other representative  
18 appointed by order of any court, or any city, town, county or  
19 other political subdivision of this State.

20 "Water company" means and includes every corporation,  
21 company, association, joint stock company or association,  
22 firm, partnership or individual, their lessees, trustees, or  
23 receivers appointed by any court whatsoever that is regulated  
24 by the Illinois Commerce Commission under the Public Utilities  
25 Act ~~"An Act concerning public utilities", approved June 29,~~

1 ~~1921, as amended,~~ and that owns, controls, operates, or  
2 manages, within this State, directly or indirectly, for public  
3 use, any plant, equipment or property used or to be used for or  
4 in connection with, or owns or controls any franchise, license,  
5 permit or right to engage in:

6 (A) the production, storage, transmission, sale,  
7 delivery or furnishing of water; or

8 (B) the production, storage, transmission, sale,  
9 delivery or furnishing of water and the disposal of  
10 sewerage.

11 "Water company" does not include, however, water  
12 companies, as defined in this Section, that are owned and  
13 operated by any political subdivision or municipal corporation  
14 of this State, or owned by such political subdivision or  
15 municipal corporation and operated by any of its lessees or  
16 operating agents, or which are purely mutual concerns, having  
17 no rates or charges for services, but paying the operating  
18 expenses by assessment upon the members of such a company and  
19 no other person.

20 "Invested capital" means that amount equal to (i) the  
21 average of the balances at the beginning and end of the taxable  
22 period of the taxpayer's total stockholder's equity and total  
23 long-term debt, less investments in and advances to all  
24 corporations, as set forth on the balance sheets included in  
25 the taxpayer's annual report to the Illinois Commerce  
26 Commission for the taxable period; (ii) multiplied by a



1 fraction determined under Sections 301 and 304(a) of the  
2 "Illinois Income Tax Act" and reported on the Illinois income  
3 tax return for the taxable period ending in or with the taxable  
4 period in question. However, notwithstanding the income tax  
5 return reporting requirement stated above, beginning July 1,  
6 1979, no taxpayer's denominators used to compute the sales,  
7 property or payroll factors under subsection (a) of Section 304  
8 of the Illinois Income Tax Act shall include payroll, property  
9 or sales of any corporate entity other than the taxpayer for  
10 the purposes of determining an allocation for the invested  
11 capital tax. Public Act 82-1024 ~~This amendatory Act of 1982~~ is  
12 not intended to and does not make any change in the meaning of  
13 any provision of this Act, it having been the intent of the  
14 General Assembly in initially enacting the definition of  
15 "invested capital" to provide for apportionment of the invested  
16 capital of each company, based solely upon the sales, property  
17 and payroll of that company.

18 "Taxable period" means each period which ends after August  
19 14, 1979 and which is covered by an annual report filed by the  
20 taxpayer with the Illinois Commerce Commission.

21 (Source: P.A. 88-480; revised 10-11-17.)

22 Section 235. The Illinois Pension Code is amended by  
23 changing Sections 1-113.22, 3-143, 7-172, 8-251, 11-223.1,  
24 11-230, and 16-158 as follows:

1 (40 ILCS 5/1-113.22)

2 Sec. 1-113.22. Required disclosures from consultants;  
3 minority-owned ~~minority-owned~~ businesses, women-owned ~~female~~  
4 ~~owned~~ businesses, and businesses owned by persons with a  
5 disability.

6 (a) No later than January 1, 2018 and each January 1  
7 thereafter, each consultant retained by the board of a  
8 retirement system, board of a pension fund, or investment board  
9 shall disclose to that board of the retirement system, board of  
10 the pension fund, or investment board:

11 (1) the total number of searches for investment  
12 services made by the consultant in the prior calendar year;

13 (2) the total number of searches for investment  
14 services made by the consultant in the prior calendar year  
15 that included (i) a minority-owned ~~minority-owned~~  
16 business, (ii) a women-owned ~~female-owned~~ business, or  
17 (iii) a business owned by a person with a disability;

18 (3) the total number of searches for investment  
19 services made by the consultant in the prior calendar year  
20 in which the consultant recommended for selection (i) a  
21 minority-owned ~~minority-owned~~ business, (ii) a women-owned  
22 ~~female-owned~~ business, or (iii) a business owned by a  
23 person with a disability;

24 (4) the total number of searches for investment  
25 services made by the consultant in the prior calendar year  
26 that resulted in the selection of (i) a minority-owned

1 ~~minority-owned~~ business, (ii) a women-owned ~~female-owned~~  
2 business, or (iii) a business owned by a person with a  
3 disability; and

4 (5) the total dollar amount of investment made in the  
5 previous calendar year with (i) a minority-owned ~~minority~~  
6 ~~owned~~ business, (ii) a women-owned ~~female-owned~~ business,  
7 or (iii) a business owned by a person with a disability  
8 that was selected after a search for investment services  
9 performed by the consultant.

10 (b) Beginning January 1, 2018, no contract, oral or  
11 written, for consulting services shall be awarded by a board of  
12 a retirement system, a board of a pension fund, or an  
13 investment board without first requiring the consultant to make  
14 the disclosures required in subsection (a) of this Section.

15 (c) The disclosures required by subsection (b) of this  
16 Section shall be considered, within the bounds of financial and  
17 fiduciary prudence, prior to the awarding of a contract, oral  
18 or written, for consulting services.

19 (d) As used in this Section, the terms "minority person",  
20 "woman" "~~female~~", "person with a disability", "minority-owned  
21 ~~minority-owned~~ business", "women-owned ~~female-owned~~ business",  
22 and "business owned by a person with a disability" have the  
23 same meaning as those terms have in the Business Enterprise for  
24 Minorities, Women ~~Females~~, and Persons with Disabilities Act.

25 (Source: P.A. 100-542, eff. 11-8-17; revised 12-14-17.)

1 (40 ILCS 5/3-143) (from Ch. 108 1/2, par. 3-143)

2 Sec. 3-143. Report by pension board.

3 (a) The pension board shall report annually to the city  
4 council or board of trustees of the municipality on the  
5 condition of the pension fund at the end of its most recently  
6 completed fiscal year. The report shall be made prior to the  
7 council or board meeting held for the levying of taxes for the  
8 year for which the report is made.

9 The pension board shall certify and provide the following  
10 information to the city council or board of trustees of the  
11 municipality:

12 (1) the total assets of the fund in its custody at the  
13 end of the fiscal year and the current market value of  
14 those assets;

15 (2) the estimated receipts during the next succeeding  
16 fiscal year from deductions from the salaries of police  
17 officers, and from all other sources;

18 (3) the estimated amount required during the next  
19 succeeding fiscal year to (a) pay all pensions and other  
20 obligations provided in this Article, and (b) ~~to~~ meet the  
21 annual requirements of the fund as provided in Sections  
22 3-125 and 3-127;

23 (4) the total net income received from investment of  
24 assets along with the assumed investment return and actual  
25 investment return received by the fund during its most  
26 recently completed fiscal year compared to the total net

1 income, assumed investment return, and actual investment  
2 return received during the preceding fiscal year;

3 (5) the total number of active employees who are  
4 financially contributing to the fund;

5 (6) the total amount that was disbursed in benefits  
6 during the fiscal year, including the number of and total  
7 amount disbursed to (i) annuitants in receipt of a regular  
8 retirement pension, (ii) recipients being paid a  
9 disability pension, and (iii) survivors and children in  
10 receipt of benefits;

11 (7) the funded ratio of the fund;

12 (8) the unfunded liability carried by the fund, along  
13 with an actuarial explanation of the unfunded liability;  
14 and

15 (9) the investment policy of the pension board under  
16 the statutory investment restrictions imposed on the fund.

17 Before the pension board makes its report, the municipality  
18 shall have the assets of the fund and their current market  
19 value verified by an independent certified public accountant of  
20 its choice.

21 (b) The municipality is authorized to publish the report  
22 submitted under this Section. This publication may be made,  
23 without limitation, by publication in a local newspaper of  
24 general circulation in the municipality or by publication on  
25 the municipality's Internet website. If the municipality  
26 publishes the report, then that publication must include all of

1 the information submitted by the pension board under subsection  
2 (a).

3 (Source: P.A. 95-950, eff. 8-29-08; revised 11-8-17.)

4 (40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

5 Sec. 7-172. Contributions by participating municipalities  
6 and participating instrumentalities.

7 (a) Each participating municipality and each participating  
8 instrumentality shall make payment to the fund as follows:

9 1. municipality contributions in an amount determined  
10 by applying the municipality contribution rate to each  
11 payment of earnings paid to each of its participating  
12 employees;

13 2. an amount equal to the employee contributions  
14 provided by paragraph (a) of Section 7-173, whether or not  
15 the employee contributions are withheld as permitted by  
16 that Section;

17 3. all accounts receivable, together with interest  
18 charged thereon, as provided in Section 7-209, and any  
19 amounts due under subsection (a-5) of Section 7-144;

20 4. if it has no participating employees with current  
21 earnings, an amount payable which, over a closed period of  
22 20 years for participating municipalities and 10 years for  
23 participating instrumentalities, will amortize, at the  
24 effective rate for that year, any unfunded obligation. The  
25 unfunded obligation shall be computed as provided in

1 paragraph 2 of subsection (b);

2 5. if it has fewer than 7 participating employees or a  
3 negative balance in its municipality reserve, the greater  
4 of (A) an amount payable that, over a period of 20 years,  
5 will amortize at the effective rate for that year any  
6 unfunded obligation, computed as provided in paragraph 2 of  
7 subsection (b) or (B) the amount required by paragraph 1 of  
8 this subsection (a).

9 (b) A separate municipality contribution rate shall be  
10 determined for each calendar year for all participating  
11 municipalities together with all instrumentalities thereof.  
12 The municipality contribution rate shall be determined for  
13 participating instrumentalities as if they were participating  
14 municipalities. The municipality contribution rate shall be  
15 the sum of the following percentages:

16 1. The percentage of earnings of all the participating  
17 employees of all participating municipalities and  
18 participating instrumentalities which, if paid over the  
19 entire period of their service, will be sufficient when  
20 combined with all employee contributions available for the  
21 payment of benefits, to provide all annuities for  
22 participating employees, and the \$3,000 death benefit  
23 payable under Sections 7-158 and 7-164, such percentage to  
24 be known as the normal cost rate.

25 2. The percentage of earnings of the participating  
26 employees of each participating municipality and

1 participating instrumentalities necessary to adjust for  
2 the difference between the present value of all benefits,  
3 excluding temporary and total and permanent disability and  
4 death benefits, to be provided for its participating  
5 employees and the sum of its accumulated municipality  
6 contributions and the accumulated employee contributions  
7 and the present value of expected future employee and  
8 municipality contributions pursuant to subparagraph 1 of  
9 this paragraph (b). This adjustment shall be spread over a  
10 period determined by the Board, not to exceed 30 years for  
11 participating municipalities or 10 years for participating  
12 instrumentalities.

13 3. The percentage of earnings of the participating  
14 employees of all municipalities and participating  
15 instrumentalities necessary to provide the present value  
16 of all temporary and total and permanent disability  
17 benefits granted during the most recent year for which  
18 information is available.

19 4. The percentage of earnings of the participating  
20 employees of all participating municipalities and  
21 participating instrumentalities necessary to provide the  
22 present value of the net single sum death benefits expected  
23 to become payable from the reserve established under  
24 Section 7-206 during the year for which this rate is fixed.

25 5. The percentage of earnings necessary to meet any  
26 deficiency arising in the Terminated Municipality Reserve.



1 (c) A separate municipality contribution rate shall be  
2 computed for each participating municipality or participating  
3 instrumentality for its sheriff's law enforcement employees.

4 A separate municipality contribution rate shall be  
5 computed for the sheriff's law enforcement employees of each  
6 forest preserve district that elects to have such employees.  
7 For the period from January 1, 1986 to December 31, 1986, such  
8 rate shall be the forest preserve district's regular rate plus  
9 2%.

10 In the event that the Board determines that there is an  
11 actuarial deficiency in the account of any municipality with  
12 respect to a person who has elected to participate in the Fund  
13 under Section 3-109.1 of this Code, the Board may adjust the  
14 municipality's contribution rate so as to make up that  
15 deficiency over such reasonable period of time as the Board may  
16 determine.

17 (d) The Board may establish a separate municipality  
18 contribution rate for all employees who are program  
19 participants employed under the federal Comprehensive  
20 Employment Training Act by all of the participating  
21 municipalities and instrumentalities. The Board may also  
22 provide that, in lieu of a separate municipality rate for these  
23 employees, a portion of the municipality contributions for such  
24 program participants shall be refunded or an extra charge  
25 assessed so that the amount of municipality contributions  
26 retained or received by the fund for all CETA program

1 participants shall be an amount equal to that which would be  
2 provided by the separate municipality contribution rate for all  
3 such program participants. Refunds shall be made to prime  
4 sponsors of programs upon submission of a claim therefor and  
5 extra charges shall be assessed to participating  
6 municipalities and instrumentalities. In establishing the  
7 municipality contribution rate as provided in paragraph (b) of  
8 this Section, the use of a separate municipality contribution  
9 rate for program participants or the refund of a portion of the  
10 municipality contributions, as the case may be, may be  
11 considered.

12 (e) Computations of municipality contribution rates for  
13 the following calendar year shall be made prior to the  
14 beginning of each year, from the information available at the  
15 time the computations are made, and on the assumption that the  
16 employees in each participating municipality or participating  
17 instrumentality at such time will continue in service until the  
18 end of such calendar year at their respective rates of earnings  
19 at such time.

20 (f) Any municipality which is the recipient of State  
21 allocations representing that municipality's contributions for  
22 retirement annuity purposes on behalf of its employees as  
23 provided in Section 12-21.16 of the Illinois Public Aid Code  
24 shall pay the allocations so received to the Board for such  
25 purpose. Estimates of State allocations to be received during  
26 any taxable year shall be considered in the determination of

1 the municipality's tax rate for that year under Section 7-171.  
2 If a special tax is levied under Section 7-171, none of the  
3 proceeds may be used to reimburse the municipality for the  
4 amount of State allocations received and paid to the Board. Any  
5 multiple-county or consolidated health department which  
6 receives contributions from a county under Section 11.2 of "An  
7 Act in relation to establishment and maintenance of county and  
8 multiple-county health departments", approved July 9, 1943, as  
9 amended, or distributions under Section 3 of the Department of  
10 Public Health Act, shall use these only for municipality  
11 contributions by the health department.

12 (g) Municipality contributions for the several purposes  
13 specified shall, for township treasurers and employees in the  
14 offices of the township treasurers who meet the qualifying  
15 conditions for coverage hereunder, be allocated among the  
16 several school districts and parts of school districts serviced  
17 by such treasurers and employees in the proportion which the  
18 amount of school funds of each district or part of a district  
19 handled by the treasurer bears to the total amount of all  
20 school funds handled by the treasurer.

21 From the funds subject to allocation among districts and  
22 parts of districts pursuant to the School Code, the trustees  
23 shall withhold the proportionate share of the liability for  
24 municipality contributions imposed upon such districts by this  
25 Section, in respect to such township treasurers and employees  
26 and remit the same to the Board.

1           The municipality contribution rate for an educational  
2 service center shall initially be the same rate for each year  
3 as the regional office of education or school district which  
4 serves as its administrative agent. When actuarial data become  
5 available, a separate rate shall be established as provided in  
6 subparagraph (i) of this Section.

7           The municipality contribution rate for a public agency,  
8 other than a vocational education cooperative, formed under the  
9 Intergovernmental Cooperation Act shall initially be the  
10 average rate for the municipalities which are parties to the  
11 intergovernmental agreement. When actuarial data become  
12 available, a separate rate shall be established as provided in  
13 subparagraph (i) of this Section.

14           (h) Each participating municipality and participating  
15 instrumentality shall make the contributions in the amounts  
16 provided in this Section in the manner prescribed from time to  
17 time by the Board and all such contributions shall be  
18 obligations of the respective participating municipalities and  
19 participating instrumentalities to this fund. The failure to  
20 deduct any employee contributions shall not relieve the  
21 participating municipality or participating instrumentality of  
22 its obligation to this fund. Delinquent payments of  
23 contributions due under this Section may, with interest, be  
24 recovered by civil action against the participating  
25 municipalities or participating instrumentalities.  
26 Municipality contributions, other than the amount necessary

1 for employee contributions, for periods of service by employees  
2 from whose earnings no deductions were made for employee  
3 contributions to the fund, may be charged to the municipality  
4 reserve for the municipality or participating instrumentality.

5 (i) Contributions by participating instrumentalities shall  
6 be determined as provided herein except that the percentage  
7 derived under subparagraph 2 of paragraph (b) of this Section,  
8 and the amount payable under subparagraph 4 of paragraph (a) of  
9 this Section, shall be based on an amortization period of 10  
10 years.

11 (j) Notwithstanding the other provisions of this Section,  
12 the additional unfunded liability accruing as a result of  
13 Public Act 94-712 ~~this amendatory Act of the 94th General~~  
14 ~~Assembly~~ shall be amortized over a period of 30 years beginning  
15 on January 1 of the second calendar year following the calendar  
16 year in which Public Act 94-712 ~~this amendatory Act~~ takes  
17 effect, except that the employer may provide for a longer  
18 amortization period by adopting a resolution or ordinance  
19 specifying a 35-year or 40-year period and submitting a  
20 certified copy of the ordinance or resolution to the fund no  
21 later than June 1 of the calendar year following the calendar  
22 year in which Public Act 94-712 ~~this amendatory Act~~ takes  
23 effect.

24 (k) If the amount of a participating employee's reported  
25 earnings for any of the 12-month periods used to determine the  
26 final rate of earnings exceeds the employee's 12-month ~~12-month~~

1 reported earnings with the same employer for the previous year  
2 by the greater of 6% or 1.5 times the annual increase in the  
3 Consumer Price Index-U, as established by the United States  
4 Department of Labor for the preceding September, the  
5 participating municipality or participating instrumentality  
6 that paid those earnings shall pay to the Fund, in addition to  
7 any other contributions required under this Article, the  
8 present value of the increase in the pension resulting from the  
9 portion of the increase in reported earnings that is in excess  
10 of the greater of 6% or 1.5 times the annual increase in the  
11 Consumer Price Index-U, as determined by the Fund. This present  
12 value shall be computed on the basis of the actuarial  
13 assumptions and tables used in the most recent actuarial  
14 valuation of the Fund that is available at the time of the  
15 computation.

16 Whenever it determines that a payment is or may be required  
17 under this subsection (k), the fund shall calculate the amount  
18 of the payment and bill the participating municipality or  
19 participating instrumentality for that amount. The bill shall  
20 specify the calculations used to determine the amount due. If  
21 the participating municipality or participating  
22 instrumentality disputes the amount of the bill, it may, within  
23 30 days after receipt of the bill, apply to the fund in writing  
24 for a recalculation. The application must specify in detail the  
25 grounds of the dispute. Upon receiving a timely application for  
26 recalculation, the fund shall review the application and, if

1 appropriate, recalculate the amount due. The participating  
2 municipality and participating instrumentality contributions  
3 required under this subsection (k) may be paid in the form of a  
4 lump sum within 90 days after receipt of the bill. If the  
5 participating municipality and participating instrumentality  
6 contributions are not paid within 90 days after receipt of the  
7 bill, then interest will be charged at a rate equal to the  
8 fund's annual actuarially assumed rate of return on investment  
9 compounded annually from the 91st day after receipt of the  
10 bill. Payments must be concluded within 3 years after receipt  
11 of the bill by the participating municipality or participating  
12 instrumentality.

13 When assessing payment for any amount due under this  
14 subsection (k), the fund shall exclude earnings increases  
15 resulting from overload or overtime earnings.

16 When assessing payment for any amount due under this  
17 subsection (k), the fund shall exclude earnings increases  
18 resulting from payments for unused vacation time, but only for  
19 payments for unused vacation time made in the final 3 months of  
20 the final rate of earnings period.

21 When assessing payment for any amount due under this  
22 subsection (k), the fund shall also exclude earnings increases  
23 attributable to standard employment promotions resulting in  
24 increased responsibility and workload.

25 This subsection (k) does not apply to earnings increases  
26 paid to individuals under contracts or collective bargaining

1 agreements entered into, amended, or renewed before January 1,  
2 2012 (the effective date of Public Act 97-609), earnings  
3 increases paid to members who are 10 years or more from  
4 retirement eligibility, or earnings increases resulting from  
5 an increase in the number of hours required to be worked.

6 When assessing payment for any amount due under this  
7 subsection (k), the fund shall also exclude earnings  
8 attributable to personnel policies adopted before January 1,  
9 2012 (the effective date of Public Act 97-609) as long as those  
10 policies are not applicable to employees who begin service on  
11 or after January 1, 2012 (the effective date of Public Act  
12 97-609).

13 The change made to this Section by Public Act 100-139 ~~this~~  
14 ~~amendatory Act of the 100th General Assembly~~ is a clarification  
15 of existing law and is intended to be retroactive to January 1,  
16 2012 (the effective date of Public Act 97-609).

17 (Source: P.A. 99-745, eff. 8-5-16; 100-139, eff. 8-18-17;  
18 100-411, eff. 8-25-17; revised 9-25-17.)

19 (40 ILCS 5/8-251) (from Ch. 108 1/2, par. 8-251)

20 Sec. 8-251. Felony conviction. None of the benefits  
21 provided for in this Article shall be paid to any person who is  
22 convicted of any felony relating to or arising out of or in  
23 connection with his service as a municipal employee.

24 None of the benefits provided for in this Article shall be  
25 paid to any person who otherwise would receive a survivor



1 benefit who is convicted of any felony relating to or arising  
2 out of or in connection with the service of the employee from  
3 whom the benefit results.

4 This Section shall not operate to impair any contract or  
5 vested right heretofore acquired under any law or laws  
6 continued in this Article, nor to preclude the right to a  
7 refund, and for the changes under Public Act 100-334 ~~this~~  
8 ~~amendatory Act of the 100th General Assembly~~, shall not impair  
9 any contract or vested right acquired by a survivor prior to  
10 August 25, 2017 (the effective date of Public Act 100-334) ~~this~~  
11 ~~amendatory Act of the 100th General Assembly~~.

12 Any refund required under this Article shall be calculated  
13 based on that person's contributions to the Fund, less the  
14 amount of any annuity benefit previously received by the person  
15 or his or her beneficiaries. The changes made to this Section  
16 by Public Act 100-23 ~~this amendatory Act of the 100th General~~  
17 ~~Assembly~~ apply only to persons who first become participants  
18 under this Article on or after July 6, 2017 (the effective date  
19 of Public Act 100-23) ~~this amendatory Act of the 100th General~~  
20 ~~Assembly~~.

21 All future entrants entering service subsequent to July 11,  
22 1955 shall be deemed to have consented to the provisions of  
23 this Section as a condition of coverage, and all participants  
24 entering service subsequent to August 25, 2017 (the effective  
25 date of Public Act 100-334) ~~this amendatory Act of the 100th~~  
26 ~~General Assembly~~ shall be deemed to have consented to the

1 provisions of Public Act 100-334 ~~this amendatory Act~~ as a  
2 condition of participation.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-334, eff. 8-25-17;  
4 revised 9-28-17.)

5 (40 ILCS 5/11-223.1) (from Ch. 108 1/2, par. 11-223.1)

6 Sec. 11-223.1. Assignment for health, hospital, and  
7 medical insurance. The board may provide, by regulation, that  
8 any annuitant or pensioner, may assign his annuity or  
9 disability benefit, or any part thereof, for the purpose of  
10 premium payment for a membership for the annuitant, and his or  
11 her spouse and children, in a hospital care plan or medical  
12 surgical plan, provided, however, that the board may, in its  
13 discretion, terminate the right of assignment. Any such  
14 hospital or medical insurance plan may include provision for  
15 the beneficiaries thereof who rely on treatment by spiritual  
16 means alone through prayer for healing in accordance with the  
17 tenets and practice of a well-recognized ~~well-recognized~~  
18 religious denomination.

19 Upon the adoption of a regulation permitting such  
20 assignment, the board shall establish and administer a plan for  
21 the maintenance of the insurance plan membership by the  
22 annuitant or pensioner.

23 (Source: P.A. 100-23, eff. 7-6-17; revised 9-25-17.)

24 (40 ILCS 5/11-230) (from Ch. 108 1/2, par. 11-230)

1           Sec. 11-230. Felony conviction. None of the benefits  
2 provided in this Article shall be paid to any person who is  
3 convicted of any felony relating to or arising out of or in  
4 connection with his service as employee.

5           None of the benefits provided for in this Article shall be  
6 paid to any person who otherwise would receive a survivor  
7 benefit who is convicted of any felony relating to or arising  
8 out of or in connection with the service of the employee from  
9 whom the benefit results.

10           This Section shall not operate to impair any contract or  
11 vested right heretofore acquired under any law or laws  
12 continued in this Article, nor to preclude the right to a  
13 refund, and for the changes under Public Act 100-334 ~~this~~  
14 ~~amendatory Act of the 100th General Assembly~~, shall not impair  
15 any contract or vested right acquired by a survivor prior to  
16 August 25, 2017 (the effective date of Public Act 100-334) ~~this~~  
17 ~~amendatory Act of the 100th General Assembly~~.

18           Any refund required under this Article shall be calculated  
19 based on that person's contributions to the Fund, less the  
20 amount of any annuity benefit previously received by the person  
21 or his or beneficiaries. The changes made to this Section by  
22 Public Act 100-23 ~~this amendatory Act of the 100th General~~  
23 ~~Assembly~~ apply only to persons who first become members or  
24 participants under this Article on or after July 6, 2017 (the  
25 effective date of Public Act 100-23) ~~this amendatory Act of the~~  
26 ~~100th General Assembly~~.

1 All future entrants entering service after July 11, 1955,  
2 shall be deemed to have consented to the provisions of this  
3 Section as a condition of coverage, and all participants  
4 entering service subsequent to August 25, 2017 (the effective  
5 date of Public Act 100-334) ~~this amendatory Act of the 100th~~  
6 ~~General Assembly~~ shall be deemed to have consented to the  
7 provisions of Public Act 100-334 ~~this amendatory Act~~ as a  
8 condition of participation.

9 (Source: P.A. 100-23, eff. 7-6-17; 100-334, eff. 8-25-17;  
10 revised 9-26-17.)

11 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

12 Sec. 16-158. Contributions by State and other employing  
13 units.

14 (a) The State shall make contributions to the System by  
15 means of appropriations from the Common School Fund and other  
16 State funds of amounts which, together with other employer  
17 contributions, employee contributions, investment income, and  
18 other income, will be sufficient to meet the cost of  
19 maintaining and administering the System on a 90% funded basis  
20 in accordance with actuarial recommendations.

21 The Board shall determine the amount of State contributions  
22 required for each fiscal year on the basis of the actuarial  
23 tables and other assumptions adopted by the Board and the  
24 recommendations of the actuary, using the formula in subsection  
25 (b-3).

1           (a-1) Annually, on or before November 15 until November 15,  
2 2011, the Board shall certify to the Governor the amount of the  
3 required State contribution for the coming fiscal year. The  
4 certification under this subsection (a-1) shall include a copy  
5 of the actuarial recommendations upon which it is based and  
6 shall specifically identify the System's projected State  
7 normal cost for that fiscal year.

8           On or before May 1, 2004, the Board shall recalculate and  
9 recertify to the Governor the amount of the required State  
10 contribution to the System for State fiscal year 2005, taking  
11 into account the amounts appropriated to and received by the  
12 System under subsection (d) of Section 7.2 of the General  
13 Obligation Bond Act.

14           On or before July 1, 2005, the Board shall recalculate and  
15 recertify to the Governor the amount of the required State  
16 contribution to the System for State fiscal year 2006, taking  
17 into account the changes in required State contributions made  
18 by Public Act 94-4 ~~this amendatory Act of the 94th General~~  
19 ~~Assembly.~~

20           On or before April 1, 2011, the Board shall recalculate and  
21 recertify to the Governor the amount of the required State  
22 contribution to the System for State fiscal year 2011, applying  
23 the changes made by Public Act 96-889 to the System's assets  
24 and liabilities as of June 30, 2009 as though Public Act 96-889  
25 was approved on that date.

26           (a-5) On or before November 1 of each year, beginning

1 November 1, 2012, the Board shall submit to the State Actuary,  
2 the Governor, and the General Assembly a proposed certification  
3 of the amount of the required State contribution to the System  
4 for the next fiscal year, along with all of the actuarial  
5 assumptions, calculations, and data upon which that proposed  
6 certification is based. On or before January 1 of each year,  
7 beginning January 1, 2013, the State Actuary shall issue a  
8 preliminary report concerning the proposed certification and  
9 identifying, if necessary, recommended changes in actuarial  
10 assumptions that the Board must consider before finalizing its  
11 certification of the required State contributions. On or before  
12 January 15, 2013 and each January 15 thereafter, the Board  
13 shall certify to the Governor and the General Assembly the  
14 amount of the required State contribution for the next fiscal  
15 year. The Board's certification must note any deviations from  
16 the State Actuary's recommended changes, the reason or reasons  
17 for not following the State Actuary's recommended changes, and  
18 the fiscal impact of not following the State Actuary's  
19 recommended changes on the required State contribution.

20 (a-10) By November 1, 2017, the Board shall recalculate and  
21 recertify to the State Actuary, the Governor, and the General  
22 Assembly the amount of the State contribution to the System for  
23 State fiscal year 2018, taking into account the changes in  
24 required State contributions made by Public Act 100-23 ~~this~~  
25 ~~amendatory Act of the 100th General Assembly~~. The State Actuary  
26 shall review the assumptions and valuations underlying the

1 Board's revised certification and issue a preliminary report  
2 concerning the proposed recertification and identifying, if  
3 necessary, recommended changes in actuarial assumptions that  
4 the Board must consider before finalizing its certification of  
5 the required State contributions. The Board's final  
6 certification must note any deviations from the State Actuary's  
7 recommended changes, the reason or reasons for not following  
8 the State Actuary's recommended changes, and the fiscal impact  
9 of not following the State Actuary's recommended changes on the  
10 required State contribution.

11 (b) Through State fiscal year 1995, the State contributions  
12 shall be paid to the System in accordance with Section 18-7 of  
13 the School Code.

14 (b-1) Beginning in State fiscal year 1996, on the 15th day  
15 of each month, or as soon thereafter as may be practicable, the  
16 Board shall submit vouchers for payment of State contributions  
17 to the System, in a total monthly amount of one-twelfth of the  
18 required annual State contribution certified under subsection  
19 (a-1). From March 5, 2004 (the effective date of Public Act  
20 93-665) ~~this amendatory Act of the 93rd General Assembly~~  
21 through June 30, 2004, the Board shall not submit vouchers for  
22 the remainder of fiscal year 2004 in excess of the fiscal year  
23 2004 certified contribution amount determined under this  
24 Section after taking into consideration the transfer to the  
25 System under subsection (a) of Section 6z-61 of the State  
26 Finance Act. These vouchers shall be paid by the State

1 Comptroller and Treasurer by warrants drawn on the funds  
2 appropriated to the System for that fiscal year.

3 If in any month the amount remaining unexpended from all  
4 other appropriations to the System for the applicable fiscal  
5 year (including the appropriations to the System under Section  
6 8.12 of the State Finance Act and Section 1 of the State  
7 Pension Funds Continuing Appropriation Act) is less than the  
8 amount lawfully vouchered under this subsection, the  
9 difference shall be paid from the Common School Fund under the  
10 continuing appropriation authority provided in Section 1.1 of  
11 the State Pension Funds Continuing Appropriation Act.

12 (b-2) Allocations from the Common School Fund apportioned  
13 to school districts not coming under this System shall not be  
14 diminished or affected by the provisions of this Article.

15 (b-3) For State fiscal years 2012 through 2045, the minimum  
16 contribution to the System to be made by the State for each  
17 fiscal year shall be an amount determined by the System to be  
18 sufficient to bring the total assets of the System up to 90% of  
19 the total actuarial liabilities of the System by the end of  
20 State fiscal year 2045. In making these determinations, the  
21 required State contribution shall be calculated each year as a  
22 level percentage of payroll over the years remaining to and  
23 including fiscal year 2045 and shall be determined under the  
24 projected unit credit actuarial cost method.

25 For each of State fiscal years 2018, 2019, and 2020, the  
26 State shall make an additional contribution to the System equal



1 to 2% of the total payroll of each employee who is deemed to  
2 have elected the benefits under Section 1-161 or who has made  
3 the election under subsection (c) of Section 1-161.

4 A change in an actuarial or investment assumption that  
5 increases or decreases the required State contribution and  
6 first applies in State fiscal year 2018 or thereafter shall be  
7 implemented in equal annual amounts over a 5-year period  
8 beginning in the State fiscal year in which the actuarial  
9 change first applies to the required State contribution.

10 A change in an actuarial or investment assumption that  
11 increases or decreases the required State contribution and  
12 first applied to the State contribution in fiscal year 2014,  
13 2015, 2016, or 2017 shall be implemented:

14 (i) as already applied in State fiscal years before  
15 2018; and

16 (ii) in the portion of the 5-year period beginning in  
17 the State fiscal year in which the actuarial change first  
18 applied that occurs in State fiscal year 2018 or  
19 thereafter, by calculating the change in equal annual  
20 amounts over that 5-year period and then implementing it at  
21 the resulting annual rate in each of the remaining fiscal  
22 years in that 5-year period.

23 For State fiscal years 1996 through 2005, the State  
24 contribution to the System, as a percentage of the applicable  
25 employee payroll, shall be increased in equal annual increments  
26 so that by State fiscal year 2011, the State is contributing at

1 the rate required under this Section; except that in the  
2 following specified State fiscal years, the State contribution  
3 to the System shall not be less than the following indicated  
4 percentages of the applicable employee payroll, even if the  
5 indicated percentage will produce a State contribution in  
6 excess of the amount otherwise required under this subsection  
7 and subsection (a), and notwithstanding any contrary  
8 certification made under subsection (a-1) before May 27, 1998  
9 (the effective date of Public Act 90-582) ~~this amendatory Act~~  
10 ~~of 1998~~: 10.02% in FY 1999; 10.77% in FY 2000; 11.47% in FY  
11 2001; 12.16% in FY 2002; 12.86% in FY 2003; and 13.56% in FY  
12 2004.

13 Notwithstanding any other provision of this Article, the  
14 total required State contribution for State fiscal year 2006 is  
15 \$534,627,700.

16 Notwithstanding any other provision of this Article, the  
17 total required State contribution for State fiscal year 2007 is  
18 \$738,014,500.

19 For each of State fiscal years 2008 through 2009, the State  
20 contribution to the System, as a percentage of the applicable  
21 employee payroll, shall be increased in equal annual increments  
22 from the required State contribution for State fiscal year  
23 2007, so that by State fiscal year 2011, the State is  
24 contributing at the rate otherwise required under this Section.

25 Notwithstanding any other provision of this Article, the  
26 total required State contribution for State fiscal year 2010 is

1 \$2,089,268,000 and shall be made from the proceeds of bonds  
2 sold in fiscal year 2010 pursuant to Section 7.2 of the General  
3 Obligation Bond Act, less (i) the pro rata share of bond sale  
4 expenses determined by the System's share of total bond  
5 proceeds, (ii) any amounts received from the Common School Fund  
6 in fiscal year 2010, and (iii) any reduction in bond proceeds  
7 due to the issuance of discounted bonds, if applicable.

8 Notwithstanding any other provision of this Article, the  
9 total required State contribution for State fiscal year 2011 is  
10 the amount recertified by the System on or before April 1, 2011  
11 pursuant to subsection (a-1) of this Section and shall be made  
12 from the proceeds of bonds sold in fiscal year 2011 pursuant to  
13 Section 7.2 of the General Obligation Bond Act, less (i) the  
14 pro rata share of bond sale expenses determined by the System's  
15 share of total bond proceeds, (ii) any amounts received from  
16 the Common School Fund in fiscal year 2011, and (iii) any  
17 reduction in bond proceeds due to the issuance of discounted  
18 bonds, if applicable. This amount shall include, in addition to  
19 the amount certified by the System, an amount necessary to meet  
20 employer contributions required by the State as an employer  
21 under paragraph (e) of this Section, which may also be used by  
22 the System for contributions required by paragraph (a) of  
23 Section 16-127.

24 Beginning in State fiscal year 2046, the minimum State  
25 contribution for each fiscal year shall be the amount needed to  
26 maintain the total assets of the System at 90% of the total

1 actuarial liabilities of the System.

2       Amounts received by the System pursuant to Section 25 of  
3 the Budget Stabilization Act or Section 8.12 of the State  
4 Finance Act in any fiscal year do not reduce and do not  
5 constitute payment of any portion of the minimum State  
6 contribution required under this Article in that fiscal year.  
7 Such amounts shall not reduce, and shall not be included in the  
8 calculation of, the required State contributions under this  
9 Article in any future year until the System has reached a  
10 funding ratio of at least 90%. A reference in this Article to  
11 the "required State contribution" or any substantially similar  
12 term does not include or apply to any amounts payable to the  
13 System under Section 25 of the Budget Stabilization Act.

14       Notwithstanding any other provision of this Section, the  
15 required State contribution for State fiscal year 2005 and for  
16 fiscal year 2008 and each fiscal year thereafter, as calculated  
17 under this Section and certified under subsection (a-1), shall  
18 not exceed an amount equal to (i) the amount of the required  
19 State contribution that would have been calculated under this  
20 Section for that fiscal year if the System had not received any  
21 payments under subsection (d) of Section 7.2 of the General  
22 Obligation Bond Act, minus (ii) the portion of the State's  
23 total debt service payments for that fiscal year on the bonds  
24 issued in fiscal year 2003 for the purposes of that Section  
25 7.2, as determined and certified by the Comptroller, that is  
26 the same as the System's portion of the total moneys

1 distributed under subsection (d) of Section 7.2 of the General  
2 Obligation Bond Act. In determining this maximum for State  
3 fiscal years 2008 through 2010, however, the amount referred to  
4 in item (i) shall be increased, as a percentage of the  
5 applicable employee payroll, in equal increments calculated  
6 from the sum of the required State contribution for State  
7 fiscal year 2007 plus the applicable portion of the State's  
8 total debt service payments for fiscal year 2007 on the bonds  
9 issued in fiscal year 2003 for the purposes of Section 7.2 of  
10 the General Obligation Bond Act, so that, by State fiscal year  
11 2011, the State is contributing at the rate otherwise required  
12 under this Section.

13 (b-4) Beginning in fiscal year 2018, each employer under  
14 this Article shall pay to the System a required contribution  
15 determined as a percentage of projected payroll and sufficient  
16 to produce an annual amount equal to:

17 (i) for each of fiscal years 2018, 2019, and 2020, the  
18 defined benefit normal cost of the defined benefit plan,  
19 less the employee contribution, for each employee of that  
20 employer who has elected or who is deemed to have elected  
21 the benefits under Section 1-161 or who has made the  
22 election under subsection (b) of Section 1-161; for fiscal  
23 year 2021 and each fiscal year thereafter, the defined  
24 benefit normal cost of the defined benefit plan, less the  
25 employee contribution, plus 2%, for each employee of that  
26 employer who has elected or who is deemed to have elected

1 the benefits under Section 1-161 or who has made the  
2 election under subsection (b) of Section 1-161; plus

3 (ii) the amount required for that fiscal year to  
4 amortize any unfunded actuarial accrued liability  
5 associated with the present value of liabilities  
6 attributable to the employer's account under Section  
7 16-158.3, determined as a level percentage of payroll over  
8 a 30-year rolling amortization period.

9 In determining contributions required under item (i) of  
10 this subsection, the System shall determine an aggregate rate  
11 for all employers, expressed as a percentage of projected  
12 payroll.

13 In determining the contributions required under item (ii)  
14 of this subsection, the amount shall be computed by the System  
15 on the basis of the actuarial assumptions and tables used in  
16 the most recent actuarial valuation of the System that is  
17 available at the time of the computation.

18 The contributions required under this subsection (b-4)  
19 shall be paid by an employer concurrently with that employer's  
20 payroll payment period. The State, as the actual employer of an  
21 employee, shall make the required contributions under this  
22 subsection.

23 (c) Payment of the required State contributions and of all  
24 pensions, retirement annuities, death benefits, refunds, and  
25 other benefits granted under or assumed by this System, and all  
26 expenses in connection with the administration and operation

1       thereof, are obligations of the State.

2           If members are paid from special trust or federal funds  
3       which are administered by the employing unit, whether school  
4       district or other unit, the employing unit shall pay to the  
5       System from such funds the full accruing retirement costs based  
6       upon that service, which, beginning July 1, 2017, shall be at a  
7       rate, expressed as a percentage of salary, equal to the total  
8       employer's normal cost, expressed as a percentage of payroll,  
9       as determined by the System. Employer contributions, based on  
10      salary paid to members from federal funds, may be forwarded by  
11      the distributing agency of the State of Illinois to the System  
12      prior to allocation, in an amount determined in accordance with  
13      guidelines established by such agency and the System. Any  
14      contribution for fiscal year 2015 collected as a result of the  
15      change made by Public Act 98-674 ~~this amendatory Act of the~~  
16      ~~98th General Assembly~~ shall be considered a State contribution  
17      under subsection (b-3) of this Section.

18           (d) Effective July 1, 1986, any employer of a teacher as  
19      defined in paragraph (8) of Section 16-106 shall pay the  
20      employer's normal cost of benefits based upon the teacher's  
21      service, in addition to employee contributions, as determined  
22      by the System. Such employer contributions shall be forwarded  
23      monthly in accordance with guidelines established by the  
24      System.

25           However, with respect to benefits granted under Section  
26      16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)

1 of Section 16-106, the employer's contribution shall be 12%  
2 (rather than 20%) of the member's highest annual salary rate  
3 for each year of creditable service granted, and the employer  
4 shall also pay the required employee contribution on behalf of  
5 the teacher. For the purposes of Sections 16-133.4 and  
6 16-133.5, a teacher as defined in paragraph (8) of Section  
7 16-106 who is serving in that capacity while on leave of  
8 absence from another employer under this Article shall not be  
9 considered an employee of the employer from which the teacher  
10 is on leave.

11 (e) Beginning July 1, 1998, every employer of a teacher  
12 shall pay to the System an employer contribution computed as  
13 follows:

14 (1) Beginning July 1, 1998 through June 30, 1999, the  
15 employer contribution shall be equal to 0.3% of each  
16 teacher's salary.

17 (2) Beginning July 1, 1999 and thereafter, the employer  
18 contribution shall be equal to 0.58% of each teacher's  
19 salary.

20 The school district or other employing unit may pay these  
21 employer contributions out of any source of funding available  
22 for that purpose and shall forward the contributions to the  
23 System on the schedule established for the payment of member  
24 contributions.

25 These employer contributions are intended to offset a  
26 portion of the cost to the System of the increases in



1 retirement benefits resulting from Public Act 90-582 ~~this~~  
2 ~~amendatory Act of 1998~~.

3 Each employer of teachers is entitled to a credit against  
4 the contributions required under this subsection (e) with  
5 respect to salaries paid to teachers for the period January 1,  
6 2002 through June 30, 2003, equal to the amount paid by that  
7 employer under subsection (a-5) of Section 6.6 of the State  
8 Employees Group Insurance Act of 1971 with respect to salaries  
9 paid to teachers for that period.

10 The additional 1% employee contribution required under  
11 Section 16-152 by Public Act 90-582 ~~this amendatory Act of 1998~~  
12 is the responsibility of the teacher and not the teacher's  
13 employer, unless the employer agrees, through collective  
14 bargaining or otherwise, to make the contribution on behalf of  
15 the teacher.

16 If an employer is required by a contract in effect on May  
17 1, 1998 between the employer and an employee organization to  
18 pay, on behalf of all its full-time employees covered by this  
19 Article, all mandatory employee contributions required under  
20 this Article, then the employer shall be excused from paying  
21 the employer contribution required under this subsection (e)  
22 for the balance of the term of that contract. The employer and  
23 the employee organization shall jointly certify to the System  
24 the existence of the contractual requirement, in such form as  
25 the System may prescribe. This exclusion shall cease upon the  
26 termination, extension, or renewal of the contract at any time

1 after May 1, 1998.

2 (f) If the amount of a teacher's salary for any school year  
3 used to determine final average salary exceeds the member's  
4 annual full-time salary rate with the same employer for the  
5 previous school year by more than 6%, the teacher's employer  
6 shall pay to the System, in addition to all other payments  
7 required under this Section and in accordance with guidelines  
8 established by the System, the present value of the increase in  
9 benefits resulting from the portion of the increase in salary  
10 that is in excess of 6%. This present value shall be computed  
11 by the System on the basis of the actuarial assumptions and  
12 tables used in the most recent actuarial valuation of the  
13 System that is available at the time of the computation. If a  
14 teacher's salary for the 2005-2006 school year is used to  
15 determine final average salary under this subsection (f), then  
16 the changes made to this subsection (f) by Public Act 94-1057  
17 shall apply in calculating whether the increase in his or her  
18 salary is in excess of 6%. For the purposes of this Section,  
19 change in employment under Section 10-21.12 of the School Code  
20 on or after June 1, 2005 shall constitute a change in employer.  
21 The System may require the employer to provide any pertinent  
22 information or documentation. The changes made to this  
23 subsection (f) by Public Act 94-1111 ~~this amendatory Act of the~~  
24 ~~94th General Assembly~~ apply without regard to whether the  
25 teacher was in service on or after its effective date.

26 Whenever it determines that a payment is or may be required

1 under this subsection, the System shall calculate the amount of  
2 the payment and bill the employer for that amount. The bill  
3 shall specify the calculations used to determine the amount  
4 due. If the employer disputes the amount of the bill, it may,  
5 within 30 days after receipt of the bill, apply to the System  
6 in writing for a recalculation. The application must specify in  
7 detail the grounds of the dispute and, if the employer asserts  
8 that the calculation is subject to subsection (g) or (h) of  
9 this Section, must include an affidavit setting forth and  
10 attesting to all facts within the employer's knowledge that are  
11 pertinent to the applicability of that subsection. Upon  
12 receiving a timely application for recalculation, the System  
13 shall review the application and, if appropriate, recalculate  
14 the amount due.

15 The employer contributions required under this subsection  
16 (f) may be paid in the form of a lump sum within 90 days after  
17 receipt of the bill. If the employer contributions are not paid  
18 within 90 days after receipt of the bill, then interest will be  
19 charged at a rate equal to the System's annual actuarially  
20 assumed rate of return on investment compounded annually from  
21 the 91st day after receipt of the bill. Payments must be  
22 concluded within 3 years after the employer's receipt of the  
23 bill.

24 (g) This subsection (g) applies only to payments made or  
25 salary increases given on or after June 1, 2005 but before July  
26 1, 2011. The changes made by Public Act 94-1057 shall not

1 require the System to refund any payments received before July  
2 31, 2006 (the effective date of Public Act 94-1057).

3 When assessing payment for any amount due under subsection  
4 (f), the System shall exclude salary increases paid to teachers  
5 under contracts or collective bargaining agreements entered  
6 into, amended, or renewed before June 1, 2005.

7 When assessing payment for any amount due under subsection  
8 (f), the System shall exclude salary increases paid to a  
9 teacher at a time when the teacher is 10 or more years from  
10 retirement eligibility under Section 16-132 or 16-133.2.

11 When assessing payment for any amount due under subsection  
12 (f), the System shall exclude salary increases resulting from  
13 overload work, including summer school, when the school  
14 district has certified to the System, and the System has  
15 approved the certification, that (i) the overload work is for  
16 the sole purpose of classroom instruction in excess of the  
17 standard number of classes for a full-time teacher in a school  
18 district during a school year and (ii) the salary increases are  
19 equal to or less than the rate of pay for classroom instruction  
20 computed on the teacher's current salary and work schedule.

21 When assessing payment for any amount due under subsection  
22 (f), the System shall exclude a salary increase resulting from  
23 a promotion (i) for which the employee is required to hold a  
24 certificate or supervisory endorsement issued by the State  
25 Teacher Certification Board that is a different certification  
26 or supervisory endorsement than is required for the teacher's

1 previous position and (ii) to a position that has existed and  
2 been filled by a member for no less than one complete academic  
3 year and the salary increase from the promotion is an increase  
4 that results in an amount no greater than the lesser of the  
5 average salary paid for other similar positions in the district  
6 requiring the same certification or the amount stipulated in  
7 the collective bargaining agreement for a similar position  
8 requiring the same certification.

9       When assessing payment for any amount due under subsection  
10 (f), the System shall exclude any payment to the teacher from  
11 the State of Illinois or the State Board of Education over  
12 which the employer does not have discretion, notwithstanding  
13 that the payment is included in the computation of final  
14 average salary.

15       (h) When assessing payment for any amount due under  
16 subsection (f), the System shall exclude any salary increase  
17 described in subsection (g) of this Section given on or after  
18 July 1, 2011 but before July 1, 2014 under a contract or  
19 collective bargaining agreement entered into, amended, or  
20 renewed on or after June 1, 2005 but before July 1, 2011.  
21 Notwithstanding any other provision of this Section, any  
22 payments made or salary increases given after June 30, 2014  
23 shall be used in assessing payment for any amount due under  
24 subsection (f) of this Section.

25       (i) The System shall prepare a report and file copies of  
26 the report with the Governor and the General Assembly by

1 January 1, 2007 that contains all of the following information:

2 (1) The number of recalculations required by the  
3 changes made to this Section by Public Act 94-1057 for each  
4 employer.

5 (2) The dollar amount by which each employer's  
6 contribution to the System was changed due to  
7 recalculations required by Public Act 94-1057.

8 (3) The total amount the System received from each  
9 employer as a result of the changes made to this Section by  
10 Public Act 94-4.

11 (4) The increase in the required State contribution  
12 resulting from the changes made to this Section by Public  
13 Act 94-1057.

14 (i-5) For school years beginning on or after July 1, 2017,  
15 if the amount of a participant's salary for any school year,  
16 determined on a full-time equivalent basis, exceeds the amount  
17 of the salary set for the Governor, the participant's employer  
18 shall pay to the System, in addition to all other payments  
19 required under this Section and in accordance with guidelines  
20 established by the System, an amount determined by the System  
21 to be equal to the employer normal cost, as established by the  
22 System and expressed as a total percentage of payroll,  
23 multiplied by the amount of salary in excess of the amount of  
24 the salary set for the Governor. This amount shall be computed  
25 by the System on the basis of the actuarial assumptions and  
26 tables used in the most recent actuarial valuation of the

1 System that is available at the time of the computation. The  
2 System may require the employer to provide any pertinent  
3 information or documentation.

4 Whenever it determines that a payment is or may be required  
5 under this subsection, the System shall calculate the amount of  
6 the payment and bill the employer for that amount. The bill  
7 shall specify the calculations used to determine the amount  
8 due. If the employer disputes the amount of the bill, it may,  
9 within 30 days after receipt of the bill, apply to the System  
10 in writing for a recalculation. The application must specify in  
11 detail the grounds of the dispute. Upon receiving a timely  
12 application for recalculation, the System shall review the  
13 application and, if appropriate, recalculate the amount due.

14 The employer contributions required under this subsection  
15 may be paid in the form of a lump sum within 90 days after  
16 receipt of the bill. If the employer contributions are not paid  
17 within 90 days after receipt of the bill, then interest will be  
18 charged at a rate equal to the System's annual actuarially  
19 assumed rate of return on investment compounded annually from  
20 the 91st day after receipt of the bill. Payments must be  
21 concluded within 3 years after the employer's receipt of the  
22 bill.

23 (j) For purposes of determining the required State  
24 contribution to the System, the value of the System's assets  
25 shall be equal to the actuarial value of the System's assets,  
26 which shall be calculated as follows:

1           As of June 30, 2008, the actuarial value of the System's  
2 assets shall be equal to the market value of the assets as of  
3 that date. In determining the actuarial value of the System's  
4 assets for fiscal years after June 30, 2008, any actuarial  
5 gains or losses from investment return incurred in a fiscal  
6 year shall be recognized in equal annual amounts over the  
7 5-year period following that fiscal year.

8           (k) For purposes of determining the required State  
9 contribution to the system for a particular year, the actuarial  
10 value of assets shall be assumed to earn a rate of return equal  
11 to the system's actuarially assumed rate of return.

12           (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;  
13 revised 9-25-17.)

14           Section 240. The Property Assessed Clean Energy Act is  
15 amended by changing Section 15 as follows:

16           (50 ILCS 50/15)

17           Sec. 15. Program established.

18           (a) To establish a property assessed clean energy program,  
19 the governing body of a local unit of government shall adopt a  
20 resolution or ordinance that includes all of the following:

21                 (1) a finding that the financing of energy projects is  
22 a valid public purpose;

23                 (2) a statement of intent to facilitate access to  
24 capital from a program administrator to provide funds for



1 energy projects, which will be repaid by assessments on the  
2 property benefited with the agreement of the record owners;

3 (3) a description of the proposed arrangements for  
4 financing the program through a program administrator;

5 (4) the types of energy projects that may be financed;

6 (5) a description of the territory within the PACE  
7 area;

8 (6) reference to a report on the proposed program as  
9 described in Section 20; ~~and~~

10 (7) the time and place for any public hearing required  
11 for the adoption of the proposed program by resolution or  
12 ordinance;

13 (8) matters required by Section 20 to be included in  
14 the report; for this purpose, the resolution or ordinance  
15 may incorporate the report or an amended version thereof by  
16 reference; and

17 (9) a description of which aspects of the program may  
18 be amended without a new public hearing and which aspects  
19 may be amended only after a new public hearing is held.

20 (b) A property assessed clean energy program may be amended  
21 by resolution or ordinance of the governing body. Adoption of  
22 the resolution or ordinance shall be preceded by a public  
23 hearing if required.

24 (Source: P.A. 100-77, eff. 8-11-17; revised 10-3-17.)

25 Section 245. The Illinois Police Training Act is amended by

1 changing Section 7 as follows:

2 (50 ILCS 705/7) (from Ch. 85, par. 507)

3 Sec. 7. Rules and standards for schools. The Board shall  
4 adopt rules and minimum standards for such schools which shall  
5 include, but not be limited to, the following:

6 a. The curriculum for probationary police officers  
7 which shall be offered by all certified schools shall  
8 include, but not be limited to, courses of procedural  
9 justice, arrest and use and control tactics, search and  
10 seizure, including temporary questioning, civil rights,  
11 human rights, human relations, cultural competency,  
12 including implicit bias and racial and ethnic sensitivity,  
13 criminal law, law of criminal procedure, constitutional  
14 and proper use of law enforcement authority, vehicle and  
15 traffic law including uniform and non-discriminatory  
16 enforcement of the Illinois Vehicle Code, traffic control  
17 and accident investigation, techniques of obtaining  
18 physical evidence, court testimonies, statements, reports,  
19 firearms training, training in the use of electronic  
20 control devices, including the psychological and  
21 physiological effects of the use of those devices on  
22 humans, first-aid (including cardiopulmonary  
23 resuscitation), training in the administration of opioid  
24 antagonists as defined in paragraph (1) of subsection (e)  
25 of Section 5-23 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, handling of juvenile offenders,  
2 recognition of mental conditions and crises, including,  
3 but not limited to, the disease of addiction, which require  
4 immediate assistance and response and methods to safeguard  
5 and provide assistance to a person in need of mental  
6 treatment, recognition of abuse, neglect, financial  
7 exploitation, and self-neglect of adults with disabilities  
8 and older adults, as defined in Section 2 of the Adult  
9 Protective Services Act, crimes against the elderly, law of  
10 evidence, the hazards of high-speed police vehicle chases  
11 with an emphasis on alternatives to the high-speed chase,  
12 and physical training. The curriculum shall include  
13 specific training in techniques for immediate response to  
14 and investigation of cases of domestic violence and of  
15 sexual assault of adults and children, including cultural  
16 perceptions and common myths of sexual assault and sexual  
17 abuse as well as interview techniques that are trauma  
18 informed, victim centered, and victim sensitive. The  
19 curriculum shall include training in techniques designed  
20 to promote effective communication at the initial contact  
21 with crime victims and ways to comprehensively explain to  
22 victims and witnesses their rights under the Rights of  
23 Crime Victims and Witnesses Act and the Crime Victims  
24 Compensation Act. The curriculum shall also include  
25 training in effective recognition of and responses to  
26 stress, trauma, and post-traumatic stress experienced by

1 police officers. The curriculum shall also include a block  
2 of instruction aimed at identifying and interacting with  
3 persons with autism and other developmental or physical  
4 disabilities, reducing barriers to reporting crimes  
5 against persons with autism, and addressing the unique  
6 challenges presented by cases involving victims or  
7 witnesses with autism and other developmental  
8 disabilities. The curriculum for permanent police officers  
9 shall include, but not be limited to: (1) refresher and  
10 in-service training in any of the courses listed above in  
11 this subparagraph, (2) advanced courses in any of the  
12 subjects listed above in this subparagraph, (3) training  
13 for supervisory personnel, and (4) specialized training in  
14 subjects and fields to be selected by the board. The  
15 training in the use of electronic control devices shall be  
16 conducted for probationary police officers, including  
17 University police officers.

18 b. Minimum courses of study, attendance requirements  
19 and equipment requirements.

20 c. Minimum requirements for instructors.

21 d. Minimum basic training requirements, which a  
22 probationary police officer must satisfactorily complete  
23 before being eligible for permanent employment as a local  
24 law enforcement officer for a participating local  
25 governmental agency. Those requirements shall include  
26 training in first aid (including cardiopulmonary

1           resuscitation).

2           e. Minimum basic training requirements, which a  
3           probationary county corrections officer must  
4           satisfactorily complete before being eligible for  
5           permanent employment as a county corrections officer for a  
6           participating local 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  
10          a court security officer for a participating local  
11          governmental agency. The Board shall establish those  
12          training requirements which it considers appropriate for  
13          court security officers and shall certify schools to  
14          conduct that training.

15          A person hired to serve as a court security officer  
16          must obtain from the Board a certificate (i) attesting to  
17          his or her successful completion of the training course;  
18          (ii) attesting to his or her satisfactory completion of a  
19          training program of similar content and number of hours  
20          that has been found acceptable by the Board under the  
21          provisions of this Act; or (iii) attesting to the Board's  
22          determination that the training course is unnecessary  
23          because of the person's extensive prior law enforcement  
24          experience.

25          Individuals who currently serve as court security  
26          officers shall be deemed qualified to continue to serve in

1 that capacity so long as they are certified as provided by  
2 this Act within 24 months of June 1, 1997 (the effective  
3 date of Public Act 89-685). Failure to be so certified,  
4 absent a waiver from the Board, shall cause the officer to  
5 forfeit his or her position.

6 All individuals hired as court security officers on or  
7 after June 1, 1997 (the effective date of Public Act  
8 89-685) ~~this amendatory Act of 1996~~ shall be certified  
9 within 12 months of the date of their hire, unless a waiver  
10 has been obtained by the Board, or they shall forfeit their  
11 positions.

12 The Sheriff's Merit Commission, if one exists, or the  
13 Sheriff's Office if there is no Sheriff's Merit Commission,  
14 shall maintain a list of all individuals who have filed  
15 applications to become court security officers and who meet  
16 the eligibility requirements established under this Act.  
17 Either the Sheriff's Merit Commission, or the Sheriff's  
18 Office if no Sheriff's Merit Commission exists, shall  
19 establish a schedule of reasonable intervals for  
20 verification of the applicants' qualifications under this  
21 Act and as established by the Board.

22 g. Minimum in-service training requirements, which a  
23 police officer must satisfactorily complete every 3 years.  
24 Those requirements shall include constitutional and proper  
25 use of law enforcement authority, procedural justice,  
26 civil rights, human rights, mental health awareness and

1 response, and cultural competency.

2 h. Minimum in-service training requirements, which a  
3 police officer must satisfactorily complete at least  
4 annually. Those requirements shall include law updates and  
5 use of force training which shall include scenario based  
6 training, or similar training approved by the Board.

7 (Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,  
8 eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18;  
9 100-247, eff. 1-1-18; revised 10-3-17.)

10 Section 250. The Counties Code is amended by changing  
11 Sections 4-5001 and 5-1069.3 as follows:

12 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

13 Sec. 4-5001. Sheriffs; counties of first and second class.  
14 The fees of sheriffs in counties of the first and second class,  
15 except when increased by county ordinance under this Section,  
16 shall be as follows:

17 For serving or attempting to serve summons on each  
18 defendant in each county, \$10.

19 For serving or attempting to serve an order or judgment  
20 granting injunctive ~~injunctional~~ relief in each county, \$10.

21 For serving or attempting to serve each garnishee in each  
22 county, \$10.

23 For serving or attempting to serve an order for replevin in  
24 each county, \$10.

1 For serving or attempting to serve an order for attachment  
2 on each defendant in each county, \$10.

3 For serving or attempting to serve a warrant of arrest, \$8,  
4 to be paid upon conviction.

5 For returning a defendant from outside the State of  
6 Illinois, upon conviction, the court shall assess, as court  
7 costs, the cost of returning a defendant to the jurisdiction.

8 For taking special bail, \$1 in each county.

9 For serving or attempting to serve a subpoena on each  
10 witness, in each county, \$10.

11 For advertising property for sale, \$5.

12 For returning each process, in each county, \$5.

13 Mileage for each mile of necessary travel to serve any such  
14 process as Stated above, calculating from the place of holding  
15 court to the place of residence of the defendant, or witness,  
16 50¢ each way.

17 For summoning each juror, \$3 with 30¢ mileage each way in  
18 all counties.

19 For serving or attempting to serve notice of judgments or  
20 levying to enforce a judgment, \$3 with 50¢ mileage each way in  
21 all counties.

22 For taking possession of and removing property levied on,  
23 the officer shall be allowed to tax the actual cost of such  
24 possession or removal.

25 For feeding each prisoner, such compensation to cover the  
26 actual cost as may be fixed by the county board, but such



1 compensation shall not be considered a part of the fees of the  
2 office.

3 For attending before a court with prisoner, on an order for  
4 habeas corpus, in each county, \$10 per day.

5 For attending before a court with a prisoner in any  
6 criminal proceeding, in each county, \$10 per day.

7 For each mile of necessary travel in taking such prisoner  
8 before the court as stated ~~stated~~ above, 15¢ a mile each way.

9 For serving or attempting to serve an order or judgment for  
10 the possession of real estate in an action of ejectment or in  
11 any other action, or for restitution in an eviction action  
12 without aid, \$10 and when aid is necessary, the sheriff shall  
13 be allowed to tax in addition the actual costs thereof, and for  
14 each mile of necessary travel, 50¢ each way.

15 For executing and acknowledging a deed of sale of real  
16 estate, in counties of first class, \$4; second class, \$4.

17 For preparing, executing and acknowledging a deed on  
18 redemption from a court sale of real estate in counties of  
19 first class, \$5; second class, \$5.

20 For making certificates of sale, and making and filing  
21 duplicate, in counties of first class, \$3; in counties of the  
22 second class, \$3.

23 For making certificate of redemption, \$3.

24 For certificate of levy and filing, \$3, and the fee for  
25 recording shall be advanced by the judgment creditor and  
26 charged as costs.

1           For taking all bonds on legal process, civil and criminal,  
2           in counties of first class, \$1; in second class, \$1.

3           For executing copies in criminal cases, \$4 and mileage for  
4           each mile of necessary travel, 20¢ each way.

5           For executing requisitions from other states ~~States~~, \$5.

6           For conveying each prisoner from the prisoner's own county  
7           to the jail of another county, or from another county to the  
8           jail of the prisoner's county, per mile, for going, only, 30¢.

9           For conveying persons to the penitentiary, reformatories,  
10          Illinois State Training School for Boys, Illinois State  
11          Training School for Girls and Reception Centers, the following  
12          fees, payable out of the State treasury ~~Treasury~~. For each  
13          person who is conveyed, 35¢ per mile in going only to the  
14          penitentiary, reformatory, Illinois State Training School for  
15          Boys, Illinois State Training School for Girls and Reception  
16          Centers, from the place of conviction.

17          The fees provided for transporting persons to the  
18          penitentiary, reformatories, Illinois State Training School  
19          for Boys, Illinois State Training School for Girls and  
20          Reception Centers shall be paid for each trip so made. Mileage  
21          as used in this Section means the shortest practical route,  
22          between the place from which the person is to be transported,  
23          to the penitentiary, reformatories, Illinois State Training  
24          School for Boys, Illinois State Training School for Girls and  
25          Reception Centers and all fees per mile shall be computed on  
26          such basis.

1           For conveying any person to or from any of the charitable  
2 institutions of the State, when properly committed by competent  
3 authority, when one person is conveyed, 35¢ per mile; when two  
4 persons are conveyed at the same time, 35¢ per mile for the  
5 first person and 20¢ per mile for the second person; and 10¢  
6 per mile for each additional person.

7           For conveying a person from the penitentiary to the county  
8 jail when required by law, 35¢ per mile.

9           For attending Supreme Court, \$10 per day.

10          In addition to the above fees there shall be allowed to the  
11 sheriff a fee of \$600 for the sale of real estate which is made  
12 by virtue of any judgment of a court, except that in the case  
13 of a sale of unimproved real estate which sells for \$10,000 or  
14 less, the fee shall be \$150. In addition to this fee and all  
15 other fees provided by this Section, there shall be allowed to  
16 the sheriff a fee in accordance with the following schedule for  
17 the sale of personal estate which is made by virtue of any  
18 judgment of a court:

19           For judgments up to \$1,000, \$75;

20           For judgments from \$1,001 to \$15,000, \$150;

21           For judgments over \$15,000, \$300.

22          The foregoing fees allowed by this Section are the maximum  
23 fees that may be collected from any officer, agency, department  
24 or other instrumentality of the State. The county board may,  
25 however, by ordinance, increase the fees allowed by this  
26 Section and collect those increased fees from all persons and

1 entities other than officers, agencies, departments and other  
2 instrumentalities of the State if the increase is justified by  
3 an acceptable cost study showing that the fees allowed by this  
4 Section are not sufficient to cover the costs of providing the  
5 service. A statement of the costs of providing each service,  
6 program and activity shall be prepared by the county board. All  
7 supporting documents shall be public records 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 In all cases where the judgment is settled by the parties,  
13 replevied, stopped by injunction or paid, or where the property  
14 levied upon is not actually sold, the sheriff shall be allowed  
15 his fee for levying and mileage, together with half the fee for  
16 all money collected by him which he would be entitled to if the  
17 same was made by sale to enforce the judgment. In no case shall  
18 the fee exceed the amount of money arising from the sale.

19 The fee requirements of this Section do not apply to police  
20 departments or other law enforcement agencies. For the purposes  
21 of this Section, "law enforcement agency" means an agency of  
22 the State or unit of local government which is vested by law or  
23 ordinance with the duty to maintain public order and to enforce  
24 criminal laws.

25 (Source: P.A. 100-173, eff. 1-1-18; revised 10-3-17.)

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,  
3 including a home rule county, is a self-insurer for purposes of  
4 providing health insurance coverage for its employees, the  
5 coverage shall include coverage for the post-mastectomy care  
6 benefits required to be covered by a policy of accident and  
7 health insurance under Section 356t and the coverage required  
8 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
9 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
10 356z.14, 356z.15, 356z.22, ~~and~~ 356z.25, and 356z.26 of the  
11 Illinois Insurance Code. The coverage shall comply with  
12 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
13 Insurance Code. The requirement that health benefits be covered  
14 as provided in this Section is an exclusive power and function  
15 of the State and is a denial and limitation under Article VII,  
16 Section 6, subsection (h) of the Illinois Constitution. A home  
17 rule county to which this Section applies must comply with  
18 every provision of this Section.

19 Rulemaking authority to implement Public Act 95-1045, if  
20 any, is conditioned on the rules being adopted in accordance  
21 with all provisions of the Illinois Administrative Procedure  
22 Act and all rules and procedures of the Joint Committee on  
23 Administrative Rules; any purported rule not so adopted, for  
24 whatever reason, is unauthorized.

25 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
26 100-138, eff. 8-18-17; revised 10-5-17.)

1           Section 255. The Illinois Municipal Code is amended by  
2 changing Sections 5-3-1, 8-11-1.6, 8-11-1.7, 10-2.1-4, 10-4-2,  
3 10-4-2.3, and 11-74.4-3.5 as follows:

4           (65 ILCS 5/5-3-1) (from Ch. 24, par. 5-3-1)

5           Sec. 5-3-1. In cities which do not elect to choose aldermen  
6 from wards and in cities which elect to choose councilmen as  
7 provided in Sections 5-2-18.1 through ~~thru~~ 5-2-18.7, the mayor  
8 shall have the right to vote on all questions coming before the  
9 council but shall have no power to veto. The mayor and  
10 president shall be recognized as the official head of the city  
11 or village by the courts for the purpose of serving civil  
12 process and by the Governor for all legal purposes.

13           The mayor or president of any city or village which adopts  
14 this Article 5, other than one which at the time of adoption  
15 was operating under or adopted the commission form of  
16 government as provided in Article 4 or which does not retain  
17 the election of aldermen by wards or trustees by districts,  
18 shall have veto power as provided in Sections 5-3-2 through  
19 5-3-4, and ordinances or measures may be passed over his veto  
20 as therein provided. Such mayor or president shall have the  
21 power to vote as provided in Section 5-3-5.

22           If any other Acts or any Article of this Code, other than  
23 Article 3 or Article 4, provides for the appointment of a  
24 board, commission, or other agency by the mayor or president,

1 such appointments shall be made in manner so provided.

2 (Source: P.A. 76-1426; revised 10-3-17.)

3 (65 ILCS 5/8-11-1.6)

4 Sec. 8-11-1.6. Non-home rule municipal retailers  
5 occupation tax; municipalities between 20,000 and 25,000. The  
6 corporate authorities of a non-home rule municipality with a  
7 population of more than 20,000 but less than 25,000 that has,  
8 prior to January 1, 1987, established a Redevelopment Project  
9 Area that has been certified as a State Sales Tax Boundary and  
10 has issued bonds or otherwise incurred indebtedness to pay for  
11 costs in excess of \$5,000,000, which is secured in part by a  
12 tax increment allocation fund, in accordance with the  
13 provisions of Division 11-74.4 of this Code may, by passage of  
14 an ordinance, impose a tax upon all persons engaged in the  
15 business of selling tangible personal property, other than on  
16 an item of tangible personal property that is titled and  
17 registered by an agency of this State's Government, at retail  
18 in the municipality. This tax may not be imposed on the sales  
19 of food for human consumption that is to be consumed off the  
20 premises where it is sold (other than alcoholic beverages, soft  
21 drinks, and food that 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. If imposed,  
25 the tax shall only be imposed in .25% increments of the gross

1 receipts from such sales made in the course of business. Any  
2 tax imposed by a municipality under this Section and all civil  
3 penalties that may be assessed as an incident thereof shall be  
4 collected and enforced by the State Department of Revenue. An  
5 ordinance imposing a tax hereunder or effecting a change in the  
6 rate thereof shall be adopted and a certified copy thereof  
7 filed with the Department on or before the first day of  
8 October, whereupon the Department shall proceed to administer  
9 and enforce this Section as of the first day of January next  
10 following such adoption and filing. The certificate of  
11 registration that is issued by the Department to a retailer  
12 under the Retailers' Occupation Tax Act shall permit the  
13 retailer to engage in a business that is taxable under any  
14 ordinance or resolution enacted under this Section without  
15 registering separately with the Department under the ordinance  
16 or resolution or under this Section. The Department shall have  
17 full power to administer and enforce this Section, to collect  
18 all taxes and penalties due hereunder, to dispose of taxes and  
19 penalties so collected in the manner hereinafter provided, and  
20 to determine all rights to credit memoranda, arising on account  
21 of the erroneous payment of tax or penalty hereunder. In the  
22 administration of, and compliance with this Section, the  
23 Department and persons who are subject to this Section shall  
24 have the same rights, remedies, privileges, immunities,  
25 powers, and duties, and be subject to the same conditions,  
26 restrictions, limitations, penalties, and definitions of



1 terms, and employ the same modes of procedure, as are  
2 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 2  
3 through 2-65 (in respect to all provisions therein other than  
4 the State rate of tax), 2c, 3 (except as to the disposition of  
5 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,  
6 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12  
7 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of  
8 the Uniform Penalty and Interest Act as fully as if those  
9 provisions were set forth herein.

10 A tax may not be imposed by a municipality under this  
11 Section unless the municipality also imposes a tax at the same  
12 rate under Section 8-11-1.7 of this Act.

13 Persons subject to any tax imposed under the authority  
14 granted in this Section, may reimburse themselves for their  
15 seller's tax liability hereunder by separately stating the tax  
16 as an additional charge, which charge may be stated in  
17 combination, in a single amount, with State tax which sellers  
18 are required to collect under the Use Tax Act, pursuant to such  
19 bracket schedules as the Department may prescribe.

20 Whenever the Department determines that a refund should be  
21 made under this Section to a claimant, instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause the order to be drawn for the  
24 amount specified, and to the person named in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of the Non-Home Rule Municipal Retailers'

1 Occupation Tax Fund, which is hereby created.

2 The Department shall forthwith pay over to the State  
3 Treasurer, ex officio, as trustee, all taxes and penalties  
4 collected hereunder.

5 As soon as possible after the first day of each month,  
6 beginning January 1, 2011, upon certification of the Department  
7 of Revenue, the Comptroller shall order transferred, and the  
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
9 local sales tax increment, as defined in the Innovation  
10 Development and Economy Act, collected under this Section  
11 during the second preceding calendar month for sales within a  
12 STAR bond district.

13 After the monthly transfer to the STAR Bonds Revenue Fund,  
14 on or before the 25th day of each calendar month, the  
15 Department shall prepare and certify to the Comptroller the  
16 disbursement of stated sums of money to named municipalities,  
17 the municipalities to be those from which retailers have paid  
18 taxes or penalties hereunder to the Department during the  
19 second preceding calendar month. The amount to be paid to each  
20 municipality shall be the amount (not including credit  
21 memoranda) collected hereunder during the second preceding  
22 calendar month by the Department plus an amount the Department  
23 determines is necessary to offset any amounts that were  
24 erroneously paid to a different taxing body, and not including  
25 an amount equal to the amount of refunds made during the second  
26 preceding calendar month by the Department on behalf of the

1 municipality, and not including any amount that the Department  
2 determines is necessary to offset any amounts that were payable  
3 to a different taxing body but were erroneously paid to the  
4 municipality, and not including any amounts that are  
5 transferred to the STAR Bonds Revenue Fund, less 2% of the  
6 remainder, which the Department shall transfer into the Tax  
7 Compliance and Administration Fund. The Department, at the time  
8 of each monthly disbursement to the municipalities, shall  
9 prepare and certify to the State Comptroller the amount to be  
10 transferred into the Tax Compliance and Administration Fund  
11 under this Section. Within 10 days after receipt by the  
12 Comptroller of the disbursement certification to the  
13 municipalities and the Tax Compliance and Administration Fund  
14 provided for in this Section to be given to the Comptroller by  
15 the Department, the Comptroller shall cause the orders to be  
16 drawn for the respective amounts in accordance with the  
17 directions contained in the certification.

18 For the purpose of determining the local governmental unit  
19 whose tax is applicable, a retail sale by a producer of coal or  
20 other mineral mined in Illinois is a sale at retail at the  
21 place where the coal or other mineral mined in Illinois is  
22 extracted from the earth. This paragraph does not apply to coal  
23 or other mineral when it is delivered or shipped by the seller  
24 to the purchaser at a point outside Illinois so that the sale  
25 is exempt under the federal Constitution as a sale in  
26 interstate or foreign commerce.

1           Nothing in this Section shall be construed to authorize a  
2 municipality to impose a tax upon the privilege of engaging in  
3 any business which under the constitution of the United States  
4 may not be made the subject of taxation by this State.

5           When certifying the amount of a monthly disbursement to a  
6 municipality under this Section, the Department shall increase  
7 or decrease the amount by an amount necessary to offset any  
8 misallocation of previous disbursements. The offset amount  
9 shall be the amount erroneously disbursed within the previous 6  
10 months from the time a misallocation is discovered.

11           As used in this Section, "municipal" and "municipality"  
12 means a city, village, or incorporated town, including an  
13 incorporated town that has superseded a civil township.

14           (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
15 100-23, eff. 7-6-17; revised 10-3-17.)

16           (65 ILCS 5/8-11-1.7)

17           Sec. 8-11-1.7. Non-home rule municipal service occupation  
18 tax; municipalities between 20,000 and 25,000. The corporate  
19 authorities of a non-home rule municipality with a population  
20 of more than 20,000 but less than 25,000 as determined by the  
21 last preceding decennial census that has, prior to January 1,  
22 1987, established a Redevelopment Project Area that has been  
23 certified as a State Sales Tax Boundary and has issued bonds or  
24 otherwise incurred indebtedness to pay for costs in excess of  
25 \$5,000,000, which is secured in part by a tax increment

1 allocation fund, in accordance with the provisions of Division  
2 11-74.4 of this Code may, by passage of an ordinance, impose a  
3 tax upon all persons engaged in the municipality in the  
4 business of making sales of service. If imposed, the tax shall  
5 only be imposed in .25% increments of the selling price of all  
6 tangible personal property transferred by such servicemen  
7 either in the form of tangible personal property or in the form  
8 of real estate as an incident to a sale of service. This tax  
9 may not be imposed on the sales of food for human consumption  
10 that is to be consumed off the premises where it is sold (other  
11 than alcoholic beverages, soft drinks, and food that has been  
12 prepared for immediate consumption) and prescription and  
13 nonprescription medicines, drugs, medical appliances and  
14 insulin, urine testing materials, syringes, and needles used by  
15 diabetics. The tax imposed by a municipality under this Section  
16 ~~Sec.~~ and all civil penalties that may be assessed as an  
17 incident thereof shall be collected and enforced by the State  
18 Department of Revenue. An ordinance imposing a tax hereunder or  
19 effecting a change in the rate thereof shall be adopted and a  
20 certified copy thereof filed with the Department on or before  
21 the first day of October, whereupon the Department shall  
22 proceed to administer and enforce this Section as of the first  
23 day of January next following such adoption and filing. The  
24 certificate of registration that is issued by the Department to  
25 a retailer under the Retailers' Occupation Tax Act or under the  
26 Service Occupation Tax Act shall permit the registrant to

1 engage in a business that is taxable under any ordinance or  
2 resolution enacted under this Section without registering  
3 separately with the Department under the ordinance or  
4 resolution or under this Section. The Department shall have  
5 full power to administer and enforce this Section, to collect  
6 all taxes and penalties due hereunder, to dispose of taxes and  
7 penalties so collected in a manner hereinafter provided, and to  
8 determine all rights to credit memoranda arising on account of  
9 the erroneous payment of tax or penalty hereunder. In the  
10 administration of and compliance with this Section, the  
11 Department and persons who are subject to this Section shall  
12 have the same rights, remedies, privileges, immunities,  
13 powers, and duties, and be subject to the same conditions,  
14 restrictions, limitations, penalties and definitions of terms,  
15 and employ the same modes of procedure, as are prescribed in  
16 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all  
17 provisions therein other than the State rate of tax), 4 (except  
18 that the reference to the State shall be to the taxing  
19 municipality), 5, 7, 8 (except that the jurisdiction to which  
20 the tax shall be a debt to the extent indicated in that Section  
21 8 shall be the taxing municipality), 9 (except as to the  
22 disposition of taxes and penalties collected, and except that  
23 the returned merchandise credit for this municipal tax may not  
24 be taken against any State tax), 10, 11, 12, (except the  
25 reference therein to Section 2b of the Retailers' Occupation  
26 Tax Act), 13 (except that any reference to the State shall mean

1 the taxing municipality), the first paragraph of Sections 15,  
2 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and  
3 Section 3-7 of the Uniform Penalty and Interest Act, as fully  
4 as if those provisions were set forth herein.

5 A tax may not be imposed by a municipality under this  
6 Section unless the municipality also imposes a tax at the same  
7 rate under Section 8-11-1.6 of this Act.

8 Person subject to any tax imposed under the authority  
9 granted in this Section may reimburse themselves for their  
10 servicemen's tax liability hereunder by separately stating the  
11 tax as an additional charge, which charge may be stated in  
12 combination, in a single amount, with State tax that servicemen  
13 are authorized to collect under the Service Use Tax Act, under  
14 such bracket schedules as the Department may prescribe.

15 Whenever the Department determines that a refund should be  
16 made under this Section to a claimant instead of issuing credit  
17 memorandum, the Department shall notify the State Comptroller,  
18 who shall cause the order to be drawn for the amount specified,  
19 and to the person named, in such notification from the  
20 Department. The refund shall be paid by the State Treasurer out  
21 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

22 The Department shall forthwith pay over to the State  
23 Treasurer, ex officio, as trustee, all taxes and penalties  
24 collected hereunder.

25 As soon as possible after the first day of each month,  
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the  
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
3 local sales tax increment, as defined in the Innovation  
4 Development and Economy Act, collected under this Section  
5 during the second preceding calendar month for sales within a  
6 STAR bond district.

7 After the monthly transfer to the STAR Bonds Revenue Fund,  
8 on or before the 25th day of each calendar month, the  
9 Department shall prepare and certify to the Comptroller the  
10 disbursement of stated sums of money to named municipalities,  
11 the municipalities to be those from which suppliers and  
12 servicemen have paid taxes or penalties hereunder to the  
13 Department during the second preceding calendar month. The  
14 amount to be paid to each municipality shall be the amount (not  
15 including credit memoranda) collected hereunder during the  
16 second preceding calendar month by the Department, and not  
17 including an amount equal to the amount of refunds made during  
18 the second preceding calendar month by the Department on behalf  
19 of such municipality, and not including any amounts that are  
20 transferred to the STAR Bonds Revenue Fund, less 2% of the  
21 remainder, which the Department shall transfer into the Tax  
22 Compliance and Administration Fund. The Department, at the time  
23 of each monthly disbursement to the municipalities, shall  
24 prepare and certify to the State Comptroller the amount to be  
25 transferred into the Tax Compliance and Administration Fund  
26 under this Section. Within 10 days after receipt by the



1 Comptroller of the disbursement certification to the  
2 municipalities, the Tax Compliance and Administration Fund,  
3 and the General Revenue Fund, provided for in this Section to  
4 be given to the Comptroller by the Department, the Comptroller  
5 shall cause the orders to be drawn for the respective amounts  
6 in accordance with the directions contained in the  
7 certification.

8 When certifying the amount of a monthly disbursement to a  
9 municipality under this Section, the Department shall increase  
10 or decrease the amount by an amount necessary to offset any  
11 misallocation of previous disbursements. The offset amount  
12 shall be the amount erroneously disbursed within the previous 6  
13 months from the time a misallocation is discovered.

14 Nothing in this Section shall be construed to authorize a  
15 municipality to impose a tax upon the privilege of engaging in  
16 any business which under the constitution of the United States  
17 may not be made the subject of taxation by this State.

18 (Source: P.A. 100-23, eff. 7-6-17; revised 10-3-17.)

19 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

20 Sec. 10-2.1-4. Fire and police departments; appointment of  
21 members; certificates of appointments. The board of fire and  
22 police commissioners shall appoint all officers and members of  
23 the fire and police departments of the municipality, including  
24 the chief of police and the chief of the fire department,  
25 unless the council or board of trustees shall by ordinance as

1 to them otherwise provide; except as otherwise provided in this  
2 Section, and except that in any municipality which adopts or  
3 has adopted this Division 2.1 and also adopts or has adopted  
4 Article 5 of this Code, the chief of police and the chief of  
5 the fire department shall be appointed by the municipal  
6 manager, if it is provided by ordinance in such municipality  
7 that such chiefs, or either of them, shall not be appointed by  
8 the board of fire and police commissioners.

9 If the chief of the fire department or the chief of the  
10 police department or both of them are appointed in the manner  
11 provided by ordinance, they may be removed or discharged by the  
12 appointing authority. In such case the appointing authority  
13 shall file with the corporate authorities the reasons for such  
14 removal or discharge, which removal or discharge shall not  
15 become effective unless confirmed by a majority vote of the  
16 corporate authorities.

17 After August 25, 2017 (the effective date of Public Act  
18 100-425) ~~this amendatory Act of the 100th General Assembly~~, a  
19 person shall not be appointed as the chief, the acting chief,  
20 the department head, or a position, by whatever title, that is  
21 responsible for day-to-day operations of a fire department for  
22 greater than 180 days unless he or she possesses the following  
23 qualifications and certifications:

24 (1) Office of the State Fire Marshal Firefighter Basic  
25 Certification or Firefighter II Certification; Office of  
26 the State Fire Marshal Fire Officer I and II

1           Certifications; and an associate degree in fire science or  
2           a bachelor's degree from an accredited university or  
3           college; or

4           (2) a minimum of 10 years' experience as a firefighter  
5           at the fire department in the jurisdiction making the  
6           appointment.

7           This paragraph applies to fire departments that employ  
8           firefighters hired under the provisions of this Division.

9           If a member of the department is appointed chief of police  
10          or chief of the fire department prior to being eligible to  
11          retire on pension, he shall be considered as on furlough from  
12          the rank he held immediately prior to his appointment as chief.  
13          If he resigns as chief or is discharged as chief prior to  
14          attaining eligibility to retire on pension, he shall revert to  
15          and be established in whatever rank he currently holds, except  
16          for previously appointed positions, and thereafter be entitled  
17          to all the benefits and emoluments of that rank, without regard  
18          as to whether a vacancy then exists in that rank.

19          All appointments to each department other than that of the  
20          lowest rank, however, shall be from the rank next below that to  
21          which the appointment is made except as otherwise provided in  
22          this Section, and except that the chief of police and the chief  
23          of the fire department may be appointed from among members of  
24          the police and fire departments, respectively, regardless of  
25          rank, unless the council or board of trustees shall have by  
26          ordinance as to them otherwise provided. A chief of police or

1 the chief of the fire department, having been appointed from  
2 among members of the police or fire department, respectively,  
3 shall be permitted, regardless of rank, to take promotional  
4 exams and be promoted to a higher classified rank than he  
5 currently holds, without having to resign as chief of police or  
6 chief of the fire department.

7 The sole authority to issue certificates of appointment  
8 shall be vested in the Board of Fire and Police Commissioners  
9 and all certificates of appointments issued to any officer or  
10 member of the fire or police department of a municipality shall  
11 be signed by the chairman and secretary respectively of the  
12 board of fire and police commissioners of such municipality,  
13 upon appointment of such officer or member of the fire and  
14 police department of such municipality by action of the board  
15 of fire and police commissioners. After being selected from the  
16 register of eligibles to fill a vacancy in the affected  
17 department, each appointee shall be presented with his or her  
18 certificate of appointment on the day on which he or she is  
19 sworn in as a classified member of the affected department.  
20 Firefighters who were not issued a certificate of appointment  
21 when originally appointed shall be provided with a certificate  
22 within 10 days after making a written request to the  
23 chairperson of the Board of Fire and Police Commissioners. In  
24 any municipal fire department that employs full-time  
25 firefighters and is subject to a collective bargaining  
26 agreement, a person who has not qualified for regular

1 appointment under the provisions of this Division 2.1 shall not  
2 be used as a temporary or permanent substitute for classified  
3 members of a municipality's fire department or for regular  
4 appointment as a classified member of a municipality's fire  
5 department unless mutually agreed to by the employee's  
6 certified bargaining agent. Such agreement shall be considered  
7 a permissive subject of bargaining. Municipal fire departments  
8 covered by the changes made by Public Act 95-490 ~~this~~  
9 ~~amendatory Act of the 95th General Assembly~~ that are using  
10 non-certificated employees as substitutes immediately prior to  
11 June 1, 2008 (the effective date of Public Act 95-490) ~~this~~  
12 ~~amendatory Act of the 95th General Assembly~~ may, by mutual  
13 agreement with the certified bargaining agent, continue the  
14 existing practice or a modified practice and that agreement  
15 shall be considered a permissive subject of bargaining. A home  
16 rule unit may not regulate the hiring of temporary or  
17 substitute members of the municipality's fire department in a  
18 manner that is inconsistent with this Section. This Section is  
19 a limitation under subsection (i) of Section 6 of Article VII  
20 of the Illinois Constitution on the concurrent exercise by home  
21 rule units of powers and functions exercised by the State.

22 The term "policemen" as used in this Division does not  
23 include auxiliary police officers except as provided for in  
24 Section 10-2.1-6.

25 Any full-time ~~full-time~~ member of a regular fire or police  
26 department of any municipality which comes under the provisions

1 of this Division or adopts this Division 2.1 or which has  
2 adopted any of the prior Acts pertaining to fire and police  
3 commissioners, is a city officer.

4 Notwithstanding any other provision of this Section, the  
5 Chief of Police of a department in a non-home rule municipality  
6 of more than 130,000 inhabitants may, without the advice or  
7 consent of the Board of Fire and Police Commissioners, appoint  
8 up to 6 officers who shall be known as deputy chiefs or  
9 assistant deputy chiefs, and whose rank shall be immediately  
10 below that of Chief. The deputy or assistant deputy chiefs may  
11 be appointed from any rank of sworn officers of that  
12 municipality, but no person who is not such a sworn officer may  
13 be so appointed. Such deputy chief or assistant deputy chief  
14 shall have the authority to direct and issue orders to all  
15 employees of the Department holding the rank of captain or any  
16 lower rank. A deputy chief of police or assistant deputy chief  
17 of police, having been appointed from any rank of sworn  
18 officers of that municipality, shall be permitted, regardless  
19 of rank, to take promotional exams and be promoted to a higher  
20 classified rank than he currently holds, without having to  
21 resign as deputy chief of police or assistant deputy chief of  
22 police.

23 Notwithstanding any other provision of this Section, a  
24 non-home rule municipality of 130,000 or fewer inhabitants,  
25 through its council or board of trustees, may, by ordinance,  
26 provide for a position of deputy chief to be appointed by the

1 chief of the police department. The ordinance shall provide for  
2 no more than one deputy chief position if the police department  
3 has fewer than 25 full-time police officers and for no more  
4 than 2 deputy chief positions if the police department has 25  
5 or more full-time police officers. The deputy chief position  
6 shall be an exempt rank immediately below that of Chief. The  
7 deputy chief may be appointed from any rank of sworn, full-time  
8 officers of the municipality's police department, but must have  
9 at least 5 years of full-time service as a police officer in  
10 that department. A deputy chief shall serve at the discretion  
11 of the Chief and, if removed from the position, shall revert to  
12 the rank currently held, without regard as to whether a vacancy  
13 exists in that rank. A deputy chief of police, having been  
14 appointed from any rank of sworn full-time officers of that  
15 municipality's police department, shall be permitted,  
16 regardless of rank, to take promotional exams and be promoted  
17 to a higher classified rank than he currently holds, without  
18 having to resign as deputy chief of police.

19 No municipality having a population less than 1,000,000  
20 shall require that any firefighter appointed to the lowest rank  
21 serve a probationary employment period of longer than one year.  
22 The limitation on periods of probationary employment provided  
23 in Public Act 86-990 ~~this amendatory Act of 1989~~ is an  
24 exclusive power and function of the State. Pursuant to  
25 subsection (h) of Section 6 of Article VII of the Illinois  
26 Constitution, a home rule municipality having a population less

1 than 1,000,000 must comply with this limitation on periods of  
2 probationary employment, which is a denial and limitation of  
3 home rule powers. Notwithstanding anything to the contrary in  
4 this Section, the probationary employment period limitation  
5 may be extended for a firefighter who is required, as a  
6 condition of employment, to be a licensed paramedic, during  
7 which time the sole reason that a firefighter may be discharged  
8 without a hearing is for failing to meet the requirements for  
9 paramedic licensure.

10 To the extent that this Section or any other Section in  
11 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,  
12 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

13 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;  
14 revised 10-3-17.)

15 (65 ILCS 5/10-4-2) (from Ch. 24, par. 10-4-2)

16 Sec. 10-4-2. Group insurance.

17 (a) The corporate authorities of any municipality may  
18 arrange to provide, for the benefit of employees of the  
19 municipality, group life, health, accident, hospital, and  
20 medical insurance, or any one or any combination of those types  
21 of insurance, and may arrange to provide that insurance for the  
22 benefit of the spouses or dependents of those employees. The  
23 insurance may include provision for employees or other insured  
24 persons who rely on treatment by prayer or spiritual means  
25 alone for healing in accordance with the tenets and practice of



1 a well recognized religious denomination. The corporate  
2 authorities may provide for payment by the municipality of a  
3 portion of the premium or charge for the insurance with the  
4 employee paying the balance of the premium or charge. If the  
5 corporate authorities undertake a plan under which the  
6 municipality pays a portion of the premium or charge, the  
7 corporate authorities shall provide for withholding and  
8 deducting from the compensation of those municipal employees  
9 who consent to join the plan the balance of the premium or  
10 charge for the insurance.

11 (b) If the corporate authorities do not provide for a plan  
12 under which the municipality pays a portion of the premium or  
13 charge for a group insurance plan, the corporate authorities  
14 may provide for withholding and deducting from the compensation  
15 of those employees who consent thereto the premium or charge  
16 for any group life, health, accident, hospital, and medical  
17 insurance.

18 (c) The corporate authorities may exercise the powers  
19 granted in this Section only if the kinds of group insurance  
20 are obtained from an insurance company authorized to do  
21 business in the State of Illinois, or are obtained through an  
22 intergovernmental joint self-insurance pool as authorized  
23 under the Intergovernmental Cooperation Act. The corporate  
24 authorities may enact an ordinance prescribing the method of  
25 operation of the insurance program.

26 (d) If a municipality, including a home rule municipality,

1 is a self-insurer for purposes of providing health insurance  
2 coverage for its employees, the insurance coverage shall  
3 include screening by low-dose mammography for all women 35  
4 years of age or older for the presence of occult breast cancer  
5 unless the municipality elects to provide mammograms itself  
6 under Section 10-4-2.1. The coverage shall be as follows:

7 (1) A baseline mammogram for women 35 to 39 years of  
8 age.

9 (2) An annual mammogram for women 40 years of age or  
10 older.

11 (3) A mammogram at the age and intervals considered  
12 medically necessary by the woman's health care provider for  
13 women under 40 years of age and having a family history of  
14 breast cancer, prior personal history of breast cancer,  
15 positive genetic testing, or other risk factors.

16 (4) A comprehensive ultrasound screening of an entire  
17 breast or breasts if a mammogram demonstrates  
18 heterogeneous or dense breast tissue, when medically  
19 necessary as determined by a physician licensed to practice  
20 medicine in all of its branches.

21 For purposes of this subsection, "low-dose mammography"  
22 means the x-ray examination of the breast using equipment  
23 dedicated specifically for mammography, including the x-ray  
24 tube, filter, compression device, and image receptor, with an  
25 average radiation exposure delivery of less than one rad per  
26 breast for 2 views of an average size breast. The term also

1 includes digital mammography.

2 (d-5) Coverage as described by subsection (d) shall be  
3 provided at no cost to the insured and shall not be applied to  
4 an annual or lifetime maximum benefit.

5 (d-10) When health care services are available through  
6 contracted providers and a person does not comply with plan  
7 provisions specific to the use of contracted providers, the  
8 requirements of subsection (d-5) are not applicable. When a  
9 person does not comply with plan provisions specific to the use  
10 of contracted providers, plan provisions specific to the use of  
11 non-contracted providers must be applied without distinction  
12 for coverage required by this Section and shall be at least as  
13 favorable as for other radiological examinations covered by the  
14 policy or contract.

15 (d-15) If a municipality, including a home rule  
16 municipality, is a self-insurer for purposes of providing  
17 health insurance coverage for its employees, the insurance  
18 coverage shall include mastectomy coverage, which includes  
19 coverage for prosthetic devices or reconstructive surgery  
20 incident to the mastectomy. Coverage for breast reconstruction  
21 in connection with a mastectomy shall include:

22 (1) reconstruction of the breast upon which the  
23 mastectomy has been performed;

24 (2) surgery and reconstruction of the other breast to  
25 produce a symmetrical appearance; and

26 (3) prostheses and treatment for physical

1 complications at all stages of mastectomy, including  
2 lymphedemas.

3 Care shall be determined in consultation with the attending  
4 physician and the patient. The offered coverage for prosthetic  
5 devices and reconstructive surgery shall be subject to the  
6 deductible and coinsurance conditions applied to the  
7 mastectomy, and all other terms and conditions applicable to  
8 other benefits. When a mastectomy is performed and there is no  
9 evidence of malignancy then the offered coverage may be limited  
10 to the provision of prosthetic devices and reconstructive  
11 surgery to within 2 years after the date of the mastectomy. As  
12 used in this Section, "mastectomy" means the removal of all or  
13 part of the breast for medically necessary reasons, as  
14 determined by a licensed physician.

15 A municipality, including a home rule municipality, that is  
16 a self-insurer for purposes of providing health insurance  
17 coverage for its employees, may not penalize or reduce or limit  
18 the reimbursement of an attending provider or provide  
19 incentives (monetary or otherwise) to an attending provider to  
20 induce the provider to provide care to an insured in a manner  
21 inconsistent with this Section.

22 (d-20) The requirement that mammograms be included in  
23 health insurance coverage as provided in subsections (d)  
24 through (d-15) is an exclusive power and function of the State  
25 and is a denial and limitation under Article VII, Section 6,  
26 subsection (h) of the Illinois Constitution of home rule

1 municipality powers. A home rule municipality to which  
2 subsections (d) through (d-15) apply must comply with every  
3 provision of those ~~through~~ subsections.

4 (e) Rulemaking authority to implement Public Act 95-1045  
5 ~~this amendatory Act of the 95th General Assembly~~, if any, is  
6 conditioned on the rules being adopted in accordance with all  
7 provisions of the Illinois Administrative Procedure Act and all  
8 rules and procedures of the Joint Committee on Administrative  
9 Rules; any purported rule not so adopted, for whatever reason,  
10 is unauthorized.

11 (Source: P.A. 95-1045, eff. 3-27-09; revised 10-3-17.)

12 (65 ILCS 5/10-4-2.3)

13 Sec. 10-4-2.3. Required health benefits. If a  
14 municipality, including a home rule municipality, is a  
15 self-insurer for purposes of providing health insurance  
16 coverage for its employees, the coverage shall include coverage  
17 for the post-mastectomy care benefits required to be covered by  
18 a policy of accident and health insurance under Section 356t  
19 and the coverage required under Sections 356g, 356g.5,  
20 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,  
21 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, ~~and~~  
22 356z.25, and 356z.26 of the Illinois Insurance Code. The  
23 coverage shall comply with Sections 155.22a, 355b, 356z.19, and  
24 370c of the Illinois Insurance Code. The requirement that  
25 health benefits be covered as provided in this is an exclusive

1 power and function of the State and is a denial and limitation  
2 under Article VII, Section 6, subsection (h) of the Illinois  
3 Constitution. A home rule municipality to which this Section  
4 applies must comply with every provision of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if  
6 any, is conditioned on the rules being adopted in accordance  
7 with all provisions of the Illinois Administrative Procedure  
8 Act and all rules and procedures of the Joint Committee on  
9 Administrative Rules; any purported rule not so adopted, for  
10 whatever reason, is unauthorized.

11 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;  
12 100-138, eff. 8-18-17; revised 10-5-17.)

13 (65 ILCS 5/11-74.4-3.5)

14 Sec. 11-74.4-3.5. Completion dates for redevelopment  
15 projects.

16 (a) Unless otherwise stated in this Section, the estimated  
17 dates of completion of the redevelopment project and retirement  
18 of obligations issued to finance redevelopment project costs  
19 (including refunding bonds under Section 11-74.4-7) may not be  
20 later than December 31 of the year in which the payment to the  
21 municipal treasurer, as provided in subsection (b) of Section  
22 11-74.4-8 of this Act, is to be made with respect to ad valorem  
23 taxes levied in the 23rd calendar year after the year in which  
24 the ordinance approving the redevelopment project area was  
25 adopted if the ordinance was adopted on or after January 15,

1 1981.

2 (a-5) If the redevelopment project area is located within a  
3 transit facility improvement area established pursuant to  
4 Section 11-74.4-3, the estimated dates of completion of the  
5 redevelopment project and retirement of obligations issued to  
6 finance redevelopment project costs (including refunding bonds  
7 under Section 11-74.4-7) may not be later than December 31 of  
8 the year in which the payment to the municipal treasurer, as  
9 provided in subsection (b) of Section 11-74.4-8 of this Act, is  
10 to be made with respect to ad valorem taxes levied in the 35th  
11 calendar year after the year in which the ordinance approving  
12 the redevelopment project area was adopted.

13 (a-7) A municipality may adopt tax increment financing for  
14 a redevelopment project area located in a transit facility  
15 improvement area that also includes real property located  
16 within an existing redevelopment project area established  
17 prior to August 12, 2016 (the effective date of Public Act  
18 99-792). In such case: (i) the provisions of this Division  
19 shall apply with respect to the previously established  
20 redevelopment project area until the municipality adopts, as  
21 required in accordance with applicable provisions of this  
22 Division, an ordinance dissolving the special tax allocation  
23 fund for such redevelopment project area and terminating the  
24 designation of such redevelopment project area as a  
25 redevelopment project area; and (ii) after the effective date  
26 of the ordinance described in (i), the provisions of this

1 Division shall apply with respect to the subsequently  
2 established redevelopment project area located in a transit  
3 facility improvement area.

4 (b) The estimated dates of completion of the redevelopment  
5 project and retirement of obligations issued to finance  
6 redevelopment project costs (including refunding bonds under  
7 Section 11-74.4-7) may not be later than December 31 of the  
8 year in which the payment to the municipal treasurer as  
9 provided in subsection (b) of Section 11-74.4-8 of this Act is  
10 to be made with respect to ad valorem taxes levied in the 32nd  
11 calendar year after the year in which the ordinance approving  
12 the redevelopment project area was adopted if the ordinance was  
13 adopted on September 9, 1999 by the Village of Downs.

14 The estimated dates of completion of the redevelopment  
15 project and retirement of obligations issued to finance  
16 redevelopment project costs (including refunding bonds under  
17 Section 11-74.4-7) may not be later than December 31 of the  
18 year in which the payment to the municipal treasurer as  
19 provided in subsection (b) of Section 11-74.4-8 of this Act is  
20 to be made with respect to ad valorem taxes levied in the 33rd  
21 calendar year after the year in which the ordinance approving  
22 the redevelopment project area was adopted if the ordinance was  
23 adopted on May 20, 1985 by the Village of Wheeling.

24 The estimated dates of completion of the redevelopment  
25 project and retirement of obligations issued to finance  
26 redevelopment project costs (including refunding bonds under



1 Section 11-74.4-7) may not be later than December 31 of the  
2 year in which the payment to the municipal treasurer as  
3 provided in subsection (b) of Section 11-74.4-8 of this Act is  
4 to be made with respect to ad valorem taxes levied in the 28th  
5 calendar year after the year in which the ordinance approving  
6 the redevelopment project area was adopted if the ordinance was  
7 adopted on October 12, 1989 by the City of Lawrenceville.

8 (c) The estimated dates of completion of the redevelopment  
9 project and retirement of obligations issued to finance  
10 redevelopment project costs (including refunding bonds under  
11 Section 11-74.4-7) may not be later than December 31 of the  
12 year in which the payment to the municipal treasurer as  
13 provided in subsection (b) of Section 11-74.4-8 of this Act is  
14 to be made with respect to ad valorem taxes levied in the 35th  
15 calendar year after the year in which the ordinance approving  
16 the redevelopment project area was adopted:

17 (1) If the ordinance was adopted before January 15,  
18 1981.

19 (2) If the ordinance was adopted in December 1983,  
20 April 1984, July 1985, or December 1989.

21 (3) If the ordinance was adopted in December 1987 and  
22 the redevelopment project is located within one mile of  
23 Midway Airport.

24 (4) If the ordinance was adopted before January 1, 1987  
25 by a municipality in Mason County.

26 (5) If the municipality is subject to the Local

1 Government Financial Planning and Supervision Act or the  
2 Financially Distressed City Law.

3 (6) If the ordinance was adopted in December 1984 by  
4 the Village of Rosemont.

5 (7) If the ordinance was adopted on December 31, 1986  
6 by a municipality located in Clinton County for which at  
7 least \$250,000 of tax increment bonds were authorized on  
8 June 17, 1997, or if the ordinance was adopted on December  
9 31, 1986 by a municipality with a population in 1990 of  
10 less than 3,600 that is located in a county with a  
11 population in 1990 of less than 34,000 and for which at  
12 least \$250,000 of tax increment bonds were authorized on  
13 June 17, 1997.

14 (8) If the ordinance was adopted on October 5, 1982 by  
15 the City of Kankakee, or if the ordinance was adopted on  
16 December 29, 1986 by East St. Louis.

17 (9) If the ordinance was adopted on November 12, 1991  
18 by the Village of Sauget.

19 (10) If the ordinance was adopted on February 11, 1985  
20 by the City of Rock Island.

21 (11) If the ordinance was adopted before December 18,  
22 1986 by the City of Moline.

23 (12) If the ordinance was adopted in September 1988 by  
24 Sauk Village.

25 (13) If the ordinance was adopted in October 1993 by  
26 Sauk Village.

1           (14) If the ordinance was adopted on December 29, 1986  
2           by the City of Galva.

3           (15) If the ordinance was adopted in March 1991 by the  
4           City of Centreville.

5           (16) If the ordinance was adopted on January 23, 1991  
6           by the City of East St. Louis.

7           (17) If the ordinance was adopted on December 22, 1986  
8           by the City of Aledo.

9           (18) If the ordinance was adopted on February 5, 1990  
10          by the City of Clinton.

11          (19) If the ordinance was adopted on September 6, 1994  
12          by the City of Freeport.

13          (20) If the ordinance was adopted on December 22, 1986  
14          by the City of Tuscola.

15          (21) If the ordinance was adopted on December 23, 1986  
16          by the City of Sparta.

17          (22) If the ordinance was adopted on December 23, 1986  
18          by the City of Beardstown.

19          (23) If the ordinance was adopted on April 27, 1981,  
20          October 21, 1985, or December 30, 1986 by the City of  
21          Belleville.

22          (24) If the ordinance was adopted on December 29, 1986  
23          by the City of Collinsville.

24          (25) If the ordinance was adopted on September 14, 1994  
25          by the City of Alton.

26          (26) If the ordinance was adopted on November 11, 1996

1 by the City of Lexington.

2 (27) If the ordinance was adopted on November 5, 1984  
3 by the City of LeRoy.

4 (28) If the ordinance was adopted on April 3, 1991 or  
5 June 3, 1992 by the City of Markham.

6 (29) If the ordinance was adopted on November 11, 1986  
7 by the City of Pekin.

8 (30) If the ordinance was adopted on December 15, 1981  
9 by the City of Champaign.

10 (31) If the ordinance was adopted on December 15, 1986  
11 by the City of Urbana.

12 (32) If the ordinance was adopted on December 15, 1986  
13 by the Village of Heyworth.

14 (33) If the ordinance was adopted on February 24, 1992  
15 by the Village of Heyworth.

16 (34) If the ordinance was adopted on March 16, 1995 by  
17 the Village of Heyworth.

18 (35) If the ordinance was adopted on December 23, 1986  
19 by the Town of Cicero.

20 (36) If the ordinance was adopted on December 30, 1986  
21 by the City of Effingham.

22 (37) If the ordinance was adopted on May 9, 1991 by the  
23 Village of Tilton.

24 (38) If the ordinance was adopted on October 20, 1986  
25 by the City of Elmhurst.

26 (39) If the ordinance was adopted on January 19, 1988

1 by the City of Waukegan.

2 (40) If the ordinance was adopted on September 21, 1998  
3 by the City of Waukegan.

4 (41) If the ordinance was adopted on December 31, 1986  
5 by the City of Sullivan.

6 (42) If the ordinance was adopted on December 23, 1991  
7 by the City of Sullivan.

8 (43) If the ordinance was adopted on December 31, 1986  
9 by the City of Oglesby.

10 (44) If the ordinance was adopted on July 28, 1987 by  
11 the City of Marion.

12 (45) If the ordinance was adopted on April 23, 1990 by  
13 the City of Marion.

14 (46) If the ordinance was adopted on August 20, 1985 by  
15 the Village of Mount Prospect.

16 (47) If the ordinance was adopted on February 2, 1998  
17 by the Village of Woodhull.

18 (48) If the ordinance was adopted on April 20, 1993 by  
19 the Village of Princeville.

20 (49) If the ordinance was adopted on July 1, 1986 by  
21 the City of Granite City.

22 (50) If the ordinance was adopted on February 2, 1989  
23 by the Village of Lombard.

24 (51) If the ordinance was adopted on December 29, 1986  
25 by the Village of Gardner.

26 (52) If the ordinance was adopted on July 14, 1999 by

1 the Village of Paw Paw.

2 (53) If the ordinance was adopted on November 17, 1986  
3 by the Village of Franklin Park.

4 (54) If the ordinance was adopted on November 20, 1989  
5 by the Village of South Holland.

6 (55) If the ordinance was adopted on July 14, 1992 by  
7 the Village of Riverdale.

8 (56) If the ordinance was adopted on December 29, 1986  
9 by the City of Galesburg.

10 (57) If the ordinance was adopted on April 1, 1985 by  
11 the City of Galesburg.

12 (58) If the ordinance was adopted on May 21, 1990 by  
13 the City of West Chicago.

14 (59) If the ordinance was adopted on December 16, 1986  
15 by the City of Oak Forest.

16 (60) If the ordinance was adopted in 1999 by the City  
17 of Villa Grove.

18 (61) If the ordinance was adopted on January 13, 1987  
19 by the Village of Mt. Zion.

20 (62) If the ordinance was adopted on December 30, 1986  
21 by the Village of Manteno.

22 (63) If the ordinance was adopted on April 3, 1989 by  
23 the City of Chicago Heights.

24 (64) If the ordinance was adopted on January 6, 1999 by  
25 the Village of Rosemont.

26 (65) If the ordinance was adopted on December 19, 2000

1 by the Village of Stone Park.

2 (66) If the ordinance was adopted on December 22, 1986  
3 by the City of DeKalb.

4 (67) If the ordinance was adopted on December 2, 1986  
5 by the City of Aurora.

6 (68) If the ordinance was adopted on December 31, 1986  
7 by the Village of Milan.

8 (69) If the ordinance was adopted on September 8, 1994  
9 by the City of West Frankfort.

10 (70) If the ordinance was adopted on December 23, 1986  
11 by the Village of Libertyville.

12 (71) If the ordinance was adopted on December 22, 1986  
13 by the Village of Hoffman Estates.

14 (72) If the ordinance was adopted on September 17, 1986  
15 by the Village of Sherman.

16 (73) If the ordinance was adopted on December 16, 1986  
17 by the City of Macomb.

18 (74) If the ordinance was adopted on June 11, 2002 by  
19 the City of East Peoria to create the West Washington  
20 Street TIF.

21 (75) If the ordinance was adopted on June 11, 2002 by  
22 the City of East Peoria to create the Camp Street TIF.

23 (76) If the ordinance was adopted on August 7, 2000 by  
24 the City of Des Plaines.

25 (77) If the ordinance was adopted on December 22, 1986  
26 by the City of Washington to create the Washington Square

1 TIF #2.

2 (78) If the ordinance was adopted on December 29, 1986  
3 by the City of Morris.

4 (79) If the ordinance was adopted on July 6, 1998 by  
5 the Village of Steeleville.

6 (80) If the ordinance was adopted on December 29, 1986  
7 by the City of Pontiac to create TIF I (the Main St TIF).

8 (81) If the ordinance was adopted on December 29, 1986  
9 by the City of Pontiac to create TIF II (the Interstate  
10 TIF).

11 (82) If the ordinance was adopted on November 6, 2002  
12 by the City of Chicago to create the Madden/Wells TIF  
13 District.

14 (83) If the ordinance was adopted on November 4, 1998  
15 by the City of Chicago to create the Roosevelt/Racine TIF  
16 District.

17 (84) If the ordinance was adopted on June 10, 1998 by  
18 the City of Chicago to create the Stony Island  
19 Commercial/Burnside Industrial Corridors TIF District.

20 (85) If the ordinance was adopted on November 29, 1989  
21 by the City of Chicago to create the Englewood Mall TIF  
22 District.

23 (86) If the ordinance was adopted on December 27, 1986  
24 by the City of Mendota.

25 (87) If the ordinance was adopted on December 31, 1986  
26 by the Village of Cahokia.



1           (88) If the ordinance was adopted on September 20, 1999  
2           by the City of Belleville.

3           (89) If the ordinance was adopted on December 30, 1986  
4           by the Village of Bellevue to create the Bellevue TIF  
5           District 1.

6           (90) If the ordinance was adopted on December 13, 1993  
7           by the Village of Crete.

8           (91) If the ordinance was adopted on February 12, 2001  
9           by the Village of Crete.

10          (92) If the ordinance was adopted on April 23, 2001 by  
11          the Village of Crete.

12          (93) If the ordinance was adopted on December 16, 1986  
13          by the City of Champaign.

14          (94) If the ordinance was adopted on December 20, 1986  
15          by the City of Charleston.

16          (95) If the ordinance was adopted on June 6, 1989 by  
17          the Village of Romeoville.

18          (96) If the ordinance was adopted on October 14, 1993  
19          and amended on August 2, 2010 by the City of Venice.

20          (97) If the ordinance was adopted on June 1, 1994 by  
21          the City of Markham.

22          (98) If the ordinance was adopted on May 19, 1998 by  
23          the Village of Bensenville.

24          (99) If the ordinance was adopted on November 12, 1987  
25          by the City of Dixon.

26          (100) If the ordinance was adopted on December 20, 1988

1 by the Village of Lansing.

2 (101) If the ordinance was adopted on October 27, 1998  
3 by the City of Moline.

4 (102) If the ordinance was adopted on May 21, 1991 by  
5 the Village of Glenwood.

6 (103) If the ordinance was adopted on January 28, 1992  
7 by the City of East Peoria.

8 (104) If the ordinance was adopted on December 14, 1998  
9 by the City of Carlyle.

10 (105) If the ordinance was adopted on May 17, 2000, as  
11 subsequently amended, by the City of Chicago to create the  
12 Midwest Redevelopment TIF District.

13 (106) If the ordinance was adopted on September 13,  
14 1989 by the City of Chicago to create the Michigan/Cermak  
15 Area TIF District.

16 (107) If the ordinance was adopted on March 30, 1992 by  
17 the Village of Ohio.

18 (108) If the ordinance was adopted on July 6, 1998 by  
19 the Village of Orangeville.

20 (109) If the ordinance was adopted on December 16, 1997  
21 by the Village of Germantown.

22 (110) If the ordinance was adopted on April 28, 2003 by  
23 Gibson City.

24 (111) If the ordinance was adopted on December 18, 1990  
25 by the Village of Washington Park, but only after the  
26 Village of Washington Park becomes compliant with the

1 reporting requirements under subsection (d) of Section  
2 11-74.4-5, and after the State Comptroller's certification  
3 of such compliance.

4 (112) If the ordinance was adopted on February 28, 2000  
5 by the City of Harvey.

6 (113) If the ordinance was adopted on January 11, 1991  
7 by the City of Chicago to create the Read/Dunning TIF  
8 District.

9 (114) If the ordinance was adopted on July 24, 1991 by  
10 the City of Chicago to create the Sanitary and Ship Canal  
11 TIF District.

12 (115) If the ordinance was adopted on December 4, 2007  
13 by the City of Naperville.

14 (116) If the ordinance was adopted on July 1, 2002 by  
15 the Village of Arlington Heights.

16 (117) If the ordinance was adopted on February 11, 1991  
17 by the Village of Machesney Park.

18 (118) If the ordinance was adopted on December 29, 1993  
19 by the City of Ottawa.

20 (119) If the ordinance was adopted on June 4, 1991 by  
21 the Village of Lansing.

22 (120) If the ordinance was adopted on February 10, 2004  
23 by the Village of Fox Lake.

24 (121) If the ordinance was adopted on December 22, 1992  
25 by the City of Fairfield.

26 (122) If the ordinance was adopted on February 10, 1992

1 by the City of Mt. Sterling.

2 (123) If the ordinance was adopted on March 15, 2004 by  
3 the City of Batavia.

4 (124) If the ordinance was adopted on March 18, 2002 by  
5 the Village of Lake Zurich.

6 (125) If the ordinance was adopted on September 23,  
7 1997 by the City of Granite City.

8 (126) If the ordinance was adopted on May 8, 2013 by  
9 the Village of Rosemont to create the Higgins Road/River  
10 Road TIF District No. 6.

11 (127) If the ordinance was adopted on November 22, 1993  
12 by the City of Arcola.

13 (128) If the ordinance was adopted on September 7, 2004  
14 by the City of Arcola.

15 (129) If the ordinance was adopted on November 29, 1999  
16 by the City of Paris.

17 (130) If the ordinance was adopted on September 20,  
18 1994 by the City of Ottawa to create the U.S. Route 6 East  
19 Ottawa TIF.

20 (131) If the ordinance was adopted on May 2, 2002 by  
21 the Village of Crestwood.

22 (132) If the ordinance was adopted on October 27, 1992  
23 by the City of Blue Island.

24 (133) If the ordinance was adopted on December 23, 1993  
25 by the City of Lacon.

26 (134) If the ordinance was adopted on May 4, 1998 by

1 the Village of Bradford.

2 (135) If the ordinance was adopted on June 11, 2002 by  
3 the City of Oak Forest.

4 (136) If the ordinance was adopted on November 16, 1992  
5 by the City of Pinckneyville.

6 (137) If the ordinance was adopted on March 1, 2001 by  
7 the Village of South Jacksonville.

8 (138) If the ordinance was adopted on February 26, 1992  
9 by the City of Chicago to create the Stockyards Southeast  
10 Quadrant TIF District.

11 (139) If the ordinance was adopted on January 25, 1993  
12 by the City of LaSalle.

13 (140) If the ordinance was adopted on December 23, 1997  
14 by the Village of Dieterich.

15 (141) If the ordinance was adopted on February 10, 2016  
16 by the Village of Rosemont to create the Balmoral/Pearl TIF  
17 No. 8 Tax Increment Financing Redevelopment Project Area.

18 (142) If the ordinance was adopted on June 11, 2002 by  
19 the City of Oak Forest.

20 (143) If the ordinance was adopted on January 31, 1995  
21 by the Village of Milledgeville.

22 (144) ~~(143)~~ If the ordinance was adopted on February 5,  
23 1996 by the Village of Pearl City.

24 (145) ~~(143)~~ If the ordinance was adopted on December  
25 21, 1994 by the City of Calumet City.

26 (d) For redevelopment project areas for which bonds were

1 issued before July 29, 1991, or for which contracts were  
2 entered into before June 1, 1988, in connection with a  
3 redevelopment project in the area within the State Sales Tax  
4 Boundary, the estimated dates of completion of the  
5 redevelopment project and retirement of obligations to finance  
6 redevelopment project costs (including refunding bonds under  
7 Section 11-74.4-7) may be extended by municipal ordinance to  
8 December 31, 2013. The termination procedures of subsection (b)  
9 of Section 11-74.4-8 are not required for these redevelopment  
10 project areas in 2009 but are required in 2013. The extension  
11 allowed by Public Act 87-1272 shall not apply to real property  
12 tax increment allocation financing under Section 11-74.4-8.

13 (e) Those dates, for purposes of real property tax  
14 increment allocation financing pursuant to Section 11-74.4-8  
15 only, shall be not more than 35 years for redevelopment project  
16 areas that were adopted on or after December 16, 1986 and for  
17 which at least \$8 million worth of municipal bonds were  
18 authorized on or after December 19, 1989 but before January 1,  
19 1990; provided that the municipality elects to extend the life  
20 of the redevelopment project area to 35 years by the adoption  
21 of an ordinance after at least 14 but not more than 30 days'  
22 written notice to the taxing bodies, that would otherwise  
23 constitute the joint review board for the redevelopment project  
24 area, before the adoption of the ordinance.

25 (f) Those dates, for purposes of real property tax  
26 increment allocation financing pursuant to Section 11-74.4-8

1 only, shall be not more than 35 years for redevelopment project  
2 areas that were established on or after December 1, 1981 but  
3 before January 1, 1982 and for which at least \$1,500,000 worth  
4 of tax increment revenue bonds were authorized on or after  
5 September 30, 1990 but before July 1, 1991; provided that the  
6 municipality elects to extend the life of the redevelopment  
7 project area to 35 years by the adoption of an ordinance after  
8 at least 14 but not more than 30 days' written notice to the  
9 taxing bodies, that would otherwise constitute the joint review  
10 board for the redevelopment project area, before the adoption  
11 of the ordinance.

12 (f-5) Those dates, for purposes of real property tax  
13 increment allocation financing pursuant to Section 11-74.4-8  
14 only, shall be not more than 47 years for redevelopment project  
15 areas that were established on December 29, 1981 by the City of  
16 Springfield; provided that (i) the City of Springfield adopts  
17 an ordinance extending the life of the redevelopment project  
18 area to 47 years and (ii) the City of Springfield provides  
19 notice to the taxing bodies that would otherwise constitute the  
20 joint review board for the redevelopment project area not more  
21 than 30 and not less than 14 days prior to the adoption of that  
22 ordinance.

23 (g) In consolidating the material relating to completion  
24 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,  
25 it is not the intent of the General Assembly to make any  
26 substantive change in the law, except for the extension of the

1 completion dates for the City of Aurora, the Village of Milan,  
2 the City of West Frankfort, the Village of Libertyville, and  
3 the Village of Hoffman Estates set forth under items (67),  
4 (68), (69), (70), and (71) of subsection (c) of this Section.

5 (Source: P.A. 99-78, eff. 7-20-15; 99-136, eff. 7-24-15;  
6 99-263, eff. 8-4-15; 99-361, eff. 1-1-16; 99-394, eff. 8-18-15;  
7 99-495, eff. 12-17-15; 99-508, eff. 6-24-16; 99-792, eff.  
8 8-12-16; 100-201, eff. 8-18-17; 100-214, eff. 8-18-17;  
9 100-249, eff. 8-22-17; 100-510, eff. 9-15-17; revised  
10 10-2-17.)

11 Section 260. The Metropolitan Pier and Exposition  
12 Authority Act is amended by changing Section 13 as follows:

13 (70 ILCS 210/13) (from Ch. 85, par. 1233)

14 Sec. 13. (a) The Authority shall not have power to levy  
15 taxes for any purpose, except as provided in subsections (b),  
16 (c), (d), (e), and (f).

17 (b) By ordinance the Authority shall, as soon as  
18 practicable after July 1, 1992 (the effective date of Public  
19 Act 87-733) ~~this amendatory Act of 1991~~, impose a Metropolitan  
20 Pier and Exposition Authority Retailers' Occupation Tax upon  
21 all persons engaged in the business of selling tangible  
22 personal property at retail within the territory described in  
23 this subsection at the rate of 1.0% of the gross receipts (i)  
24 from the sale of food, alcoholic beverages, and soft drinks



1 sold for consumption on the premises where sold and (ii) from  
2 the sale of food, alcoholic beverages, and soft drinks sold for  
3 consumption off the premises where sold by a retailer whose  
4 principal source of gross receipts is from the sale of food,  
5 alcoholic beverages, and soft drinks prepared for immediate  
6 consumption.

7 The tax imposed under this subsection and all civil  
8 penalties that may be assessed as an incident to that tax shall  
9 be collected and enforced by the Illinois Department of  
10 Revenue. The Department shall have full power to administer and  
11 enforce this subsection, to collect all taxes and penalties so  
12 collected in the manner provided in this subsection, and to  
13 determine all rights to credit memoranda arising on account of  
14 the erroneous payment of tax or penalty under this subsection.  
15 In the administration of and compliance with this subsection,  
16 the Department and persons who are subject to this subsection  
17 shall have the same rights, remedies, privileges, immunities,  
18 powers, and duties, shall be subject to the same conditions,  
19 restrictions, limitations, penalties, exclusions, exemptions,  
20 and definitions of terms, and shall employ the same modes of  
21 procedure applicable to this Retailers' Occupation Tax as are  
22 prescribed in Sections 1, 2 through 2-65 (in respect to all  
23 provisions of those Sections other than the State rate of  
24 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes  
25 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,  
26 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January

1 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and  
2 after January 1, 1994, all applicable provisions of the Uniform  
3 Penalty and Interest Act that are not inconsistent with this  
4 Act, as fully as if provisions contained in those Sections of  
5 the Retailers' Occupation Tax Act were set forth in this  
6 subsection.

7 Persons subject to any tax imposed under the authority  
8 granted in this subsection may reimburse themselves for their  
9 seller's tax liability under this subsection by separately  
10 stating that tax as an additional charge, which charge may be  
11 stated in combination, in a single amount, with State taxes  
12 that sellers are required to collect under the Use Tax Act,  
13 pursuant to bracket schedules as the Department may prescribe.  
14 The retailer filing the return shall, at the time of filing the  
15 return, pay to the Department the amount of tax imposed under  
16 this subsection, less a discount of 1.75%, which is allowed to  
17 reimburse the retailer for the expenses incurred in keeping  
18 records, preparing and filing returns, remitting the tax, and  
19 supplying data to the Department on request.

20 Whenever the Department determines that a refund should be  
21 made under this subsection to a claimant instead of issuing a  
22 credit memorandum, the Department shall notify the State  
23 Comptroller, who shall cause a warrant to be drawn for the  
24 amount specified and to the person named in the notification  
25 from the Department. The refund shall be paid by the State  
26 Treasurer out of the Metropolitan Pier and Exposition Authority

1 trust fund held by the State Treasurer as trustee for the  
2 Authority.

3 Nothing in this subsection authorizes the Authority to  
4 impose a tax upon the privilege of engaging in any business  
5 that under the Constitution of the United States may not be  
6 made the subject of taxation by this State.

7 The Department shall forthwith pay over to the State  
8 Treasurer, *ex officio*, as trustee for the Authority, all taxes  
9 and penalties collected under this subsection for deposit into  
10 a trust fund held outside of the State Treasury.

11 As soon as possible after the first day of each month,  
12 beginning January 1, 2011, upon certification of the Department  
13 of Revenue, the Comptroller shall order transferred, and the  
14 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
15 local sales tax increment, as defined in the Innovation  
16 Development and Economy Act, collected under this subsection  
17 during the second preceding calendar month for sales within a  
18 STAR bond district.

19 After the monthly transfer to the STAR Bonds Revenue Fund,  
20 on or before the 25th day of each calendar month, the  
21 Department shall prepare and certify to the Comptroller the  
22 amounts to be paid under subsection (g) of this Section, which  
23 shall be the amounts, not including credit memoranda, collected  
24 under this subsection during the second preceding calendar  
25 month by the Department, less any amounts determined by the  
26 Department to be necessary for the payment of refunds, less 2%

1 of such balance, which sum shall be deposited by the State  
2 Treasurer into the Tax Compliance and Administration Fund in  
3 the State Treasury from which it shall be appropriated to the  
4 Department to cover the costs of the Department in  
5 administering and enforcing the provisions of this subsection,  
6 and less any amounts that are transferred to the STAR Bonds  
7 Revenue Fund. Within 10 days after receipt by the Comptroller  
8 of the certification, the Comptroller shall cause the orders to  
9 be drawn for the remaining amounts, and the Treasurer shall  
10 administer those amounts as required in subsection (g).

11 A certificate of registration issued by the Illinois  
12 Department of Revenue to a retailer under the Retailers'  
13 Occupation Tax Act shall permit the registrant to engage in a  
14 business that is taxed under the tax imposed under this  
15 subsection, and no additional registration shall be required  
16 under the ordinance imposing the tax or under this subsection.

17 A certified copy of any ordinance imposing or discontinuing  
18 any tax under this subsection or effecting a change in the rate  
19 of that tax shall be filed with the Department, whereupon the  
20 Department shall proceed to administer and enforce this  
21 subsection on behalf of the Authority as of the first day of  
22 the third calendar month following the date of filing.

23 The tax authorized to be levied under this subsection may  
24 be levied within all or any part of the following described  
25 portions of the metropolitan area:

26 (1) that portion of the City of Chicago located within

1 the following area: Beginning at the point of intersection  
2 of the Cook County - DuPage County line and York Road, then  
3 North along York Road to its intersection with Touhy  
4 Avenue, then east along Touhy Avenue to its intersection  
5 with the Northwest Tollway, then southeast along the  
6 Northwest Tollway to its intersection with Lee Street, then  
7 south along Lee Street to Higgins Road, then south and east  
8 along Higgins Road to its intersection with Mannheim Road,  
9 then south along Mannheim Road to its intersection with  
10 Irving Park Road, then west along Irving Park Road to its  
11 intersection with the Cook County - DuPage County line,  
12 then north and west along the county line to the point of  
13 beginning; and

14 (2) that portion of the City of Chicago located within  
15 the following area: Beginning at the intersection of West  
16 55th Street with Central Avenue, then east along West 55th  
17 Street to its intersection with South Cicero Avenue, then  
18 south along South Cicero Avenue to its intersection with  
19 West 63rd Street, then west along West 63rd Street to its  
20 intersection with South Central Avenue, then north along  
21 South Central Avenue to the point of beginning; and

22 (3) that portion of the City of Chicago located within  
23 the following area: Beginning at the point 150 feet west of  
24 the intersection of the west line of North Ashland Avenue  
25 and the north line of West Diversey Avenue, then north 150  
26 feet, then east along a line 150 feet north of the north

1 line of West Diversey Avenue extended to the shoreline of  
2 Lake Michigan, then following the shoreline of Lake  
3 Michigan (including Navy Pier and all other improvements  
4 fixed to land, docks, or piers) to the point where the  
5 shoreline of Lake Michigan and the Adlai E. Stevenson  
6 Expressway extended east to that shoreline intersect, then  
7 west along the Adlai E. Stevenson Expressway to a point 150  
8 feet west of the west line of South Ashland Avenue, then  
9 north along a line 150 feet west of the west line of South  
10 and North Ashland Avenue to the point of beginning.

11 The tax authorized to be levied under this subsection may  
12 also be levied on food, alcoholic beverages, and soft drinks  
13 sold on boats and other watercraft departing from and returning  
14 to the shoreline of Lake Michigan (including Navy Pier and all  
15 other improvements fixed to land, docks, or piers) described in  
16 item (3).

17 (c) By ordinance the Authority shall, as soon as  
18 practicable after July 1, 1992 (the effective date of Public  
19 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation  
20 tax upon all persons engaged in the corporate limits of the  
21 City of Chicago in the business of renting, leasing, or letting  
22 rooms in a hotel, as defined in the Hotel Operators' Occupation  
23 Tax Act, at a rate of 2.5% of the gross rental receipts from  
24 the renting, leasing, or letting of hotel rooms within the City  
25 of Chicago, excluding, however, from gross rental receipts the  
26 proceeds of renting, leasing, or letting to permanent residents

1 of a hotel, as defined in that Act. Gross rental receipts shall  
2 not include charges that are added on account of the liability  
3 arising from any tax imposed by the State or any governmental  
4 agency on the occupation of renting, leasing, or letting rooms  
5 in a hotel.

6 The tax imposed by the Authority under this subsection and  
7 all civil penalties that may be assessed as an incident to that  
8 tax shall be collected and enforced by the Illinois Department  
9 of Revenue. The certificate of registration that is issued by  
10 the Department to a lessor under the Hotel Operators'  
11 Occupation Tax Act shall permit that registrant to engage in a  
12 business that is taxable under any ordinance enacted under this  
13 subsection without registering separately with the Department  
14 under that ordinance or under this subsection. The Department  
15 shall have full power to administer and enforce this  
16 subsection, to collect all taxes and penalties due under this  
17 subsection, to dispose of taxes and penalties so collected in  
18 the manner provided in this subsection, and to determine all  
19 rights to credit memoranda arising on account of the erroneous  
20 payment of tax or penalty under this subsection. In the  
21 administration of and compliance with this subsection, the  
22 Department and persons who are subject to this subsection shall  
23 have the same rights, remedies, privileges, immunities,  
24 powers, and duties, shall be subject to the same conditions,  
25 restrictions, limitations, penalties, and definitions of  
26 terms, and shall employ the same modes of procedure as are

1 prescribed in the Hotel Operators' Occupation Tax Act (except  
2 where that Act is inconsistent with this subsection), as fully  
3 as if the provisions contained in the Hotel Operators'  
4 Occupation Tax Act were set out in this subsection.

5 Whenever the Department determines that a refund should be  
6 made under this subsection to a claimant instead of issuing a  
7 credit memorandum, the Department shall notify the State  
8 Comptroller, who shall cause a warrant to be drawn for the  
9 amount specified and to the person named in the notification  
10 from the Department. The refund shall be paid by the State  
11 Treasurer out of the Metropolitan Pier and Exposition Authority  
12 trust fund held by the State Treasurer as trustee for the  
13 Authority.

14 Persons subject to any tax imposed under the authority  
15 granted in this subsection may reimburse themselves for their  
16 tax liability for that tax by separately stating that tax as an  
17 additional charge, which charge may be stated in combination,  
18 in a single amount, with State taxes imposed under the Hotel  
19 Operators' Occupation Tax Act, the municipal tax imposed under  
20 Section 8-3-13 of the Illinois Municipal Code, and the tax  
21 imposed under Section 19 of the Illinois Sports Facilities  
22 Authority Act.

23 The person filing the return shall, at the time of filing  
24 the return, pay to the Department the amount of tax, less a  
25 discount of 2.1% or \$25 per calendar year, whichever is  
26 greater, which is allowed to reimburse the operator for the



1 expenses incurred in keeping records, preparing and filing  
2 returns, remitting the tax, and supplying data to the  
3 Department on request.

4 Except as otherwise provided in this paragraph, the  
5 Department shall forthwith pay over to the State Treasurer, ex  
6 officio, as trustee for the Authority, all taxes and penalties  
7 collected under this subsection for deposit into a trust fund  
8 held outside the State Treasury. On or before the 25th day of  
9 each calendar month, the Department shall certify to the  
10 Comptroller the amounts to be paid under subsection (g) of this  
11 Section, which shall be the amounts (not including credit  
12 memoranda) collected under this subsection during the second  
13 preceding calendar month by the Department, less any amounts  
14 determined by the Department to be necessary for payment of  
15 refunds, less 2% of the remainder, which the Department shall  
16 transfer into the Tax Compliance and Administration Fund. The  
17 Department, at the time of each monthly disbursement to the  
18 Authority, shall prepare and certify to the State Comptroller  
19 the amount to be transferred into the Tax Compliance and  
20 Administration Fund under this subsection. Within 10 days after  
21 receipt by the Comptroller of the Department's certification,  
22 the Comptroller shall cause the orders to be drawn for such  
23 amounts, and the Treasurer shall administer the amounts  
24 distributed to the Authority as required in subsection (g).

25 A certified copy of any ordinance imposing or discontinuing  
26 a tax under this subsection or effecting a change in the rate

1 of that tax shall be filed with the Illinois Department of  
2 Revenue, whereupon the Department shall proceed to administer  
3 and enforce this subsection on behalf of the Authority as of  
4 the first day of the third calendar month following the date of  
5 filing.

6 (d) By ordinance the Authority shall, as soon as  
7 practicable after July 1, 1992 (the effective date of Public  
8 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon all  
9 persons engaged in the business of renting automobiles in the  
10 metropolitan area at the rate of 6% of the gross receipts from  
11 that business, except that no tax shall be imposed on the  
12 business of renting automobiles for use as taxicabs or in  
13 livery service. The tax imposed under this subsection and all  
14 civil penalties that may be assessed as an incident to that tax  
15 shall be collected and enforced by the Illinois Department of  
16 Revenue. The certificate of registration issued by the  
17 Department to a retailer under the Retailers' Occupation Tax  
18 Act or under the Automobile Renting Occupation and Use Tax Act  
19 shall permit that person to engage in a business that is  
20 taxable under any ordinance enacted under this subsection  
21 without registering separately with the Department under that  
22 ordinance or under this subsection. The Department shall have  
23 full power to administer and enforce this subsection, to  
24 collect all taxes and penalties due under this subsection, to  
25 dispose of taxes and penalties so collected in the manner  
26 provided in this subsection, and to determine all rights to

1 credit memoranda arising on account of the erroneous payment of  
2 tax or penalty under this subsection. In the administration of  
3 and compliance with this subsection, the Department and persons  
4 who are subject to this subsection shall have the same rights,  
5 remedies, privileges, immunities, powers, and duties, be  
6 subject to the same conditions, restrictions, limitations,  
7 penalties, and definitions of terms, and employ the same modes  
8 of procedure as are prescribed in Sections 2 and 3 (in respect  
9 to all provisions of those Sections other than the State rate  
10 of tax; and in respect to the provisions of the Retailers'  
11 Occupation Tax Act referred to in those Sections, except as to  
12 the disposition of taxes and penalties collected, except for  
13 the provision allowing retailers a deduction from the tax to  
14 cover certain costs, and except that credit memoranda issued  
15 under this subsection may not be used to discharge any State  
16 tax liability) of the Automobile Renting Occupation and Use Tax  
17 Act, as fully as if provisions contained in those Sections of  
18 that Act were set forth in this subsection.

19 Persons subject to any tax imposed under the authority  
20 granted in this subsection may reimburse themselves for their  
21 tax liability under this subsection by separately stating that  
22 tax as an additional charge, which charge may be stated in  
23 combination, in a single amount, with State tax that sellers  
24 are required to collect under the Automobile Renting Occupation  
25 and Use Tax Act, pursuant to bracket schedules as the  
26 Department may prescribe.

1           Whenever the Department determines that a refund should be  
2 made under this subsection to a claimant instead of issuing a  
3 credit memorandum, the Department shall notify the State  
4 Comptroller, who shall cause a warrant to be drawn for the  
5 amount specified and to the person named in the notification  
6 from the Department. The refund shall be paid by the State  
7 Treasurer out of the Metropolitan Pier and Exposition Authority  
8 trust fund held by the State Treasurer as trustee for the  
9 Authority.

10           Except as otherwise provided in this paragraph, the  
11 Department shall forthwith pay over to the State Treasurer, ex  
12 officio, as trustee, all taxes and penalties collected under  
13 this subsection for deposit into a trust fund held outside the  
14 State Treasury. On or before the 25th day of each calendar  
15 month, the Department shall certify to the Comptroller the  
16 amounts to be paid under subsection (g) of this Section (not  
17 including credit memoranda) collected under this subsection  
18 during the second preceding calendar month by the Department,  
19 less any amount determined by the Department to be necessary  
20 for payment of refunds, less 2% of the remainder, which the  
21 Department shall transfer into the Tax Compliance and  
22 Administration Fund. The Department, at the time of each  
23 monthly disbursement to the Authority, shall prepare and  
24 certify to the State Comptroller the amount to be transferred  
25 into the Tax Compliance and Administration Fund under this  
26 subsection. Within 10 days after receipt by the Comptroller of

1 the Department's certification, the Comptroller shall cause  
2 the orders to be drawn for such amounts, and the Treasurer  
3 shall administer the amounts distributed to the Authority as  
4 required in subsection (g).

5 Nothing in this subsection authorizes the Authority to  
6 impose a tax upon the privilege of engaging in any business  
7 that under the Constitution of the United States may not be  
8 made the subject of taxation by this State.

9 A certified copy of any ordinance imposing or discontinuing  
10 a tax under this subsection or effecting a change in the rate  
11 of that tax shall be filed with the Illinois Department of  
12 Revenue, whereupon the Department shall proceed to administer  
13 and enforce this subsection on behalf of the Authority as of  
14 the first day of the third calendar month following the date of  
15 filing.

16 (e) By ordinance the Authority shall, as soon as  
17 practicable after July 1, 1992 (the effective date of Public  
18 Act 87-733) ~~this amendatory Act of 1991~~, impose a tax upon the  
19 privilege of using in the metropolitan area an automobile that  
20 is rented from a rentor outside Illinois and is titled or  
21 registered with an agency of this State's government at a rate  
22 of 6% of the rental price of that automobile, except that no  
23 tax shall be imposed on the privilege of using automobiles  
24 rented for use as taxicabs or in livery service. The tax shall  
25 be collected from persons whose Illinois address for titling or  
26 registration purposes is given as being in the metropolitan

1 area. The tax shall be collected by the Department of Revenue  
2 for the Authority. The tax must be paid to the State or an  
3 exemption determination must be obtained from the Department of  
4 Revenue before the title or certificate of registration for the  
5 property may be issued. The tax or proof of exemption may be  
6 transmitted to the Department by way of the State agency with  
7 which or State officer with whom the tangible personal property  
8 must be titled or registered if the Department and that agency  
9 or State officer determine that this procedure will expedite  
10 the processing of applications for title or registration.

11 The Department shall have full power to administer and  
12 enforce this subsection, to collect all taxes, penalties, and  
13 interest due under this subsection, to dispose of taxes,  
14 penalties, and interest so collected in the manner provided in  
15 this subsection, and to determine all rights to credit  
16 memoranda or refunds arising on account of the erroneous  
17 payment of tax, penalty, or interest under this subsection. In  
18 the administration of and compliance with this subsection, the  
19 Department and persons who are subject to this subsection shall  
20 have the same rights, remedies, privileges, immunities,  
21 powers, and duties, be subject to the same conditions,  
22 restrictions, limitations, penalties, and definitions of  
23 terms, and employ the same modes of procedure as are prescribed  
24 in Sections 2 and 4 (except provisions pertaining to the State  
25 rate of tax; and in respect to the provisions of the Use Tax  
26 Act referred to in that Section, except provisions concerning

1 collection or refunding of the tax by retailers, except the  
2 provisions of Section 19 pertaining to claims by retailers,  
3 except the last paragraph concerning refunds, and except that  
4 credit memoranda issued under this subsection may not be used  
5 to discharge any State tax liability) of the Automobile Renting  
6 Occupation and Use Tax Act, as fully as if provisions contained  
7 in those Sections of that Act were set forth in this  
8 subsection.

9       Whenever the Department determines that a refund should be  
10 made under this subsection to a claimant instead of issuing a  
11 credit memorandum, the Department shall notify the State  
12 Comptroller, who shall cause a warrant to be drawn for the  
13 amount specified and to the person named in the notification  
14 from the Department. The refund shall be paid by the State  
15 Treasurer out of the Metropolitan Pier and Exposition Authority  
16 trust fund held by the State Treasurer as trustee for the  
17 Authority.

18       Except as otherwise provided in this paragraph, the  
19 Department shall forthwith pay over to the State Treasurer, ex  
20 officio, as trustee, all taxes, penalties, and interest  
21 collected under this subsection for deposit into a trust fund  
22 held outside the State Treasury. On or before the 25th day of  
23 each calendar month, the Department shall certify to the State  
24 Comptroller the amounts to be paid under subsection (g) of this  
25 Section, which shall be the amounts (not including credit  
26 memoranda) collected under this subsection during the second

1 preceding calendar month by the Department, less any amounts  
2 determined by the Department to be necessary for payment of  
3 refunds, less 2% of the remainder, which the Department shall  
4 transfer into the Tax Compliance and Administration Fund. The  
5 Department, at the time of each monthly disbursement to the  
6 Authority, shall prepare and certify to the State Comptroller  
7 the amount to be transferred into the Tax Compliance and  
8 Administration Fund under this subsection. Within 10 days after  
9 receipt by the State Comptroller of the Department's  
10 certification, the Comptroller shall cause the orders to be  
11 drawn for such amounts, and the Treasurer shall administer the  
12 amounts distributed to the Authority as required in subsection  
13 (g).

14 A certified copy of any ordinance imposing or discontinuing  
15 a tax or effecting a change in the rate of that tax shall be  
16 filed with the Illinois Department of Revenue, whereupon the  
17 Department shall proceed to administer and enforce this  
18 subsection on behalf of the Authority as of the first day of  
19 the third calendar month following the date of filing.

20 (f) By ordinance the Authority shall, as soon as  
21 practicable after July 1, 1992 (the effective date of Public  
22 Act 87-733) ~~this amendatory Act of 1991~~, impose an occupation  
23 tax on all persons, other than a governmental agency, engaged  
24 in the business of providing ground transportation for hire to  
25 passengers in the metropolitan area at a rate of (i) \$4 per  
26 taxi or livery vehicle departure with passengers for hire from



1 commercial service airports in the metropolitan area, (ii) for  
2 each departure with passengers for hire from a commercial  
3 service airport in the metropolitan area in a bus or van  
4 operated by a person other than a person described in item  
5 (iii): \$18 per bus or van with a capacity of 1-12 passengers,  
6 \$36 per bus or van with a capacity of 13-24 passengers, and \$54  
7 per bus or van with a capacity of over 24 passengers, and (iii)  
8 for each departure with passengers for hire from a commercial  
9 service airport in the metropolitan area in a bus or van  
10 operated by a person regulated by the Interstate Commerce  
11 Commission or Illinois Commerce Commission, operating  
12 scheduled service from the airport, and charging fares on a per  
13 passenger basis: \$2 per passenger for hire in each bus or van.  
14 The term "commercial service airports" means those airports  
15 receiving scheduled passenger service and enplaning more than  
16 100,000 passengers per year.

17 In the ordinance imposing the tax, the Authority may  
18 provide for the administration and enforcement of the tax and  
19 the collection of the tax from persons subject to the tax as  
20 the Authority determines to be necessary or practicable for the  
21 effective administration of the tax. The Authority may enter  
22 into agreements as it deems appropriate with any governmental  
23 agency providing for that agency to act as the Authority's  
24 agent to collect the tax.

25 In the ordinance imposing the tax, the Authority may  
26 designate a method or methods for persons subject to the tax to

1 reimburse themselves for the tax liability arising under the  
2 ordinance (i) by separately stating the full amount of the tax  
3 liability as an additional charge to passengers departing the  
4 airports, (ii) by separately stating one-half of the tax  
5 liability as an additional charge to both passengers departing  
6 from and to passengers arriving at the airports, or (iii) by  
7 some other method determined by the Authority.

8 All taxes, penalties, and interest collected under any  
9 ordinance adopted under this subsection, less any amounts  
10 determined to be necessary for the payment of refunds and less  
11 the taxes, penalties, and interest attributable to any increase  
12 in the rate of tax authorized by Public Act 96-898, shall be  
13 paid forthwith to the State Treasurer, ex officio, for deposit  
14 into a trust fund held outside the State Treasury and shall be  
15 administered by the State Treasurer as provided in subsection  
16 (g) of this Section. All taxes, penalties, and interest  
17 attributable to any increase in the rate of tax authorized by  
18 Public Act 96-898 shall be paid by the State Treasurer as  
19 follows: 25% for deposit into the Convention Center Support  
20 Fund, to be used by the Village of Rosemont for the repair,  
21 maintenance, and improvement of the Donald E. Stephens  
22 Convention Center and for debt service on debt instruments  
23 issued for those purposes by the village and 75% to the  
24 Authority to be used for grants to an organization meeting the  
25 qualifications set out in Section 5.6 of this Act, provided the  
26 Metropolitan Pier and Exposition Authority has entered into a

1 marketing agreement with such an organization.

2 (g) Amounts deposited from the proceeds of taxes imposed by  
3 the Authority under subsections (b), (c), (d), (e), and (f) of  
4 this Section and amounts deposited under Section 19 of the  
5 Illinois Sports Facilities Authority Act shall be held in a  
6 trust fund outside the State Treasury and, other than the  
7 amounts transferred into the Tax Compliance and Administration  
8 Fund under subsections (b), (c), (d), and (e), shall be  
9 administered by the Treasurer as follows:

10 (1) An amount necessary for the payment of refunds with  
11 respect to those taxes shall be retained in the trust fund  
12 and used for those payments.

13 (2) On July 20 and on the 20th of each month  
14 thereafter, provided that the amount requested in the  
15 annual certificate of the Chairman of the Authority filed  
16 under Section 8.25f of the State Finance Act has been  
17 appropriated for payment to the Authority, 1/8 of the local  
18 tax transfer amount, together with any cumulative  
19 deficiencies in the amounts transferred into the McCormick  
20 Place Expansion Project Fund under this subparagraph (2)  
21 during the fiscal year for which the certificate has been  
22 filed, shall be transferred from the trust fund into the  
23 McCormick Place Expansion Project Fund in the State  
24 treasury until 100% of the local tax transfer amount has  
25 been so transferred. "Local tax transfer amount" shall mean  
26 the amount requested in the annual certificate, minus the

1 reduction amount. "Reduction amount" shall mean \$41.7  
2 million in fiscal year 2011, \$36.7 million in fiscal year  
3 2012, \$36.7 million in fiscal year 2013, \$36.7 million in  
4 fiscal year 2014, and \$31.7 million in each fiscal year  
5 thereafter until 2032, provided that the reduction amount  
6 shall be reduced by (i) the amount certified by the  
7 Authority to the State Comptroller and State Treasurer  
8 under Section 8.25 of the State Finance Act, as amended,  
9 with respect to that fiscal year and (ii) in any fiscal  
10 year in which the amounts deposited in the trust fund under  
11 this Section exceed \$318.3 million, exclusive of amounts  
12 set aside for refunds and for the reserve account, one  
13 dollar for each dollar of the deposits in the trust fund  
14 above \$318.3 million with respect to that year, exclusive  
15 of amounts set aside for refunds and for the reserve  
16 account.

17 (3) On July 20, 2010, the Comptroller shall certify to  
18 the Governor, the Treasurer, and the Chairman of the  
19 Authority the 2010 deficiency amount, which means the  
20 cumulative amount of transfers that were due from the trust  
21 fund to the McCormick Place Expansion Project Fund in  
22 fiscal years 2008, 2009, and 2010 under Section 13(g) of  
23 this Act, as it existed prior to May 27, 2010 (the  
24 effective date of Public Act 96-898), but not made. On July  
25 20, 2011 and on July 20 of each year through July 20, 2014,  
26 the Treasurer shall calculate for the previous fiscal year

1 the surplus revenues in the trust fund and pay that amount  
2 to the Authority. On July 20, 2015 and on July 20 of each  
3 year thereafter to and including July 20, 2017, as long as  
4 bonds and notes issued under Section 13.2 or bonds and  
5 notes issued to refund those bonds and notes are  
6 outstanding, the Treasurer shall calculate for the  
7 previous fiscal year the surplus revenues in the trust fund  
8 and pay one-half of that amount to the State Treasurer for  
9 deposit into the General Revenue Fund until the 2010  
10 deficiency amount has been paid and shall pay the balance  
11 of the surplus revenues to the Authority. On July 20, 2018  
12 and on July 20 of each year thereafter, the Treasurer shall  
13 calculate for the previous fiscal year the surplus revenues  
14 in the trust fund and pay all of such surplus revenues to  
15 the State Treasurer for deposit into the General Revenue  
16 Fund until the 2010 deficiency amount has been paid. After  
17 the 2010 deficiency amount has been paid, the Treasurer  
18 shall pay the balance of the surplus revenues to the  
19 Authority. "Surplus revenues" means the amounts remaining  
20 in the trust fund on June 30 of the previous fiscal year  
21 (A) after the State Treasurer has set aside in the trust  
22 fund (i) amounts retained for refunds under subparagraph  
23 (1) and (ii) any amounts necessary to meet the reserve  
24 account amount and (B) after the State Treasurer has  
25 transferred from the trust fund to the General Revenue Fund  
26 100% of any post-2010 deficiency amount. "Reserve account

1 amount" means \$15 million in fiscal year 2011 and \$30  
2 million in each fiscal year thereafter. The reserve account  
3 amount shall be set aside in the trust fund and used as a  
4 reserve to be transferred to the McCormick Place Expansion  
5 Project Fund in the event the proceeds of taxes imposed  
6 under this Section 13 are not sufficient to fund the  
7 transfer required in subparagraph (2). "Post-2010  
8 deficiency amount" means any deficiency in transfers from  
9 the trust fund to the McCormick Place Expansion Project  
10 Fund with respect to fiscal years 2011 and thereafter. It  
11 is the intention of this subparagraph (3) that no surplus  
12 revenues shall be paid to the Authority with respect to any  
13 year in which a post-2010 deficiency amount has not been  
14 satisfied by the Authority.

15 Moneys received by the Authority as surplus revenues may be  
16 used (i) for the purposes of paying debt service on the bonds  
17 and notes issued by the Authority, including early redemption  
18 of those bonds or notes, (ii) for the purposes of repair,  
19 replacement, and improvement of the grounds, buildings, and  
20 facilities of the Authority, and (iii) for the corporate  
21 purposes of the Authority in fiscal years 2011 through 2015 in  
22 an amount not to exceed \$20,000,000 annually or \$80,000,000  
23 total, which amount shall be reduced \$0.75 for each dollar of  
24 the receipts of the Authority in that year from any contract  
25 entered into with respect to naming rights at McCormick Place  
26 under Section 5(m) of this Act. When bonds and notes issued

1 under Section 13.2, or bonds or notes issued to refund those  
2 bonds and notes, are no longer outstanding, the balance in the  
3 trust fund shall be paid to the Authority.

4 (h) The ordinances imposing the taxes authorized by this  
5 Section shall be repealed when bonds and notes issued under  
6 Section 13.2 or bonds and notes issued to refund those bonds  
7 and notes are no longer outstanding.

8 (Source: P.A. 100-23, Article 5, Section 5-35, eff. 7-6-17;  
9 100-23, Article 35, Section 35-25, eff. 7-6-17; revised  
10 8-15-17.)

11 Section 265. The Local Mass Transit District Act is amended  
12 by changing Section 8 as follows:

13 (70 ILCS 3610/8) (from Ch. 111 2/3, par. 358)

14 Sec. 8. Every District shall be subject to the provisions  
15 of the Public Utilities Act ~~"An Act concerning public~~  
16 ~~utilities", approved June 29, 1921, as heretofore and hereafter~~  
17 ~~amended.~~

18 (Source: Laws 1959, p. 1635; revised 10-3-17.)

19 Section 270. The Regional Transportation Authority Act is  
20 amended by changing Sections 2.02, 2.06, and 2.21 as follows:

21 (70 ILCS 3615/2.02) (from Ch. 111 2/3, par. 702.02)

22 Sec. 2.02. Purchase of service contracts; grants ~~Service~~

1 ~~Contracts—Grants.~~

2 (a) The Service Boards may purchase public transportation  
3 from transportation agencies upon such terms and conditions as  
4 may be set forth in purchase of service agreements between the  
5 Service Boards and the transportation agencies.

6 (b) Grants may be made either by: (i) the Authority to a  
7 Service Board; or (ii) a Service Board to either a  
8 transportation agency or another Service Board, all for  
9 operating and other expenses, or for developing or planning  
10 public transportation or for constructing or acquiring public  
11 transportation facilities, all upon such terms and conditions  
12 as that Service Board or the Authority shall prescribe or as  
13 that Service Board and the Authority or that Service Board and  
14 the transportation agency shall agree in any grant contract.

15 (c) The Board shall adopt, to the extent it determines  
16 feasible, guidelines setting forth uniform standards for the  
17 making of grants and purchase of service agreements. Such grant  
18 contracts ~~contracts~~ or purchase of service agreements may be for  
19 such number of years or duration as the parties shall agree.

20 Any purchase of service agreement with a transportation  
21 agency which is not a public body shall be upon terms and  
22 conditions which will allow the transportation agency to  
23 receive for the public transportation provided pursuant to the  
24 agreement net income, after reasonable deductions for  
25 depreciation and other proper and necessary reserves, equal to  
26 an amount which is a reasonable return upon the value of such



1 portion of the transportation agency's property as is used and  
2 useful in rendering such transportation service. This  
3 paragraph shall be construed in a manner consistent with the  
4 principles applicable to such a transportation agency in rate  
5 proceedings under the Public Utilities Act ~~"An Act concerning~~  
6 ~~public utilities", approved June 29, 1921, as now or hereafter~~  
7 ~~amended~~. This paragraph shall not be construed to provide for  
8 the funding of reserves or guarantee that such a transportation  
9 agency shall in fact receive any return. A Service Board shall,  
10 within 180 days after receiving a written request from a  
11 transportation agency which is not a public body, tender and  
12 offer to enter into with such transportation agency a purchase  
13 of service agreement that is in conformity with this Act and  
14 that covers the public transportation services by rail (other  
15 than experimental or demonstration services) which such agency  
16 is providing at the time of such request and which services  
17 either were in operation for at least one year immediately  
18 preceding the effective date of this Act or were in operation  
19 pursuant to a purchase of service or grant agreement with the  
20 Authority or Service Board. No such tender by a Service Board  
21 need be made before April 1, 1975. The first purchase of  
22 service agreement so requested shall not, unless the parties  
23 agree otherwise, become effective prior to June 30, 1975. If,  
24 following such a request and tender, a Service Board and the  
25 transportation agency do not agree upon the amount of  
26 compensation to be provided to the agency by the Service Board

1 under the purchase of service agreement or fares and charges  
2 under the purchase of service agreement, either of them may  
3 submit such unresolved issues to the Illinois Commerce  
4 Commission for determination. The Commission shall determine  
5 the unresolved issues in conformity with this Act. The  
6 Commission's determination shall be set forth in writing,  
7 together with such terms as are agreed by the parties and any  
8 other unresolved terms as tendered by the Service Board, in a  
9 single document which shall constitute the entire purchase of  
10 service agreement between the Service Board and the  
11 transportation agency, which agreement, in the absence of  
12 contrary agreement by the parties, shall be for a term of 3  
13 years effective as of July 1, 1975, or, if the agreement is  
14 requested to succeed a currently effective or recently expired  
15 purchase of service agreement between the parties, as of the  
16 date of such expiration. The decision of the Commission shall  
17 be binding upon the Service Board and the transportation  
18 agency, subject to judicial review as provided in the Public  
19 Utilities Act ~~"An Act concerning public utilities", as approved~~  
20 ~~June 29, 1921, as now or hereafter amended,~~ but the parties may  
21 at any time mutually amend or terminate a purchase of service  
22 agreement. Prompt settlement between the parties shall be made  
23 of any sums owing under the terms of the purchase of service  
24 agreement so established for public transportation services  
25 performed on and after the effective date of any such  
26 agreement. If the Authority reduces the amount of operating

1 subsidy available to a Service Board under the provisions of  
2 Section 4.09 or Section 4.11, the Service Board shall, from  
3 those funds available to it under Section 4.02, first discharge  
4 its financial obligations under the terms of a purchase of  
5 service contract to any transportation agency which is not a  
6 public body, unless such transportation agency has failed to  
7 take any action requested by the Service Board, which under the  
8 terms of the purchase of service contract the Service Board can  
9 require the transportation agency to take, which would have the  
10 effect of reducing the financial obligation of the Service  
11 Board to the transportation agency. The provisions of this  
12 paragraph (c) shall not preclude a Service Board and a  
13 transportation agency from otherwise entering into a purchase  
14 of service or grant agreement in conformity with this Act or an  
15 agreement for the Authority or a Service Board to purchase or a  
16 Service Board to operate that agency's public transportation  
17 facilities, and shall not limit the exercise of the right of  
18 eminent domain by the Authority pursuant to this Act.

19 (d) Any transportation agency providing public  
20 transportation pursuant to a purchase of service or grant  
21 agreement with the Authority or a Service Board shall be  
22 subject to the "~~Illinois Human Rights Act~~", ~~as now or hereafter~~  
23 ~~amended~~, and the remedies and procedures established  
24 thereunder. Such agency shall file an affirmative action  
25 program for employment by it with regard to public  
26 transportation so provided with the Department of Human Rights

1 within one year of the purchase of service or grant agreement,  
2 to ensure that applicants are employed and that employees are  
3 treated during employment, without unlawful discrimination.  
4 Such affirmative action program shall include provisions  
5 relating to hiring, upgrading, demotion, transfer,  
6 recruitment, recruitment advertising, selection for training  
7 and rates of pay or other forms of compensation. No unlawful  
8 discrimination as defined and prohibited in the Illinois Human  
9 Rights Act in any such employment shall be made in any term or  
10 aspect of employment and discrimination based upon political  
11 reasons or factors shall be prohibited.

12 (e) A Service Board, subject to the provisions of paragraph  
13 (c) of this Section, may not discriminate against a  
14 transportation agency with which it has a purchase of service  
15 contract or grant agreement in any condition affecting the  
16 operation of the public transportation facility including the  
17 level of subsidy provided, the quality or standard of public  
18 transportation to be provided or in meeting the financial  
19 obligations to transportation agencies under the terms of a  
20 purchase of service or grant contract. Any transportation  
21 agency that believes that a Service Board is discriminating  
22 against it may, after attempting to resolve the alleged  
23 discrimination by meeting with the Service Board with which it  
24 has a purchase of service or grant contract, appeal to the  
25 Authority. The Board shall name 3 of its members, other than a  
26 member of the board of the concerned Service Board, to serve as

1 a panel to arbitrate the dispute. The panel shall render a  
2 recommended decision to the Board which shall be binding on the  
3 Service Board and the transportation agency if adopted by the  
4 Board. The panel may not require the Service Board to take any  
5 action which would increase the operating budget of the Service  
6 Board. The decision of the Board shall be enforceable in a  
7 court of general jurisdiction.

8 (Source: P.A. 83-885; 83-886; revised 10-3-17.)

9 (70 ILCS 3615/2.06) (from Ch. 111 2/3, par. 702.06)

10 Sec. 2.06. Use of streets and roads; relationship ~~Streets~~  
11 ~~and Roads — Relationship~~ with Illinois Commerce Commission.

12 (a) The Authority may for the benefit of a Service Board,  
13 by ordinance, provide for special lanes for exclusive or  
14 special use by public transportation vehicles with regard to  
15 any roads, streets, ways, highways, bridges, toll highways or  
16 toll bridges in the metropolitan region, notwithstanding any  
17 governmental statute, ordinance or regulation to the contrary.

18 (b) The Authority, for the benefit of a Service Board,  
19 shall have the power to use and, by ordinance, to authorize any  
20 Service Board or transportation agency to use without any  
21 franchise, charge, permit or license any public road, street,  
22 way, highway, bridge, toll highway or toll bridge within the  
23 metropolitan region for the provision of public  
24 transportation. Transportation agencies which have purchase of  
25 service agreements with a Service Board as to any public

1 transportation shall not as to any aspect of such public  
2 transportation be subject to any supervision, licensing or  
3 regulation imposed by any unit of local government in the  
4 metropolitan region, except as may be specifically authorized  
5 by the Authority and except for regular police supervision of  
6 vehicular traffic.

7 (c) The Authority shall not be subject to the Public  
8 Utilities Act ~~"An Act concerning public utilities", approved~~  
9 ~~June 29, 1921, as now or hereafter amended~~. Transportation  
10 agencies which have any purchase of service agreement with a  
11 Service Board shall not be subject to that Act as to any public  
12 transportation which is the subject of such agreement. No  
13 contract or agreement entered into by any transportation agency  
14 with a Service Board shall be subject to approval of or  
15 regulation by the Illinois Commerce Commission. If a Service  
16 Board shall determine that any particular public  
17 transportation service provided by a transportation agency  
18 with which the Service Board has a purchase of service  
19 agreement is not necessary for the public interest and shall,  
20 for that reason, decline to enter into any purchase of service  
21 agreement for such particular service, then the Service Board  
22 shall have no obligation pursuant to Section 2.02(c) to offer  
23 or make a purchase of service agreement with respect to that  
24 particular service and the transportation agency may  
25 discontinue the particular service. Such discontinuation shall  
26 not be subject to the approval of or regulation by the Illinois

1 Commerce Commission. The acquisition by the Authority by  
2 eminent domain of any property, from any transportation agency,  
3 shall not be subject to the approval of or regulation by the  
4 Illinois Commerce Commission, provided, however, that the  
5 requirement in Section 7-102 of the Code of Civil Procedure, as  
6 amended, requiring in certain instances prior approval of the  
7 Illinois Commerce Commission for taking or damaging of property  
8 of railroads or other public utilities shall continue to apply  
9 as to any taking or damaging by the Authority of any real  
10 property of such a railroad not used for public transportation  
11 or of any real property of such other public utility.

12 (Source: P.A. 83-885; 83-886; revised 10-3-17.)

13 (70 ILCS 3615/2.21) (from Ch. 111 2/3, par. 702.21)

14 Sec. 2.21. (a) The Authority or the Commuter Rail Board may  
15 not in the exercise of its powers to provide effective public  
16 transportation as provided by this Act:

17 (i) require or authorize the operation of, or operate  
18 or acquire by eminent domain or otherwise, any public  
19 transportation facility or service on terms or in a manner  
20 which unreasonably interferes with the ability of a  
21 railroad to provide efficient freight or inter-city  
22 passenger service. This subparagraph shall not bar the  
23 Authority from acquiring title to any property pursuant to  
24 Section 2.13 in a manner consistent with this subparagraph.

25 (ii) obtain by eminent domain any interest in any right

1 of way or any other real property of a railroad which is  
2 not a public body in excess of the interest to be used for  
3 public transportation as provided in this Act.

4 (iii) prohibit the operation of public transportation  
5 by a private carrier that does not receive a grant or  
6 purchase of service contract from the Authority or a  
7 Service Board.

8 (b) If in connection with any construction, acquisition, or  
9 other activity undertaken by or for the Authority or a Service  
10 Board, or pursuant to any purchase of service or grant  
11 agreement with the Authority or a Service Board, any facility  
12 of a public utility (as defined in the Public Utilities Act ~~"An~~  
13 ~~Act concerning public utilities", approved June 29, 1921, as~~  
14 ~~amended~~), is removed or relocated from its then-existing site  
15 all costs and expenses of such relocation or removal, including  
16 the cost of installing such facilities in a new location or  
17 locations, and the cost of any land or lands, or interest in  
18 land, or any rights required to accomplish such relocation or  
19 removal, shall be paid by the Authority or a Service Board. If  
20 any such facilities are so relocated onto the properties of the  
21 Authority or the Service Board or onto properties made  
22 available for that purpose by the Authority or the Service  
23 Board, there shall be no rent, fee, or other charge of any kind  
24 imposed upon the public utility owning or operating such  
25 facilities in excess of that imposed prior to such relocation  
26 and such public utility, and its successors and assigns, shall



1 be granted the right to operate such facilities in the new  
2 location or locations for as long a period and upon the same  
3 terms and conditions as it had the right to maintain and  
4 operate such facilities in their former location. Nothing in  
5 this paragraph (b) shall prevent the Authority or the Service  
6 Board and a transportation agency from agreeing in a purchase  
7 of service agreement or otherwise to make different  
8 arrangements for such relocations or the costs thereof.

9 (Source: P.A. 83-885; 83-886; revised 10-3-17.)

10 Section 275. The Water Commission Act of 1985 is amended by  
11 changing Section 4 as follows:

12 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

13 Sec. 4. Taxes.

14 (a) The board of commissioners of any county water  
15 commission may, by ordinance, impose throughout the territory  
16 of the commission any or all of the taxes provided in this  
17 Section for its corporate purposes. However, no county water  
18 commission may impose any such tax unless the commission  
19 certifies the proposition of imposing the tax to the proper  
20 election officials, who shall submit the proposition to the  
21 voters residing in the territory at an election in accordance  
22 with the general election law, and the proposition has been  
23 approved by a majority of those voting on the proposition.

24 The proposition shall be in the form provided in Section 5

1 or shall be substantially in the following form:

2 -----

3 Shall the (insert corporate  
4 name of county water commission) YES

5 impose (state type of tax or -----

6 taxes to be imposed) at the NO

7 rate of 1/4%?

8 -----

9 Taxes imposed under this Section and civil penalties  
10 imposed incident thereto shall be collected and enforced by the  
11 State Department of Revenue. The Department shall have the  
12 power to administer and enforce the taxes and to determine all  
13 rights for refunds for erroneous payments of the taxes.

14 (b) The board of commissioners may impose a County Water  
15 Commission Retailers' Occupation Tax upon all persons engaged  
16 in the business of selling tangible personal property at retail  
17 in the territory of the commission at a rate of 1/4% of the  
18 gross receipts from the sales made in the course of such  
19 business within the territory. The tax imposed under this  
20 paragraph and all civil penalties that may be assessed as an  
21 incident thereof shall be collected and enforced by the State  
22 Department of Revenue. The Department shall have full power to  
23 administer and enforce this paragraph; to collect all taxes and  
24 penalties due hereunder; to dispose of taxes and penalties so  
25 collected in the manner hereinafter provided; and to determine  
26 all rights to credit memoranda arising on account of the

1 erroneous payment of tax or penalty hereunder. In the  
2 administration of, and compliance with, this paragraph, the  
3 Department and persons who are subject to this paragraph shall  
4 have the same rights, remedies, privileges, immunities, powers  
5 and duties, and be subject to the same conditions,  
6 restrictions, limitations, penalties, exclusions, exemptions  
7 and definitions of terms, and employ the same modes of  
8 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,  
9 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions  
10 therein other than the State rate of tax except that food for  
11 human consumption that is to be consumed off the premises where  
12 it is sold (other than alcoholic beverages, soft drinks, and  
13 food that has been prepared for immediate consumption) and  
14 prescription and nonprescription medicine, drugs, medical  
15 appliances and insulin, urine testing materials, syringes, and  
16 needles used by diabetics, for human use, shall not be subject  
17 to tax hereunder), 2c, 3 (except as to the disposition of taxes  
18 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,  
19 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, 13 and 13  
20 of the Retailers' Occupation Tax Act and Section 3-7 of the  
21 Uniform Penalty and Interest Act, as fully as if those  
22 provisions were set forth herein.

23 Persons subject to any tax imposed under the authority  
24 granted in this paragraph may reimburse themselves for their  
25 seller's tax liability hereunder by separately stating the tax  
26 as an additional charge, which charge may be stated in

1 combination, in a single amount, with State taxes that sellers  
2 are required to collect under the Use Tax Act and under  
3 subsection (e) of Section 4.03 of the Regional Transportation  
4 Authority Act, in accordance with such bracket schedules as the  
5 Department may prescribe.

6 Whenever the Department determines that a refund should be  
7 made under this paragraph to a claimant instead of issuing a  
8 credit memorandum, the Department shall notify the State  
9 Comptroller, who shall cause the warrant to be drawn for the  
10 amount specified, and to the person named, in the notification  
11 from the Department. The refund shall be paid by the State  
12 Treasurer out of a county water commission tax fund established  
13 under subsection ~~paragraph~~ (g) of this Section.

14 For the purpose of determining whether a tax authorized  
15 under this paragraph is applicable, a retail sale by a producer  
16 of coal or other mineral mined in Illinois is a sale at retail  
17 at the place where the coal or other mineral mined in Illinois  
18 is extracted from the earth. This paragraph does not apply to  
19 coal or other mineral when it is delivered or shipped by the  
20 seller to the purchaser at a point outside Illinois so that the  
21 sale is exempt under the Federal Constitution as a sale in  
22 interstate or foreign commerce.

23 If a tax is imposed under this subsection (b), l a tax shall  
24 also be imposed under subsections (c) and (d) of this Section.

25 No tax shall be imposed or collected under this subsection  
26 on the sale of a motor vehicle in this State to a resident of

1 another state if that motor vehicle will not be titled in this  
2 State.

3 Nothing in this paragraph shall be construed to authorize a  
4 county water commission to impose a tax upon the privilege of  
5 engaging in any business which under the Constitution of the  
6 United States may not be made the subject of taxation by this  
7 State.

8 (c) If a tax has been imposed under subsection (b), a  
9 County Water Commission Service Occupation Tax shall also be  
10 imposed upon all persons engaged, in the territory of the  
11 commission, in the business of making sales of service, who, as  
12 an incident to making the sales of service, transfer tangible  
13 personal property within the territory. The tax rate shall be  
14 1/4% of the selling price of tangible personal property so  
15 transferred within the territory. The tax imposed under this  
16 paragraph and all civil penalties that may be assessed as an  
17 incident thereof shall be collected and enforced by the State  
18 Department of Revenue. The Department shall have full power to  
19 administer and enforce this paragraph; to collect all taxes and  
20 penalties due hereunder; to dispose of taxes and penalties so  
21 collected in the manner hereinafter provided; and to determine  
22 all rights to credit memoranda arising on account of the  
23 erroneous payment of tax or penalty hereunder. In the  
24 administration of, and compliance with, this paragraph, the  
25 Department and persons who are subject to this paragraph shall  
26 have the same rights, remedies, privileges, immunities, powers

1 and duties, and be subject to the same conditions,  
2 restrictions, limitations, penalties, exclusions, exemptions  
3 and definitions of terms, and employ the same modes of  
4 procedure, as are prescribed in Sections 1a-1, 2 (except that  
5 the reference to State in the definition of supplier  
6 maintaining a place of business in this State shall mean the  
7 territory of the commission), 2a, 3 through 3-50 (in respect to  
8 all provisions therein other than the State rate of tax except  
9 that food for human consumption that is to be consumed off the  
10 premises where it is sold (other than alcoholic beverages, soft  
11 drinks, and food that has been prepared for immediate  
12 consumption) and prescription and nonprescription medicines,  
13 drugs, medical appliances and insulin, urine testing  
14 materials, syringes, and needles used by diabetics, for human  
15 use, shall not be subject to tax hereunder), 4 (except that the  
16 reference to the State shall be to the territory of the  
17 commission), 5, 7, 8 (except that the jurisdiction to which the  
18 tax shall be a debt to the extent indicated in that Section 8  
19 shall be the commission), 9 (except as to the disposition of  
20 taxes and penalties collected and except that the returned  
21 merchandise credit for this tax may not be taken against any  
22 State tax), 10, 11, 12 (except the reference therein to Section  
23 2b of the Retailers' Occupation Tax Act), 13 (except that any  
24 reference to the State shall mean the territory of the  
25 commission), the first paragraph of Section 15, 15.5, 16, 17,  
26 18, 19, and 20 of the Service Occupation Tax Act as fully as if

1 those provisions were set forth herein.

2 Persons subject to any tax imposed under the authority  
3 granted in this paragraph may reimburse themselves for their  
4 serviceman's tax liability hereunder by separately stating the  
5 tax as an additional charge, which charge may be stated in  
6 combination, in a single amount, with State tax that servicemen  
7 are authorized to collect under the Service Use Tax Act, and  
8 any tax for which servicemen may be liable under subsection (f)  
9 of Section 4.03 of the Regional Transportation Authority Act,  
10 in accordance with such bracket schedules as the Department may  
11 prescribe.

12 Whenever the Department determines that a refund should be  
13 made under this paragraph to a claimant instead of issuing a  
14 credit memorandum, the Department shall notify the State  
15 Comptroller, who shall cause the warrant to be drawn for the  
16 amount specified, and to the person named, in the notification  
17 from the Department. The refund shall be paid by the State  
18 Treasurer out of a county water commission tax fund established  
19 under subsection ~~paragraph~~ (g) of this Section.

20 Nothing in this paragraph shall be construed to authorize a  
21 county water commission to impose a tax upon the privilege of  
22 engaging in any business which under the Constitution of the  
23 United States may not be made the subject of taxation by the  
24 State.

25 (d) If a tax has been imposed under subsection (b), a tax  
26 shall also be imposed upon the privilege of using, in the

1 territory of the commission, any item of tangible personal  
2 property that is purchased outside the territory at retail from  
3 a retailer, and that is titled or registered with an agency of  
4 this State's government, at a rate of 1/4% of the selling price  
5 of the tangible personal property within the territory, as  
6 "selling price" is defined in the Use Tax Act. The tax shall be  
7 collected from persons whose Illinois address for titling or  
8 registration purposes is given as being in the territory. The  
9 tax shall be collected by the Department of Revenue for a  
10 county water commission. The tax must be paid to the State, or  
11 an exemption determination must be obtained from the Department  
12 of Revenue, before the title or certificate of registration for  
13 the property may be issued. The tax or proof of exemption may  
14 be transmitted to the Department by way of the State agency  
15 with which, or the State officer with whom, the tangible  
16 personal property must be titled or registered if the  
17 Department and the State agency or State officer determine that  
18 this procedure will expedite the processing of applications for  
19 title or registration.

20 The Department shall have full power to administer and  
21 enforce this paragraph; to collect all taxes, penalties, and  
22 interest due hereunder; to dispose of taxes, penalties, and  
23 interest so collected in the manner hereinafter provided; and  
24 to determine all rights to credit memoranda or refunds arising  
25 on account of the erroneous payment of tax, penalty, or  
26 interest hereunder. In the administration of 7 and compliance



1 with this paragraph, the Department and persons who are subject  
2 to this paragraph shall have the same rights, remedies,  
3 privileges, immunities, powers, and duties, and be subject to  
4 the same conditions, restrictions, limitations, penalties,  
5 exclusions, exemptions, and definitions of terms and employ the  
6 same modes of procedure, as are prescribed in Sections 2  
7 (except the definition of "retailer maintaining a place of  
8 business in this State"), 3 through 3-80 (except provisions  
9 pertaining to the State rate of tax, and except provisions  
10 concerning collection or refunding of the tax by retailers, and  
11 except that 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 prescription and nonprescription  
15 medicines, drugs, medical appliances and insulin, urine  
16 testing materials, syringes, and needles used by diabetics, for  
17 human use, shall not be subject to tax hereunder), 4, 11, 12,  
18 12a, 14, 15, 19 (except the portions pertaining to claims by  
19 retailers and except the last paragraph concerning refunds),  
20 20, 21, and 22 of the Use Tax Act and Section 3-7 of the Uniform  
21 Penalty and Interest Act that are not inconsistent with this  
22 paragraph, as fully as if those provisions were set forth  
23 herein.

24 Whenever the Department determines that a refund should be  
25 made under this paragraph to a claimant instead of issuing a  
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the  
2 amount specified, and to the person named, in the notification  
3 from the Department. The refund shall be paid by the State  
4 Treasurer out of a county water commission tax fund established  
5 under subsection ~~paragraph~~ (g) of this Section.

6 (e) A certificate of registration issued by the State  
7 Department of Revenue to a retailer under the Retailers'  
8 Occupation Tax Act or under the Service Occupation Tax Act  
9 shall permit the registrant to engage in a business that is  
10 taxed under the tax imposed under subsection ~~paragraphs~~ (b),  
11 (c), or (d) of this Section and no additional registration  
12 shall be required under the tax. A certificate issued under the  
13 Use Tax Act or the Service Use Tax Act shall be applicable with  
14 regard to any tax imposed under subsection ~~paragraph~~ (c) of  
15 this Section.

16 (f) Any ordinance imposing or discontinuing any tax under  
17 this Section shall be adopted and a certified copy thereof  
18 filed with the Department on or before June 1, whereupon the  
19 Department of Revenue shall proceed to administer and enforce  
20 this Section on behalf of the county water commission as of  
21 September 1 next following the adoption and filing. Beginning  
22 January 1, 1992, an ordinance or resolution imposing or  
23 discontinuing the tax hereunder shall be adopted and a  
24 certified copy thereof filed with the Department on or before  
25 the first day of July, whereupon the Department shall proceed  
26 to administer and enforce this Section as of the first day of

1 October next following such adoption and filing. Beginning  
2 January 1, 1993, an ordinance or resolution imposing or  
3 discontinuing the tax hereunder shall be adopted and a  
4 certified copy thereof filed with the Department on or before  
5 the first day of October, whereupon the Department shall  
6 proceed to administer and enforce this Section as of the first  
7 day of January next following such adoption and filing.

8 (g) The State Department of Revenue shall, upon collecting  
9 any taxes as provided in this Section, pay the taxes over to  
10 the State Treasurer as trustee for the commission. The taxes  
11 shall be held in a trust fund outside the State Treasury.

12 As soon as possible after the first day of each month,  
13 beginning January 1, 2011, upon certification of the Department  
14 of Revenue, the Comptroller shall order transferred, and the  
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
16 local sales tax increment, as defined in the Innovation  
17 Development and Economy Act, collected under this Section  
18 during the second preceding calendar month for sales within a  
19 STAR bond district.

20 After the monthly transfer to the STAR Bonds Revenue Fund,  
21 on or before the 25th day of each calendar month, the State  
22 Department of Revenue shall prepare and certify to the  
23 Comptroller of the State of Illinois the amount to be paid to  
24 the commission, which shall be the amount (not including credit  
25 memoranda) collected under this Section during the second  
26 preceding calendar month by the Department plus an amount the

1 Department determines is necessary to offset any amounts that  
2 were erroneously paid to a different taxing body, and not  
3 including any amount equal to the amount of refunds made during  
4 the second preceding calendar month by the Department on behalf  
5 of the commission, and not including any amount that the  
6 Department determines is necessary to offset any amounts that  
7 were payable to a different taxing body but were erroneously  
8 paid to the commission, and less any amounts that are  
9 transferred to the STAR Bonds Revenue Fund, less 2% of the  
10 remainder, which shall be transferred into the Tax Compliance  
11 and Administration Fund. The Department, at the time of each  
12 monthly disbursement to the commission, shall prepare and  
13 certify to the State Comptroller the amount to be transferred  
14 into the Tax Compliance and Administration Fund under this  
15 subsection. Within 10 days after receipt by the Comptroller of  
16 the certification of the amount to be paid to the commission  
17 and the Tax Compliance and Administration Fund, the Comptroller  
18 shall cause an order to be drawn for the payment for the amount  
19 in accordance with the direction in the certification.

20 (h) Beginning June 1, 2016, any tax imposed pursuant to  
21 this Section may no longer be imposed or collected, unless a  
22 continuation of the tax is approved by the voters at a  
23 referendum as set forth in this Section.

24 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;  
25 100-23, eff. 7-6-17; revised 10-3-17.)

1           Section 280. The School Code is amended by changing  
2 Sections 2-3.64a-5, 2-3.162, 3-14.23, 10-17a, 10-22.3f,  
3 10-22.6, 14-8.02, 14-8.02a, 14-13.01, 17-2A, 18-8.05, 18-12,  
4 19-1, 21B-20, 21B-25, 21B-30, 21B-45, 22-80, 26-1, 27-8.1,  
5 27A-5, 29-5, and 32-7.3 and by setting forth and renumbering  
6 multiple versions of Sections 2-3.170, 10-20.60, and 34-18.53  
7 as follows:

8           (105 ILCS 5/2-3.64a-5)

9           Sec. 2-3.64a-5. State goals and assessment.

10          (a) For the assessment and accountability purposes of this  
11 Section, "students" includes those students enrolled in a  
12 public or State-operated elementary school, secondary school,  
13 or cooperative or joint agreement with a governing body or  
14 board of control, a charter school operating in compliance with  
15 the Charter Schools Law, a school operated by a regional office  
16 of education under Section 13A-3 of this Code, or a public  
17 school administered by a local public agency or the Department  
18 of Human Services.

19          (b) The State Board of Education shall establish the  
20 academic standards that are to be applicable to students who  
21 are subject to State assessments under this Section. The State  
22 Board of Education shall not establish any such standards in  
23 final form without first providing opportunities for public  
24 participation and local input in the development of the final  
25 academic standards. Those opportunities shall include a

1 well-publicized period of public comment and opportunities to  
2 file written comments.

3 (c) Beginning no later than the 2014-2015 school year, the  
4 State Board of Education shall annually assess all students  
5 enrolled in grades 3 through 8 in English language arts and  
6 mathematics.

7 Beginning no later than the 2017-2018 school year, the  
8 State Board of Education shall annually assess all students in  
9 science at one grade in grades 3 through 5, at one grade in  
10 grades 6 through 8, and at one grade in grades 9 through 12.

11 The State Board of Education shall annually assess schools  
12 that operate a secondary education program, as defined in  
13 Section 22-22 of this Code, in English language arts and  
14 mathematics. The State Board of Education shall administer no  
15 more than 3 assessments, per student, of English language arts  
16 and mathematics for students in a secondary education program.  
17 One of these assessments shall include a college and career  
18 ready determination that shall be accepted by this State's  
19 public institutions of higher education, as defined in the  
20 Board of Higher Education Act, for the purpose of student  
21 application or admissions consideration. The assessment  
22 administered by the State Board of Education for the purpose of  
23 student application to or admissions consideration by  
24 institutions of higher education must be administered on a  
25 school day during regular student attendance hours.

26 Students who are not assessed for college and career ready

1 determinations may not receive a regular high school diploma  
2 unless the student is exempted from taking State assessments  
3 under subsection (d) of this Section because (i) the student's  
4 individualized educational program developed under Article 14  
5 of this Code identifies the State assessment as inappropriate  
6 for the student, (ii) the student is enrolled in a program of  
7 adult and continuing education, as defined in the Adult  
8 Education Act, (iii) the school district is not required to  
9 assess the individual student for purposes of accountability  
10 under federal No Child Left Behind Act of 2001 requirements,  
11 (iv) the student has been determined to be an English learner  
12 and has been enrolled in schools in the United States for less  
13 than 12 months, or (v) the student is otherwise identified by  
14 the State Board of Education, through rules, as being exempt  
15 from the assessment.

16 The State Board of Education shall not assess students  
17 under this Section in subjects not required by this Section.

18 Districts shall inform their students of the timelines and  
19 procedures applicable to their participation in every yearly  
20 administration of the State assessments. The State Board of  
21 Education shall establish periods of time in each school year  
22 during which State assessments shall occur to meet the  
23 objectives of this Section.

24 (d) Every individualized educational program as described  
25 in Article 14 shall identify if the State assessment or  
26 components thereof are appropriate for the student. The State

1 Board of Education shall develop rules governing the  
2 administration of an alternate assessment that may be available  
3 to students for whom participation in this State's regular  
4 assessments is not appropriate, even with accommodations as  
5 allowed under this Section.

6 Students receiving special education services whose  
7 individualized educational programs identify them as eligible  
8 for the alternative State assessments nevertheless shall have  
9 the option of taking this State's regular assessment that  
10 includes a college and career ready determination, which shall  
11 be administered in accordance with the eligible accommodations  
12 appropriate for meeting these students' respective needs.

13 All students determined to be English learners shall  
14 participate in the State assessments, excepting those students  
15 who have been enrolled in schools in the United States for less  
16 than 12 months. Such students may be exempted from  
17 participation in one annual administration of the English  
18 language arts assessment. Any student determined to be an  
19 English learner shall receive appropriate assessment  
20 accommodations, including language supports, which shall be  
21 established by rule. Approved assessment accommodations must  
22 be provided until the student's English language skills develop  
23 to the extent that the student is no longer considered to be an  
24 English learner, as demonstrated through a State-identified  
25 English language proficiency assessment.

26 (e) The results or scores of each assessment taken under



1 this Section shall be made available to the parents of each  
2 student.

3 In each school year, the scores attained by a student on  
4 the State assessment that includes a college and career ready  
5 determination must be placed in the student's permanent record  
6 pursuant to rules that the State Board of Education shall adopt  
7 for that purpose in accordance with Section 3 of the Illinois  
8 School Student Records Act. In each school year, the scores  
9 attained by a student on the State assessments administered in  
10 grades 3 through 8 must be placed in the student's temporary  
11 record.

12 (f) All schools shall administer an academic assessment of  
13 English language proficiency in oral language (listening and  
14 speaking) and reading and writing skills to all children  
15 determined to be English learners.

16 (g) All schools in this State that are part of the sample  
17 drawn by the National Center for Education Statistics, in  
18 collaboration with their school districts and the State Board  
19 of Education, shall administer the biennial academic  
20 assessments under the National Assessment of Educational  
21 Progress carried out under Section 411(b)(2) of the federal  
22 National Education Statistics Act of 1994 (20 U.S.C. 9010) if  
23 the U.S. Secretary of Education pays the costs of administering  
24 the assessments.

25 (h) Subject to available funds to this State for the  
26 purpose of student assessment, the State Board of Education

1 shall provide additional assessments and assessment resources  
2 that may be used by school districts for local assessment  
3 purposes. The State Board of Education shall annually  
4 distribute a listing of these additional resources.

5 (i) For the purposes of this subsection (i), "academically  
6 based assessments" means assessments consisting of questions  
7 and answers that are measurable and quantifiable to measure the  
8 knowledge, skills, and ability of students in the subject  
9 matters covered by the assessments. All assessments  
10 administered pursuant to this Section must be academically  
11 based assessments. The scoring of academically based  
12 assessments shall be reliable, valid, and fair and shall meet  
13 the guidelines for assessment development and use prescribed by  
14 the American Psychological Association, the National Council  
15 on Measurement in Education, and the American Educational  
16 Research Association.

17 The State Board of Education shall review the use of all  
18 assessment item types in order to ensure that they are valid  
19 and reliable indicators of student performance aligned to the  
20 learning standards being assessed and that the development,  
21 administration, and scoring of these item types are justifiable  
22 in terms of cost.

23 (j) The State Superintendent of Education shall appoint a  
24 committee of no more than 21 members, consisting of parents,  
25 teachers, school administrators, school board members,  
26 assessment experts, regional superintendents of schools, and

1 citizens, to review the State assessments administered by the  
2 State Board of Education. The Committee shall select one of its  
3 members as its chairperson. The Committee shall meet on an  
4 ongoing basis to review the content and design of the  
5 assessments (including whether the requirements of subsection  
6 (i) of this Section have been met), the time and money expended  
7 at the local and State levels to prepare for and administer the  
8 assessments, the collective results of the assessments as  
9 measured against the stated purpose of assessing student  
10 performance, and other issues involving the assessments  
11 identified by the Committee. The Committee shall make periodic  
12 recommendations to the State Superintendent of Education and  
13 the General Assembly concerning the assessments.

14 (k) The State Board of Education may adopt rules to  
15 implement this Section.

16 (Source: P.A. 99-30, eff. 7-10-15; 99-185, eff. 1-1-16; 99-642,  
17 eff. 7-28-16; 100-7, eff. 7-1-17; 100-222, eff. 8-18-17;  
18 revised 9-22-17.)

19 (105 ILCS 5/2-3.162)

20 Sec. 2-3.162. Student discipline report; school discipline  
21 improvement plan.

22 (a) On or before October 31, 2015 and on or before October  
23 31 of each subsequent year, the State Board of Education,  
24 through the State Superintendent of Education, shall prepare a  
25 report on student discipline in all school districts in this

1 State, including State-authorized charter schools. This report  
2 shall include data from all public schools within school  
3 districts, including district-authorized charter schools. This  
4 report must be posted on the Internet website of the State  
5 Board of Education. The report shall include data on the  
6 issuance of out-of-school suspensions, expulsions, and  
7 removals to alternative settings in lieu of another  
8 disciplinary action, disaggregated by race and ethnicity,  
9 gender, age, grade level, whether a student is an English  
10 learner, incident type, and discipline duration.

11 (b) The State Board of Education shall analyze the data  
12 under subsection (a) of this Section on an annual basis and  
13 determine the top 20% of school districts for the following  
14 metrics:

15 (1) Total number of out-of-school suspensions divided  
16 by the total district enrollment by the last school day in  
17 September for the year in which the data was collected,  
18 multiplied by 100.

19 (2) Total number of out-of-school expulsions divided  
20 by the total district enrollment by the last school day in  
21 September for the year in which the data was collected,  
22 multiplied by 100.

23 (3) Racial disproportionality, defined as the  
24 overrepresentation of students of color or white students  
25 in comparison to the total number of students of color or  
26 white students on October 1st of the school year in which

1 data are collected, with respect to the use of  
2 out-of-school suspensions and expulsions, which must be  
3 calculated using the same method as the U.S. Department of  
4 Education's Office for Civil Rights uses.

5 The analysis must be based on data collected over 3  
6 consecutive school years, beginning with the 2014-2015 school  
7 year.

8 Beginning with the 2017-2018 school year, the State Board  
9 of Education shall require each of the school districts that  
10 are identified in the top 20% of any of the metrics described  
11 in this subsection (b) for 3 consecutive years to submit a plan  
12 identifying the strategies the school district will implement  
13 to reduce the use of exclusionary disciplinary practices or  
14 racial disproportionality or both, if applicable. School  
15 districts that no longer meet the criteria described in any of  
16 the metrics described in this subsection (b) for 3 consecutive  
17 years shall no longer be required to submit a plan.

18 This plan may be combined with any other improvement plans  
19 required under federal or State law.

20 The calculation of the top 20% of any of the metrics  
21 described in this subsection (b) shall exclude all school  
22 districts, State-authorized charter schools, and special  
23 charter districts that issued fewer than a total of 10  
24 out-of-school suspensions or expulsions, whichever is  
25 applicable, during the school year. The calculation of the top  
26 20% of the metric described in subdivision (3) of this

1 subsection (b) shall exclude all school districts with an  
2 enrollment of fewer than 50 white students or fewer than 50  
3 students of color.

4 The plan must be approved at a public school board meeting  
5 and posted on the school district's Internet website. Within  
6 one year after being identified, the school district shall  
7 submit to the State Board of Education and post on the  
8 district's Internet website a progress report describing the  
9 implementation of the plan and the results achieved.

10 (Source: P.A. 98-1102, eff. 8-26-14; 99-30, eff. 7-10-15;  
11 99-78, eff. 7-20-15; revised 9-25-17.)

12 (105 ILCS 5/2-3.170)

13 Sec. 2-3.170. Property tax relief pool grants.

14 (a) As used in this Section,

15 "Property tax multiplier" equals one minus the square of  
16 the school district's Local Capacity Percentage, as defined in  
17 Section 18-8.15 of this Code.

18 "State Board" means the State Board of Education.

19 "Unit equivalent tax rate" means the Adjusted Operating Tax  
20 Rate, as defined in Section 18-8.15 of this Code, multiplied by  
21 a factor of 1 for unit school districts,  $13/9$  for elementary  
22 school districts, and  $13/4$  for high school districts.

23 (b) Subject to appropriation, the State Board shall provide  
24 grants to eligible school districts that provide tax relief to  
25 the school district's residents, up to a limit of 1% of the

1 school district's equalized assessed value, as provided in this  
2 Section.

3 (c) By August 1 of each year, the State Board shall publish  
4 an estimated threshold unit equivalent tax rate. School  
5 districts whose adjusted operating tax rate, as defined in this  
6 Section, is greater than the estimated threshold unit  
7 equivalent tax rate are eligible for relief under this Section.  
8 This estimated tax rate shall be based on the most recent  
9 available data provided by school districts pursuant to Section  
10 18-8.15 of this Code. The State Board shall estimate this  
11 property tax rate based on the amount appropriated to the grant  
12 program and the assumption that a set of school districts,  
13 based on criteria established by the State Board, will apply  
14 for grants under this Section. The criteria shall be based on  
15 reasonable assumptions about when school districts will apply  
16 for the grant.

17 (d) School districts seeking grants under this Section  
18 shall apply to the State Board by October 1 of each year. All  
19 applications to the State Board for grants shall include the  
20 amount of the grant requested.

21 (e) By December 1 of each year, based on the most recent  
22 available data provided by school districts pursuant to Section  
23 18-8.15 of this Code, the State Board shall calculate the unit  
24 equivalent tax rate, based on the applications received by the  
25 State Board, above which the appropriations are sufficient to  
26 provide relief and publish a list of the school districts

1 eligible for relief.

2 (f) The State Board shall publish a final list of grant  
3 recipients and provide payment of the grants by January 15 of  
4 each year.

5 (g) If payment from the State Board is received by the  
6 school district on time, the school district shall reduce its  
7 property tax levy in an amount equal to the grant received  
8 under this Section.

9 (h) The total grant to a school district under this Section  
10 shall be calculated based on the total amount of reduction in  
11 the school district's aggregate extension, up to a limit of 1%  
12 of a district's equalized assessed value for a unit school  
13 district, 0.69% for an elementary school district, and 0.31%  
14 for a high school district, multiplied by the property tax  
15 multiplier or the amount that the unit equivalent tax rate is  
16 greater than the rate determined by the State Board, whichever  
17 is less.

18 (i) If the State Board does not expend all appropriations  
19 allocated pursuant to this Section, then any remaining funds  
20 shall be allocated pursuant to Section 18-8.15 of this Code.

21 (j) The State Board shall prioritize payments under Section  
22 18-8.15 of this Code over payments under this Section, if  
23 necessary.

24 (k) Any grants received by a school district shall be  
25 included in future calculations of that school district's Base  
26 Funding Minimum under Section 18-8.15 of this Code.



1           (1) In the tax year following receipt of a Property Tax  
2 Pool Relief Grant, the aggregate levy of any school district  
3 receiving a grant under this Section, for purposes of the  
4 Property Tax Extension Limitation Law, shall include the tax  
5 relief the school district provided in the previous taxable  
6 year under this Section.

7           (Source: P.A. 100-465, eff. 8-31-17.)

8           (105 ILCS 5/2-3.171)

9           Sec. 2-3.171 ~~2-3.170~~. Entrepreneurial skills teaching  
10 resources. The State Board of Education shall post resources  
11 regarding the teaching of entrepreneurial skills for use by  
12 school districts with secondary schools. The State Board of  
13 Education shall gather input from business groups and  
14 universities when developing the list of resources.

15           (Source: P.A. 100-174, eff. 1-1-18; revised 9-25-17.)

16           (105 ILCS 5/2-3.172)

17           Sec. 2-3.172 ~~2-3.170~~. High-skilled manufacturing teaching  
18 resources. The State Board of Education shall post resources  
19 regarding the teaching of high-skilled manufacturing, to be  
20 used in high schools and vocational education programs.

21           (Source: P.A. 100-175, eff. 1-1-18; revised 9-25-17.)

22           (105 ILCS 5/3-14.23) (from Ch. 122, par. 3-14.23)

23           Sec. 3-14.23. School bus driver permits.

1           (a) To conduct courses of instruction for school bus  
2 drivers pursuant to the standards established by the Secretary  
3 of State under Section 6-106.1 of the Illinois Vehicle Code and  
4 to charge a fee based upon the cost of providing such courses  
5 of up to \$6 per person for fiscal years 2010, 2011, and 2012;  
6 up to \$8 per person for fiscal years 2013, 2014, and 2015; and  
7 up to \$10 per person for fiscal year 2016 and each fiscal year  
8 thereafter for the initial classroom course in school bus  
9 driver safety and of up to \$6 per person for fiscal years 2010,  
10 2011, and 2012; up to \$8 per person for fiscal years 2013,  
11 2014, and 2015; and up to \$10 per person for fiscal year 2016  
12 and each fiscal year thereafter for the annual refresher  
13 course.

14           (b) To conduct such investigations as may be necessary to  
15 insure that all persons hired to operate school buses have  
16 valid school bus driver permits as required under Sections  
17 6-104 and 6-106.1 of the ~~"The~~ Illinois Vehicle Code". If a  
18 regional superintendent finds evidence of non-compliance with  
19 this requirement, he shall submit such evidence together with  
20 his recommendations in writing to the school board.

21           If the regional superintendent finds evidence of  
22 noncompliance with the requirement that all persons employed  
23 directly by the school board to operate school buses have valid  
24 school bus driver permits as required under Sections 6-104 and  
25 6-106.1 of the ~~"The~~ Illinois Vehicle Code", the regional  
26 superintendent shall schedule a hearing on a date not less than

1 5 days nor more than 10 days after notifying the district of  
2 his findings. If based on the evidence presented at the hearing  
3 the regional superintendent finds that persons employed  
4 directly by the school board to operate school buses do not  
5 have valid school bus driver permits as required under Sections  
6 6-104 and 6-106.1 of the ~~"The~~ Illinois Vehicle Code", the  
7 regional superintendent shall submit such evidence and his  
8 findings together with his recommendations to the State  
9 Superintendent of Education. The State Superintendent of  
10 Education may reduce the district's claim for reimbursement  
11 under Sections 29-5 and 14-13.01 for transportation by 1.136%  
12 for each day of noncompliance.

13 If a school board finds evidence of noncompliance with the  
14 requirement that all persons employed by a contractor to  
15 operate school buses have valid school bus driver permits as  
16 required under Sections 6-104 and 6-106.1 of the ~~"The~~ Illinois  
17 Vehicle Code", the school board shall request a hearing before  
18 the regional superintendent. The regional superintendent shall  
19 schedule a hearing on a date not less than 5 days nor more than  
20 10 days after receiving the request. If based on the evidence  
21 presented at the hearing the regional superintendent finds that  
22 persons employed by a contractor to operate school buses do not  
23 have valid school bus driver permits as required under Sections  
24 6-104 and 6-106.1 of the ~~"The~~ Illinois Vehicle Code", the  
25 school board's financial obligations under the contract shall  
26 be reduced by an amount equal to 1.136% for each day of

1 noncompliance. The findings of the regional superintendent and  
2 the relief provided herein shall not impair the obligations of  
3 the contractor to continue to provide transportation services  
4 in accordance with the terms of the contract.

5 The provisions of the Administrative Review Law, and all  
6 amendments and modifications thereof and the rules adopted  
7 pursuant thereto shall apply to and govern all proceedings  
8 instituted for judicial review of final administrative  
9 decisions of the regional superintendent under this Section.

10 (Source: P.A. 96-616, eff. 1-1-10; revised 9-22-17.)

11 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

12 (Text of Section before amendment by P.A. 100-448)

13 Sec. 10-17a. State, school district, and school report  
14 cards.

15 (1) By October 31, 2013 and October 31 of each subsequent  
16 school year, the State Board of Education, through the State  
17 Superintendent of Education, shall prepare a State report card,  
18 school district report cards, and school report cards, and  
19 shall by the most economic means provide to each school  
20 district in this State, including special charter districts and  
21 districts subject to the provisions of Article 34, the report  
22 cards for the school district and each of its schools.

23 (2) In addition to any information required by federal law,  
24 the State Superintendent shall determine the indicators and  
25 presentation of the school report card, which must include, at

1 a minimum, the most current data collected and maintained by  
2 the State Board of Education related to the following:

3 (A) school characteristics and student demographics,  
4 including average class size, average teaching experience,  
5 student racial/ethnic breakdown, and the percentage of  
6 students classified as low-income; the percentage of  
7 students classified as English learners; the percentage of  
8 students who have individualized education plans or 504  
9 plans that provide for special education services; the  
10 number and percentage of all students who have been  
11 assessed for placement in a gifted education or advanced  
12 academic program and, of those students: (i) the racial and  
13 ethnic breakdown, (ii) the percentage who are classified as  
14 low-income, and (iii) the number and percentage of students  
15 who received direct instruction from a teacher who holds a  
16 gifted education endorsement and, of those students, the  
17 percentage who are classified as low-income; the  
18 percentage of students scoring at the "exceeds  
19 expectations" level on the assessments required under  
20 Section 2-3.64a-5 of this Code; the percentage of students  
21 who annually transferred in or out of the school district;  
22 the per-pupil operating expenditure of the school  
23 district; and the per-pupil State average operating  
24 expenditure for the district type (elementary, high  
25 school, or unit);

26 (B) curriculum information, including, where

1 applicable, Advanced Placement, International  
2 Baccalaureate or equivalent courses, dual enrollment  
3 courses, foreign language classes, school personnel  
4 resources (including Career Technical Education teachers),  
5 before and after school programs, extracurricular  
6 activities, subjects in which elective classes are  
7 offered, health and wellness initiatives (including the  
8 average number of days of Physical Education per week per  
9 student), approved programs of study, awards received,  
10 community partnerships, and special programs such as  
11 programming for the gifted and talented, students with  
12 disabilities, and work-study students;

13 (C) student outcomes, including, where applicable, the  
14 percentage of students deemed proficient on assessments of  
15 State standards, the percentage of students in the eighth  
16 grade who pass Algebra, the percentage of students enrolled  
17 in post-secondary institutions (including colleges,  
18 universities, community colleges, trade/vocational  
19 schools, and training programs leading to career  
20 certification within 2 semesters of high school  
21 graduation), the percentage of students graduating from  
22 high school who are college and career ready, and the  
23 percentage of graduates enrolled in community colleges,  
24 colleges, and universities who are in one or more courses  
25 that the community college, college, or university  
26 identifies as a developmental course;

1 (D) student progress, including, where applicable, the  
2 percentage of students in the ninth grade who have earned 5  
3 credits or more without failing more than one core class, a  
4 measure of students entering kindergarten ready to learn, a  
5 measure of growth, and the percentage of students who enter  
6 high school on track for college and career readiness;

7 (E) the school environment, including, where  
8 applicable, the percentage of students with less than 10  
9 absences in a school year, the percentage of teachers with  
10 less than 10 absences in a school year for reasons other  
11 than professional development, leaves taken pursuant to  
12 the federal Family Medical Leave Act of 1993, long-term  
13 disability, or parental leaves, the 3-year average of the  
14 percentage of teachers returning to the school from the  
15 previous year, the number of different principals at the  
16 school in the last 6 years, the number of teachers who hold  
17 a gifted education endorsement, the process and criteria  
18 used by the district to determine whether a student is  
19 eligible for participation in a gifted education program or  
20 advanced academic program and the manner in which parents  
21 and guardians are made aware of the process and criteria, 2  
22 or more indicators from any school climate survey selected  
23 or approved by the State and administered pursuant to  
24 Section 2-3.153 of this Code, with the same or similar  
25 indicators included on school report cards for all surveys  
26 selected or approved by the State pursuant to Section

1 2-3.153 of this Code, and the combined percentage of  
2 teachers rated as proficient or excellent in their most  
3 recent evaluation;

4 (F) a school district's and its individual schools'  
5 balanced accountability measure, in accordance with  
6 Section 2-3.25a of this Code;

7 (G) the total and per pupil normal cost amount the  
8 State contributed to the Teachers' Retirement System of the  
9 State of Illinois in the prior fiscal year for the school's  
10 employees, which shall be reported to the State Board of  
11 Education by the Teachers' Retirement System of the State  
12 of Illinois; ~~and~~

13 (H) for a school district organized under Article 34 of  
14 this Code only, State contributions to the Public School  
15 Teachers' Pension and Retirement Fund of Chicago and State  
16 contributions for health care for employees of that school  
17 district; ~~and~~

18 (I) ~~(G)~~ a school district's Final Percent of Adequacy,  
19 as defined in paragraph (4) of subsection (f) of Section  
20 18-8.15 of this Code;

21 (J) ~~(H)~~ a school district's Local Capacity Target, as  
22 defined in paragraph (2) of subsection (c) of Section  
23 18-8.15 of this Code, displayed as a percentage amount; and

24 (K) ~~(I)~~ a school district's Real Receipts, as defined  
25 in paragraph (1) of subsection (d) of Section 18-8.15 of  
26 this Code, divided by a school district's Adequacy Target,



1 as defined in paragraph (1) of subsection (b) of Section  
2 18-8.15 of this Code, displayed as a percentage amount.

3 The school report card shall also provide information that  
4 allows for comparing the current outcome, progress, and  
5 environment data to the State average, to the school data from  
6 the past 5 years, and to the outcomes, progress, and  
7 environment of similar schools based on the type of school and  
8 enrollment of low-income students, special education students,  
9 and English learners.

10 As used in this ~~subsection~~ paragraph (2):

11 "Advanced academic program" means a course of study to  
12 which students are assigned based on advanced cognitive ability  
13 or advanced academic achievement compared to local age peers  
14 and in which the curriculum is substantially differentiated  
15 from the general curriculum to provide appropriate challenge  
16 and pace.

17 "Gifted education" means educational services, including  
18 differentiated curricula and instructional methods, designed  
19 to meet the needs of gifted children as defined in Article 14A  
20 of this Code.

21 (3) At the discretion of the State Superintendent, the  
22 school district report card shall include a subset of the  
23 information identified in paragraphs (A) through (E) of  
24 subsection (2) of this Section, as well as information relating  
25 to the operating expense per pupil and other finances of the  
26 school district, and the State report card shall include a

1 subset of the information identified in paragraphs (A) through  
2 (E) of subsection (2) of this Section.

3 (4) Notwithstanding anything to the contrary in this  
4 Section, in consultation with key education stakeholders, the  
5 State Superintendent shall at any time have the discretion to  
6 amend or update any and all metrics on the school, district, or  
7 State report card.

8 (5) Annually, no more than 30 calendar days after receipt  
9 of the school district and school report cards from the State  
10 Superintendent of Education, each school district, including  
11 special charter districts and districts subject to the  
12 provisions of Article 34, shall present such report cards at a  
13 regular school board meeting subject to applicable notice  
14 requirements, post the report cards on the school district's  
15 Internet web site, if the district maintains an Internet web  
16 site, make the report cards available to a newspaper of general  
17 circulation serving the district, and, upon request, send the  
18 report cards home to a parent (unless the district does not  
19 maintain an Internet web site, in which case the report card  
20 shall be sent home to parents without request). If the district  
21 posts the report card on its Internet web site, the district  
22 shall send a written notice home to parents stating (i) that  
23 the report card is available on the web site, (ii) the address  
24 of the web site, (iii) that a printed copy of the report card  
25 will be sent to parents upon request, and (iv) the telephone  
26 number that parents may call to request a printed copy of the

1 report card.

2 (6) Nothing contained in Public Act 98-648 ~~this amendatory~~  
3 ~~Act of the 98th General Assembly~~ repeals, supersedes,  
4 invalidates, or nullifies final decisions in lawsuits pending  
5 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~  
6 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts  
7 involving the interpretation of Public Act 97-8.

8 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;  
9 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.  
10 1-1-18; 100-465, eff. 8-31-17; revised 9-25-17.)

11 (Text of Section after amendment by P.A. 100-448)

12 Sec. 10-17a. State, school district, and school report  
13 cards.

14 (1) By October 31, 2013 and October 31 of each subsequent  
15 school year, the State Board of Education, through the State  
16 Superintendent of Education, shall prepare a State report card,  
17 school district report cards, and school report cards, and  
18 shall by the most economic means provide to each school  
19 district in this State, including special charter districts and  
20 districts subject to the provisions of Article 34, the report  
21 cards for the school district and each of its schools.

22 (2) In addition to any information required by federal law,  
23 the State Superintendent shall determine the indicators and  
24 presentation of the school report card, which must include, at  
25 a minimum, the most current data collected and maintained by

1 the State Board of Education related to the following:

2 (A) school characteristics and student demographics,  
3 including average class size, average teaching experience,  
4 student racial/ethnic breakdown, and the percentage of  
5 students classified as low-income; the percentage of  
6 students classified as English learners; the percentage of  
7 students who have individualized education plans or 504  
8 plans that provide for special education services; the  
9 number and percentage of all students who have been  
10 assessed for placement in a gifted education or advanced  
11 academic program and, of those students: (i) the racial and  
12 ethnic breakdown, (ii) the percentage who are classified as  
13 low-income, and (iii) the number and percentage of students  
14 who received direct instruction from a teacher who holds a  
15 gifted education endorsement and, of those students, the  
16 percentage who are classified as low-income; the  
17 percentage of students scoring at the "exceeds  
18 expectations" level on the assessments required under  
19 Section 2-3.64a-5 of this Code; the percentage of students  
20 who annually transferred in or out of the school district;  
21 average daily attendance; the per-pupil operating  
22 expenditure of the school district; and the per-pupil State  
23 average operating expenditure for the district type  
24 (elementary, high school, or unit);

25 (B) curriculum information, including, where  
26 applicable, Advanced Placement, International

1 Baccalaureate or equivalent courses, dual enrollment  
2 courses, foreign language classes, school personnel  
3 resources (including Career Technical Education teachers),  
4 before and after school programs, extracurricular  
5 activities, subjects in which elective classes are  
6 offered, health and wellness initiatives (including the  
7 average number of days of Physical Education per week per  
8 student), approved programs of study, awards received,  
9 community partnerships, and special programs such as  
10 programming for the gifted and talented, students with  
11 disabilities, and work-study students;

12 (C) student outcomes, including, where applicable, the  
13 percentage of students deemed proficient on assessments of  
14 State standards, the percentage of students in the eighth  
15 grade who pass Algebra, the percentage of students enrolled  
16 in post-secondary institutions (including colleges,  
17 universities, community colleges, trade/vocational  
18 schools, and training programs leading to career  
19 certification within 2 semesters of high school  
20 graduation), the percentage of students graduating from  
21 high school who are college and career ready, and the  
22 percentage of graduates enrolled in community colleges,  
23 colleges, and universities who are in one or more courses  
24 that the community college, college, or university  
25 identifies as a developmental course;

26 (D) student progress, including, where applicable, the

1 percentage of students in the ninth grade who have earned 5  
2 credits or more without failing more than one core class, a  
3 measure of students entering kindergarten ready to learn, a  
4 measure of growth, and the percentage of students who enter  
5 high school on track for college and career readiness;

6 (E) the school environment, including, where  
7 applicable, the percentage of students with less than 10  
8 absences in a school year, the percentage of teachers with  
9 less than 10 absences in a school year for reasons other  
10 than professional development, leaves taken pursuant to  
11 the federal Family Medical Leave Act of 1993, long-term  
12 disability, or parental leaves, the 3-year average of the  
13 percentage of teachers returning to the school from the  
14 previous year, the number of different principals at the  
15 school in the last 6 years, the number of teachers who hold  
16 a gifted education endorsement, the process and criteria  
17 used by the district to determine whether a student is  
18 eligible for participation in a gifted education program or  
19 advanced academic program and the manner in which parents  
20 and guardians are made aware of the process and criteria, 2  
21 or more indicators from any school climate survey selected  
22 or approved by the State and administered pursuant to  
23 Section 2-3.153 of this Code, with the same or similar  
24 indicators included on school report cards for all surveys  
25 selected or approved by the State pursuant to Section  
26 2-3.153 of this Code, and the combined percentage of

1 teachers rated as proficient or excellent in their most  
2 recent evaluation;

3 (F) a school district's and its individual schools'  
4 balanced accountability measure, in accordance with  
5 Section 2-3.25a of this Code;

6 (G) the total and per pupil normal cost amount the  
7 State contributed to the Teachers' Retirement System of the  
8 State of Illinois in the prior fiscal year for the school's  
9 employees, which shall be reported to the State Board of  
10 Education by the Teachers' Retirement System of the State  
11 of Illinois; ~~and~~

12 (H) for a school district organized under Article 34 of  
13 this Code only, State contributions to the Public School  
14 Teachers' Pension and Retirement Fund of Chicago and State  
15 contributions for health care for employees of that school  
16 district; ~~and~~

17 (I) ~~(G)~~ a school district's Final Percent of Adequacy,  
18 as defined in paragraph (4) of subsection (f) of Section  
19 18-8.15 of this Code;

20 (J) ~~(H)~~ a school district's Local Capacity Target, as  
21 defined in paragraph (2) of subsection (c) of Section  
22 18-8.15 of this Code, displayed as a percentage amount; and

23 (K) ~~(I)~~ a school district's Real Receipts, as defined  
24 in paragraph (1) of subsection (d) of Section 18-8.15 of  
25 this Code, divided by a school district's Adequacy Target,  
26 as defined in paragraph (1) of subsection (b) of Section

1 18-8.15 of this Code, displayed as a percentage amount.

2 The school report card shall also provide information that  
3 allows for comparing the current outcome, progress, and  
4 environment data to the State average, to the school data from  
5 the past 5 years, and to the outcomes, progress, and  
6 environment of similar schools based on the type of school and  
7 enrollment of low-income students, special education students,  
8 and English learners.

9 As used in this subsection ~~paragraph~~ (2):

10 "Advanced academic program" means a course of study to  
11 which students are assigned based on advanced cognitive ability  
12 or advanced academic achievement compared to local age peers  
13 and in which the curriculum is substantially differentiated  
14 from the general curriculum to provide appropriate challenge  
15 and pace.

16 "Gifted education" means educational services, including  
17 differentiated curricula and instructional methods, designed  
18 to meet the needs of gifted children as defined in Article 14A  
19 of this Code.

20 For the purposes of paragraph (A) of this subsection (2),  
21 "average daily attendance" means the average of the actual  
22 number of attendance days during the previous school year for  
23 any enrolled student who is subject to compulsory attendance by  
24 Section 26-1 of this Code at each school and charter school.

25 (3) At the discretion of the State Superintendent, the  
26 school district report card shall include a subset of the



1 information identified in paragraphs (A) through (E) of  
2 subsection (2) of this Section, as well as information relating  
3 to the operating expense per pupil and other finances of the  
4 school district, and the State report card shall include a  
5 subset of the information identified in paragraphs (A) through  
6 (E) of subsection (2) of this Section. The school district  
7 report card shall include the average daily attendance, as that  
8 term is defined in subsection (2) of this Section, of students  
9 who have individualized education programs and students who  
10 have 504 plans that provide for special education services  
11 within the school district.

12 (4) Notwithstanding anything to the contrary in this  
13 Section, in consultation with key education stakeholders, the  
14 State Superintendent shall at any time have the discretion to  
15 amend or update any and all metrics on the school, district, or  
16 State report card.

17 (5) Annually, no more than 30 calendar days after receipt  
18 of the school district and school report cards from the State  
19 Superintendent of Education, each school district, including  
20 special charter districts and districts subject to the  
21 provisions of Article 34, shall present such report cards at a  
22 regular school board meeting subject to applicable notice  
23 requirements, post the report cards on the school district's  
24 Internet web site, if the district maintains an Internet web  
25 site, make the report cards available to a newspaper of general  
26 circulation serving the district, and, upon request, send the

1 report cards home to a parent (unless the district does not  
2 maintain an Internet web site, in which case the report card  
3 shall be sent home to parents without request). If the district  
4 posts the report card on its Internet web site, the district  
5 shall send a written notice home to parents stating (i) that  
6 the report card is available on the web site, (ii) the address  
7 of the web site, (iii) that a printed copy of the report card  
8 will be sent to parents upon request, and (iv) the telephone  
9 number that parents may call to request a printed copy of the  
10 report card.

11 (6) Nothing contained in Public Act 98-648 ~~this amendatory~~  
12 ~~Act of the 98th General Assembly~~ repeals, supersedes,  
13 invalidates, or nullifies final decisions in lawsuits pending  
14 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~  
15 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts  
16 involving the interpretation of Public Act 97-8.

17 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;  
18 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.  
19 1-1-18; 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; revised  
20 9-25-17.)

21 (105 ILCS 5/10-20.60)

22 Sec. 10-20.60. Breastfeeding accommodations for pupils.

23 (a) Each public school shall provide reasonable  
24 accommodations to a lactating pupil on a school campus to  
25 express breast milk, breastfeed an infant child, or address

1 other needs related to breastfeeding. Reasonable  
2 accommodations under this Section include, but are not limited  
3 to, all of the following:

4 (1) Access to a private and secure room, other than a  
5 restroom, to express breast milk or breastfeed an infant  
6 child.

7 (2) Permission to bring onto a school campus a breast  
8 pump and any other equipment used to express breast milk.

9 (3) Access to a power source for a breast pump or any  
10 other equipment used to express breast milk.

11 (4) Access to a place to store expressed breast milk  
12 safely.

13 (b) A lactating pupil on a school campus must be provided a  
14 reasonable amount of time to accommodate her need to express  
15 breast milk or breastfeed an infant child.

16 (c) A public school shall provide the reasonable  
17 accommodations specified in subsections (a) and (b) of this  
18 Section only if there is at least one lactating pupil on the  
19 school campus.

20 (d) A public school may use an existing facility to meet  
21 the requirements specified in subsection (a) of this Section.

22 (e) A pupil may not incur an academic penalty as a result  
23 of her use, during the school day, of the reasonable  
24 accommodations specified in this Section and must be provided  
25 the opportunity to make up any work missed due to such use.

26 (f) In instances where a student files a complaint of

1 noncompliance with the requirements of this Section, the public  
2 school shall implement the grievance procedure of 23 Ill. Adm.  
3 Code 200, including appeals procedures.

4 (Source: P.A. 100-29, eff. 1-1-18.)

5 (105 ILCS 5/10-20.61)

6 Sec. 10-20.61 ~~10-20.60~~. Implicit bias training.

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

8 (1) implicit racial bias influences evaluations of and  
9 behavior toward those who are the subject of the bias;

10 (2) understanding implicit racial bias is needed in  
11 order to reduce that bias;

12 (3) marginalized students would benefit from having  
13 access to educators who have worked to reduce their biases;  
14 and

15 (4) training that helps educators overcome implicit  
16 racial bias has implication for classroom interactions,  
17 student evaluation, and classroom engagement; it also  
18 affects student academic self-concept.

19 (b) Each school board shall require in-service training for  
20 school personnel to include training to develop cultural  
21 competency, including understanding and reducing implicit  
22 racial bias.

23 (c) As used in this Section, "implicit racial bias" means a  
24 preference, positive or negative, for a racial or ethnic group  
25 that operates outside of awareness. This bias has 3 different

1 components: affective, behavioral, and cognitive.

2 (Source: P.A. 100-14, eff. 7-1-17; revised 10-19-17.)

3 (105 ILCS 5/10-20.62)

4 Sec. 10-20.62 ~~10-20.60~~. Dual enrollment and dual credit  
5 notification. A school board shall require the school  
6 district's high schools, if any, to inform all 11th and 12th  
7 grade students of dual enrollment and dual credit opportunities  
8 at public community colleges for qualified students.

9 (Source: P.A. 100-133, eff. 1-1-18; revised 10-19-17.)

10 (105 ILCS 5/10-20.63)

11 Sec. 10-20.63 ~~10-20.60~~. Availability of feminine hygiene  
12 products.

13 (a) The General Assembly finds the following:

14 (1) Feminine hygiene products are a health care  
15 necessity and not an item that can be foregone or  
16 substituted easily.

17 (2) Access to feminine hygiene products is a serious  
18 and ongoing need in this State.

19 (3) When students do not have access to affordable  
20 feminine hygiene products, they may miss multiple days of  
21 school every month.

22 (4) When students have access to quality feminine  
23 hygiene products, they are able to continue with their  
24 daily lives with minimal interruption.

1 (b) In this Section:

2 "Feminine hygiene products" means tampons and sanitary  
3 napkins for use in connection with the menstrual cycle.

4 "School building" means any facility (i) that is owned or  
5 leased by a school district or over which the school board has  
6 care, custody, and control and (ii) in which there is a public  
7 school serving students in grades 6 through 12.

8 (c) A school district shall make feminine hygiene products  
9 available, at no cost to students, in the bathrooms of school  
10 buildings.

11 (Source: P.A. 100-163, eff. 1-1-18; revised 10-19-17.)

12 (105 ILCS 5/10-20.64)

13 Sec. 10-20.64 ~~10-20.60~~. Booking stations on school  
14 grounds.

15 (a) There shall be no student booking station established  
16 or maintained on the grounds of any school.

17 (b) This prohibition shall be applied to student booking  
18 stations only, as defined in this Section. The prohibition does  
19 not prohibit or affect the establishment or maintenance of any  
20 place operated by or under the control of law enforcement  
21 personnel, school resource officers, or other security  
22 personnel that does not also qualify as a student booking  
23 station as defined in paragraph (2) of subsection (d) of this  
24 Section. The prohibition does not affect or limit the powers  
25 afforded law enforcement officers to perform their duties

1 within schools as otherwise prescribed by law.

2 (c) When the underlying suspected or alleged criminal act  
3 is an act of violence, and isolation of a student or students  
4 is deemed necessary to the interest of public safety, and no  
5 other location is adequate for secure isolation of the student  
6 or students, offices as described in paragraph (1) of  
7 subsection (d) of this Section may be employed to detain  
8 students for a period no longer than that required to alleviate  
9 that threat to public safety.

10 (d) As used in this Section, "student booking station"  
11 means a building, office, room, or any indefinitely established  
12 space or site, mobile or fixed, which operates concurrently as:

13 (1) predominantly or regularly a place of operation for  
14 a municipal police department, county sheriff department,  
15 or other law enforcement agency, or under the primary  
16 control thereof; and

17 (2) a site at which students are detained in connection  
18 with criminal charges or allegations against those  
19 students, taken into custody, or engaged with law  
20 enforcement personnel in any process that creates a law  
21 enforcement record of that contact with law enforcement  
22 personnel or processes.

23 (Source: P.A. 100-204, eff. 8-18-17; revised 10-19-17.)

24 (105 ILCS 5/10-20.65)

25 Sec. 10-20.65 ~~10-20.60~~. School social worker. A school

1 board may employ school social workers who have graduated with  
2 a master's or higher degree in social work from an accredited  
3 graduate school of social work and have such additional  
4 qualifications as may be required by the State Board of  
5 Education and who hold a Professional Educator License with a  
6 school support personnel endorsement for school social work  
7 pursuant to Section 21B-25 of this Code. Only persons so  
8 licensed and endorsed may use the title "school social worker".  
9 A school social worker may provide individual and group  
10 services to the general student population and to students with  
11 disabilities pursuant to Article 14 of this Code and rules set  
12 forth in 23 Ill. Adm. Code 226, Special Education, adopted by  
13 the State Board of Education and may provide support and  
14 consultation to administrators, teachers, and other school  
15 personnel consistent with their professional qualifications  
16 and the provisions of this Code and other applicable laws.  
17 School districts may employ a sufficient number of school  
18 social workers to address the needs of their students and  
19 schools and may maintain the nationally recommended  
20 student-to-school social worker ratio of 250 to 1. A school  
21 social worker may not provide such services outside his or her  
22 employment to any student in the district or districts that  
23 employ the school social worker.

24 (Source: P.A. 100-356, eff. 8-25-17; revised 10-19-17.)



1 (This Section may contain text from a Public Act with a  
2 delayed effective date)

3 Sec. 10-20.66 ~~10-20.60~~. School-grown produce. A school  
4 district may serve students produce grown and harvested by  
5 students in school-owned facilities utilizing hydroponics or  
6 aeroponics or in school-owned or community gardens if the soil  
7 and compost in which the produce is grown meets the standards  
8 adopted in 35 Ill. Adm. Code 830.503, if applicable, and the  
9 produce is served in accordance with the standards adopted in  
10 77 Ill. Adm. Code 750.

11 (Source: P.A. 100-505, eff. 6-1-18; revised 10-19-17.)

12 (105 ILCS 5/10-22.3f)

13 Sec. 10-22.3f. Required health benefits. Insurance  
14 protection and benefits for employees shall provide the  
15 post-mastectomy care benefits required to be covered by a  
16 policy of accident and health insurance under Section 356t and  
17 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
18 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,  
19 356z.13, 356z.14, 356z.15, 356z.22, ~~and~~ 356z.25, and 356z.26 of  
20 the Illinois Insurance Code. Insurance policies shall comply  
21 with Section 356z.19 of the Illinois Insurance Code. The  
22 coverage shall comply with Sections 155.22a and 355b of the  
23 Illinois Insurance Code.

24 Rulemaking authority to implement Public Act 95-1045, if  
25 any, is conditioned on the rules being adopted in accordance

1 with all provisions of the Illinois Administrative Procedure  
2 Act and all rules and procedures of the Joint Committee on  
3 Administrative Rules; any purported rule not so adopted, for  
4 whatever reason, is unauthorized.

5 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
6 revised 9-25-17.)

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school  
9 searches.

10 (a) To expel pupils guilty of gross disobedience or  
11 misconduct, including gross disobedience or misconduct  
12 perpetuated by electronic means, pursuant to subsection (b-20)  
13 of this Section, and no action shall lie against them for such  
14 expulsion. Expulsion shall take place only after the parents  
15 have been requested to appear at a meeting of the board, or  
16 with a hearing officer appointed by it, to discuss their  
17 child's behavior. Such request shall be made by registered or  
18 certified mail and shall state the time, place and purpose of  
19 the meeting. The board, or a hearing officer appointed by it,  
20 at such meeting shall state the reasons for dismissal and the  
21 date on which the expulsion is to become effective. If a  
22 hearing officer is appointed by the board, he shall report to  
23 the board a written summary of the evidence heard at the  
24 meeting and the board may take such action thereon as it finds  
25 appropriate. If the board acts to expel a pupil, the written

1 expulsion decision shall detail the specific reasons why  
2 removing the pupil from the learning environment is in the best  
3 interest of the school. The expulsion decision shall also  
4 include a rationale as to the specific duration of the  
5 expulsion. An expelled pupil may be immediately transferred to  
6 an alternative program in the manner provided in Article 13A or  
7 13B of this Code. A pupil must not be denied transfer because  
8 of the expulsion, except in cases in which such transfer is  
9 deemed to cause a threat to the safety of students or staff in  
10 the alternative program.

11 (b) To suspend or by policy to authorize the superintendent  
12 of the district or the principal, assistant principal, or dean  
13 of students of any school to suspend pupils guilty of gross  
14 disobedience or misconduct, or to suspend pupils guilty of  
15 gross disobedience or misconduct on the school bus from riding  
16 the school bus, pursuant to subsections (b-15) and (b-20) of  
17 this Section, and no action shall lie against them for such  
18 suspension. The board may by policy authorize the  
19 superintendent of the district or the principal, assistant  
20 principal, or dean of students of any school to suspend pupils  
21 guilty of such acts for a period not to exceed 10 school days.  
22 If a pupil is suspended due to gross disobedience or misconduct  
23 on a school bus, the board may suspend the pupil in excess of  
24 10 school days for safety reasons.

25 Any suspension shall be reported immediately to the parents  
26 or guardian of a pupil along with a full statement of the

1 reasons for such suspension and a notice of their right to a  
2 review. The school board must be given a summary of the notice,  
3 including the reason for the suspension and the suspension  
4 length. Upon request of the parents or guardian, the school  
5 board or a hearing officer appointed by it shall review such  
6 action of the superintendent or principal, assistant  
7 principal, or dean of students. At such review, the parents or  
8 guardian of the pupil may appear and discuss the suspension  
9 with the board or its hearing officer. If a hearing officer is  
10 appointed by the board, he shall report to the board a written  
11 summary of the evidence heard at the meeting. After its hearing  
12 or upon receipt of the written report of its hearing officer,  
13 the board may take such action as it finds appropriate. If a  
14 student is suspended pursuant to this subsection (b), the board  
15 shall, in the written suspension decision, detail the specific  
16 act of gross disobedience or misconduct resulting in the  
17 decision to suspend. The suspension decision shall also include  
18 a rationale as to the specific duration of the suspension. A  
19 pupil who is suspended in excess of 20 school days may be  
20 immediately transferred to an alternative program in the manner  
21 provided in Article 13A or 13B of this Code. A pupil must not  
22 be denied transfer because of the suspension, except in cases  
23 in which such transfer is deemed to cause a threat to the  
24 safety of students or staff in the alternative program.

25 (b-5) Among the many possible disciplinary interventions  
26 and consequences available to school officials, school

1 exclusions, such as out-of-school suspensions and expulsions,  
2 are the most serious. School officials shall limit the number  
3 and duration of expulsions and suspensions to the greatest  
4 extent practicable, and it is recommended that they use them  
5 only for legitimate educational purposes. To ensure that  
6 students are not excluded from school unnecessarily, it is  
7 recommended that school officials consider forms of  
8 non-exclusionary discipline prior to using out-of-school  
9 suspensions or expulsions.

10 (b-10) Unless otherwise required by federal law or this  
11 Code, school boards may not institute zero-tolerance policies  
12 by which school administrators are required to suspend or expel  
13 students for particular behaviors.

14 (b-15) Out-of-school suspensions of 3 days or less may be  
15 used only if the student's continuing presence in school would  
16 pose a threat to school safety or a disruption to other  
17 students' learning opportunities. For purposes of this  
18 subsection (b-15), "threat to school safety or a disruption to  
19 other students' learning opportunities" shall be determined on  
20 a case-by-case basis by the school board or its designee.  
21 School officials shall make all reasonable efforts to resolve  
22 such threats, address such disruptions, and minimize the length  
23 of suspensions to the greatest extent practicable.

24 (b-20) Unless otherwise required by this Code,  
25 out-of-school suspensions of longer than 3 days, expulsions,  
26 and disciplinary removals to alternative schools may be used

1 only if other appropriate and available behavioral and  
2 disciplinary interventions have been exhausted and the  
3 student's continuing presence in school would either (i) pose a  
4 threat to the safety of other students, staff, or members of  
5 the school community or (ii) substantially disrupt, impede, or  
6 interfere with the operation of the school. For purposes of  
7 this subsection (b-20), "threat to the safety of other  
8 students, staff, or members of the school community" and  
9 "substantially disrupt, impede, or interfere with the  
10 operation of the school" shall be determined on a case-by-case  
11 basis by school officials. For purposes of this subsection  
12 (b-20), the determination of whether "appropriate and  
13 available behavioral and disciplinary interventions have been  
14 exhausted" shall be made by school officials. School officials  
15 shall make all reasonable efforts to resolve such threats,  
16 address such disruptions, and minimize the length of student  
17 exclusions to the greatest extent practicable. Within the  
18 suspension decision described in subsection (b) of this Section  
19 or the expulsion decision described in subsection (a) of this  
20 Section, it shall be documented whether other interventions  
21 were attempted or whether it was determined that there were no  
22 other appropriate and available interventions.

23 (b-25) Students who are suspended out-of-school for longer  
24 than 4 school days shall be provided appropriate and available  
25 support services during the period of their suspension. For  
26 purposes of this subsection (b-25), "appropriate and available

1 support services" shall be determined by school authorities.  
2 Within the suspension decision described in subsection (b) of  
3 this Section, it shall be documented whether such services are  
4 to be provided or whether it was determined that there are no  
5 such appropriate and available services.

6 A school district may refer students who are expelled to  
7 appropriate and available support services.

8 A school district shall create a policy to facilitate the  
9 re-engagement of students who are suspended out-of-school,  
10 expelled, or returning from an alternative school setting.

11 (b-30) A school district shall create a policy by which  
12 suspended pupils, including those pupils suspended from the  
13 school bus who do not have alternate transportation to school,  
14 shall have the opportunity to make up work for equivalent  
15 academic credit. It shall be the responsibility of a pupil's  
16 parent or guardian to notify school officials that a pupil  
17 suspended from the school bus does not have alternate  
18 transportation to school.

19 (c) The Department of Human Services shall be invited to  
20 send a representative to consult with the board at such meeting  
21 whenever there is evidence that mental illness may be the cause  
22 for expulsion or suspension.

23 (c-5) School districts shall make reasonable efforts to  
24 provide ongoing professional development to teachers,  
25 administrators, school board members, school resource  
26 officers, and staff on the adverse consequences of school

1 exclusion and justice-system involvement, effective classroom  
2 management strategies, culturally responsive discipline, and  
3 developmentally appropriate disciplinary methods that promote  
4 positive and healthy school climates.

5 (d) The board may expel a student for a definite period of  
6 time not to exceed 2 calendar years, as determined on a  
7 case-by-case ~~case by case~~ basis. A student who is determined to  
8 have brought one of the following objects to school, any  
9 school-sponsored activity or event, or any activity or event  
10 that bears a reasonable relationship to school shall be  
11 expelled for a period of not less than one year:

12 (1) A firearm. For the purposes of this Section,  
13 "firearm" means any gun, rifle, shotgun, weapon as defined  
14 by Section 921 of Title 18 of the United States Code,  
15 firearm as defined in Section 1.1 of the Firearm Owners  
16 Identification Card Act, or firearm as defined in Section  
17 24-1 of the Criminal Code of 2012. The expulsion period  
18 under this subdivision (1) may be modified by the  
19 superintendent, and the superintendent's determination may  
20 be modified by the board on a case-by-case basis.

21 (2) A knife, brass knuckles or other knuckle weapon  
22 regardless of its composition, a billy club, or any other  
23 object if used or attempted to be used to cause bodily  
24 harm, including "look alike" of any firearm as defined in  
25 subdivision (1) of this subsection (d). The expulsion  
26 requirement under this subdivision (2) may be modified by



1 the superintendent, and the superintendent's determination  
2 may be modified by the board on a case-by-case basis.

3 Expulsion or suspension shall be construed in a manner  
4 consistent with the Federal Individuals with Disabilities  
5 Education Act. A student who is subject to suspension or  
6 expulsion as provided in this Section may be eligible for a  
7 transfer to an alternative school program in accordance with  
8 Article 13A of the School Code.

9 (d-5) The board may suspend or by regulation authorize the  
10 superintendent of the district or the principal, assistant  
11 principal, or dean of students of any school to suspend a  
12 student for a period not to exceed 10 school days or may expel  
13 a student for a definite period of time not to exceed 2  
14 calendar years, as determined on a case-by-case ~~case-by-case~~  
15 basis, if (i) that student has been determined to have made an  
16 explicit threat on an Internet website against a school  
17 employee, a student, or any school-related personnel, (ii) the  
18 Internet website through which the threat was made is a site  
19 that was accessible within the school at the time the threat  
20 was made or was available to third parties who worked or  
21 studied within the school grounds at the time the threat was  
22 made, and (iii) the threat could be reasonably interpreted as  
23 threatening to the safety and security of the threatened  
24 individual because of his or her duties or employment status or  
25 status as a student inside the school.

26 (e) To maintain order and security in the schools, school

1 authorities may inspect and search places and areas such as  
2 lockers, desks, parking lots, and other school property and  
3 equipment owned or controlled by the school, as well as  
4 personal effects left in those places and areas by students,  
5 without notice to or the consent of the student, and without a  
6 search warrant. As a matter of public policy, the General  
7 Assembly finds that students have no reasonable expectation of  
8 privacy in these places and areas or in their personal effects  
9 left in these places and areas. School authorities may request  
10 the assistance of law enforcement officials for the purpose of  
11 conducting inspections and searches of lockers, desks, parking  
12 lots, and other school property and equipment owned or  
13 controlled by the school for illegal drugs, weapons, or other  
14 illegal or dangerous substances or materials, including  
15 searches conducted through the use of specially trained dogs.  
16 If a search conducted in accordance with this Section produces  
17 evidence that the student has violated or is violating either  
18 the law, local ordinance, or the school's policies or rules,  
19 such evidence may be seized by school authorities, and  
20 disciplinary action may be taken. School authorities may also  
21 turn over such evidence to law enforcement authorities.

22 (f) Suspension or expulsion may include suspension or  
23 expulsion from school and all school activities and a  
24 prohibition from being present on school grounds.

25 (g) A school district may adopt a policy providing that if  
26 a student is suspended or expelled for any reason from any

1 public or private school in this or any other state, the  
2 student must complete the entire term of the suspension or  
3 expulsion in an alternative school program under Article 13A of  
4 this Code or an alternative learning opportunities program  
5 under Article 13B of this Code before being admitted into the  
6 school district if there is no threat to the safety of students  
7 or staff in the alternative program.

8 (h) School officials shall not advise or encourage students  
9 to drop out voluntarily due to behavioral or academic  
10 difficulties.

11 (i) A student may not be issued a monetary fine or fee as a  
12 disciplinary consequence, though this shall not preclude  
13 requiring a student to provide restitution for lost, stolen, or  
14 damaged property.

15 (j) Subsections (a) through (i) of this Section shall apply  
16 to elementary and secondary schools, charter schools, special  
17 charter districts, and school districts organized under  
18 Article 34 of this Code.

19 (k) The expulsion of children enrolled in programs funded  
20 under Section 1C-2 of this Code is subject to the requirements  
21 under paragraph (7) of subsection (a) of Section 2-3.71 of this  
22 Code.

23 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;  
24 revised 1-22-18.)

25 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

1           Sec. 14-8.02. Identification, evaluation, and placement of  
2 children.

3           (a) The State Board of Education shall make rules under  
4 which local school boards shall determine the eligibility of  
5 children to receive special education. Such rules shall ensure  
6 that a free appropriate public education be available to all  
7 children with disabilities as defined in Section 14-1.02. The  
8 State Board of Education shall require local school districts  
9 to administer non-discriminatory procedures or tests to  
10 English learners coming from homes in which a language other  
11 than English is used to determine their eligibility to receive  
12 special education. The placement of low English proficiency  
13 students in special education programs and facilities shall be  
14 made in accordance with the test results reflecting the  
15 student's linguistic, cultural and special education needs.  
16 For purposes of determining the eligibility of children the  
17 State Board of Education shall include in the rules definitions  
18 of "case study", "staff conference", "individualized  
19 educational program", and "qualified specialist" appropriate  
20 to each category of children with disabilities as defined in  
21 this Article. For purposes of determining the eligibility of  
22 children from homes in which a language other than English is  
23 used, the State Board of Education shall include in the rules  
24 definitions for "qualified bilingual specialists" and  
25 "linguistically and culturally appropriate individualized  
26 educational programs". For purposes of this Section, as well as

1 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,  
2 "parent" means a parent as defined in the federal Individuals  
3 with Disabilities Education Act (20 U.S.C. 1401(23)).

4 (b) No child shall be eligible for special education  
5 facilities except with a carefully completed case study fully  
6 reviewed by professional personnel in a multidisciplinary  
7 staff conference and only upon the recommendation of qualified  
8 specialists or a qualified bilingual specialist, if available.  
9 At the conclusion of the multidisciplinary staff conference,  
10 the parent of the child shall be given a copy of the  
11 multidisciplinary conference summary report and  
12 recommendations, which includes options considered, and be  
13 informed of their right to obtain an independent educational  
14 evaluation if they disagree with the evaluation findings  
15 conducted or obtained by the school district. If the school  
16 district's evaluation is shown to be inappropriate, the school  
17 district shall reimburse the parent for the cost of the  
18 independent evaluation. The State Board of Education shall,  
19 with advice from the State Advisory Council on Education of  
20 Children with Disabilities on the inclusion of specific  
21 independent educational evaluators, prepare a list of  
22 suggested independent educational evaluators. The State Board  
23 of Education shall include on the list clinical psychologists  
24 licensed pursuant to the Clinical Psychologist Licensing Act.  
25 Such psychologists shall not be paid fees in excess of the  
26 amount that would be received by a school psychologist for

1 performing the same services. The State Board of Education  
2 shall supply school districts with such list and make the list  
3 available to parents at their request. School districts shall  
4 make the list available to parents at the time they are  
5 informed of their right to obtain an independent educational  
6 evaluation. However, the school district may initiate an  
7 impartial due process hearing under this Section within 5 days  
8 of any written parent request for an independent educational  
9 evaluation to show that its evaluation is appropriate. If the  
10 final decision is that the evaluation is appropriate, the  
11 parent still has a right to an independent educational  
12 evaluation, but not at public expense. An independent  
13 educational evaluation at public expense must be completed  
14 within 30 days of a parent written request unless the school  
15 district initiates an impartial due process hearing or the  
16 parent or school district offers reasonable grounds to show  
17 that such 30 day time period should be extended. If the due  
18 process hearing decision indicates that the parent is entitled  
19 to an independent educational evaluation, it must be completed  
20 within 30 days of the decision unless the parent or the school  
21 district offers reasonable grounds to show that such 30 day  
22 period should be extended. If a parent disagrees with the  
23 summary report or recommendations of the multidisciplinary  
24 conference or the findings of any educational evaluation which  
25 results therefrom, the school district shall not proceed with a  
26 placement based upon such evaluation and the child shall remain

1 in his or her regular classroom setting. No child shall be  
2 eligible for admission to a special class for children with a  
3 mental disability who are educable or for children with a  
4 mental disability who are trainable except with a psychological  
5 evaluation and recommendation by a school psychologist.  
6 Consent shall be obtained from the parent of a child before any  
7 evaluation is conducted. If consent is not given by the parent  
8 or if the parent disagrees with the findings of the evaluation,  
9 then the school district may initiate an impartial due process  
10 hearing under this Section. The school district may evaluate  
11 the child if that is the decision resulting from the impartial  
12 due process hearing and the decision is not appealed or if the  
13 decision is affirmed on appeal. The determination of  
14 eligibility shall be made and the IEP meeting shall be  
15 completed within 60 school days from the date of written  
16 parental consent. In those instances when written parental  
17 consent is obtained with fewer than 60 pupil attendance days  
18 left in the school year, the eligibility determination shall be  
19 made and the IEP meeting shall be completed prior to the first  
20 day of the following school year. Special education and related  
21 services must be provided in accordance with the student's IEP  
22 no later than 10 school attendance days after notice is  
23 provided to the parents pursuant to Section 300.503 of Title 34  
24 of the Code of Federal Regulations and implementing rules  
25 adopted by the State Board of Education. The appropriate  
26 program pursuant to the individualized educational program of

1 students whose native tongue is a language other than English  
2 shall reflect the special education, cultural and linguistic  
3 needs. No later than September 1, 1993, the State Board of  
4 Education shall establish standards for the development,  
5 implementation and monitoring of appropriate bilingual special  
6 individualized educational programs. The State Board of  
7 Education shall further incorporate appropriate monitoring  
8 procedures to verify implementation of these standards. The  
9 district shall indicate to the parent and the State Board of  
10 Education the nature of the services the child will receive for  
11 the regular school term while waiting placement in the  
12 appropriate special education class.

13 If the child is deaf, hard of hearing, blind, or visually  
14 impaired and he or she might be eligible to receive services  
15 from the Illinois School for the Deaf or the Illinois School  
16 for the Visually Impaired, the school district shall notify the  
17 parents, in writing, of the existence of these schools and the  
18 services they provide and shall make a reasonable effort to  
19 inform the parents of the existence of other, local schools  
20 that provide similar services and the services that these other  
21 schools provide. This notification shall include without  
22 limitation information on school services, school admissions  
23 criteria, and school contact information.

24 In the development of the individualized education program  
25 for a student who has a disability on the autism spectrum  
26 (which includes autistic disorder, Asperger's disorder,



1 pervasive developmental disorder not otherwise specified,  
2 childhood disintegrative disorder, and Rett Syndrome, as  
3 defined in the Diagnostic and Statistical Manual of Mental  
4 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
5 consider all of the following factors:

6 (1) The verbal and nonverbal communication needs of the  
7 child.

8 (2) The need to develop social interaction skills and  
9 proficiencies.

10 (3) The needs resulting from the child's unusual  
11 responses to sensory experiences.

12 (4) The needs resulting from resistance to  
13 environmental change or change in daily routines.

14 (5) The needs resulting from engagement in repetitive  
15 activities and stereotyped movements.

16 (6) The need for any positive behavioral  
17 interventions, strategies, and supports to address any  
18 behavioral difficulties resulting from autism spectrum  
19 disorder.

20 (7) Other needs resulting from the child's disability  
21 that impact progress in the general curriculum, including  
22 social and emotional development.

23 Public Act 95-257 does not create any new entitlement to a  
24 service, program, or benefit, but must not affect any  
25 entitlement to a service, program, or benefit created by any  
26 other law.

1           If the student may be eligible to participate in the  
2 Home-Based Support Services Program for Adults with Mental  
3 Disabilities authorized under the Developmental Disability and  
4 Mental Disability Services Act upon becoming an adult, the  
5 student's individualized education program shall include plans  
6 for (i) determining the student's eligibility for those  
7 home-based services, (ii) enrolling the student in the program  
8 of home-based services, and (iii) developing a plan for the  
9 student's most effective use of the home-based services after  
10 the student becomes an adult and no longer receives special  
11 educational services under this Article. The plans developed  
12 under this paragraph shall include specific actions to be taken  
13 by specified individuals, agencies, or officials.

14           (c) In the development of the individualized education  
15 program for a student who is functionally blind, it shall be  
16 presumed that proficiency in Braille reading and writing is  
17 essential for the student's satisfactory educational progress.  
18 For purposes of this subsection, the State Board of Education  
19 shall determine the criteria for a student to be classified as  
20 functionally blind. Students who are not currently identified  
21 as functionally blind who are also entitled to Braille  
22 instruction include: (i) those whose vision loss is so severe  
23 that they are unable to read and write at a level comparable to  
24 their peers solely through the use of vision, and (ii) those  
25 who show evidence of progressive vision loss that may result in  
26 functional blindness. Each student who is functionally blind

1 shall be entitled to Braille reading and writing instruction  
2 that is sufficient to enable the student to communicate with  
3 the same level of proficiency as other students of comparable  
4 ability. Instruction should be provided to the extent that the  
5 student is physically and cognitively able to use Braille.  
6 Braille instruction may be used in combination with other  
7 special education services appropriate to the student's  
8 educational needs. The assessment of each student who is  
9 functionally blind for the purpose of developing the student's  
10 individualized education program shall include documentation  
11 of the student's strengths and weaknesses in Braille skills.  
12 Each person assisting in the development of the individualized  
13 education program for a student who is functionally blind shall  
14 receive information describing the benefits of Braille  
15 instruction. The individualized education program for each  
16 student who is functionally blind shall specify the appropriate  
17 learning medium or media based on the assessment report.

18 (d) To the maximum extent appropriate, the placement shall  
19 provide the child with the opportunity to be educated with  
20 children who do not have a disability; provided that children  
21 with disabilities who are recommended to be placed into regular  
22 education classrooms are provided with supplementary services  
23 to assist the children with disabilities to benefit from the  
24 regular classroom instruction and are included on the teacher's  
25 regular education class register. Subject to the limitation of  
26 the preceding sentence, placement in special classes, separate

1 schools or other removal of the child with a disability from  
2 the regular educational environment shall occur only when the  
3 nature of the severity of the disability is such that education  
4 in the regular classes with the use of supplementary aids and  
5 services cannot be achieved satisfactorily. The placement of  
6 English learners with disabilities shall be in non-restrictive  
7 environments which provide for integration with peers who do  
8 not have disabilities in bilingual classrooms. Annually, each  
9 January, school districts shall report data on students from  
10 non-English speaking backgrounds receiving special education  
11 and related services in public and private facilities as  
12 prescribed in Section 2-3.30. If there is a disagreement  
13 between parties involved regarding the special education  
14 placement of any child, either in-state or out-of-state, the  
15 placement is subject to impartial due process procedures  
16 described in Article 10 of the Rules and Regulations to Govern  
17 the Administration and Operation of Special Education.

18 (e) No child who comes from a home in which a language  
19 other than English is the principal language used may be  
20 assigned to any class or program under this Article until he  
21 has been given, in the principal language used by the child and  
22 used in his home, tests reasonably related to his cultural  
23 environment. All testing and evaluation materials and  
24 procedures utilized for evaluation and placement shall not be  
25 linguistically, racially or culturally discriminatory.

26 (f) Nothing in this Article shall be construed to require

1 any child to undergo any physical examination or medical  
2 treatment whose parents object thereto on the grounds that such  
3 examination or treatment conflicts with his religious beliefs.

4 (g) School boards or their designee shall provide to the  
5 parents of a child prior written notice of any decision (a)  
6 proposing to initiate or change, or (b) refusing to initiate or  
7 change, the identification, evaluation, or educational  
8 placement of the child or the provision of a free appropriate  
9 public education to their child, and the reasons therefor. Such  
10 written notification shall also inform the parent of the  
11 opportunity to present complaints with respect to any matter  
12 relating to the educational placement of the student, or the  
13 provision of a free appropriate public education and to have an  
14 impartial due process hearing on the complaint. The notice  
15 shall inform the parents in the parents' native language,  
16 unless it is clearly not feasible to do so, of their rights and  
17 all procedures available pursuant to this Act and the federal  
18 Individuals with Disabilities Education Improvement Act of  
19 2004 (Public Law 108-446); it shall be the responsibility of  
20 the State Superintendent to develop uniform notices setting  
21 forth the procedures available under this Act and the federal  
22 Individuals with Disabilities Education Improvement Act of  
23 2004 (Public Law 108-446) to be used by all school boards. The  
24 notice shall also inform the parents of the availability upon  
25 request of a list of free or low-cost legal and other relevant  
26 services available locally to assist parents in initiating an

1 impartial due process hearing. The State Superintendent shall  
2 revise the uniform notices required by this subsection (g) to  
3 reflect current law and procedures at least once every 2 years.  
4 Any parent who is deaf, or does not normally communicate using  
5 spoken English, who participates in a meeting with a  
6 representative of a local educational agency for the purposes  
7 of developing an individualized educational program shall be  
8 entitled to the services of an interpreter.

9 (g-5) For purposes of this subsection (g-5), "qualified  
10 professional" means an individual who holds credentials to  
11 evaluate the child in the domain or domains for which an  
12 evaluation is sought or an intern working under the direct  
13 supervision of a qualified professional, including a master's  
14 or doctoral degree candidate.

15 To ensure that a parent can participate fully and  
16 effectively with school personnel in the development of  
17 appropriate educational and related services for his or her  
18 child, the parent, an independent educational evaluator, or a  
19 qualified professional retained by or on behalf of a parent or  
20 child must be afforded reasonable access to educational  
21 facilities, personnel, classrooms, and buildings and to the  
22 child as provided in this subsection (g-5). The requirements of  
23 this subsection (g-5) apply to any public school facility,  
24 building, or program and to any facility, building, or program  
25 supported in whole or in part by public funds. Prior to  
26 visiting a school, school building, or school facility, the

1 parent, independent educational evaluator, or qualified  
2 professional may be required by the school district to inform  
3 the building principal or supervisor in writing of the proposed  
4 visit, the purpose of the visit, and the approximate duration  
5 of the visit. The visitor and the school district shall arrange  
6 the visit or visits at times that are mutually agreeable.  
7 Visitors shall comply with school safety, security, and  
8 visitation policies at all times. School district visitation  
9 policies must not conflict with this subsection (g-5). Visitors  
10 shall be required to comply with the requirements of applicable  
11 privacy laws, including those laws protecting the  
12 confidentiality of education records such as the federal Family  
13 Educational Rights and Privacy Act and the Illinois School  
14 Student Records Act. The visitor shall not disrupt the  
15 educational process.

16 (1) A parent must be afforded reasonable access of  
17 sufficient duration and scope for the purpose of observing  
18 his or her child in the child's current educational  
19 placement, services, or program or for the purpose of  
20 visiting an educational placement or program proposed for  
21 the child.

22 (2) An independent educational evaluator or a  
23 qualified professional retained by or on behalf of a parent  
24 or child must be afforded reasonable access of sufficient  
25 duration and scope for the purpose of conducting an  
26 evaluation of the child, the child's performance, the

1 child's current educational program, placement, services,  
2 or environment, or any educational program, placement,  
3 services, or environment proposed for the child, including  
4 interviews of educational personnel, child observations,  
5 assessments, tests or assessments of the child's  
6 educational program, services, or placement or of any  
7 proposed educational program, services, or placement. If  
8 one or more interviews of school personnel are part of the  
9 evaluation, the interviews must be conducted at a mutually  
10 agreed upon time, date, and place that do not interfere  
11 with the school employee's school duties. The school  
12 district may limit interviews to personnel having  
13 information relevant to the child's current educational  
14 services, program, or placement or to a proposed  
15 educational service, program, or placement.

16 (h) (Blank).

17 (i) (Blank).

18 (j) (Blank).

19 (k) (Blank).

20 (l) (Blank).

21 (m) (Blank).

22 (n) (Blank).

23 (o) (Blank).

24 (Source: P.A. 99-30, eff. 7-10-15; 99-143, eff. 7-27-15;  
25 99-642, eff. 7-28-16; 100-122, eff. 8-18-17; revised 9-25-17.)



1 (105 ILCS 5/14-8.02a)

2 Sec. 14-8.02a. Impartial due process hearing; civil  
3 action.

4 (a) This Section shall apply to all impartial due process  
5 hearings requested on or after July 1, 2005. Impartial due  
6 process hearings requested before July 1, 2005 shall be  
7 governed by the rules described in Public Act 89-652.

8 (a-5) For purposes of this Section and Section 14-8.02b of  
9 this Code, days shall be computed in accordance with Section  
10 1.11 of the Statute on Statutes.

11 (b) The State Board of Education shall establish an  
12 impartial due process hearing system in accordance with this  
13 Section and may, with the advice and approval of the Advisory  
14 Council on Education of Children with Disabilities, promulgate  
15 rules and regulations consistent with this Section to establish  
16 the rules and procedures for due process hearings.

17 (c) (Blank).

18 (d) (Blank).

19 (e) (Blank).

20 (f) An impartial due process hearing shall be convened upon  
21 the request of a parent, student if at least 18 years of age or  
22 emancipated, or a school district. A school district shall make  
23 a request in writing to the State Board of Education and  
24 promptly mail a copy of the request to the parents or student  
25 (if at least 18 years of age or emancipated) at the parent's or  
26 student's last known address. A request made by the parent or

1 student shall be made in writing to the superintendent of the  
2 school district where the student resides. The superintendent  
3 shall forward the request to the State Board of Education  
4 within 5 days after receipt of the request. The request shall  
5 be filed no more than 2 years following the date the person or  
6 school district knew or should have known of the event or  
7 events forming the basis for the request. The request shall, at  
8 a minimum, contain all of the following:

9 (1) The name of the student, the address of the  
10 student's residence, and the name of the school the student  
11 is attending.

12 (2) In the case of homeless children (as defined under  
13 the federal McKinney-Vento Homeless Assistance Act (42  
14 U.S.C. 11434a(2))), available contact information for the  
15 student and the name of the school the student is  
16 attending.

17 (3) A description of the nature of the problem relating  
18 to the actual or proposed placement, identification,  
19 services, or evaluation of the student, including facts  
20 relating to the problem.

21 (4) A proposed resolution of the problem to the extent  
22 known and available to the party at the time.

23 (f-5) Within 3 days after receipt of the hearing request,  
24 the State Board of Education shall appoint a due process  
25 hearing officer using a rotating appointment system and shall  
26 notify the hearing officer of his or her appointment.

1           For a school district other than a school district located  
2 in a municipality having a population exceeding 500,000, a  
3 hearing officer who is a current resident of the school  
4 district, special education cooperative, or other public  
5 entity involved in the hearing shall recuse himself or herself.  
6 A hearing officer who is a former employee of the school  
7 district, special education cooperative, or other public  
8 entity involved in the hearing shall immediately disclose the  
9 former employment to the parties and shall recuse himself or  
10 herself, unless the parties otherwise agree in writing. A  
11 hearing officer having a personal or professional interest that  
12 may conflict with his or her objectivity in the hearing shall  
13 disclose the conflict to the parties and shall recuse himself  
14 or herself unless the parties otherwise agree in writing. For  
15 purposes of this subsection an assigned hearing officer shall  
16 be considered to have a conflict of interest if, at any time  
17 prior to the issuance of his or her written decision, he or she  
18 knows or should know that he or she may receive remuneration  
19 from a party to the hearing within 3 years following the  
20 conclusion of the due process hearing.

21           A party to a due process hearing shall be permitted one  
22 substitution of hearing officer as a matter of right, in  
23 accordance with procedures established by the rules adopted by  
24 the State Board of Education under this Section. The State  
25 Board of Education shall randomly select and appoint another  
26 hearing officer within 3 days after receiving notice that the

1 appointed hearing officer is ineligible to serve or upon  
2 receiving a proper request for substitution of hearing officer.  
3 If a party withdraws its request for a due process hearing  
4 after a hearing officer has been appointed, that hearing  
5 officer shall retain jurisdiction over a subsequent hearing  
6 that involves the same parties and is requested within one year  
7 from the date of withdrawal of the previous request, unless  
8 that hearing officer is unavailable.

9 Any party may raise facts that constitute a conflict of  
10 interest for the hearing officer at any time before or during  
11 the hearing and may move for recusal.

12 (g) Impartial due process hearings shall be conducted  
13 pursuant to this Section and any rules and regulations  
14 promulgated by the State Board of Education consistent with  
15 this Section and other governing laws and regulations. The  
16 hearing shall address only those issues properly raised in the  
17 hearing request under subsection (f) of this Section or, if  
18 applicable, in the amended hearing request under subsection  
19 (g-15) of this Section. The hearing shall be closed to the  
20 public unless the parents request that the hearing be open to  
21 the public. The parents involved in the hearing shall have the  
22 right to have the student who is the subject of the hearing  
23 present. The hearing shall be held at a time and place which  
24 are reasonably convenient to the parties involved. Upon the  
25 request of a party, the hearing officer shall hold the hearing  
26 at a location neutral to the parties if the hearing officer

1 determines that there is no cost for securing the use of the  
2 neutral location. Once appointed, the impartial due process  
3 hearing officer shall not communicate with the State Board of  
4 Education or its employees concerning the hearing, except that,  
5 where circumstances require, communications for administrative  
6 purposes that do not deal with substantive or procedural  
7 matters or issues on the merits are authorized, provided that  
8 the hearing officer promptly notifies all parties of the  
9 substance of the communication as a matter of record.

10 (g-5) Unless the school district has previously provided  
11 prior written notice to the parent or student (if at least 18  
12 years of age or emancipated) regarding the subject matter of  
13 the hearing request, the school district shall, within 10 days  
14 after receiving a hearing request initiated by a parent or  
15 student (if at least 18 years of age or emancipated), provide a  
16 written response to the request that shall include all of the  
17 following:

18 (1) An explanation of why the school district proposed  
19 or refused to take the action or actions described in the  
20 hearing request.

21 (2) A description of other options the IEP team  
22 considered and the reasons why those options were rejected.

23 (3) A description of each evaluation procedure,  
24 assessment, record, report, or other evidence the school  
25 district used as the basis for the proposed or refused  
26 action or actions.

1           (4) A description of the factors that are or were  
2           relevant to the school district's proposed or refused  
3           action or actions.

4           (g-10) When the hearing request has been initiated by a  
5           school district, within 10 days after receiving the request,  
6           the parent or student (if at least 18 years of age or  
7           emancipated) shall provide the school district with a response  
8           that specifically addresses the issues raised in the school  
9           district's hearing request. The parent's or student's response  
10          shall be provided in writing, unless he or she is illiterate or  
11          has a disability that prevents him or her from providing a  
12          written response. The parent's or student's response may be  
13          provided in his or her native language, if other than English.  
14          In the event that illiteracy or another disabling condition  
15          prevents the parent or student from providing a written  
16          response, the school district shall assist the parent or  
17          student in providing the written response.

18          (g-15) Within 15 days after receiving notice of the hearing  
19          request, the non-requesting party may challenge the  
20          sufficiency of the request by submitting its challenge in  
21          writing to the hearing officer. Within 5 days after receiving  
22          the challenge to the sufficiency of the request, the hearing  
23          officer shall issue a determination of the challenge in writing  
24          to the parties. In the event that the hearing officer upholds  
25          the challenge, the party who requested the hearing may, with  
26          the consent of the non-requesting party or hearing officer,

1 file an amended request. Amendments are permissible for the  
2 purpose of raising issues beyond those in the initial hearing  
3 request. In addition, the party who requested the hearing may  
4 amend the request once as a matter of right by filing the  
5 amended request within 5 days after filing the initial request.  
6 An amended request, other than an amended request as a matter  
7 of right, shall be filed by the date determined by the hearing  
8 officer, but in no event any later than 5 days prior to the  
9 date of the hearing. If an amended request, other than an  
10 amended request as a matter of right, raises issues that were  
11 not part of the initial request, the applicable timeline for a  
12 hearing, including the timeline under subsection (g-20) of this  
13 Section, shall recommence.

14 (g-20) Within 15 days after receiving a request for a  
15 hearing from a parent or student (if at least 18 years of age  
16 or emancipated) or, in the event that the school district  
17 requests a hearing, within 15 days after initiating the  
18 request, the school district shall convene a resolution meeting  
19 with the parent and relevant members of the IEP team who have  
20 specific knowledge of the facts contained in the request for  
21 the purpose of resolving the problem that resulted in the  
22 request. The resolution meeting shall include a representative  
23 of the school district who has decision-making authority on  
24 behalf of the school district. Unless the parent is accompanied  
25 by an attorney at the resolution meeting, the school district  
26 may not include an attorney representing the school district.

1           The resolution meeting may not be waived unless agreed to  
2           in writing by the school district and the parent or student (if  
3           at least 18 years of age or emancipated) or the parent or  
4           student (if at least 18 years of age or emancipated) and the  
5           school district agree in writing to utilize mediation in place  
6           of the resolution meeting. If either party fails to cooperate  
7           in the scheduling or convening of the resolution meeting, the  
8           hearing officer may order an extension of the timeline for  
9           completion of the resolution meeting or, upon the motion of a  
10          party and at least 7 days after ordering the non-cooperating  
11          party to cooperate, order the dismissal of the hearing request  
12          or the granting of all relief set forth in the request, as  
13          appropriate.

14          In the event that the school district and the parent or  
15          student (if at least 18 years of age or emancipated) agree to a  
16          resolution of the problem that resulted in the hearing request,  
17          the terms of the resolution shall be committed to writing and  
18          signed by the parent or student (if at least 18 years of age or  
19          emancipated) and the representative of the school district with  
20          decision-making authority. The agreement shall be legally  
21          binding and shall be enforceable in any State or federal court  
22          of competent jurisdiction. In the event that the parties  
23          utilize the resolution meeting process, the process shall  
24          continue until no later than the 30th day following the receipt  
25          of the hearing request by the non-requesting party (or as  
26          properly extended by order of the hearing officer) to resolve



1 the issues underlying the request, at which time the timeline  
2 for completion of the impartial due process hearing shall  
3 commence. The State Board of Education may, by rule, establish  
4 additional procedures for the conduct of resolution meetings.

5 (g-25) If mutually agreed to in writing, the parties to a  
6 hearing request may request State-sponsored mediation as a  
7 substitute for the resolution process described in subsection  
8 (g-20) of this Section or may utilize mediation at the close of  
9 the resolution process if all issues underlying the hearing  
10 request have not been resolved through the resolution process.

11 (g-30) If mutually agreed to in writing, the parties to a  
12 hearing request may waive the resolution process described in  
13 subsection (g-20) of this Section. Upon signing a written  
14 agreement to waive the resolution process, the parties shall be  
15 required to forward the written waiver to the hearing officer  
16 appointed to the case within 2 business days following the  
17 signing of the waiver by the parties. The timeline for the  
18 impartial due process hearing shall commence on the date of the  
19 signing of the waiver by the parties.

20 (g-35) The timeline for completing the impartial due  
21 process hearing, as set forth in subsection (h) of this  
22 Section, shall be initiated upon the occurrence of any one of  
23 the following events:

24 (1) The unsuccessful completion of the resolution  
25 process as described in subsection (g-20) of this Section.

26 (2) The mutual agreement of the parties to waive the

1 resolution process as described in subsection (g-25) or  
2 (g-30) of this Section.

3 (g-40) The hearing officer shall convene a prehearing  
4 conference no later than 14 days before the scheduled date for  
5 the due process hearing for the general purpose of aiding in  
6 the fair, orderly, and expeditious conduct of the hearing. The  
7 hearing officer shall provide the parties with written notice  
8 of the prehearing conference at least 7 days in advance of the  
9 conference. The written notice shall require the parties to  
10 notify the hearing officer by a date certain whether they  
11 intend to participate in the prehearing conference. The hearing  
12 officer may conduct the prehearing conference in person or by  
13 telephone. Each party shall at the prehearing conference (1)  
14 disclose whether it is represented by legal counsel or intends  
15 to retain legal counsel; (2) clarify matters it believes to be  
16 in dispute in the case and the specific relief being sought;  
17 (3) disclose whether there are any additional evaluations for  
18 the student that it intends to introduce into the hearing  
19 record that have not been previously disclosed to the other  
20 parties; (4) disclose a list of all documents it intends to  
21 introduce into the hearing record, including the date and a  
22 brief description of each document; and (5) disclose the names  
23 of all witnesses it intends to call to testify at the hearing.  
24 The hearing officer shall specify the order of presentation to  
25 be used at the hearing. If the prehearing conference is held by  
26 telephone, the parties shall transmit the information required

1 in this paragraph in such a manner that it is available to all  
2 parties at the time of the prehearing conference. The State  
3 Board of Education may, by rule, establish additional  
4 procedures for the conduct of prehearing conferences.

5 (g-45) The impartial due process hearing officer shall not  
6 initiate or participate in any ex parte communications with the  
7 parties, except to arrange the date, time, and location of the  
8 prehearing conference, due process hearing, or other status  
9 conferences convened at the discretion of the hearing officer  
10 and to receive confirmation of whether a party intends to  
11 participate in the prehearing conference.

12 (g-50) The parties shall disclose and provide to each other  
13 any evidence which they intend to submit into the hearing  
14 record no later than 5 days before the hearing. Any party to a  
15 hearing has the right to prohibit the introduction of any  
16 evidence at the hearing that has not been disclosed to that  
17 party at least 5 days before the hearing. The party requesting  
18 a hearing shall not be permitted at the hearing to raise issues  
19 that were not raised in the party's initial or amended request,  
20 unless otherwise permitted in this Section.

21 (g-55) All reasonable efforts must be made by the parties  
22 to present their respective cases at the hearing within a  
23 cumulative period of 7 days. When scheduling hearing dates, the  
24 hearing officer shall schedule the final day of the hearing no  
25 more than 30 calendar days after the first day of the hearing  
26 unless good cause is shown. This subsection (g-55) shall not be

1 applied in a manner that (i) denies any party to the hearing a  
2 fair and reasonable allocation of time and opportunity to  
3 present its case in its entirety or (ii) deprives any party to  
4 the hearing of the safeguards accorded under the federal  
5 Individuals with Disabilities Education Improvement Act of  
6 2004 (Public Law 108-446), regulations promulgated under the  
7 Individuals with Disabilities Education Improvement Act of  
8 2004, or any other applicable law. The school district shall  
9 present evidence that the special education needs of the child  
10 have been appropriately identified and that the special  
11 education program and related services proposed to meet the  
12 needs of the child are adequate, appropriate, and available.  
13 Any party to the hearing shall have the right to (1) be  
14 represented by counsel and be accompanied and advised by  
15 individuals with special knowledge or training with respect to  
16 the problems of children with disabilities, at the party's own  
17 expense; (2) present evidence and confront and cross-examine  
18 witnesses; (3) move for the exclusion of witnesses from the  
19 hearing until they are called to testify, provided, however,  
20 that this provision may not be invoked to exclude the  
21 individual designated by a party to assist that party or its  
22 representative in the presentation of the case; (4) obtain a  
23 written or electronic verbatim record of the proceedings within  
24 30 days of receipt of a written request from the parents by the  
25 school district; and (5) obtain a written decision, including  
26 findings of fact and conclusions of law, within 10 days after

1 the conclusion of the hearing. If at issue, the school district  
2 shall present evidence that it has properly identified and  
3 evaluated the nature and severity of the student's suspected or  
4 identified disability and that, if the student has been or  
5 should have been determined eligible for special education and  
6 related services, that it is providing or has offered a free  
7 appropriate public education to the student in the least  
8 restrictive environment, consistent with procedural safeguards  
9 and in accordance with an individualized educational program.  
10 At any time prior to the conclusion of the hearing, the  
11 impartial due process hearing officer shall have the authority  
12 to require additional information and order independent  
13 evaluations for the student at the expense of the school  
14 district. The State Board of Education and the school district  
15 shall share equally the costs of providing a written or  
16 electronic verbatim record of the proceedings. Any party may  
17 request that the due process hearing officer issue a subpoena  
18 to compel the testimony of witnesses or the production of  
19 documents relevant to the resolution of the hearing. Whenever a  
20 person refuses to comply with any subpoena issued under this  
21 Section, the circuit court of the county in which that hearing  
22 is pending, on application of the impartial hearing officer or  
23 the party requesting the issuance of the subpoena, may compel  
24 compliance through the contempt powers of the court in the same  
25 manner as if the requirements of a subpoena issued by the court  
26 had been disobeyed.

1           (h) The impartial hearing officer shall issue a written  
2 decision, including findings of fact and conclusions of law,  
3 within 10 days after the conclusion of the hearing and send by  
4 certified mail a copy of the decision to the parents or student  
5 (if the student requests the hearing), the school district, the  
6 director of special education, legal representatives of the  
7 parties, and the State Board of Education. Unless the hearing  
8 officer has granted specific extensions of time at the request  
9 of a party, a final decision, including the clarification of a  
10 decision requested under this subsection, shall be reached and  
11 mailed to the parties named above not later than 45 days after  
12 the initiation of the timeline for conducting the hearing, as  
13 described in subsection (g-35) of this Section. The decision  
14 shall specify the educational and related services that shall  
15 be provided to the student in accordance with the student's  
16 needs and the timeline for which the school district shall  
17 submit evidence to the State Board of Education to demonstrate  
18 compliance with the hearing officer's decision in the event  
19 that the decision orders the school district to undertake  
20 corrective action. The hearing officer shall retain  
21 jurisdiction for the sole purpose of considering a request for  
22 clarification of the final decision submitted in writing by a  
23 party to the impartial hearing officer within 5 days after  
24 receipt of the decision. A copy of the request for  
25 clarification shall specify the portions of the decision for  
26 which clarification is sought and shall be mailed to all

1 parties of record and to the State Board of Education. The  
2 request shall operate to stay implementation of those portions  
3 of the decision for which clarification is sought, pending  
4 action on the request by the hearing officer, unless the  
5 parties otherwise agree. The hearing officer shall issue a  
6 clarification of the specified portion of the decision or issue  
7 a partial or full denial of the request in writing within 10  
8 days of receipt of the request and mail copies to all parties  
9 to whom the decision was mailed. This subsection does not  
10 permit a party to request, or authorize a hearing officer to  
11 entertain, reconsideration of the decision itself. The statute  
12 of limitations for seeking review of the decision shall be  
13 tolled from the date the request is submitted until the date  
14 the hearing officer acts upon the request. The hearing  
15 officer's decision shall be binding upon the school district  
16 and the parents unless a civil action is commenced.

17 (i) Any party to an impartial due process hearing aggrieved  
18 by the final written decision of the impartial due process  
19 hearing officer shall have the right to commence a civil action  
20 with respect to the issues presented in the impartial due  
21 process hearing. That civil action shall be brought in any  
22 court of competent jurisdiction within 120 days after a copy of  
23 the decision of the impartial due process hearing officer is  
24 mailed to the party as provided in subsection (h). The civil  
25 action authorized by this subsection shall not be exclusive of  
26 any rights or causes of action otherwise available. The

1 commencement of a civil action under this subsection shall  
2 operate as a supersedeas. In any action brought under this  
3 subsection the Court shall receive the records of the impartial  
4 due process hearing, shall hear additional evidence at the  
5 request of a party, and, basing its decision on the  
6 preponderance of the evidence, shall grant such relief as the  
7 court determines is appropriate. In any instance where a school  
8 district willfully disregards applicable regulations or  
9 statutes regarding a child covered by this Article, and which  
10 disregard has been detrimental to the child, the school  
11 district shall be liable for any reasonable attorney's fees  
12 incurred by the parent in connection with proceedings under  
13 this Section.

14 (j) During the pendency of any administrative or judicial  
15 proceeding conducted pursuant to this Section, including  
16 mediation (if the school district or other public entity  
17 voluntarily agrees to participate in mediation), unless the  
18 school district and the parents or student (if at least 18  
19 years of age or emancipated) otherwise agree, the student shall  
20 remain in his or her present educational placement and continue  
21 in his or her present eligibility status and special education  
22 and related services, if any. If mediation fails to resolve the  
23 dispute between the parties, or if the parties do not agree to  
24 use mediation, the parent (or student if 18 years of age or  
25 older or emancipated) shall have 10 days after the mediation  
26 concludes, or after a party declines to use mediation, to file



1 a request for a due process hearing in order to continue to  
2 invoke the "stay-put" provisions of this subsection (j). If  
3 applying for initial admission to the school district, the  
4 student shall, with the consent of the parents (if the student  
5 is not at least 18 years of age or emancipated), be placed in  
6 the school district program until all such proceedings have  
7 been completed. The costs for any special education and related  
8 services or placement incurred following 60 school days after  
9 the initial request for evaluation shall be borne by the school  
10 district if the services or placement is in accordance with the  
11 final determination as to the special education and related  
12 services or placement that must be provided to the child,  
13 provided that during that 60-day ~~60-day~~ period there have been  
14 no delays caused by the child's parent. The requirements and  
15 procedures of this subsection (j) shall be included in the  
16 uniform notices developed by the State Superintendent under  
17 subsection (g) of Section 14-8.02 of this Code.

18 (k) Whenever the parents of a child of the type described  
19 in Section 14-1.02 are not known or ~~are unavailable~~ or the  
20 child is a youth in care as defined in Section 4d of the  
21 Children and Family Services Act, a person shall be assigned to  
22 serve as surrogate parent for the child in matters relating to  
23 the identification, evaluation, and educational placement of  
24 the child and the provision of a free appropriate public  
25 education to the child. Persons shall be assigned as surrogate  
26 parents by the State Superintendent of Education. The State

1 Board of Education shall promulgate rules and regulations  
2 establishing qualifications of those persons and their  
3 responsibilities and the procedures to be followed in making  
4 assignments of persons as surrogate parents. Surrogate parents  
5 shall not be employees of the school district, an agency  
6 created by joint agreement under Section 10-22.31, an agency  
7 involved in the education or care of the student, or the State  
8 Board of Education. Services of any person assigned as  
9 surrogate parent shall terminate if the parent becomes  
10 available unless otherwise requested by the parents. The  
11 assignment of a person as surrogate parent at no time  
12 supersedes, terminates, or suspends the parents' legal  
13 authority relative to the child. Any person participating in  
14 good faith as surrogate parent on behalf of the child before  
15 school officials or a hearing officer shall have immunity from  
16 civil or criminal liability that otherwise might result by  
17 reason of that participation, except in cases of willful and  
18 wanton misconduct.

19 (l) At all stages of the hearing, the hearing officer shall  
20 require that interpreters be made available by the school  
21 district for persons who are deaf or for persons whose normally  
22 spoken language is other than English.

23 (m) If any provision of this Section or its application to  
24 any person or circumstance is held invalid, the invalidity of  
25 that provision or application does not affect other provisions  
26 or applications of the Section that can be given effect without

1 the invalid application or provision, and to this end the  
2 provisions of this Section are severable, unless otherwise  
3 provided by this Section.

4 (Source: P.A. 100-122, eff. 8-18-17; 100-159, eff. 8-18-17;  
5 revised 1-22-18.)

6 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

7 Sec. 14-13.01. Reimbursement payable by State; amounts for  
8 personnel and transportation.

9 (a) Through fiscal year 2017, for staff working on behalf  
10 of children who have not been identified as eligible for  
11 special education and for eligible children with physical  
12 disabilities, including all eligible children whose placement  
13 has been determined under Section 14-8.02 in hospital or home  
14 instruction, 1/2 of the teacher's salary but not more than  
15 \$1,000 annually per child or \$9,000 per teacher, whichever is  
16 less.

17 (a-5) A child qualifies for home or hospital instruction if  
18 it is anticipated that, due to a medical condition, the child  
19 will be unable to attend school, and instead must be instructed  
20 at home or in the hospital, for a period of 2 or more  
21 consecutive weeks or on an ongoing intermittent basis. For  
22 purposes of this Section, "ongoing intermittent basis" means  
23 that the child's medical condition is of such a nature or  
24 severity that it is anticipated that the child will be absent  
25 from school due to the medical condition for periods of at

1 least 2 days at a time multiple times during the school year  
2 totaling at least 10 days or more of absences. There shall be  
3 no requirement that a child be absent from school a minimum  
4 number of days before the child qualifies for home or hospital  
5 instruction. In order to establish eligibility for home or  
6 hospital services, a student's parent or guardian must submit  
7 to the child's school district of residence a written statement  
8 from a physician licensed to practice medicine in all of its  
9 branches, a licensed physician assistant, or a licensed  
10 advanced practice registered nurse stating the existence of  
11 such medical condition, the impact on the child's ability to  
12 participate in education, and the anticipated duration or  
13 nature of the child's absence from school. Home or hospital  
14 instruction may commence upon receipt of a written physician's,  
15 physician assistant's, or advanced practice registered nurse's  
16 statement in accordance with this Section, but instruction  
17 shall commence not later than 5 school days after the school  
18 district receives the physician's, physician assistant's, or  
19 advanced practice registered nurse's statement. Special  
20 education and related services required by the child's IEP or  
21 services and accommodations required by the child's federal  
22 Section 504 plan must be implemented as part of the child's  
23 home or hospital instruction, unless the IEP team or federal  
24 Section 504 plan team determines that modifications are  
25 necessary during the home or hospital instruction due to the  
26 child's condition.

1 (a-10) Through fiscal year 2017, eligible children to be  
2 included in any reimbursement under this paragraph must  
3 regularly receive a minimum of one hour of instruction each  
4 school day, or in lieu thereof of a minimum of 5 hours of  
5 instruction in each school week in order to qualify for full  
6 reimbursement under this Section. If the attending physician,  
7 physician assistant, or advanced practice registered nurse for  
8 such a child has certified that the child should not receive as  
9 many as 5 hours of instruction in a school week, however,  
10 reimbursement under this paragraph on account of that child  
11 shall be computed proportionate to the actual hours of  
12 instruction per week for that child divided by 5.

13 (a-15) The State Board of Education shall establish rules  
14 governing the required qualifications of staff providing home  
15 or hospital instruction.

16 (b) For children described in Section 14-1.02, 80% of the  
17 cost of transportation approved as a related service in the  
18 Individualized Education Program for each student in order to  
19 take advantage of special educational facilities.  
20 Transportation costs shall be determined in the same fashion as  
21 provided in Section 29-5 of this Code. For purposes of this  
22 subsection (b), the dates for processing claims specified in  
23 Section 29-5 shall apply.

24 (c) Through fiscal year 2017, for each qualified worker,  
25 the annual sum of \$9,000.

26 (d) Through fiscal year 2017, for one full-time ~~full-time~~

1 qualified director of the special education program of each  
2 school district which maintains a fully approved program of  
3 special education, the annual sum of \$9,000. Districts  
4 participating in a joint agreement special education program  
5 shall not receive such reimbursement if reimbursement is made  
6 for a director of the joint agreement program.

7 (e) (Blank).

8 (f) (Blank).

9 (g) Through fiscal year 2017, for readers, working with  
10 blind or partially seeing children, 1/2 of their salary but not  
11 more than \$400 annually per child. Readers may be employed to  
12 assist such children and shall not be required to be certified  
13 but prior to employment shall meet standards set up by the  
14 State Board of Education.

15 (h) Through fiscal year 2017, for non-certified employees,  
16 as defined by rules promulgated by the State Board of  
17 Education, who deliver services to students with IEPs, 1/2 of  
18 the salary paid or \$3,500 per employee, whichever is less.

19 (i) The State Board of Education shall set standards and  
20 prescribe rules for determining the allocation of  
21 reimbursement under this section on less than a full time basis  
22 and for less than a school year.

23 When any school district eligible for reimbursement under  
24 this Section operates a school or program approved by the State  
25 Superintendent of Education for a number of days in excess of  
26 the adopted school calendar but not to exceed 235 school days,

1 such reimbursement shall be increased by 1/180 of the amount or  
2 rate paid hereunder for each day such school is operated in  
3 excess of 180 days per calendar year.

4 Notwithstanding any other provision of law, any school  
5 district receiving a payment under this Section or under  
6 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
7 all or a portion of the funds that it receives in a particular  
8 fiscal year or from evidence-based funding pursuant to Section  
9 18-8.15 of this Code as funds received in connection with any  
10 funding program for which it is entitled to receive funds from  
11 the State in that fiscal year (including, without limitation,  
12 any funding program referenced in this Section), regardless of  
13 the source or timing of the receipt. The district may not  
14 classify more funds as funds received in connection with the  
15 funding program than the district is entitled to receive in  
16 that fiscal year for that program. Any classification by a  
17 district must be made by a resolution of its board of  
18 education. The resolution must identify the amount of any  
19 payments or evidence-based funding to be classified under this  
20 paragraph and must specify the funding program to which the  
21 funds are to be treated as received in connection therewith.  
22 This resolution is controlling as to the classification of  
23 funds referenced therein. A certified copy of the resolution  
24 must be sent to the State Superintendent of Education. The  
25 resolution shall still take effect even though a copy of the  
26 resolution has not been sent to the State Superintendent of

1 Education in a timely manner. No classification under this  
2 paragraph by a district shall affect the total amount or timing  
3 of money the district is entitled to receive under this Code.  
4 No classification under this paragraph by a district shall in  
5 any way relieve the district from or affect any requirements  
6 that otherwise would apply with respect to that funding  
7 program, including any accounting of funds by source, reporting  
8 expenditures by original source and purpose, reporting  
9 requirements, or requirements of providing services.

10 No funding shall be provided to school districts under this  
11 Section after fiscal year 2017. In fiscal year 2018 and each  
12 fiscal year thereafter, all funding received by a school  
13 district from the State pursuant to Section 18-8.15 of this  
14 Code that is attributable to personnel reimbursements for  
15 special education pupils must be used for special education  
16 services authorized under this Code.

17 (Source: P.A. 100-443, eff. 8-25-17; 100-465, eff. 8-31-17;  
18 revised 9-25-17.)

19 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

20 Sec. 17-2A. Interfund transfers.

21 (a) The school board of any district having a population of  
22 less than 500,000 inhabitants may, by proper resolution  
23 following a public hearing set by the school board or the  
24 president of the school board (that is preceded (i) by at least  
25 one published notice over the name of the clerk or secretary of



1 the board, occurring at least 7 days and not more than 30 days  
2 prior to the hearing, in a newspaper of general circulation  
3 within the school district and (ii) by posted notice over the  
4 name of the clerk or secretary of the board, at least 48 hours  
5 before the hearing, at the principal office of the school board  
6 or at the building where the hearing is to be held if a  
7 principal office does not exist, with both notices setting  
8 forth the time, date, place, and subject matter of the  
9 hearing), transfer money from (1) the Educational Fund to the  
10 Operations and Maintenance Fund or the Transportation Fund, (2)  
11 the Operations and Maintenance Fund to the Educational Fund or  
12 the Transportation Fund, (3) the Transportation Fund to the  
13 Educational Fund or the Operations and Maintenance Fund, or (4)  
14 the Tort Immunity Fund to the Operations and Maintenance Fund  
15 of said district, provided that, except during the period from  
16 July 1, 2003 through June 30, 2020, such transfer is made  
17 solely for the purpose of meeting one-time, non-recurring  
18 expenses. Except during the period from July 1, 2003 through  
19 June 30, 2020 and except as otherwise provided in subsection  
20 (b) of this Section, any other permanent interfund transfers  
21 authorized by any provision or judicial interpretation of this  
22 Code for which the transferee fund is not precisely and  
23 specifically set forth in the provision of this Code  
24 authorizing such transfer shall be made to the fund of the  
25 school district most in need of the funds being transferred, as  
26 determined by resolution of the school board.

1 (b) (Blank).

2 (c) Notwithstanding subsection (a) of this Section or any  
3 other provision of this Code to the contrary, the school board  
4 of any school district (i) that is subject to the Property Tax  
5 Extension Limitation Law, (ii) that is an elementary district  
6 servicing students in grades K through 8, (iii) whose territory  
7 is in one county, (iv) that is eligible for Section 7002  
8 Federal Impact Aid, and (v) that has no more than \$81,000 in  
9 funds remaining from refinancing bonds that were refinanced a  
10 minimum of 5 years prior to January 20, 2017 (the effective  
11 date of Public Act 99-926) may make a one-time transfer of the  
12 funds remaining from the refinancing bonds to the Operations  
13 and Maintenance Fund of the district by proper resolution  
14 following a public hearing set by the school board or the  
15 president of the school board, with notice as provided in  
16 subsection (a) of this Section, so long as the district meets  
17 the qualifications set forth in this subsection (c) on January  
18 20, 2017 (the effective date of Public Act 99-926).

19 (d) Notwithstanding subsection (a) of this Section or any  
20 other provision of this Code to the contrary, the school board  
21 of any school district (i) that is subject to the Property Tax  
22 Extension Limitation Law, (ii) that is a community unit school  
23 district servicing students in grades K through 12, (iii) whose  
24 territory is in one county, (iv) that owns property designated  
25 by the United States as a Superfund site pursuant to the  
26 federal Comprehensive Environmental Response, Compensation and

1 Liability Act of 1980 (42 U.S.C. 9601 et seq.), and (v) that  
2 has an excess accumulation of funds in its bond fund, including  
3 funds accumulated prior to July 1, 2000, may make a one-time  
4 transfer of those excess funds accumulated prior to July 1,  
5 2000 to the Operations and Maintenance Fund of the district by  
6 proper resolution following a public hearing set by the school  
7 board or the president of the school board, with notice as  
8 provided in subsection (a) of this Section, so long as the  
9 district meets the qualifications set forth in this subsection  
10 (d) on August 4, 2017 (the effective date of Public Act 100-32)  
11 ~~this amendatory Act of the 100th General Assembly.~~

12 (Source: P.A. 99-713, eff. 8-5-16; 99-922, eff. 1-17-17;  
13 99-926, eff. 1-20-17; 100-32, eff. 8-4-17; 100-465, eff.  
14 8-31-17; revised 9-25-17.)

15 (105 ILCS 5/18-8.05)

16 Sec. 18-8.05. Basis for apportionment of general State  
17 financial aid and supplemental general State aid to the common  
18 schools for the 1998-1999 through the 2016-2017 school years.

19 (A) General Provisions.

20 (1) The provisions of this Section relating to the  
21 calculation and apportionment of general State financial aid  
22 and supplemental general State aid apply to the 1998-1999  
23 through the 2016-2017 school years. The system of general State  
24 financial aid provided for in this Section is designed to

1 assure that, through a combination of State financial aid and  
2 required local resources, the financial support provided each  
3 pupil in Average Daily Attendance equals or exceeds a  
4 prescribed per pupil Foundation Level. This formula approach  
5 imputes a level of per pupil Available Local Resources and  
6 provides for the basis to calculate a per pupil level of  
7 general State financial aid that, when added to Available Local  
8 Resources, equals or exceeds the Foundation Level. The amount  
9 of per pupil general State financial aid for school districts,  
10 in general, varies in inverse relation to Available Local  
11 Resources. Per pupil amounts are based upon each school  
12 district's Average Daily Attendance as that term is defined in  
13 this Section.

14 (2) In addition to general State financial aid, school  
15 districts with specified levels or concentrations of pupils  
16 from low income households are eligible to receive supplemental  
17 general State financial aid grants as provided pursuant to  
18 subsection (H). The supplemental State aid grants provided for  
19 school districts under subsection (H) shall be appropriated for  
20 distribution to school districts as part of the same line item  
21 in which the general State financial aid of school districts is  
22 appropriated under this Section.

23 (3) To receive financial assistance under this Section,  
24 school districts are required to file claims with the State  
25 Board of Education, subject to the following requirements:

26 (a) Any school district which fails for any given

1 school year to maintain school as required by law, or to  
2 maintain a recognized school is not eligible to file for  
3 such school year any claim upon the Common School Fund. In  
4 case of nonrecognition of one or more attendance centers in  
5 a school district otherwise operating recognized schools,  
6 the claim of the district shall be reduced in the  
7 proportion which the Average Daily Attendance in the  
8 attendance center or centers bear to the Average Daily  
9 Attendance in the school district. A "recognized school"  
10 means any public school which meets the standards as  
11 established for recognition by the State Board of  
12 Education. A school district or attendance center not  
13 having recognition status at the end of a school term is  
14 entitled to receive State aid payments due upon a legal  
15 claim which was filed while it was recognized.

16 (b) School district claims filed under this Section are  
17 subject to Sections 18-9 and 18-12, except as otherwise  
18 provided in this Section.

19 (c) If a school district operates a full year school  
20 under Section 10-19.1, the general State aid to the school  
21 district shall be determined by the State Board of  
22 Education in accordance with this Section as near as may be  
23 applicable.

24 (d) (Blank).

25 (4) Except as provided in subsections (H) and (L), the  
26 board of any district receiving any of the grants provided for

1 in this Section may apply those funds to any fund so received  
2 for which that board is authorized to make expenditures by law.

3 School districts are not required to exert a minimum  
4 Operating Tax Rate in order to qualify for assistance under  
5 this Section.

6 (5) As used in this Section the following terms, when  
7 capitalized, shall have the meaning ascribed herein:

8 (a) "Average Daily Attendance": A count of pupil  
9 attendance in school, averaged as provided for in  
10 subsection (C) and utilized in deriving per pupil financial  
11 support levels.

12 (b) "Available Local Resources": A computation of  
13 local financial support, calculated on the basis of Average  
14 Daily Attendance and derived as provided pursuant to  
15 subsection (D).

16 (c) "Corporate Personal Property Replacement Taxes":  
17 Funds paid to local school districts pursuant to "An Act in  
18 relation to the abolition of ad valorem personal property  
19 tax and the replacement of revenues lost thereby, and  
20 amending and repealing certain Acts and parts of Acts in  
21 connection therewith", certified August 14, 1979, as  
22 amended (Public Act 81-1st S.S.-1).

23 (d) "Foundation Level": A prescribed level of per pupil  
24 financial support as provided for in subsection (B).

25 (e) "Operating Tax Rate": All school district property  
26 taxes extended for all purposes, except Bond and Interest,

1 Summer School, Rent, Capital Improvement, and Vocational  
2 Education Building purposes.

3 (B) Foundation Level.

4 (1) The Foundation Level is a figure established by the  
5 State representing the minimum level of per pupil financial  
6 support that should be available to provide for the basic  
7 education of each pupil in Average Daily Attendance. As set  
8 forth in this Section, each school district is assumed to exert  
9 a sufficient local taxing effort such that, in combination with  
10 the aggregate of general State financial aid provided the  
11 district, an aggregate of State and local resources are  
12 available to meet the basic education needs of pupils in the  
13 district.

14 (2) For the 1998-1999 school year, the Foundation Level of  
15 support is \$4,225. For the 1999-2000 school year, the  
16 Foundation Level of support is \$4,325. For the 2000-2001 school  
17 year, the Foundation Level of support is \$4,425. For the  
18 2001-2002 school year and 2002-2003 school year, the Foundation  
19 Level of support is \$4,560. For the 2003-2004 school year, the  
20 Foundation Level of support is \$4,810. For the 2004-2005 school  
21 year, the Foundation Level of support is \$4,964. For the  
22 2005-2006 school year, the Foundation Level of support is  
23 \$5,164. For the 2006-2007 school year, the Foundation Level of  
24 support is \$5,334. For the 2007-2008 school year, the  
25 Foundation Level of support is \$5,734. For the 2008-2009 school

1 year, the Foundation Level of support is \$5,959.

2 (3) For the 2009-2010 school year and each school year  
3 thereafter, the Foundation Level of support is \$6,119 or such  
4 greater amount as may be established by law by the General  
5 Assembly.

6 (C) Average Daily Attendance.

7 (1) For purposes of calculating general State aid pursuant  
8 to subsection (E), an Average Daily Attendance figure shall be  
9 utilized. The Average Daily Attendance figure for formula  
10 calculation purposes shall be the monthly average of the actual  
11 number of pupils in attendance of each school district, as  
12 further averaged for the best 3 months of pupil attendance for  
13 each school district. In compiling the figures for the number  
14 of pupils in attendance, school districts and the State Board  
15 of Education shall, for purposes of general State aid funding,  
16 conform attendance figures to the requirements of subsection  
17 (F).

18 (2) The Average Daily Attendance figures utilized in  
19 subsection (E) shall be the requisite attendance data for the  
20 school year immediately preceding the school year for which  
21 general State aid is being calculated or the average of the  
22 attendance data for the 3 preceding school years, whichever is  
23 greater. The Average Daily Attendance figures utilized in  
24 subsection (H) shall be the requisite attendance data for the  
25 school year immediately preceding the school year for which



1 general State aid is being calculated.

2 (D) Available Local Resources.

3 (1) For purposes of calculating general State aid pursuant  
4 to subsection (E), a representation of Available Local  
5 Resources per pupil, as that term is defined and determined in  
6 this subsection, shall be utilized. Available Local Resources  
7 per pupil shall include a calculated dollar amount representing  
8 local school district revenues from local property taxes and  
9 from Corporate Personal Property Replacement Taxes, expressed  
10 on the basis of pupils in Average Daily Attendance. Calculation  
11 of Available Local Resources shall exclude any tax amnesty  
12 funds received as a result of Public Act 93-26.

13 (2) In determining a school district's revenue from local  
14 property taxes, the State Board of Education shall utilize the  
15 equalized assessed valuation of all taxable property of each  
16 school district as of September 30 of the previous year. The  
17 equalized assessed valuation utilized shall be obtained and  
18 determined as provided in subsection (G).

19 (3) For school districts maintaining grades kindergarten  
20 through 12, local property tax revenues per pupil shall be  
21 calculated as the product of the applicable equalized assessed  
22 valuation for the district multiplied by 3.00%, and divided by  
23 the district's Average Daily Attendance figure. For school  
24 districts maintaining grades kindergarten through 8, local  
25 property tax revenues per pupil shall be calculated as the

1 product of the applicable equalized assessed valuation for the  
2 district multiplied by 2.30%, and divided by the district's  
3 Average Daily Attendance figure. For school districts  
4 maintaining grades 9 through 12, local property tax revenues  
5 per pupil shall be the applicable equalized assessed valuation  
6 of the district multiplied by 1.05%, and divided by the  
7 district's Average Daily Attendance figure.

8 For partial elementary unit districts created pursuant to  
9 Article 11E of this Code, local property tax revenues per pupil  
10 shall be calculated as the product of the equalized assessed  
11 valuation for property within the partial elementary unit  
12 district for elementary purposes, as defined in Article 11E of  
13 this Code, multiplied by 2.06% and divided by the district's  
14 Average Daily Attendance figure, plus the product of the  
15 equalized assessed valuation for property within the partial  
16 elementary unit district for high school purposes, as defined  
17 in Article 11E of this Code, multiplied by 0.94% and divided by  
18 the district's Average Daily Attendance figure.

19 (4) The Corporate Personal Property Replacement Taxes paid  
20 to each school district during the calendar year one year  
21 before the calendar year in which a school year begins, divided  
22 by the Average Daily Attendance figure for that district, shall  
23 be added to the local property tax revenues per pupil as  
24 derived by the application of the immediately preceding  
25 paragraph (3). The sum of these per pupil figures for each  
26 school district shall constitute Available Local Resources as

1 that term is utilized in subsection (E) in the calculation of  
2 general State aid.

3 (E) Computation of General State Aid.

4 (1) For each school year, the amount of general State aid  
5 allotted to a school district shall be computed by the State  
6 Board of Education as provided in this subsection.

7 (2) For any school district for which Available Local  
8 Resources per pupil is less than the product of 0.93 times the  
9 Foundation Level, general State aid for that district shall be  
10 calculated as an amount equal to the Foundation Level minus  
11 Available Local Resources, multiplied by the Average Daily  
12 Attendance of the school district.

13 (3) For any school district for which Available Local  
14 Resources per pupil is equal to or greater than the product of  
15 0.93 times the Foundation Level and less than the product of  
16 1.75 times the Foundation Level, the general State aid per  
17 pupil shall be a decimal proportion of the Foundation Level  
18 derived using a linear algorithm. Under this linear algorithm,  
19 the calculated general State aid per pupil shall decline in  
20 direct linear fashion from 0.07 times the Foundation Level for  
21 a school district with Available Local Resources equal to the  
22 product of 0.93 times the Foundation Level, to 0.05 times the  
23 Foundation Level for a school district with Available Local  
24 Resources equal to the product of 1.75 times the Foundation  
25 Level. The allocation of general State aid for school districts

1 subject to this paragraph 3 shall be the calculated general  
2 State aid per pupil figure multiplied by the Average Daily  
3 Attendance of the school district.

4 (4) For any school district for which Available Local  
5 Resources per pupil equals or exceeds the product of 1.75 times  
6 the Foundation Level, the general State aid for the school  
7 district shall be calculated as the product of \$218 multiplied  
8 by the Average Daily Attendance of the school district.

9 (5) The amount of general State aid allocated to a school  
10 district for the 1999-2000 school year meeting the requirements  
11 set forth in paragraph (4) of subsection (G) shall be increased  
12 by an amount equal to the general State aid that would have  
13 been received by the district for the 1998-1999 school year by  
14 utilizing the Extension Limitation Equalized Assessed  
15 Valuation as calculated in paragraph (4) of subsection (G) less  
16 the general State aid allotted for the 1998-1999 school year.  
17 This amount shall be deemed a one time increase, and shall not  
18 affect any future general State aid allocations.

19 (F) Compilation of Average Daily Attendance.

20 (1) Each school district shall, by July 1 of each year,  
21 submit to the State Board of Education, on forms prescribed by  
22 the State Board of Education, attendance figures for the school  
23 year that began in the preceding calendar year. The attendance  
24 information so transmitted shall identify the average daily  
25 attendance figures for each month of the school year for each

1 grade level served. Beginning with the general State aid claim  
2 form for the 2002-2003 school year, districts shall calculate  
3 Average Daily Attendance as provided in subdivisions (a), (b),  
4 and (c) of this paragraph (1).

5 (a) In districts that do not hold year-round classes,  
6 days of attendance in August shall be added to the month of  
7 September and any days of attendance in June shall be added  
8 to the month of May.

9 (b) In districts in which all buildings hold year-round  
10 classes, days of attendance in July and August shall be  
11 added to the month of September and any days of attendance  
12 in June shall be added to the month of May.

13 (c) In districts in which some buildings, but not all,  
14 hold year-round classes, for the non-year-round buildings,  
15 days of attendance in August shall be added to the month of  
16 September and any days of attendance in June shall be added  
17 to the month of May. The average daily attendance for the  
18 year-round buildings shall be computed as provided in  
19 subdivision (b) of this paragraph (1). To calculate the  
20 Average Daily Attendance for the district, the average  
21 daily attendance for the year-round buildings shall be  
22 multiplied by the days in session for the non-year-round  
23 buildings for each month and added to the monthly  
24 attendance of the non-year-round buildings.

25 Except as otherwise provided in this Section, days of  
26 attendance by pupils shall be counted only for sessions of not

1 less than 5 clock hours of school work per day under direct  
2 supervision of: (i) teachers, or (ii) non-teaching personnel or  
3 volunteer personnel when engaging in non-teaching duties and  
4 supervising in those instances specified in subsection (a) of  
5 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
6 of legal school age and in kindergarten and grades 1 through  
7 12. Days of attendance by pupils through verified participation  
8 in an e-learning program approved by the State Board of  
9 Education under Section 10-20.56 of the Code shall be  
10 considered as full days of attendance for purposes of this  
11 Section.

12 Days of attendance by tuition pupils shall be accredited  
13 only to the districts that pay the tuition to a recognized  
14 school.

15 (2) Days of attendance by pupils of less than 5 clock hours  
16 of school shall be subject to the following provisions in the  
17 compilation of Average Daily Attendance.

18 (a) Pupils regularly enrolled in a public school for  
19 only a part of the school day may be counted on the basis  
20 of 1/6 day for every class hour of instruction of 40  
21 minutes or more attended pursuant to such enrollment,  
22 unless a pupil is enrolled in a block-schedule format of 80  
23 minutes or more of instruction, in which case the pupil may  
24 be counted on the basis of the proportion of minutes of  
25 school work completed each day to the minimum number of  
26 minutes that school work is required to be held that day.

1 (b) (Blank).

2 (c) A session of 4 or more clock hours may be counted  
3 as a day of attendance upon certification by the regional  
4 superintendent, and approved by the State Superintendent  
5 of Education to the extent that the district has been  
6 forced to use daily multiple sessions.

7 (d) A session of 3 or more clock hours may be counted  
8 as a day of attendance (1) when the remainder of the school  
9 day or at least 2 hours in the evening of that day is  
10 utilized for an in-service training program for teachers,  
11 up to a maximum of 5 days per school year, provided a  
12 district conducts an in-service training program for  
13 teachers in accordance with Section 10-22.39 of this Code;  
14 or, in lieu of 4 such days, 2 full days may be used, in  
15 which event each such day may be counted as a day required  
16 for a legal school calendar pursuant to Section 10-19 of  
17 this Code; (1.5) when, of the 5 days allowed under item  
18 (1), a maximum of 4 days are used for parent-teacher  
19 conferences, or, in lieu of 4 such days, 2 full days are  
20 used, in which case each such day may be counted as a  
21 calendar day required under Section 10-19 of this Code,  
22 provided that the full-day, parent-teacher conference  
23 consists of (i) a minimum of 5 clock hours of  
24 parent-teacher conferences, (ii) both a minimum of 2 clock  
25 hours of parent-teacher conferences held in the evening  
26 following a full day of student attendance, as specified in

1 subsection (F)(1)(c), and a minimum of 3 clock hours of  
2 parent-teacher conferences held on the day immediately  
3 following evening parent-teacher conferences, or (iii)  
4 multiple parent-teacher conferences held in the evenings  
5 following full days of student attendance, as specified in  
6 subsection (F)(1)(c), in which the time used for the  
7 parent-teacher conferences is equivalent to a minimum of 5  
8 clock hours; and (2) when days in addition to those  
9 provided in items (1) and (1.5) are scheduled by a school  
10 pursuant to its school improvement plan adopted under  
11 Article 34 or its revised or amended school improvement  
12 plan adopted under Article 2, provided that (i) such  
13 sessions of 3 or more clock hours are scheduled to occur at  
14 regular intervals, (ii) the remainder of the school days in  
15 which such sessions occur are utilized for in-service  
16 training programs or other staff development activities  
17 for teachers, and (iii) a sufficient number of minutes of  
18 school work under the direct supervision of teachers are  
19 added to the school days between such regularly scheduled  
20 sessions to accumulate not less than the number of minutes  
21 by which such sessions of 3 or more clock hours fall short  
22 of 5 clock hours. Any full days used for the purposes of  
23 this paragraph shall not be considered for computing  
24 average daily attendance. Days scheduled for in-service  
25 training programs, staff development activities, or  
26 parent-teacher conferences may be scheduled separately for



1 different grade levels and different attendance centers of  
2 the district.

3 (e) A session of not less than one clock hour of  
4 teaching hospitalized or homebound pupils on-site or by  
5 telephone to the classroom may be counted as 1/2 day of  
6 attendance, however these pupils must receive 4 or more  
7 clock hours of instruction to be counted for a full day of  
8 attendance.

9 (f) A session of at least 4 clock hours may be counted  
10 as a day of attendance for first grade pupils, and pupils  
11 in full day kindergartens, and a session of 2 or more hours  
12 may be counted as 1/2 day of attendance by pupils in  
13 kindergartens which provide only 1/2 day of attendance.

14 (g) For children with disabilities who are below the  
15 age of 6 years and who cannot attend 2 or more clock hours  
16 because of their disability or immaturity, a session of not  
17 less than one clock hour may be counted as 1/2 day of  
18 attendance; however for such children whose educational  
19 needs so require a session of 4 or more clock hours may be  
20 counted as a full day of attendance.

21 (h) A recognized kindergarten which provides for only  
22 1/2 day of attendance by each pupil shall not have more  
23 than 1/2 day of attendance counted in any one day. However,  
24 kindergartens may count 2 1/2 days of attendance in any 5  
25 consecutive school days. When a pupil attends such a  
26 kindergarten for 2 half days on any one school day, the

1 pupil shall have the following day as a day absent from  
2 school, unless the school district obtains permission in  
3 writing from the State Superintendent of Education.  
4 Attendance at kindergartens which provide for a full day of  
5 attendance by each pupil shall be counted the same as  
6 attendance by first grade pupils. Only the first year of  
7 attendance in one kindergarten shall be counted, except in  
8 case of children who entered the kindergarten in their  
9 fifth year whose educational development requires a second  
10 year of kindergarten as determined under the rules and  
11 regulations of the State Board of Education.

12 (i) On the days when the assessment that includes a  
13 college and career ready determination is administered  
14 under subsection (c) of Section 2-3.64a-5 of this Code, the  
15 day of attendance for a pupil whose school day must be  
16 shortened to accommodate required testing procedures may  
17 be less than 5 clock hours and shall be counted towards the  
18 176 days of actual pupil attendance required under Section  
19 10-19 of this Code, provided that a sufficient number of  
20 minutes of school work in excess of 5 clock hours are first  
21 completed on other school days to compensate for the loss  
22 of school work on the examination days.

23 (j) Pupils enrolled in a remote educational program  
24 established under Section 10-29 of this Code may be counted  
25 on the basis of one-fifth day of attendance for every clock  
26 hour of instruction attended in the remote educational

1 program, provided that, in any month, the school district  
2 may not claim for a student enrolled in a remote  
3 educational program more days of attendance than the  
4 maximum number of days of attendance the district can claim  
5 (i) for students enrolled in a building holding year-round  
6 classes if the student is classified as participating in  
7 the remote educational program on a year-round schedule or  
8 (ii) for students enrolled in a building not holding  
9 year-round classes if the student is not classified as  
10 participating in the remote educational program on a  
11 year-round schedule.

12 (G) Equalized Assessed Valuation Data.

13 (1) For purposes of the calculation of Available Local  
14 Resources required pursuant to subsection (D), the State Board  
15 of Education shall secure from the Department of Revenue the  
16 value as equalized or assessed by the Department of Revenue of  
17 all taxable property of every school district, together with  
18 (i) the applicable tax rate used in extending taxes for the  
19 funds of the district as of September 30 of the previous year  
20 and (ii) the limiting rate for all school districts subject to  
21 property tax extension limitations as imposed under the  
22 Property Tax Extension Limitation Law.

23 The Department of Revenue shall add to the equalized  
24 assessed value of all taxable property of each school district  
25 situated entirely or partially within a county that is or was

1 subject to the provisions of Section 15-176 or 15-177 of the  
2 Property Tax Code (a) an amount equal to the total amount by  
3 which the homestead exemption allowed under Section 15-176 or  
4 15-177 of the Property Tax Code for real property situated in  
5 that school district exceeds the total amount that would have  
6 been allowed in that school district if the maximum reduction  
7 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in  
8 all other counties in tax year 2003 or (ii) \$5,000 in all  
9 counties in tax year 2004 and thereafter and (b) an amount  
10 equal to the aggregate amount for the taxable year of all  
11 additional exemptions under Section 15-175 of the Property Tax  
12 Code for owners with a household income of \$30,000 or less. The  
13 county clerk of any county that is or was subject to the  
14 provisions of Section 15-176 or 15-177 of the Property Tax Code  
15 shall annually calculate and certify to the Department of  
16 Revenue for each school district all homestead exemption  
17 amounts under Section 15-176 or 15-177 of the Property Tax Code  
18 and all amounts of additional exemptions under Section 15-175  
19 of the Property Tax Code for owners with a household income of  
20 \$30,000 or less. It is the intent of this paragraph that if the  
21 general homestead exemption for a parcel of property is  
22 determined under Section 15-176 or 15-177 of the Property Tax  
23 Code rather than Section 15-175, then the calculation of  
24 Available Local Resources shall not be affected by the  
25 difference, if any, between the amount of the general homestead  
26 exemption allowed for that parcel of property under Section

1 15-176 or 15-177 of the Property Tax Code and the amount that  
2 would have been allowed had the general homestead exemption for  
3 that parcel of property been determined under Section 15-175 of  
4 the Property Tax Code. It is further the intent of this  
5 paragraph that if additional exemptions are allowed under  
6 Section 15-175 of the Property Tax Code for owners with a  
7 household income of less than \$30,000, then the calculation of  
8 Available Local Resources shall not be affected by the  
9 difference, if any, because of those additional exemptions.

10 This equalized assessed valuation, as adjusted further by  
11 the requirements of this subsection, shall be utilized in the  
12 calculation of Available Local Resources.

13 (2) The equalized assessed valuation in paragraph (1) shall  
14 be adjusted, as applicable, in the following manner:

15 (a) For the purposes of calculating State aid under  
16 this Section, with respect to any part of a school district  
17 within a redevelopment project area in respect to which a  
18 municipality has adopted tax increment allocation  
19 financing pursuant to the Tax Increment Allocation  
20 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
21 of the Illinois Municipal Code or the Industrial Jobs  
22 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
23 Illinois Municipal Code, no part of the current equalized  
24 assessed valuation of real property located in any such  
25 project area which is attributable to an increase above the  
26 total initial equalized assessed valuation of such

1 property shall be used as part of the equalized assessed  
2 valuation of the district, until such time as all  
3 redevelopment project costs have been paid, as provided in  
4 Section 11-74.4-8 of the Tax Increment Allocation  
5 Redevelopment Act or in Section 11-74.6-35 of the  
6 Industrial Jobs Recovery Law. For the purpose of the  
7 equalized assessed valuation of the district, the total  
8 initial equalized assessed valuation or the current  
9 equalized assessed valuation, whichever is lower, shall be  
10 used until such time as all redevelopment project costs  
11 have been paid.

12 (b) The real property equalized assessed valuation for  
13 a school district shall be adjusted by subtracting from the  
14 real property value as equalized or assessed by the  
15 Department of Revenue for the district an amount computed  
16 by dividing the amount of any abatement of taxes under  
17 Section 18-170 of the Property Tax Code by 3.00% for a  
18 district maintaining grades kindergarten through 12, by  
19 2.30% for a district maintaining grades kindergarten  
20 through 8, or by 1.05% for a district maintaining grades 9  
21 through 12 and adjusted by an amount computed by dividing  
22 the amount of any abatement of taxes under subsection (a)  
23 of Section 18-165 of the Property Tax Code by the same  
24 percentage rates for district type as specified in this  
25 subparagraph (b).

26 (3) For the 1999-2000 school year and each school year

1 thereafter, if a school district meets all of the criteria of  
2 this subsection (G) (3), the school district's Available Local  
3 Resources shall be calculated under subsection (D) using the  
4 district's Extension Limitation Equalized Assessed Valuation  
5 as calculated under this subsection (G) (3).

6 For purposes of this subsection (G) (3) the following terms  
7 shall have the following meanings:

8 "Budget Year": The school year for which general State  
9 aid is calculated and awarded under subsection (E).

10 "Base Tax Year": The property tax levy year used to  
11 calculate the Budget Year allocation of general State aid.

12 "Preceding Tax Year": The property tax levy year  
13 immediately preceding the Base Tax Year.

14 "Base Tax Year's Tax Extension": The product of the  
15 equalized assessed valuation utilized by the County Clerk  
16 in the Base Tax Year multiplied by the limiting rate as  
17 calculated by the County Clerk and defined in the Property  
18 Tax Extension Limitation Law.

19 "Preceding Tax Year's Tax Extension": The product of  
20 the equalized assessed valuation utilized by the County  
21 Clerk in the Preceding Tax Year multiplied by the Operating  
22 Tax Rate as defined in subsection (A).

23 "Extension Limitation Ratio": A numerical ratio,  
24 certified by the County Clerk, in which the numerator is  
25 the Base Tax Year's Tax Extension and the denominator is  
26 the Preceding Tax Year's Tax Extension.

1           "Operating Tax Rate": The operating tax rate as defined  
2           in subsection (A).

3           If a school district is subject to property tax extension  
4           limitations as imposed under the Property Tax Extension  
5           Limitation Law, the State Board of Education shall calculate  
6           the Extension Limitation Equalized Assessed Valuation of that  
7           district. For the 1999-2000 school year, the Extension  
8           Limitation Equalized Assessed Valuation of a school district as  
9           calculated by the State Board of Education shall be equal to  
10          the product of the district's 1996 Equalized Assessed Valuation  
11          and the district's Extension Limitation Ratio. Except as  
12          otherwise provided in this paragraph for a school district that  
13          has approved or does approve an increase in its limiting rate,  
14          for the 2000-2001 school year and each school year thereafter,  
15          the Extension Limitation Equalized Assessed Valuation of a  
16          school district as calculated by the State Board of Education  
17          shall be equal to the product of the Equalized Assessed  
18          Valuation last used in the calculation of general State aid and  
19          the district's Extension Limitation Ratio. If the Extension  
20          Limitation Equalized Assessed Valuation of a school district as  
21          calculated under this subsection (G)(3) is less than the  
22          district's equalized assessed valuation as calculated pursuant  
23          to subsections (G)(1) and (G)(2), then for purposes of  
24          calculating the district's general State aid for the Budget  
25          Year pursuant to subsection (E), that Extension Limitation  
26          Equalized Assessed Valuation shall be utilized to calculate the



1 district's Available Local Resources under subsection (D). For  
2 the 2009-2010 school year and each school year thereafter, if a  
3 school district has approved or does approve an increase in its  
4 limiting rate, pursuant to Section 18-190 of the Property Tax  
5 Code, affecting the Base Tax Year, the Extension Limitation  
6 Equalized Assessed Valuation of the school district, as  
7 calculated by the State Board of Education, shall be equal to  
8 the product of the Equalized Assessed Valuation last used in  
9 the calculation of general State aid times an amount equal to  
10 one plus the percentage increase, if any, in the Consumer Price  
11 Index for all Urban Consumers for all items published by the  
12 United States Department of Labor for the 12-month calendar  
13 year preceding the Base Tax Year, plus the Equalized Assessed  
14 Valuation of new property, annexed property, and recovered tax  
15 increment value and minus the Equalized Assessed Valuation of  
16 disconnected property. New property and recovered tax  
17 increment value shall have the meanings set forth in the  
18 Property Tax Extension Limitation Law.

19 Partial elementary unit districts created in accordance  
20 with Article 11E of this Code shall not be eligible for the  
21 adjustment in this subsection (G)(3) until the fifth year  
22 following the effective date of the reorganization.

23 (3.5) For the 2010-2011 school year and each school year  
24 thereafter, if a school district's boundaries span multiple  
25 counties, then the Department of Revenue shall send to the  
26 State Board of Education, for the purpose of calculating

1 general State aid, the limiting rate and individual rates by  
2 purpose for the county that contains the majority of the school  
3 district's Equalized Assessed Valuation.

4 (4) For the purposes of calculating general State aid for  
5 the 1999-2000 school year only, if a school district  
6 experienced a triennial reassessment on the equalized assessed  
7 valuation used in calculating its general State financial aid  
8 apportionment for the 1998-1999 school year, the State Board of  
9 Education shall calculate the Extension Limitation Equalized  
10 Assessed Valuation that would have been used to calculate the  
11 district's 1998-1999 general State aid. This amount shall equal  
12 the product of the equalized assessed valuation used to  
13 calculate general State aid for the 1997-1998 school year and  
14 the district's Extension Limitation Ratio. If the Extension  
15 Limitation Equalized Assessed Valuation of the school district  
16 as calculated under this paragraph (4) is less than the  
17 district's equalized assessed valuation utilized in  
18 calculating the district's 1998-1999 general State aid  
19 allocation, then for purposes of calculating the district's  
20 general State aid pursuant to paragraph (5) of subsection (E),  
21 that Extension Limitation Equalized Assessed Valuation shall  
22 be utilized to calculate the district's Available Local  
23 Resources.

24 (5) For school districts having a majority of their  
25 equalized assessed valuation in any county except Cook, DuPage,  
26 Kane, Lake, McHenry, or Will, if the amount of general State

1 aid allocated to the school district for the 1999-2000 school  
2 year under the provisions of subsection (E), (H), and (J) of  
3 this Section is less than the amount of general State aid  
4 allocated to the district for the 1998-1999 school year under  
5 these subsections, then the general State aid of the district  
6 for the 1999-2000 school year only shall be increased by the  
7 difference between these amounts. The total payments made under  
8 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
9 be prorated if they exceed \$14,000,000.

10 (H) Supplemental General State Aid.

11 (1) In addition to the general State aid a school district  
12 is allotted pursuant to subsection (E), qualifying school  
13 districts shall receive a grant, paid in conjunction with a  
14 district's payments of general State aid, for supplemental  
15 general State aid based upon the concentration level of  
16 children from low-income households within the school  
17 district. Supplemental State aid grants provided for school  
18 districts under this subsection shall be appropriated for  
19 distribution to school districts as part of the same line item  
20 in which the general State financial aid of school districts is  
21 appropriated under this Section.

22 (1.5) This paragraph (1.5) applies only to those school  
23 years preceding the 2003-2004 school year. For purposes of this  
24 subsection (H), the term "Low-Income Concentration Level"  
25 shall be the low-income eligible pupil count from the most

1 recently available federal census divided by the Average Daily  
2 Attendance of the school district. If, however, (i) the  
3 percentage decrease from the 2 most recent federal censuses in  
4 the low-income eligible pupil count of a high school district  
5 with fewer than 400 students exceeds by 75% or more the  
6 percentage change in the total low-income eligible pupil count  
7 of contiguous elementary school districts, whose boundaries  
8 are coterminous with the high school district, or (ii) a high  
9 school district within 2 counties and serving 5 elementary  
10 school districts, whose boundaries are coterminous with the  
11 high school district, has a percentage decrease from the 2 most  
12 recent federal censuses in the low-income eligible pupil count  
13 and there is a percentage increase in the total low-income  
14 eligible pupil count of a majority of the elementary school  
15 districts in excess of 50% from the 2 most recent federal  
16 censuses, then the high school district's low-income eligible  
17 pupil count from the earlier federal census shall be the number  
18 used as the low-income eligible pupil count for the high school  
19 district, for purposes of this subsection (H). The changes made  
20 to this paragraph (1) by Public Act 92-28 shall apply to  
21 supplemental general State aid grants for school years  
22 preceding the 2003-2004 school year that are paid in fiscal  
23 year 1999 or thereafter and to any State aid payments made in  
24 fiscal year 1994 through fiscal year 1998 pursuant to  
25 subsection 1(n) of Section 18-8 of this Code (which was  
26 repealed on July 1, 1998), and any high school district that is

1 affected by Public Act 92-28 is entitled to a recomputation of  
2 its supplemental general State aid grant or State aid paid in  
3 any of those fiscal years. This recomputation shall not be  
4 affected by any other funding.

5 (1.10) This paragraph (1.10) applies to the 2003-2004  
6 school year and each school year thereafter through the  
7 2016-2017 school year. For purposes of this subsection (H), the  
8 term "Low-Income Concentration Level" shall, for each fiscal  
9 year, be the low-income eligible pupil count as of July 1 of  
10 the immediately preceding fiscal year (as determined by the  
11 Department of Human Services based on the number of pupils who  
12 are eligible for at least one of the following low income  
13 programs: Medicaid, the Children's Health Insurance Program,  
14 TANF, or Food Stamps, excluding pupils who are eligible for  
15 services provided by the Department of Children and Family  
16 Services, averaged over the 2 immediately preceding fiscal  
17 years for fiscal year 2004 and over the 3 immediately preceding  
18 fiscal years for each fiscal year thereafter) divided by the  
19 Average Daily Attendance of the school district.

20 (2) Supplemental general State aid pursuant to this  
21 subsection (H) shall be provided as follows for the 1998-1999,  
22 1999-2000, and 2000-2001 school years only:

23 (a) For any school district with a Low Income  
24 Concentration Level of at least 20% and less than 35%, the  
25 grant for any school year shall be \$800 multiplied by the  
26 low income eligible pupil count.

1           (b) For any school district with a Low Income  
2 Concentration Level of at least 35% and less than 50%, the  
3 grant for the 1998-1999 school year shall be \$1,100  
4 multiplied by the low income eligible pupil count.

5           (c) For any school district with a Low Income  
6 Concentration Level of at least 50% and less than 60%, the  
7 grant for the 1998-99 school year shall be \$1,500  
8 multiplied by the low income eligible pupil count.

9           (d) For any school district with a Low Income  
10 Concentration Level of 60% or more, the grant for the  
11 1998-99 school year shall be \$1,900 multiplied by the low  
12 income eligible pupil count.

13           (e) For the 1999-2000 school year, the per pupil amount  
14 specified in subparagraphs (b), (c), and (d) immediately  
15 above shall be increased to \$1,243, \$1,600, and \$2,000,  
16 respectively.

17           (f) For the 2000-2001 school year, the per pupil  
18 amounts specified in subparagraphs (b), (c), and (d)  
19 immediately above shall be \$1,273, \$1,640, and \$2,050,  
20 respectively.

21           (2.5) Supplemental general State aid pursuant to this  
22 subsection (H) shall be provided as follows for the 2002-2003  
23 school year:

24           (a) For any school district with a Low Income  
25 Concentration Level of less than 10%, the grant for each  
26 school year shall be \$355 multiplied by the low income

1 eligible pupil count.

2 (b) For any school district with a Low Income  
3 Concentration Level of at least 10% and less than 20%, the  
4 grant for each school year shall be \$675 multiplied by the  
5 low income eligible pupil count.

6 (c) For any school district with a Low Income  
7 Concentration Level of at least 20% and less than 35%, the  
8 grant for each school year shall be \$1,330 multiplied by  
9 the low income eligible pupil count.

10 (d) For any school district with a Low Income  
11 Concentration Level of at least 35% and less than 50%, the  
12 grant for each school year shall be \$1,362 multiplied by  
13 the low income eligible pupil count.

14 (e) For any school district with a Low Income  
15 Concentration Level of at least 50% and less than 60%, the  
16 grant for each school year shall be \$1,680 multiplied by  
17 the low income eligible pupil count.

18 (f) For any school district with a Low Income  
19 Concentration Level of 60% or more, the grant for each  
20 school year shall be \$2,080 multiplied by the low income  
21 eligible pupil count.

22 (2.10) Except as otherwise provided, supplemental general  
23 State aid pursuant to this subsection (H) shall be provided as  
24 follows for the 2003-2004 school year and each school year  
25 thereafter:

26 (a) For any school district with a Low Income

1 Concentration Level of 15% or less, the grant for each  
2 school year shall be \$355 multiplied by the low income  
3 eligible pupil count.

4 (b) For any school district with a Low Income  
5 Concentration Level greater than 15%, the grant for each  
6 school year shall be \$294.25 added to the product of \$2,700  
7 and the square of the Low Income Concentration Level, all  
8 multiplied by the low income eligible pupil count.

9 For the 2003-2004 school year and each school year  
10 thereafter through the 2008-2009 school year only, the grant  
11 shall be no less than the grant for the 2002-2003 school year.  
12 For the 2009-2010 school year only, the grant shall be no less  
13 than the grant for the 2002-2003 school year multiplied by  
14 0.66. For the 2010-2011 school year only, the grant shall be no  
15 less than the grant for the 2002-2003 school year multiplied by  
16 0.33. Notwithstanding the provisions of this paragraph to the  
17 contrary, if for any school year supplemental general State aid  
18 grants are prorated as provided in paragraph (1) of this  
19 subsection (H), then the grants under this paragraph shall be  
20 prorated.

21 For the 2003-2004 school year only, the grant shall be no  
22 greater than the grant received during the 2002-2003 school  
23 year added to the product of 0.25 multiplied by the difference  
24 between the grant amount calculated under subsection (a) or (b)  
25 of this paragraph (2.10), whichever is applicable, and the  
26 grant received during the 2002-2003 school year. For the



1 2004-2005 school year only, the grant shall be no greater than  
2 the grant received during the 2002-2003 school year added to  
3 the product of 0.50 multiplied by the difference between the  
4 grant amount calculated under subsection (a) or (b) of this  
5 paragraph (2.10), whichever is applicable, and the grant  
6 received during the 2002-2003 school year. For the 2005-2006  
7 school year only, the grant shall be no greater than the grant  
8 received during the 2002-2003 school year added to the product  
9 of 0.75 multiplied by the difference between the grant amount  
10 calculated under subsection (a) or (b) of this paragraph  
11 (2.10), whichever is applicable, and the grant received during  
12 the 2002-2003 school year.

13 (3) School districts with an Average Daily Attendance of  
14 more than 1,000 and less than 50,000 that qualify for  
15 supplemental general State aid pursuant to this subsection  
16 shall submit a plan to the State Board of Education prior to  
17 October 30 of each year for the use of the funds resulting from  
18 this grant of supplemental general State aid for the  
19 improvement of instruction in which priority is given to  
20 meeting the education needs of disadvantaged children. Such  
21 plan shall be submitted in accordance with rules and  
22 regulations promulgated by the State Board of Education.

23 (4) School districts with an Average Daily Attendance of  
24 50,000 or more that qualify for supplemental general State aid  
25 pursuant to this subsection shall be required to distribute  
26 from funds available pursuant to this Section, no less than

1 \$261,000,000 in accordance with the following requirements:

2 (a) The required amounts shall be distributed to the  
3 attendance centers within the district in proportion to the  
4 number of pupils enrolled at each attendance center who are  
5 eligible to receive free or reduced-price lunches or  
6 breakfasts under the federal Child Nutrition Act of 1966  
7 and under the National School Lunch Act during the  
8 immediately preceding school year.

9 (b) The distribution of these portions of supplemental  
10 and general State aid among attendance centers according to  
11 these requirements shall not be compensated for or  
12 contravened by adjustments of the total of other funds  
13 appropriated to any attendance centers, and the Board of  
14 Education shall utilize funding from one or several sources  
15 in order to fully implement this provision annually prior  
16 to the opening of school.

17 (c) Each attendance center shall be provided by the  
18 school district a distribution of noncategorical funds and  
19 other categorical funds to which an attendance center is  
20 entitled under law in order that the general State aid and  
21 supplemental general State aid provided by application of  
22 this subsection supplements rather than supplants the  
23 noncategorical funds and other categorical funds provided  
24 by the school district to the attendance centers.

25 (d) Any funds made available under this subsection that  
26 by reason of the provisions of this subsection are not

1 required to be allocated and provided to attendance centers  
2 may be used and appropriated by the board of the district  
3 for any lawful school purpose.

4 (e) Funds received by an attendance center pursuant to  
5 this subsection shall be used by the attendance center at  
6 the discretion of the principal and local school council  
7 for programs to improve educational opportunities at  
8 qualifying schools through the following programs and  
9 services: early childhood education, reduced class size or  
10 improved adult to student classroom ratio, enrichment  
11 programs, remedial assistance, attendance improvement, and  
12 other educationally beneficial expenditures which  
13 supplement the regular and basic programs as determined by  
14 the State Board of Education. Funds provided shall not be  
15 expended for any political or lobbying purposes as defined  
16 by board rule.

17 (f) Each district subject to the provisions of this  
18 subdivision (H) (4) shall submit an acceptable plan to meet  
19 the educational needs of disadvantaged children, in  
20 compliance with the requirements of this paragraph, to the  
21 State Board of Education prior to July 15 of each year.  
22 This plan shall be consistent with the decisions of local  
23 school councils concerning the school expenditure plans  
24 developed in accordance with part 4 of Section 34-2.3. The  
25 State Board shall approve or reject the plan within 60 days  
26 after its submission. If the plan is rejected, the district

1 shall give written notice of intent to modify the plan  
2 within 15 days of the notification of rejection and then  
3 submit a modified plan within 30 days after the date of the  
4 written notice of intent to modify. Districts may amend  
5 approved plans pursuant to rules promulgated by the State  
6 Board of Education.

7 Upon notification by the State Board of Education that  
8 the district has not submitted a plan prior to July 15 or a  
9 modified plan within the time period specified herein, the  
10 State aid funds affected by that plan or modified plan  
11 shall be withheld by the State Board of Education until a  
12 plan or modified plan is submitted.

13 If the district fails to distribute State aid to  
14 attendance centers in accordance with an approved plan, the  
15 plan for the following year shall allocate funds, in  
16 addition to the funds otherwise required by this  
17 subsection, to those attendance centers which were  
18 underfunded during the previous year in amounts equal to  
19 such underfunding.

20 For purposes of determining compliance with this  
21 subsection in relation to the requirements of attendance  
22 center funding, each district subject to the provisions of  
23 this subsection shall submit as a separate document by  
24 December 1 of each year a report of expenditure data for  
25 the prior year in addition to any modification of its  
26 current plan. If it is determined that there has been a

1 failure to comply with the expenditure provisions of this  
2 subsection regarding contravention or supplanting, the  
3 State Superintendent of Education shall, within 60 days of  
4 receipt of the report, notify the district and any affected  
5 local school council. The district shall within 45 days of  
6 receipt of that notification inform the State  
7 Superintendent of Education of the remedial or corrective  
8 action to be taken, whether by amendment of the current  
9 plan, if feasible, or by adjustment in the plan for the  
10 following year. Failure to provide the expenditure report  
11 or the notification of remedial or corrective action in a  
12 timely manner shall result in a withholding of the affected  
13 funds.

14 The State Board of Education shall promulgate rules and  
15 regulations to implement the provisions of this  
16 subsection. No funds shall be released under this  
17 subdivision (H) (4) to any district that has not submitted a  
18 plan that has been approved by the State Board of  
19 Education.

20 (I) (Blank).

21 (J) (Blank).

22 (K) Grants to Laboratory and Alternative Schools.

23 In calculating the amount to be paid to the governing board

1 of a public university that operates a laboratory school under  
2 this Section or to any alternative school that is operated by a  
3 regional superintendent of schools, the State Board of  
4 Education shall require by rule such reporting requirements as  
5 it deems necessary.

6 As used in this Section, "laboratory school" means a public  
7 school which is created and operated by a public university and  
8 approved by the State Board of Education. The governing board  
9 of a public university which receives funds from the State  
10 Board under this subsection (K) or subsection (g) of Section  
11 18-8.15 of this Code may not increase the number of students  
12 enrolled in its laboratory school from a single district, if  
13 that district is already sending 50 or more students, except  
14 under a mutual agreement between the school board of a  
15 student's district of residence and the university which  
16 operates the laboratory school. A laboratory school may not  
17 have more than 1,000 students, excluding students with  
18 disabilities in a special education program.

19 As used in this Section, "alternative school" means a  
20 public school which is created and operated by a Regional  
21 Superintendent of Schools and approved by the State Board of  
22 Education. Such alternative schools may offer courses of  
23 instruction for which credit is given in regular school  
24 programs, courses to prepare students for the high school  
25 equivalency testing program or vocational and occupational  
26 training. A regional superintendent of schools may contract

1 with a school district or a public community college district  
2 to operate an alternative school. An alternative school serving  
3 more than one educational service region may be established by  
4 the regional superintendents of schools of the affected  
5 educational service regions. An alternative school serving  
6 more than one educational service region may be operated under  
7 such terms as the regional superintendents of schools of those  
8 educational service regions may agree.

9 Each laboratory and alternative school shall file, on forms  
10 provided by the State Superintendent of Education, an annual  
11 State aid claim which states the Average Daily Attendance of  
12 the school's students by month. The best 3 months' Average  
13 Daily Attendance shall be computed for each school. The general  
14 State aid entitlement shall be computed by multiplying the  
15 applicable Average Daily Attendance by the Foundation Level as  
16 determined under this Section.

17 (L) Payments, Additional Grants in Aid and Other Requirements.

18 (1) For a school district operating under the financial  
19 supervision of an Authority created under Article 34A, the  
20 general State aid otherwise payable to that district under this  
21 Section, but not the supplemental general State aid, shall be  
22 reduced by an amount equal to the budget for the operations of  
23 the Authority as certified by the Authority to the State Board  
24 of Education, and an amount equal to such reduction shall be  
25 paid to the Authority created for such district for its

1 operating expenses in the manner provided in Section 18-11. The  
2 remainder of general State school aid for any such district  
3 shall be paid in accordance with Article 34A when that Article  
4 provides for a disposition other than that provided by this  
5 Article.

6 (2) (Blank).

7 (3) Summer school. Summer school payments shall be made as  
8 provided in Section 18-4.3.

9 (M) (Blank).

10 (N) (Blank).

11 (O) References.

12 (1) References in other laws to the various subdivisions of  
13 Section 18-8 as that Section existed before its repeal and  
14 replacement by this Section 18-8.05 shall be deemed to refer to  
15 the corresponding provisions of this Section 18-8.05, to the  
16 extent that those references remain applicable.

17 (2) References in other laws to State Chapter 1 funds shall  
18 be deemed to refer to the supplemental general State aid  
19 provided under subsection (H) of this Section.

20 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
21 changes to this Section. Under Section 6 of the Statute on  
22 Statutes there is an irreconcilable conflict between Public Act



1 93-808 and Public Act 93-838. Public Act 93-838, being the last  
2 acted upon, is controlling. The text of Public Act 93-838 is  
3 the law regardless of the text of Public Act 93-808.

4 (Q) State Fiscal Year 2015 Payments.

5 For payments made for State fiscal year 2015, the State  
6 Board of Education shall, for each school district, calculate  
7 that district's pro-rata share of a minimum sum of \$13,600,000  
8 or additional amounts as needed from the total net General  
9 State Aid funding as calculated under this Section that shall  
10 be deemed attributable to the provision of special educational  
11 facilities and services, as defined in Section 14-1.08 of this  
12 Code, in a manner that ensures compliance with maintenance of  
13 State financial support requirements under the federal  
14 Individuals with Disabilities Education Act. Each school  
15 district must use such funds only for the provision of special  
16 educational facilities and services, as defined in Section  
17 14-1.08 of this Code, and must comply with any expenditure  
18 verification procedures adopted by the State Board of  
19 Education.

20 (R) State Fiscal Year 2016 Payments.

21 For payments made for State fiscal year 2016, the State  
22 Board of Education shall, for each school district, calculate  
23 that district's pro rata share of a minimum sum of \$1 or  
24 additional amounts as needed from the total net General State

1 Aid funding as calculated under this Section that shall be  
2 deemed attributable to the provision of special educational  
3 facilities and services, as defined in Section 14-1.08 of this  
4 Code, in a manner that ensures compliance with maintenance of  
5 State financial support requirements under the federal  
6 Individuals with Disabilities Education Act. Each school  
7 district must use such funds only for the provision of special  
8 educational facilities and services, as defined in Section  
9 14-1.08 of this Code, and must comply with any expenditure  
10 verification procedures adopted by the State Board of  
11 Education.

12 (S) State Fiscal Year 2017 Payments.

13 For payments made for State fiscal year 2017, the State  
14 Board of Education shall, for each school district, calculate  
15 that district's pro rata share of a minimum sum of \$1 or  
16 additional amounts as needed from the total net General State  
17 Aid funding as calculated under this Section that shall be  
18 deemed attributable to the provision of special educational  
19 facilities and services, as defined in Section 14-1.08 of this  
20 Code, in a manner that ensures compliance with maintenance of  
21 State financial support requirements under the federal  
22 Individuals with Disabilities Education Act. Each school  
23 district must use such funds only for the provision of special  
24 educational facilities and services, as defined in Section  
25 14-1.08 of this Code, and must comply with any expenditure

1 verification procedures adopted by the State Board of  
2 Education.

3 (T) State Fiscal Year 2018 Payments.

4 For payments made for State fiscal year 2018, the State  
5 Board of Education shall, for each school district, calculate  
6 that district's pro rata share of a minimum sum of \$1 or  
7 additional amounts as needed from the total net evidence-based  
8 funding as calculated under Section 18-8.15 of this Code that  
9 shall be deemed attributable to the provision of special  
10 educational facilities and services, as defined in Section  
11 14-1.08 of this Code, in a manner that ensures compliance with  
12 maintenance of State financial support requirements under the  
13 federal Individuals with Disabilities Education Act. Each  
14 school district must use such funds only for the provision of  
15 special educational facilities and services, as defined in  
16 Section 14-1.08 of this Code, and must comply with any  
17 expenditure verification procedures adopted by the State Board  
18 of Education.

19 (Source: P.A. 99-2, eff. 3-26-15; 99-194, eff. 7-30-15; 99-523,  
20 eff. 6-30-16; 100-23, eff. 7-6-17; 100-147, eff. 1-1-18;  
21 100-465, eff. 8-31-17; revised 9-25-17.)

22 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

23 Sec. 18-12. Dates for filing State aid claims. The school  
24 board of each school district, a regional office of education,

1 a laboratory school, or a State-authorized charter school shall  
2 require teachers, principals, or superintendents to furnish  
3 from records kept by them such data as it needs in preparing  
4 and certifying to the State Superintendent of Education its  
5 report of claims provided in Section 18-8.05 or 18-8.15 of this  
6 Code. The claim shall be based on the latest available  
7 equalized assessed valuation and tax rates, as provided in  
8 Section 18-8.05 or 18-8.15, shall use the average daily  
9 attendance as determined by the method outlined in Section  
10 18-8.05 or 18-8.15, and shall be certified and filed with the  
11 State Superintendent of Education by June 21 for districts and  
12 State-authorized charter schools with an official school  
13 calendar end date before June 15 or within 2 weeks following  
14 the official school calendar end date for districts, regional  
15 offices of education, laboratory schools, or State-authorized  
16 charter schools with a school year end date of June 15 or  
17 later. Failure to so file by these deadlines constitutes a  
18 forfeiture of the right to receive payment by the State until  
19 such claim is filed. The State Superintendent of Education  
20 shall voucher for payment those claims to the State Comptroller  
21 as provided in Section 18-11.

22 Except as otherwise provided in this Section, if any school  
23 district fails to provide the minimum school term specified in  
24 Section 10-19, the State aid claim for that year shall be  
25 reduced by the State Superintendent of Education in an amount  
26 equivalent to 1/176 or .56818% for each day less than the

1 number of days required by this Code.

2 If the State Superintendent of Education determines that  
3 the failure to provide the minimum school term was occasioned  
4 by an act or acts of God, or was occasioned by conditions  
5 beyond the control of the school district which posed a  
6 hazardous threat to the health and safety of pupils, the State  
7 aid claim need not be reduced.

8 If a school district is precluded from providing the  
9 minimum hours of instruction required for a full day of  
10 attendance due to (A) an adverse weather condition, (B) a  
11 condition beyond the control of the school district that poses  
12 a hazardous threat to the health and safety of students, or (C)  
13 beginning with the 2016-2017 school year, the utilization of  
14 the school district's facilities for not more than 2 school  
15 days per school year by local or county authorities for the  
16 purpose of holding a memorial or funeral services in  
17 remembrance of a community member, then the partial day of  
18 attendance may be counted if (i) the school district has  
19 provided at least one hour of instruction prior to the closure  
20 of the school district, (ii) a school building has provided at  
21 least one hour of instruction prior to the closure of the  
22 school building, or (iii) the normal start time of the school  
23 district is delayed.

24 If, prior to providing any instruction, a school district  
25 must close one or more but not all school buildings after  
26 consultation with a local emergency response agency or due to a

1 condition beyond the control of the school district, then the  
2 school district may claim attendance for up to 2 school days  
3 based on the average attendance of the 3 school days  
4 immediately preceding the closure of the affected school  
5 building or, if approved by the State Board of Education,  
6 utilize the provisions of an e-learning program for the  
7 affected school building as prescribed in Section 10-20.56 of  
8 this Code. The partial or no day of attendance described in  
9 this Section and the reasons therefore shall be certified  
10 within a month of the closing or delayed start by the school  
11 district superintendent to the regional superintendent of  
12 schools for forwarding to the State Superintendent of Education  
13 for approval.

14 Other than the utilization of any e-learning days as  
15 prescribed in Section 10-20.56 of this Code, no exception to  
16 the requirement of providing a minimum school term may be  
17 approved by the State Superintendent of Education pursuant to  
18 this Section unless a school district has first used all  
19 emergency days provided for in its regular calendar.

20 If the State Superintendent of Education declares that an  
21 energy shortage exists during any part of the school year for  
22 the State or a designated portion of the State, a district may  
23 operate the school attendance centers within the district 4  
24 days of the week during the time of the shortage by extending  
25 each existing school day by one clock hour of school work, and  
26 the State aid claim shall not be reduced, nor shall the

1 employees of that district suffer any reduction in salary or  
2 benefits as a result thereof. A district may operate all  
3 attendance centers on this revised schedule, or may apply the  
4 schedule to selected attendance centers, taking into  
5 consideration such factors as pupil transportation schedules  
6 and patterns and sources of energy for individual attendance  
7 centers.

8 Electronically submitted State aid claims shall be  
9 submitted by duly authorized district individuals over a secure  
10 network that is password protected. The electronic submission  
11 of a State aid claim must be accompanied with an affirmation  
12 that all of the provisions of Section ~~Sections~~ 18-8.05 or  
13 18-8.15 and Sections~~7~~ 10-22.5~~7~~ and 24-4 of this Code are met in  
14 all respects.

15 (Source: P.A. 99-194, eff. 7-30-15; 99-657, eff. 7-28-16;  
16 100-28, eff. 8-4-17; 100-465, eff. 8-31-17; revised 9-25-17.)

17 (105 ILCS 5/19-1)

18 (Text of Section before amendment by P.A. 100-503)

19 Sec. 19-1. Debt limitations of school districts.

20 (a) School districts shall not be subject to the provisions  
21 limiting their indebtedness prescribed in the Local Government  
22 Debt Limitation Act.

23 No school districts maintaining grades K through 8 or 9  
24 through 12 shall become indebted in any manner or for any  
25 purpose to an amount, including existing indebtedness, in the

1 aggregate exceeding 6.9% on the value of the taxable property  
2 therein to be ascertained by the last assessment for State and  
3 county taxes or, until January 1, 1983, if greater, the sum  
4 that is produced by multiplying the school district's 1978  
5 equalized assessed valuation by the debt limitation percentage  
6 in effect on January 1, 1979, previous to the incurring of such  
7 indebtedness.

8 No school districts maintaining grades K through 12 shall  
9 become indebted in any manner or for any purpose to an amount,  
10 including existing indebtedness, in the aggregate exceeding  
11 13.8% on the value of the taxable property therein to be  
12 ascertained by the last assessment for State and county taxes  
13 or, until January 1, 1983, if greater, the sum that is produced  
14 by multiplying the school district's 1978 equalized assessed  
15 valuation by the debt limitation percentage in effect on  
16 January 1, 1979, previous to the incurring of such  
17 indebtedness.

18 No partial elementary unit district, as defined in Article  
19 11E of this Code, shall become indebted in any manner or for  
20 any purpose in an amount, including existing indebtedness, in  
21 the aggregate exceeding 6.9% of the value of the taxable  
22 property of the entire district, to be ascertained by the last  
23 assessment for State and county taxes, plus an amount,  
24 including existing indebtedness, in the aggregate exceeding  
25 6.9% of the value of the taxable property of that portion of  
26 the district included in the elementary and high school



1 classification, to be ascertained by the last assessment for  
2 State and county taxes. Moreover, no partial elementary unit  
3 district, as defined in Article 11E of this Code, shall become  
4 indebted on account of bonds issued by the district for high  
5 school purposes in the aggregate exceeding 6.9% of the value of  
6 the taxable property of the entire district, to be ascertained  
7 by the last assessment for State and county taxes, nor shall  
8 the district become indebted on account of bonds issued by the  
9 district for elementary purposes in the aggregate exceeding  
10 6.9% of the value of the taxable property for that portion of  
11 the district included in the elementary and high school  
12 classification, to be ascertained by the last assessment for  
13 State and county taxes.

14 Notwithstanding the provisions of any other law to the  
15 contrary, in any case in which the voters of a school district  
16 have approved a proposition for the issuance of bonds of such  
17 school district at an election held prior to January 1, 1979,  
18 and all of the bonds approved at such election have not been  
19 issued, the debt limitation applicable to such school district  
20 during the calendar year 1979 shall be computed by multiplying  
21 the value of taxable property therein, including personal  
22 property, as ascertained by the last assessment for State and  
23 county taxes, previous to the incurring of such indebtedness,  
24 by the percentage limitation applicable to such school district  
25 under the provisions of this subsection (a).

26 (b) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section, additional indebtedness may be  
2 incurred in an amount not to exceed the estimated cost of  
3 acquiring or improving school sites or constructing and  
4 equipping additional building facilities under the following  
5 conditions:

6 (1) Whenever the enrollment of students for the next  
7 school year is estimated by the board of education to  
8 increase over the actual present enrollment by not less  
9 than 35% or by not less than 200 students or the actual  
10 present enrollment of students has increased over the  
11 previous school year by not less than 35% or by not less  
12 than 200 students and the board of education determines  
13 that additional school sites or building facilities are  
14 required as a result of such increase in enrollment; and

15 (2) When the Regional Superintendent of Schools having  
16 jurisdiction over the school district and the State  
17 Superintendent of Education concur in such enrollment  
18 projection or increase and approve the need for such  
19 additional school sites or building facilities and the  
20 estimated cost thereof; and

21 (3) When the voters in the school district approve a  
22 proposition for the issuance of bonds for the purpose of  
23 acquiring or improving such needed school sites or  
24 constructing and equipping such needed additional building  
25 facilities at an election called and held for that purpose.  
26 Notice of such an election shall state that the amount of

1           indebtedness proposed to be incurred would exceed the debt  
2           limitation otherwise applicable to the school district.  
3           The ballot for such proposition shall state what percentage  
4           of the equalized assessed valuation will be outstanding in  
5           bonds if the proposed issuance of bonds is approved by the  
6           voters; or

7           (4) Notwithstanding the provisions of paragraphs (1)  
8           through (3) of this subsection (b), if the school board  
9           determines that additional facilities are needed to  
10          provide a quality educational program and not less than 2/3  
11          of those voting in an election called by the school board  
12          on the question approve the issuance of bonds for the  
13          construction of such facilities, the school district may  
14          issue bonds for this purpose; or

15          (5) Notwithstanding the provisions of paragraphs (1)  
16          through (3) of this subsection (b), if (i) the school  
17          district has previously availed itself of the provisions of  
18          paragraph (4) of this subsection (b) to enable it to issue  
19          bonds, (ii) the voters of the school district have not  
20          defeated a proposition for the issuance of bonds since the  
21          referendum described in paragraph (4) of this subsection  
22          (b) was held, (iii) the school board determines that  
23          additional facilities are needed to provide a quality  
24          educational program, and (iv) a majority of those voting in  
25          an election called by the school board on the question  
26          approve the issuance of bonds for the construction of such

1 facilities, the school district may issue bonds for this  
2 purpose.

3 In no event shall the indebtedness incurred pursuant to  
4 this subsection (b) and the existing indebtedness of the school  
5 district exceed 15% of the value of the taxable property  
6 therein to be ascertained by the last assessment for State and  
7 county taxes, previous to the incurring of such indebtedness  
8 or, until January 1, 1983, if greater, the sum that is produced  
9 by multiplying the school district's 1978 equalized assessed  
10 valuation by the debt limitation percentage in effect on  
11 January 1, 1979.

12 The indebtedness provided for by this subsection (b) shall  
13 be in addition to and in excess of any other debt limitation.

14 (c) Notwithstanding the debt limitation prescribed in  
15 subsection (a) of this Section, in any case in which a public  
16 question for the issuance of bonds of a proposed school  
17 district maintaining grades kindergarten through 12 received  
18 at least 60% of the valid ballots cast on the question at an  
19 election held on or prior to November 8, 1994, and in which the  
20 bonds approved at such election have not been issued, the  
21 school district pursuant to the requirements of Section 11A-10  
22 (now repealed) may issue the total amount of bonds approved at  
23 such election for the purpose stated in the question.

24 (d) Notwithstanding the debt limitation prescribed in  
25 subsection (a) of this Section, a school district that meets  
26 all the criteria set forth in paragraphs (1) and (2) of this

1 subsection (d) may incur an additional indebtedness in an  
2 amount not to exceed \$4,500,000, even though the amount of the  
3 additional indebtedness authorized by this subsection (d),  
4 when incurred and added to the aggregate amount of indebtedness  
5 of the district existing immediately prior to the district  
6 incurring the additional indebtedness authorized by this  
7 subsection (d), causes the aggregate indebtedness of the  
8 district to exceed the debt limitation otherwise applicable to  
9 that district under subsection (a):

10 (1) The additional indebtedness authorized by this  
11 subsection (d) is incurred by the school district through  
12 the issuance of bonds under and in accordance with Section  
13 17-2.11a for the purpose of replacing a school building  
14 which, because of mine subsidence damage, has been closed  
15 as provided in paragraph (2) of this subsection (d) or  
16 through the issuance of bonds under and in accordance with  
17 Section 19-3 for the purpose of increasing the size of, or  
18 providing for additional functions in, such replacement  
19 school buildings, or both such purposes.

20 (2) The bonds issued by the school district as provided  
21 in paragraph (1) above are issued for the purposes of  
22 construction by the school district of a new school  
23 building pursuant to Section 17-2.11, to replace an  
24 existing school building that, because of mine subsidence  
25 damage, is closed as of the end of the 1992-93 school year  
26 pursuant to action of the regional superintendent of

1 schools of the educational service region in which the  
2 district is located under Section 3-14.22 or are issued for  
3 the purpose of increasing the size of, or providing for  
4 additional functions in, the new school building being  
5 constructed to replace a school building closed as the  
6 result of mine subsidence damage, or both such purposes.

7 (e) (Blank).

8 (f) Notwithstanding the provisions of subsection (a) of  
9 this Section or of any other law, bonds in not to exceed the  
10 aggregate amount of \$5,500,000 and issued by a school district  
11 meeting the following criteria shall not be considered  
12 indebtedness for purposes of any statutory limitation and may  
13 be issued in an amount or amounts, including existing  
14 indebtedness, in excess of any heretofore or hereafter imposed  
15 statutory limitation as to indebtedness:

16 (1) At the time of the sale of such bonds, the board of  
17 education of the district shall have determined by  
18 resolution that the enrollment of students in the district  
19 is projected to increase by not less than 7% during each of  
20 the next succeeding 2 school years.

21 (2) The board of education shall also determine by  
22 resolution that the improvements to be financed with the  
23 proceeds of the bonds are needed because of the projected  
24 enrollment increases.

25 (3) The board of education shall also determine by  
26 resolution that the projected increases in enrollment are

1 the result of improvements made or expected to be made to  
2 passenger rail facilities located in the school district.

3 Notwithstanding the provisions of subsection (a) of this  
4 Section or of any other law, a school district that has availed  
5 itself of the provisions of this subsection (f) prior to July  
6 22, 2004 (the effective date of Public Act 93-799) may also  
7 issue bonds approved by referendum up to an amount, including  
8 existing indebtedness, not exceeding 25% of the equalized  
9 assessed value of the taxable property in the district if all  
10 of the conditions set forth in items (1), (2), and (3) of this  
11 subsection (f) are met.

12 (g) Notwithstanding the provisions of subsection (a) of  
13 this Section or any other law, bonds in not to exceed an  
14 aggregate amount of 25% of the equalized assessed value of the  
15 taxable property of a school district and issued by a school  
16 district meeting the criteria in paragraphs (i) through (iv) of  
17 this subsection shall not be considered indebtedness for  
18 purposes of any statutory limitation and may be issued pursuant  
19 to resolution of the school board in an amount or amounts,  
20 including existing indebtedness, in excess of any statutory  
21 limitation of indebtedness heretofore or hereafter imposed:

22 (i) The bonds are issued for the purpose of  
23 constructing a new high school building to replace two  
24 adjacent existing buildings which together house a single  
25 high school, each of which is more than 65 years old, and  
26 which together are located on more than 10 acres and less

1 than 11 acres of property.

2 (ii) At the time the resolution authorizing the  
3 issuance of the bonds is adopted, the cost of constructing  
4 a new school building to replace the existing school  
5 building is less than 60% of the cost of repairing the  
6 existing school building.

7 (iii) The sale of the bonds occurs before July 1, 1997.

8 (iv) The school district issuing the bonds is a unit  
9 school district located in a county of less than 70,000 and  
10 more than 50,000 inhabitants, which has an average daily  
11 attendance of less than 1,500 and an equalized assessed  
12 valuation of less than \$29,000,000.

13 (h) Notwithstanding any other provisions of this Section or  
14 the provisions of any other law, until January 1, 1998, a  
15 community unit school district maintaining grades K through 12  
16 may issue bonds up to an amount, including existing  
17 indebtedness, not exceeding 27.6% of the equalized assessed  
18 value of the taxable property in the district, if all of the  
19 following conditions are met:

20 (i) The school district has an equalized assessed  
21 valuation for calendar year 1995 of less than \$24,000,000;

22 (ii) The bonds are issued for the capital improvement,  
23 renovation, rehabilitation, or replacement of existing  
24 school buildings of the district, all of which buildings  
25 were originally constructed not less than 40 years ago;

26 (iii) The voters of the district approve a proposition



1 for the issuance of the bonds at a referendum held after  
2 March 19, 1996; and

3 (iv) The bonds are issued pursuant to Sections 19-2  
4 through 19-7 of this Code.

5 (i) Notwithstanding any other provisions of this Section or  
6 the provisions of any other law, until January 1, 1998, a  
7 community unit school district maintaining grades K through 12  
8 may issue bonds up to an amount, including existing  
9 indebtedness, not exceeding 27% of the equalized assessed value  
10 of the taxable property in the district, if all of the  
11 following conditions are met:

12 (i) The school district has an equalized assessed  
13 valuation for calendar year 1995 of less than \$44,600,000;

14 (ii) The bonds are issued for the capital improvement,  
15 renovation, rehabilitation, or replacement of existing  
16 school buildings of the district, all of which existing  
17 buildings were originally constructed not less than 80  
18 years ago;

19 (iii) The voters of the district approve a proposition  
20 for the issuance of the bonds at a referendum held after  
21 December 31, 1996; and

22 (iv) The bonds are issued pursuant to Sections 19-2  
23 through 19-7 of this Code.

24 (j) Notwithstanding any other provisions of this Section or  
25 the provisions of any other law, until January 1, 1999, a  
26 community unit school district maintaining grades K through 12

1 may issue bonds up to an amount, including existing  
2 indebtedness, not exceeding 27% of the equalized assessed value  
3 of the taxable property in the district if all of the following  
4 conditions are met:

5 (i) The school district has an equalized assessed  
6 valuation for calendar year 1995 of less than \$140,000,000  
7 and a best 3 months average daily attendance for the  
8 1995-96 school year of at least 2,800;

9 (ii) The bonds are issued to purchase a site and build  
10 and equip a new high school, and the school district's  
11 existing high school was originally constructed not less  
12 than 35 years prior to the sale of the bonds;

13 (iii) At the time of the sale of the bonds, the board  
14 of education determines by resolution that a new high  
15 school is needed because of projected enrollment  
16 increases;

17 (iv) At least 60% of those voting in an election held  
18 after December 31, 1996 approve a proposition for the  
19 issuance of the bonds; and

20 (v) The bonds are issued pursuant to Sections 19-2  
21 through 19-7 of this Code.

22 (k) Notwithstanding the debt limitation prescribed in  
23 subsection (a) of this Section, a school district that meets  
24 all the criteria set forth in paragraphs (1) through (4) of  
25 this subsection (k) may issue bonds to incur an additional  
26 indebtedness in an amount not to exceed \$4,000,000 even though

1 the amount of the additional indebtedness authorized by this  
2 subsection (k), when incurred and added to the aggregate amount  
3 of indebtedness of the school district existing immediately  
4 prior to the school district incurring such additional  
5 indebtedness, causes the aggregate indebtedness of the school  
6 district to exceed or increases the amount by which the  
7 aggregate indebtedness of the district already exceeds the debt  
8 limitation otherwise applicable to that school district under  
9 subsection (a):

10 (1) the school district is located in 2 counties, and a  
11 referendum to authorize the additional indebtedness was  
12 approved by a majority of the voters of the school district  
13 voting on the proposition to authorize that indebtedness;

14 (2) the additional indebtedness is for the purpose of  
15 financing a multi-purpose room addition to the existing  
16 high school;

17 (3) the additional indebtedness, together with the  
18 existing indebtedness of the school district, shall not  
19 exceed 17.4% of the value of the taxable property in the  
20 school district, to be ascertained by the last assessment  
21 for State and county taxes; and

22 (4) the bonds evidencing the additional indebtedness  
23 are issued, if at all, within 120 days of August 14, 1998  
24 (the effective date of Public Act 90-757).

25 (1) Notwithstanding any other provisions of this Section or  
26 the provisions of any other law, until January 1, 2000, a

1 school district maintaining grades kindergarten through 8 may  
2 issue bonds up to an amount, including existing indebtedness,  
3 not exceeding 15% of the equalized assessed value of the  
4 taxable property in the district if all of the following  
5 conditions are met:

6 (i) the district has an equalized assessed valuation  
7 for calendar year 1996 of less than \$10,000,000;

8 (ii) the bonds are issued for capital improvement,  
9 renovation, rehabilitation, or replacement of one or more  
10 school buildings of the district, which buildings were  
11 originally constructed not less than 70 years ago;

12 (iii) the voters of the district approve a proposition  
13 for the issuance of the bonds at a referendum held on or  
14 after March 17, 1998; and

15 (iv) the bonds are issued pursuant to Sections 19-2  
16 through 19-7 of this Code.

17 (m) Notwithstanding any other provisions of this Section or  
18 the provisions of any other law, until January 1, 1999, an  
19 elementary school district maintaining grades K through 8 may  
20 issue bonds up to an amount, excluding existing indebtedness,  
21 not exceeding 18% of the equalized assessed value of the  
22 taxable property in the district, if all of the following  
23 conditions are met:

24 (i) The school district has an equalized assessed  
25 valuation for calendar year 1995 or less than \$7,700,000;

26 (ii) The school district operates 2 elementary

1 attendance centers that until 1976 were operated as the  
2 attendance centers of 2 separate and distinct school  
3 districts;

4 (iii) The bonds are issued for the construction of a  
5 new elementary school building to replace an existing  
6 multi-level elementary school building of the school  
7 district that is not accessible at all levels and parts of  
8 which were constructed more than 75 years ago;

9 (iv) The voters of the school district approve a  
10 proposition for the issuance of the bonds at a referendum  
11 held after July 1, 1998; and

12 (v) The bonds are issued pursuant to Sections 19-2  
13 through 19-7 of this Code.

14 (n) Notwithstanding the debt limitation prescribed in  
15 subsection (a) of this Section or any other provisions of this  
16 Section or of any other law, a school district that meets all  
17 of the criteria set forth in paragraphs (i) through (vi) of  
18 this subsection (n) may incur additional indebtedness by the  
19 issuance of bonds in an amount not exceeding the amount  
20 certified by the Capital Development Board to the school  
21 district as provided in paragraph (iii) of this subsection (n),  
22 even though the amount of the additional indebtedness so  
23 authorized, when incurred and added to the aggregate amount of  
24 indebtedness of the district existing immediately prior to the  
25 district incurring the additional indebtedness authorized by  
26 this subsection (n), causes the aggregate indebtedness of the

1 district to exceed the debt limitation otherwise applicable by  
2 law to that district:

3 (i) The school district applies to the State Board of  
4 Education for a school construction project grant and  
5 submits a district facilities plan in support of its  
6 application pursuant to Section 5-20 of the School  
7 Construction Law.

8 (ii) The school district's application and facilities  
9 plan are approved by, and the district receives a grant  
10 entitlement for a school construction project issued by,  
11 the State Board of Education under the School Construction  
12 Law.

13 (iii) The school district has exhausted its bonding  
14 capacity or the unused bonding capacity of the district is  
15 less than the amount certified by the Capital Development  
16 Board to the district under Section 5-15 of the School  
17 Construction Law as the dollar amount of the school  
18 construction project's cost that the district will be  
19 required to finance with non-grant funds in order to  
20 receive a school construction project grant under the  
21 School Construction Law.

22 (iv) The bonds are issued for a "school construction  
23 project", as that term is defined in Section 5-5 of the  
24 School Construction Law, in an amount that does not exceed  
25 the dollar amount certified, as provided in paragraph (iii)  
26 of this subsection (n), by the Capital Development Board to

1 the school district under Section 5-15 of the School  
2 Construction Law.

3 (v) The voters of the district approve a proposition  
4 for the issuance of the bonds at a referendum held after  
5 the criteria specified in paragraphs (i) and (iii) of this  
6 subsection (n) are met.

7 (vi) The bonds are issued pursuant to Sections 19-2  
8 through 19-7 of the School Code.

9 (o) Notwithstanding any other provisions of this Section or  
10 the provisions of any other law, until November 1, 2007, a  
11 community unit school district maintaining grades K through 12  
12 may issue bonds up to an amount, including existing  
13 indebtedness, not exceeding 20% of the equalized assessed value  
14 of the taxable property in the district if all of the following  
15 conditions are met:

16 (i) the school district has an equalized assessed  
17 valuation for calendar year 2001 of at least \$737,000,000  
18 and an enrollment for the 2002-2003 school year of at least  
19 8,500;

20 (ii) the bonds are issued to purchase school sites,  
21 build and equip a new high school, build and equip a new  
22 junior high school, build and equip 5 new elementary  
23 schools, and make technology and other improvements and  
24 additions to existing schools;

25 (iii) at the time of the sale of the bonds, the board  
26 of education determines by resolution that the sites and

1 new or improved facilities are needed because of projected  
2 enrollment increases;

3 (iv) at least 57% of those voting in a general election  
4 held prior to January 1, 2003 approved a proposition for  
5 the issuance of the bonds; and

6 (v) the bonds are issued pursuant to Sections 19-2  
7 through 19-7 of this Code.

8 (p) Notwithstanding any other provisions of this Section or  
9 the provisions of any other law, a community unit school  
10 district maintaining grades K through 12 may issue bonds up to  
11 an amount, including indebtedness, not exceeding 27% of the  
12 equalized assessed value of the taxable property in the  
13 district if all of the following conditions are met:

14 (i) The school district has an equalized assessed  
15 valuation for calendar year 2001 of at least \$295,741,187  
16 and a best 3 months' average daily attendance for the  
17 2002-2003 school year of at least 2,394.

18 (ii) The bonds are issued to build and equip 3  
19 elementary school buildings; build and equip one middle  
20 school building; and alter, repair, improve, and equip all  
21 existing school buildings in the district.

22 (iii) At the time of the sale of the bonds, the board  
23 of education determines by resolution that the project is  
24 needed because of expanding growth in the school district  
25 and a projected enrollment increase.

26 (iv) The bonds are issued pursuant to Sections 19-2



1 through 19-7 of this Code.

2 (p-5) Notwithstanding any other provisions of this Section  
3 or the provisions of any other law, bonds issued by a community  
4 unit school district maintaining grades K through 12 shall not  
5 be considered indebtedness for purposes of any statutory  
6 limitation and may be issued in an amount or amounts, including  
7 existing indebtedness, in excess of any heretofore or hereafter  
8 imposed statutory limitation as to indebtedness, if all of the  
9 following conditions are met:

10 (i) For each of the 4 most recent years, residential  
11 property comprises more than 80% of the equalized assessed  
12 valuation of the district.

13 (ii) At least 2 school buildings that were constructed  
14 40 or more years prior to the issuance of the bonds will be  
15 demolished and will be replaced by new buildings or  
16 additions to one or more existing buildings.

17 (iii) Voters of the district approve a proposition for  
18 the issuance of the bonds at a regularly scheduled  
19 election.

20 (iv) At the time of the sale of the bonds, the school  
21 board determines by resolution that the new buildings or  
22 building additions are needed because of an increase in  
23 enrollment projected by the school board.

24 (v) The principal amount of the bonds, including  
25 existing indebtedness, does not exceed 25% of the equalized  
26 assessed value of the taxable property in the district.

1           (vi) The bonds are issued prior to January 1, 2007,  
2           pursuant to Sections 19-2 through 19-7 of this Code.

3           (p-10) Notwithstanding any other provisions of this  
4           Section or the provisions of any other law, bonds issued by a  
5           community consolidated school district maintaining grades K  
6           through 8 shall not be considered indebtedness for purposes of  
7           any statutory limitation and may be issued in an amount or  
8           amounts, including existing indebtedness, in excess of any  
9           heretofore or hereafter imposed statutory limitation as to  
10          indebtedness, if all of the following conditions are met:

11           (i) For each of the 4 most recent years, residential  
12          and farm property comprises more than 80% of the equalized  
13          assessed valuation of the district.

14           (ii) The bond proceeds are to be used to acquire and  
15          improve school sites and build and equip a school building.

16           (iii) Voters of the district approve a proposition for  
17          the issuance of the bonds at a regularly scheduled  
18          election.

19           (iv) At the time of the sale of the bonds, the school  
20          board determines by resolution that the school sites and  
21          building additions are needed because of an increase in  
22          enrollment projected by the school board.

23           (v) The principal amount of the bonds, including  
24          existing indebtedness, does not exceed 20% of the equalized  
25          assessed value of the taxable property in the district.

26           (vi) The bonds are issued prior to January 1, 2007,

1           pursuant to Sections 19-2 through 19-7 of this Code.

2           (p-15) In addition to all other authority to issue bonds,  
3 the Oswego Community Unit School District Number 308 may issue  
4 bonds with an aggregate principal amount not to exceed  
5 \$450,000,000, but only if all of the following conditions are  
6 met:

7           (i) The voters of the district have approved a  
8 proposition for the bond issue at the general election held  
9 on November 7, 2006.

10           (ii) At the time of the sale of the bonds, the school  
11 board determines, by resolution, that: (A) the building and  
12 equipping of the new high school building, new junior high  
13 school buildings, new elementary school buildings, early  
14 childhood building, maintenance building, transportation  
15 facility, and additions to existing school buildings, the  
16 altering, repairing, equipping, and provision of  
17 technology improvements to existing school buildings, and  
18 the acquisition and improvement of school sites, as the  
19 case may be, are required as a result of a projected  
20 increase in the enrollment of students in the district; and  
21 (B) the sale of bonds for these purposes is authorized by  
22 legislation that exempts the debt incurred on the bonds  
23 from the district's statutory debt limitation.

24           (iii) The bonds are issued, in one or more bond issues,  
25 on or before November 7, 2011, but the aggregate principal  
26 amount issued in all such bond issues combined must not

1 exceed \$450,000,000.

2 (iv) The bonds are issued in accordance with this  
3 Article 19.

4 (v) The proceeds of the bonds are used only to  
5 accomplish those projects approved by the voters at the  
6 general election held on November 7, 2006.

7 The debt incurred on any bonds issued under this subsection  
8 (p-15) shall not be considered indebtedness for purposes of any  
9 statutory debt limitation.

10 (p-20) In addition to all other authority to issue bonds,  
11 the Lincoln-Way Community High School District Number 210 may  
12 issue bonds with an aggregate principal amount not to exceed  
13 \$225,000,000, but only if all of the following conditions are  
14 met:

15 (i) The voters of the district have approved a  
16 proposition for the bond issue at the general primary  
17 election held on March 21, 2006.

18 (ii) At the time of the sale of the bonds, the school  
19 board determines, by resolution, that: (A) the building and  
20 equipping of the new high school buildings, the altering,  
21 repairing, and equipping of existing school buildings, and  
22 the improvement of school sites, as the case may be, are  
23 required as a result of a projected increase in the  
24 enrollment of students in the district; and (B) the sale of  
25 bonds for these purposes is authorized by legislation that  
26 exempts the debt incurred on the bonds from the district's

1 statutory debt limitation.

2 (iii) The bonds are issued, in one or more bond issues,  
3 on or before March 21, 2011, but the aggregate principal  
4 amount issued in all such bond issues combined must not  
5 exceed \$225,000,000.

6 (iv) The bonds are issued in accordance with this  
7 Article 19.

8 (v) The proceeds of the bonds are used only to  
9 accomplish those projects approved by the voters at the  
10 primary election held on March 21, 2006.

11 The debt incurred on any bonds issued under this subsection  
12 (p-20) shall not be considered indebtedness for purposes of any  
13 statutory debt limitation.

14 (p-25) In addition to all other authority to issue bonds,  
15 Rochester Community Unit School District 3A may issue bonds  
16 with an aggregate principal amount not to exceed \$18,500,000,  
17 but only if all of the following conditions are met:

18 (i) The voters of the district approve a proposition  
19 for the bond issuance at the general primary election held  
20 in 2008.

21 (ii) At the time of the sale of the bonds, the school  
22 board determines, by resolution, that: (A) the building and  
23 equipping of a new high school building; the addition of  
24 classrooms and support facilities at the high school,  
25 middle school, and elementary school; the altering,  
26 repairing, and equipping of existing school buildings; and

1 the improvement of school sites, as the case may be, are  
2 required as a result of a projected increase in the  
3 enrollment of students in the district; and (B) the sale of  
4 bonds for these purposes is authorized by a law that  
5 exempts the debt incurred on the bonds from the district's  
6 statutory debt limitation.

7 (iii) The bonds are issued, in one or more bond issues,  
8 on or before December 31, 2012, but the aggregate principal  
9 amount issued in all such bond issues combined must not  
10 exceed \$18,500,000.

11 (iv) The bonds are issued in accordance with this  
12 Article 19.

13 (v) The proceeds of the bonds are used to accomplish  
14 only those projects approved by the voters at the primary  
15 election held in 2008.

16 The debt incurred on any bonds issued under this subsection  
17 (p-25) shall not be considered indebtedness for purposes of any  
18 statutory debt limitation.

19 (p-30) In addition to all other authority to issue bonds,  
20 Prairie Grove Consolidated School District 46 may issue bonds  
21 with an aggregate principal amount not to exceed \$30,000,000,  
22 but only if all of the following conditions are met:

23 (i) The voters of the district approve a proposition  
24 for the bond issuance at an election held in 2008.

25 (ii) At the time of the sale of the bonds, the school  
26 board determines, by resolution, that (A) the building and

1 equipping of a new school building and additions to  
2 existing school buildings are required as a result of a  
3 projected increase in the enrollment of students in the  
4 district and (B) the altering, repairing, and equipping of  
5 existing school buildings are required because of the age  
6 of the existing school buildings.

7 (iii) The bonds are issued, in one or more bond  
8 issuances, on or before December 31, 2012; however, the  
9 aggregate principal amount issued in all such bond  
10 issuances combined must not exceed \$30,000,000.

11 (iv) The bonds are issued in accordance with this  
12 Article.

13 (v) The proceeds of the bonds are used to accomplish  
14 only those projects approved by the voters at an election  
15 held in 2008.

16 The debt incurred on any bonds issued under this subsection  
17 (p-30) shall not be considered indebtedness for purposes of any  
18 statutory debt limitation.

19 (p-35) In addition to all other authority to issue bonds,  
20 Prairie Hill Community Consolidated School District 133 may  
21 issue bonds with an aggregate principal amount not to exceed  
22 \$13,900,000, but only if all of the following conditions are  
23 met:

24 (i) The voters of the district approved a proposition  
25 for the bond issuance at an election held on April 17,  
26 2007.

1           (ii) At the time of the sale of the bonds, the school  
2 board determines, by resolution, that (A) the improvement  
3 of the site of and the building and equipping of a school  
4 building are required as a result of a projected increase  
5 in the enrollment of students in the district and (B) the  
6 repairing and equipping of the Prairie Hill Elementary  
7 School building is required because of the age of that  
8 school building.

9           (iii) The bonds are issued, in one or more bond  
10 issuances, on or before December 31, 2011, but the  
11 aggregate principal amount issued in all such bond  
12 issuances combined must not exceed \$13,900,000.

13           (iv) The bonds are issued in accordance with this  
14 Article.

15           (v) The proceeds of the bonds are used to accomplish  
16 only those projects approved by the voters at an election  
17 held on April 17, 2007.

18 The debt incurred on any bonds issued under this subsection  
19 (p-35) shall not be considered indebtedness for purposes of any  
20 statutory debt limitation.

21           (p-40) In addition to all other authority to issue bonds,  
22 Mascoutah Community Unit District 19 may issue bonds with an  
23 aggregate principal amount not to exceed \$55,000,000, but only  
24 if all of the following conditions are met:

25           (1) The voters of the district approve a proposition  
26 for the bond issuance at a regular election held on or



1 after November 4, 2008.

2 (2) At the time of the sale of the bonds, the school  
3 board determines, by resolution, that (i) the building and  
4 equipping of a new high school building is required as a  
5 result of a projected increase in the enrollment of  
6 students in the district and the age and condition of the  
7 existing high school building, (ii) the existing high  
8 school building will be demolished, and (iii) the sale of  
9 bonds is authorized by statute that exempts the debt  
10 incurred on the bonds from the district's statutory debt  
11 limitation.

12 (3) The bonds are issued, in one or more bond  
13 issuances, on or before December 31, 2011, but the  
14 aggregate principal amount issued in all such bond  
15 issuances combined must not exceed \$55,000,000.

16 (4) The bonds are issued in accordance with this  
17 Article.

18 (5) The proceeds of the bonds are used to accomplish  
19 only those projects approved by the voters at a regular  
20 election held on or after November 4, 2008.

21 The debt incurred on any bonds issued under this subsection  
22 (p-40) shall not be considered indebtedness for purposes of any  
23 statutory debt limitation.

24 (p-45) Notwithstanding the provisions of subsection (a) of  
25 this Section or of any other law, bonds issued pursuant to  
26 Section 19-3.5 of this Code shall not be considered

1 indebtedness for purposes of any statutory limitation if the  
2 bonds are issued in an amount or amounts, including existing  
3 indebtedness of the school district, not in excess of 18.5% of  
4 the value of the taxable property in the district to be  
5 ascertained by the last assessment for State and county taxes.

6 (p-50) Notwithstanding the provisions of subsection (a) of  
7 this Section or of any other law, bonds issued pursuant to  
8 Section 19-3.10 of this Code shall not be considered  
9 indebtedness for purposes of any statutory limitation if the  
10 bonds are issued in an amount or amounts, including existing  
11 indebtedness of the school district, not in excess of 43% of  
12 the value of the taxable property in the district to be  
13 ascertained by the last assessment for State and county taxes.

14 (p-55) In addition to all other authority to issue bonds,  
15 Belle Valley School District 119 may issue bonds with an  
16 aggregate principal amount not to exceed \$47,500,000, but only  
17 if all of the following conditions are met:

18 (1) The voters of the district approve a proposition  
19 for the bond issuance at an election held on or after April  
20 7, 2009.

21 (2) Prior to the issuance of the bonds, the school  
22 board determines, by resolution, that (i) the building and  
23 equipping of a new school building is required as a result  
24 of mine subsidence in an existing school building and  
25 because of the age and condition of another existing school  
26 building and (ii) the issuance of bonds is authorized by

1 statute that exempts the debt incurred on the bonds from  
2 the district's statutory debt limitation.

3 (3) The bonds are issued, in one or more bond  
4 issuances, on or before March 31, 2014, but the aggregate  
5 principal amount issued in all such bond issuances combined  
6 must not exceed \$47,500,000.

7 (4) The bonds are issued in accordance with this  
8 Article.

9 (5) The proceeds of the bonds are used to accomplish  
10 only those projects approved by the voters at an election  
11 held on or after April 7, 2009.

12 The debt incurred on any bonds issued under this subsection  
13 (p-55) shall not be considered indebtedness for purposes of any  
14 statutory debt limitation. Bonds issued under this subsection  
15 (p-55) must mature within not to exceed 30 years from their  
16 date, notwithstanding any other law to the contrary.

17 (p-60) In addition to all other authority to issue bonds,  
18 Wilmington Community Unit School District Number 209-U may  
19 issue bonds with an aggregate principal amount not to exceed  
20 \$2,285,000, but only if all of the following conditions are  
21 met:

22 (1) The proceeds of the bonds are used to accomplish  
23 only those projects approved by the voters at the general  
24 primary election held on March 21, 2006.

25 (2) Prior to the issuance of the bonds, the school  
26 board determines, by resolution, that (i) the projects

1 approved by the voters were and are required because of the  
2 age and condition of the school district's prior and  
3 existing school buildings and (ii) the issuance of the  
4 bonds is authorized by legislation that exempts the debt  
5 incurred on the bonds from the district's statutory debt  
6 limitation.

7 (3) The bonds are issued in one or more bond issuances  
8 on or before March 1, 2011, but the aggregate principal  
9 amount issued in all those bond issuances combined must not  
10 exceed \$2,285,000.

11 (4) The bonds are issued in accordance with this  
12 Article.

13 The debt incurred on any bonds issued under this subsection  
14 (p-60) shall not be considered indebtedness for purposes of any  
15 statutory debt limitation.

16 (p-65) In addition to all other authority to issue bonds,  
17 West Washington County Community Unit School District 10 may  
18 issue bonds with an aggregate principal amount not to exceed  
19 \$32,200,000 and maturing over a period not exceeding 25 years,  
20 but only if all of the following conditions are met:

21 (1) The voters of the district approve a proposition  
22 for the bond issuance at an election held on or after  
23 February 2, 2010.

24 (2) Prior to the issuance of the bonds, the school  
25 board determines, by resolution, that (A) all or a portion  
26 of the existing Okawville Junior/Senior High School

1 Building will be demolished; (B) the building and equipping  
2 of a new school building to be attached to and the  
3 alteration, repair, and equipping of the remaining portion  
4 of the Okawville Junior/Senior High School Building is  
5 required because of the age and current condition of that  
6 school building; and (C) the issuance of bonds is  
7 authorized by a statute that exempts the debt incurred on  
8 the bonds from the district's statutory debt limitation.

9 (3) The bonds are issued, in one or more bond  
10 issuances, on or before March 31, 2014, but the aggregate  
11 principal amount issued in all such bond issuances combined  
12 must not exceed \$32,200,000.

13 (4) The bonds are issued in accordance with this  
14 Article.

15 (5) The proceeds of the bonds are used to accomplish  
16 only those projects approved by the voters at an election  
17 held on or after February 2, 2010.

18 The debt incurred on any bonds issued under this subsection  
19 (p-65) shall not be considered indebtedness for purposes of any  
20 statutory debt limitation.

21 (p-70) In addition to all other authority to issue bonds,  
22 Cahokia Community Unit School District 187 may issue bonds with  
23 an aggregate principal amount not to exceed \$50,000,000, but  
24 only if all the following conditions are met:

25 (1) The voters of the district approve a proposition  
26 for the bond issuance at an election held on or after

1 November 2, 2010.

2 (2) Prior to the issuance of the bonds, the school  
3 board determines, by resolution, that (i) the building and  
4 equipping of a new school building is required as a result  
5 of the age and condition of an existing school building and  
6 (ii) the issuance of bonds is authorized by a statute that  
7 exempts the debt incurred on the bonds from the district's  
8 statutory debt limitation.

9 (3) The bonds are issued, in one or more issuances, on  
10 or before July 1, 2016, but the aggregate principal amount  
11 issued in all such bond issuances combined must not exceed  
12 \$50,000,000.

13 (4) The bonds are issued in accordance with this  
14 Article.

15 (5) The proceeds of the bonds are used to accomplish  
16 only those projects approved by the voters at an election  
17 held on or after November 2, 2010.

18 The debt incurred on any bonds issued under this subsection  
19 (p-70) shall not be considered indebtedness for purposes of any  
20 statutory debt limitation. Bonds issued under this subsection  
21 (p-70) must mature within not to exceed 25 years from their  
22 date, notwithstanding any other law, including Section 19-3 of  
23 this Code, to the contrary.

24 (p-75) Notwithstanding the debt limitation prescribed in  
25 subsection (a) of this Section or any other provisions of this  
26 Section or of any other law, the execution of leases on or

1 after January 1, 2007 and before July 1, 2011 by the Board of  
2 Education of Peoria School District 150 with a public building  
3 commission for leases entered into pursuant to the Public  
4 Building Commission Act shall not be considered indebtedness  
5 for purposes of any statutory debt limitation.

6 This subsection (p-75) applies only if the State Board of  
7 Education or the Capital Development Board makes one or more  
8 grants to Peoria School District 150 pursuant to the School  
9 Construction Law. The amount exempted from the debt limitation  
10 as prescribed in this subsection (p-75) shall be no greater  
11 than the amount of one or more grants awarded to Peoria School  
12 District 150 by the State Board of Education or the Capital  
13 Development Board.

14 (p-80) In addition to all other authority to issue bonds,  
15 Ridgeland School District 122 may issue bonds with an aggregate  
16 principal amount not to exceed \$50,000,000 for the purpose of  
17 refunding or continuing to refund bonds originally issued  
18 pursuant to voter approval at the general election held on  
19 November 7, 2000, and the debt incurred on any bonds issued  
20 under this subsection (p-80) shall not be considered  
21 indebtedness for purposes of any statutory debt limitation.  
22 Bonds issued under this subsection (p-80) may be issued in one  
23 or more issuances and must mature within not to exceed 25 years  
24 from their date, notwithstanding any other law, including  
25 Section 19-3 of this Code, to the contrary.

26 (p-85) In addition to all other authority to issue bonds,

1 Hall High School District 502 may issue bonds with an aggregate  
2 principal amount not to exceed \$32,000,000, but only if all the  
3 following conditions are met:

4 (1) The voters of the district approve a proposition  
5 for the bond issuance at an election held on or after April  
6 9, 2013.

7 (2) Prior to the issuance of the bonds, the school  
8 board determines, by resolution, that (i) the building and  
9 equipping of a new school building is required as a result  
10 of the age and condition of an existing school building,  
11 (ii) the existing school building should be demolished in  
12 its entirety or the existing school building should be  
13 demolished except for the 1914 west wing of the building,  
14 and (iii) the issuance of bonds is authorized by a statute  
15 that exempts the debt incurred on the bonds from the  
16 district's statutory debt limitation.

17 (3) The bonds are issued, in one or more issuances, not  
18 later than 5 years after the date of the referendum  
19 approving the issuance of the bonds, but the aggregate  
20 principal amount issued in all such bond issuances combined  
21 must not exceed \$32,000,000.

22 (4) The bonds are issued in accordance with this  
23 Article.

24 (5) The proceeds of the bonds are used to accomplish  
25 only those projects approved by the voters at an election  
26 held on or after April 9, 2013.



1           The debt incurred on any bonds issued under this subsection  
2           (p-85) shall not be considered indebtedness for purposes of any  
3           statutory debt limitation. Bonds issued under this subsection  
4           (p-85) must mature within not to exceed 30 years from their  
5           date, notwithstanding any other law, including Section 19-3 of  
6           this Code, to the contrary.

7           (p-90) In addition to all other authority to issue bonds,  
8           Lebanon Community Unit School District 9 may issue bonds with  
9           an aggregate principal amount not to exceed \$7,500,000, but  
10          only if all of the following conditions are met:

11           (1) The voters of the district approved a proposition  
12           for the bond issuance at the general primary election on  
13           February 2, 2010.

14           (2) At or prior to the time of the sale of the bonds,  
15           the school board determines, by resolution, that (i) the  
16           building and equipping of a new elementary school building  
17           is required as a result of a projected increase in the  
18           enrollment of students in the district and the age and  
19           condition of the existing Lebanon Elementary School  
20           building, (ii) a portion of the existing Lebanon Elementary  
21           School building will be demolished and the remaining  
22           portion will be altered, repaired, and equipped, and (iii)  
23           the sale of bonds is authorized by a statute that exempts  
24           the debt incurred on the bonds from the district's  
25           statutory debt limitation.

26           (3) The bonds are issued, in one or more bond

1           issuances, on or before April 1, 2014, but the aggregate  
2           principal amount issued in all such bond issuances combined  
3           must not exceed \$7,500,000.

4           (4) The bonds are issued in accordance with this  
5           Article.

6           (5) The proceeds of the bonds are used to accomplish  
7           only those projects approved by the voters at the general  
8           primary election held on February 2, 2010.

9           The debt incurred on any bonds issued under this subsection  
10          (p-90) shall not be considered indebtedness for purposes of any  
11          statutory debt limitation.

12          (p-95) In addition to all other authority to issue bonds,  
13          Monticello Community Unit School District 25 may issue bonds  
14          with an aggregate principal amount not to exceed \$35,000,000,  
15          but only if all of the following conditions are met:

16               (1) The voters of the district approve a proposition  
17               for the bond issuance at an election held on or after  
18               November 4, 2014.

19               (2) Prior to the issuance of the bonds, the school  
20               board determines, by resolution, that (i) the building and  
21               equipping of a new school building is required as a result  
22               of the age and condition of an existing school building and  
23               (ii) the issuance of bonds is authorized by a statute that  
24               exempts the debt incurred on the bonds from the district's  
25               statutory debt limitation.

26               (3) The bonds are issued, in one or more issuances, on

1 or before July 1, 2020, but the aggregate principal amount  
2 issued in all such bond issuances combined must not exceed  
3 \$35,000,000.

4 (4) The bonds are issued in accordance with this  
5 Article.

6 (5) The proceeds of the bonds are used to accomplish  
7 only those projects approved by the voters at an election  
8 held on or after November 4, 2014.

9 The debt incurred on any bonds issued under this subsection  
10 (p-95) shall not be considered indebtedness for purposes of any  
11 statutory debt limitation. Bonds issued under this subsection  
12 (p-95) must mature within not to exceed 25 years from their  
13 date, notwithstanding any other law, including Section 19-3 of  
14 this Code, to the contrary.

15 (p-100) In addition to all other authority to issue bonds,  
16 the community unit school district created in the territory  
17 comprising Milford Community Consolidated School District 280  
18 and Milford Township High School District 233, as approved at  
19 the general primary election held on March 18, 2014, may issue  
20 bonds with an aggregate principal amount not to exceed  
21 \$17,500,000, but only if all the following conditions are met:

22 (1) The voters of the district approve a proposition  
23 for the bond issuance at an election held on or after  
24 November 4, 2014.

25 (2) Prior to the issuance of the bonds, the school  
26 board determines, by resolution, that (i) the building and

1 equipping of a new school building is required as a result  
2 of the age and condition of an existing school building and  
3 (ii) the issuance of bonds is authorized by a statute that  
4 exempts the debt incurred on the bonds from the district's  
5 statutory debt limitation.

6 (3) The bonds are issued, in one or more issuances, on  
7 or before July 1, 2020, but the aggregate principal amount  
8 issued in all such bond issuances combined must not exceed  
9 \$17,500,000.

10 (4) The bonds are issued in accordance with this  
11 Article.

12 (5) The proceeds of the bonds are used to accomplish  
13 only those projects approved by the voters at an election  
14 held on or after November 4, 2014.

15 The debt incurred on any bonds issued under this subsection  
16 (p-100) shall not be considered indebtedness for purposes of  
17 any statutory debt limitation. Bonds issued under this  
18 subsection (p-100) must mature within not to exceed 25 years  
19 from their date, notwithstanding any other law, including  
20 Section 19-3 of this Code, to the contrary.

21 (p-105) In addition to all other authority to issue bonds,  
22 North Shore School District 112 may issue bonds with an  
23 aggregate principal amount not to exceed \$150,000,000, but only  
24 if all of the following conditions are met:

25 (1) The voters of the district approve a proposition  
26 for the bond issuance at an election held on or after March

1 15, 2016.

2 (2) Prior to the issuance of the bonds, the school  
3 board determines, by resolution, that (i) the building and  
4 equipping of new buildings and improving the sites thereof  
5 and the building and equipping of additions to, altering,  
6 repairing, equipping, and renovating existing buildings  
7 and improving the sites thereof are required as a result of  
8 the age and condition of the district's existing buildings  
9 and (ii) the issuance of bonds is authorized by a statute  
10 that exempts the debt incurred on the bonds from the  
11 district's statutory debt limitation.

12 (3) The bonds are issued, in one or more issuances, not  
13 later than 5 years after the date of the referendum  
14 approving the issuance of the bonds, but the aggregate  
15 principal amount issued in all such bond issuances combined  
16 must not exceed \$150,000,000.

17 (4) The bonds are issued in accordance with this  
18 Article.

19 (5) The proceeds of the bonds are used to accomplish  
20 only those projects approved by the voters at an election  
21 held on or after March 15, 2016.

22 The debt incurred on any bonds issued under this subsection  
23 (p-105) and on any bonds issued to refund or continue to refund  
24 such bonds shall not be considered indebtedness for purposes of  
25 any statutory debt limitation. Bonds issued under this  
26 subsection (p-105) and any bonds issued to refund or continue

1 to refund such bonds must mature within not to exceed 30 years  
2 from their date, notwithstanding any other law, including  
3 Section 19-3 of this Code, to the contrary.

4 (p-110) In addition to all other authority to issue bonds,  
5 Sandoval Community Unit School District 501 may issue bonds  
6 with an aggregate principal amount not to exceed \$2,000,000,  
7 but only if all of the following conditions are met:

8 (1) The voters of the district approved a proposition  
9 for the bond issuance at an election held on March 20,  
10 2012.

11 (2) Prior to the issuance of the bonds, the school  
12 board determines, by resolution, that (i) the building and  
13 equipping of a new school building is required because of  
14 the age and current condition of the Sandoval Elementary  
15 School building and (ii) the issuance of bonds is  
16 authorized by a statute that exempts the debt incurred on  
17 the bonds from the district's statutory debt limitation.

18 (3) The bonds are issued, in one or more bond  
19 issuances, on or before March 19, 2022, but the aggregate  
20 principal amount issued in all such bond issuances combined  
21 must not exceed \$2,000,000.

22 (4) The bonds are issued in accordance with this  
23 Article.

24 (5) The proceeds of the bonds are used to accomplish  
25 only those projects approved by the voters at the election  
26 held on March 20, 2012.

1           The debt incurred on any bonds issued under this subsection  
2           (p-110) and on any bonds issued to refund or continue to refund  
3           the bonds shall not be considered indebtedness for purposes of  
4           any statutory debt limitation.

5           (p-115) In addition to all other authority to issue bonds,  
6           Bureau Valley Community Unit School District 340 may issue  
7           bonds with an aggregate principal amount not to exceed  
8           \$25,000,000, but only if all of the following conditions are  
9           met:

10           (1) The voters of the district approve a proposition  
11           for the bond issuance at an election held on or after March  
12           15, 2016.

13           (2) Prior to the issuances of the bonds, the school  
14           board determines, by resolution, that (i) the renovating  
15           and equipping of some existing school buildings, the  
16           building and equipping of new school buildings, and the  
17           demolishing of some existing school buildings are required  
18           as a result of the age and condition of existing school  
19           buildings and (ii) the issuance of bonds is authorized by a  
20           statute that exempts the debt incurred on the bonds from  
21           the district's statutory debt limitation.

22           (3) The bonds are issued, in one or more issuances, on  
23           or before July 1, 2021, but the aggregate principal amount  
24           issued in all such bond issuances combined must not exceed  
25           \$25,000,000.

26           (4) The bonds are issued in accordance with this

1 Article.

2 (5) The proceeds of the bonds are used to accomplish  
3 only those projects approved by the voters at an election  
4 held on or after March 15, 2016.

5 The debt incurred on any bonds issued under this subsection  
6 (p-115) shall not be considered indebtedness for purposes of  
7 any statutory debt limitation. Bonds issued under this  
8 subsection (p-115) must mature within not to exceed 30 years  
9 from their date, notwithstanding any other law, including  
10 Section 19-3 of this Code, to the contrary.

11 (p-120) In addition to all other authority to issue bonds,  
12 Paxton-Buckley-Loda Community Unit School District 10 may  
13 issue bonds with an aggregate principal amount not to exceed  
14 \$28,500,000, but only if all the following conditions are met:

15 (1) The voters of the district approve a proposition  
16 for the bond issuance at an election held on or after  
17 November 8, 2016.

18 (2) Prior to the issuance of the bonds, the school  
19 board determines, by resolution, that (i) the projects as  
20 described in said proposition, relating to the building and  
21 equipping of one or more school buildings or additions to  
22 existing school buildings, are required as a result of the  
23 age and condition of the District's existing buildings and  
24 (ii) the issuance of bonds is authorized by a statute that  
25 exempts the debt incurred on the bonds from the district's  
26 statutory debt limitation.



1           (3) The bonds are issued, in one or more issuances, not  
2 later than 5 years after the date of the referendum  
3 approving the issuance of the bonds, but the aggregate  
4 principal amount issued in all such bond issuances combined  
5 must not exceed \$28,500,000.

6           (4) The bonds are issued in accordance with this  
7 Article.

8           (5) The proceeds of the bonds are used to accomplish  
9 only those projects approved by the voters at an election  
10 held on or after November 8, 2016.

11           The debt incurred on any bonds issued under this subsection  
12 (p-120) and on any bonds issued to refund or continue to refund  
13 such bonds shall not be considered indebtedness for purposes of  
14 any statutory debt limitation. Bonds issued under this  
15 subsection (p-120) and any bonds issued to refund or continue  
16 to refund such bonds must mature within not to exceed 25 years  
17 from their date, notwithstanding any other law, including  
18 Section 19-3 of this Code, to the contrary.

19           (p-125) In addition to all other authority to issue bonds,  
20 Hillsboro Community Unit School District 3 may issue bonds with  
21 an aggregate principal amount not to exceed \$34,500,000, but  
22 only if all the following conditions are met:

23           (1) The voters of the district approve a proposition  
24 for the bond issuance at an election held on or after March  
25 15, 2016.

26           (2) Prior to the issuance of the bonds, the school

1 board determines, by resolution, that (i) altering,  
2 repairing, and equipping the high school  
3 agricultural/vocational building, demolishing the high  
4 school main, cafeteria, and gym buildings, building and  
5 equipping a school building, and improving sites are  
6 required as a result of the age and condition of the  
7 district's existing buildings and (ii) the issuance of  
8 bonds is authorized by a statute that exempts the debt  
9 incurred on the bonds from the district's statutory debt  
10 limitation.

11 (3) The bonds are issued, in one or more issuances, not  
12 later than 5 years after the date of the referendum  
13 approving the issuance of the bonds, but the aggregate  
14 principal amount issued in all such bond issuances combined  
15 must not exceed \$34,500,000.

16 (4) The bonds are issued in accordance with this  
17 Article.

18 (5) The proceeds of the bonds are used to accomplish  
19 only those projects approved by the voters at an election  
20 held on or after March 15, 2016.

21 The debt incurred on any bonds issued under this subsection  
22 (p-125) and on any bonds issued to refund or continue to refund  
23 such bonds shall not be considered indebtedness for purposes of  
24 any statutory debt limitation. Bonds issued under this  
25 subsection (p-125) and any bonds issued to refund or continue  
26 to refund such bonds must mature within not to exceed 25 years

1 from their date, notwithstanding any other law, including  
2 Section 19-3 of this Code, to the contrary.

3 (p-130) In addition to all other authority to issue bonds,  
4 Waltham Community Consolidated School District 185 may incur  
5 indebtedness in an aggregate principal amount not to exceed  
6 \$9,500,000 to build and equip a new school building and improve  
7 the site thereof, but only if all the following conditions are  
8 met:

9 (1) A majority of the voters of the district voting on  
10 an advisory question voted in favor of the question  
11 regarding the use of funding sources to build a new school  
12 building without increasing property tax rates at the  
13 general election held on November 8, 2016.

14 (2) Prior to incurring the debt, the school board  
15 enters into intergovernmental agreements with the City of  
16 LaSalle to pledge moneys in a special tax allocation fund  
17 associated with tax increment financing districts LaSalle  
18 I and LaSalle III and with the Village of Utica to pledge  
19 moneys in a special tax allocation fund associated with tax  
20 increment financing district Utica I for the purposes of  
21 repaying the debt issued pursuant to this subsection  
22 (p-130). Notwithstanding any other provision of law to the  
23 contrary, the intergovernmental agreement may extend these  
24 tax increment financing districts as necessary to ensure  
25 repayment of the debt.

26 (3) Prior to incurring the debt, the school board

1 determines, by resolution, that (i) the building and  
2 equipping of a new school building is required as a result  
3 of the age and condition of the district's existing  
4 buildings and (ii) the debt is authorized by a statute that  
5 exempts the debt from the district's statutory debt  
6 limitation.

7 (4) The debt is incurred, in one or more issuances, not  
8 later than January 1, 2021, and the aggregate principal  
9 amount of debt issued in all such issuances combined must  
10 not exceed \$9,500,000.

11 The debt incurred under this subsection (p-130) and on any  
12 bonds issued to pay, refund, or continue to refund such debt  
13 shall not be considered indebtedness for purposes of any  
14 statutory debt limitation. Debt issued under this subsection  
15 (p-130) and any bonds issued to pay, refund, or continue to  
16 refund such debt must mature within not to exceed 25 years from  
17 their date, notwithstanding any other law, including Section  
18 19-11 of this Code and subsection (b) of Section 17 of the  
19 Local Government Debt Reform Act, to the contrary.

20 (q) A school district must notify the State Board of  
21 Education prior to issuing any form of long-term or short-term  
22 debt that will result in outstanding debt that exceeds 75% of  
23 the debt limit specified in this Section or any other provision  
24 of law.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;  
26 99-390, eff. 8-18-15; 99-642, eff. 7-28-16; 99-735, eff.

1 8-5-16; 99-926, eff. 1-20-17; 100-531, eff. 9-22-17.)

2 (Text of Section after amendment by P.A. 100-503)

3 Sec. 19-1. Debt limitations of school districts.

4 (a) School districts shall not be subject to the provisions  
5 limiting their indebtedness prescribed in the Local Government  
6 Debt Limitation Act.

7 No school districts maintaining grades K through 8 or 9  
8 through 12 shall become indebted in any manner or for any  
9 purpose to an amount, including existing indebtedness, in the  
10 aggregate exceeding 6.9% on the value of the taxable property  
11 therein to be ascertained by the last assessment for State and  
12 county taxes or, until January 1, 1983, if greater, the sum  
13 that is produced by multiplying the school district's 1978  
14 equalized assessed valuation by the debt limitation percentage  
15 in effect on January 1, 1979, previous to the incurring of such  
16 indebtedness.

17 No school districts maintaining grades K through 12 shall  
18 become indebted in any manner or for any purpose to an amount,  
19 including existing indebtedness, in the aggregate exceeding  
20 13.8% on the value of the taxable property therein to be  
21 ascertained by the last assessment for State and county taxes  
22 or, until January 1, 1983, if greater, the sum that is produced  
23 by multiplying the school district's 1978 equalized assessed  
24 valuation by the debt limitation percentage in effect on  
25 January 1, 1979, previous to the incurring of such

1       indebtedness.

2           No partial elementary unit district, as defined in Article  
3       11E of this Code, shall become indebted in any manner or for  
4       any purpose in an amount, including existing indebtedness, in  
5       the aggregate exceeding 6.9% of the value of the taxable  
6       property of the entire district, to be ascertained by the last  
7       assessment for State and county taxes, plus an amount,  
8       including existing indebtedness, in the aggregate exceeding  
9       6.9% of the value of the taxable property of that portion of  
10      the district included in the elementary and high school  
11      classification, to be ascertained by the last assessment for  
12      State and county taxes. Moreover, no partial elementary unit  
13      district, as defined in Article 11E of this Code, shall become  
14      indebted on account of bonds issued by the district for high  
15      school purposes in the aggregate exceeding 6.9% of the value of  
16      the taxable property of the entire district, to be ascertained  
17      by the last assessment for State and county taxes, nor shall  
18      the district become indebted on account of bonds issued by the  
19      district for elementary purposes in the aggregate exceeding  
20      6.9% of the value of the taxable property for that portion of  
21      the district included in the elementary and high school  
22      classification, to be ascertained by the last assessment for  
23      State and county taxes.

24           Notwithstanding the provisions of any other law to the  
25      contrary, in any case in which the voters of a school district  
26      have approved a proposition for the issuance of bonds of such

1 school district at an election held prior to January 1, 1979,  
2 and all of the bonds approved at such election have not been  
3 issued, the debt limitation applicable to such school district  
4 during the calendar year 1979 shall be computed by multiplying  
5 the value of taxable property therein, including personal  
6 property, as ascertained by the last assessment for State and  
7 county taxes, previous to the incurring of such indebtedness,  
8 by the percentage limitation applicable to such school district  
9 under the provisions of this subsection (a).

10 (a-5) After January 1, 2018, no school district may issue  
11 bonds under Sections 19-2 through 19-7 of this Code and rely on  
12 an exception to the debt limitations in this Section unless it  
13 has complied with the requirements of Section 21 of the Bond  
14 Issue Notification Act and the bonds have been approved by  
15 referendum.

16 (b) Notwithstanding the debt limitation prescribed in  
17 subsection (a) of this Section, additional indebtedness may be  
18 incurred in an amount not to exceed the estimated cost of  
19 acquiring or improving school sites or constructing and  
20 equipping additional building facilities under the following  
21 conditions:

22 (1) Whenever the enrollment of students for the next  
23 school year is estimated by the board of education to  
24 increase over the actual present enrollment by not less  
25 than 35% or by not less than 200 students or the actual  
26 present enrollment of students has increased over the

1 previous school year by not less than 35% or by not less  
2 than 200 students and the board of education determines  
3 that additional school sites or building facilities are  
4 required as a result of such increase in enrollment; and

5 (2) When the Regional Superintendent of Schools having  
6 jurisdiction over the school district and the State  
7 Superintendent of Education concur in such enrollment  
8 projection or increase and approve the need for such  
9 additional school sites or building facilities and the  
10 estimated cost thereof; and

11 (3) When the voters in the school district approve a  
12 proposition for the issuance of bonds for the purpose of  
13 acquiring or improving such needed school sites or  
14 constructing and equipping such needed additional building  
15 facilities at an election called and held for that purpose.  
16 Notice of such an election shall state that the amount of  
17 indebtedness proposed to be incurred would exceed the debt  
18 limitation otherwise applicable to the school district.  
19 The ballot for such proposition shall state what percentage  
20 of the equalized assessed valuation will be outstanding in  
21 bonds if the proposed issuance of bonds is approved by the  
22 voters; or

23 (4) Notwithstanding the provisions of paragraphs (1)  
24 through (3) of this subsection (b), if the school board  
25 determines that additional facilities are needed to  
26 provide a quality educational program and not less than 2/3



1 of those voting in an election called by the school board  
2 on the question approve the issuance of bonds for the  
3 construction of such facilities, the school district may  
4 issue bonds for this purpose; or

5 (5) Notwithstanding the provisions of paragraphs (1)  
6 through (3) of this subsection (b), if (i) the school  
7 district has previously availed itself of the provisions of  
8 paragraph (4) of this subsection (b) to enable it to issue  
9 bonds, (ii) the voters of the school district have not  
10 defeated a proposition for the issuance of bonds since the  
11 referendum described in paragraph (4) of this subsection  
12 (b) was held, (iii) the school board determines that  
13 additional facilities are needed to provide a quality  
14 educational program, and (iv) a majority of those voting in  
15 an election called by the school board on the question  
16 approve the issuance of bonds for the construction of such  
17 facilities, the school district may issue bonds for this  
18 purpose.

19 In no event shall the indebtedness incurred pursuant to  
20 this subsection (b) and the existing indebtedness of the school  
21 district exceed 15% of the value of the taxable property  
22 therein to be ascertained by the last assessment for State and  
23 county taxes, previous to the incurring of such indebtedness  
24 or, until January 1, 1983, if greater, the sum that is produced  
25 by multiplying the school district's 1978 equalized assessed  
26 valuation by the debt limitation percentage in effect on

1 January 1, 1979.

2 The indebtedness provided for by this subsection (b) shall  
3 be in addition to and in excess of any other debt limitation.

4 (c) Notwithstanding the debt limitation prescribed in  
5 subsection (a) of this Section, in any case in which a public  
6 question for the issuance of bonds of a proposed school  
7 district maintaining grades kindergarten through 12 received  
8 at least 60% of the valid ballots cast on the question at an  
9 election held on or prior to November 8, 1994, and in which the  
10 bonds approved at such election have not been issued, the  
11 school district pursuant to the requirements of Section 11A-10  
12 (now repealed) may issue the total amount of bonds approved at  
13 such election for the purpose stated in the question.

14 (d) Notwithstanding the debt limitation prescribed in  
15 subsection (a) of this Section, a school district that meets  
16 all the criteria set forth in paragraphs (1) and (2) of this  
17 subsection (d) may incur an additional indebtedness in an  
18 amount not to exceed \$4,500,000, even though the amount of the  
19 additional indebtedness authorized by this subsection (d),  
20 when incurred and added to the aggregate amount of indebtedness  
21 of the district existing immediately prior to the district  
22 incurring the additional indebtedness authorized by this  
23 subsection (d), causes the aggregate indebtedness of the  
24 district to exceed the debt limitation otherwise applicable to  
25 that district under subsection (a):

26 (1) The additional indebtedness authorized by this

1 subsection (d) is incurred by the school district through  
2 the issuance of bonds under and in accordance with Section  
3 17-2.11a for the purpose of replacing a school building  
4 which, because of mine subsidence damage, has been closed  
5 as provided in paragraph (2) of this subsection (d) or  
6 through the issuance of bonds under and in accordance with  
7 Section 19-3 for the purpose of increasing the size of, or  
8 providing for additional functions in, such replacement  
9 school buildings, or both such purposes.

10 (2) The bonds issued by the school district as provided  
11 in paragraph (1) above are issued for the purposes of  
12 construction by the school district of a new school  
13 building pursuant to Section 17-2.11, to replace an  
14 existing school building that, because of mine subsidence  
15 damage, is closed as of the end of the 1992-93 school year  
16 pursuant to action of the regional superintendent of  
17 schools of the educational service region in which the  
18 district is located under Section 3-14.22 or are issued for  
19 the purpose of increasing the size of, or providing for  
20 additional functions in, the new school building being  
21 constructed to replace a school building closed as the  
22 result of mine subsidence damage, or both such purposes.

23 (e) (Blank).

24 (f) Notwithstanding the provisions of subsection (a) of  
25 this Section or of any other law, bonds in not to exceed the  
26 aggregate amount of \$5,500,000 and issued by a school district

1 meeting the following criteria shall not be considered  
2 indebtedness for purposes of any statutory limitation and may  
3 be issued in an amount or amounts, including existing  
4 indebtedness, in excess of any heretofore or hereafter imposed  
5 statutory limitation as to indebtedness:

6 (1) At the time of the sale of such bonds, the board of  
7 education of the district shall have determined by  
8 resolution that the enrollment of students in the district  
9 is projected to increase by not less than 7% during each of  
10 the next succeeding 2 school years.

11 (2) The board of education shall also determine by  
12 resolution that the improvements to be financed with the  
13 proceeds of the bonds are needed because of the projected  
14 enrollment increases.

15 (3) The board of education shall also determine by  
16 resolution that the projected increases in enrollment are  
17 the result of improvements made or expected to be made to  
18 passenger rail facilities located in the school district.

19 Notwithstanding the provisions of subsection (a) of this  
20 Section or of any other law, a school district that has availed  
21 itself of the provisions of this subsection (f) prior to July  
22 22, 2004 (the effective date of Public Act 93-799) may also  
23 issue bonds approved by referendum up to an amount, including  
24 existing indebtedness, not exceeding 25% of the equalized  
25 assessed value of the taxable property in the district if all  
26 of the conditions set forth in items (1), (2), and (3) of this

1 subsection (f) are met.

2 (g) Notwithstanding the provisions of subsection (a) of  
3 this Section or any other law, bonds in not to exceed an  
4 aggregate amount of 25% of the equalized assessed value of the  
5 taxable property of a school district and issued by a school  
6 district meeting the criteria in paragraphs (i) through (iv) of  
7 this subsection shall not be considered indebtedness for  
8 purposes of any statutory limitation and may be issued pursuant  
9 to resolution of the school board in an amount or amounts,  
10 including existing indebtedness, in excess of any statutory  
11 limitation of indebtedness heretofore or hereafter imposed:

12 (i) The bonds are issued for the purpose of  
13 constructing a new high school building to replace two  
14 adjacent existing buildings which together house a single  
15 high school, each of which is more than 65 years old, and  
16 which together are located on more than 10 acres and less  
17 than 11 acres of property.

18 (ii) At the time the resolution authorizing the  
19 issuance of the bonds is adopted, the cost of constructing  
20 a new school building to replace the existing school  
21 building is less than 60% of the cost of repairing the  
22 existing school building.

23 (iii) The sale of the bonds occurs before July 1, 1997.

24 (iv) The school district issuing the bonds is a unit  
25 school district located in a county of less than 70,000 and  
26 more than 50,000 inhabitants, which has an average daily

1 attendance of less than 1,500 and an equalized assessed  
2 valuation of less than \$29,000,000.

3 (h) Notwithstanding any other provisions of this Section or  
4 the provisions of any other law, until January 1, 1998, a  
5 community unit school district maintaining grades K through 12  
6 may issue bonds up to an amount, including existing  
7 indebtedness, not exceeding 27.6% of the equalized assessed  
8 value of the taxable property in the district, if all of the  
9 following conditions are met:

10 (i) The school district has an equalized assessed  
11 valuation for calendar year 1995 of less than \$24,000,000;

12 (ii) The bonds are issued for the capital improvement,  
13 renovation, rehabilitation, or replacement of existing  
14 school buildings of the district, all of which buildings  
15 were originally constructed not less than 40 years ago;

16 (iii) The voters of the district approve a proposition  
17 for the issuance of the bonds at a referendum held after  
18 March 19, 1996; and

19 (iv) The bonds are issued pursuant to Sections 19-2  
20 through 19-7 of this Code.

21 (i) Notwithstanding any other provisions of this Section or  
22 the provisions of any other law, until January 1, 1998, a  
23 community unit school district maintaining grades K through 12  
24 may issue bonds up to an amount, including existing  
25 indebtedness, not exceeding 27% of the equalized assessed value  
26 of the taxable property in the district, if all of the

1 following conditions are met:

2 (i) The school district has an equalized assessed  
3 valuation for calendar year 1995 of less than \$44,600,000;

4 (ii) The bonds are issued for the capital improvement,  
5 renovation, rehabilitation, or replacement of existing  
6 school buildings of the district, all of which existing  
7 buildings were originally constructed not less than 80  
8 years ago;

9 (iii) The voters of the district approve a proposition  
10 for the issuance of the bonds at a referendum held after  
11 December 31, 1996; and

12 (iv) The bonds are issued pursuant to Sections 19-2  
13 through 19-7 of this Code.

14 (j) Notwithstanding any other provisions of this Section or  
15 the provisions of any other law, until January 1, 1999, a  
16 community unit school district maintaining grades K through 12  
17 may issue bonds up to an amount, including existing  
18 indebtedness, not exceeding 27% of the equalized assessed value  
19 of the taxable property in the district if all of the following  
20 conditions are met:

21 (i) The school district has an equalized assessed  
22 valuation for calendar year 1995 of less than \$140,000,000  
23 and a best 3 months average daily attendance for the  
24 1995-96 school year of at least 2,800;

25 (ii) The bonds are issued to purchase a site and build  
26 and equip a new high school, and the school district's

1 existing high school was originally constructed not less  
2 than 35 years prior to the sale of the bonds;

3 (iii) At the time of the sale of the bonds, the board  
4 of education determines by resolution that a new high  
5 school is needed because of projected enrollment  
6 increases;

7 (iv) At least 60% of those voting in an election held  
8 after December 31, 1996 approve a proposition for the  
9 issuance of the bonds; and

10 (v) The bonds are issued pursuant to Sections 19-2  
11 through 19-7 of this Code.

12 (k) Notwithstanding the debt limitation prescribed in  
13 subsection (a) of this Section, a school district that meets  
14 all the criteria set forth in paragraphs (1) through (4) of  
15 this subsection (k) may issue bonds to incur an additional  
16 indebtedness in an amount not to exceed \$4,000,000 even though  
17 the amount of the additional indebtedness authorized by this  
18 subsection (k), when incurred and added to the aggregate amount  
19 of indebtedness of the school district existing immediately  
20 prior to the school district incurring such additional  
21 indebtedness, causes the aggregate indebtedness of the school  
22 district to exceed or increases the amount by which the  
23 aggregate indebtedness of the district already exceeds the debt  
24 limitation otherwise applicable to that school district under  
25 subsection (a):

26 (1) the school district is located in 2 counties, and a



1 referendum to authorize the additional indebtedness was  
2 approved by a majority of the voters of the school district  
3 voting on the proposition to authorize that indebtedness;

4 (2) the additional indebtedness is for the purpose of  
5 financing a multi-purpose room addition to the existing  
6 high school;

7 (3) the additional indebtedness, together with the  
8 existing indebtedness of the school district, shall not  
9 exceed 17.4% of the value of the taxable property in the  
10 school district, to be ascertained by the last assessment  
11 for State and county taxes; and

12 (4) the bonds evidencing the additional indebtedness  
13 are issued, if at all, within 120 days of August 14, 1998  
14 (the effective date of Public Act 90-757).

15 (1) Notwithstanding any other provisions of this Section or  
16 the provisions of any other law, until January 1, 2000, a  
17 school district maintaining grades kindergarten through 8 may  
18 issue bonds up to an amount, including existing indebtedness,  
19 not exceeding 15% of the equalized assessed value of the  
20 taxable property in the district if all of the following  
21 conditions are met:

22 (i) the district has an equalized assessed valuation  
23 for calendar year 1996 of less than \$10,000,000;

24 (ii) the bonds are issued for capital improvement,  
25 renovation, rehabilitation, or replacement of one or more  
26 school buildings of the district, which buildings were

1 originally constructed not less than 70 years ago;

2 (iii) the voters of the district approve a proposition  
3 for the issuance of the bonds at a referendum held on or  
4 after March 17, 1998; and

5 (iv) the bonds are issued pursuant to Sections 19-2  
6 through 19-7 of this Code.

7 (m) Notwithstanding any other provisions of this Section or  
8 the provisions of any other law, until January 1, 1999, an  
9 elementary school district maintaining grades K through 8 may  
10 issue bonds up to an amount, excluding existing indebtedness,  
11 not exceeding 18% of the equalized assessed value of the  
12 taxable property in the district, if all of the following  
13 conditions are met:

14 (i) The school district has an equalized assessed  
15 valuation for calendar year 1995 or less than \$7,700,000;

16 (ii) The school district operates 2 elementary  
17 attendance centers that until 1976 were operated as the  
18 attendance centers of 2 separate and distinct school  
19 districts;

20 (iii) The bonds are issued for the construction of a  
21 new elementary school building to replace an existing  
22 multi-level elementary school building of the school  
23 district that is not accessible at all levels and parts of  
24 which were constructed more than 75 years ago;

25 (iv) The voters of the school district approve a  
26 proposition for the issuance of the bonds at a referendum

1 held after July 1, 1998; and

2 (v) The bonds are issued pursuant to Sections 19-2  
3 through 19-7 of this Code.

4 (n) Notwithstanding the debt limitation prescribed in  
5 subsection (a) of this Section or any other provisions of this  
6 Section or of any other law, a school district that meets all  
7 of the criteria set forth in paragraphs (i) through (vi) of  
8 this subsection (n) may incur additional indebtedness by the  
9 issuance of bonds in an amount not exceeding the amount  
10 certified by the Capital Development Board to the school  
11 district as provided in paragraph (iii) of this subsection (n),  
12 even though the amount of the additional indebtedness so  
13 authorized, when incurred and added to the aggregate amount of  
14 indebtedness of the district existing immediately prior to the  
15 district incurring the additional indebtedness authorized by  
16 this subsection (n), causes the aggregate indebtedness of the  
17 district to exceed the debt limitation otherwise applicable by  
18 law to that district:

19 (i) The school district applies to the State Board of  
20 Education for a school construction project grant and  
21 submits a district facilities plan in support of its  
22 application pursuant to Section 5-20 of the School  
23 Construction Law.

24 (ii) The school district's application and facilities  
25 plan are approved by, and the district receives a grant  
26 entitlement for a school construction project issued by,

1 the State Board of Education under the School Construction  
2 Law.

3 (iii) The school district has exhausted its bonding  
4 capacity or the unused bonding capacity of the district is  
5 less than the amount certified by the Capital Development  
6 Board to the district under Section 5-15 of the School  
7 Construction Law as the dollar amount of the school  
8 construction project's cost that the district will be  
9 required to finance with non-grant funds in order to  
10 receive a school construction project grant under the  
11 School Construction Law.

12 (iv) The bonds are issued for a "school construction  
13 project", as that term is defined in Section 5-5 of the  
14 School Construction Law, in an amount that does not exceed  
15 the dollar amount certified, as provided in paragraph (iii)  
16 of this subsection (n), by the Capital Development Board to  
17 the school district under Section 5-15 of the School  
18 Construction Law.

19 (v) The voters of the district approve a proposition  
20 for the issuance of the bonds at a referendum held after  
21 the criteria specified in paragraphs (i) and (iii) of this  
22 subsection (n) are met.

23 (vi) The bonds are issued pursuant to Sections 19-2  
24 through 19-7 of the School Code.

25 (o) Notwithstanding any other provisions of this Section or  
26 the provisions of any other law, until November 1, 2007, a

1 community unit school district maintaining grades K through 12  
2 may issue bonds up to an amount, including existing  
3 indebtedness, not exceeding 20% of the equalized assessed value  
4 of the taxable property in the district if all of the following  
5 conditions are met:

6 (i) the school district has an equalized assessed  
7 valuation for calendar year 2001 of at least \$737,000,000  
8 and an enrollment for the 2002-2003 school year of at least  
9 8,500;

10 (ii) the bonds are issued to purchase school sites,  
11 build and equip a new high school, build and equip a new  
12 junior high school, build and equip 5 new elementary  
13 schools, and make technology and other improvements and  
14 additions to existing schools;

15 (iii) at the time of the sale of the bonds, the board  
16 of education determines by resolution that the sites and  
17 new or improved facilities are needed because of projected  
18 enrollment increases;

19 (iv) at least 57% of those voting in a general election  
20 held prior to January 1, 2003 approved a proposition for  
21 the issuance of the bonds; and

22 (v) the bonds are issued pursuant to Sections 19-2  
23 through 19-7 of this Code.

24 (p) Notwithstanding any other provisions of this Section or  
25 the provisions of any other law, a community unit school  
26 district maintaining grades K through 12 may issue bonds up to

1 an amount, including indebtedness, not exceeding 27% of the  
2 equalized assessed value of the taxable property in the  
3 district if all of the following conditions are met:

4 (i) The school district has an equalized assessed  
5 valuation for calendar year 2001 of at least \$295,741,187  
6 and a best 3 months' average daily attendance for the  
7 2002-2003 school year of at least 2,394.

8 (ii) The bonds are issued to build and equip 3  
9 elementary school buildings; build and equip one middle  
10 school building; and alter, repair, improve, and equip all  
11 existing school buildings in the district.

12 (iii) At the time of the sale of the bonds, the board  
13 of education determines by resolution that the project is  
14 needed because of expanding growth in the school district  
15 and a projected enrollment increase.

16 (iv) The bonds are issued pursuant to Sections 19-2  
17 through 19-7 of this Code.

18 (p-5) Notwithstanding any other provisions of this Section  
19 or the provisions of any other law, bonds issued by a community  
20 unit school district maintaining grades K through 12 shall not  
21 be considered indebtedness for purposes of any statutory  
22 limitation and may be issued in an amount or amounts, including  
23 existing indebtedness, in excess of any heretofore or hereafter  
24 imposed statutory limitation as to indebtedness, if all of the  
25 following conditions are met:

26 (i) For each of the 4 most recent years, residential

1 property comprises more than 80% of the equalized assessed  
2 valuation of the district.

3 (ii) At least 2 school buildings that were constructed  
4 40 or more years prior to the issuance of the bonds will be  
5 demolished and will be replaced by new buildings or  
6 additions to one or more existing buildings.

7 (iii) Voters of the district approve a proposition for  
8 the issuance of the bonds at a regularly scheduled  
9 election.

10 (iv) At the time of the sale of the bonds, the school  
11 board determines by resolution that the new buildings or  
12 building additions are needed because of an increase in  
13 enrollment projected by the school board.

14 (v) The principal amount of the bonds, including  
15 existing indebtedness, does not exceed 25% of the equalized  
16 assessed value of the taxable property in the district.

17 (vi) The bonds are issued prior to January 1, 2007,  
18 pursuant to Sections 19-2 through 19-7 of this Code.

19 (p-10) Notwithstanding any other provisions of this  
20 Section or the provisions of any other law, bonds issued by a  
21 community consolidated school district maintaining grades K  
22 through 8 shall not be considered indebtedness for purposes of  
23 any statutory limitation and may be issued in an amount or  
24 amounts, including existing indebtedness, in excess of any  
25 heretofore or hereafter imposed statutory limitation as to  
26 indebtedness, if all of the following conditions are met:

1           (i) For each of the 4 most recent years, residential  
2           and farm property comprises more than 80% of the equalized  
3           assessed valuation of the district.

4           (ii) The bond proceeds are to be used to acquire and  
5           improve school sites and build and equip a school building.

6           (iii) Voters of the district approve a proposition for  
7           the issuance of the bonds at a regularly scheduled  
8           election.

9           (iv) At the time of the sale of the bonds, the school  
10           board determines by resolution that the school sites and  
11           building additions are needed because of an increase in  
12           enrollment projected by the school board.

13           (v) The principal amount of the bonds, including  
14           existing indebtedness, does not exceed 20% of the equalized  
15           assessed value of the taxable property in the district.

16           (vi) The bonds are issued prior to January 1, 2007,  
17           pursuant to Sections 19-2 through 19-7 of this Code.

18           (p-15) In addition to all other authority to issue bonds,  
19           the Oswego Community Unit School District Number 308 may issue  
20           bonds with an aggregate principal amount not to exceed  
21           \$450,000,000, but only if all of the following conditions are  
22           met:

23           (i) The voters of the district have approved a  
24           proposition for the bond issue at the general election held  
25           on November 7, 2006.

26           (ii) At the time of the sale of the bonds, the school



1 board determines, by resolution, that: (A) the building and  
2 equipping of the new high school building, new junior high  
3 school buildings, new elementary school buildings, early  
4 childhood building, maintenance building, transportation  
5 facility, and additions to existing school buildings, the  
6 altering, repairing, equipping, and provision of  
7 technology improvements to existing school buildings, and  
8 the acquisition and improvement of school sites, as the  
9 case may be, are required as a result of a projected  
10 increase in the enrollment of students in the district; and  
11 (B) the sale of bonds for these purposes is authorized by  
12 legislation that exempts the debt incurred on the bonds  
13 from the district's statutory debt limitation.

14 (iii) The bonds are issued, in one or more bond issues,  
15 on or before November 7, 2011, but the aggregate principal  
16 amount issued in all such bond issues combined must not  
17 exceed \$450,000,000.

18 (iv) The bonds are issued in accordance with this  
19 Article 19.

20 (v) The proceeds of the bonds are used only to  
21 accomplish those projects approved by the voters at the  
22 general election held on November 7, 2006.

23 The debt incurred on any bonds issued under this subsection  
24 (p-15) shall not be considered indebtedness for purposes of any  
25 statutory debt limitation.

26 (p-20) In addition to all other authority to issue bonds,

1 the Lincoln-Way Community High School District Number 210 may  
2 issue bonds with an aggregate principal amount not to exceed  
3 \$225,000,000, but only if all of the following conditions are  
4 met:

5 (i) The voters of the district have approved a  
6 proposition for the bond issue at the general primary  
7 election held on March 21, 2006.

8 (ii) At the time of the sale of the bonds, the school  
9 board determines, by resolution, that: (A) the building and  
10 equipping of the new high school buildings, the altering,  
11 repairing, and equipping of existing school buildings, and  
12 the improvement of school sites, as the case may be, are  
13 required as a result of a projected increase in the  
14 enrollment of students in the district; and (B) the sale of  
15 bonds for these purposes is authorized by legislation that  
16 exempts the debt incurred on the bonds from the district's  
17 statutory debt limitation.

18 (iii) The bonds are issued, in one or more bond issues,  
19 on or before March 21, 2011, but the aggregate principal  
20 amount issued in all such bond issues combined must not  
21 exceed \$225,000,000.

22 (iv) The bonds are issued in accordance with this  
23 Article 19.

24 (v) The proceeds of the bonds are used only to  
25 accomplish those projects approved by the voters at the  
26 primary election held on March 21, 2006.

1 The debt incurred on any bonds issued under this subsection  
2 (p-20) shall not be considered indebtedness for purposes of any  
3 statutory debt limitation.

4 (p-25) In addition to all other authority to issue bonds,  
5 Rochester Community Unit School District 3A may issue bonds  
6 with an aggregate principal amount not to exceed \$18,500,000,  
7 but only if all of the following conditions are met:

8 (i) The voters of the district approve a proposition  
9 for the bond issuance at the general primary election held  
10 in 2008.

11 (ii) At the time of the sale of the bonds, the school  
12 board determines, by resolution, that: (A) the building and  
13 equipping of a new high school building; the addition of  
14 classrooms and support facilities at the high school,  
15 middle school, and elementary school; the altering,  
16 repairing, and equipping of existing school buildings; and  
17 the improvement of school sites, as the case may be, are  
18 required as a result of a projected increase in the  
19 enrollment of students in the district; and (B) the sale of  
20 bonds for these purposes is authorized by a law that  
21 exempts the debt incurred on the bonds from the district's  
22 statutory debt limitation.

23 (iii) The bonds are issued, in one or more bond issues,  
24 on or before December 31, 2012, but the aggregate principal  
25 amount issued in all such bond issues combined must not  
26 exceed \$18,500,000.

1           (iv) The bonds are issued in accordance with this  
2 Article 19.

3           (v) The proceeds of the bonds are used to accomplish  
4 only those projects approved by the voters at the primary  
5 election held in 2008.

6 The debt incurred on any bonds issued under this subsection  
7 (p-25) shall not be considered indebtedness for purposes of any  
8 statutory debt limitation.

9           (p-30) In addition to all other authority to issue bonds,  
10 Prairie Grove Consolidated School District 46 may issue bonds  
11 with an aggregate principal amount not to exceed \$30,000,000,  
12 but only if all of the following conditions are met:

13           (i) The voters of the district approve a proposition  
14 for the bond issuance at an election held in 2008.

15           (ii) At the time of the sale of the bonds, the school  
16 board determines, by resolution, that (A) the building and  
17 equipping of a new school building and additions to  
18 existing school buildings are required as a result of a  
19 projected increase in the enrollment of students in the  
20 district and (B) the altering, repairing, and equipping of  
21 existing school buildings are required because of the age  
22 of the existing school buildings.

23           (iii) The bonds are issued, in one or more bond  
24 issuances, on or before December 31, 2012; however, the  
25 aggregate principal amount issued in all such bond  
26 issuances combined must not exceed \$30,000,000.

1           (iv) The bonds are issued in accordance with this  
2 Article.

3           (v) The proceeds of the bonds are used to accomplish  
4 only those projects approved by the voters at an election  
5 held in 2008.

6 The debt incurred on any bonds issued under this subsection  
7 (p-30) shall not be considered indebtedness for purposes of any  
8 statutory debt limitation.

9           (p-35) In addition to all other authority to issue bonds,  
10 Prairie Hill Community Consolidated School District 133 may  
11 issue bonds with an aggregate principal amount not to exceed  
12 \$13,900,000, but only if all of the following conditions are  
13 met:

14           (i) The voters of the district approved a proposition  
15 for the bond issuance at an election held on April 17,  
16 2007.

17           (ii) At the time of the sale of the bonds, the school  
18 board determines, by resolution, that (A) the improvement  
19 of the site of and the building and equipping of a school  
20 building are required as a result of a projected increase  
21 in the enrollment of students in the district and (B) the  
22 repairing and equipping of the Prairie Hill Elementary  
23 School building is required because of the age of that  
24 school building.

25           (iii) The bonds are issued, in one or more bond  
26 issuances, on or before December 31, 2011, but the

1 aggregate principal amount issued in all such bond  
2 issuances combined must not exceed \$13,900,000.

3 (iv) The bonds are issued in accordance with this  
4 Article.

5 (v) The proceeds of the bonds are used to accomplish  
6 only those projects approved by the voters at an election  
7 held on April 17, 2007.

8 The debt incurred on any bonds issued under this subsection  
9 (p-35) shall not be considered indebtedness for purposes of any  
10 statutory debt limitation.

11 (p-40) In addition to all other authority to issue bonds,  
12 Mascoutah Community Unit District 19 may issue bonds with an  
13 aggregate principal amount not to exceed \$55,000,000, but only  
14 if all of the following conditions are met:

15 (1) The voters of the district approve a proposition  
16 for the bond issuance at a regular election held on or  
17 after November 4, 2008.

18 (2) At the time of the sale of the bonds, the school  
19 board determines, by resolution, that (i) the building and  
20 equipping of a new high school building is required as a  
21 result of a projected increase in the enrollment of  
22 students in the district and the age and condition of the  
23 existing high school building, (ii) the existing high  
24 school building will be demolished, and (iii) the sale of  
25 bonds is authorized by statute that exempts the debt  
26 incurred on the bonds from the district's statutory debt

1 limitation.

2 (3) The bonds are issued, in one or more bond  
3 issuances, on or before December 31, 2011, but the  
4 aggregate principal amount issued in all such bond  
5 issuances combined must not exceed \$55,000,000.

6 (4) The bonds are issued in accordance with this  
7 Article.

8 (5) The proceeds of the bonds are used to accomplish  
9 only those projects approved by the voters at a regular  
10 election held on or after November 4, 2008.

11 The debt incurred on any bonds issued under this subsection  
12 (p-40) shall not be considered indebtedness for purposes of any  
13 statutory debt limitation.

14 (p-45) Notwithstanding the provisions of subsection (a) of  
15 this Section or of any other law, bonds issued pursuant to  
16 Section 19-3.5 of this Code shall not be considered  
17 indebtedness for purposes of any statutory limitation if the  
18 bonds are issued in an amount or amounts, including existing  
19 indebtedness of the school district, not in excess of 18.5% of  
20 the value of the taxable property in the district to be  
21 ascertained by the last assessment for State and county taxes.

22 (p-50) Notwithstanding the provisions of subsection (a) of  
23 this Section or of any other law, bonds issued pursuant to  
24 Section 19-3.10 of this Code shall not be considered  
25 indebtedness for purposes of any statutory limitation if the  
26 bonds are issued in an amount or amounts, including existing

1 indebtedness of the school district, not in excess of 43% of  
2 the value of the taxable property in the district to be  
3 ascertained by the last assessment for State and county taxes.

4 (p-55) In addition to all other authority to issue bonds,  
5 Belle Valley School District 119 may issue bonds with an  
6 aggregate principal amount not to exceed \$47,500,000, but only  
7 if all of the following conditions are met:

8 (1) The voters of the district approve a proposition  
9 for the bond issuance at an election held on or after April  
10 7, 2009.

11 (2) Prior to the issuance of the bonds, the school  
12 board determines, by resolution, that (i) the building and  
13 equipping of a new school building is required as a result  
14 of mine subsidence in an existing school building and  
15 because of the age and condition of another existing school  
16 building and (ii) the issuance of bonds is authorized by  
17 statute that exempts the debt incurred on the bonds from  
18 the district's statutory debt limitation.

19 (3) The bonds are issued, in one or more bond  
20 issuances, on or before March 31, 2014, but the aggregate  
21 principal amount issued in all such bond issuances combined  
22 must not exceed \$47,500,000.

23 (4) The bonds are issued in accordance with this  
24 Article.

25 (5) The proceeds of the bonds are used to accomplish  
26 only those projects approved by the voters at an election



1 held on or after April 7, 2009.

2 The debt incurred on any bonds issued under this subsection  
3 (p-55) shall not be considered indebtedness for purposes of any  
4 statutory debt limitation. Bonds issued under this subsection  
5 (p-55) must mature within not to exceed 30 years from their  
6 date, notwithstanding any other law to the contrary.

7 (p-60) In addition to all other authority to issue bonds,  
8 Wilmington Community Unit School District Number 209-U may  
9 issue bonds with an aggregate principal amount not to exceed  
10 \$2,285,000, but only if all of the following conditions are  
11 met:

12 (1) The proceeds of the bonds are used to accomplish  
13 only those projects approved by the voters at the general  
14 primary election held on March 21, 2006.

15 (2) Prior to the issuance of the bonds, the school  
16 board determines, by resolution, that (i) the projects  
17 approved by the voters were and are required because of the  
18 age and condition of the school district's prior and  
19 existing school buildings and (ii) the issuance of the  
20 bonds is authorized by legislation that exempts the debt  
21 incurred on the bonds from the district's statutory debt  
22 limitation.

23 (3) The bonds are issued in one or more bond issuances  
24 on or before March 1, 2011, but the aggregate principal  
25 amount issued in all those bond issuances combined must not  
26 exceed \$2,285,000.

1           (4) The bonds are issued in accordance with this  
2 Article.

3           The debt incurred on any bonds issued under this subsection  
4 (p-60) shall not be considered indebtedness for purposes of any  
5 statutory debt limitation.

6           (p-65) In addition to all other authority to issue bonds,  
7 West Washington County Community Unit School District 10 may  
8 issue bonds with an aggregate principal amount not to exceed  
9 \$32,200,000 and maturing over a period not exceeding 25 years,  
10 but only if all of the following conditions are met:

11           (1) The voters of the district approve a proposition  
12 for the bond issuance at an election held on or after  
13 February 2, 2010.

14           (2) Prior to the issuance of the bonds, the school  
15 board determines, by resolution, that (A) all or a portion  
16 of the existing Okawville Junior/Senior High School  
17 Building will be demolished; (B) the building and equipping  
18 of a new school building to be attached to and the  
19 alteration, repair, and equipping of the remaining portion  
20 of the Okawville Junior/Senior High School Building is  
21 required because of the age and current condition of that  
22 school building; and (C) the issuance of bonds is  
23 authorized by a statute that exempts the debt incurred on  
24 the bonds from the district's statutory debt limitation.

25           (3) The bonds are issued, in one or more bond  
26 issuances, on or before March 31, 2014, but the aggregate

1 principal amount issued in all such bond issuances combined  
2 must not exceed \$32,200,000.

3 (4) The bonds are issued in accordance with this  
4 Article.

5 (5) The proceeds of the bonds are used to accomplish  
6 only those projects approved by the voters at an election  
7 held on or after February 2, 2010.

8 The debt incurred on any bonds issued under this subsection  
9 (p-65) shall not be considered indebtedness for purposes of any  
10 statutory debt limitation.

11 (p-70) In addition to all other authority to issue bonds,  
12 Cahokia Community Unit School District 187 may issue bonds with  
13 an aggregate principal amount not to exceed \$50,000,000, but  
14 only if all the following conditions are met:

15 (1) The voters of the district approve a proposition  
16 for the bond issuance at an election held on or after  
17 November 2, 2010.

18 (2) Prior to the issuance of the bonds, the school  
19 board determines, by resolution, that (i) the building and  
20 equipping of a new school building is required as a result  
21 of the age and condition of an existing school building and  
22 (ii) the issuance of bonds is authorized by a statute that  
23 exempts the debt incurred on the bonds from the district's  
24 statutory debt limitation.

25 (3) The bonds are issued, in one or more issuances, on  
26 or before July 1, 2016, but the aggregate principal amount

1 issued in all such bond issuances combined must not exceed  
2 \$50,000,000.

3 (4) The bonds are issued in accordance with this  
4 Article.

5 (5) The proceeds of the bonds are used to accomplish  
6 only those projects approved by the voters at an election  
7 held on or after November 2, 2010.

8 The debt incurred on any bonds issued under this subsection  
9 (p-70) shall not be considered indebtedness for purposes of any  
10 statutory debt limitation. Bonds issued under this subsection  
11 (p-70) must mature within not to exceed 25 years from their  
12 date, notwithstanding any other law, including Section 19-3 of  
13 this Code, to the contrary.

14 (p-75) Notwithstanding the debt limitation prescribed in  
15 subsection (a) of this Section or any other provisions of this  
16 Section or of any other law, the execution of leases on or  
17 after January 1, 2007 and before July 1, 2011 by the Board of  
18 Education of Peoria School District 150 with a public building  
19 commission for leases entered into pursuant to the Public  
20 Building Commission Act shall not be considered indebtedness  
21 for purposes of any statutory debt limitation.

22 This subsection (p-75) applies only if the State Board of  
23 Education or the Capital Development Board makes one or more  
24 grants to Peoria School District 150 pursuant to the School  
25 Construction Law. The amount exempted from the debt limitation  
26 as prescribed in this subsection (p-75) shall be no greater

1 than the amount of one or more grants awarded to Peoria School  
2 District 150 by the State Board of Education or the Capital  
3 Development Board.

4 (p-80) In addition to all other authority to issue bonds,  
5 Ridgeland School District 122 may issue bonds with an aggregate  
6 principal amount not to exceed \$50,000,000 for the purpose of  
7 refunding or continuing to refund bonds originally issued  
8 pursuant to voter approval at the general election held on  
9 November 7, 2000, and the debt incurred on any bonds issued  
10 under this subsection (p-80) shall not be considered  
11 indebtedness for purposes of any statutory debt limitation.  
12 Bonds issued under this subsection (p-80) may be issued in one  
13 or more issuances and must mature within not to exceed 25 years  
14 from their date, notwithstanding any other law, including  
15 Section 19-3 of this Code, to the contrary.

16 (p-85) In addition to all other authority to issue bonds,  
17 Hall High School District 502 may issue bonds with an aggregate  
18 principal amount not to exceed \$32,000,000, but only if all the  
19 following conditions are met:

20 (1) The voters of the district approve a proposition  
21 for the bond issuance at an election held on or after April  
22 9, 2013.

23 (2) Prior to the issuance of the bonds, the school  
24 board determines, by resolution, that (i) the building and  
25 equipping of a new school building is required as a result  
26 of the age and condition of an existing school building,

1 (ii) the existing school building should be demolished in  
2 its entirety or the existing school building should be  
3 demolished except for the 1914 west wing of the building,  
4 and (iii) the issuance of bonds is authorized by a statute  
5 that exempts the debt incurred on the bonds from the  
6 district's statutory debt limitation.

7 (3) The bonds are issued, in one or more issuances, not  
8 later than 5 years after the date of the referendum  
9 approving the issuance of the bonds, but the aggregate  
10 principal amount issued in all such bond issuances combined  
11 must not exceed \$32,000,000.

12 (4) The bonds are issued in accordance with this  
13 Article.

14 (5) The proceeds of the bonds are used to accomplish  
15 only those projects approved by the voters at an election  
16 held on or after April 9, 2013.

17 The debt incurred on any bonds issued under this subsection  
18 (p-85) shall not be considered indebtedness for purposes of any  
19 statutory debt limitation. Bonds issued under this subsection  
20 (p-85) must mature within not to exceed 30 years from their  
21 date, notwithstanding any other law, including Section 19-3 of  
22 this Code, to the contrary.

23 (p-90) In addition to all other authority to issue bonds,  
24 Lebanon Community Unit School District 9 may issue bonds with  
25 an aggregate principal amount not to exceed \$7,500,000, but  
26 only if all of the following conditions are met:

1           (1) The voters of the district approved a proposition  
2           for the bond issuance at the general primary election on  
3           February 2, 2010.

4           (2) At or prior to the time of the sale of the bonds,  
5           the school board determines, by resolution, that (i) the  
6           building and equipping of a new elementary school building  
7           is required as a result of a projected increase in the  
8           enrollment of students in the district and the age and  
9           condition of the existing Lebanon Elementary School  
10          building, (ii) a portion of the existing Lebanon Elementary  
11          School building will be demolished and the remaining  
12          portion will be altered, repaired, and equipped, and (iii)  
13          the sale of bonds is authorized by a statute that exempts  
14          the debt incurred on the bonds from the district's  
15          statutory debt limitation.

16          (3) The bonds are issued, in one or more bond  
17          issuances, on or before April 1, 2014, but the aggregate  
18          principal amount issued in all such bond issuances combined  
19          must not exceed \$7,500,000.

20          (4) The bonds are issued in accordance with this  
21          Article.

22          (5) The proceeds of the bonds are used to accomplish  
23          only those projects approved by the voters at the general  
24          primary election held on February 2, 2010.

25          The debt incurred on any bonds issued under this subsection  
26          (p-90) shall not be considered indebtedness for purposes of any

1 statutory debt limitation.

2 (p-95) In addition to all other authority to issue bonds,  
3 Monticello Community Unit School District 25 may issue bonds  
4 with an aggregate principal amount not to exceed \$35,000,000,  
5 but only if all of the following conditions are met:

6 (1) The voters of the district approve a proposition  
7 for the bond issuance at an election held on or after  
8 November 4, 2014.

9 (2) Prior to the issuance of the bonds, the school  
10 board determines, by resolution, that (i) the building and  
11 equipping of a new school building is required as a result  
12 of the age and condition of an existing school building and  
13 (ii) the issuance of bonds is authorized by a statute that  
14 exempts the debt incurred on the bonds from the district's  
15 statutory debt limitation.

16 (3) The bonds are issued, in one or more issuances, on  
17 or before July 1, 2020, but the aggregate principal amount  
18 issued in all such bond issuances combined must not exceed  
19 \$35,000,000.

20 (4) The bonds are issued in accordance with this  
21 Article.

22 (5) The proceeds of the bonds are used to accomplish  
23 only those projects approved by the voters at an election  
24 held on or after November 4, 2014.

25 The debt incurred on any bonds issued under this subsection  
26 (p-95) shall not be considered indebtedness for purposes of any



1 statutory debt limitation. Bonds issued under this subsection  
2 (p-95) must mature within not to exceed 25 years from their  
3 date, notwithstanding any other law, including Section 19-3 of  
4 this Code, to the contrary.

5 (p-100) In addition to all other authority to issue bonds,  
6 the community unit school district created in the territory  
7 comprising Milford Community Consolidated School District 280  
8 and Milford Township High School District 233, as approved at  
9 the general primary election held on March 18, 2014, may issue  
10 bonds with an aggregate principal amount not to exceed  
11 \$17,500,000, but only if all the following conditions are met:

12 (1) The voters of the district approve a proposition  
13 for the bond issuance at an election held on or after  
14 November 4, 2014.

15 (2) Prior to the issuance of the bonds, the school  
16 board determines, by resolution, that (i) the building and  
17 equipping of a new school building is required as a result  
18 of the age and condition of an existing school building and  
19 (ii) the issuance of bonds is authorized by a statute that  
20 exempts the debt incurred on the bonds from the district's  
21 statutory debt limitation.

22 (3) The bonds are issued, in one or more issuances, on  
23 or before July 1, 2020, but the aggregate principal amount  
24 issued in all such bond issuances combined must not exceed  
25 \$17,500,000.

26 (4) The bonds are issued in accordance with this

1 Article.

2 (5) The proceeds of the bonds are used to accomplish  
3 only those projects approved by the voters at an election  
4 held on or after November 4, 2014.

5 The debt incurred on any bonds issued under this subsection  
6 (p-100) shall not be considered indebtedness for purposes of  
7 any statutory debt limitation. Bonds issued under this  
8 subsection (p-100) must mature within not to exceed 25 years  
9 from their date, notwithstanding any other law, including  
10 Section 19-3 of this Code, to the contrary.

11 (p-105) In addition to all other authority to issue bonds,  
12 North Shore School District 112 may issue bonds with an  
13 aggregate principal amount not to exceed \$150,000,000, but only  
14 if all of the following conditions are met:

15 (1) The voters of the district approve a proposition  
16 for the bond issuance at an election held on or after March  
17 15, 2016.

18 (2) Prior to the issuance of the bonds, the school  
19 board determines, by resolution, that (i) the building and  
20 equipping of new buildings and improving the sites thereof  
21 and the building and equipping of additions to, altering,  
22 repairing, equipping, and renovating existing buildings  
23 and improving the sites thereof are required as a result of  
24 the age and condition of the district's existing buildings  
25 and (ii) the issuance of bonds is authorized by a statute  
26 that exempts the debt incurred on the bonds from the

1 district's statutory debt limitation.

2 (3) The bonds are issued, in one or more issuances, not  
3 later than 5 years after the date of the referendum  
4 approving the issuance of the bonds, but the aggregate  
5 principal amount issued in all such bond issuances combined  
6 must not exceed \$150,000,000.

7 (4) The bonds are issued in accordance with this  
8 Article.

9 (5) The proceeds of the bonds are used to accomplish  
10 only those projects approved by the voters at an election  
11 held on or after March 15, 2016.

12 The debt incurred on any bonds issued under this subsection  
13 (p-105) and on any bonds issued to refund or continue to refund  
14 such bonds shall not be considered indebtedness for purposes of  
15 any statutory debt limitation. Bonds issued under this  
16 subsection (p-105) and any bonds issued to refund or continue  
17 to refund such bonds must mature within not to exceed 30 years  
18 from their date, notwithstanding any other law, including  
19 Section 19-3 of this Code, to the contrary.

20 (p-110) In addition to all other authority to issue bonds,  
21 Sandoval Community Unit School District 501 may issue bonds  
22 with an aggregate principal amount not to exceed \$2,000,000,  
23 but only if all of the following conditions are met:

24 (1) The voters of the district approved a proposition  
25 for the bond issuance at an election held on March 20,  
26 2012.

1           (2) Prior to the issuance of the bonds, the school  
2 board determines, by resolution, that (i) the building and  
3 equipping of a new school building is required because of  
4 the age and current condition of the Sandoval Elementary  
5 School building and (ii) the issuance of bonds is  
6 authorized by a statute that exempts the debt incurred on  
7 the bonds from the district's statutory debt limitation.

8           (3) The bonds are issued, in one or more bond  
9 issuances, on or before March 19, 2022, but the aggregate  
10 principal amount issued in all such bond issuances combined  
11 must not exceed \$2,000,000.

12           (4) The bonds are issued in accordance with this  
13 Article.

14           (5) The proceeds of the bonds are used to accomplish  
15 only those projects approved by the voters at the election  
16 held on March 20, 2012.

17           The debt incurred on any bonds issued under this subsection  
18 (p-110) and on any bonds issued to refund or continue to refund  
19 the bonds shall not be considered indebtedness for purposes of  
20 any statutory debt limitation.

21           (p-115) In addition to all other authority to issue bonds,  
22 Bureau Valley Community Unit School District 340 may issue  
23 bonds with an aggregate principal amount not to exceed  
24 \$25,000,000, but only if all of the following conditions are  
25 met:

26           (1) The voters of the district approve a proposition

1 for the bond issuance at an election held on or after March  
2 15, 2016.

3 (2) Prior to the issuances of the bonds, the school  
4 board determines, by resolution, that (i) the renovating  
5 and equipping of some existing school buildings, the  
6 building and equipping of new school buildings, and the  
7 demolishing of some existing school buildings are required  
8 as a result of the age and condition of existing school  
9 buildings and (ii) the issuance of bonds is authorized by a  
10 statute that exempts the debt incurred on the bonds from  
11 the district's statutory debt limitation.

12 (3) The bonds are issued, in one or more issuances, on  
13 or before July 1, 2021, but the aggregate principal amount  
14 issued in all such bond issuances combined must not exceed  
15 \$25,000,000.

16 (4) The bonds are issued in accordance with this  
17 Article.

18 (5) The proceeds of the bonds are used to accomplish  
19 only those projects approved by the voters at an election  
20 held on or after March 15, 2016.

21 The debt incurred on any bonds issued under this subsection  
22 (p-115) shall not be considered indebtedness for purposes of  
23 any statutory debt limitation. Bonds issued under this  
24 subsection (p-115) must mature within not to exceed 30 years  
25 from their date, notwithstanding any other law, including  
26 Section 19-3 of this Code, to the contrary.

1 (p-120) In addition to all other authority to issue bonds,  
2 Paxton-Buckley-Loda Community Unit School District 10 may  
3 issue bonds with an aggregate principal amount not to exceed  
4 \$28,500,000, but only if all the following conditions are met:

5 (1) The voters of the district approve a proposition  
6 for the bond issuance at an election held on or after  
7 November 8, 2016.

8 (2) Prior to the issuance of the bonds, the school  
9 board determines, by resolution, that (i) the projects as  
10 described in said proposition, relating to the building and  
11 equipping of one or more school buildings or additions to  
12 existing school buildings, are required as a result of the  
13 age and condition of the District's existing buildings and  
14 (ii) the issuance of bonds is authorized by a statute that  
15 exempts the debt incurred on the bonds from the district's  
16 statutory debt limitation.

17 (3) The bonds are issued, in one or more issuances, not  
18 later than 5 years after the date of the referendum  
19 approving the issuance of the bonds, but the aggregate  
20 principal amount issued in all such bond issuances combined  
21 must not exceed \$28,500,000.

22 (4) The bonds are issued in accordance with this  
23 Article.

24 (5) The proceeds of the bonds are used to accomplish  
25 only those projects approved by the voters at an election  
26 held on or after November 8, 2016.

1           The debt incurred on any bonds issued under this subsection  
2           (p-120) and on any bonds issued to refund or continue to refund  
3           such bonds shall not be considered indebtedness for purposes of  
4           any statutory debt limitation. Bonds issued under this  
5           subsection (p-120) and any bonds issued to refund or continue  
6           to refund such bonds must mature within not to exceed 25 years  
7           from their date, notwithstanding any other law, including  
8           Section 19-3 of this Code, to the contrary.

9           (p-125) In addition to all other authority to issue bonds,  
10          Hillsboro Community Unit School District 3 may issue bonds with  
11          an aggregate principal amount not to exceed \$34,500,000, but  
12          only if all the following conditions are met:

13                 (1) The voters of the district approve a proposition  
14                 for the bond issuance at an election held on or after March  
15                 15, 2016.

16                 (2) Prior to the issuance of the bonds, the school  
17                 board determines, by resolution, that (i) altering,  
18                 repairing, and equipping the high school  
19                 agricultural/vocational building, demolishing the high  
20                 school main, cafeteria, and gym buildings, building and  
21                 equipping a school building, and improving sites are  
22                 required as a result of the age and condition of the  
23                 district's existing buildings and (ii) the issuance of  
24                 bonds is authorized by a statute that exempts the debt  
25                 incurred on the bonds from the district's statutory debt  
26                 limitation.

1           (3) The bonds are issued, in one or more issuances, not  
2 later than 5 years after the date of the referendum  
3 approving the issuance of the bonds, but the aggregate  
4 principal amount issued in all such bond issuances combined  
5 must not exceed \$34,500,000.

6           (4) The bonds are issued in accordance with this  
7 Article.

8           (5) The proceeds of the bonds are used to accomplish  
9 only those projects approved by the voters at an election  
10 held on or after March 15, 2016.

11           The debt incurred on any bonds issued under this subsection  
12 (p-125) and on any bonds issued to refund or continue to refund  
13 such bonds shall not be considered indebtedness for purposes of  
14 any statutory debt limitation. Bonds issued under this  
15 subsection (p-125) and any bonds issued to refund or continue  
16 to refund such bonds must mature within not to exceed 25 years  
17 from their date, notwithstanding any other law, including  
18 Section 19-3 of this Code, to the contrary.

19           (p-130) In addition to all other authority to issue bonds,  
20 Waltham Community Consolidated School District 185 may incur  
21 indebtedness in an aggregate principal amount not to exceed  
22 \$9,500,000 to build and equip a new school building and improve  
23 the site thereof, but only if all the following conditions are  
24 met:

25           (1) A majority of the voters of the district voting on  
26 an advisory question voted in favor of the question



1 regarding the use of funding sources to build a new school  
2 building without increasing property tax rates at the  
3 general election held on November 8, 2016.

4 (2) Prior to incurring the debt, the school board  
5 enters into intergovernmental agreements with the City of  
6 LaSalle to pledge moneys in a special tax allocation fund  
7 associated with tax increment financing districts LaSalle  
8 I and LaSalle III and with the Village of Utica to pledge  
9 moneys in a special tax allocation fund associated with tax  
10 increment financing district Utica I for the purposes of  
11 repaying the debt issued pursuant to this subsection  
12 (p-130). Notwithstanding any other provision of law to the  
13 contrary, the intergovernmental agreement may extend these  
14 tax increment financing districts as necessary to ensure  
15 repayment of the debt.

16 (3) Prior to incurring the debt, the school board  
17 determines, by resolution, that (i) the building and  
18 equipping of a new school building is required as a result  
19 of the age and condition of the district's existing  
20 buildings and (ii) the debt is authorized by a statute that  
21 exempts the debt from the district's statutory debt  
22 limitation.

23 (4) The debt is incurred, in one or more issuances, not  
24 later than January 1, 2021, and the aggregate principal  
25 amount of debt issued in all such issuances combined must  
26 not exceed \$9,500,000.

1           The debt incurred under this subsection (p-130) and on any  
2 bonds issued to pay, refund, or continue to refund such debt  
3 shall not be considered indebtedness for purposes of any  
4 statutory debt limitation. Debt issued under this subsection  
5 (p-130) and any bonds issued to pay, refund, or continue to  
6 refund such debt must mature within not to exceed 25 years from  
7 their date, notwithstanding any other law, including Section  
8 19-11 of this Code and subsection (b) of Section 17 of the  
9 Local Government Debt Reform Act, to the contrary.

10           (p-133) ~~(p-130)~~ Notwithstanding the provisions of  
11 subsection (a) of this Section or of any other law, bonds  
12 heretofore or hereafter issued by East Prairie School District  
13 73 with an aggregate principal amount not to exceed \$47,353,147  
14 and approved by the voters of the district at the general  
15 election held on November 8, 2016, and any bonds issued to  
16 refund or continue to refund the bonds, shall not be considered  
17 indebtedness for the purposes of any statutory debt limitation  
18 and may mature within not to exceed 25 years from their date,  
19 notwithstanding any other law, including Section 19-3 of this  
20 Code, to the contrary.

21           (p-135) In addition to all other authority to issue bonds,  
22 Brookfield LaGrange Park School District Number 95 may issue  
23 bonds with an aggregate principal amount not to exceed  
24 \$20,000,000, but only if all the following conditions are met:

- 25           (1) The voters of the district approve a proposition  
26           for the bond issuance at an election held on or after April

1 4, 2017.

2 (2) Prior to the issuance of the bonds, the school  
3 board determines, by resolution, that (i) the additions and  
4 renovations to the Brook Park Elementary and S. E. Gross  
5 Middle School buildings are required to accommodate  
6 enrollment growth, replace outdated facilities, and create  
7 spaces consistent with 21st century learning and (ii) the  
8 issuance of the bonds is authorized by a statute that  
9 exempts the debt incurred on the bonds from the district's  
10 statutory debt limitation.

11 (3) The bonds are issued, in one or more issuances, not  
12 later than 5 years after the date of the referendum  
13 approving the issuance of the bonds, but the aggregate  
14 principal amount issued in all such bond issuances combined  
15 must not exceed \$20,000,000.

16 (4) The bonds are issued in accordance with this  
17 Article.

18 (5) The proceeds of the bonds are used to accomplish  
19 only those projects approved by the voters at an election  
20 held on or after April 4, 2017.

21 The debt incurred on any bonds issued under this  
22 subsection (p-135) and on any bonds issued to refund or  
23 continue to refund such bonds shall not be considered  
24 indebtedness for purposes of any statutory debt  
25 limitation.

26 (q) A school district must notify the State Board of

1 Education prior to issuing any form of long-term or short-term  
2 debt that will result in outstanding debt that exceeds 75% of  
3 the debt limit specified in this Section or any other provision  
4 of law.

5 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;  
6 99-390, eff. 8-18-15; 99-642, eff. 7-28-16; 99-735, eff.  
7 8-5-16; 99-926, eff. 1-20-17, 100-503, eff. 6-1-18; 100-531,  
8 eff. 9-22-17; revised 11-6-17.)

9 (105 ILCS 5/21B-20)

10 Sec. 21B-20. Types of licenses. Before July 1, 2013, the  
11 State Board of Education shall implement a system of educator  
12 licensure, whereby individuals employed in school districts  
13 who are required to be licensed must have one of the following  
14 licenses: (i) a professional educator license; (ii) a  
15 professional educator license with stipulations; or (iii) a  
16 substitute teaching license. References in law regarding  
17 individuals certified or certificated or required to be  
18 certified or certificated under Article 21 of this Code shall  
19 also include individuals licensed or required to be licensed  
20 under this Article. The first year of all licenses ends on June  
21 30 following one full year of the license being issued.

22 The State Board of Education, in consultation with the  
23 State Educator Preparation and Licensure Board, may adopt such  
24 rules as may be necessary to govern the requirements for  
25 licenses and endorsements under this Section.

1           (1) Professional Educator License. Persons who (i)  
2           have successfully completed an approved educator  
3           preparation program and are recommended for licensure by  
4           the Illinois institution offering the educator preparation  
5           program, (ii) have successfully completed the required  
6           testing under Section 21B-30 of this Code, (iii) have  
7           successfully completed coursework on the psychology of,  
8           the identification of, and the methods of instruction for  
9           the exceptional child, including without limitation  
10          children with learning disabilities, (iv) have  
11          successfully completed coursework in methods of reading  
12          and reading in the content area, and (v) have met all other  
13          criteria established by rule of the State Board of  
14          Education shall be issued a Professional Educator License.  
15          All Professional Educator Licenses are valid until June 30  
16          immediately following 5 years of the license being issued.  
17          The Professional Educator License shall be endorsed with  
18          specific areas and grade levels in which the individual is  
19          eligible to practice.

20                 Individuals can receive subsequent endorsements on the  
21                 Professional Educator License. Subsequent endorsements  
22                 shall require a minimum of 24 semester hours of coursework  
23                 in the endorsement area, unless otherwise specified by  
24                 rule, and passage of the applicable content area test.

25           (2) Educator License with Stipulations. An Educator  
26           License with Stipulations shall be issued an endorsement

1 that limits the license holder to one particular position  
2 or does not require completion of an approved educator  
3 program or both.

4 An individual with an Educator License with  
5 Stipulations must not be employed by a school district or  
6 any other entity to replace any presently employed teacher  
7 who otherwise would not be replaced for any reason.

8 An Educator License with Stipulations may be issued  
9 with the following endorsements:

10 (A) Provisional educator. A provisional educator  
11 endorsement in a specific content area or areas on an  
12 Educator License with Stipulations may be issued to an  
13 applicant who holds an educator license from another  
14 state, U.S. territory, or foreign country and who, at  
15 the time of applying for an Illinois license, does not  
16 meet the minimum requirements under Section 21B-35 of  
17 this Code, but does, at a minimum, meet the following  
18 requirements:

19 (i) Holds the equivalent of a minimum of a  
20 bachelor's degree, unless a master's degree is  
21 required for the endorsement, from a regionally  
22 accredited college or university or, for  
23 individuals educated in a country other than the  
24 United States, the equivalent of a minimum of a  
25 bachelor's degree issued in the United States,  
26 unless a master's degree is required for the

1 endorsement.

2 (ii) Has passed or passes a test of basic  
3 skills and content area test prior to or within one  
4 year after issuance of the provisional educator  
5 endorsement on the Educator License with  
6 Stipulations. If an individual who holds an  
7 Educator License with Stipulations endorsed for  
8 provisional educator has not passed a test of basic  
9 skills and applicable content area test or tests  
10 within one year after issuance of the endorsement,  
11 the endorsement shall expire on June 30 following  
12 one full year of the endorsement being issued. If  
13 such an individual has passed the test of basic  
14 skills and applicable content area test or tests  
15 either prior to issuance of the endorsement or  
16 within one year after issuance of the endorsement,  
17 the endorsement is valid until June 30 immediately  
18 following 2 years of the license being issued,  
19 during which time any and all coursework  
20 deficiencies must be met and any and all additional  
21 testing deficiencies must be met.

22 In addition, a provisional educator endorsement  
23 for principals or superintendents may be issued if the  
24 individual meets the requirements set forth in  
25 subdivisions (1) and (3) of subsection (b-5) of Section  
26 21B-35 of this Code. Applicants who have not been

1           entitled by an Illinois-approved educator preparation  
2           program at an Illinois institution of higher education  
3           shall not receive a provisional educator endorsement  
4           if the person completed an alternative licensure  
5           program in another state, unless the program has been  
6           determined to be equivalent to Illinois program  
7           requirements.

8           Notwithstanding any other requirements of this  
9           Section, a service member or spouse of a service member  
10          may obtain a Professional Educator License with  
11          Stipulations, and a provisional educator endorsement  
12          in a specific content area or areas, if he or she holds  
13          a valid teaching certificate or license in good  
14          standing from another state, meets the qualifications  
15          of educators outlined in Section 21B-15 of this Code,  
16          and has not engaged in any misconduct that would  
17          prohibit an individual from obtaining a license  
18          pursuant to Illinois law, including without limitation  
19          any administrative rules of the State Board of  
20          Education.

21          In this Section, "service member" means any person  
22          who, at the time of application under this Section, is  
23          an active duty member of the United States Armed Forces  
24          or any reserve component of the United States Armed  
25          Forces or the National Guard of any state,  
26          commonwealth, or territory of the United States or the



1 District of Columbia.

2 A provisional educator endorsement is valid until  
3 June 30 immediately following 2 years of the license  
4 being issued, provided that any remaining testing and  
5 coursework deficiencies are met as set forth in this  
6 Section. Failure to satisfy all stated deficiencies  
7 shall mean the individual, including any service  
8 member or spouse who has obtained a Professional  
9 Educator License with Stipulations and a provisional  
10 educator endorsement in a specific content area or  
11 areas, is ineligible to receive a Professional  
12 Educator License at that time. An Educator License with  
13 Stipulations endorsed for provisional educator shall  
14 not be renewed for individuals who hold an Educator  
15 License with Stipulations and who have held a position  
16 in a public school or non-public school recognized by  
17 the State Board of Education.

18 (B) Alternative provisional educator. An  
19 alternative provisional educator endorsement on an  
20 Educator License with Stipulations may be issued to an  
21 applicant who, at the time of applying for the  
22 endorsement, has done all of the following:

23 (i) Graduated from a regionally accredited  
24 college or university with a minimum of a  
25 bachelor's degree.

26 (ii) Successfully completed the first phase of

1           the Alternative Educator Licensure Program for  
2           Teachers, as described in Section 21B-50 of this  
3           Code.

4                   (iii) Passed a test of basic skills and content  
5           area test, as required under Section 21B-30 of this  
6           Code.

7           The alternative provisional educator endorsement  
8           is valid for 2 years of teaching and may be renewed for  
9           a third year by an individual meeting the requirements  
10          set forth in Section 21B-50 of this Code.

11          (C) Alternative provisional superintendent. An  
12          alternative provisional superintendent endorsement on  
13          an Educator License with Stipulations entitles the  
14          holder to serve only as a superintendent or assistant  
15          superintendent in a school district's central office.  
16          This endorsement may only be issued to an applicant  
17          who, at the time of applying for the endorsement, has  
18          done all of the following:

19                   (i) Graduated from a regionally accredited  
20          college or university with a minimum of a master's  
21          degree in a management field other than education.

22                   (ii) Been employed for a period of at least 5  
23          years in a management level position in a field  
24          other than education.

25                   (iii) Successfully completed the first phase  
26          of an alternative route to superintendent

1 endorsement program, as provided in Section 21B-55  
2 of this Code.

3 (iv) Passed a test of basic skills and content  
4 area tests required under Section 21B-30 of this  
5 Code.

6 The endorsement may be registered for 2 fiscal  
7 years in order to complete one full year of serving as  
8 a superintendent or assistant superintendent.

9 (D) Resident teacher endorsement. A resident  
10 teacher endorsement on an Educator License with  
11 Stipulations may be issued to an applicant who, at the  
12 time of applying for the endorsement, has done all of  
13 the following:

14 (i) Graduated from a regionally accredited  
15 institution of higher education with a minimum of a  
16 bachelor's degree.

17 (ii) Enrolled in an approved Illinois educator  
18 preparation program.

19 (iii) Passed a test of basic skills and content  
20 area test, as required under Section 21B-30 of this  
21 Code.

22 The resident teacher endorsement on an Educator  
23 License with Stipulations is valid for 4 years of  
24 teaching and shall not be renewed.

25 A resident teacher may teach only under the  
26 direction of a licensed teacher, who shall act as the

1 resident mentor teacher, and may not teach in place of  
2 a licensed teacher. A resident teacher endorsement on  
3 an Educator License with Stipulations shall no longer  
4 be valid after June 30, 2017.

5 (E) Career and technical educator. A career and  
6 technical educator endorsement on an Educator License  
7 with Stipulations may be issued to an applicant who has  
8 a minimum of 60 semester hours of coursework from a  
9 regionally accredited institution of higher education  
10 or an accredited trade and technical institution and  
11 has a minimum of 2,000 hours of experience outside of  
12 education in each area to be taught.

13 The career and technical educator endorsement on  
14 an Educator License with Stipulations is valid until  
15 June 30 immediately following 5 years of the  
16 endorsement being issued and may be renewed. For  
17 individuals who were issued the career and technical  
18 educator endorsement on an Educator License with  
19 Stipulations on or after January 1, 2015, the license  
20 may be renewed if the individual passes a test of basic  
21 skills or test of work proficiency, as required under  
22 Section 21B-30 of this Code.

23 An individual who holds a valid career and  
24 technical educator endorsement on an Educator License  
25 with Stipulations but does not hold a bachelor's degree  
26 may substitute teach in career and technical education

1 classrooms.

2 (F) Part-time provisional career and technical  
3 educator or provisional career and technical educator.  
4 A part-time provisional career and technical educator  
5 endorsement or a provisional career and technical  
6 educator endorsement on an Educator License with  
7 Stipulations may be issued to an applicant who has a  
8 minimum of 8,000 hours of work experience in the skill  
9 for which the applicant is seeking the endorsement. It  
10 is the responsibility of each employing school board  
11 and regional office of education to provide  
12 verification, in writing, to the State Superintendent  
13 of Education at the time the application is submitted  
14 that no qualified teacher holding a Professional  
15 Educator License or an Educator License with  
16 Stipulations with a career and technical educator  
17 endorsement is available and that actual circumstances  
18 require such issuance.

19 The provisional career and technical educator  
20 endorsement on an Educator License with Stipulations  
21 is valid until June 30 immediately following 5 years of  
22 the endorsement being issued and may be renewed for 5  
23 years. For individuals who were issued the provisional  
24 career and technical educator endorsement on an  
25 Educator License with Stipulations on or after January  
26 1, 2015, the license may be renewed if the individual

1 passes a test of basic skills or test of work  
2 proficiency, as required under Section 21B-30 of this  
3 Code.

4 A part-time provisional career and technical  
5 educator endorsement on an Educator License with  
6 Stipulations may be issued for teaching no more than 2  
7 courses of study for grades 6 through 12. The part-time  
8 provisional career and technical educator endorsement  
9 on an Educator License with Stipulations is valid until  
10 June 30 immediately following 5 years of the  
11 endorsement being issued and may be renewed for 5 years  
12 if the individual makes application for renewal.

13 An individual who holds a provisional or part-time  
14 provisional career and technical educator endorsement  
15 on an Educator License with Stipulations but does not  
16 hold a bachelor's degree may substitute teach in career  
17 and technical education classrooms.

18 (G) Transitional bilingual educator. A  
19 transitional bilingual educator endorsement on an  
20 Educator License with Stipulations may be issued for  
21 the purpose of providing instruction in accordance  
22 with Article 14C of this Code to an applicant who  
23 provides satisfactory evidence that he or she meets all  
24 of the following requirements:

25 (i) Possesses adequate speaking, reading, and  
26 writing ability in the language other than English

1 in which transitional bilingual education is  
2 offered.

3 (ii) Has the ability to successfully  
4 communicate in English.

5 (iii) Either possessed, within 5 years  
6 previous to his or her applying for a transitional  
7 bilingual educator endorsement, a valid and  
8 comparable teaching certificate or comparable  
9 authorization issued by a foreign country or holds  
10 a degree from an institution of higher learning in  
11 a foreign country that the State Educator  
12 Preparation and Licensure Board determines to be  
13 the equivalent of a bachelor's degree from a  
14 regionally accredited institution of higher  
15 learning in the United States.

16 A transitional bilingual educator endorsement  
17 shall be valid for prekindergarten through grade 12, is  
18 valid until June 30 immediately following 5 years of  
19 the endorsement being issued, and shall not be renewed.

20 Persons holding a transitional bilingual educator  
21 endorsement shall not be employed to replace any  
22 presently employed teacher who otherwise would not be  
23 replaced for any reason.

24 (H) Language endorsement. In an effort to  
25 alleviate the shortage of teachers speaking a language  
26 other than English in the public schools, an individual

1           who holds an Educator License with Stipulations may  
2           also apply for a language endorsement, provided that  
3           the applicant provides satisfactory evidence that he  
4           or she meets all of the following requirements:

5                   (i)     Holds     a     transitional     bilingual  
6                   endorsement.

7                   (ii)    Has   demonstrated   proficiency   in   the  
8                   language for which the endorsement is to be issued  
9                   by passing the applicable language content test  
10                  required by the State Board of Education.

11                  (iii)   Holds a bachelor's degree or higher from  
12                  a regionally accredited institution of higher  
13                  education or, for individuals educated in a  
14                  country other than the United States, holds a  
15                  degree from an institution of higher learning in a  
16                  foreign country that the State Educator  
17                  Preparation and Licensure Board determines to be  
18                  the equivalent of a bachelor's degree from a  
19                  regionally accredited institution of higher  
20                  learning in the United States.

21                  (iv)   Has passed a test of basic skills, as  
22                  required under Section 21B-30 of this Code.

23           A language endorsement on an Educator License with  
24           Stipulations is valid for prekindergarten through  
25           grade 12 for the same validity period as the  
26           individual's transitional bilingual educator



1 endorsement on the Educator License with Stipulations  
2 and shall not be renewed.

3 (I) Visiting international educator. A visiting  
4 international educator endorsement on an Educator  
5 License with Stipulations may be issued to an  
6 individual who is being recruited by a particular  
7 school district that conducts formal recruitment  
8 programs outside of the United States to secure the  
9 services of qualified teachers and who meets all of the  
10 following requirements:

11 (i) Holds the equivalent of a minimum of a  
12 bachelor's degree issued in the United States.

13 (ii) Has been prepared as a teacher at the  
14 grade level for which he or she will be employed.

15 (iii) Has adequate content knowledge in the  
16 subject to be taught.

17 (iv) Has an adequate command of the English  
18 language.

19 A holder of a visiting international educator  
20 endorsement on an Educator License with Stipulations  
21 shall be permitted to teach in bilingual education  
22 programs in the language that was the medium of  
23 instruction in his or her teacher preparation program,  
24 provided that he or she passes the English Language  
25 Proficiency Examination or another test of writing  
26 skills in English identified by the State Board of

1 Education, in consultation with the State Educator  
2 Preparation and Licensure Board.

3 A visiting international educator endorsement on  
4 an Educator License with Stipulations is valid for 3  
5 years and shall not be renewed.

6 (J) Paraprofessional educator. A paraprofessional  
7 educator endorsement on an Educator License with  
8 Stipulations may be issued to an applicant who holds a  
9 high school diploma or its recognized equivalent and  
10 either holds an associate's degree or a minimum of 60  
11 semester hours of credit from a regionally accredited  
12 institution of higher education or has passed a test of  
13 basic skills required under Section 21B-30 of this  
14 Code. The paraprofessional educator endorsement is  
15 valid until June 30 immediately following 5 years of  
16 the endorsement being issued and may be renewed through  
17 application and payment of the appropriate fee, as  
18 required under Section 21B-40 of this Code. An  
19 individual who holds only a paraprofessional educator  
20 endorsement is not subject to additional requirements  
21 in order to renew the endorsement.

22 (K) Chief school business official. A chief school  
23 business official endorsement on an Educator License  
24 with Stipulations may be issued to an applicant who  
25 qualifies by having a master's degree or higher, 2  
26 years of full-time administrative experience in school

1 business management or 2 years of university-approved  
2 practical experience, and a minimum of 24 semester  
3 hours of graduate credit in a program approved by the  
4 State Board of Education for the preparation of school  
5 business administrators and by passage of the  
6 applicable State tests, including a test of basic  
7 skills and applicable content area test.

8 The chief school business official endorsement may  
9 also be affixed to the Educator License with  
10 Stipulations of any holder who qualifies by having a  
11 master's degree in business administration, finance,  
12 accounting, or public administration and who completes  
13 an additional 6 semester hours of internship in school  
14 business management from a regionally accredited  
15 institution of higher education and passes the  
16 applicable State tests, including a test of basic  
17 skills and applicable content area test. This  
18 endorsement shall be required for any individual  
19 employed as a chief school business official.

20 The chief school business official endorsement on  
21 an Educator License with Stipulations is valid until  
22 June 30 immediately following 5 years of the  
23 endorsement being issued and may be renewed if the  
24 license holder completes renewal requirements as  
25 required for individuals who hold a Professional  
26 Educator License endorsed for chief school business

1 official under Section 21B-45 of this Code and such  
2 rules as may be adopted by the State Board of  
3 Education.

4 The State Board of Education shall adopt any rules  
5 necessary to implement Public Act 100-288 ~~this~~  
6 ~~amendatory Act of the 100th General Assembly.~~

7 (L) Provisional in-state educator. A provisional  
8 in-state educator endorsement on an Educator License  
9 with Stipulations may be issued to a candidate who has  
10 completed an Illinois-approved educator preparation  
11 program at an Illinois institution of higher education  
12 and who has not successfully completed an  
13 evidence-based assessment of teacher effectiveness but  
14 who meets all of the following requirements:

15 (i) Holds at least a bachelor's degree.

16 (ii) Has completed an approved educator  
17 preparation program at an Illinois institution.

18 (iii) Has passed a test of basic skills and  
19 applicable content area test, as required by  
20 Section 21B-30 of this Code.

21 (iv) Has attempted an evidence-based  
22 assessment of teacher effectiveness and received a  
23 minimum score on that assessment, as established  
24 by the State Board of Education in consultation  
25 with the State Educator Preparation and Licensure  
26 Board.

1           A provisional in-state educator endorsement on an  
2           Educator License with Stipulations is valid for one  
3           full fiscal year after the date of issuance and may not  
4           be renewed.

5           (3) Substitute Teaching License. A Substitute Teaching  
6           License may be issued to qualified applicants for  
7           substitute teaching in all grades of the public schools,  
8           prekindergarten through grade 12. Substitute Teaching  
9           Licenses are not eligible for endorsements. Applicants for  
10          a Substitute Teaching License must hold a bachelor's degree  
11          or higher from a regionally accredited institution of  
12          higher education.

13          Substitute Teaching Licenses are valid for 5 years.

14          Substitute Teaching Licenses are valid for substitute  
15          teaching in every county of this State. If an individual  
16          has had his or her Professional Educator License or  
17          Educator License with Stipulations suspended or revoked or  
18          has not met the renewal requirements for licensure, then  
19          that individual is not eligible to obtain a Substitute  
20          Teaching License.

21          A substitute teacher may only teach in the place of a  
22          licensed teacher who is under contract with the employing  
23          board. If, however, there is no licensed teacher under  
24          contract because of an emergency situation, then a district  
25          may employ a substitute teacher for no longer than 30  
26          calendar days per each vacant position in the district if

1 the district notifies the appropriate regional office of  
2 education within 5 business days after the employment of  
3 the substitute teacher in the emergency situation. An  
4 emergency situation is one in which an unforeseen vacancy  
5 has occurred and (i) a teacher is unable to fulfill his or  
6 her contractual duties or (ii) teacher capacity needs of  
7 the district exceed previous indications, and the district  
8 is actively engaged in advertising to hire a fully licensed  
9 teacher for the vacant position.

10 There is no limit on the number of days that a  
11 substitute teacher may teach in a single school district,  
12 provided that no substitute teacher may teach for longer  
13 than 90 school days for any one licensed teacher under  
14 contract in the same school year. A substitute teacher who  
15 holds a Professional Educator License or Educator License  
16 with Stipulations shall not teach for more than 120 school  
17 days for any one licensed teacher under contract in the  
18 same school year. The limitations in this paragraph (3) on  
19 the number of days a substitute teacher may be employed do  
20 not apply to any school district operating under Article 34  
21 of this Code.

22 (Source: P.A. 99-35, eff. 1-1-16; 99-58, eff. 7-16-15; 99-143,  
23 eff. 7-27-15; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17; 100-8,  
24 eff. 7-1-17; 100-13, eff. 7-1-17; 100-288, eff. 8-24-17;  
25 revised 9-25-17.)

1 (105 ILCS 5/21B-25)

2 Sec. 21B-25. Endorsement on licenses. All licenses issued  
3 under paragraph (1) of Section 21B-20 of this Code shall be  
4 specifically endorsed by the State Board of Education for each  
5 content area, school support area, and administrative area for  
6 which the holder of the license is qualified. Recognized  
7 institutions approved to offer educator preparation programs  
8 shall be trained to add endorsements to licenses issued to  
9 applicants who meet all of the requirements for the endorsement  
10 or endorsements, including passing any required tests. The  
11 State Superintendent of Education shall randomly audit  
12 institutions to ensure that all rules and standards are being  
13 followed for entitlement or when endorsements are being  
14 recommended.

15 (1) The State Board of Education, in consultation with  
16 the State Educator Preparation and Licensure Board, shall  
17 establish, by rule, the grade level and subject area  
18 endorsements to be added to the Professional Educator  
19 License. These rules shall outline the requirements for  
20 obtaining each endorsement.

21 (2) In addition to any and all grade level and content  
22 area endorsements developed by rule, the State Board of  
23 Education, in consultation with the State Educator  
24 Preparation and Licensure Board, shall develop the  
25 requirements for the following endorsements:

26 (A) General administrative endorsement. A general

1 administrative endorsement shall be added to a  
2 Professional Educator License, provided that an  
3 approved program has been completed. An individual  
4 holding a general administrative endorsement may work  
5 only as a principal or assistant principal or in a  
6 related or similar position, as determined by the State  
7 Superintendent of Education, in consultation with the  
8 State Educator Preparation and Licensure Board.

9 Beginning on September 1, 2014, the general  
10 administrative endorsement shall no longer be issued  
11 except to individuals who completed all coursework  
12 requirements for the receipt of the general  
13 administrative endorsement by September 1, 2014, who  
14 have completed all testing requirements by June 30,  
15 2016, and who apply for the endorsement on or before  
16 June 30, 2016. Individuals who hold a valid and  
17 registered administrative certificate with a general  
18 administrative endorsement issued under Section 21-7.1  
19 of this Code or a Professional Educator License with a  
20 general administrative endorsement issued prior to  
21 September 1, 2014 and who have served for at least one  
22 full year during the 5 years prior in a position  
23 requiring a general administrative endorsement shall,  
24 upon request to the State Board of Education and  
25 through July 1, 2015, have their respective general  
26 administrative endorsement converted to a principal



1 endorsement on the Professional Educator License.  
2 Candidates shall not be admitted to an approved general  
3 administrative preparation program after September 1,  
4 2012.

5 All other individuals holding a valid and  
6 registered administrative certificate with a general  
7 administrative endorsement issued pursuant to Section  
8 21-7.1 of this Code or a general administrative  
9 endorsement on a Professional Educator License issued  
10 prior to September 1, 2014 shall have the general  
11 administrative endorsement converted to a principal  
12 endorsement on a Professional Educator License upon  
13 request to the State Board of Education and by  
14 completing one of the following pathways:

15 (i) Passage of the State principal assessment  
16 developed by the State Board of Education.

17 (ii) Through July 1, 2019, completion of an  
18 Illinois Educators' Academy course designated by  
19 the State Superintendent of Education.

20 (iii) Completion of a principal preparation  
21 program established and approved pursuant to  
22 Section 21B-60 of this Code and applicable rules.

23 Individuals who do not choose to convert the  
24 general administrative endorsement on the  
25 administrative certificate issued pursuant to Section  
26 21-7.1 of this Code or on the Professional Educator

1 License shall continue to be able to serve in any  
2 position previously allowed under paragraph (2) of  
3 subsection (e) of Section 21-7.1 of this Code.

4 The general administrative endorsement on the  
5 Professional Educator License is available only to  
6 individuals who, prior to September 1, 2014, had such  
7 an endorsement on the administrative certificate  
8 issued pursuant to Section 21-7.1 of this Code or who  
9 already have a Professional Educator License and have  
10 completed a general administrative program and who do  
11 not choose to convert the general administrative  
12 endorsement to a principal endorsement pursuant to the  
13 options in this Section.

14 (B) Principal endorsement. A principal endorsement  
15 shall be affixed to a Professional Educator License of  
16 any holder who qualifies by having all of the  
17 following:

18 (i) Successful completion of a principal  
19 preparation program approved in accordance with  
20 Section 21B-60 of this Code and any applicable  
21 rules.

22 (ii) At least 4 total years of teaching or 4  
23 total years of working in the capacity of school  
24 support personnel in an Illinois public school or  
25 nonpublic school recognized by the State Board of  
26 Education or in an out-of-state public school or

1 out-of-state nonpublic school meeting out-of-state  
2 recognition standards comparable to those approved  
3 by the State Superintendent of Education; however,  
4 the State Board of Education, in consultation with  
5 the State Educator Preparation and Licensure  
6 Board, shall allow, by rules, for fewer than 4  
7 years of experience based on meeting standards set  
8 forth in such rules, including without limitation  
9 a review of performance evaluations or other  
10 evidence of demonstrated qualifications.

11 (iii) A master's degree or higher from a  
12 regionally accredited college or university.

13 (C) Chief school business official endorsement. A  
14 chief school business official endorsement shall be  
15 affixed to the Professional Educator License of any  
16 holder who qualifies by having a master's degree or  
17 higher, 2 years of full-time administrative experience  
18 in school business management or 2 years of  
19 university-approved practical experience, and a  
20 minimum of 24 semester hours of graduate credit in a  
21 program approved by the State Board of Education for  
22 the preparation of school business administrators and  
23 by passage of the applicable State tests. The chief  
24 school business official endorsement may also be  
25 affixed to the Professional Educator License of any  
26 holder who qualifies by having a master's degree in

1 business administration, finance, accounting, or  
2 public administration and who completes an additional  
3 6 semester hours of internship in school business  
4 management from a regionally accredited institution of  
5 higher education and passes the applicable State  
6 tests. This endorsement shall be required for any  
7 individual employed as a chief school business  
8 official.

9 (D) Superintendent endorsement. A superintendent  
10 endorsement shall be affixed to the Professional  
11 Educator License of any holder who has completed a  
12 program approved by the State Board of Education for  
13 the preparation of superintendents of schools, has had  
14 at least 2 years of experience employed full-time in a  
15 general administrative position or as a full-time  
16 principal, director of special education, or chief  
17 school business official in the public schools or in a  
18 State-recognized nonpublic school in which the chief  
19 administrator is required to have the licensure  
20 necessary to be a principal in a public school in this  
21 State and where a majority of the teachers are required  
22 to have the licensure necessary to be instructors in a  
23 public school in this State, and has passed the  
24 required State tests; or of any holder who has  
25 completed a program that is not an Illinois-approved  
26 educator preparation program at an Illinois

1 institution of higher education and that has  
2 recognition standards comparable to those approved by  
3 the State Superintendent of Education and holds the  
4 general administrative, principal, or chief school  
5 business official endorsement and who has had 2 years  
6 of experience as a principal, director of special  
7 education, or chief school business official while  
8 holding a valid educator license or certificate  
9 comparable in validity and educational and experience  
10 requirements and has passed the appropriate State  
11 tests, as provided in Section 21B-30 of this Code. The  
12 superintendent endorsement shall allow individuals to  
13 serve only as a superintendent or assistant  
14 superintendent.

15 (E) Teacher leader endorsement. It shall be the  
16 policy of this State to improve the quality of  
17 instructional leaders by providing a career pathway  
18 for teachers interested in serving in leadership  
19 roles, but not as principals. The State Board of  
20 Education, in consultation with the State Educator  
21 Preparation and Licensure Board, may issue a teacher  
22 leader endorsement under this subdivision (E). Persons  
23 who meet and successfully complete the requirements of  
24 the endorsement shall be issued a teacher leader  
25 endorsement on the Professional Educator License for  
26 serving in schools in this State. Teacher leaders may

1           qualify to serve in such positions as department  
2           chairs, coaches, mentors, curriculum and instruction  
3           leaders, or other leadership positions as defined by  
4           the district. The endorsement shall be available to  
5           those teachers who (i) hold a Professional Educator  
6           License, (ii) hold a master's degree or higher from a  
7           regionally accredited institution, (iii) have  
8           completed a program of study that has been approved by  
9           the State Board of Education, in consultation with the  
10          State Educator Preparation and Licensure Board, and  
11          (iv) have successfully demonstrated competencies as  
12          defined by rule.

13                 A teacher who meets the requirements set forth in  
14                 this Section and holds a teacher leader endorsement may  
15                 evaluate teachers pursuant to Section 24A-5 of this  
16                 Code, provided that the individual has completed the  
17                 evaluation component required by Section 24A-3 of this  
18                 Code and a teacher leader is allowed to evaluate  
19                 personnel under the respective school district's  
20                 collective bargaining agreement.

21                 The State Board of Education, in consultation with  
22                 the State Educator Preparation and Licensure Board,  
23                 may adopt such rules as may be necessary to establish  
24                 and implement the teacher leader endorsement program  
25                 and to specify the positions for which this endorsement  
26                 shall be required.

1           (F) Special education endorsement. A special  
2 education endorsement in one or more areas shall be  
3 affixed to a Professional Educator License for any  
4 individual that meets those requirements established  
5 by the State Board of Education in rules. Special  
6 education endorsement areas shall include without  
7 limitation the following:

- 8                   (i) Learning Behavior Specialist I;  
9                   (ii) Learning Behavior Specialist II;  
10                   (iii) Speech Language Pathologist;  
11                   (iv) Blind or Visually Impaired;  
12                   (v) Deaf-Hard of Hearing;  
13                   (vi) Early Childhood Special Education; and  
14                   (vii) Director of Special Education.

15 Notwithstanding anything in this Code to the contrary,  
16 the State Board of Education, in consultation with the  
17 State Educator Preparation and Licensure Board, may  
18 add additional areas of special education by rule.

19           (G) School support personnel endorsement. School  
20 support personnel endorsement areas shall include, but  
21 are not limited to, school counselor, marriage and  
22 family therapist, school psychologist, school speech  
23 and language pathologist, school nurse, and school  
24 social worker. This endorsement is for individuals who  
25 are not teachers or administrators, but still require  
26 licensure to work in an instructional support position

1 in a public or State-operated elementary school,  
2 secondary school, or cooperative or joint agreement  
3 with a governing body or board of control or a charter  
4 school operating in compliance with the Charter  
5 Schools Law. The school support personnel endorsement  
6 shall be affixed to the Professional Educator License  
7 and shall meet all of the requirements established in  
8 any rules adopted to implement this subdivision (G).  
9 The holder of such an endorsement is entitled to all of  
10 the rights and privileges granted holders of any other  
11 Professional Educator License, including teacher  
12 benefits, compensation, and working conditions.

13 Beginning on January 1, 2014 and ending on April  
14 30, 2014, a person holding a Professional Educator  
15 License with a school speech and language pathologist  
16 (teaching) endorsement may exchange his or her school  
17 speech and language pathologist (teaching) endorsement  
18 for a school speech and language pathologist  
19 (non-teaching) endorsement through application to the  
20 State Board of Education. There shall be no cost for  
21 this exchange.

22 (Source: P.A. 99-58, eff. 7-16-15; 99-623, eff. 7-22-16;  
23 99-920, eff. 1-6-17; 100-13, eff. 7-1-17; 100-267, eff.  
24 8-22-17; 100-288, eff. 8-24-17; revised 9-25-17.)



1           Sec. 21B-30. Educator testing.

2           (a) This Section applies beginning on July 1, 2012.

3           (b) The State Board of Education, in consultation with the  
4 State Educator Preparation and Licensure Board, shall design  
5 and implement a system of examinations, which shall be required  
6 prior to the issuance of educator licenses. These examinations  
7 and indicators must be based on national and State professional  
8 teaching standards, as determined by the State Board of  
9 Education, in consultation with the State Educator Preparation  
10 and Licensure Board. The State Board of Education may adopt  
11 such rules as may be necessary to implement and administer this  
12 Section.

13           (c) Applicants seeking a Professional Educator License or  
14 an Educator License with Stipulations shall be required to pass  
15 a test of basic skills before the license is issued, unless the  
16 endorsement the individual is seeking does not require passage  
17 of the test. All applicants completing Illinois-approved,  
18 teacher education or school service personnel preparation  
19 programs shall be required to pass the State Board of  
20 Education's recognized test of basic skills prior to starting  
21 their student teaching or starting the final semester of their  
22 internship, unless required earlier at the discretion of the  
23 recognized, Illinois institution in which they are completing  
24 their approved program. An individual who passes a test of  
25 basic skills does not need to do so again for subsequent  
26 endorsements or other educator licenses.

1 (d) All applicants seeking a State license shall be  
2 required to pass a test of content area knowledge for each area  
3 of endorsement for which there is an applicable test. There  
4 shall be no exception to this requirement. No candidate shall  
5 be allowed to student teach or serve as the teacher of record  
6 until he or she has passed the applicable content area test.

7 (e) (Blank). ~~and completing their student teaching~~  
8 ~~experience no later than August 31, 2015 Prior to September 1,~~  
9 ~~2015, passage The APT shall be available through August 31,~~  
10 ~~2020.~~

11 (f) Except as otherwise provided in this Article, beginning  
12 on September 1, 2015, all candidates completing teacher  
13 preparation programs in this State and all candidates subject  
14 to Section 21B-35 of this Code are required to pass an  
15 evidence-based assessment of teacher effectiveness approved by  
16 the State Board of Education, in consultation with the State  
17 Educator Preparation and Licensure Board. All recognized  
18 institutions offering approved teacher preparation programs  
19 must begin phasing in the approved teacher performance  
20 assessment no later than July 1, 2013.

21 (g) Tests of basic skills and content area knowledge and  
22 the assessment of professional teaching shall be the tests that  
23 from time to time are designated by the State Board of  
24 Education, in consultation with the State Educator Preparation  
25 and Licensure Board, and may be tests prepared by an  
26 educational testing organization or tests designed by the State

1 Board of Education, in consultation with the State Educator  
2 Preparation and Licensure Board. The areas to be covered by a  
3 test of basic skills shall include reading, language arts, and  
4 mathematics. The test of content area knowledge shall assess  
5 content knowledge in a specific subject field. The tests must  
6 be designed to be racially neutral to ensure that no person  
7 taking the tests is discriminated against on the basis of race,  
8 color, national origin, or other factors unrelated to the  
9 person's ability to perform as a licensed employee. The score  
10 required to pass the tests shall be fixed by the State Board of  
11 Education, in consultation with the State Educator Preparation  
12 and Licensure Board. The tests shall be administered not fewer  
13 than 3 times a year at such time and place as may be designated  
14 by the State Board of Education, in consultation with the State  
15 Educator Preparation and Licensure Board.

16 The State Board shall implement a test or tests to assess  
17 the speaking, reading, writing, and grammar skills of  
18 applicants for an endorsement or a license issued under  
19 subdivision (G) of paragraph (2) of Section 21B-20 of this Code  
20 in the English language and in the language of the transitional  
21 bilingual education program requested by the applicant.

22 (h) Except as provided in Section 34-6 of this Code, the  
23 provisions of this Section shall apply equally in any school  
24 district subject to Article 34 of this Code.

25 (i) The rules developed to implement and enforce the  
26 testing requirements under this Section shall include without

1 limitation provisions governing test selection, test  
2 validation and determination of a passing score,  
3 administration of the tests, frequency of administration,  
4 applicant fees, frequency of applicants taking the tests, the  
5 years for which a score is valid, and appropriate special  
6 accommodations. The State Board of Education shall develop such  
7 rules as may be needed to ensure uniformity from year to year  
8 in the level of difficulty for each form of an assessment.

9 (Source: P.A. 98-361, eff. 1-1-14; 98-581, eff. 8-27-13;  
10 98-756, eff. 7-16-14; 99-58, eff. 7-16-15; 99-657, eff.  
11 7-28-16; 99-920, eff. 1-6-17; revised 1-23-17.)

12 (105 ILCS 5/21B-45)

13 Sec. 21B-45. Professional Educator License renewal.

14 (a) Individuals holding a Professional Educator License  
15 are required to complete the licensure renewal requirements as  
16 specified in this Section, unless otherwise provided in this  
17 Code.

18 Individuals holding a Professional Educator License shall  
19 meet the renewal requirements set forth in this Section, unless  
20 otherwise provided in this Code. If an individual holds a  
21 license endorsed in more than one area that has different  
22 renewal requirements, that individual shall follow the renewal  
23 requirements for the position for which he or she spends the  
24 majority of his or her time working.

25 (b) All Professional Educator Licenses not renewed as

1 provided in this Section shall lapse on September 1 of that  
2 year. Notwithstanding any other provisions of this Section, if  
3 a license holder's electronic mail address is available, the  
4 State Board of Education shall send him or her notification  
5 electronically that his or her license will lapse if not  
6 renewed, to be sent no more than 6 months prior to the license  
7 lapsing. Lapsed licenses may be immediately reinstated upon (i)  
8 payment by the applicant of a \$500 penalty to the State Board  
9 of Education or (ii) the demonstration of proficiency by  
10 completing 9 semester hours of coursework from a regionally  
11 accredited institution of higher education in the content area  
12 that most aligns with one or more of the educator's endorsement  
13 areas. Any and all back fees, including without limitation  
14 registration fees owed from the time of expiration of the  
15 license until the date of reinstatement, shall be paid and kept  
16 in accordance with the provisions in Article 3 of this Code  
17 concerning an institute fund and the provisions in Article 21B  
18 of this Code concerning fees and requirements for registration.  
19 Licenses not registered in accordance with Section 21B-40 of  
20 this Code shall lapse after a period of 6 months from the  
21 expiration of the last year of registration or on January 1 of  
22 the fiscal year following initial issuance of the license. An  
23 unregistered license is invalid after September 1 for  
24 employment and performance of services in an Illinois public or  
25 State-operated school or cooperative and in a charter school.  
26 Any license or endorsement may be voluntarily surrendered by

1 the license holder. A voluntarily surrendered license, except a  
2 substitute teaching license issued under Section 21B-20 of this  
3 Code, shall be treated as a revoked license. An Educator  
4 License with Stipulations with only a paraprofessional  
5 endorsement does not lapse.

6 (c) From July 1, 2013 through June 30, 2014, in order to  
7 satisfy the requirements for licensure renewal provided for in  
8 this Section, each professional educator licensee with an  
9 administrative endorsement who is working in a position  
10 requiring such endorsement shall complete one Illinois  
11 Administrators' Academy course, as described in Article 2 of  
12 this Code, per fiscal year.

13 (d) Beginning July 1, 2014, in order to satisfy the  
14 requirements for licensure renewal provided for in this  
15 Section, each professional educator licensee may create a  
16 professional development plan each year. The plan shall address  
17 one or more of the endorsements that are required of his or her  
18 educator position if the licensee is employed and performing  
19 services in an Illinois public or State-operated school or  
20 cooperative. If the licensee is employed in a charter school,  
21 the plan shall address that endorsement or those endorsements  
22 most closely related to his or her educator position. Licensees  
23 employed and performing services in any other Illinois schools  
24 may participate in the renewal requirements by adhering to the  
25 same process.

26 Except as otherwise provided in this Section, the

1 licensee's professional development activities shall align  
2 with one or more of the following criteria:

3 (1) activities are of a type that engage participants  
4 over a sustained period of time allowing for analysis,  
5 discovery, and application as they relate to student  
6 learning, social or emotional achievement, or well-being;

7 (2) professional development aligns to the licensee's  
8 performance;

9 (3) outcomes for the activities must relate to student  
10 growth or district improvement;

11 (4) activities align to State-approved standards; and

12 (5) higher education coursework.

13 (e) For each renewal cycle, each professional educator  
14 licensee shall engage in professional development activities.  
15 Prior to renewal, the licensee shall enter electronically into  
16 the Educator Licensure Information System (ELIS) the name,  
17 date, and location of the activity, the number of professional  
18 development hours, and the provider's name. The following  
19 provisions shall apply concerning professional development  
20 activities:

21 (1) Each licensee shall complete a total of 120 hours  
22 of professional development per 5-year renewal cycle in  
23 order to renew the license, except as otherwise provided in  
24 this Section.

25 (2) Beginning with his or her first full 5-year cycle,  
26 any licensee with an administrative endorsement who is not

1 working in a position requiring such endorsement is not  
2 required to complete Illinois Administrators' Academy  
3 courses, as described in Article 2 of this Code. Such  
4 licensees must complete one Illinois Administrators'  
5 Academy course within one year after returning to a  
6 position that requires the administrative endorsement.

7 (3) Any licensee with an administrative endorsement  
8 who is working in a position requiring such endorsement or  
9 an individual with a Teacher Leader endorsement serving in  
10 an administrative capacity at least 50% of the day shall  
11 complete one Illinois Administrators' Academy course, as  
12 described in Article 2 of this Code, each fiscal year in  
13 addition to 100 hours of professional development per  
14 5-year renewal cycle in accordance with this Code.

15 (4) Any licensee holding a current National Board for  
16 Professional Teaching Standards (NBPTS) master teacher  
17 designation shall complete a total of 60 hours of  
18 professional development per 5-year renewal cycle in order  
19 to renew the license.

20 (5) Licensees working in a position that does not  
21 require educator licensure or working in a position for  
22 less than 50% for any particular year are considered to be  
23 exempt and shall be required to pay only the registration  
24 fee in order to renew and maintain the validity of the  
25 license.

26 (6) Licensees who are retired and qualify for benefits



1 from a State retirement system shall notify the State Board  
2 of Education using ELIS, and the license shall be  
3 maintained in retired status. For any renewal cycle in  
4 which a licensee retires during the renewal cycle, the  
5 licensee must complete professional development activities  
6 on a prorated basis depending on the number of years during  
7 the renewal cycle the educator held an active license. If a  
8 licensee retires during a renewal cycle, the licensee must  
9 notify the State Board of Education using ELIS that the  
10 licensee wishes to maintain the license in retired status  
11 and must show proof of completion of professional  
12 development activities on a prorated basis for all years of  
13 that renewal cycle for which the license was active. An  
14 individual with a license in retired status shall not be  
15 required to complete professional development activities  
16 or pay registration fees until returning to a position that  
17 requires educator licensure. Upon returning to work in a  
18 position that requires the Professional Educator License,  
19 the licensee shall immediately pay a registration fee and  
20 complete renewal requirements for that year. A license in  
21 retired status cannot lapse. Beginning on January 6, 2017  
22 (the effective date of Public Act 99-920) through December  
23 31, 2017, any licensee who has retired and whose license  
24 has lapsed for failure to renew as provided in this Section  
25 may reinstate that license and maintain it in retired  
26 status upon providing proof to the State Board of Education

1 using ELIS that the licensee is retired and is not working  
2 in a position that requires a Professional Educator  
3 License.

4 (7) For any renewal cycle in which professional  
5 development hours were required, but not fulfilled, the  
6 licensee shall complete any missed hours to total the  
7 minimum professional development hours required in this  
8 Section prior to September 1 of that year. For any fiscal  
9 year or renewal cycle in which an Illinois Administrators'  
10 Academy course was required but not completed, the licensee  
11 shall complete any missed Illinois Administrators' Academy  
12 courses prior to September 1 of that year. The licensee may  
13 complete all deficient hours and Illinois Administrators'  
14 Academy courses while continuing to work in a position that  
15 requires that license until September 1 of that year.

16 (8) Any licensee who has not fulfilled the professional  
17 development renewal requirements set forth in this Section  
18 at the end of any 5-year renewal cycle is ineligible to  
19 register his or her license and may submit an appeal to the  
20 State Superintendent of Education for reinstatement of the  
21 license.

22 (9) If professional development opportunities were  
23 unavailable to a licensee, proof that opportunities were  
24 unavailable and request for an extension of time beyond  
25 August 31 to complete the renewal requirements may be  
26 submitted from April 1 through June 30 of that year to the

1 State Educator Preparation and Licensure Board. If an  
2 extension is approved, the license shall remain valid  
3 during the extension period.

4 (10) Individuals who hold exempt licenses prior to  
5 December 27, 2013 (the effective date of Public Act 98-610)  
6 shall commence the annual renewal process with the first  
7 scheduled registration due after December 27, 2013 (the  
8 effective date of Public Act 98-610).

9 (11) Notwithstanding any other provision of this  
10 subsection (e), if a licensee earns more than the required  
11 number of professional development hours during a renewal  
12 cycle, then the licensee may carry over any hours earned  
13 from April 1 through June 30 of the last year of the  
14 renewal cycle. Any hours carried over in this manner must  
15 be applied to the next renewal cycle. Illinois  
16 Administrators' Academy courses or hours earned in those  
17 courses may not be carried over.

18 (f) At the time of renewal, each licensee shall respond to  
19 the required questions under penalty of perjury.

20 (g) The following entities shall be designated as approved  
21 to provide professional development activities for the renewal  
22 of Professional Educator Licenses:

23 (1) The State Board of Education.

24 (2) Regional offices of education and intermediate  
25 service centers.

26 (3) Illinois professional associations representing

1 the following groups that are approved by the State  
2 Superintendent of Education:

3 (A) school administrators;

4 (B) principals;

5 (C) school business officials;

6 (D) teachers, including special education  
7 teachers;

8 (E) school boards;

9 (F) school districts;

10 (G) parents; and

11 (H) school service personnel.

12 (4) Regionally accredited institutions of higher  
13 education that offer Illinois-approved educator  
14 preparation programs and public community colleges subject  
15 to the Public Community College Act.

16 (5) Illinois public school districts, charter schools  
17 authorized under Article 27A of this Code, and joint  
18 educational programs authorized under Article 10 of this  
19 Code for the purposes of providing career and technical  
20 education or special education services.

21 (6) A not-for-profit organization that, as of December  
22 31, 2014 (the effective date of Public Act 98-1147), has  
23 had or has a grant from or a contract with the State Board  
24 of Education to provide professional development services  
25 in the area of English Learning to Illinois school  
26 districts, teachers, or administrators.

1           (7) State agencies, State boards, and State  
2 commissions.

3           (8) Museums as defined in Section 10 of the Museum  
4 Disposition of Property Act.

5           (h) Approved providers under subsection (g) of this Section  
6 shall make available professional development opportunities  
7 that satisfy at least one of the following:

8           (1) increase the knowledge and skills of school and  
9 district leaders who guide continuous professional  
10 development;

11           (2) improve the learning of students;

12           (3) organize adults into learning communities whose  
13 goals are aligned with those of the school and district;

14           (4) deepen educator's content knowledge;

15           (5) provide educators with research-based  
16 instructional strategies to assist students in meeting  
17 rigorous academic standards;

18           (6) prepare educators to appropriately use various  
19 types of classroom assessments;

20           (7) use learning strategies appropriate to the  
21 intended goals;

22           (8) provide educators with the knowledge and skills to  
23 collaborate; or

24           (9) prepare educators to apply research to  
25 decision-making.

26           (i) Approved providers under subsection (g) of this Section

1 shall do the following:

2 (1) align professional development activities to the  
3 State-approved national standards for professional  
4 learning;

5 (2) meet the professional development criteria for  
6 Illinois licensure renewal;

7 (3) produce a rationale for the activity that explains  
8 how it aligns to State standards and identify the  
9 assessment for determining the expected impact on student  
10 learning or school improvement;

11 (4) maintain original documentation for completion of  
12 activities; and

13 (5) provide license holders with evidence of  
14 completion of activities.

15 (j) The State Board of Education shall conduct annual  
16 audits of a subset of approved providers, except for school  
17 districts, which shall be audited by regional offices of  
18 education and intermediate service centers. Each approved  
19 provider, except for school districts, that is audited by a  
20 regional office of education or intermediate service center  
21 must be audited at least once every 5 years. The State Board of  
22 Education shall complete random audits of licensees.

23 (1) Approved providers shall annually submit to the  
24 State Board of Education a list of subcontractors used for  
25 delivery of professional development activities for which  
26 renewal credit was issued and other information as defined

1 by rule.

2 (2) Approved providers shall annually submit data to  
3 the State Board of Education demonstrating how the  
4 professional development activities impacted one or more  
5 of the following:

6 (A) educator and student growth in regards to  
7 content knowledge or skills, or both;

8 (B) educator and student social and emotional  
9 growth; or

10 (C) alignment to district or school improvement  
11 plans.

12 (3) The State Superintendent of Education shall review  
13 the annual data collected by the State Board of Education,  
14 regional offices of education, and intermediate service  
15 centers in audits to determine if the approved provider has  
16 met the criteria and should continue to be an approved  
17 provider or if further action should be taken as provided  
18 in rules.

19 (k) Registration fees shall be paid for the next renewal  
20 cycle between April 1 and June 30 in the last year of each  
21 5-year renewal cycle using ELIS. If all required professional  
22 development hours for the renewal cycle have been completed and  
23 entered by the licensee, the licensee shall pay the  
24 registration fees for the next cycle using a form of credit or  
25 debit card.

26 (l) Any professional educator licensee endorsed for school

1 support personnel who is employed and performing services in  
2 Illinois public schools and who holds an active and current  
3 professional license issued by the Department of Financial and  
4 Professional Regulation or a national certification board, as  
5 approved by the State Board of Education, related to the  
6 endorsement areas on the Professional Educator License shall be  
7 deemed to have satisfied the continuing professional  
8 development requirements provided for in this Section. Such  
9 individuals shall be required to pay only registration fees to  
10 renew the Professional Educator License. An individual who does  
11 not hold a license issued by the Department of Financial and  
12 Professional Regulation shall complete professional  
13 development requirements for the renewal of a Professional  
14 Educator License provided for in this Section.

15 (m) Appeals to the State Educator Preparation and Licensure  
16 Board must be made within 30 days after receipt of notice from  
17 the State Superintendent of Education that a license will not  
18 be renewed based upon failure to complete the requirements of  
19 this Section. A licensee may appeal that decision to the State  
20 Educator Preparation and Licensure Board in a manner prescribed  
21 by rule.

22 (1) Each appeal shall state the reasons why the State  
23 Superintendent's decision should be reversed and shall be  
24 sent by certified mail, return receipt requested, to the  
25 State Board of Education.

26 (2) The State Educator Preparation and Licensure Board



1 shall review each appeal regarding renewal of a license  
2 within 90 days after receiving the appeal in order to  
3 determine whether the licensee has met the requirements of  
4 this Section. The State Educator Preparation and Licensure  
5 Board may hold an appeal hearing or may make its  
6 determination based upon the record of review, which shall  
7 consist of the following:

8 (A) the regional superintendent of education's  
9 rationale for recommending nonrenewal of the license,  
10 if applicable;

11 (B) any evidence submitted to the State  
12 Superintendent along with the individual's electronic  
13 statement of assurance for renewal; and

14 (C) the State Superintendent's rationale for  
15 nonrenewal of the license.

16 (3) The State Educator Preparation and Licensure Board  
17 shall notify the licensee of its decision regarding license  
18 renewal by certified mail, return receipt requested, no  
19 later than 30 days after reaching a decision. Upon receipt  
20 of notification of renewal, the licensee, using ELIS, shall  
21 pay the applicable registration fee for the next cycle  
22 using a form of credit or debit card.

23 (n) The State Board of Education may adopt rules as may be  
24 necessary to implement this Section.

25 (Source: P.A. 99-58, eff. 7-16-15; 99-130, eff. 7-24-15;  
26 99-591, eff. 1-1-17; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17;

1 100-13, eff. 7-1-17; 100-339, eff. 8-25-17; revised 9-22-17.)

2 (105 ILCS 5/22-80)

3 Sec. 22-80. Student athletes; concussions and head  
4 injuries.

5 (a) The General Assembly recognizes all of the following:

6 (1) Concussions are one of the most commonly reported  
7 injuries in children and adolescents who participate in  
8 sports and recreational activities. The Centers for  
9 Disease Control and Prevention estimates that as many as  
10 3,900,000 sports-related and recreation-related  
11 concussions occur in the United States each year. A  
12 concussion is caused by a blow or motion to the head or  
13 body that causes the brain to move rapidly inside the  
14 skull. The risk of catastrophic injuries or death are  
15 significant when a concussion or head injury is not  
16 properly evaluated and managed.

17 (2) Concussions are a type of brain injury that can  
18 range from mild to severe and can disrupt the way the brain  
19 normally works. Concussions can occur in any organized or  
20 unorganized sport or recreational activity and can result  
21 from a fall or from players colliding with each other, the  
22 ground, or with obstacles. Concussions occur with or  
23 without loss of consciousness, but the vast majority of  
24 concussions occur without loss of consciousness.

25 (3) Continuing to play with a concussion or symptoms of

1 a head injury leaves a young athlete especially vulnerable  
2 to greater injury and even death. The General Assembly  
3 recognizes that, despite having generally recognized  
4 return-to-play standards for concussions and head  
5 injuries, some affected youth athletes are prematurely  
6 returned to play, resulting in actual or potential physical  
7 injury or death to youth athletes in this State.

8 (4) Student athletes who have sustained a concussion  
9 may need informal or formal accommodations, modifications  
10 of curriculum, and monitoring by medical or academic staff  
11 until the student is fully recovered. To that end, all  
12 schools are encouraged to establish a return-to-learn  
13 protocol that is based on peer-reviewed scientific  
14 evidence consistent with Centers for Disease Control and  
15 Prevention guidelines and conduct baseline testing for  
16 student athletes.

17 (b) In this Section:

18 "Athletic trainer" means an athletic trainer licensed  
19 under the Illinois Athletic Trainers Practice Act who is  
20 working under the supervision of a physician.

21 "Coach" means any volunteer or employee of a school who is  
22 responsible for organizing and supervising students to teach  
23 them or train them in the fundamental skills of an  
24 interscholastic athletic activity. "Coach" refers to both head  
25 coaches and assistant coaches.

26 "Concussion" means a complex pathophysiological process

1 affecting the brain caused by a traumatic physical force or  
2 impact to the head or body, which may include temporary or  
3 prolonged altered brain function resulting in physical,  
4 cognitive, or emotional symptoms or altered sleep patterns and  
5 which may or may not involve a loss of consciousness.

6 "Department" means the Department of Financial and  
7 Professional Regulation.

8 "Game official" means a person who officiates at an  
9 interscholastic athletic activity, such as a referee or umpire,  
10 including, but not limited to, persons enrolled as game  
11 officials by the Illinois High School Association or Illinois  
12 Elementary School Association.

13 "Interscholastic athletic activity" means any organized  
14 school-sponsored or school-sanctioned activity for students,  
15 generally outside of school instructional hours, under the  
16 direction of a coach, athletic director, or band leader,  
17 including, but not limited to, baseball, basketball,  
18 cheerleading, cross country track, fencing, field hockey,  
19 football, golf, gymnastics, ice hockey, lacrosse, marching  
20 band, rugby, soccer, skating, softball, swimming and diving,  
21 tennis, track (indoor and outdoor), ultimate Frisbee,  
22 volleyball, water polo, and wrestling. All interscholastic  
23 athletics are deemed to be interscholastic activities.

24 "Licensed healthcare professional" means a person who has  
25 experience with concussion management and who is a nurse, a  
26 psychologist who holds a license under the Clinical

1 Psychologist Licensing Act and specializes in the practice of  
2 neuropsychology, a physical therapist licensed under the  
3 Illinois Physical Therapy Act, an occupational therapist  
4 licensed under the Illinois Occupational Therapy Practice Act,  
5 a physician assistant, or an athletic trainer.

6 "Nurse" means a person who is employed by or volunteers at  
7 a school and is licensed under the Nurse Practice Act as a  
8 registered nurse, practical nurse, or advanced practice  
9 registered nurse.

10 "Physician" means a physician licensed to practice  
11 medicine in all of its branches under the Medical Practice Act  
12 of 1987.

13 "Physician assistant" means a physician assistant licensed  
14 under the Physician Assistant Practice Act of 1987.

15 "School" means any public or private elementary or  
16 secondary school, including a charter school.

17 "Student" means an adolescent or child enrolled in a  
18 school.

19 (c) This Section applies to any interscholastic athletic  
20 activity, including practice and competition, sponsored or  
21 sanctioned by a school, the Illinois Elementary School  
22 Association, or the Illinois High School Association. This  
23 Section applies beginning with the 2016-2017 school year.

24 (d) The governing body of each public or charter school and  
25 the appropriate administrative officer of a private school with  
26 students enrolled who participate in an interscholastic

1 athletic activity shall appoint or approve a concussion  
2 oversight team. Each concussion oversight team shall establish  
3 a return-to-play protocol, based on peer-reviewed scientific  
4 evidence consistent with Centers for Disease Control and  
5 Prevention guidelines, for a student's return to  
6 interscholastic athletics practice or competition following a  
7 force or impact believed to have caused a concussion. Each  
8 concussion oversight team shall also establish a  
9 return-to-learn protocol, based on peer-reviewed scientific  
10 evidence consistent with Centers for Disease Control and  
11 Prevention guidelines, for a student's return to the classroom  
12 after that student is believed to have experienced a  
13 concussion, whether or not the concussion took place while the  
14 student was participating in an interscholastic athletic  
15 activity.

16 Each concussion oversight team must include to the extent  
17 practicable at least one physician. If a school employs an  
18 athletic trainer, the athletic trainer must be a member of the  
19 school concussion oversight team to the extent practicable. If  
20 a school employs a nurse, the nurse must be a member of the  
21 school concussion oversight team to the extent practicable. At  
22 a minimum, a school shall appoint a person who is responsible  
23 for implementing and complying with the return-to-play and  
24 return-to-learn protocols adopted by the concussion oversight  
25 team. At a minimum, a concussion oversight team may be composed  
26 of only one person and this person need not be a licensed

1 healthcare professional, but it may not be a coach. A school  
2 may appoint other licensed healthcare professionals to serve on  
3 the concussion oversight team.

4 (e) A student may not participate in an interscholastic  
5 athletic activity for a school year until the student and the  
6 student's parent or guardian or another person with legal  
7 authority to make medical decisions for the student have signed  
8 a form for that school year that acknowledges receiving and  
9 reading written information that explains concussion  
10 prevention, symptoms, treatment, and oversight and that  
11 includes guidelines for safely resuming participation in an  
12 athletic activity following a concussion. The form must be  
13 approved by the Illinois High School Association.

14 (f) A student must be removed from an interscholastic  
15 athletics practice or competition immediately if one of the  
16 following persons believes the student might have sustained a  
17 concussion during the practice or competition:

18 (1) a coach;

19 (2) a physician;

20 (3) a game official;

21 (4) an athletic trainer;

22 (5) the student's parent or guardian or another person  
23 with legal authority to make medical decisions for the  
24 student;

25 (6) the student; or

26 (7) any other person deemed appropriate under the

1 school's return-to-play protocol.

2 (g) A student removed from an interscholastic athletics  
3 practice or competition under this Section may not be permitted  
4 to practice or compete again following the force or impact  
5 believed to have caused the concussion until:

6 (1) the student has been evaluated, using established  
7 medical protocols based on peer-reviewed scientific  
8 evidence consistent with Centers for Disease Control and  
9 Prevention guidelines, by a treating physician (chosen by  
10 the student or the student's parent or guardian or another  
11 person with legal authority to make medical decisions for  
12 the student), an athletic trainer, an advanced practice  
13 registered nurse, or a physician assistant;

14 (2) the student has successfully completed each  
15 requirement of the return-to-play protocol established  
16 under this Section necessary for the student to return to  
17 play;

18 (3) the student has successfully completed each  
19 requirement of the return-to-learn protocol established  
20 under this Section necessary for the student to return to  
21 learn;

22 (4) the treating physician, the athletic trainer, or  
23 the physician assistant has provided a written statement  
24 indicating that, in the physician's professional judgment,  
25 it is safe for the student to return to play and return to  
26 learn or the treating advanced practice registered nurse



1 has provided a written statement indicating that it is safe  
2 for the student to return to play and return to learn; and

3 (5) the student and the student's parent or guardian or  
4 another person with legal authority to make medical  
5 decisions for the student:

6 (A) have acknowledged that the student has  
7 completed the requirements of the return-to-play and  
8 return-to-learn protocols necessary for the student to  
9 return to play;

10 (B) have provided the treating physician's,  
11 athletic trainer's, advanced practice registered  
12 nurse's, or physician assistant's written statement  
13 under subdivision (4) of this subsection (g) to the  
14 person responsible for compliance with the  
15 return-to-play and return-to-learn protocols under  
16 this subsection (g) and the person who has supervisory  
17 responsibilities under this subsection (g); and

18 (C) have signed a consent form indicating that the  
19 person signing:

20 (i) has been informed concerning and consents  
21 to the student participating in returning to play  
22 in accordance with the return-to-play and  
23 return-to-learn protocols;

24 (ii) understands the risks associated with the  
25 student returning to play and returning to learn  
26 and will comply with any ongoing requirements in

1 the return-to-play and return-to-learn protocols;  
2 and

3 (iii) consents to the disclosure to  
4 appropriate persons, consistent with the federal  
5 Health Insurance Portability and Accountability  
6 Act of 1996 (Public Law 104-191), of the treating  
7 physician's, athletic trainer's, physician  
8 assistant's, or advanced practice registered  
9 nurse's written statement under subdivision (4) of  
10 this subsection (g) and, if any, the  
11 return-to-play and return-to-learn recommendations  
12 of the treating physician, the athletic trainer,  
13 the physician assistant, or the advanced practice  
14 registered nurse, as the case may be.

15 A coach of an interscholastic athletics team may not  
16 authorize a student's return to play or return to learn.

17 The district superintendent or the superintendent's  
18 designee in the case of a public elementary or secondary  
19 school, the chief school administrator or that person's  
20 designee in the case of a charter school, or the appropriate  
21 administrative officer or that person's designee in the case of  
22 a private school shall supervise an athletic trainer or other  
23 person responsible for compliance with the return-to-play  
24 protocol and shall supervise the person responsible for  
25 compliance with the return-to-learn protocol. The person who  
26 has supervisory responsibilities under this paragraph may not

1 be a coach of an interscholastic athletics team.

2 (h) (1) The Illinois High School Association shall approve,  
3 for coaches, game officials, and non-licensed healthcare  
4 professionals, training courses that provide for not less than  
5 2 hours of training in the subject matter of concussions,  
6 including evaluation, prevention, symptoms, risks, and  
7 long-term effects. The Association shall maintain an updated  
8 list of individuals and organizations authorized by the  
9 Association to provide the training.

10 (2) The following persons must take a training course in  
11 accordance with paragraph (4) of this subsection (h) from an  
12 authorized training provider at least once every 2 years:

13 (A) a coach of an interscholastic athletic activity;

14 (B) a nurse, licensed healthcare professional, or  
15 non-licensed healthcare professional who serves as a  
16 member of a concussion oversight team either on a volunteer  
17 basis or in his or her capacity as an employee,  
18 representative, or agent of a school; and

19 (C) a game official of an interscholastic athletic  
20 activity.

21 (3) A physician who serves as a member of a concussion  
22 oversight team shall, to the greatest extent practicable,  
23 periodically take an appropriate continuing medical education  
24 course in the subject matter of concussions.

25 (4) For purposes of paragraph (2) of this subsection (h):

26 (A) a coach, game official, or non-licensed healthcare

1 professional, as the case may be, must take a course  
2 described in paragraph (1) of this subsection (h);

3 (B) an athletic trainer must take a concussion-related  
4 continuing education course from an athletic trainer  
5 continuing education sponsor approved by the Department;

6 (C) a nurse must take a concussion-related continuing  
7 education course from a nurse continuing education sponsor  
8 approved by the Department;

9 (D) a physical therapist must take a  
10 concussion-related continuing education course from a  
11 physical therapist continuing education sponsor approved  
12 by the Department;

13 (E) a psychologist must take a concussion-related  
14 continuing education course from a psychologist continuing  
15 education sponsor approved by the Department;

16 (F) an occupational therapist must take a  
17 concussion-related continuing education course from an  
18 occupational therapist continuing education sponsor  
19 approved by the Department; and

20 (G) a physician assistant must take a  
21 concussion-related continuing education course from a  
22 physician assistant continuing education sponsor approved  
23 by the Department.

24 (5) Each person described in paragraph (2) of this  
25 subsection (h) must submit proof of timely completion of an  
26 approved course in compliance with paragraph (4) of this

1 subsection (h) to the district superintendent or the  
2 superintendent's designee in the case of a public elementary or  
3 secondary school, the chief school administrator or that  
4 person's designee in the case of a charter school, or the  
5 appropriate administrative officer or that person's designee  
6 in the case of a private school.

7 (6) A physician, licensed healthcare professional, or  
8 non-licensed healthcare professional who is not in compliance  
9 with the training requirements under this subsection (h) may  
10 not serve on a concussion oversight team in any capacity.

11 (7) A person required under this subsection (h) to take a  
12 training course in the subject of concussions must complete the  
13 training prior to serving on a concussion oversight team in any  
14 capacity.

15 (i) The governing body of each public or charter school and  
16 the appropriate administrative officer of a private school with  
17 students enrolled who participate in an interscholastic  
18 athletic activity shall develop a school-specific emergency  
19 action plan for interscholastic athletic activities to address  
20 the serious injuries and acute medical conditions in which the  
21 condition of the student may deteriorate rapidly. The plan  
22 shall include a delineation of roles, methods of communication,  
23 available emergency equipment, and access to and a plan for  
24 emergency transport. This emergency action plan must be:

25 (1) in writing;

26 (2) reviewed by the concussion oversight team;

1 (3) approved by the district superintendent or the  
2 superintendent's designee in the case of a public  
3 elementary or secondary school, the chief school  
4 administrator or that person's designee in the case of a  
5 charter school, or the appropriate administrative officer  
6 or that person's designee in the case of a private school;

7 (4) distributed to all appropriate personnel;

8 (5) posted conspicuously at all venues utilized by the  
9 school; and

10 (6) reviewed annually by all athletic trainers, first  
11 responders, coaches, school nurses, athletic directors,  
12 and volunteers for interscholastic athletic activities.

13 (j) The State Board of Education may adopt rules as  
14 necessary to administer this Section.

15 (Source: P.A. 99-245, eff. 8-3-15; 99-486, eff. 11-20-15;  
16 99-642, eff. 7-28-16; 100-309, eff. 9-1-17; 100-513, eff.  
17 1-1-18; revised 9-22-17.)

18 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

19 Sec. 26-1. Compulsory school age; exemptions  
20 ~~age-Exemptions~~. Whoever has custody or control of any child (i)  
21 between the ages of 7 and 17 years (unless the child has  
22 already graduated from high school) for school years before the  
23 2014-2015 school year or (ii) between the ages of 6 (on or  
24 before September 1) and 17 years (unless the child has already  
25 graduated from high school) beginning with the 2014-2015 school

1 year shall cause such child to attend some public school in the  
2 district wherein the child resides the entire time it is in  
3 session during the regular school term, except as provided in  
4 Section 10-19.1, and during a required summer school program  
5 established under Section 10-22.33B; provided, that the  
6 following children shall not be required to attend the public  
7 schools:

8 1. Any child attending a private or a parochial school  
9 where children are taught the branches of education taught  
10 to children of corresponding age and grade in the public  
11 schools, and where the instruction of the child in the  
12 branches of education is in the English language;

13 2. Any child who is physically or mentally unable to  
14 attend school, such disability being certified to the  
15 county or district truant officer by a competent physician  
16 licensed in Illinois to practice medicine and surgery in  
17 all its branches, a chiropractic physician licensed under  
18 the Medical Practice Act of 1987, a licensed advanced  
19 practice registered nurse, a licensed physician assistant,  
20 or a Christian Science practitioner residing in this State  
21 and listed in the Christian Science Journal; or who is  
22 excused for temporary absence for cause by the principal or  
23 teacher of the school which the child attends; the  
24 exemptions in this paragraph (2) do not apply to any female  
25 who is pregnant or the mother of one or more children,  
26 except where a female is unable to attend school due to a

1 complication arising from her pregnancy and the existence  
2 of such complication is certified to the county or district  
3 truant officer by a competent physician;

4 3. Any child necessarily and lawfully employed  
5 according to the provisions of the law regulating child  
6 labor may be excused from attendance at school by the  
7 county superintendent of schools or the superintendent of  
8 the public school which the child should be attending, on  
9 certification of the facts by and the recommendation of the  
10 school board of the public school district in which the  
11 child resides. In districts having part-time ~~part-time~~  
12 continuation schools, children so excused shall attend  
13 such schools at least 8 hours each week;

14 4. Any child over 12 and under 14 years of age while in  
15 attendance at confirmation classes;

16 5. Any child absent from a public school on a  
17 particular day or days or at a particular time of day for  
18 the reason that he is unable to attend classes or to  
19 participate in any examination, study or work requirements  
20 on a particular day or days or at a particular time of day,  
21 because the tenets of his religion forbid secular activity  
22 on a particular day or days or at a particular time of day.  
23 Each school board shall prescribe rules and regulations  
24 relative to absences for religious holidays including, but  
25 not limited to, a list of religious holidays on which it  
26 shall be mandatory to excuse a child; but nothing in this



1 paragraph 5 shall be construed to limit the right of any  
2 school board, at its discretion, to excuse an absence on  
3 any other day by reason of the observance of a religious  
4 holiday. A school board may require the parent or guardian  
5 of a child who is to be excused from attending school due  
6 to the observance of a religious holiday to give notice,  
7 not exceeding 5 days, of the child's absence to the school  
8 principal or other school personnel. Any child excused from  
9 attending school under this paragraph 5 shall not be  
10 required to submit a written excuse for such absence after  
11 returning to school;

12 6. Any child 16 years of age or older who (i) submits  
13 to a school district evidence of necessary and lawful  
14 employment pursuant to paragraph 3 of this Section and (ii)  
15 is enrolled in a graduation incentives program pursuant to  
16 Section 26-16 of this Code or an alternative learning  
17 opportunities program established pursuant to Article 13B  
18 of this Code;

19 7. A child in any of grades 6 through 12 absent from a  
20 public school on a particular day or days or at a  
21 particular time of day for the purpose of sounding "Taps"  
22 at a military honors funeral held in this State for a  
23 deceased veteran. In order to be excused under this  
24 paragraph 7, the student shall notify the school's  
25 administration at least 2 days prior to the date of the  
26 absence and shall provide the school's administration with

1 the date, time, and location of the military honors  
2 funeral. The school's administration may waive this 2-day  
3 notification requirement if the student did not receive at  
4 least 2 days advance notice, but the student shall notify  
5 the school's administration as soon as possible of the  
6 absence. A student whose absence is excused under this  
7 paragraph 7 shall be counted as if the student attended  
8 school for purposes of calculating the average daily  
9 attendance of students in the school district. A student  
10 whose absence is excused under this paragraph 7 must be  
11 allowed a reasonable time to make up school work missed  
12 during the absence. If the student satisfactorily  
13 completes the school work, the day of absence shall be  
14 counted as a day of compulsory attendance and he or she may  
15 not be penalized for that absence; and

16 8. Any child absent from a public school on a  
17 particular day or days or at a particular time of day for  
18 the reason that his or her parent or legal guardian is an  
19 active duty member of the uniformed services and has been  
20 called to duty for, is on leave from, or has immediately  
21 returned from deployment to a combat zone or combat-support  
22 postings. Such a student shall be granted 5 days of excused  
23 absences in any school year and, at the discretion of the  
24 school board, additional excused absences to visit the  
25 student's parent or legal guardian relative to such leave  
26 or deployment of the parent or legal guardian. In the case

1 of excused absences pursuant to this paragraph 8, the  
2 student and parent or legal guardian shall be responsible  
3 for obtaining assignments from the student's teacher prior  
4 to any period of excused absence and for ensuring that such  
5 assignments are completed by the student prior to his or  
6 her return to school from such period of excused absence.

7 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;  
8 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; revised 9-22-17.)

9 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

10 Sec. 27-8.1. Health examinations and immunizations.

11 (1) In compliance with rules and regulations which the  
12 Department of Public Health shall promulgate, and except as  
13 hereinafter provided, all children in Illinois shall have a  
14 health examination as follows: within one year prior to  
15 entering kindergarten or the first grade of any public,  
16 private, or parochial elementary school; upon entering the  
17 sixth and ninth grades of any public, private, or parochial  
18 school; prior to entrance into any public, private, or  
19 parochial nursery school; and, irrespective of grade,  
20 immediately prior to or upon entrance into any public, private,  
21 or parochial school or nursery school, each child shall present  
22 proof of having been examined in accordance with this Section  
23 and the rules and regulations promulgated hereunder. Any child  
24 who received a health examination within one year prior to  
25 entering the fifth grade for the 2007-2008 school year is not

1 required to receive an additional health examination in order  
2 to comply with the provisions of Public Act 95-422 when he or  
3 she attends school for the 2008-2009 school year, unless the  
4 child is attending school for the first time as provided in  
5 this paragraph.

6 A tuberculosis skin test screening shall be included as a  
7 required part of each health examination included under this  
8 Section if the child resides in an area designated by the  
9 Department of Public Health as having a high incidence of  
10 tuberculosis. Additional health examinations of pupils,  
11 including eye examinations, may be required when deemed  
12 necessary by school authorities. Parents are encouraged to have  
13 their children undergo eye examinations at the same points in  
14 time required for health examinations.

15 (1.5) In compliance with rules adopted by the Department of  
16 Public Health and except as otherwise provided in this Section,  
17 all children in kindergarten and the second and sixth grades of  
18 any public, private, or parochial school shall have a dental  
19 examination. Each of these children shall present proof of  
20 having been examined by a dentist in accordance with this  
21 Section and rules adopted under this Section before May 15th of  
22 the school year. If a child in the second or sixth grade fails  
23 to present proof by May 15th, the school may hold the child's  
24 report card until one of the following occurs: (i) the child  
25 presents proof of a completed dental examination or (ii) the  
26 child presents proof that a dental examination will take place

1 within 60 days after May 15th. The Department of Public Health  
2 shall establish, by rule, a waiver for children who show an  
3 undue burden or a lack of access to a dentist. Each public,  
4 private, and parochial school must give notice of this dental  
5 examination requirement to the parents and guardians of  
6 students at least 60 days before May 15th of each school year.

7 (1.10) Except as otherwise provided in this Section, all  
8 children enrolling in kindergarten in a public, private, or  
9 parochial school on or after January 1, 2008 (the effective  
10 date of Public Act 95-671) ~~this amendatory Act of the 95th~~  
11 ~~General Assembly~~ and any student enrolling for the first time  
12 in a public, private, or parochial school on or after January  
13 1, 2008 (the effective date of Public Act 95-671) ~~this~~  
14 ~~amendatory Act of the 95th General Assembly~~ shall have an eye  
15 examination. Each of these children shall present proof of  
16 having been examined by a physician licensed to practice  
17 medicine in all of its branches or a licensed optometrist  
18 within the previous year, in accordance with this Section and  
19 rules adopted under this Section, before October 15th of the  
20 school year. If the child fails to present proof by October  
21 15th, the school may hold the child's report card until one of  
22 the following occurs: (i) the child presents proof of a  
23 completed eye examination or (ii) the child presents proof that  
24 an eye examination will take place within 60 days after October  
25 15th. The Department of Public Health shall establish, by rule,  
26 a waiver for children who show an undue burden or a lack of

1 access to a physician licensed to practice medicine in all of  
2 its branches who provides eye examinations or to a licensed  
3 optometrist. Each public, private, and parochial school must  
4 give notice of this eye examination requirement to the parents  
5 and guardians of students in compliance with rules of the  
6 Department of Public Health. Nothing in this Section shall be  
7 construed to allow a school to exclude a child from attending  
8 because of a parent's or guardian's failure to obtain an eye  
9 examination for the child.

10 (2) The Department of Public Health shall promulgate rules  
11 and regulations specifying the examinations and procedures  
12 that constitute a health examination, which shall include an  
13 age-appropriate developmental screening, an age-appropriate  
14 social and emotional screening, and the collection of data  
15 relating to asthma and obesity (including at a minimum, date of  
16 birth, gender, height, weight, blood pressure, and date of  
17 exam), and a dental examination and may recommend by rule that  
18 certain additional examinations be performed. The rules and  
19 regulations of the Department of Public Health shall specify  
20 that a tuberculosis skin test screening shall be included as a  
21 required part of each health examination included under this  
22 Section if the child resides in an area designated by the  
23 Department of Public Health as having a high incidence of  
24 tuberculosis. With respect to the developmental screening and  
25 the social and emotional screening, the Department of Public  
26 Health must develop rules and appropriate revisions to the

1 Child Health Examination form in conjunction with a statewide  
2 organization representing school boards; a statewide  
3 organization representing pediatricians; statewide  
4 organizations representing individuals holding Illinois  
5 educator licenses with school support personnel endorsements,  
6 including school social workers, school psychologists, and  
7 school nurses; a statewide organization representing  
8 children's mental health experts; a statewide organization  
9 representing school principals; the Director of Healthcare and  
10 Family Services or his or her designee, the State  
11 Superintendent of Education or his or her designee; and  
12 representatives of other appropriate State agencies and, at a  
13 minimum, must recommend the use of validated screening tools  
14 appropriate to the child's age or grade, and, with regard to  
15 the social and emotional screening, require recording only  
16 whether or not the screening was completed. The rules shall  
17 take into consideration the screening recommendations of the  
18 American Academy of Pediatrics and must be consistent with the  
19 State Board of Education's social and emotional learning  
20 standards. The Department of Public Health shall specify that a  
21 diabetes screening as defined by rule shall be included as a  
22 required part of each health examination. Diabetes testing is  
23 not required.

24 Physicians licensed to practice medicine in all of its  
25 branches, licensed advanced practice registered nurses, or  
26 licensed physician assistants shall be responsible for the

1 performance of the health examinations, other than dental  
2 examinations, eye examinations, and vision and hearing  
3 screening, and shall sign all report forms required by  
4 subsection (4) of this Section that pertain to those portions  
5 of the health examination for which the physician, advanced  
6 practice registered nurse, or physician assistant is  
7 responsible. If a registered nurse performs any part of a  
8 health examination, then a physician licensed to practice  
9 medicine in all of its branches must review and sign all  
10 required report forms. Licensed dentists shall perform all  
11 dental examinations and shall sign all report forms required by  
12 subsection (4) of this Section that pertain to the dental  
13 examinations. Physicians licensed to practice medicine in all  
14 its branches or licensed optometrists shall perform all eye  
15 examinations required by this Section and shall sign all report  
16 forms required by subsection (4) of this Section that pertain  
17 to the eye examination. For purposes of this Section, an eye  
18 examination shall at a minimum include history, visual acuity,  
19 subjective refraction to best visual acuity near and far,  
20 internal and external examination, and a glaucoma evaluation,  
21 as well as any other tests or observations that in the  
22 professional judgment of the doctor are necessary. Vision and  
23 hearing screening tests, which shall not be considered  
24 examinations as that term is used in this Section, shall be  
25 conducted in accordance with rules and regulations of the  
26 Department of Public Health, and by individuals whom the



1 Department of Public Health has certified. In these rules and  
2 regulations, the Department of Public Health shall require that  
3 individuals conducting vision screening tests give a child's  
4 parent or guardian written notification, before the vision  
5 screening is conducted, that states, "Vision screening is not a  
6 substitute for a complete eye and vision evaluation by an eye  
7 doctor. Your child is not required to undergo this vision  
8 screening if an optometrist or ophthalmologist has completed  
9 and signed a report form indicating that an examination has  
10 been administered within the previous 12 months.".

11 (2.5) With respect to the developmental screening and the  
12 social and emotional screening portion of the health  
13 examination, each child may present proof of having been  
14 screened in accordance with this Section and the rules adopted  
15 under this Section before October 15th of the school year. With  
16 regard to the social and emotional screening only, the  
17 examining health care provider shall only record whether or not  
18 the screening was completed. If the child fails to present  
19 proof of the developmental screening or the social and  
20 emotional screening portions of the health examination by  
21 October 15th of the school year, qualified school support  
22 personnel may, with a parent's or guardian's consent, offer the  
23 developmental screening or the social and emotional screening  
24 to the child. Each public, private, and parochial school must  
25 give notice of the developmental screening and social and  
26 emotional screening requirements to the parents and guardians

1 of students in compliance with the rules of the Department of  
2 Public Health. Nothing in this Section shall be construed to  
3 allow a school to exclude a child from attending because of a  
4 parent's or guardian's failure to obtain a developmental  
5 screening or a social and emotional screening for the child.  
6 Once a developmental screening or a social and emotional  
7 screening is completed and proof has been presented to the  
8 school, the school may, with a parent's or guardian's consent,  
9 make available appropriate school personnel to work with the  
10 parent or guardian, the child, and the provider who signed the  
11 screening form to obtain any appropriate evaluations and  
12 services as indicated on the form and in other information and  
13 documentation provided by the parents, guardians, or provider.

14 (3) Every child shall, at or about the same time as he or  
15 she receives a health examination required by subsection (1) of  
16 this Section, present to the local school proof of having  
17 received such immunizations against preventable communicable  
18 diseases as the Department of Public Health shall require by  
19 rules and regulations promulgated pursuant to this Section and  
20 the Communicable Disease Prevention Act.

21 (4) The individuals conducting the health examination,  
22 dental examination, or eye examination shall record the fact of  
23 having conducted the examination, and such additional  
24 information as required, including for a health examination  
25 data relating to asthma and obesity (including at a minimum,  
26 date of birth, gender, height, weight, blood pressure, and date

1 of exam), on uniform forms which the Department of Public  
2 Health and the State Board of Education shall prescribe for  
3 statewide use. The examiner shall summarize on the report form  
4 any condition that he or she suspects indicates a need for  
5 special services, including for a health examination factors  
6 relating to asthma or obesity. The duty to summarize on the  
7 report form does not apply to social and emotional screenings.  
8 The confidentiality of the information and records relating to  
9 the developmental screening and the social and emotional  
10 screening shall be determined by the statutes, rules, and  
11 professional ethics governing the type of provider conducting  
12 the screening. The individuals confirming the administration  
13 of required immunizations shall record as indicated on the form  
14 that the immunizations were administered.

15 (5) If a child does not submit proof of having had either  
16 the health examination or the immunization as required, then  
17 the child shall be examined or receive the immunization, as the  
18 case may be, and present proof by October 15 of the current  
19 school year, or by an earlier date of the current school year  
20 established by a school district. To establish a date before  
21 October 15 of the current school year for the health  
22 examination or immunization as required, a school district must  
23 give notice of the requirements of this Section 60 days prior  
24 to the earlier established date. If for medical reasons one or  
25 more of the required immunizations must be given after October  
26 15 of the current school year, or after an earlier established

1 date of the current school year, then the child shall present,  
2 by October 15, or by the earlier established date, a schedule  
3 for the administration of the immunizations and a statement of  
4 the medical reasons causing the delay, both the schedule and  
5 the statement being issued by the physician, advanced practice  
6 registered nurse, physician assistant, registered nurse, or  
7 local health department that will be responsible for  
8 administration of the remaining required immunizations. If a  
9 child does not comply by October 15, or by the earlier  
10 established date of the current school year, with the  
11 requirements of this subsection, then the local school  
12 authority shall exclude that child from school until such time  
13 as the child presents proof of having had the health  
14 examination as required and presents proof of having received  
15 those required immunizations which are medically possible to  
16 receive immediately. During a child's exclusion from school for  
17 noncompliance with this subsection, the child's parents or  
18 legal guardian shall be considered in violation of Section 26-1  
19 and subject to any penalty imposed by Section 26-10. This  
20 subsection (5) does not apply to dental examinations, eye  
21 examinations, and the developmental screening and the social  
22 and emotional screening portions of the health examination. If  
23 the student is an out-of-state transfer student and does not  
24 have the proof required under this subsection (5) before  
25 October 15 of the current year or whatever date is set by the  
26 school district, then he or she may only attend classes (i) if

1 he or she has proof that an appointment for the required  
2 vaccinations has been scheduled with a party authorized to  
3 submit proof of the required vaccinations. If the proof of  
4 vaccination required under this subsection (5) is not submitted  
5 within 30 days after the student is permitted to attend  
6 classes, then the student is not to be permitted to attend  
7 classes until proof of the vaccinations has been properly  
8 submitted. No school district or employee of a school district  
9 shall be held liable for any injury or illness to another  
10 person that results from admitting an out-of-state transfer  
11 student to class that has an appointment scheduled pursuant to  
12 this subsection (5).

13 (6) Every school shall report to the State Board of  
14 Education by November 15, in the manner which that agency shall  
15 require, the number of children who have received the necessary  
16 immunizations and the health examination (other than a dental  
17 examination or eye examination) as required, indicating, of  
18 those who have not received the immunizations and examination  
19 as required, the number of children who are exempt from health  
20 examination and immunization requirements on religious or  
21 medical grounds as provided in subsection (8). On or before  
22 December 1 of each year, every public school district and  
23 registered nonpublic school shall make publicly available the  
24 immunization data they are required to submit to the State  
25 Board of Education by November 15. The immunization data made  
26 publicly available must be identical to the data the school

1 district or school has reported to the State Board of  
2 Education.

3 Every school shall report to the State Board of Education  
4 by June 30, in the manner that the State Board requires, the  
5 number of children who have received the required dental  
6 examination, indicating, of those who have not received the  
7 required dental examination, the number of children who are  
8 exempt from the dental examination on religious grounds as  
9 provided in subsection (8) of this Section and the number of  
10 children who have received a waiver under subsection (1.5) of  
11 this Section.

12 Every school shall report to the State Board of Education  
13 by June 30, in the manner that the State Board requires, the  
14 number of children who have received the required eye  
15 examination, indicating, of those who have not received the  
16 required eye examination, the number of children who are exempt  
17 from the eye examination as provided in subsection (8) of this  
18 Section, the number of children who have received a waiver  
19 under subsection (1.10) of this Section, and the total number  
20 of children in noncompliance with the eye examination  
21 requirement.

22 The reported information under this subsection (6) shall be  
23 provided to the Department of Public Health by the State Board  
24 of Education.

25 (7) Upon determining that the number of pupils who are  
26 required to be in compliance with subsection (5) of this

1 Section is below 90% of the number of pupils enrolled in the  
2 school district, 10% of each State aid payment made pursuant to  
3 Section 18-8.05 or 18-8.15 to the school district for such year  
4 may be withheld by the State Board of Education until the  
5 number of students in compliance with subsection (5) is the  
6 applicable specified percentage or higher.

7 (8) Children of parents or legal guardians who object to  
8 health, dental, or eye examinations or any part thereof, to  
9 immunizations, or to vision and hearing screening tests on  
10 religious grounds shall not be required to undergo the  
11 examinations, tests, or immunizations to which they so object  
12 if such parents or legal guardians present to the appropriate  
13 local school authority a signed Certificate of Religious  
14 Exemption detailing the grounds for objection and the specific  
15 immunizations, tests, or examinations to which they object. The  
16 grounds for objection must set forth the specific religious  
17 belief that conflicts with the examination, test,  
18 immunization, or other medical intervention. The signed  
19 certificate shall also reflect the parent's or legal guardian's  
20 understanding of the school's exclusion policies in the case of  
21 a vaccine-preventable disease outbreak or exposure. The  
22 certificate must also be signed by the authorized examining  
23 health care provider responsible for the performance of the  
24 child's health examination confirming that the provider  
25 provided education to the parent or legal guardian on the  
26 benefits of immunization and the health risks to the student

1 and to the community of the communicable diseases for which  
2 immunization is required in this State. However, the health  
3 care provider's signature on the certificate reflects only that  
4 education was provided and does not allow a health care  
5 provider grounds to determine a religious exemption. Those  
6 receiving immunizations required under this Code shall be  
7 provided with the relevant vaccine information statements that  
8 are required to be disseminated by the federal National  
9 Childhood Vaccine Injury Act of 1986, which may contain  
10 information on circumstances when a vaccine should not be  
11 administered, prior to administering a vaccine. A healthcare  
12 provider may consider including without limitation the  
13 nationally accepted recommendations from federal agencies such  
14 as the Advisory Committee on Immunization Practices, the  
15 information outlined in the relevant vaccine information  
16 statement, and vaccine package inserts, along with the  
17 healthcare provider's clinical judgment, to determine whether  
18 any child may be more susceptible to experiencing an adverse  
19 vaccine reaction than the general population, and, if so, the  
20 healthcare provider may exempt the child from an immunization  
21 or adopt an individualized immunization schedule. The  
22 Certificate of Religious Exemption shall be created by the  
23 Department of Public Health and shall be made available and  
24 used by parents and legal guardians by the beginning of the  
25 2015-2016 school year. Parents or legal guardians must submit  
26 the Certificate of Religious Exemption to their local school



1 authority prior to entering kindergarten, sixth grade, and  
2 ninth grade for each child for which they are requesting an  
3 exemption. The religious objection stated need not be directed  
4 by the tenets of an established religious organization.  
5 However, general philosophical or moral reluctance to allow  
6 physical examinations, eye examinations, immunizations, vision  
7 and hearing screenings, or dental examinations does not provide  
8 a sufficient basis for an exception to statutory requirements.  
9 The local school authority is responsible for determining if  
10 the content of the Certificate of Religious Exemption  
11 constitutes a valid religious objection. The local school  
12 authority shall inform the parent or legal guardian of  
13 exclusion procedures, in accordance with the Department's  
14 rules under Part 690 of Title 77 of the Illinois Administrative  
15 Code, at the time the objection is presented.

16 If the physical condition of the child is such that any one  
17 or more of the immunizing agents should not be administered,  
18 the examining physician, advanced practice registered nurse,  
19 or physician assistant responsible for the performance of the  
20 health examination shall endorse that fact upon the health  
21 examination form.

22 Exempting a child from the health, dental, or eye  
23 examination does not exempt the child from participation in the  
24 program of physical education training provided in Sections  
25 27-5 through 27-7 of this Code.

26 (9) For the purposes of this Section, "nursery schools"

1 means those nursery schools operated by elementary school  
2 systems or secondary level school units or institutions of  
3 higher learning.

4 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;  
5 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.  
6 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; revised  
7 9-22-17.)

8 (105 ILCS 5/27A-5)

9 Sec. 27A-5. Charter school; legal entity; requirements.

10 (a) A charter school shall be a public, nonsectarian,  
11 nonreligious, non-home based, and non-profit school. A charter  
12 school shall be organized and operated as a nonprofit  
13 corporation or other discrete, legal, nonprofit entity  
14 authorized under the laws of the State of Illinois.

15 (b) A charter school may be established under this Article  
16 by creating a new school or by converting an existing public  
17 school or attendance center to charter school status. Beginning  
18 on April 16, 2003 (the effective date of Public Act 93-3), in  
19 all new applications to establish a charter school in a city  
20 having a population exceeding 500,000, operation of the charter  
21 school shall be limited to one campus. The changes made to this  
22 Section by Public Act 93-3 do not apply to charter schools  
23 existing or approved on or before April 16, 2003 (the effective  
24 date of Public Act 93-3).

25 (b-5) In this subsection (b-5), "virtual-schooling" means

1 a cyber school where students engage in online curriculum and  
2 instruction via the Internet and electronic communication with  
3 their teachers at remote locations and with students  
4 participating at different times.

5 From April 1, 2013 through December 31, 2016, there is a  
6 moratorium on the establishment of charter schools with  
7 virtual-schooling components in school districts other than a  
8 school district organized under Article 34 of this Code. This  
9 moratorium does not apply to a charter school with  
10 virtual-schooling components existing or approved prior to  
11 April 1, 2013 or to the renewal of the charter of a charter  
12 school with virtual-schooling components already approved  
13 prior to April 1, 2013.

14 On or before March 1, 2014, the Commission shall submit to  
15 the General Assembly a report on the effect of  
16 virtual-schooling, including without limitation the effect on  
17 student performance, the costs associated with  
18 virtual-schooling, and issues with oversight. The report shall  
19 include policy recommendations for virtual-schooling.

20 (c) A charter school shall be administered and governed by  
21 its board of directors or other governing body in the manner  
22 provided in its charter. The governing body of a charter school  
23 shall be subject to the Freedom of Information Act and the Open  
24 Meetings Act.

25 (d) For purposes of this subsection (d), "non-curricular  
26 health and safety requirement" means any health and safety

1 requirement created by statute or rule to provide, maintain,  
2 preserve, or safeguard safe or healthful conditions for  
3 students and school personnel or to eliminate, reduce, or  
4 prevent threats to the health and safety of students and school  
5 personnel. "Non-curricular health and safety requirement" does  
6 not include any course of study or specialized instructional  
7 requirement for which the State Board has established goals and  
8 learning standards or which is designed primarily to impart  
9 knowledge and skills for students to master and apply as an  
10 outcome of their education.

11 A charter school shall comply with all non-curricular  
12 health and safety requirements applicable to public schools  
13 under the laws of the State of Illinois. On or before September  
14 1, 2015, the State Board shall promulgate and post on its  
15 Internet website a list of non-curricular health and safety  
16 requirements that a charter school must meet. The list shall be  
17 updated annually no later than September 1. Any charter  
18 contract between a charter school and its authorizer must  
19 contain a provision that requires the charter school to follow  
20 the list of all non-curricular health and safety requirements  
21 promulgated by the State Board and any non-curricular health  
22 and safety requirements added by the State Board to such list  
23 during the term of the charter. Nothing in this subsection (d)  
24 precludes an authorizer from including non-curricular health  
25 and safety requirements in a charter school contract that are  
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the  
2 authorizing local school board.

3 (e) Except as otherwise provided in the School Code, a  
4 charter school shall not charge tuition; provided that a  
5 charter school may charge reasonable fees for textbooks,  
6 instructional materials, and student activities.

7 (f) A charter school shall be responsible for the  
8 management and operation of its fiscal affairs including, but  
9 not limited to, the preparation of its budget. An audit of each  
10 charter school's finances shall be conducted annually by an  
11 outside, independent contractor retained by the charter  
12 school. To ensure financial accountability for the use of  
13 public funds, on or before December 1 of every year of  
14 operation, each charter school shall submit to its authorizer  
15 and the State Board a copy of its audit and a copy of the Form  
16 990 the charter school filed that year with the federal  
17 Internal Revenue Service. In addition, if deemed necessary for  
18 proper financial oversight of the charter school, an authorizer  
19 may require quarterly financial statements from each charter  
20 school.

21 (g) A charter school shall comply with all provisions of  
22 this Article, the Illinois Educational Labor Relations Act, all  
23 federal and State laws and rules applicable to public schools  
24 that pertain to special education and the instruction of  
25 English learners, and its charter. A charter school is exempt  
26 from all other State laws and regulations in this Code

1 governing public schools and local school board policies;  
2 however, a charter school is not exempt from the following:

3 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
4 criminal history records checks and checks of the Statewide  
5 Sex Offender Database and Statewide Murderer and Violent  
6 Offender Against Youth Database of applicants for  
7 employment;

8 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
9 34-84a of this Code regarding discipline of students;

10 (3) the Local Governmental and Governmental Employees  
11 Tort Immunity Act;

12 (4) Section 108.75 of the General Not For Profit  
13 Corporation Act of 1986 regarding indemnification of  
14 officers, directors, employees, and agents;

15 (5) the Abused and Neglected Child Reporting Act;

16 (5.5) subsection (b) of Section 10-23.12 and  
17 subsection (b) of Section 34-18.6 of this Code;

18 (6) the Illinois School Student Records Act;

19 (7) Section 10-17a of this Code regarding school report  
20 cards;

21 (8) the P-20 Longitudinal Education Data System Act;

22 (9) Section 27-23.7 of this Code regarding bullying  
23 prevention;

24 (10) Section 2-3.162 of this Code regarding student  
25 discipline reporting;

26 (11) Sections 22-80 and 27-8.1 of this Code; ~~and~~

1 (12) Sections 10-20.60 and 34-18.53 of this Code;~~;~~

2 (13) ~~(12)~~ Sections 10-20.63 ~~10-20.60~~ and 34-18.56  
3 ~~34-18.53~~ of this Code; and.

4 (14) ~~(12)~~ Section 26-18 of this Code.

5 The change made by Public Act 96-104 to this subsection (g)  
6 is declaratory of existing law.

7 (h) A charter school may negotiate and contract with a  
8 school district, the governing body of a State college or  
9 university or public community college, or any other public or  
10 for-profit or nonprofit private entity for: (i) the use of a  
11 school building and grounds or any other real property or  
12 facilities that the charter school desires to use or convert  
13 for use as a charter school site, (ii) the operation and  
14 maintenance thereof, and (iii) the provision of any service,  
15 activity, or undertaking that the charter school is required to  
16 perform in order to carry out the terms of its charter.  
17 However, a charter school that is established on or after April  
18 16, 2003 (the effective date of Public Act 93-3) and that  
19 operates in a city having a population exceeding 500,000 may  
20 not contract with a for-profit entity to manage or operate the  
21 school during the period that commences on April 16, 2003 (the  
22 effective date of Public Act 93-3) and concludes at the end of  
23 the 2004-2005 school year. Except as provided in subsection (i)  
24 of this Section, a school district may charge a charter school  
25 reasonable rent for the use of the district's buildings,  
26 grounds, and facilities. Any services for which a charter

1 school contracts with a school district shall be provided by  
2 the district at cost. Any services for which a charter school  
3 contracts with a local school board or with the governing body  
4 of a State college or university or public community college  
5 shall be provided by the public entity at cost.

6 (i) In no event shall a charter school that is established  
7 by converting an existing school or attendance center to  
8 charter school status be required to pay rent for space that is  
9 deemed available, as negotiated and provided in the charter  
10 agreement, in school district facilities. However, all other  
11 costs for the operation and maintenance of school district  
12 facilities that are used by the charter school shall be subject  
13 to negotiation between the charter school and the local school  
14 board and shall be set forth in the charter.

15 (j) A charter school may limit student enrollment by age or  
16 grade level.

17 (k) If the charter school is approved by the Commission,  
18 then the Commission charter school is its own local education  
19 agency.

20 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,  
21 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;  
22 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;  
23 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.  
24 1-1-18; 100-468, eff. 6-1-18; revised 9-25-17.)

25 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)



1           Sec. 29-5. Reimbursement by State for transportation. Any  
2 school district, maintaining a school, transporting resident  
3 pupils to another school district's vocational program,  
4 offered through a joint agreement approved by the State Board  
5 of Education, as provided in Section 10-22.22 or transporting  
6 its resident pupils to a school which meets the standards for  
7 recognition as established by the State Board of Education  
8 which provides transportation meeting the standards of safety,  
9 comfort, convenience, efficiency and operation prescribed by  
10 the State Board of Education for resident pupils in  
11 kindergarten or any of grades 1 through 12 who: (a) reside at  
12 least 1 1/2 miles as measured by the customary route of travel,  
13 from the school attended; or (b) reside in areas where  
14 conditions are such that walking constitutes a hazard to the  
15 safety of the child when determined under Section 29-3; and (c)  
16 are transported to the school attended from pick-up points at  
17 the beginning of the school day and back again at the close of  
18 the school day or transported to and from their assigned  
19 attendance centers during the school day, shall be reimbursed  
20 by the State as hereinafter provided in this Section.

21           The State will pay the cost of transporting eligible pupils  
22 less the prior year assessed valuation in a dual school  
23 district maintaining secondary grades 9 to 12 inclusive times a  
24 qualifying rate of .05%; in elementary school districts  
25 maintaining grades K to 8 times a qualifying rate of .06%; and  
26 in unit districts maintaining grades K to 12, including

1 optional elementary unit districts and combined high school -  
2 unit districts, times a qualifying rate of .07%; provided that  
3 for optional elementary unit districts and combined high school  
4 - unit districts, prior year assessed valuation for high school  
5 purposes, as defined in Article 11E of this Code, must be used.  
6 To be eligible to receive reimbursement in excess of 4/5 of the  
7 cost to transport eligible pupils, a school district shall have  
8 a Transportation Fund tax rate of at least .12%. If a school  
9 district does not have a .12% Transportation Fund tax rate, the  
10 amount of its claim in excess of 4/5 of the cost of  
11 transporting pupils shall be reduced by the sum arrived at by  
12 subtracting the Transportation Fund tax rate from .12% and  
13 multiplying that amount by the district's prior year equalized  
14 or assessed valuation, provided, that in no case shall said  
15 reduction result in reimbursement of less than 4/5 of the cost  
16 to transport eligible pupils.

17 The minimum amount to be received by a district is \$16  
18 times the number of eligible pupils transported.

19 When calculating the reimbursement for transportation  
20 costs, the State Board of Education may not deduct the number  
21 of pupils enrolled in early education programs from the number  
22 of pupils eligible for reimbursement if the pupils enrolled in  
23 the early education programs are transported at the same time  
24 as other eligible pupils.

25 Any such district transporting resident pupils during the  
26 school day to an area vocational school or another school

1 district's vocational program more than 1 1/2 miles from the  
2 school attended, as provided in Sections 10-22.20a and  
3 10-22.22, shall be reimbursed by the State for 4/5 of the cost  
4 of transporting eligible pupils.

5 School day means that period of time during which the pupil  
6 is required to be in attendance for instructional purposes.

7 If a pupil is at a location within the school district  
8 other than his residence for child care purposes at the time  
9 for transportation to school, that location may be considered  
10 for purposes of determining the 1 1/2 miles from the school  
11 attended.

12 Claims for reimbursement that include children who attend  
13 any school other than a public school shall show the number of  
14 such children transported.

15 Claims for reimbursement under this Section shall not be  
16 paid for the transportation of pupils for whom transportation  
17 costs are claimed for payment under other Sections of this Act.

18 The allowable direct cost of transporting pupils for  
19 regular, vocational, and special education pupil  
20 transportation shall be limited to the sum of the cost of  
21 physical examinations required for employment as a school bus  
22 driver; the salaries of full-time ~~full~~ or part-time drivers and  
23 school bus maintenance personnel; employee benefits excluding  
24 Illinois municipal retirement payments, social security  
25 payments, unemployment insurance payments and workers'  
26 compensation insurance premiums; expenditures to independent

1 carriers who operate school buses; payments to other school  
2 districts for pupil transportation services; pre-approved  
3 contractual expenditures for computerized bus scheduling;  
4 expenditures for housing assistance and homeless prevention  
5 under Sections 1-17 and 1-18 of the Education for Homeless  
6 Children Act that are not in excess of the school district's  
7 actual costs for providing transportation services and are not  
8 otherwise claimed in another State or federal grant that  
9 permits those costs to a parent, a legal guardian, any other  
10 person who enrolled a pupil, or a homeless assistance agency  
11 that is part of the federal McKinney-Vento Homeless Assistance  
12 Act's continuum of care for the area in which the district is  
13 located; the cost of gasoline, oil, tires, and other supplies  
14 necessary for the operation of school buses; the cost of  
15 converting buses' gasoline engines to more fuel efficient  
16 engines or to engines which use alternative energy sources; the  
17 cost of travel to meetings and workshops conducted by the  
18 regional superintendent or the State Superintendent of  
19 Education pursuant to the standards established by the  
20 Secretary of State under Section 6-106 of the Illinois Vehicle  
21 Code to improve the driving skills of school bus drivers; the  
22 cost of maintenance of school buses including parts and  
23 materials used; expenditures for leasing transportation  
24 vehicles, except interest and service charges; the cost of  
25 insurance and licenses for transportation vehicles;  
26 expenditures for the rental of transportation equipment; plus a

1 depreciation allowance of 20% for 5 years for school buses and  
2 vehicles approved for transporting pupils to and from school  
3 and a depreciation allowance of 10% for 10 years for other  
4 transportation equipment so used. Each school year, if a school  
5 district has made expenditures to the Regional Transportation  
6 Authority or any of its service boards, a mass transit  
7 district, or an urban transportation district under an  
8 intergovernmental agreement with the district to provide for  
9 the transportation of pupils and if the public transit carrier  
10 received direct payment for services or passes from a school  
11 district within its service area during the 2000-2001 school  
12 year, then the allowable direct cost of transporting pupils for  
13 regular, vocational, and special education pupil  
14 transportation shall also include the expenditures that the  
15 district has made to the public transit carrier. In addition to  
16 the above allowable costs school districts shall also claim all  
17 transportation supervisory salary costs, including Illinois  
18 municipal retirement payments, and all transportation related  
19 building and building maintenance costs without limitation.

20 Special education allowable costs shall also include  
21 expenditures for the salaries of attendants or aides for that  
22 portion of the time they assist special education pupils while  
23 in transit and expenditures for parents and public carriers for  
24 transporting special education pupils when pre-approved by the  
25 State Superintendent of Education.

26 Indirect costs shall be included in the reimbursement claim

1 for districts which own and operate their own school buses.  
2 Such indirect costs shall include administrative costs, or any  
3 costs attributable to transporting pupils from their  
4 attendance centers to another school building for  
5 instructional purposes. No school district which owns and  
6 operates its own school buses may claim reimbursement for  
7 indirect costs which exceed 5% of the total allowable direct  
8 costs for pupil transportation.

9 The State Board of Education shall prescribe uniform  
10 regulations for determining the above standards and shall  
11 prescribe forms of cost accounting and standards of determining  
12 reasonable depreciation. Such depreciation shall include the  
13 cost of equipping school buses with the safety features  
14 required by law or by the rules, regulations and standards  
15 promulgated by the State Board of Education, and the Department  
16 of Transportation for the safety and construction of school  
17 buses provided, however, any equipment cost reimbursed by the  
18 Department of Transportation for equipping school buses with  
19 such safety equipment shall be deducted from the allowable cost  
20 in the computation of reimbursement under this Section in the  
21 same percentage as the cost of the equipment is depreciated.

22 On or before August 15, annually, the chief school  
23 administrator for the district shall certify to the State  
24 Superintendent of Education the district's claim for  
25 reimbursement for the school year ending on June 30 next  
26 preceding. The State Superintendent of Education shall check

1 and approve the claims and prepare the vouchers showing the  
2 amounts due for district reimbursement claims. Each fiscal  
3 year, the State Superintendent of Education shall prepare and  
4 transmit the first 3 vouchers to the Comptroller on the 30th  
5 day of September, December and March, respectively, and the  
6 final voucher, no later than June 20.

7 If the amount appropriated for transportation  
8 reimbursement is insufficient to fund total claims for any  
9 fiscal year, the State Board of Education shall reduce each  
10 school district's allowable costs and flat grant amount  
11 proportionately to make total adjusted claims equal the total  
12 amount appropriated.

13 For purposes of calculating claims for reimbursement under  
14 this Section for any school year beginning July 1, 1998, or  
15 thereafter, the equalized assessed valuation for a school  
16 district used to compute reimbursement shall be computed in the  
17 same manner as it is computed under paragraph (2) of subsection  
18 (G) of Section 18-8.05.

19 All reimbursements received from the State shall be  
20 deposited into the district's transportation fund or into the  
21 fund from which the allowable expenditures were made.

22 Notwithstanding any other provision of law, any school  
23 district receiving a payment under this Section or under  
24 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
25 classify all or a portion of the funds that it receives in a  
26 particular fiscal year or from general State aid pursuant to

1 Section 18-8.05 of this Code as funds received in connection  
2 with any funding program for which it is entitled to receive  
3 funds from the State in that fiscal year (including, without  
4 limitation, any funding program referenced in this Section),  
5 regardless of the source or timing of the receipt. The district  
6 may not classify more funds as funds received in connection  
7 with the funding program than the district is entitled to  
8 receive in that fiscal year for that program. Any  
9 classification by a district must be made by a resolution of  
10 its board of education. The resolution must identify the amount  
11 of any payments or general State aid to be classified under  
12 this paragraph and must specify the funding program to which  
13 the funds are to be treated as received in connection  
14 therewith. This resolution is controlling as to the  
15 classification of funds referenced therein. A certified copy of  
16 the resolution must be sent to the State Superintendent of  
17 Education. The resolution shall still take effect even though a  
18 copy of the resolution has not been sent to the State  
19 Superintendent of Education in a timely manner. No  
20 classification under this paragraph by a district shall affect  
21 the total amount or timing of money the district is entitled to  
22 receive under this Code. No classification under this paragraph  
23 by a district shall in any way relieve the district from or  
24 affect any requirements that otherwise would apply with respect  
25 to that funding program, including any accounting of funds by  
26 source, reporting expenditures by original source and purpose,



1 reporting requirements, or requirements of providing services.

2 Any school district with a population of not more than  
3 500,000 must deposit all funds received under this Article into  
4 the transportation fund and use those funds for the provision  
5 of transportation services.

6 (Source: P.A. 100-332, eff. 8-25-17; 100-465, eff. 8-31-17;  
7 revised 9-22-17.)

8 (105 ILCS 5/32-7.3) (from Ch. 122, par. 32-7.3)

9 Sec. 32-7.3. Depositories. The governing body of any  
10 special charter district, when requested by the treasurer or  
11 custodian of the funds of the district, shall designate one or  
12 more banks or savings and loan associations in which the funds  
13 in the custody of the treasurer or custodian may be kept. A  
14 bank or savings and loan association designated as a depository  
15 shall continue as such until 10 days have elapsed after a new  
16 depository is designated and has qualified by furnishing the  
17 statements of resources and liabilities as is required by this  
18 Section. When a new depository is designated, the board of  
19 education or other governing body shall notify the sureties of  
20 the treasurer or custodian of that fact, in writing, at least 5  
21 days before the transfer of funds. The treasurer or custodian  
22 shall be discharged from responsibility for all funds which he  
23 deposits in a depository so designated while such funds are so  
24 deposited.

25 No bank or savings and loan association shall receive

1 public funds as permitted by this Section, unless it has  
2 complied with the requirements established pursuant to Section  
3 6 of the Public Funds Investment Act ~~"An Act relating to~~  
4 ~~certain investments of public funds by public agencies",~~  
5 ~~approved July 23, 1943, as now or hereafter amended.~~

6 (Source: P.A. 83-541; revised 9-25-17.)

7 (105 ILCS 5/34-18.53)

8 Sec. 34-18.53. Breastfeeding accommodations for pupils.

9 (a) Each public school shall provide reasonable  
10 accommodations to a lactating pupil on a school campus to  
11 express breast milk, breastfeed an infant child, or address  
12 other needs related to breastfeeding. Reasonable  
13 accommodations under this Section include, but are not limited  
14 to, all of the following:

15 (1) Access to a private and secure room, other than a  
16 restroom, to express breast milk or breastfeed an infant  
17 child.

18 (2) Permission to bring onto a school campus a breast  
19 pump and any other equipment used to express breast milk.

20 (3) Access to a power source for a breast pump or any  
21 other equipment used to express breast milk.

22 (4) Access to a place to store expressed breast milk  
23 safely.

24 (b) A lactating pupil on a school campus must be provided a  
25 reasonable amount of time to accommodate her need to express

1 breast milk or breastfeed an infant child.

2 (c) A public school shall provide the reasonable  
3 accommodations specified in subsections (a) and (b) of this  
4 Section only if there is at least one lactating pupil on the  
5 school campus.

6 (d) A public school may use an existing facility to meet  
7 the requirements specified in subsection (a) of this Section.

8 (e) A pupil may not incur an academic penalty as a result  
9 of her use, during the school day, of the reasonable  
10 accommodations specified in this Section and must be provided  
11 the opportunity to make up any work missed due to such use.

12 (f) In instances where a student files a complaint of  
13 noncompliance with the requirements of this Section, the public  
14 school shall implement the grievance procedure of 23 Ill. Adm.  
15 Code 200, including appeals procedures.

16 (Source: P.A. 100-29, eff. 1-1-18.)

17 (105 ILCS 5/34-18.54)

18 Sec. 34-18.54 ~~34-18.53~~. Implicit bias training.

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

20 (1) implicit racial bias influences evaluations of and  
21 behavior toward those who are the subject of the bias;

22 (2) understanding implicit racial bias is needed in  
23 order to reduce that bias;

24 (3) marginalized students would benefit from having  
25 access to educators who have worked to reduce their biases;

1 and

2 (4) training that helps educators overcome implicit  
3 racial bias has implication for classroom interactions,  
4 student evaluation, and classroom engagement; it also  
5 affects student academic self-concept.

6 (b) The board shall require in-service training for school  
7 personnel to include training to develop cultural competency,  
8 including understanding and reducing implicit racial bias.

9 (c) As used in this Section, "implicit racial bias" means a  
10 preference, positive or negative, for a racial or ethnic group  
11 that operates outside of awareness. This bias has 3 different  
12 components: affective, behavioral, and cognitive.

13 (Source: P.A. 100-14, eff. 7-1-17; revised 10-21-17.)

14 (105 ILCS 5/34-18.55)

15 Sec. 34-18.55 ~~34-18.53~~. Dual enrollment and dual credit  
16 notification. The board shall require the district's high  
17 schools to inform all 11th and 12th grade students of dual  
18 enrollment and dual credit opportunities at public community  
19 colleges for qualified students.

20 (Source: P.A. 100-133, eff. 1-1-18; revised 10-21-17.)

21 (105 ILCS 5/34-18.56)

22 Sec. 34-18.56 ~~34-18.53~~. Availability of feminine hygiene  
23 products.

24 (a) The General Assembly finds the following:

1           (1) Feminine hygiene products are a health care  
2           necessity and not an item that can be foregone or  
3           substituted easily.

4           (2) Access to feminine hygiene products is a serious  
5           and ongoing need in this State.

6           (3) When students do not have access to affordable  
7           feminine hygiene products, they may miss multiple days of  
8           school every month.

9           (4) When students have access to quality feminine  
10          hygiene products, they are able to continue with their  
11          daily lives with minimal interruption.

12          (b) In this Section:

13          "Feminine hygiene products" means tampons and sanitary  
14          napkins for use in connection with the menstrual cycle.

15          "School building" means any facility (i) that is owned or  
16          leased by the school district or over which the board has care,  
17          custody, and control and (ii) in which there is a public school  
18          serving students in grades 6 through 12.

19          (c) The school district shall make feminine hygiene  
20          products available, at no cost to students, in the bathrooms of  
21          school buildings.

22          (Source: P.A. 100-163, eff. 1-1-18; revised 10-21-17.)

23          (105 ILCS 5/34-18.57)

24          Sec. 34-18.57 ~~34-18.53~~. Booking stations on school  
25          grounds.

1           (a) There shall be no student booking station established  
2 or maintained on the grounds of any school.

3           (b) This prohibition shall be applied to student booking  
4 stations only, as defined in this Section. The prohibition does  
5 not prohibit or affect the establishment or maintenance of any  
6 place operated by or under the control of law enforcement  
7 personnel, school resource officers, or other security  
8 personnel that does not also qualify as a student booking  
9 station as defined in paragraph (2) of subsection (d) of this  
10 Section. The prohibition does not affect or limit the powers  
11 afforded law enforcement officers to perform their duties  
12 within schools as otherwise prescribed by law.

13           (c) When the underlying suspected or alleged criminal act  
14 is an act of violence, and isolation of a student or students  
15 is deemed necessary to the interest of public safety, and no  
16 other location is adequate for secure isolation of the student  
17 or students, offices as described in paragraph (1) of  
18 subsection (d) of this Section may be employed to detain  
19 students for a period no longer than that required to alleviate  
20 that threat to public safety.

21           (d) As used in this Section, "student booking station"  
22 means a building, office, room, or any indefinitely established  
23 space or site, mobile or fixed, which operates concurrently as:

24               (1) predominantly or regularly a place of operation for  
25 a municipal police department, county sheriff department,  
26 or other law enforcement agency, or under the primary

1 control thereof; and

2 (2) a site at which students are detained in connection  
3 with criminal charges or allegations against those  
4 students, taken into custody, or engaged with law  
5 enforcement personnel in any process that creates a law  
6 enforcement record of that contact with law enforcement  
7 personnel or processes.

8 (Source: P.A. 100-204, eff. 8-18-17; revised 10-21-17.)

9 (105 ILCS 5/34-18.58)

10 Sec. 34-18.58 ~~34-18.53~~. School social worker. The board may  
11 employ school social workers who have graduated with a master's  
12 or higher degree in social work from an accredited graduate  
13 school of social work and have such additional qualifications  
14 as may be required by the State Board of Education and who hold  
15 a Professional Educator License with a school support personnel  
16 endorsement for school social work pursuant to Section 21B-25  
17 of this Code. Only persons so licensed and endorsed may use the  
18 title "school social worker". A school social worker may  
19 provide individual and group services to the general student  
20 population and to students with disabilities pursuant to  
21 Article 14 of this Code and rules set forth in 23 Ill. Adm.  
22 Code 226, Special Education, adopted by the State Board of  
23 Education and may provide support and consultation to  
24 administrators, teachers, and other school personnel  
25 consistent with their professional qualifications and the

1 provisions of this Code and other applicable laws. The school  
2 district may employ a sufficient number of school social  
3 workers to address the needs of their students and schools and  
4 may maintain the nationally recommended student-to-school  
5 social worker ratio of 250 to 1. A school social worker may not  
6 provide such services outside his or her employment to any  
7 student in the district or districts that employ the school  
8 social worker.

9 (Source: P.A. 100-356, eff. 8-25-17; revised 10-21-17.)

10 (105 ILCS 5/34-18.59)

11 (This Section may contain text from a Public Act with a  
12 delayed effective date)

13 Sec. 34-18.59 ~~34-18.53~~. School-grown produce. The school  
14 district may serve students produce grown and harvested by  
15 students in school-owned facilities utilizing hydroponics or  
16 aeroponics or in school-owned or community gardens if the soil  
17 and compost in which the produce is grown meets the standards  
18 adopted in 35 Ill. Adm. Code 830.503, if applicable, and the  
19 produce is served in accordance with the standards adopted in  
20 77 Ill. Adm. Code 750.

21 (Source: P.A. 100-505, eff. 6-1-18; revised 10-21-17.)

22 Section 285. The Education for Homeless Children Act is  
23 amended by changing Section 1-20 as follows:



1 (105 ILCS 45/1-20)

2 Sec. 1-20. Enrollment. If the parents or guardians of a  
3 homeless child or youth choose to enroll the child in a school  
4 other than the school of origin, that school immediately shall  
5 enroll the homeless child or youth even if the child or youth  
6 is unable to produce records normally required for enrollment,  
7 such as previous academic records, medical records, proof of  
8 residency, or other documentation. Nothing in this Section  
9 ~~subsection~~ shall prohibit school districts from requiring  
10 parents or guardians of a homeless child to submit an address  
11 or such other contact information as the district may require  
12 from parents or guardians of nonhomeless children. It shall be  
13 the duty of the enrolling school to immediately contact the  
14 school last attended by the child or youth to obtain relevant  
15 academic and other records. If the child or youth must obtain  
16 immunizations, it shall be the duty of the enrolling school to  
17 promptly refer the child or youth for those immunizations.

18 (Source: P.A. 88-634, eff. 1-1-95; 88-686, eff. 1-24-95;  
19 revised 9-25-17.)

20 Section 290. The Public Community College Act is amended by  
21 changing Section 3-20.5 as follows:

22 (110 ILCS 805/3-20.5) (from Ch. 122, par. 103-20.5)

23 Sec. 3-20.5. ~~(a)~~ The board of each community college  
24 district shall ascertain, as near as practicable, annually, how

1 much money must be raised by special tax for educational  
2 purposes and for operations and maintenance of facilities  
3 purposes for the next ensuing year. Such amounts shall be  
4 certified and returned to the county clerk on or before the  
5 last Tuesday in December, annually. The certificate shall be  
6 signed by the chairman and secretary, and may be in the  
7 following form:

8 CERTIFICATE OF TAX LEVY

9 We hereby certify that we require the sum of .... dollars  
10 to be levied as a special tax for educational purposes, and the  
11 sum of .... dollars to be levied as a special tax for  
12 operations and maintenance of facilities purposes, on the  
13 equalized assessed value of the taxable property of our  
14 district, for the year (insert year).

15 Signed on (insert date).

16 A .... B ....., Chairman

17 C .... D ....., Secretary

18 Community College Dist. No. ....., .... County (or Counties)

19 An amended certificate may be filed by the community  
20 college board within 10 days of receipt of official  
21 notification from the county clerk of the multiplier that will  
22 be applied to assessed value of the taxable property of the  
23 district, provided such multiplier will alter the amount of  
24 revenue received by the district from either local or State  
25 sources.

1           A failure by the board to file the certificate with the  
2 county clerk in the time required shall not vitiate the  
3 assessment.

4           (Source: P.A. 91-357, eff. 7-29-99; revised 11-8-17.)

5           Section 295. The Nursing Education Scholarship Law is  
6 amended by changing Section 3 as follows:

7           (110 ILCS 975/3) (from Ch. 144, par. 2753)

8           Sec. 3. Definitions. The following terms, whenever used or  
9 referred to, have the following meanings except where the  
10 context clearly indicates otherwise:

11           (1) "Board" means the Board of Higher Education created by  
12 the Board of Higher Education Act.

13           (2) "Department" means the Illinois Department of Public  
14 Health.

15           (3) "Approved institution" means a public community  
16 college, private junior college, hospital-based diploma in  
17 nursing program, or public or private college or university  
18 with a pre-licensure nursing education program located in this  
19 State that has approval by the Department of Financial and  
20 Professional Regulation for an associate degree in nursing  
21 program, associate degree in applied sciences in nursing  
22 program, hospital-based diploma in nursing program,  
23 baccalaureate degree in nursing program, graduate degree in  
24 nursing program, or certificate in a practical nursing program

1 or a post-licensure nursing education program approved by the  
2 ~~Illinois~~ Board of Higher Education or any successor agency with  
3 similar authority.

4 (4) "Baccalaureate degree in nursing program" means a  
5 program offered by an approved institution and leading to a  
6 bachelor of science degree in nursing.

7 (5) "Enrollment" means the establishment and maintenance  
8 of an individual's status as a student in an approved  
9 institution, regardless of the terms used at the institution to  
10 describe such status.

11 (6) "Academic year" means the period of time from September  
12 1 of one year through August 31 of the next year or as  
13 otherwise defined by the academic institution.

14 (7) "Associate degree in nursing program or hospital-based  
15 diploma in nursing program" means a program offered by an  
16 approved institution and leading to an associate degree in  
17 nursing, associate degree in applied sciences in nursing, or  
18 hospital-based diploma in nursing.

19 (8) "Graduate degree in nursing program" means a program  
20 offered by an approved institution and leading to a master of  
21 science degree in nursing or a doctorate of philosophy or  
22 doctorate of nursing degree in nursing.

23 (9) "Director" means the Director of the Illinois  
24 Department of Public Health.

25 (10) "Accepted for admission" means a student has completed  
26 the requirements for entry into an associate degree in nursing

1 program, associate degree in applied sciences in nursing  
2 program, hospital-based diploma in nursing program,  
3 baccalaureate degree in nursing program, graduate degree in  
4 nursing program, or certificate in practical nursing program at  
5 an approved institution, as documented by the institution.

6 (11) "Fees" means those mandatory charges, in addition to  
7 tuition, that all enrolled students must pay, including  
8 required course or lab fees.

9 (12) "Full-time student" means a student enrolled for at  
10 least 12 hours per term or as otherwise determined by the  
11 academic institution.

12 (13) "Law" means the Nursing Education Scholarship Law.

13 (14) "Nursing employment obligation" means employment in  
14 this State as a registered professional nurse, licensed  
15 practical nurse, or advanced practice registered nurse in  
16 direct patient care for at least one year for each year of  
17 scholarship assistance received through the Nursing Education  
18 Scholarship Program.

19 (15) "Part-time student" means a person who is enrolled for  
20 at least one-third of the number of hours required per term by  
21 a school for its full-time students.

22 (16) "Practical nursing program" means a program offered by  
23 an approved institution leading to a certificate in practical  
24 nursing.

25 (17) "Registered professional nurse" means a person who is  
26 currently licensed as a registered professional nurse by the

1 Department of Professional Regulation under the Nurse Practice  
2 Act.

3 (18) "Licensed practical nurse" means a person who is  
4 currently licensed as a licensed practical nurse by the  
5 Department of Professional Regulation under the Nurse Practice  
6 Act.

7 (19) "School term" means an academic term, such as a  
8 semester, quarter, trimester, or number of clock hours, as  
9 defined by an approved institution.

10 (20) "Student in good standing" means a student maintaining  
11 a cumulative grade point average equivalent to at least the  
12 academic grade of a "C".

13 (21) "Total and permanent disability" means a physical or  
14 mental impairment, disease, or loss of a permanent nature that  
15 prevents nursing employment with or without reasonable  
16 accommodation. Proof of disability shall be a declaration from  
17 the social security administration, Illinois Workers'  
18 Compensation Commission, Department of Defense, or an insurer  
19 authorized to transact business in Illinois who is providing  
20 disability insurance coverage to a contractor.

21 (22) "Tuition" means the established charges of an  
22 institution of higher learning for instruction at that  
23 institution.

24 (23) "Nurse educator" means a person who is currently  
25 licensed as a registered nurse by the Department of  
26 Professional Regulation under the Nurse Practice Act, who has a

1 graduate degree in nursing, and who is employed by an approved  
2 academic institution to educate registered nursing students,  
3 licensed practical nursing students, and registered nurses  
4 pursuing graduate degrees.

5 (24) "Nurse educator employment obligation" means  
6 employment in this State as a nurse educator for at least 2  
7 years for each year of scholarship assistance received under  
8 Section 6.5 of this Law.

9 Rulemaking authority to implement Public Act 96-805 ~~this~~  
10 ~~amendatory Act of the 96th General Assembly~~, if any, is  
11 conditioned on the rules being adopted in accordance with all  
12 provisions of the Illinois Administrative Procedure Act and all  
13 rules and procedures of the Joint Committee on Administrative  
14 Rules; any purported rule not so adopted, for whatever reason,  
15 is unauthorized.

16 (Source: P.A. 100-183, eff. 8-18-17; 100-513, eff. 1-1-18;  
17 revised 9-22-17.)

18 Section 300. The Student Loan Servicing Rights Act is  
19 amended by changing Section 20-50 as follows:

20 (110 ILCS 992/20-50)

21 (This Section may contain text from a Public Act with a  
22 delayed effective date)

23 Sec. 20-50. Confidentiality.

24 (a) In order to promote more effective regulation and

1 reduce regulatory burden through supervisory information  
2 sharing, except as otherwise provided in federal Public Law  
3 110-289, Section 1512, the requirements under any federal law  
4 or State law regarding the privacy or confidentiality of any  
5 information or material provided to the Nationwide Mortgage  
6 Licensing System and Registry, and any privilege arising under  
7 federal or State law, including the rules of any federal or  
8 State court, with respect to such information or material,  
9 shall continue to apply to information or material after the  
10 information or material has been disclosed to the Nationwide  
11 Mortgage Licensing System and Registry. The information and  
12 material may be shared with all State and federal regulatory  
13 officials with student loan industry oversight authority  
14 without the loss of privilege or the loss of confidentiality  
15 protections provided by federal law or State law.

16 (b) In order to promote more effective regulation and  
17 reduce regulatory burden through supervisory information  
18 sharing, the Secretary is authorized to enter into agreements  
19 or sharing arrangements with other governmental agencies, the  
20 Conference of State Bank Supervisors or other associations  
21 representing governmental agencies as established by rule,  
22 regulation, or order of the Secretary. The sharing of  
23 confidential supervisory information or any information or  
24 material described in subsection (a) of this Section pursuant  
25 to an agreement or sharing arrangement shall not result in the  
26 loss of privilege or the loss of confidentiality protections



1 provided by federal law or State law.

2 (c) In order to promote more effective regulation and  
3 reduce regulatory burden through supervisory information  
4 sharing, information or material that is subject to a privilege  
5 or confidentiality under subsection (a) of this Section shall  
6 not be subject to the following:

7 (1) disclosure under any State law governing the  
8 disclosure to the public of information held by an officer  
9 or an agency of the State; or

10 (2) subpoena or discovery, or admission into evidence,  
11 in any private civil action or administrative process,  
12 unless with respect to any privilege held by the Nationwide  
13 Mortgage Licensing System and Registry with respect to the  
14 information or material, the person to whom such  
15 information or material pertains waives, in whole or in  
16 part, in the discretion of that person, that privilege.

17 (d) In order to promote more effective regulation and  
18 reduce regulatory burden through supervisory information  
19 sharing, any other law relating to the disclosure of  
20 confidential supervisory information or any information or  
21 material described in subsection (a) of this Section that is  
22 inconsistent with subsection (a) of this Section shall be  
23 superseded by the requirements of this Section to the extent  
24 the other law provides less confidentiality or a weaker  
25 privilege.

26 (Source: P.A. 100-540, eff. 12-31-18; revised 12-14-17.)

1           Section 305. The Illinois Banking Act is amended by  
2 changing Sections 5 and 48.3 as follows:

3           (205 ILCS 5/5) (from Ch. 17, par. 311)

4           Sec. 5. General corporate powers. A bank organized under  
5 this Act or subject hereto shall be a body corporate and  
6 politic and shall, without specific mention thereof in the  
7 charter, have all the powers conferred by this Act and the  
8 following additional general corporate powers:

9           (1) To sue and be sued, complain, and defend in its  
10 corporate name.

11           (2) To have a corporate seal, which may be altered at  
12 pleasure, and to use the same by causing it or a facsimile  
13 thereof to be impressed or affixed or in any manner  
14 reproduced, provided that the affixing of a corporate seal  
15 to an instrument shall not give the instrument additional  
16 force or effect, or change the construction thereof, and  
17 the use of a corporate seal is not mandatory.

18           (3) To make, alter, amend, and repeal bylaws, not  
19 inconsistent with its charter or with law, for the  
20 administration of the affairs of the bank. If this Act does  
21 not provide specific guidance in matters of corporate  
22 governance, the provisions of the Business Corporation Act  
23 of 1983 may be used if so provided in the bylaws, and if  
24 the bank is a limited liability company, the provisions of

1 the Limited Liability Company Act shall be used.

2 (4) To elect or appoint and remove officers and agents  
3 of the bank and define their duties and fix their  
4 compensation.

5 (5) To adopt and operate reasonable bonus plans,  
6 profit-sharing plans, stock-bonus plans, stock-option  
7 plans, pension plans, and similar incentive plans for its  
8 directors, officers and employees.

9 (5.1) To manage, operate, and administer a fund for the  
10 investment of funds by a public agency or agencies,  
11 including any unit of local government or school district,  
12 or any person. The fund for a public agency shall invest in  
13 the same type of investments and be subject to the same  
14 limitations provided for the investment of public funds.  
15 The fund for public agencies shall maintain a separate  
16 ledger showing the amount of investment for each public  
17 agency in the fund. "Public funds" and "public agency" as  
18 used in this Section shall have the meanings ascribed to  
19 them in Section 1 of the Public Funds Investment Act.

20 (6) To make reasonable donations for the public welfare  
21 or for charitable, scientific, religious or educational  
22 purposes.

23 (7) To borrow or incur an obligation; and to pledge its  
24 assets:

25 (a) to secure its borrowings, its lease of personal  
26 or real property or its other nondeposit obligations;

1 (b) to enable it to act as agent for the sale of  
2 obligations of the United States;

3 (c) to secure deposits of public money of the  
4 United States, whenever required by the laws of the  
5 United States, including, without being limited to,  
6 revenues and funds the deposit of which is subject to  
7 the control or regulation of the United States or any  
8 of its officers, agents, or employees and Postal  
9 Savings funds;

10 (d) to secure deposits of public money of any state  
11 or of any political corporation or subdivision  
12 thereof, including, without being limited to, revenues  
13 and funds the deposit of which is subject to the  
14 control or regulation of any state or of any political  
15 corporation or subdivisions thereof or of any of their  
16 officers, agents, or employees;

17 (e) to secure deposits of money whenever required  
18 by the National Bankruptcy Act;

19 (f) (blank); and

20 (g) to secure trust funds commingled with the  
21 bank's funds, whether deposited by the bank or an  
22 affiliate of the bank, pursuant to Section 2-8 of the  
23 Corporate Fiduciary Act.

24 (8) To own, possess, and carry as assets all or part of  
25 the real estate necessary in or with which to do its  
26 banking business, either directly or indirectly through

1 the ownership of all or part of the capital stock, shares  
2 or interests in any corporation, association, trust  
3 engaged in holding any part or parts or all of the bank  
4 premises, engaged in such business and in conducting a safe  
5 deposit business in the premises or part of them, or  
6 engaged in any activity that the bank is permitted to  
7 conduct in a subsidiary pursuant to paragraph (12) of this  
8 Section 5.

9 (9) To own, possess, and carry as assets other real  
10 estate to which it may obtain title in the collection of  
11 its debts or that was formerly used as a part of the bank  
12 premises, but title to any real estate except as herein  
13 permitted shall not be retained by the bank, either  
14 directly or by or through a subsidiary, as permitted by  
15 subsection (12) of this Section for a total period of more  
16 than 10 years after acquiring title, either directly or  
17 indirectly.

18 (10) To do any act, including the acquisition of stock,  
19 necessary to obtain insurance of its deposits, or part  
20 thereof, and any act necessary to obtain a guaranty, in  
21 whole or in part, of any of its loans or investments by the  
22 United States or any agency thereof, and any act necessary  
23 to sell or otherwise dispose of any of its loans or  
24 investments to the United States or any agency thereof, and  
25 to acquire and hold membership in the Federal Reserve  
26 System.

1           (11) Notwithstanding any other provisions of this Act  
2           or any other law, to do any act and to own, possess, and  
3           carry as assets property of the character, including stock,  
4           that is at the time authorized or permitted to national  
5           banks by an Act of Congress, but subject always to the same  
6           limitations and restrictions as are applicable to national  
7           banks by the pertinent federal law and subject to  
8           applicable provisions of the Financial Institutions  
9           Insurance Sales Law.

10          (12) To own, possess, and carry as assets stock of one  
11          or more corporations that is, or are, engaged in one or  
12          more of the following businesses:

13               (a) holding title to and administering assets  
14               acquired as a result of the collection or liquidating  
15               of loans, investments, or discounts; or

16               (b) holding title to and administering personal  
17               property acquired by the bank, directly or indirectly  
18               through a subsidiary, for the purpose of leasing to  
19               others, provided the lease or leases and the investment  
20               of the bank, directly or through a subsidiary, in that  
21               personal property otherwise comply with Section 35.1  
22               of this Act; or

23               (c) carrying on or administering any of the  
24               activities excepting the receipt of deposits or the  
25               payment of checks or other orders for the payment of  
26               money in which a bank may engage in carrying on its

1           general banking business; provided, however, that  
2           nothing contained in this paragraph (c) shall be deemed  
3           to permit a bank organized under this Act or subject  
4           hereto to do, either directly or indirectly through any  
5           subsidiary, any act, including the making of any loan  
6           or investment, or to own, possess, or carry as assets  
7           any property that if done by or owned, possessed, or  
8           carried by the State bank would be in violation of or  
9           prohibited by any provision of this Act.

10           The provisions of this subsection (12) shall not apply  
11           to and shall not be deemed to limit the powers of a State  
12           bank with respect to the ownership, possession, and  
13           carrying of stock that a State bank is permitted to own,  
14           possess, or carry under this Act.

15           Any bank intending to establish a subsidiary under this  
16           subsection (12) shall give written notice to the  
17           Commissioner 60 days prior to the subsidiary's commencing  
18           of business or, as the case may be, prior to acquiring  
19           stock in a corporation that has already commenced business.  
20           After receiving the notice, the Commissioner may waive or  
21           reduce the balance of the 60-day ~~60-day~~ notice period. The  
22           Commissioner may specify the form of the notice, may  
23           designate the types of subsidiaries not subject to this  
24           notice requirement, and may promulgate rules and  
25           regulations to administer this subsection (12).

26           (13) To accept for payment at a future date not

1 exceeding one year from the date of acceptance, drafts  
2 drawn upon it by its customers; and to issue, advise, or  
3 confirm letters of credit authorizing the holders thereof  
4 to draw drafts upon it or its correspondents.

5 (14) To own and lease personal property acquired by the  
6 bank at the request of a prospective lessee and upon the  
7 agreement of that person to lease the personal property  
8 provided that the lease, the agreement with respect  
9 thereto, and the amount of the investment of the bank in  
10 the property comply with Section 35.1 of this Act.

11 (15) (a) To establish and maintain, in addition to the  
12 main banking premises, branches offering any banking  
13 services permitted at the main banking premises of a State  
14 bank.

15 (b) To establish and maintain, after May 31, 1997,  
16 branches in another state that may conduct any activity in  
17 that state that is authorized or permitted for any bank  
18 that has a banking charter issued by that state, subject to  
19 the same limitations and restrictions that are applicable  
20 to banks chartered by that state.

21 (16) (Blank).

22 (17) To establish and maintain terminals, as  
23 authorized by the Electronic Fund Transfer Act.

24 (18) To establish and maintain temporary service  
25 booths at any International Fair held in this State which  
26 is approved by the United States Department of Commerce,



1 for the duration of the international fair for the sole  
2 purpose of providing a convenient place for foreign trade  
3 customers at the fair to exchange their home countries'  
4 currency into United States currency or the converse. This  
5 power shall not be construed as establishing a new place or  
6 change of location for the bank providing the service  
7 booth.

8 (19) To indemnify its officers, directors, employees,  
9 and agents, as authorized for corporations under Section  
10 8.75 of the Business Corporation Act of 1983.

11 (20) To own, possess, and carry as assets stock of, or  
12 be or become a member of, any corporation, mutual company,  
13 association, trust, or other entity formed exclusively for  
14 the purpose of providing directors' and officers'  
15 liability and bankers' blanket bond insurance or  
16 reinsurance to and for the benefit of the stockholders,  
17 members, or beneficiaries, or their assets or businesses,  
18 or their officers, directors, employees, or agents, and not  
19 to or for the benefit of any other person or entity or the  
20 public generally.

21 (21) To make debt or equity investments in corporations  
22 or projects, whether for profit or not for profit, designed  
23 to promote the development of the community and its  
24 welfare, provided that the aggregate investment in all of  
25 these corporations and in all of these projects does not  
26 exceed 10% of the unimpaired capital and unimpaired surplus

1 of the bank and provided that this limitation shall not  
2 apply to creditworthy loans by the bank to those  
3 corporations or projects. Upon written application to the  
4 Commissioner, a bank may make an investment that would,  
5 when aggregated with all other such investments, exceed 10%  
6 of the unimpaired capital and unimpaired surplus of the  
7 bank. The Commissioner may approve the investment if he is  
8 of the opinion and finds that the proposed investment will  
9 not have a material adverse effect on the safety and  
10 soundness of the bank.

11 (22) To own, possess, and carry as assets the stock of  
12 a corporation engaged in the ownership or operation of a  
13 travel agency or to operate a travel agency as a part of  
14 its business.

15 (23) With respect to affiliate facilities:

16 (a) to conduct at affiliate facilities for and on  
17 behalf of another commonly owned bank, if so authorized  
18 by the other bank, all transactions that the other bank  
19 is authorized or permitted to perform; and

20 (b) to authorize a commonly owned bank to conduct  
21 for and on behalf of it any of the transactions it is  
22 authorized or permitted to perform at one or more  
23 affiliate facilities.

24 Any bank intending to conduct or to authorize a  
25 commonly owned bank to conduct at an affiliate facility any  
26 of the transactions specified in this paragraph (23) shall

1 give written notice to the Commissioner at least 30 days  
2 before any such transaction is conducted at the affiliate  
3 facility.

4 (24) To act as the agent for any fire, life, or other  
5 insurance company authorized by the State of Illinois, by  
6 soliciting and selling insurance and collecting premiums  
7 on policies issued by such company; and to receive for  
8 services so rendered such fees or commissions as may be  
9 agreed upon between the bank and the insurance company for  
10 which it may act as agent; provided, however, that no such  
11 bank shall in any case assume or guarantee the payment of  
12 any premium on insurance policies issued through its agency  
13 by its principal; and provided further, that the bank shall  
14 not guarantee the truth of any statement made by an assured  
15 in filing his application for insurance.

16 (25) Notwithstanding any other provisions of this Act  
17 or any other law, to offer any product or service that is  
18 at the time authorized or permitted to any insured savings  
19 association or out-of-state bank by applicable law,  
20 provided that powers conferred only by this subsection  
21 (25):

22 (a) shall always be subject to the same limitations  
23 and restrictions that are applicable to the insured  
24 savings association or out-of-state bank for the  
25 product or service by such applicable law;

26 (b) shall be subject to applicable provisions of

1 the Financial Institutions Insurance Sales Law;

2 (c) shall not include the right to own or conduct a  
3 real estate brokerage business for which a license  
4 would be required under the laws of this State; and

5 (d) shall not be construed to include the  
6 establishment or maintenance of a branch, nor shall  
7 they be construed to limit the establishment or  
8 maintenance of a branch pursuant to subsection (11).

9 Not less than 30 days before engaging in any activity  
10 under the authority of this subsection, a bank shall  
11 provide written notice to the Commissioner of its intent to  
12 engage in the activity. The notice shall indicate the  
13 specific federal or state law, rule, regulation, or  
14 interpretation the bank intends to use as authority to  
15 engage in the activity.

16 ~~(26)~~ Nothing in this Section shall be construed to require  
17 the filing of a notice or application for approval with the  
18 United States Office of the Comptroller of the Currency or a  
19 bank supervisor of another state as a condition to the right of  
20 a State bank to exercise any of the powers conferred by this  
21 Section in this State.

22 (Source: P.A. 98-44, eff. 6-28-13; 99-362, eff. 8-13-15;  
23 revised 10-5-17.)

24 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

25 Sec. 48.3. Disclosure of reports of examinations and

1 confidential supervisory information; limitations.

2 (a) Any report of examination, visitation, or  
3 investigation prepared by the Secretary under this Act, the  
4 Electronic Fund Transfer Act, the Corporate Fiduciary Act, the  
5 Illinois Bank Holding Company Act of 1957, and the Foreign  
6 Banking Office Act, any report of examination, visitation, or  
7 investigation prepared by the state regulatory authority of  
8 another state that examines a branch of an Illinois State bank  
9 in that state, any document or record prepared or obtained in  
10 connection with or relating to any examination, visitation, or  
11 investigation, and any record prepared or obtained by the  
12 Secretary to the extent that the record summarizes or contains  
13 information derived from any report, document, or record  
14 described in this subsection shall be deemed "confidential  
15 supervisory information". Confidential supervisory information  
16 shall not include any information or record routinely prepared  
17 by a bank or other financial institution and maintained in the  
18 ordinary course of business or any information or record that  
19 is required to be made publicly available pursuant to State or  
20 federal law or rule. Confidential supervisory information  
21 shall be the property of the Secretary and shall only be  
22 disclosed under the circumstances and for the purposes set  
23 forth in this Section.

24 The Secretary may disclose confidential supervisory  
25 information only under the following circumstances:

26 (1) The Secretary may furnish confidential supervisory

1 information to the Board of Governors of the Federal  
2 Reserve System, the federal reserve bank of the federal  
3 reserve district in which the State bank is located or in  
4 which the parent or other affiliate of the State bank is  
5 located, any official or examiner thereof duly accredited  
6 for the purpose, or any other state regulator, federal  
7 regulator, or in the case of a foreign bank possessing a  
8 certificate of authority pursuant to the Foreign Banking  
9 Office Act or a license pursuant to the Foreign Bank  
10 Representative Office Act, the bank regulator in the  
11 country where the foreign bank is chartered, that the  
12 Secretary determines to have an appropriate regulatory  
13 interest. Nothing contained in this Act shall be construed  
14 to limit the obligation of any member State bank to comply  
15 with the requirements relative to examinations and reports  
16 of the Federal Reserve Act and of the Board of Governors of  
17 the Federal Reserve System or the federal reserve bank of  
18 the federal reserve district in which the bank is located,  
19 nor to limit in any way the powers of the Secretary with  
20 reference to examinations and reports.

21 (2) The Secretary may furnish confidential supervisory  
22 information to the United States, any agency thereof that  
23 has insured a bank's deposits in whole or in part, or any  
24 official or examiner thereof duly accredited for the  
25 purpose. Nothing contained in this Act shall be construed  
26 to limit the obligation relative to examinations and

1 reports of any State bank, deposits in which are to any  
2 extent insured by the United States, any agency thereof,  
3 nor to limit in any way the powers of the Secretary with  
4 reference to examination and reports of such bank.

5 (2.5) The Secretary may furnish confidential  
6 supervisory information to a Federal Home Loan Bank in  
7 connection with any bank that is a member of the Federal  
8 Home Loan Bank or in connection with any application by the  
9 bank before the Federal Home Loan Bank. The confidential  
10 supervisory information shall remain the property of the  
11 Secretary and may not be further disclosed without the  
12 Secretary's permission.

13 (3) The Secretary may furnish confidential supervisory  
14 information to the appropriate law enforcement authorities  
15 when the Secretary reasonably believes a bank, which the  
16 Secretary has caused to be examined, has been a victim of a  
17 crime.

18 (4) The Secretary may furnish confidential supervisory  
19 information relating to a bank or other financial  
20 institution, which the Secretary has caused to be examined,  
21 to be sent to the administrator of the Revised Uniform  
22 Unclaimed Property Act.

23 (5) The Secretary may furnish confidential supervisory  
24 information relating to a bank or other financial  
25 institution, which the Secretary has caused to be examined,  
26 relating to its performance of obligations under the

1 Illinois Income Tax Act and the Illinois Estate and  
2 Generation-Skipping Transfer Tax Act to the Illinois  
3 Department of Revenue.

4 (6) The Secretary may furnish confidential supervisory  
5 information relating to a bank or other financial  
6 institution, which the Secretary has caused to be examined,  
7 under the federal Currency and Foreign Transactions  
8 Reporting Act, Title 31, United States Code, Section 1051  
9 et seq.

10 (6.5) The Secretary may furnish confidential  
11 supervisory information to any other agency or entity that  
12 the Secretary determines to have a legitimate regulatory  
13 interest.

14 (7) The Secretary may furnish confidential supervisory  
15 information under any other statute that by its terms or by  
16 regulations promulgated thereunder requires the disclosure  
17 of financial records other than by subpoena, summons,  
18 warrant, or court order.

19 (8) At the request of the affected bank or other  
20 financial institution, the Secretary may furnish  
21 confidential supervisory information relating to a bank or  
22 other financial institution, which the Secretary has  
23 caused to be examined, in connection with the obtaining of  
24 insurance coverage or the pursuit of an insurance claim for  
25 or on behalf of the bank or other financial institution;  
26 provided that, when possible, the Secretary shall disclose



1           only relevant information while maintaining the  
2           confidentiality of financial records not relevant to such  
3           insurance coverage or claim and, when appropriate, may  
4           delete identifying data relating to any person or  
5           individual.

6           (9) The Secretary may furnish a copy of a report of any  
7           examination performed by the Secretary of the condition and  
8           affairs of any electronic data processing entity to the  
9           banks serviced by the electronic data processing entity.

10          (10) In addition to the foregoing circumstances, the  
11          Secretary may, but is not required to, furnish confidential  
12          supervisory information under the same circumstances  
13          authorized for the bank or financial institution pursuant  
14          to subsection (b) of this Section, except that the  
15          Secretary shall provide confidential supervisory  
16          information under circumstances described in paragraph (3)  
17          of subsection (b) of this Section only upon the request of  
18          the bank or other financial institution.

19          (b) A bank or other financial institution or its officers,  
20          agents, and employees may disclose confidential supervisory  
21          information only under the following circumstances:

22                 (1) to the board of directors of the bank or other  
23                 financial institution, as well as the president,  
24                 vice-president, cashier, and other officers of the bank or  
25                 other financial institution to whom the board of directors  
26                 may delegate duties with respect to compliance with

1 recommendations for action, and to the board of directors  
2 of a bank holding company that owns at least 80% of the  
3 outstanding stock of the bank or other financial  
4 institution;

5 (2) to attorneys for the bank or other financial  
6 institution and to a certified public accountant engaged by  
7 the State bank or financial institution to perform an  
8 independent audit provided that the attorney or certified  
9 public accountant shall not permit the confidential  
10 supervisory information to be further disseminated;

11 (3) to any person who seeks to acquire a controlling  
12 interest in, or who seeks to merge with, the bank or  
13 financial institution, provided that all attorneys,  
14 certified public accountants, officers, agents, or  
15 employees of that person shall agree to be bound to respect  
16 the confidentiality of the confidential supervisory  
17 information and to not further disseminate the information  
18 therein contained;

19 (3.5) to a Federal Home Loan Bank of which it is a  
20 member;

21 (4) (blank); or

22 (5) to the bank's insurance company in relation to an  
23 insurance claim or the effort by the bank to procure  
24 insurance coverage, provided that, when possible, the bank  
25 shall disclose only information that is relevant to the  
26 insurance claim or that is necessary to procure the

1 insurance coverage, while maintaining the confidentiality  
2 of financial information pertaining to customers. When  
3 appropriate, the bank may delete identifying data relating  
4 to any person.

5 The disclosure of confidential supervisory information by  
6 a bank or other financial institution pursuant to this  
7 subsection (b) and the disclosure of information to the  
8 Secretary or other regulatory agency in connection with any  
9 examination, visitation, or investigation shall not constitute  
10 a waiver of any legal privilege otherwise available to the bank  
11 or other financial institution with respect to the information.

12 (c) (1) Notwithstanding any other provision of this Act or  
13 any other law, confidential supervisory information shall be  
14 the property of the Secretary and shall be privileged from  
15 disclosure to any person except as provided in this Section. No  
16 person in possession of confidential supervisory information  
17 may disclose that information for any reason or under any  
18 circumstances not specified in this Section without the prior  
19 authorization of the Secretary. Any person upon whom a demand  
20 for production of confidential supervisory information is  
21 made, whether by subpoena, order, or other judicial or  
22 administrative process, must withhold production of the  
23 confidential supervisory information and must notify the  
24 Secretary of the demand, at which time the Secretary is  
25 authorized to intervene for the purpose of enforcing the  
26 limitations of this Section or seeking the withdrawal or

1 termination of the attempt to compel production of the  
2 confidential supervisory information.

3 (2) Any request for discovery or disclosure of confidential  
4 supervisory information, whether by subpoena, order, or other  
5 judicial or administrative process, shall be made to the  
6 Secretary, and the Secretary shall determine within 15 days  
7 whether to disclose the information pursuant to procedures and  
8 standards that the Secretary shall establish by rule. If the  
9 Secretary determines that such information will not be  
10 disclosed, the Secretary's decision shall be subject to  
11 judicial review under the provisions of the Administrative  
12 Review Law, and venue shall be in either Sangamon County or  
13 Cook County.

14 (3) Any court order that compels disclosure of confidential  
15 supervisory information may be immediately appealed by the  
16 Secretary, and the order shall be automatically stayed pending  
17 the outcome of the appeal.

18 (d) If any officer, agent, attorney, or employee of a bank  
19 or financial institution knowingly and willfully furnishes  
20 confidential supervisory information in violation of this  
21 Section, the Secretary may impose a civil monetary penalty up  
22 to \$1,000 for the violation against the officer, agent,  
23 attorney, or employee.

24 (Source: P.A. 100-22, eff 1-1-18; 100-64, eff. 8-11-17; revised  
25 10-5-17.)

1 Section 310. The Savings Bank Act is amended by changing  
2 Section 9012 as follows:

3 (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)

4 Sec. 9012. Disclosure of reports of examinations and  
5 confidential supervisory information; limitations.

6 (a) Any report of examination, visitation, or  
7 investigation prepared by the Secretary under this Act, any  
8 report of examination, visitation, or investigation prepared  
9 by the state regulatory authority of another state that  
10 examines a branch of an Illinois State savings bank in that  
11 state, any document or record prepared or obtained in  
12 connection with or relating to any examination, visitation, or  
13 investigation, and any record prepared or obtained by the  
14 Secretary to the extent that the record summarizes or contains  
15 information derived from any report, document, or record  
16 described in this subsection shall be deemed confidential  
17 supervisory information. "Confidential supervisory  
18 information" shall not include any information or record  
19 routinely prepared by a savings bank and maintained in the  
20 ordinary course of business or any information or record that  
21 is required to be made publicly available pursuant to State or  
22 federal law or rule. Confidential supervisory information  
23 shall be the property of the Secretary and shall only be  
24 disclosed under the circumstances and for the purposes set  
25 forth in this Section.

1           The Secretary may disclose confidential supervisory  
2 information only under the following circumstances:

3           (1) The Secretary may furnish confidential supervisory  
4 information to federal and state depository institution  
5 regulators, or any official or examiner thereof duly  
6 accredited for the purpose. Nothing contained in this Act  
7 shall be construed to limit the obligation of any savings  
8 bank to comply with the requirements relative to  
9 examinations and reports nor to limit in any way the powers  
10 of the Secretary relative to examinations and reports.

11           (2) The Secretary may furnish confidential supervisory  
12 information to the United States or any agency thereof that  
13 to any extent has insured a savings bank's deposits, or any  
14 official or examiner thereof duly accredited for the  
15 purpose. Nothing contained in this Act shall be construed  
16 to limit the obligation relative to examinations and  
17 reports of any savings bank in which deposits are to any  
18 extent insured by the United States or any agency thereof  
19 nor to limit in any way the powers of the Secretary with  
20 reference to examination and reports of the savings bank.

21           (2.5) The Secretary may furnish confidential  
22 supervisory information to a Federal Home Loan Bank in  
23 connection with any savings bank that is a member of the  
24 Federal Home Loan Bank or in connection with any  
25 application by the savings bank before the Federal Home  
26 Loan Bank. The confidential supervisory information shall

1 remain the property of the Secretary and may not be further  
2 disclosed without the Secretary's permission.

3 (3) The Secretary may furnish confidential supervisory  
4 information to the appropriate law enforcement authorities  
5 when the Secretary reasonably believes a savings bank,  
6 which the Secretary has caused to be examined, has been a  
7 victim of a crime.

8 (4) The Secretary may furnish confidential supervisory  
9 information related to a savings bank, which the Secretary  
10 has caused to be examined, to the administrator of the  
11 Revised Uniform Unclaimed Property Act.

12 (5) The Secretary may furnish confidential supervisory  
13 information relating to a savings bank, which the Secretary  
14 has caused to be examined, relating to its performance of  
15 obligations under the Illinois Income Tax Act and the  
16 Illinois Estate and Generation-Skipping Transfer Tax Act  
17 to the Illinois Department of Revenue.

18 (6) The Secretary may furnish confidential supervisory  
19 information relating to a savings bank, which the Secretary  
20 has caused to be examined, under the federal Currency and  
21 Foreign Transactions Reporting Act, 31 United States Code,  
22 Section 1051 et seq.

23 (7) The Secretary may furnish confidential supervisory  
24 information to any other agency or entity that the  
25 Secretary determines to have a legitimate regulatory  
26 interest.

1           (8) The Secretary may furnish confidential supervisory  
2 information as otherwise permitted or required by this Act  
3 and may furnish confidential supervisory information under  
4 any other statute that by its terms or by regulations  
5 promulgated thereunder requires the disclosure of  
6 financial records other than by subpoena, summons,  
7 warrant, or court order.

8           (9) At the request of the affected savings bank, the  
9 Secretary may furnish confidential supervisory information  
10 relating to the savings bank, which the Secretary has  
11 caused to be examined, in connection with the obtaining of  
12 insurance coverage or the pursuit of an insurance claim for  
13 or on behalf of the savings bank; provided that, when  
14 possible, the Secretary shall disclose only relevant  
15 information while maintaining the confidentiality of  
16 financial records not relevant to such insurance coverage  
17 or claim and, when appropriate, may delete identifying data  
18 relating to any person.

19           (10) The Secretary may furnish a copy of a report of  
20 any examination performed by the Secretary of the condition  
21 and affairs of any electronic data processing entity to the  
22 savings banks serviced by the electronic data processing  
23 entity.

24           (11) In addition to the foregoing circumstances, the  
25 Secretary may, but is not required to, furnish confidential  
26 supervisory information under the same circumstances



1 authorized for the savings bank pursuant to subsection (b)  
2 of this Section, except that the Secretary shall provide  
3 confidential supervisory information under circumstances  
4 described in paragraph (3) of subsection (b) of this  
5 Section only upon the request of the savings bank.

6 (b) A savings bank or its officers, agents, and employees  
7 may disclose confidential supervisory information only under  
8 the following circumstances:

9 (1) to the board of directors of the savings bank, as  
10 well as the president, vice-president, cashier, and other  
11 officers of the savings bank to whom the board of directors  
12 may delegate duties with respect to compliance with  
13 recommendations for action, and to the board of directors  
14 of a savings bank holding company that owns at least 80% of  
15 the outstanding stock of the savings bank or other  
16 financial institution.

17 (2) to attorneys for the savings bank and to a  
18 certified public accountant engaged by the savings bank to  
19 perform an independent audit; provided that the attorney or  
20 certified public accountant shall not permit the  
21 confidential supervisory information to be further  
22 disseminated.

23 (3) to any person who seeks to acquire a controlling  
24 interest in, or who seeks to merge with, the savings bank;  
25 provided that the person shall agree to be bound to respect  
26 the confidentiality of the confidential supervisory

1 information and to not further disseminate the information  
2 other than to attorneys, certified public accountants,  
3 officers, agents, or employees of that person who likewise  
4 shall agree to be bound to respect the confidentiality of  
5 the confidential supervisory information and to not  
6 further disseminate the information.

7 (4) to the savings bank's insurance company, if the  
8 supervisory information contains information that is  
9 otherwise unavailable and is strictly necessary to  
10 obtaining insurance coverage or pursuing an insurance  
11 claim for or on behalf of the savings bank; provided that,  
12 when possible, the savings bank shall disclose only  
13 information that is relevant to obtaining insurance  
14 coverage or pursuing an insurance claim, while maintaining  
15 the confidentiality of financial information pertaining to  
16 customers; and provided further that, when appropriate,  
17 the savings bank may delete identifying data relating to  
18 any person.

19 (5) to a Federal Home Loan Bank of which it is a  
20 member.

21 The disclosure of confidential supervisory information by  
22 a savings bank pursuant to this subsection (b) and the  
23 disclosure of information to the Secretary or other regulatory  
24 agency in connection with any examination, visitation, or  
25 investigation shall not constitute a waiver of any legal  
26 privilege otherwise available to the savings bank with respect

1 to the information.

2 (c) (1) Notwithstanding any other provision of this Act or  
3 any other law, confidential supervisory information shall be  
4 the property of the Secretary and shall be privileged from  
5 disclosure to any person except as provided in this Section. No  
6 person in possession of confidential supervisory information  
7 may disclose that information for any reason or under any  
8 circumstances not specified in this Section without the prior  
9 authorization of the Secretary. Any person upon whom a demand  
10 for production of confidential supervisory information is  
11 made, whether by subpoena, order, or other judicial or  
12 administrative process, must withhold production of the  
13 confidential supervisory information and must notify the  
14 Secretary of the demand, at which time the Secretary is  
15 authorized to intervene for the purpose of enforcing the  
16 limitations of this Section or seeking the withdrawal or  
17 termination of the attempt to compel production of the  
18 confidential supervisory information.

19 (2) Any request for discovery or disclosure of confidential  
20 supervisory information, whether by subpoena, order, or other  
21 judicial or administrative process, shall be made to the  
22 Secretary, and the Secretary shall determine within 15 days  
23 whether to disclose the information pursuant to procedures and  
24 standards that the Secretary shall establish by rule. If the  
25 Secretary determines that such information will not be  
26 disclosed, the Secretary's decision shall be subject to

1 judicial review under the provisions of the Administrative  
2 Review Law, and venue shall be in either Sangamon County or  
3 Cook County.

4 (3) Any court order that compels disclosure of confidential  
5 supervisory information may be immediately appealed by the  
6 Secretary, and the order shall be automatically stayed pending  
7 the outcome of the appeal.

8 (d) If any officer, agent, attorney, or employee of a  
9 savings bank knowingly and willfully furnishes confidential  
10 supervisory information in violation of this Section, the  
11 Secretary may impose a civil monetary penalty up to \$1,000 for  
12 the violation against the officer, agent, attorney, or  
13 employee.

14 (e) Subject to the limits of this Section, the Secretary  
15 also may promulgate regulations to set procedures and standards  
16 for disclosure of the following items:

17 (1) All fixed orders and opinions made in cases of  
18 appeals of the Secretary's actions.

19 (2) Statements of policy and interpretations adopted  
20 by the Secretary's office, but not otherwise made public.

21 (3) Nonconfidential portions of application files,  
22 including applications for new charters. The Secretary  
23 shall specify by rule as to what part of the files are  
24 confidential.

25 (4) Quarterly reports of income, deposits, and  
26 financial condition.

1 (Source: P.A. 100-22, eff. 1-1-18; 100-64, eff. 8-11-17;  
2 revised 10-5-17.)

3 Section 315. The Corporate Fiduciary Act is amended by  
4 changing Section 2-1 as follows:

5 (205 ILCS 620/2-1) (from Ch. 17, par. 1552-1)

6 Sec. 2-1. (a) Any corporation which has been or shall be  
7 incorporated under the general corporation laws of this State  
8 for the purpose of accepting and executing trusts, and any  
9 state bank, state savings and loan association, state savings  
10 bank, or other special corporation now or hereafter authorized  
11 by law to accept or execute trusts, may be appointed to act as  
12 a fiduciary in any capacity a natural person or corporation may  
13 act, and shall include, but not be limited to, acting as  
14 assignee or trustee by deed, and executor, guardian or trustee  
15 by will, custodian under the Illinois Uniform Transfers  
16 ~~Transfer~~ to Minors Act and such appointment shall be of like  
17 force as in case of appointment of a natural person and shall  
18 be designated a corporate fiduciary.

19 (b) No corporate fiduciary shall dissolve or cease its  
20 corporate existence without prior notice to and approval by the  
21 Commissioner and compliance with the requirements of Section  
22 7-1 of this Act.

23 (Source: P.A. 86-754; revised 10-5-17.)

1 Section 320. The Residential Mortgage License Act of 1987  
2 is amended by changing Sections 3-8 and 4-10 as follows:

3 (205 ILCS 635/3-8) (from Ch. 17, par. 2323-8)

4 Sec. 3-8. Discrimination and redlining prohibited. ~~(a)~~ It  
5 shall be considered discriminatory to refuse to grant loans or  
6 to vary the terms of loans or the application procedures for  
7 loans because of:

8 (i) in the case of the proposed borrower, said  
9 borrower's race, color, religion, national origin, age,  
10 gender or marital status; or

11 (ii) in the case of a mortgage loan, solely the  
12 geographic location of the proposed security.

13 (Source: P.A. 85-735; revised 11-8-17.)

14 (205 ILCS 635/4-10) (from Ch. 17, par. 2324-10)

15 Sec. 4-10. Rules and regulations of the Commissioner.

16 (a) In addition to such powers as may be prescribed by this  
17 Act, the Commissioner is hereby authorized and empowered to  
18 promulgate regulations consistent with the purposes of this  
19 Act, including, but not limited to:

20 (1) such rules and regulations in connection with the  
21 activities of licensees as may be necessary and appropriate  
22 for the protection of consumers in this State;

23 (2) such rules and regulations as may be necessary and  
24 appropriate to define improper or fraudulent business

1 practices in connection with the activities of licensees in  
2 making mortgage loans;

3 (3) such rules and regulations as may define the terms  
4 used in this Act and as may be necessary and appropriate to  
5 interpret and implement the provisions of this Act; and

6 (4) such rules and regulations as may be necessary for  
7 the enforcement of this Act.

8 (b) The Commissioner is hereby authorized and empowered to  
9 make such specific rulings, demands, and findings as he or she  
10 may deem necessary for the proper conduct of the mortgage  
11 lending industry.

12 (c) A person or entity may make a written application to  
13 the Department for a written interpretation of this Act. The  
14 Department may then, in its sole discretion, choose to issue a  
15 written interpretation. To be valid, a written interpretation  
16 must be signed by the Secretary, or his or her designated  
17 Director of Financial and Professional Regulation, and the  
18 Department's General Counsel. A written interpretation expires  
19 2 years after the date that it was issued.

20 (d) No provision in this Act that imposes liability or  
21 establishes violations shall apply to any act taken by a person  
22 or entity in conformity with a written interpretation of this  
23 Act that is in effect at the time the act is taken,  
24 notwithstanding whether the written interpretation is later  
25 amended, rescinded, or determined by judicial or other  
26 authority to be ~~by~~ invalid for any reason.

1 (Source: P.A. 95-691, eff. 6-1-08; revised 10-5-17.)

2 Section 325. The Nursing Home Care Act is amended by  
3 changing Section 3-206 as follows:

4 (210 ILCS 45/3-206) (from Ch. 111 1/2, par. 4153-206)

5 Sec. 3-206. The Department shall prescribe a curriculum for  
6 training nursing assistants, habilitation aides, and child  
7 care aides.

8 (a) No person, except a volunteer who receives no  
9 compensation from a facility and is not included for the  
10 purpose of meeting any staffing requirements set forth by the  
11 Department, shall act as a nursing assistant, habilitation  
12 aide, or child care aide in a facility, nor shall any person,  
13 under any other title, not licensed, certified, or registered  
14 to render medical care by the Department of Financial and  
15 Professional Regulation, assist with the personal, medical, or  
16 nursing care of residents in a facility, unless such person  
17 meets the following requirements:

18 (1) Be at least 16 years of age, of temperate habits  
19 and good moral character, honest, reliable and  
20 trustworthy.

21 (2) Be able to speak and understand the English  
22 language or a language understood by a substantial  
23 percentage of the facility's residents.

24 (3) Provide evidence of employment or occupation, if



1 any, and residence for 2 years prior to his present  
2 employment.

3 (4) Have completed at least 8 years of grade school or  
4 provide proof of equivalent knowledge.

5 (5) Begin a current course of training for nursing  
6 assistants, habilitation aides, or child care aides,  
7 approved by the Department, within 45 days of initial  
8 employment in the capacity of a nursing assistant,  
9 habilitation aide, or child care aide at any facility. Such  
10 courses of training shall be successfully completed within  
11 120 days of initial employment in the capacity of nursing  
12 assistant, habilitation aide, or child care aide at a  
13 facility. Nursing assistants, habilitation aides, and  
14 child care aides who are enrolled in approved courses in  
15 community colleges or other educational institutions on a  
16 term, semester or trimester basis, shall be exempt from the  
17 120-day ~~120-day~~ completion time limit. The Department shall  
18 adopt rules for such courses of training. These rules shall  
19 include procedures for facilities to carry on an approved  
20 course of training within the facility. The Department  
21 shall allow an individual to satisfy the supervised  
22 clinical experience requirement for placement on the  
23 Health Care Worker Registry under 77 Ill. Adm. Code 300.663  
24 through supervised clinical experience at an assisted  
25 living establishment licensed under the Assisted Living  
26 and Shared Housing Act. The Department shall adopt rules

1 requiring that the Health Care Worker Registry include  
2 information identifying where an individual on the Health  
3 Care Worker Registry received his or her clinical training.

4 The Department may accept comparable training in lieu  
5 of the 120-hour ~~120-hour~~ course for student nurses, foreign  
6 nurses, military personnel, or employees ~~employees~~ of the  
7 Department of Human Services.

8 The facility shall develop and implement procedures,  
9 which shall be approved by the Department, for an ongoing  
10 review process, which shall take place within the facility,  
11 for nursing assistants, habilitation aides, and child care  
12 aides.

13 At the time of each regularly scheduled licensure  
14 survey, or at the time of a complaint investigation, the  
15 Department may require any nursing assistant, habilitation  
16 aide, or child care aide to demonstrate, either through  
17 written examination or action, or both, sufficient  
18 knowledge in all areas of required training. If such  
19 knowledge is inadequate the Department shall require the  
20 nursing assistant, habilitation aide, or child care aide to  
21 complete inservice training and review in the facility  
22 until the nursing assistant, habilitation aide, or child  
23 care aide demonstrates to the Department, either through  
24 written examination or action, or both, sufficient  
25 knowledge in all areas of required training.

26 (6) Be familiar with and have general skills related to

1 resident care.

2 (a-0.5) An educational entity, other than a secondary  
3 school, conducting a nursing assistant, habilitation aide, or  
4 child care aide training program shall initiate a criminal  
5 history record check in accordance with the Health Care Worker  
6 Background Check Act prior to entry of an individual into the  
7 training program. A secondary school may initiate a criminal  
8 history record check in accordance with the Health Care Worker  
9 Background Check Act at any time during or after a training  
10 program.

11 (a-1) Nursing assistants, habilitation aides, or child  
12 care aides seeking to be included on the Health Care Worker  
13 Registry under the Health Care Worker Background Check Act on  
14 or after January 1, 1996 must authorize the Department of  
15 Public Health or its designee to request a criminal history  
16 record check in accordance with the Health Care Worker  
17 Background Check Act and submit all necessary information. An  
18 individual may not newly be included on the Health Care Worker  
19 Registry unless a criminal history record check has been  
20 conducted with respect to the individual.

21 (b) Persons subject to this Section shall perform their  
22 duties under the supervision of a licensed nurse.

23 (c) It is unlawful for any facility to employ any person in  
24 the capacity of nursing assistant, habilitation aide, or child  
25 care aide, or under any other title, not licensed by the State  
26 of Illinois to assist in the personal, medical, or nursing care

1 of residents in such facility unless such person has complied  
2 with this Section.

3 (d) Proof of compliance by each employee with the  
4 requirements set out in this Section shall be maintained for  
5 each such employee by each facility in the individual personnel  
6 folder of the employee. Proof of training shall be obtained  
7 only from the Health Care Worker Registry.

8 (e) Each facility shall obtain access to the Health Care  
9 Worker Registry's web application, maintain the employment and  
10 demographic information relating to each employee, and verify  
11 by the category and type of employment that each employee  
12 subject to this Section meets all the requirements of this  
13 Section.

14 (f) Any facility that is operated under Section 3-803 shall  
15 be exempt from the requirements of this Section.

16 (g) Each skilled nursing and intermediate care facility  
17 that admits persons who are diagnosed as having Alzheimer's  
18 disease or related dementias shall require all nursing  
19 assistants, habilitation aides, or child care aides, who did  
20 not receive 12 hours of training in the care and treatment of  
21 such residents during the training required under paragraph (5)  
22 of subsection (a), to obtain 12 hours of in-house training in  
23 the care and treatment of such residents. If the facility does  
24 not provide the training in-house, the training shall be  
25 obtained from other facilities, community colleges or other  
26 educational institutions that have a recognized course for such

1 training. The Department shall, by rule, establish a recognized  
2 course for such training. The Department's rules shall provide  
3 that such training may be conducted in-house at each facility  
4 subject to the requirements of this subsection, in which case  
5 such training shall be monitored by the Department.

6 The Department's rules shall also provide for  
7 circumstances and procedures whereby any person who has  
8 received training that meets the requirements of this  
9 subsection shall not be required to undergo additional training  
10 if he or she is transferred to or obtains employment at a  
11 different facility or a facility other than a long-term care  
12 facility but remains continuously employed for pay as a nursing  
13 assistant, habilitation aide, or child care aide. Individuals  
14 who have performed no nursing or nursing-related services for a  
15 period of 24 consecutive months shall be listed as "inactive"  
16 and as such do not meet the requirements of this Section.  
17 Licensed sheltered care facilities shall be exempt from the  
18 requirements of this Section.

19 (Source: P.A. 100-297, eff. 8-24-17; 100-432, eff. 8-25-17;  
20 revised 1-22-18.)

21 Section 330. The Community-Integrated Living Arrangements  
22 Licensure and Certification Act is amended by changing Section  
23 4 as follows:

24 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

1           Sec. 4. (a) Any community mental health or developmental  
2 services agency who wishes to develop and support a variety of  
3 community-integrated living arrangements may do so pursuant to  
4 a license issued by the Department under this Act. However,  
5 programs established under or otherwise subject to the Child  
6 Care Act of 1969, the Nursing Home Care Act, the Specialized  
7 Mental Health Rehabilitation Act of 2013, the ID/DD Community  
8 Care Act, or the MC/DD Act, as now or hereafter amended, shall  
9 remain subject thereto, and this Act shall not be construed to  
10 limit the application of those Acts.

11           (b) The system of licensure established under this Act  
12 shall be for the purposes of:

13           (1) ensuring ~~insuring~~ that all recipients residing in  
14 community-integrated living arrangements are receiving  
15 appropriate community-based services, including treatment,  
16 training and habilitation or rehabilitation;

17           (2) ensuring ~~insuring~~ that recipients' rights are  
18 protected and that all programs provided to and placements  
19 arranged for recipients comply with this Act, the Mental  
20 Health and Developmental Disabilities Code, and applicable  
21 Department rules and regulations;

22           (3) maintaining ~~Maintaining~~ the integrity of  
23 communities by requiring regular monitoring and inspection  
24 of placements and other services provided in  
25 community-integrated living arrangements.

26           The licensure system shall be administered by a quality

1 assurance unit within the Department which shall be  
2 administratively independent of units responsible for funding  
3 of agencies or community services.

4 (c) As a condition of being licensed by the Department as a  
5 community mental health or developmental services agency under  
6 this Act, the agency shall certify to the Department that:

7 (1) all ~~All~~ recipients residing in  
8 community-integrated living arrangements are receiving  
9 appropriate community-based services, including treatment,  
10 training and habilitation or rehabilitation;

11 (2) all ~~All~~ programs provided to and placements  
12 arranged for recipients are supervised by the agency; and

13 (3) all ~~All~~ programs provided to and placements  
14 arranged for recipients comply with this Act, the Mental  
15 Health and Developmental Disabilities Code, and applicable  
16 Department rules and regulations.

17 (d) An applicant for licensure as a community mental health  
18 or developmental services agency under this Act shall submit an  
19 application pursuant to the application process established by  
20 the Department by rule and shall pay an application fee in an  
21 amount established by the Department, which amount shall not be  
22 more than \$200.

23 (e) If an applicant meets the requirements established by  
24 the Department to be licensed as a community mental health or  
25 developmental services agency under this Act, after payment of  
26 the licensing fee, the Department shall issue a license valid

1 for 3 years from the date thereof unless suspended or revoked  
2 by the Department or voluntarily surrendered by the agency.

3 (f) Upon application to the Department, the Department may  
4 issue a temporary permit to an applicant for up to a 2-year  
5 period to allow the holder of such permit reasonable time to  
6 become eligible for a license under this Act.

7 (g) (1) The Department may conduct site visits to an agency  
8 licensed under this Act, or to any program or placement  
9 certified by the agency, and inspect the records or premises,  
10 or both, of such agency, program or placement as it deems  
11 appropriate, for the purpose of determining compliance with  
12 this Act, the Mental Health and Developmental Disabilities  
13 Code, and applicable Department rules and regulations. The  
14 Department shall conduct inspections of the records and  
15 premises of each community-integrated living arrangement  
16 certified under this Act at least once every 2 years.

17 (2) If the Department determines that an agency licensed  
18 under this Act is not in compliance with this Act or the rules  
19 and regulations promulgated under this Act, the Department  
20 shall serve a notice of violation upon the licensee. Each  
21 notice of violation shall be prepared in writing and shall  
22 specify the nature of the violation, the statutory provision or  
23 rule alleged to have been violated, and that the licensee  
24 submit a plan of correction to the Department if required. The  
25 notice shall also inform the licensee of any other action which  
26 the Department might take pursuant to this Act and of the right



1 to a hearing.

2 (g-5) As determined by the Department, a disproportionate  
3 number or percentage of licensure complaints; a  
4 disproportionate number or percentage of substantiated cases  
5 of abuse, neglect, or exploitation involving an agency; an  
6 apparent unnatural death of an individual served by an agency;  
7 any egregious or life-threatening abuse or neglect within an  
8 agency; or any other significant event as determined by the  
9 Department shall initiate a review of the agency's license by  
10 the Department, as well as a review of its service agreement  
11 for funding. The Department shall adopt rules to establish the  
12 process by which the determination to initiate a review shall  
13 be made and the timeframe to initiate a review upon the making  
14 of such determination.

15 (h) Upon the expiration of any license issued under this  
16 Act, a license renewal application shall be required of and a  
17 license renewal fee in an amount established by the Department  
18 shall be charged to a community mental health or developmental  
19 services agency, provided that such fee shall not be more than  
20 \$200.

21 (i) A public or private agency, association, partnership,  
22 corporation, or organization that has had a license revoked  
23 under subsection (b) of Section 6 of this Act may not apply for  
24 or possess a license under a different name.

25 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;  
26 100-313, eff. 8-24-17; revised 9-28-17.)

1 Section 335. The Illinois Insurance Code is amended by  
2 changing Sections 15, 17, 21, 25, 27.1, 86, 123C-18, 155.57,  
3 400.1, 429, 469, 512.63, 531.03, and 1563 and by setting forth,  
4 renumbering, and changing multiple versions of Section 356z.25  
5 as follows:

6 (215 ILCS 5/15) (from Ch. 73, par. 627)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 15. Documents to be delivered to Director by  
9 incorporators. Upon the execution of the articles of  
10 incorporation, there shall be delivered to the Director:

11 (a) duplicate originals of the articles of  
12 incorporation;

13 (b) a copy of the by-laws adopted by the incorporators;

14 (c) the form of subscription agreement to be used by  
15 the company;

16 (d) 2 ~~two~~ organization bonds or the cash or securities  
17 provided for in Section 16; and

18 (e) the form of escrow agreement for the deposit of  
19 cash or securities.

20 (Source: P.A. 84-502; revised 10-5-17.)

21 (215 ILCS 5/17) (from Ch. 73, par. 629)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 17. Publication of intention.

1           (1) Upon complying with the provisions of Section 15, the  
2 incorporators shall cause to be published in a newspaper of  
3 general circulation in this State, in the county where the  
4 principal office of the company is to be located, once each  
5 week for 3 ~~three~~ consecutive weeks, a notice setting forth:

6           (a) their intent to form the company and the proposed  
7 name thereof;

8           (b) the class or classes of insurance business in which  
9 the company proposes to engage; and

10           (c) the address where its principal office shall be  
11 located.

12           (2) Proof of such publication made by a certificate of the  
13 publisher or his agent shall be delivered to the Director.

14           (Source: Laws 1937, p. 696; revised 10-5-17.)

15           (215 ILCS 5/21) (from Ch. 73, par. 633)

16           (Section scheduled to be repealed on January 1, 2027)

17           Sec. 21. Subscription agreement.

18           (1) The company and each subscriber shall enter into an  
19 agreement for the subscription to the shares of the company and  
20 such agreement shall also constitute an agreement between the  
21 several subscribers. It shall state:

22           (a) the price of the shares, terms, time, and medium of  
23 payment therefor;

24           (b) the part of the price that may be used for  
25 commission, promotion, organization, and other expenses;

1           (c) the name of the bank or trust company in this State  
2           in which the funds or securities are to be deposited  
3           pending the completion of the organization of the company;  
4           and

5           (d) that the total cash or securities received in  
6           payment will be returned to the subscribers who have made  
7           such payments in the event the organization of the company  
8           is not completed.

9           (2) Subscriptions to shares shall be irrevocable unless  
10          subscribers representing 50% ~~fifty per centum~~ or more of the  
11          amount subscribed consent to the revocation.

12          (3) Any subscription agreement may provide for payment in  
13          installments but in the case of subscriptions prior to the  
14          issuance of a certificate of authority to the company, such  
15          installments shall not extend beyond 2 ~~two~~ years from the date  
16          of the permit of the Director authorizing the solicitation of  
17          subscriptions.

18          (Source: Laws 1961, p. 3735; revised 10-5-17.)

19                 (215 ILCS 5/25) (from Ch. 73, par. 637)

20                 (Section scheduled to be repealed on January 1, 2027)

21          Sec. 25. Voluntary surrender of the articles of  
22          incorporation. At any time prior to the issuance of the  
23          certificate of authority to the company the articles of  
24          incorporation may be voluntarily surrendered and the company  
25          dissolved by written agreement filed with the Director, signed

1 by a majority of the incorporators, and by subscribers  
2 representing at least two-thirds of the shares subscribed. Such  
3 surrender and dissolution shall become effective only upon the  
4 approval thereof by the Director. The Director shall approve  
5 the surrender of such articles of incorporation if upon  
6 investigation he shall find that:

7 (a) no insurance business has been transacted by the  
8 company;~~i-~~

9 (b) all sums of money or securities, if any, collected  
10 upon subscriptions, have been returned to the subscribers;  
11 and

12 (c) all obligations of the company have been paid or  
13 discharged.

14 (Source: Laws 1961, p. 3735; revised 10-5-17.)

15 (215 ILCS 5/27.1) (from Ch. 73, par. 639.1)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 27.1. Treasury shares.† "Treasury shares" means (a)  
18 shares of a company which have been issued, have been  
19 subsequently acquired by and belong to the company, and have  
20 not, either by reason of the acquisition or thereafter, been  
21 cancelled or restored to the status of authorized but unissued  
22 shares and (b) shares declared and paid as a share dividend on  
23 the shares referred to in clause (a) or this clause (b) of this  
24 Section. Treasury shares shall be deemed to be "issued" shares  
25 but not outstanding shares and shall not be voted. Shares

1 converted into or exchanged for other shares of the company  
2 shall not be deemed to be treasury shares.

3 (Source: P.A. 84-502; revised 10-5-17.)

4 (215 ILCS 5/86) (from Ch. 73, par. 698)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 86. Scope of Article.

7 (1) This Article applies to all groups including  
8 incorporated and individual unincorporated underwriters  
9 transacting an insurance business in this State through an  
10 attorney-in-fact under the name Lloyds or under a Lloyds plan  
11 of operation. Groups that meet the requirements of subsection  
12 (3) are referred to in this Code as "Lloyds", and incorporated  
13 and individual unincorporated underwriters are referred to as  
14 "underwriters".

15 (2) As used in this Code:

16 "Domestic Lloyds" means a Lloyds having its home office in  
17 this State.

18 "Foreign Lloyds" means a Lloyds having its home office in  
19 any state of the United States other than this State. ~~and~~

20 "Alien Lloyds" means a Lloyds having its home office or  
21 principal place of business in any country other than the  
22 United States.

23 (3) A domestic Lloyds must: (i) be established pursuant to  
24 a statute or written charter; (ii) provide for governance by a  
25 board of directors or similar body; and (iii) establish and

1 monitor standards of solvency of its underwriters. A foreign or  
2 alien Lloyds must be subject to requirements of its state or  
3 country of domicile. Those requirements must be substantially  
4 similar to those required of domestic Lloyds. Domestic,  
5 foreign, and alien Lloyds shall not be subject to Section 144  
6 of this Code.

7 (4) All foreign and alien entities and individuals  
8 transacting an insurance business as domestic, foreign, or  
9 alien Lloyds shall notify the Director and the Secretary of  
10 State under the provisions of this Article, shall be regulated  
11 exclusively by the Director, and shall not be required to  
12 obtain a certificate of authority from the Secretary of State  
13 pursuant to any other law of this State so long as they solely  
14 transact business as a domestic, foreign, or alien Lloyds. Upon  
15 notification, the Secretary of State may require submission of  
16 additional information to determine whether a foreign or alien  
17 individual or entity is transacting business solely as a  
18 domestic, foreign, or alien Lloyds.

19 (Source: P.A. 90-794, eff. 8-14-98; 91-593, eff. 8-14-99;  
20 revised 10-5-17.)

21 (215 ILCS 5/123C-18) (from Ch. 73, par. 735C-18)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 123C-18. Additional powers, rights, and obligations.  
24 In addition to the powers and duties set forth in the other  
25 provisions of this Article VIIC and to the extent not

1 inconsistent with the provisions of this Article VIIC:

2           A. The provisions of Article XXVI, subsection E of  
3           Section 123B-3, subsection A of Section 123B-4, subsection  
4           A of Section 123B-8, and Sections 2.1, 131.4 through  
5           131.12, 131.20, 131.20a(2) ~~(7~~ except as otherwise provided  
6           by subsection B of Section 123C-12) ~~Section 123C-12B,~~  
7           131.22, 133, 141.1, 141.2, 144.1, 144.2, 147, 148, 149,  
8           154.5, 154.6, 154.7, 154.8, 155, 186.1, 186.2, 401, 401.1,  
9           402, 403, 403A, 407, 407.1, 407.2, 412, 415 and subsections  
10           (1) and (3) of Section 441 shall apply to captive insurance  
11           companies and all those having dealings therewith.

12           B. The provisions of subsection (2) of Section 9,  
13           Section 11, subsection (2) of Section 12, and Sections  
14           27.1, 28, 28.2, 28.2a, 29, 30, 31, 32, 33, 34, and 35 shall  
15           apply to stock captive insurance companies and all those  
16           having dealings therewith.

17           C. The provisions of subsection (2) of Section 39,  
18           Section 41, subsections (1) and (2) of Section 42, and  
19           Sections 54, 55, 56, 57, 58, 59, and 60 shall apply to  
20           mutual captive insurance companies and all those having  
21           dealings therewith.

22           D. The Director and each captive insurance company and  
23           all those having dealings therewith shall have the  
24           authorities, powers, rights, duties and obligations set  
25           forth in Section 144 (excluding paragraph (f) of subsection  
26           (4) of Section 144); provided, however, that:



1           (i) subsection (1) of Section 144 shall not apply  
2           to pure captive insurance companies; and

3           (ii) the Director may exempt any association  
4           captive insurance company and any industrial insured  
5           captive insurance company from the requirements of  
6           subsection (1) of Section 144, on terms and conditions  
7           established by the Director, upon a showing by any such  
8           captive insurance company and a determination by the  
9           Director that the limitations of subsection (1) of  
10          Section 144 are not necessary to protect the interests  
11          of policyholders in light of such captive insurance  
12          company's financial condition and the nature of the  
13          risks insured by such company.

14          E. Nothing in this Article or Code shall be deemed to  
15          prohibit the by-laws of a captive insurance company from  
16          providing for the allocation of underwriting or investment  
17          income or loss to the respective accounts of its members,  
18          or to prohibit a captive insurance company, if its by-laws  
19          so provide and the requirements of this Article are  
20          otherwise met, from distributing to a withdrawing member,  
21          whether by way of ordinary or liquidating distributions and  
22          whether the withdrawal of such member is voluntary or  
23          otherwise, on terms and conditions set forth in the  
24          by-laws, that member's share of the company's surplus, as  
25          well as that portion of the underwriting and investment  
26          income allocated to such withdrawing member for the period

1 that such withdrawing member was a member of the mutual  
2 company; provided that (i) no such distribution may be made  
3 except out of earned, as distinguished from contributed,  
4 surplus, (ii) no such distribution shall be made if the  
5 surplus of the captive insurance company is less than the  
6 original surplus required for the kind or kinds of business  
7 authorized to be transacted by such company, or if the  
8 payment of such distribution would reduce its surplus to  
9 less than the minimum, and (iii) no such distribution shall  
10 be made without the approval of the Director if such  
11 distribution, together with other such distributions made  
12 within the period of 12 consecutive months ending on the  
13 date on which the proposed distribution is scheduled for  
14 payment or distribution, exceeds the greater of: (i) 10% of  
15 the company's surplus as regards policyholders as of the  
16 31st day of December next preceding, or (ii) the net income  
17 of the company for the 12-month ~~12-month~~ period ending the  
18 31st day of December next preceding. For the purposes of  
19 this subsection, net income includes net realized capital  
20 gains in an amount not to exceed 20% of net unrealized  
21 capital gains. The right of a member of a captive insurance  
22 company to receive distributions under this Section shall  
23 be included within the provisions of paragraph (i) of  
24 subsection (1) of Section 205 in the event of liquidation  
25 or dissolution of such captive insurance company.

26 (Source: P.A. 88-297; 89-206, eff. 7-21-95; revised 10-5-17.)

1 (215 ILCS 5/155.57) (from Ch. 73, par. 767.57)

2 Sec. 155.57. Filing, approval, and withdrawal of forms.→

3 (a) All policies, certificates of insurance, notices of  
4 proposed insurance, applications for insurance, endorsements,  
5 and riders delivered or issued for delivery in this State and  
6 the schedules of premium rates pertaining thereto shall be  
7 filed with the Director.

8 (b) The Director shall within a reasonable time after the  
9 filing of any such policies, certificates of insurance, notices  
10 of proposed insurance, applications for insurance,  
11 endorsements, and riders, disapprove any such form if the  
12 benefits provided therein are not reasonable in relation to the  
13 premium charge, or if it contains provisions which are unjust,  
14 unfair, inequitable, misleading, deceptive, or encourage  
15 misrepresentation of the coverage, or are contrary to any  
16 provision of this ~~the~~ Insurance Code or of any rule or  
17 regulation promulgated thereunder.

18 (c) If the Director notifies the insurer that the form is  
19 disapproved, it is unlawful thereafter for such insurer to  
20 issue or use such form. In such notice, the Director shall  
21 specify the reason for his disapproval and state that a hearing  
22 will be granted within 20 days after request in writing by the  
23 insurer. No such policy, certificate of insurance, notice of  
24 proposed insurance, nor any application, endorsement of rider,  
25 shall be issued or used until after it has been so filed and

1 the Director has given his prior written approval thereto.

2 (d) The Director may at any time, after giving not less  
3 than 20 days prior written notice to the insurer, withdraw his  
4 approval of any such form on any ground set forth in subsection  
5 (b) above. The written notice of withdrawal shall state the  
6 reason for the action. The insurer may request a hearing within  
7 10 days after receipt of the notice of withdrawal by giving the  
8 Director written notice of such request, together with a  
9 statement of its objections. The Director must then conduct a  
10 hearing in accordance with Sections 402 and 403. The withdrawal  
11 shall be stayed pending the issuance of the Director's orders  
12 following the hearing.

13 However, if it appears to the Director that the continued  
14 use of any such policy, certificate of insurance, notice of  
15 proposed insurance, application for insurance, endorsement, or  
16 rider by an insurer is hazardous to its policyholders or the  
17 public, the Director may take such action as is prescribed by  
18 Section 401.1.

19 (e) It is not lawful for the insurer to issue such forms or  
20 use them after the effective date of such withdrawal.

21 (f) If a group policy of credit life insurance or credit  
22 accident and health insurance has been or is delivered in  
23 another state ~~State~~ before or after October 1, 1975 (the  
24 effective date of Public Act 79-930) ~~this amendatory Act of~~  
25 ~~1975~~, the insurer shall be required to file only the group  
26 certificate and notice of proposed insurance delivered or

1 issued for delivery in this State as specified in subsections  
2 (b) and (d) of Section 155.57 of this Article and such forms  
3 shall be approved by the Director if they conform with the  
4 requirements so specified in said subsections and if the  
5 schedules of premium rates applicable to the insurance  
6 evidenced by such certificate or notice are not in excess of  
7 the insurer's schedules of premium rates filed with the  
8 Director; provided, however, the premium rate in effect on  
9 existing group policies may be continued until the first policy  
10 anniversary date following October 1, 1975 (the effective date  
11 of Public Act 79-930) ~~this amendatory Act of 1975.~~

12 (g) Any order or final determination of the Director under  
13 the provisions of this Section ~~section~~ shall be subject to  
14 judicial review.

15 (Source: P.A. 79-930; revised 10-5-17.)

16 (215 ILCS 5/356z.25)

17 Sec. 356z.25. Coverage for treatment of pediatric  
18 autoimmune neuropsychiatric disorders associated with  
19 streptococcal infections and pediatric acute onset  
20 neuropsychiatric syndrome. A group or individual policy of  
21 accident and health insurance or managed care plan that is  
22 amended, delivered, issued, or renewed after July 18, 2017 (the  
23 effective date of Public Act 100-24) ~~this amendatory Act of the~~  
24 ~~100th General Assembly~~ shall provide coverage for treatment of  
25 pediatric autoimmune neuropsychiatric disorders associated

1 with streptococcal infections and pediatric acute-onset  
2 neuropsychiatric syndrome, including, but not limited to, the  
3 use of intravenous immunoglobulin therapy.

4 If, at any time, the Secretary of the United States  
5 Department of Health and Human Services, or its successor  
6 agency, promulgates rules or regulations to be published in the  
7 Federal Register or publishes a comment in the Federal Register  
8 or issues an opinion, guidance, or other action that would  
9 require the State, pursuant to any provision of the Patient  
10 Protection and Affordable Care Act (Public Law 111-148),  
11 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any  
12 successor provision, to defray the cost of any coverage for  
13 pediatric autoimmune neuropsychiatric disorders associated  
14 with streptococcal infections and pediatric acute onset  
15 neuropsychiatric syndrome outlined in this Section, then the  
16 requirement that an insurer cover pediatric autoimmune  
17 neuropsychiatric disorders associated with streptococcal  
18 infections and pediatric acute onset neuropsychiatric syndrome  
19 is inoperative other than any such coverage authorized under  
20 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and  
21 the State shall not assume any obligation for the cost of  
22 coverage for pediatric autoimmune neuropsychiatric disorders  
23 associated with streptococcal infections and pediatric acute  
24 onset neuropsychiatric syndrome.

25 (Source: P.A. 100-24, eff. 7-18-17; revised 9-15-17.)

1 (215 ILCS 5/356z.26)

2 Sec. 356z.26 ~~356z.25~~. Synchronization.

3 (a) As used in this Section, "synchronization" means the  
4 coordination of medication refills for a patient taking 2 or  
5 more medications for one or more chronic conditions such that  
6 the patient's medications are refilled on the same schedule for  
7 a given time period.

8 (b) Every policy of health and accident insurance amended,  
9 delivered, issued, or renewed after August 18, 2017 (the  
10 effective date of Public Act 100-138) ~~this amendatory Act of~~  
11 ~~the 100th General Assembly~~ that provides coverage for  
12 prescription drugs shall provide for synchronization of  
13 prescription drug refills on at least one occasion per insured  
14 per year, provided all of the following conditions are met:

15 (1) the prescription drugs are covered by the policy's  
16 clinical coverage policy or have been approved by a  
17 formulary exceptions process;

18 (2) the prescription drugs are maintenance medications  
19 as defined by the policy and have available refill  
20 quantities at the time of synchronization;

21 (3) the medications are not Schedule II, III, or IV  
22 controlled substances;

23 (4) the insured meets all utilization management  
24 criteria specific to the prescription drugs at the time of  
25 synchronization;

26 (5) the prescription drugs are of a formulation that

1 can be safely split into short-fill periods to achieve  
2 synchronization; and

3 (6) the prescription drugs do not have special handling  
4 or sourcing needs as determined by the policy, contract, or  
5 agreement that require a single, designated pharmacy to  
6 fill or refill the prescription.

7 (c) When necessary to permit synchronization, the policy  
8 shall apply a prorated daily cost-sharing rate to any  
9 medication dispensed by a network pharmacy pursuant to this  
10 Section. No dispensing fees shall be prorated, and all  
11 dispensing fees shall be based on the number of prescriptions  
12 filled or refilled.

13 (Source: P.A. 100-138, eff. 8-18-17; revised 9-15-17.)

14 (215 ILCS 5/356z.27)

15 Sec. 356z.27 ~~356z.25~~. Preexisting condition exclusion. No  
16 policy of individual or group accident and health insurance  
17 issued, amended, delivered, or renewed on or after January 1,  
18 2018 (the effective date of Public Act 100-386) ~~this amendatory~~  
19 ~~Act of the 100th General Assembly~~ may impose any preexisting  
20 condition exclusion, as defined in the Illinois Health  
21 Insurance Portability and Accountability Act, with respect to  
22 such plan or coverage.

23 (Source: P.A. 100-386, eff. 1-1-18; revised 9-15-17.)

24 (215 ILCS 5/356z.28)



1           Sec. 356z.28 ~~356z.25~~. Dry needling by a physical therapist.  
2           A group or individual policy of accident and health insurance  
3           or a qualified health plan offered through the health insurance  
4           market place is not required to provide coverage for dry  
5           needling performed by a physical therapist as described in  
6           Section 1.5 of the Illinois Physical Therapy Act.  
7           (Source: P.A. 100-418, eff. 8-25-17; revised 9-15-17.)

8           (215 ILCS 5/400.1) (from Ch. 73, par. 1012.1)

9           Sec. 400.1. Group or ~~for~~ master policy-certificate inland  
10          marine insurance authorized.

11          (1) Any insurance company authorized to write inland marine  
12          insurance in this State may issue group or master  
13          policy-certificate inland marine policies which may include  
14          coverages incidental or supplemental to the inland marine  
15          policy, if the insurer is authorized to write the class of  
16          coverage which is incidental or supplemental. No policy,  
17          certificate of insurance, memorandum of insurance, application  
18          for insurance, endorsement or rider, may be issued for delivery  
19          in this State unless a copy of the form thereof shall have been  
20          filed with the Director of Insurance and approved, or unless  
21          exempted from filing by such rules and regulations as may be  
22          promulgated by the Director.

23          (2) The Director shall within 90 days after the filing of  
24          such forms disapprove any such form if the benefits provided  
25          therein are not reasonable in relation to the premium charged,

1 or if it contains provisions that are unjust, unfair,  
2 inequitable, misleading, deceptive, or encourage  
3 misrepresentation of the coverage, or are contrary to any  
4 provision of this ~~the Insurance~~ Code, or any rule or regulation  
5 promulgated thereunder. The Director may, upon written notice  
6 within such waiting period to the company which made the  
7 filing, extend such waiting period for an additional 30 days. A  
8 filing shall be deemed to meet the requirements of this Section  
9 unless disapproved by the Director within the waiting period or  
10 the extension thereof.

11 (3) If the Director notifies the insurer that the form is  
12 disapproved, the insurer shall not issue or use such form. In  
13 such notice the Director shall specify the reason for his  
14 disapproval. The company may request a hearing on such  
15 disapproval within 30 days after receipt of such disapproval.  
16 The Director shall grant a hearing subsequent to the receipt of  
17 such request.

18 (4) The Director may, at any time after a hearing held not  
19 less than 20 days after written notice to the insurer, withdraw  
20 his approval of any such form on any ground set forth in  
21 subsection (2) above. The written notice of such hearing shall  
22 state the reason for the proposed withdrawal.

23 (5) It is not lawful for the insurer to issue such forms or  
24 use them after the effective date of such withdrawal.

25 (6) The Director may at any time require the filing of the  
26 schedules of premium rates used or to be used in connection

1 with the specific policy filings required.

2 (7) The Director shall promulgate such rules and  
3 regulations as he may deem necessary to provide for the filing  
4 and review of premium rates schedules, and for the disapproval  
5 of those he may deem to be inadequate, excessive or unfairly  
6 discriminatory.

7 (8) Any order or final determination of the Director under  
8 the provisions of this Section shall be subject to judicial  
9 review.

10 (Source: P.A. 79-931; revised 10-5-17.)

11 (215 ILCS 5/429) (from Ch. 73, par. 1036)

12 Sec. 429. Procedure as to unfair methods of competition and  
13 unfair or deceptive acts or practices which are not defined.

14 (1) Whenever the Director shall have reason to believe (a)  
15 that any person engaged in the business of insurance is  
16 engaging in this State in any method of competition or in any  
17 act or practice in the conduct of such business which is not  
18 defined in Section 424, as an unfair method of competition or  
19 an unfair or deceptive act or practice or that any person  
20 domiciled in or resident of this State engaged in the business  
21 of insurance is engaging in any other state, territory,  
22 province, possession, country, or district in which he or she  
23 is not licensed or otherwise authorized to transact business in  
24 any method of competition or in any act or practice in the  
25 conduct of such business which is not defined in Section 424,

1 as an unfair method of competition or an unfair or deceptive  
2 act or practice, and (b) that such method of competition is  
3 unfair or that such act or practice is unfair or deceptive, or  
4 (c) that such unfair method of competition or such unfair or  
5 deceptive act or practice violates any of the provisions of  
6 this ~~the Insurance~~ Code or any other law of this State, or (d)  
7 that a proceeding by him or her in respect thereto would be to  
8 the interest of the public, he or she may issue and serve upon  
9 such person a statement of the charges in that respect and a  
10 notice of a hearing thereon to be held at a time and place  
11 fixed in the notice, which shall not be less than 10 days after  
12 the date of the service thereof. Each such hearing shall be  
13 conducted in the same manner as the hearings provided for in  
14 Section 426. The Director shall, after such hearing, make a  
15 report in writing in which he or she shall state his or her  
16 findings as to the facts, and he or she shall serve a copy  
17 thereof upon such person.

18 (2) If such report charges a violation of this Article and  
19 if such method of competition, act, or practice has not been  
20 discontinued, the Director may, through the Attorney General of  
21 this State, at any time after the service of such report cause  
22 a complaint to be filed in the Circuit Court of Sangamon County  
23 or in the Circuit Court of this State within the county wherein  
24 the person resides or has his principal place of business, to  
25 enjoin and restrain such person from engaging in such method,  
26 act, or practice. The court shall have jurisdiction of the

1 proceeding and shall have power to make and enter appropriate  
2 orders in connection therewith and to enter such orders as are  
3 ancillary to its jurisdiction or are necessary in its judgment  
4 to prevent injury to the public pendente lite.

5 (3) A transcript of the proceedings before the Director  
6 including all evidence taken and the report and findings shall  
7 be filed with such complaint. If either party shall apply to  
8 the court for leave to adduce additional evidence and shall  
9 show, to the satisfaction of the court, that such additional  
10 evidence is material and there were reasonable grounds for the  
11 failure to adduce such evidence in the proceedings before the  
12 Director the court may order such additional evidence to be  
13 taken before the Director and to be adduced upon the hearing in  
14 such manner and upon such terms and conditions as to the court  
15 may seem proper. The Director may modify his or her findings of  
16 fact or make new findings by reason of the additional evidence  
17 so taken, and he or she shall file such modified or new  
18 findings with the return of such additional evidence.

19 (4) If the court finds (a) that the method of competition  
20 complained of is unfair or that the act or practice complained  
21 of is unfair or deceptive, or (b) that such unfair method of  
22 competition or such unfair or deceptive act or practice is in  
23 violation of this ~~the Insurance~~ Code or any other law of this  
24 State and (c) that the proceeding by the Director with respect  
25 thereto is to the interest of public and (d) that the findings  
26 of the Director are supported by the evidence, it shall enter

1 an order enjoining and restraining the continuance of such  
2 method of competition, act, or practice.

3 (Source: P.A. 83-346; revised 10-5-17.)

4 (215 ILCS 5/469) (from Ch. 73, par. 1065.16)

5 Sec. 469. Rebates prohibited. No broker or agent shall  
6 knowingly charge, demand, or receive a premium for any policy  
7 of insurance except in accordance with the provisions of this  
8 Article. No company or employee thereof, and no broker or agent  
9 shall pay, allow, or give, or offer to pay, allow, or give,  
10 directly or indirectly, as an inducement to insurance, or after  
11 insurance has been effected, any rebates, discount, abatement,  
12 credit, or reduction of the premium named in a policy of  
13 insurance, or any special favor or advantage in the dividends  
14 or other benefits to accrue thereon, or any valuable  
15 consideration or inducement whatever, not specified in the  
16 policy of insurance, except to the extent provided for in an  
17 applicable filing. No insured named in a policy of insurance,  
18 nor any employee of such insured shall knowingly receive or  
19 accept, directly or indirectly, any such rebate, discount,  
20 abatement, credit, or reduction of premium, or any such special  
21 favor or advantage or valuable consideration or inducement.  
22 Nothing in this Section shall be construed as prohibiting the  
23 payment of commissions or other compensation to duly licensed  
24 agents and brokers, nor as prohibiting any company from  
25 allowing or returning to its participating policyholders,

1 members, or subscribers, dividends, savings, or unabsorbed  
2 premium deposits.

3 Sections 151 and 152 of this ~~the Insurance~~ Code shall not  
4 apply to any kind of insurance subject to this Article.

5 (Source: P.A. 76-943; revised 10-5-17.)

6 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 512.63. Fees. ~~(a)~~ The fees required by this Article  
9 are as follows:

10 (1) Public Insurance Adjuster license annual fee,  
11 \$100;

12 (2) registration of firms, \$100;

13 (3) application fee for processing each request to take  
14 the written examination for a Public Adjuster license, \$20.

15 (Source: P.A. 93-32, eff. 7-1-03; revised 11-8-17.)

16 (215 ILCS 5/531.03) (from Ch. 73, par. 1065.80-3)

17 Sec. 531.03. Coverage and limitations.

18 (1) This Article shall provide coverage for the policies  
19 and contracts specified in subsection ~~paragraph~~ (2) of this  
20 Section:

21 (a) to persons who, regardless of where they reside  
22 (except for non-resident certificate holders under group  
23 policies or contracts), are the beneficiaries, assignees  
24 or payees of the persons covered under paragraph (b) of

1 this subsection ~~subparagraph (1)(b)~~, and

2 (b) to persons who are owners of or certificate holders  
3 under the policies or contracts (other than unallocated  
4 annuity contracts and structured settlement annuities) and  
5 in each case who:

6 (i) are residents; or

7 (ii) are not residents, but only under all of the  
8 following conditions:

9 (A) the insurer that issued the policies or  
10 contracts is domiciled in this State;

11 (B) the states in which the persons reside have  
12 associations similar to the Association created by  
13 this Article;

14 (C) the persons are not eligible for coverage  
15 by an association in any other state due to the  
16 fact that the insurer was not licensed in that  
17 state at the time specified in that state's  
18 guaranty association law.

19 (c) For unallocated annuity contracts specified in  
20 subsection (2), paragraphs (a) and (b) of this subsection  
21 (1) shall not apply and this Article shall (except as  
22 provided in paragraphs (e) and (f) of this subsection)  
23 provide coverage to:

24 (i) persons who are the owners of the unallocated  
25 annuity contracts if the contracts are issued to or in  
26 connection with a specific benefit plan whose plan



1 sponsor has its principal place of business in this  
2 State; and

3 (ii) persons who are owners of unallocated annuity  
4 contracts issued to or in connection with government  
5 lotteries if the owners are residents.

6 (d) For structured settlement annuities specified in  
7 subsection (2), paragraphs (a) and (b) of this subsection  
8 (1) shall not apply and this Article shall (except as  
9 provided in paragraphs (e) and (f) of this subsection)  
10 provide coverage to a person who is a payee under a  
11 structured settlement annuity (or beneficiary of a payee if  
12 the payee is deceased), if the payee:

13 (i) is a resident, regardless of where the contract  
14 owner resides; or

15 (ii) is not a resident, but only under both of the  
16 following conditions:

17 (A) with regard to residency:

18 (I) the contract owner of the structured  
19 settlement annuity is a resident; or

20 (II) the contract owner of the structured  
21 settlement annuity is not a resident but the  
22 insurer that issued the structured settlement  
23 annuity is domiciled in this State and the  
24 state in which the contract owner resides has  
25 an association similar to the Association  
26 created by this Article; and

1           (B) neither the payee or beneficiary nor the  
2           contract owner is eligible for coverage by the  
3           association of the state in which the payee or  
4           contract owner resides.

5           (e) This Article shall not provide coverage to:

6           (i) a person who is a payee or beneficiary of a  
7           contract owner resident of this State if the payee or  
8           beneficiary is afforded any coverage by the  
9           association of another state; or

10          (ii) a person covered under paragraph (c) of this  
11          subsection (1), if any coverage is provided by the  
12          association of another state to that person.

13          (f) This Article is intended to provide coverage to a  
14          person who is a resident of this State and, in special  
15          circumstances, to a nonresident. In order to avoid  
16          duplicate coverage, if a person who would otherwise receive  
17          coverage under this Article is provided coverage under the  
18          laws of any other state, then the person shall not be  
19          provided coverage under this Article. In determining the  
20          application of the provisions of this paragraph in  
21          situations where a person could be covered by the  
22          association of more than one state, whether as an owner,  
23          payee, beneficiary, or assignee, this Article shall be  
24          construed in conjunction with other state laws to result in  
25          coverage by only one association.

26          (2)(a) This Article shall provide coverage to the persons

1 specified in subsection ~~paragraph~~ (1) of this Section for  
2 direct, (i) nongroup life, health, annuity and supplemental  
3 policies, or contracts, (ii) for certificates under direct  
4 group policies or contracts, (iii) for unallocated annuity  
5 contracts and (iv) for contracts to furnish health care  
6 services and subscription certificates for medical or health  
7 care services issued by persons licensed to transact insurance  
8 business in this State under this ~~the Illinois Insurance~~ Code.  
9 Annuity contracts and certificates under group annuity  
10 contracts include but are not limited to guaranteed investment  
11 contracts, deposit administration contracts, unallocated  
12 funding agreements, allocated funding agreements, structured  
13 settlement agreements, lottery contracts and any immediate or  
14 deferred annuity contracts.

15 (b) This Article shall not provide coverage for:

16 (i) that portion of a policy or contract not guaranteed  
17 by the insurer, or under which the risk is borne by the  
18 policy or contract owner;

19 (ii) any such policy or contract or part thereof  
20 assumed by the impaired or insolvent insurer under a  
21 contract of reinsurance, other than reinsurance for which  
22 assumption certificates have been issued;

23 (iii) any portion of a policy or contract to the extent  
24 that the rate of interest on which it is based or the  
25 interest rate, crediting rate, or similar factor is  
26 determined by use of an index or other external reference

1       stated in the policy or contract employed in calculating  
2       returns or changes in value:

3               (A) averaged over the period of 4 years prior to  
4       the date on which the member insurer becomes an  
5       impaired or insolvent insurer under this Article,  
6       whichever is earlier, exceeds the rate of interest  
7       determined by subtracting 2 percentage points from  
8       Moody's Corporate Bond Yield Average averaged for that  
9       same 4-year period or for such lesser period if the  
10      policy or contract was issued less than 4 years before  
11      the member insurer becomes an impaired or insolvent  
12      insurer under this Article, whichever is earlier; and

13              (B) on and after the date on which the member  
14      insurer becomes an impaired or insolvent insurer under  
15      this Article, whichever is earlier, exceeds the rate of  
16      interest determined by subtracting 3 percentage points  
17      from Moody's Corporate Bond Yield Average as most  
18      recently available;

19              (iv) any unallocated annuity contract issued to or in  
20      connection with a benefit plan protected under the federal  
21      Pension Benefit Guaranty Corporation, regardless of  
22      whether the federal Pension Benefit Guaranty Corporation  
23      has yet become liable to make any payments with respect to  
24      the benefit plan;

25              (v) any portion of any unallocated annuity contract  
26      which is not issued to or in connection with a specific

1 employee, union or association of natural persons benefit  
2 plan or a government lottery;

3 (vi) an obligation that does not arise under the  
4 express written terms of the policy or contract issued by  
5 the insurer to the contract owner or policy owner,  
6 including without limitation:

7 (A) a claim based on marketing materials;

8 (B) a claim based on side letters, riders, or other  
9 documents that were issued by the insurer without  
10 meeting applicable policy form filing or approval  
11 requirements;

12 (C) a misrepresentation of or regarding policy  
13 benefits;

14 (D) an extra-contractual claim; or

15 (E) a claim for penalties or consequential or  
16 incidental damages;

17 (vii) any stop-loss insurance, as defined in clause (b)  
18 of Class 1 or clause (a) of Class 2 of Section 4, and  
19 further defined in subsection (d) of Section 352;

20 (viii) any policy or contract providing any hospital,  
21 medical, prescription drug, or other health care benefits  
22 pursuant to Part C or Part D of Subchapter XVIII, Chapter 7  
23 of Title 42 of the United States Code (commonly known as  
24 Medicare Part C & D) or any regulations issued pursuant  
25 thereto;

26 (ix) any portion of a policy or contract to the extent

1           that the assessments required by Section 531.09 of this  
2 Code with respect to the policy or contract are preempted  
3 or otherwise not permitted by federal or State law;

4           (x) any portion of a policy or contract issued to a  
5 plan or program of an employer, association, or other  
6 person to provide life, health, or annuity benefits to its  
7 employees, members, or others to the extent that the plan  
8 or program is self-funded or uninsured, including, but not  
9 limited to, benefits payable by an employer, association,  
10 or other person under:

11                   (A) a multiple employer welfare arrangement as  
12 defined in 29 U.S.C. Section 1144;

13                   (B) a minimum premium group insurance plan;

14                   (C) a stop-loss group insurance plan; or

15                   (D) an administrative services only contract;

16           (xi) any portion of a policy or contract to the extent  
17 that it provides for:

18                   (A) dividends or experience rating credits;

19                   (B) voting rights; or

20                   (C) payment of any fees or allowances to any  
21 person, including the policy or contract owner, in  
22 connection with the service to or administration of the  
23 policy or contract;

24           (xii) any policy or contract issued in this State by a  
25 member insurer at a time when it was not licensed or did  
26 not have a certificate of authority to issue the policy or

1 contract in this State;

2 (xiii) any contractual agreement that establishes the  
3 member insurer's obligations to provide a book value  
4 accounting guaranty for defined contribution benefit plan  
5 participants by reference to a portfolio of assets that is  
6 owned by the benefit plan or its trustee, which in each  
7 case is not an affiliate of the member insurer;

8 (xiv) any portion of a policy or contract to the extent  
9 that it provides for interest or other changes in value to  
10 be determined by the use of an index or other external  
11 reference stated in the policy or contract, but which have  
12 not been credited to the policy or contract, or as to which  
13 the policy or contract owner's rights are subject to  
14 forfeiture, as of the date the member insurer becomes an  
15 impaired or insolvent insurer under this Code, whichever is  
16 earlier. If a policy's or contract's interest or changes in  
17 value are credited less frequently than annually, then for  
18 purposes of determining the values that have been credited  
19 and are not subject to forfeiture under this Section, the  
20 interest or change in value determined by using the  
21 procedures defined in the policy or contract will be  
22 credited as if the contractual date of crediting interest  
23 or changing values was the date of impairment or  
24 insolvency, whichever is earlier, and will not be subject  
25 to forfeiture; or

26 (xv) that portion or part of a variable life insurance

1 or variable annuity contract not guaranteed by an insurer.

2 (3) The benefits for which the Association may become  
3 liable shall in no event exceed the lesser of:

4 (a) the contractual obligations for which the insurer  
5 is liable or would have been liable if it were not an  
6 impaired or insolvent insurer, or

7 (b) (i) with respect to any one life, regardless of the  
8 number of policies or contracts:

9 (A) \$300,000 in life insurance death benefits, but  
10 not more than \$100,000 in net cash surrender and net  
11 cash withdrawal values for life insurance;

12 (B) in health insurance benefits:

13 (I) \$100,000 for coverages not defined as  
14 disability insurance or basic hospital, medical,  
15 and surgical insurance or major medical insurance  
16 or long-term care insurance, including any net  
17 cash surrender and net cash withdrawal values;

18 (II) \$300,000 for disability insurance and  
19 \$300,000 for long-term care insurance as defined  
20 in Section 351A-1 of this Code; and

21 (III) \$500,000 for basic hospital medical and  
22 surgical insurance or major medical insurance;

23 (C) \$250,000 in the present value of annuity  
24 benefits, including net cash surrender and net cash  
25 withdrawal values;

26 (ii) with respect to each individual participating in a



1 governmental retirement benefit plan established under  
2 Section ~~Sections~~ 401, 403(b), or 457 of the U.S. Internal  
3 Revenue Code covered by an unallocated annuity contract or  
4 the beneficiaries of each such individual if deceased, in  
5 the aggregate, \$250,000 in present value annuity benefits,  
6 including net cash surrender and net cash withdrawal  
7 values;

8 (iii) with respect to each payee of a structured  
9 settlement annuity or beneficiary or beneficiaries of the  
10 payee if deceased, \$250,000 in present value annuity  
11 benefits, in the aggregate, including net cash surrender  
12 and net cash withdrawal values, if any; or

13 (iv) with respect to either (1) one contract owner  
14 provided coverage under subparagraph (ii) of paragraph (c)  
15 of subsection (1) of this Section or (2) one plan sponsor  
16 whose plans own directly or in trust one or more  
17 unallocated annuity contracts not included in subparagraph  
18 (ii) of paragraph (b) of this subsection, \$5,000,000 in  
19 benefits, irrespective of the number of contracts with  
20 respect to the contract owner or plan sponsor. However, in  
21 the case where one or more unallocated annuity contracts  
22 are covered contracts under this Article and are owned by a  
23 trust or other entity for the benefit of 2 or more plan  
24 sponsors, coverage shall be afforded by the Association if  
25 the largest interest in the trust or entity owning the  
26 contract or contracts is held by a plan sponsor whose

1 principal place of business is in this State. In no event  
2 shall the Association be obligated to cover more than  
3 \$5,000,000 in benefits with respect to all these  
4 unallocated contracts.

5 In no event shall the Association be obligated to cover  
6 more than (1) an aggregate of \$300,000 in benefits with respect  
7 to any one life under subparagraphs (i), (ii), and (iii) of  
8 this paragraph (b) except with respect to benefits for basic  
9 hospital, medical, and surgical insurance and major medical  
10 insurance under item (B) of subparagraph (i) of this paragraph  
11 (b), in which case the aggregate liability of the Association  
12 shall not exceed \$500,000 with respect to any one individual or  
13 (2) with respect to one owner of multiple nongroup policies of  
14 life insurance, whether the policy owner is an individual,  
15 firm, corporation, or other person and whether the persons  
16 insured are officers, managers, employees, or other persons,  
17 \$5,000,000 in benefits, regardless of the number of policies  
18 and contracts held by the owner.

19 The limitations set forth in this subsection are  
20 limitations on the benefits for which the Association is  
21 obligated before taking into account either its subrogation and  
22 assignment rights or the extent to which those benefits could  
23 be provided out of the assets of the impaired or insolvent  
24 insurer attributable to covered policies. The costs of the  
25 Association's obligations under this Article may be met by the  
26 use of assets attributable to covered policies or reimbursed to

1 the Association pursuant to its subrogation and assignment  
2 rights.

3 (4) In performing its obligations to provide coverage under  
4 Section 531.08 of this Code, the Association shall not be  
5 required to guarantee, assume, reinsure, or perform or cause to  
6 be guaranteed, assumed, reinsured, or performed the  
7 contractual obligations of the insolvent or impaired insurer  
8 under a covered policy or contract that do not materially  
9 affect the economic values or economic benefits of the covered  
10 policy or contract.

11 (Source: P.A. 96-1450, eff. 8-20-10; revised 10-5-17.)

12 (215 ILCS 5/1563)

13 Sec. 1563. Fees. ~~(a)~~ The fees required by this Article are  
14 as follows:

15 (1) Public adjuster license fee of \$250, payable once  
16 every 2 years.

17 (2) Business entity license fee of \$250, payable once  
18 every 2 years.

19 (3) Application fee of \$50 for processing each request  
20 to take the written examination for a public adjuster  
21 license.

22 (Source: P.A. 96-1332, eff. 1-1-11; revised 11-8-17.)

23 Section 340. The Health Maintenance Organization Act is  
24 amended by changing Sections 5-1 and 5-3 as follows:

1 (215 ILCS 125/5-1) (from Ch. 111 1/2, par. 1409A)

2 Sec. 5-1. Section 155 of the Illinois Insurance Code shall  
3 apply to Health Maintenance Organizations; except that no  
4 action shall be brought for an unreasonable delay in the  
5 settling of a claim if the delay is caused by the failure of  
6 the enrollee to execute a lien as requested by the health care  
7 plan.

8 (Source: P.A. 85-20; revised 10-5-17.)

9 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

10 Sec. 5-3. Insurance Code provisions.

11 (a) Health Maintenance Organizations shall be subject to  
12 the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,  
13 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,  
14 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3,  
15 355b, 356g.5-1, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4,  
16 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,  
17 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21,  
18 356z.22, 356z.25, 356z.26, 364, 364.01, 367.2, 367.2-5, 367i,  
19 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402,  
20 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c)  
21 of subsection (2) of Section 367, and Articles IIA, VIII 1/2,  
22 XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois  
23 Insurance Code.

24 (b) For purposes of the Illinois Insurance Code, except for

1 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health  
2 Maintenance Organizations in the following categories are  
3 deemed to be "domestic companies":

4 (1) a corporation authorized under the Dental Service  
5 Plan Act or the Voluntary Health Services Plans Act;

6 (2) a corporation organized under the laws of this  
7 State; or

8 (3) a corporation organized under the laws of another  
9 state, 30% or more of the enrollees of which are residents  
10 of this State, except a corporation subject to  
11 substantially the same requirements in its state of  
12 organization as is a "domestic company" under Article VIII  
13 1/2 of the Illinois Insurance Code.

14 (c) In considering the merger, consolidation, or other  
15 acquisition of control of a Health Maintenance Organization  
16 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

17 (1) the Director shall give primary consideration to  
18 the continuation of benefits to enrollees and the financial  
19 conditions of the acquired Health Maintenance Organization  
20 after the merger, consolidation, or other acquisition of  
21 control takes effect;

22 (2) (i) the criteria specified in subsection (1) (b) of  
23 Section 131.8 of the Illinois Insurance Code shall not  
24 apply and (ii) the Director, in making his determination  
25 with respect to the merger, consolidation, or other  
26 acquisition of control, need not take into account the

1 effect on competition of the merger, consolidation, or  
2 other acquisition of control;

3 (3) the Director shall have the power to require the  
4 following information:

5 (A) certification by an independent actuary of the  
6 adequacy of the reserves of the Health Maintenance  
7 Organization sought to be acquired;

8 (B) pro forma financial statements reflecting the  
9 combined balance sheets of the acquiring company and  
10 the Health Maintenance Organization sought to be  
11 acquired as of the end of the preceding year and as of  
12 a date 90 days prior to the acquisition, as well as pro  
13 forma financial statements reflecting projected  
14 combined operation for a period of 2 years;

15 (C) a pro forma business plan detailing an  
16 acquiring party's plans with respect to the operation  
17 of the Health Maintenance Organization sought to be  
18 acquired for a period of not less than 3 years; and

19 (D) such other information as the Director shall  
20 require.

21 (d) The provisions of Article VIII 1/2 of the Illinois  
22 Insurance Code and this Section 5-3 shall apply to the sale by  
23 any health maintenance organization of greater than 10% of its  
24 enrollee population (including without limitation the health  
25 maintenance organization's right, title, and interest in and to  
26 its health care certificates).

1           (e) In considering any management contract or service  
2 agreement subject to Section 141.1 of the Illinois Insurance  
3 Code, the Director (i) shall, in addition to the criteria  
4 specified in Section 141.2 of the Illinois Insurance Code, take  
5 into account the effect of the management contract or service  
6 agreement on the continuation of benefits to enrollees and the  
7 financial condition of the health maintenance organization to  
8 be managed or serviced, and (ii) need not take into account the  
9 effect of the management contract or service agreement on  
10 competition.

11           (f) Except for small employer groups as defined in the  
12 Small Employer Rating, Renewability and Portability Health  
13 Insurance Act and except for medicare supplement policies as  
14 defined in Section 363 of the Illinois Insurance Code, a Health  
15 Maintenance Organization may by contract agree with a group or  
16 other enrollment unit to effect refunds or charge additional  
17 premiums under the following terms and conditions:

18           (i) the amount of, and other terms and conditions with  
19 respect to, the refund or additional premium are set forth  
20 in the group or enrollment unit contract agreed in advance  
21 of the period for which a refund is to be paid or  
22 additional premium is to be charged (which period shall not  
23 be less than one year); and

24           (ii) the amount of the refund or additional premium  
25 shall not exceed 20% of the Health Maintenance  
26 Organization's profitable or unprofitable experience with

1       respect to the group or other enrollment unit for the  
2       period (and, for purposes of a refund or additional  
3       premium, the profitable or unprofitable experience shall  
4       be calculated taking into account a pro rata share of the  
5       Health Maintenance Organization's administrative and  
6       marketing expenses, but shall not include any refund to be  
7       made or additional premium to be paid pursuant to this  
8       subsection (f)). The Health Maintenance Organization and  
9       the group or enrollment unit may agree that the profitable  
10      or unprofitable experience may be calculated taking into  
11      account the refund period and the immediately preceding 2  
12      plan years.

13      The Health Maintenance Organization shall include a  
14      statement in the evidence of coverage issued to each enrollee  
15      describing the possibility of a refund or additional premium,  
16      and upon request of any group or enrollment unit, provide to  
17      the group or enrollment unit a description of the method used  
18      to calculate (1) the Health Maintenance Organization's  
19      profitable experience with respect to the group or enrollment  
20      unit and the resulting refund to the group or enrollment unit  
21      or (2) the Health Maintenance Organization's unprofitable  
22      experience with respect to the group or enrollment unit and the  
23      resulting additional premium to be paid by the group or  
24      enrollment unit.

25      In no event shall the Illinois Health Maintenance  
26      Organization Guaranty Association be liable to pay any



1 contractual obligation of an insolvent organization to pay any  
2 refund authorized under this Section.

3 (g) Rulemaking authority to implement Public Act 95-1045,  
4 if any, is conditioned on the rules being adopted in accordance  
5 with all provisions of the Illinois Administrative Procedure  
6 Act and all rules and procedures of the Joint Committee on  
7 Administrative Rules; any purported rule not so adopted, for  
8 whatever reason, is unauthorized.

9 (Source: P.A. 99-761, eff. 1-1-18; 100-24, eff. 7-18-17;  
10 100-138, eff. 8-18-17; revised 10-5-17.)

11 Section 345. The Limited Health Service Organization Act is  
12 amended by changing Section 4003 as follows:

13 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

14 Sec. 4003. Illinois Insurance Code provisions. Limited  
15 health service organizations shall be subject to the provisions  
16 of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3,  
17 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6,  
18 154.7, 154.8, 155.04, 155.37, 355.2, 355.3, 355b, 356v,  
19 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 368a, 401, 401.1,  
20 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and  
21 Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and  
22 XXVI of the Illinois Insurance Code. For purposes of the  
23 Illinois Insurance Code, except for Sections 444 and 444.1 and  
24 Articles XIII and XIII 1/2, limited health service

1 organizations in the following categories are deemed to be  
2 domestic companies:

3 (1) a corporation under the laws of this State; or

4 (2) a corporation organized under the laws of another  
5 state, 30% or more of the enrollees of which are residents  
6 of this State, except a corporation subject to  
7 substantially the same requirements in its state of  
8 organization as is a domestic company under Article VIII  
9 1/2 of the Illinois Insurance Code.

10 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
11 100-201, eff. 8-18-17; revised 10-5-17.)

12 Section 350. The Viatical Settlements Act of 2009 is  
13 amended by changing Section 5 as follows:

14 (215 ILCS 159/5)

15 Sec. 5. Definitions.

16 "Accredited investor" means an accredited investor as  
17 defined in Rule 501(a) promulgated under the Securities Act of  
18 1933 (15 U.S.C. 77 et seq.), as amended.

19 "Advertising" means any written, electronic, or printed  
20 communication or any communication by means of recorded  
21 telephone messages or transmitted on radio, television, the  
22 Internet, or similar communications media, including film  
23 strips, digital picture slides, motion pictures, and videos  
24 published, disseminated, circulated, or placed before the

1 public in this State, for the purpose of creating an interest  
2 in or inducing a person to sell, assign, devise, bequest, or  
3 transfer the death benefit or ownership of a policy pursuant to  
4 a viatical settlement contract.

5 "Alien licensee" means a licensee incorporated or  
6 organized under the laws of any country other than the United  
7 States.

8 "Business of viatical settlements" means any activity  
9 involved in, but not limited to, the offering, soliciting,  
10 negotiating, procuring, effectuating, purchasing, investing,  
11 financing, monitoring, tracking, underwriting, selling,  
12 transferring, assigning, pledging, or hypothecating or in any  
13 other manner acquiring an interest in a life insurance policy  
14 by means of a viatical settlement contract or other agreement.

15 "Chronically ill" means having been certified within the  
16 preceding 12-month period by a licensed health professional as:

17 (1) being unable to perform, without substantial  
18 assistance from another individual and for at least 90 days  
19 due to a loss of functional capacity, at least 2 activities  
20 of daily living, including, but not limited to, eating,  
21 toileting, transferring, bathing, dressing, or continence;

22 (2) requiring substantial supervision to protect the  
23 individual from threats to health and safety due to severe  
24 cognitive impairment; or

25 (3) having a level of disability similar to that  
26 described in paragraph (1) as determined by the Secretary

1 of Health and Human Services.

2 "Controlling person" means any person, firm, association,  
3 or corporation that directly or indirectly has the power to  
4 direct or cause to be directed the management, control, or  
5 activities of the viatical settlement provider.

6 "Director" means the Director of the Division of Insurance  
7 of the Department of Financial and Professional Regulation.

8 "Division" means the Division of Insurance of the  
9 Department of Financial and Professional Regulation.

10 "Escrow agent" means an independent third-party person  
11 who, pursuant to a written agreement signed by the viatical  
12 settlement provider and viator, provides escrow services  
13 related to the acquisition of a life insurance policy pursuant  
14 to a viatical settlement contract. "Escrow agent" does not  
15 include any person associated or affiliated with or under the  
16 control of a licensee.

17 "Financial institution" means a financial institution as  
18 defined by the Financial Institutions Insurance Sales Law in  
19 Article XLIV of the Illinois Insurance Code.

20 "Financing entity" means an underwriter, placement agent,  
21 lender, purchaser of securities, purchaser of a policy or  
22 certificate from a viatical settlement provider, credit  
23 enhancer, or an entity that has a direct ownership in a policy  
24 that is the subject of a viatical settlement contract, and to  
25 which both of the following apply:

26 (1) its principal activity related to the transaction

1 is providing funds to effect the viatical settlement or  
2 purchase of one or more viaticated policies; and

3 (2) it has an agreement in writing with one or more  
4 licensed viatical settlement providers to finance the  
5 acquisition of viatical settlement contracts.

6 "Financing entity" does not include an investor that is not an  
7 accredited investor.

8 "Financing transaction" means a transaction in which a  
9 viatical settlement provider obtains financing from a  
10 financing entity, including, without limitation, any secured  
11 or unsecured financing, securitization transaction, or  
12 securities offering that either is registered or exempt from  
13 registration under federal and State securities law.

14 "Foreign licensee" means any viatical settlement provider  
15 incorporated or organized under the laws of any state of the  
16 United States other than this State.

17 "Insurance producer" means an insurance producer as  
18 defined by Section 10 of Article XXXI of the Illinois Insurance  
19 Code.

20 "Licensee" means a viatical settlement provider or  
21 viatical settlement broker.

22 "Life expectancy provider" means a person who determines or  
23 holds himself or herself out as determining life expectancies  
24 or mortality ratings used to determine life expectancies on  
25 behalf of or in connection with any of the following:

26 (1) A viatical settlement provider, viatical

1 settlement broker, or person engaged in the business of  
2 viatical settlements.

3 (2) A viatical investment as defined by Section 2.33 of  
4 the Illinois Securities Law of 1953 or a viatical  
5 settlement contract.

6 "NAIC" means the National Association of Insurance  
7 Commissioners.

8 "Person" means an individual or a legal entity, including,  
9 without limitation, a partnership, limited liability company,  
10 limited liability partnership, association, trust, business  
11 trust, or corporation.

12 "Policy" means an individual or group policy, group  
13 certificate, contract, or arrangement of insurance of the class  
14 defined by subsection (a) of Section 4 of the Illinois  
15 Insurance Code owned by a resident of this State, regardless of  
16 whether delivered or issued for delivery in this State.

17 "Qualified institutional buyer" means a qualified  
18 institutional buyer as defined in Rule 144 promulgated under  
19 the Securities Act of 1933, as amended.

20 "Related provider trust" means a titling trust or other  
21 trust established by a licensed viatical settlement provider or  
22 a financing entity for the sole purpose of holding the  
23 ownership or beneficial interest in purchased policies in  
24 connection with a financing transaction. The trust shall have a  
25 written agreement with the licensed viatical settlement  
26 provider under which the licensed viatical settlement provider

1 is responsible for ensuring compliance with all statutory and  
2 regulatory requirements and under which the trust agrees to  
3 make all records and files related to viatical settlement  
4 transactions available to the Director as if those records and  
5 files were maintained directly by the licensed viatical  
6 settlement provider.

7 "Special purpose entity" means a corporation, partnership,  
8 trust, limited liability company, or other similar entity  
9 formed only to provide, directly or indirectly, access to  
10 institutional capital markets (i) for a financing entity or  
11 licensed viatical settlement provider; or (ii) in connection  
12 with a transaction in which the securities in the special  
13 purposes entity are acquired by the viator or by qualified  
14 institutional buyers or the securities pay a fixed rate of  
15 return commensurate with established asset-backed  
16 institutional capital markets.

17 "Stranger-originated life insurance" or "STOLI" means an  
18 act, practice, or arrangement to initiate a life insurance  
19 policy for the benefit of a third-party investor who, at the  
20 time of policy origination, has no insurable interest in the  
21 insured. STOLI practices include, but are not limited to, cases  
22 in which life insurance is purchased with resources or  
23 guarantees from or through a person or entity who, at the time  
24 of policy inception, could not lawfully initiate the policy  
25 himself or itself and where, at the time of policy inception,  
26 there is an arrangement or agreement, whether verbal or

1 written, to directly or indirectly transfer the ownership of  
2 the policy or policy benefits to a third party. Trusts created  
3 to give the appearance of an insurable interest and used to  
4 initiate policies for investors violate insurance interest  
5 laws and the prohibition against wagering on life. STOLI  
6 arrangements do not include lawful viatical settlement  
7 contracts as permitted by this Act.

8 "Terminally ill" means certified by a physician as having  
9 an illness or physical condition that reasonably is expected to  
10 result in death in 24 months or less.

11 "Viatical settlement broker" means a licensed insurance  
12 producer who has been issued a license pursuant to paragraph  
13 (1) or (2) of subsection (a) of Section 500-35 ~~Section~~  
14 ~~500-35(a)(1) or 500-35(a)(2)~~ of the Illinois Insurance Code  
15 who, working exclusively on behalf of a viator and for a fee,  
16 commission, or other valuable consideration, offers, solicits,  
17 promotes, or attempts to negotiate viatical settlement  
18 contracts between a viator and one or more viatical settlement  
19 providers or one or more viatical settlement brokers. "Viatical  
20 settlement broker" does not include an attorney, certified  
21 public accountant, or a financial planner accredited by a  
22 nationally recognized accreditation agency, who is retained to  
23 represent the viator and whose compensation is not paid  
24 directly or indirectly by the viatical settlement provider or  
25 purchaser.

26 "Viatical settlement contract" means any of the following:



1           (1) A written agreement between a viator and a viatical  
2 settlement provider establishing the terms under which  
3 compensation or anything of value is or will be paid, which  
4 compensation or value is less than the expected death  
5 benefits of the policy, in return for the viator's present  
6 or future assignment, transfer, sale, devise, or bequest of  
7 the death benefit or ownership of any portion of the  
8 insurance policy.

9           (2) A written agreement for a loan or other lending  
10 transaction, secured primarily by an individual life  
11 insurance policy or an individual certificate of a group  
12 life insurance policy.

13           (3) The transfer for compensation or value of ownership  
14 of a beneficial interest in a trust or other entity that  
15 owns such policy, if the trust or other entity was formed  
16 or availed of for the principal purpose of acquiring one or  
17 more life insurance contracts and the life insurance  
18 contract insures the life of a person residing in this  
19 State.

20           (4) A premium finance loan made for a life insurance  
21 policy by a lender to a viator on, before, or after the  
22 date of issuance of the policy in either of the following  
23 situations:

24                   (A) The viator or the insured receives a guarantee  
25 of the viatical settlement value of the policy.

26                   (B) The viator or the insured agrees to sell the

1 policy or any portion of the policy's death benefit on  
2 any date before or after issuance of the policy.

3 "Viatical settlement contract" does not include any of the  
4 following acts, practices, or arrangements listed below in  
5 subparagraphs (a) through (i) of this definition of "viatical  
6 settlement contract", unless part of a plan, scheme, device, or  
7 artifice to avoid application of this Act; provided, however,  
8 that the list of excluded items contained in subparagraphs (a)  
9 through (i) is not intended to be an exhaustive list and that  
10 an act, practice, or arrangement that is not described below in  
11 subparagraphs (a) through (i) does not necessarily constitute a  
12 viatical settlement contract:

13 (a) A policy loan or accelerated death benefit made by  
14 the insurer pursuant to the policy's terms;

15 (b) Loan proceeds that are used solely to pay: (i)  
16 premiums for the policy and (ii) the costs of the loan,  
17 including, without limitation, interest, arrangement fees,  
18 utilization fees and similar fees, closing costs, legal  
19 fees and expenses, trustee fees and expenses, and third  
20 party collateral provider fees and expenses, including  
21 fees payable to letter of credit issuers;

22 (c) A loan made by a bank or other financial  
23 institution in which the lender takes an interest in a life  
24 insurance policy solely to secure repayment of a loan or,  
25 if there is a default on the loan and the policy is  
26 transferred, the transfer of such a policy by the lender,

1 provided that neither the default itself nor the transfer  
2 of the policy in connection with the default is pursuant to  
3 an agreement or understanding with any other person for the  
4 purpose of evading regulation under this Act;

5 (d) A loan made by a lender that does not violate  
6 Article XXXIIa of the Illinois Insurance Code, provided  
7 that the premium finance loan is not described in this Act;

8 (e) An agreement in which all the parties (i) are  
9 closely related to the insured by blood or law or (ii) have  
10 a lawful substantial economic interest in the continued  
11 life, health, and bodily safety of the person insured, or  
12 trusts established primarily for the benefit of such  
13 parties;

14 (f) Any designation, consent, or agreement by an  
15 insured who is an employee of an employer in connection  
16 with the purchase by the employer, or trust established by  
17 the employer, of life insurance on the life of the  
18 employee;

19 (g) A bona fide business succession planning  
20 arrangement: (i) between one or more shareholders in a  
21 corporation or between a corporation and one or more of its  
22 shareholders or one or more trusts established by its  
23 shareholders; (ii) between one or more partners in a  
24 partnership or between a partnership and one or more of its  
25 partners or one or more trusts established by its partners;  
26 or (iii) between one or more members in a limited liability

1 company or between a limited liability company and one or  
2 more of its members or one or more trusts established by  
3 its members;

4 (h) An agreement entered into by a service recipient,  
5 or a trust established by the service recipient, and a  
6 service provider, or a trust established by the service  
7 provider, who performs significant services for the  
8 service recipient's trade or business; or

9 (i) Any other contract, transaction, or arrangement  
10 exempted from the definition of viatical settlement  
11 contract by the Director based on the Director's  
12 determination that the contract, transaction, or  
13 arrangement is not of the type intended to be regulated by  
14 this Act.

15 "Viatical settlement investment agent" means a person who  
16 is an appointed or contracted agent of a licensed viatical  
17 settlement provider who solicits or arranges the funding for  
18 the purchase of a viatical settlement by a viatical settlement  
19 purchaser and who is acting on behalf of a viatical settlement  
20 provider. A viatical settlement investment agent is deemed to  
21 represent the viatical settlement provider of whom the viatical  
22 settlement investment agent is an appointed or contracted  
23 agent.

24 "Viatical settlement provider" means a person, other than a  
25 viator, who enters into or effectuates a viatical settlement  
26 contract with a viator. "Viatical settlement provider" does not

1 include:

2 (1) a bank, savings bank, savings and loan association,  
3 credit union, or other financial institution that takes an  
4 assignment of a policy as collateral for a loan;

5 (2) a financial institution or premium finance company  
6 making premium finance loans and exempted by the Director  
7 from the licensing requirement under the premium finance  
8 laws where the institution or company takes an assignment  
9 of a life insurance policy solely as collateral for a  
10 premium finance loan;

11 (3) the issuer of the life insurance policy;

12 (4) an authorized or eligible insurer that provides  
13 stop loss coverage or financial guaranty insurance to a  
14 viatical settlement provider, purchaser, financing entity,  
15 special purpose entity, or related provider trust;

16 (5) An individual person who enters into or effectuates  
17 no more than one viatical settlement contract in a calendar  
18 year for the transfer of policies for any value less than  
19 the expected death benefit;

20 (6) a financing entity;

21 (7) a special purpose entity;

22 (8) a related provider trust;

23 (9) a viatical settlement purchaser; or

24 (10) any other person that the Director determines is  
25 consistent with the definition of viatical settlement  
26 provider.

1 "Viatical settlement purchaser" means a person who  
2 provides a sum of money as consideration for a life insurance  
3 policy or an interest in the death benefits of a life insurance  
4 policy, or a person who owns or acquires or is entitled to a  
5 beneficial interest in a trust that owns a viatical settlement  
6 contract or is the beneficiary of a life insurance policy, in  
7 each case where such policy has been or will be the subject of  
8 a viatical settlement contract, for the purpose of deriving an  
9 economic benefit. "Viatical settlement purchaser" does not  
10 include: (i) a licensee under this Act; (ii) an accredited  
11 investor or qualified institutional buyer; (iii) a financing  
12 entity; (iv) a special purpose entity; or (v) a related  
13 provider trust.

14 "Viaticated policy" means a life insurance policy that has  
15 been acquired by a viatical settlement provider pursuant to a  
16 viatical settlement contract.

17 "Viator" means the owner of a life insurance policy or a  
18 certificate holder under a group policy who enters or seeks to  
19 enter into a viatical settlement contract. For the purposes of  
20 this Act, a viator is not limited to an owner of a life  
21 insurance policy or a certificate holder under a group policy  
22 insuring the life of an individual with a terminal or chronic  
23 illness or condition, except where specifically addressed.

24 "Viator" does not include:

25 (1) a licensee;

26 (2) a qualified institutional buyer;

- 1           (3) a financing entity;
- 2           (4) a special purpose entity; or
- 3           (5) a related provider trust.

4       (Source: P.A. 96-736, eff. 7-1-10; revised 10-5-17.)

5           Section 355. The Voluntary Health Services Plans Act is  
6       amended by changing Section 10 as follows:

7           (215 ILCS 165/10) (from Ch. 32, par. 604)

8           Sec. 10. Application of Insurance Code provisions. Health  
9       services plan corporations and all persons interested therein  
10      or dealing therewith shall be subject to the provisions of  
11      Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,  
12      143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g,  
13      356g.5, 356g.5-1, 356r, 356t, 356u, 356v, 356w, 356x, 356y,  
14      356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9,  
15      356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18,  
16      356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 364.01, 367.2,  
17      368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and  
18      paragraphs (7) and (15) of Section 367 of the Illinois  
19      Insurance Code.

20           Rulemaking authority to implement Public Act 95-1045, if  
21      any, is conditioned on the rules being adopted in accordance  
22      with all provisions of the Illinois Administrative Procedure  
23      Act and all rules and procedures of the Joint Committee on  
24      Administrative Rules; any purported rule not so adopted, for

1 whatever reason, is unauthorized.

2 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
3 revised 10-5-17.)

4 Section 360. The Unclaimed Life Insurance Benefits Act is  
5 amended by changing Sections 15 and 35 as follows:

6 (215 ILCS 185/15)

7 Sec. 15. Insurer conduct.

8 (a) An insurer shall initially perform a comparison of its  
9 insureds', annuitants', and retained asset account holders'  
10 in-force policies, annuity contracts, and retained asset  
11 accounts in force on or after January 1, 2017 by using the full  
12 Death Master File. The initial comparison shall be completed on  
13 or before December 31, 2017. An insurer required to perform a  
14 comparison of its insureds', annuitants', and retained asset  
15 account holders' in-force policies, annuity contracts, and  
16 retained asset accounts in force on or after January 1, 2012  
17 shall perform a comparison of policies, annuity contracts, and  
18 retained asset accounts in force between January 1, 2012 and  
19 December 31, 2016 on or before December 31, 2018 by using the  
20 full Death Master File. An insurer required to perform a  
21 comparison of electronic searchable files concerning its  
22 insureds', annuitants', and retained asset account holders'  
23 in-force policies, annuity contracts, and retained asset  
24 accounts in force on or after January 1, 2000 shall perform a



1 comparison of policies, annuity contracts, and retained asset  
2 accounts in force between January 1, 2000 and December 31, 2016  
3 on or before December 31, 2018 by using the full Death Master  
4 File. Thereafter, an insurer shall perform a comparison on at  
5 least a semi-annual basis using the Death Master File update  
6 files for comparisons to identify potential matches of its  
7 insureds, annuitants, and retained asset account holders. In  
8 the event that one of the insurer's lines of business conducts  
9 a search for matches of its insureds, annuitants, and retained  
10 asset account holders against the Death Master File at  
11 intervals more frequently than semi-annually, then all lines of  
12 the insurer's business shall conduct searches for matches  
13 against the Death Master File with the same frequency. Within 6  
14 months after acquisition of policies, annuity contracts, or  
15 retained asset accounts from another insurer, the acquiring  
16 insurer shall compare all newly acquired policies, annuity  
17 contracts, and retained asset accounts that were not searched  
18 by the previous insurer in compliance with this Act against the  
19 complete Death Master File to identify potential matches of its  
20 insureds, annuitants, and retained asset account holders. Upon  
21 any subsequent acquisition of policies, annuity contracts, or  
22 retained asset accounts from another insurer, when the previous  
23 insurer has already conducted a search of the newly acquired  
24 policies, annuity contracts, and retained asset accounts using  
25 the complete Death Master File, the acquiring insurer shall  
26 compare all newly acquired policies, annuity contracts, and

1 retained asset accounts using all of the Death Master File  
2 updates since the time the previous insurer conducted the  
3 complete search to identify potential matches of its insureds,  
4 annuitants, and retained asset account holders.

5 An insured, an annuitant, or a retained asset account  
6 holder is presumed dead if the date of his or her death is  
7 indicated by the comparison required in this subsection (a),  
8 unless the insurer has competent and substantial evidence that  
9 the person is living, including, but not limited to, a contact  
10 made by the insurer with the person or his or her legal  
11 representative.

12 For those potential matches identified as a result of a  
13 Death Master File match, the insurer shall within 120 days  
14 after the date of death notice, if the insurer has not been  
15 contacted by a beneficiary, determine whether benefits are due  
16 in accordance with the applicable policy or contract and, if  
17 benefits are due in accordance with the applicable policy or  
18 contract:

19 (1) use good faith efforts, which shall be documented  
20 by the insurer, to locate the beneficiary or beneficiaries;  
21 the Department shall establish by administrative rule  
22 minimum standards for what constitutes good faith efforts  
23 to locate a beneficiary, which shall include: (A) searching  
24 insurer records; (B) the appropriate use of First Class  
25 United States mail, e-mail addresses, and telephone calls;  
26 and (C) reasonable efforts by insurers to obtain updated

1 contact information for the beneficiary or beneficiaries;  
2 good faith efforts shall not include additional attempts to  
3 contact the beneficiary at an address already confirmed not  
4 to be current; and

5 (2) provide the appropriate claims forms or  
6 instructions to the beneficiary or beneficiaries to make a  
7 claim, including the need to provide an official death  
8 certificate if applicable under the policy or annuity  
9 contract.

10 (b) Insurers shall implement procedures to account for the  
11 following when conducting searches of the Death Master File:

12 (1) common nicknames, initials used in lieu of a first  
13 or middle name, use of a middle name, compound first and  
14 middle names, and interchanged first and middle names;

15 (2) compound last names, maiden or married names, and  
16 hyphens, blank spaces, or apostrophes in last names;

17 (3) transposition of the "month" and "date" portions of  
18 the date of birth; and

19 (4) incomplete social security numbers.

20 (c) To the extent permitted by law, an insurer may disclose  
21 the minimum necessary personal information about the insured,  
22 annuity owner, retained asset account holder, or beneficiary to  
23 a person whom the insurer reasonably believes may be able to  
24 assist the insurer with locating the beneficiary or a person  
25 otherwise entitled to payment of the claims proceeds.

26 (d) An insurer or its service provider shall not charge any

1 beneficiary or other authorized representative for any fees or  
2 costs associated with a Death Master File search or  
3 verification of a Death Master File match conducted pursuant to  
4 this Act.

5 (e) The benefits from a policy, annuity contract, or a  
6 retained asset account, plus any applicable accrued interest,  
7 shall first be payable to the designated beneficiaries or  
8 owners and, in the event the beneficiaries or owners cannot be  
9 found, shall be reported and delivered to the State Treasurer  
10 pursuant to the Revised Uniform Unclaimed Property Act. Nothing  
11 in this subsection (e) is intended to alter the amounts  
12 reportable under the existing provisions of the Revised Uniform  
13 Unclaimed Property Act or to allow the imposition of additional  
14 statutory interest under Article XIV of the Illinois Insurance  
15 Code.

16 (f) Failure to meet any requirement of this Section with  
17 such frequency as to constitute a general business practice is  
18 a violation of Section 424 of the Illinois Insurance Code.  
19 Nothing in this Section shall be construed to create or imply a  
20 private cause of action for a violation of this Section.

21 (Source: P.A. 99-893, eff. 1-1-17; 100-22, eff. 1-1-18;  
22 100-543, eff. 1-1-18; revised 12-8-17.)

23 (215 ILCS 185/35)

24 Sec. 35. Application.

25 (a) Except as provided in subsections (b), (c), and (d),

1 the provisions of this Act apply to policies, annuity  
2 contracts, and retained asset accounts in force at any time on  
3 or after January 1, 2012.

4 (b) For an insurer that has entered into a written  
5 agreement with the State Treasurer on or before December 31,  
6 2018 to resolve an unclaimed property examination pursuant to  
7 the Uniform Disposition of Unclaimed Property Act or the  
8 Revised Uniform Unclaimed Property Act, the provisions of this  
9 Act apply to policies, annuity contracts, and retained asset  
10 accounts in force on or after January 1, 2017.

11 (c) Notwithstanding subsection (a), the provisions of this  
12 Act shall apply to policies, annuity contracts, and retained  
13 asset accounts in force at any time on or after January 1, 2000  
14 to the extent that an insurer has electronic searchable files  
15 concerning such policies, annuity contracts, and retained  
16 asset accounts.

17 (d) This Act does not apply to a lapsed or terminated  
18 policy with no benefits payable that was compared against the  
19 Death Master File within the 18 months following the date of  
20 the lapse or termination of the applicable policy or that was  
21 searched more than 18 months prior to the most recent  
22 comparison against the Death Master File conducted by the  
23 insurer.

24 (Source: P.A. 99-893, eff. 1-1-17; 100-543, eff. 1-1-18;  
25 revised 12-14-17.)

1 Section 365. The Public Utilities Act is amended by  
2 changing Section 13-703 as follows:

3 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

4 (Section scheduled to be repealed on December 31, 2020)

5 Sec. 13-703. (a) The Commission shall design and implement  
6 a program whereby each telecommunications carrier providing  
7 local exchange service shall provide a telecommunications  
8 device capable of servicing the needs of those persons with a  
9 hearing or speech disability together with a single party line,  
10 at no charge additional to the basic exchange rate, to any  
11 subscriber who is certified as having a hearing or speech  
12 disability by a hearing care professional, as defined in the  
13 Hearing Instrument Consumer Protection Act, a speech-language  
14 pathologist, or a qualified State agency and to any subscriber  
15 which is an organization serving the needs of those persons  
16 with a hearing or speech disability as determined and specified  
17 by the Commission pursuant to subsection (d).

18 (b) The Commission shall design and implement a program,  
19 whereby each telecommunications carrier providing local  
20 exchange service shall provide a telecommunications relay  
21 system, using third party intervention to connect those persons  
22 having a hearing or speech disability with persons of normal  
23 hearing by way of intercommunications devices and the telephone  
24 system, making available reasonable access to all phases of  
25 public telephone service to persons who have a hearing or

1 speech disability. In order to design a telecommunications  
2 relay system which will meet the requirements of those persons  
3 with a hearing or speech disability available at a reasonable  
4 cost, the Commission shall initiate an investigation and  
5 conduct public hearings to determine the most cost-effective  
6 method of providing telecommunications relay service to those  
7 persons who have a hearing or speech disability when using  
8 telecommunications devices and therein solicit the advice,  
9 counsel, and physical assistance of Statewide nonprofit  
10 consumer organizations that serve persons with hearing or  
11 speech disabilities in such hearings and during the development  
12 and implementation of the system. The Commission shall phase in  
13 this program, on a geographical basis, as soon as is  
14 practicable, but no later than June 30, 1990.

15 (c) The Commission shall establish a competitively neutral  
16 rate recovery mechanism that establishes charges in an amount  
17 to be determined by the Commission for each line of a  
18 subscriber to allow telecommunications carriers providing  
19 local exchange service to recover costs as they are incurred  
20 under this Section. Beginning no later than April 1, 2016, and  
21 on a yearly basis thereafter, the Commission shall initiate a  
22 proceeding to establish the competitively neutral amount to be  
23 charged or assessed to subscribers of telecommunications  
24 carriers and wireless carriers, Interconnected VoIP service  
25 providers, and consumers of prepaid wireless  
26 telecommunications service in a manner consistent with this

1 subsection (c) and subsection (f) of this Section. The  
2 Commission shall issue its order establishing the  
3 competitively neutral amount to be charged or assessed to  
4 subscribers of telecommunications carriers and wireless  
5 carriers, Interconnected VoIP service providers, and  
6 purchasers of prepaid wireless telecommunications service on  
7 or prior to June 1 of each year, and such amount shall take  
8 effect June 1 of each year.

9 Telecommunications carriers, wireless carriers,  
10 Interconnected VoIP service providers, and sellers of prepaid  
11 wireless telecommunications service shall have 60 days from the  
12 date the Commission files its order to implement the new rate  
13 established by the order.

14 (d) The Commission shall determine and specify those  
15 organizations serving the needs of those persons having a  
16 hearing or speech disability that shall receive a  
17 telecommunications device and in which offices the equipment  
18 shall be installed in the case of an organization having more  
19 than one office. For the purposes of this Section,  
20 "organizations serving the needs of those persons with hearing  
21 or speech disabilities" means centers for independent living as  
22 described in Section 12a of the Rehabilitation of Persons with  
23 Disabilities Act and not-for-profit organizations whose  
24 primary purpose is serving the needs of those persons with  
25 hearing or speech disabilities. The Commission shall direct the  
26 telecommunications carriers subject to its jurisdiction and



1 this Section to comply with its determinations and  
2 specifications in this regard.

3 (e) As used in this Section:

4 "Prepaid wireless telecommunications service" has the  
5 meaning given to that term under Section 10 of the Prepaid  
6 Wireless 9-1-1 Surcharge Act.

7 "Retail transaction" has the meaning given to that term  
8 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

9 "Seller" has the meaning given to that term under Section  
10 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

11 "Telecommunications carrier providing local exchange  
12 service" includes, without otherwise limiting the meaning of  
13 the term, telecommunications carriers which are purely mutual  
14 concerns, having no rates or charges for services, but paying  
15 the operating expenses by assessment upon the members of such a  
16 company and no other person.

17 "Wireless carrier" has the meaning given to that term under  
18 Section 2 of the Emergency Telephone System Act.

19 (f) Interconnected VoIP service providers, sellers of  
20 prepaid wireless telecommunications service, and wireless  
21 carriers in Illinois shall collect and remit assessments  
22 determined in accordance with this Section in a competitively  
23 neutral manner in the same manner as a telecommunications  
24 carrier providing local exchange service. However, the  
25 assessment imposed on consumers of prepaid wireless  
26 telecommunications service shall be collected by the seller

1 from the consumer and imposed per retail transaction as a  
2 percentage of that retail transaction on all retail  
3 transactions occurring in this State. The assessment on  
4 subscribers of wireless carriers and consumers of prepaid  
5 wireless telecommunications service shall not be imposed or  
6 collected prior to June 1, 2016.

7 Sellers of prepaid wireless telecommunications service  
8 shall remit the assessments to the Department of Revenue on the  
9 same form and in the same manner which they remit the fee  
10 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For  
11 the purposes of display on the consumers' receipts, the rates  
12 of the fee collected under the Prepaid Wireless 9-1-1 Surcharge  
13 Act and the assessment under this Section may be combined. In  
14 administration and enforcement of this Section, the provisions  
15 of Sections 15 and 20 of the Prepaid Wireless 9-1-1 Surcharge  
16 Act (except subsections (a), (a-5), (b-5), (e), and (e-5) of  
17 Section 15 and subsections (c) and (e) of Section 20 of the  
18 Prepaid Wireless 9-1-1 Surcharge Act and, from June 29, 2015  
19 (the effective date of Public Act 99-6), the seller shall be  
20 permitted to deduct and retain 3% of the assessments that are  
21 collected by the seller from consumers and that are remitted  
22 and timely filed with the Department) that are not inconsistent  
23 with this Section, shall apply, as far as practicable, to the  
24 subject matter of this Section to the same extent as if those  
25 provisions were included in this Section. Beginning on January  
26 1, 2018, the seller is allowed to deduct and retain 3% of the

1 assessments that are collected by the seller from consumers and  
2 that are remitted timely and timely filed with the Department,  
3 but only if the return is filed electronically as provided in  
4 Section 3 of the Retailers' Occupation Tax Act. Sellers who  
5 demonstrate that they do not have access to the Internet or  
6 demonstrate hardship in filing electronically may petition the  
7 Department to waive the electronic filing requirement. The  
8 Department shall deposit all assessments and penalties  
9 collected under this Section into the Illinois  
10 Telecommunications Access Corporation Fund, a special fund  
11 created in the State treasury. On or before the 25th day of  
12 each calendar month, the Department shall prepare and certify  
13 to the Comptroller the amount available to the Commission for  
14 distribution out of the Illinois Telecommunications Access  
15 Corporation Fund. The amount certified shall be the amount (not  
16 including credit memoranda) collected during the second  
17 preceding calendar month by the Department, plus an amount the  
18 Department determines is necessary to offset any amounts which  
19 were erroneously paid to a different taxing body or fund. The  
20 amount paid to the Illinois Telecommunications Access  
21 Corporation Fund shall not include any amount equal to the  
22 amount of refunds made during the second preceding calendar  
23 month by the Department to retailers under this Section or any  
24 amount that the Department determines is necessary to offset  
25 any amounts which were payable to a different taxing body or  
26 fund but were erroneously paid to the Illinois

1 Telecommunications Access Corporation Fund. The Commission  
2 shall distribute all the funds to the Illinois  
3 Telecommunications Access Corporation and the funds may only be  
4 used in accordance with the provisions of this Section. The  
5 Department shall deduct 2% of all amounts deposited in the  
6 Illinois Telecommunications Access Corporation Fund during  
7 every year of remitted assessments. Of the 2% deducted by the  
8 Department, one-half shall be transferred into the Tax  
9 Compliance and Administration Fund to reimburse the Department  
10 for its direct costs of administering the collection and  
11 remittance of the assessment. The remaining one-half shall be  
12 transferred into the Public Utility Fund to reimburse the  
13 Commission for its costs of distributing to the Illinois  
14 Telecommunications Access Corporation the amount certified by  
15 the Department for distribution. The amount to be charged or  
16 assessed under subsections (c) and (f) is not imposed on a  
17 provider or the consumer for wireless Lifeline service where  
18 the consumer does not pay the provider for the service. Where  
19 the consumer purchases from the provider optional minutes,  
20 texts, or other services in addition to the federally funded  
21 Lifeline benefit, a consumer must pay the charge or assessment,  
22 and it must be collected by the seller according to this  
23 subsection (f).

24 Interconnected VoIP services shall not be considered an  
25 intrastate telecommunications service for the purposes of this  
26 Section in a manner inconsistent with federal law or Federal

1 Communications Commission regulation.

2 (g) The provisions of this Section are severable under  
3 Section 1.31 of the Statute on Statutes.

4 (h) The Commission may adopt rules necessary to implement  
5 this Section.

6 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15; 99-642,  
7 eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff. 1-27-17;  
8 100-20, eff. 7-1-17; 100-201, eff. 8-18-17; 100-303, eff.  
9 8-24-17; revised 10-2-17.)

10 Section 370. The Gas Transmission Facilities Act is amended  
11 by changing Section 1.03 as follows:

12 (220 ILCS 25/1.03) (from Ch. 111 2/3, par. 571.03)

13 Sec. 1.03. "Private energy entity" includes every person,  
14 corporation, political subdivision, and public agency of the  
15 State who generates or produces natural gas for energy for his  
16 or its own consumption or the consumption of his or its tenants  
17 or for direct sale to others, excluding sales for resale, and  
18 every person, corporation, political subdivision, and public  
19 agency of the State who buys natural gas at the wellhead for  
20 his or its own consumption or the consumption of his or its  
21 tenants and not for sale to others. A private energy entity  
22 shall not be found to be a public utility as defined by the  
23 ~~"Public Utilities Act", approved June 29, 1921, as amended,~~  
24 merely because of its activities in transmitting natural gas.

1 (Source: P.A. 83-1290; revised 9-27-17.)

2 Section 375. The Illinois Underground Utility Facilities  
3 Damage Prevention Act is amended by changing Section 2.2 as  
4 follows:

5 (220 ILCS 50/2.2) (from Ch. 111 2/3, par. 1602.2)

6 Sec. 2.2. Underground utility facilities. ~~(a)~~ "Underground  
7 utility facilities" or "facilities" means and includes wires,  
8 ducts, fiber optic cable, conduits, pipes, sewers, and cables  
9 and their connected appurtenances installed beneath the  
10 surface of the ground by:

11 (1) a public utility as defined in the Public Utilities  
12 Act;

13 (2) a municipally owned or mutually owned utility  
14 providing a similar utility service;

15 (3) a pipeline entity transporting gases, crude oil,  
16 petroleum products, or other hydrocarbon materials within  
17 the State;

18 (4) a telecommunications carrier as defined in the  
19 Universal Telephone Service Protection Law of 1985, or by a  
20 company described in Section 1 of the Telephone Company  
21 Act;

22 (5) a community antenna television system, as defined  
23 in the Illinois Municipal Code or the Counties Code;

24 (6) a holder, as that term is defined in the Cable and

1 Video Competition Law of 2007;

2 (7) any other entity owning or operating underground  
3 facilities that transport generated electrical power to  
4 other utility owners or operators or transport generated  
5 electrical power within the internal electric grid of a  
6 wind turbine generation farm; and

7 (8) an electric cooperative as defined in the Public  
8 Utilities Act.

9 (Source: P.A. 96-714, eff. 1-1-10; revised 11-8-17.)

10 Section 380. The Illinois Dental Practice Act is amended by  
11 changing Section 4 as follows:

12 (225 ILCS 25/4) (from Ch. 111, par. 2304)

13 (Section scheduled to be repealed on January 1, 2026)

14 Sec. 4. Definitions. As used in this Act:

15 "Address of record" means the designated address recorded  
16 by the Department in the applicant's or licensee's application  
17 file or license file as maintained by the Department's  
18 licensure maintenance unit. It is the duty of the applicant or  
19 licensee to inform the Department of any change of address and  
20 those changes must be made either through the Department's  
21 website or by contacting the Department.

22 "Department" means the Department of Financial and  
23 Professional Regulation.

24 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 "Board" means the Board of Dentistry.

3 "Dentist" means a person who has received a general license  
4 pursuant to paragraph (a) of Section 11 of this Act and who may  
5 perform any intraoral and extraoral procedure required in the  
6 practice of dentistry and to whom is reserved the  
7 responsibilities specified in Section 17.

8 "Dental hygienist" means a person who holds a license under  
9 this Act to perform dental services as authorized by Section  
10 18.

11 "Dental assistant" means an appropriately trained person  
12 who, under the supervision of a dentist, provides dental  
13 services as authorized by Section 17.

14 "Expanded function dental assistant" means a dental  
15 assistant who has completed the training required by Section  
16 17.1 of this Act.

17 "Dental laboratory" means a person, firm or corporation  
18 which:

19 (i) engages in making, providing, repairing or  
20 altering dental prosthetic appliances and other artificial  
21 materials and devices which are returned to a dentist for  
22 insertion into the human oral cavity or which come in  
23 contact with its adjacent structures and tissues; and

24 (ii) utilizes or employs a dental technician to provide  
25 such services; and

26 (iii) performs such functions only for a dentist or



1 dentists.

2 "Supervision" means supervision of a dental hygienist or a  
3 dental assistant requiring that a dentist authorize the  
4 procedure, remain in the dental facility while the procedure is  
5 performed, and approve the work performed by the dental  
6 hygienist or dental assistant before dismissal of the patient,  
7 but does not mean that the dentist must be present at all times  
8 in the treatment room.

9 "General supervision" means supervision of a dental  
10 hygienist requiring that the patient be a patient of record,  
11 that the dentist examine the patient in accordance with Section  
12 18 prior to treatment by the dental hygienist, and that the  
13 dentist authorize the procedures which are being carried out by  
14 a notation in the patient's record, but not requiring that a  
15 dentist be present when the authorized procedures are being  
16 performed. The issuance of a prescription to a dental  
17 laboratory by a dentist does not constitute general  
18 supervision.

19 "Public member" means a person who is not a health  
20 professional. For purposes of board membership, any person with  
21 a significant financial interest in a health service or  
22 profession is not a public member.

23 "Dentistry" means the healing art which is concerned with  
24 the examination, diagnosis, treatment planning and care of  
25 conditions within the human oral cavity and its adjacent  
26 tissues and structures, as further specified in Section 17.

1 "Branches of dentistry" means the various specialties of  
2 dentistry which, for purposes of this Act, shall be limited to  
3 the following: endodontics, oral and maxillofacial surgery,  
4 orthodontics and dentofacial orthopedics, pediatric dentistry,  
5 periodontics, prosthodontics, and oral and maxillofacial  
6 radiology.

7 "Specialist" means a dentist who has received a specialty  
8 license pursuant to Section 11(b).

9 "Dental technician" means a person who owns, operates or is  
10 employed by a dental laboratory and engages in making,  
11 providing, repairing or altering dental prosthetic appliances  
12 and other artificial materials and devices which are returned  
13 to a dentist for insertion into the human oral cavity or which  
14 come in contact with its adjacent structures and tissues.

15 "Impaired dentist" or "impaired dental hygienist" means a  
16 dentist or dental hygienist who is unable to practice with  
17 reasonable skill and safety because of a physical or mental  
18 disability as evidenced by a written determination or written  
19 consent based on clinical evidence, including deterioration  
20 through the aging process, loss of motor skills, abuse of drugs  
21 or alcohol, or a psychiatric disorder, of sufficient degree to  
22 diminish the person's ability to deliver competent patient  
23 care.

24 "Nurse" means a registered professional nurse, a certified  
25 registered nurse anesthetist licensed as an advanced practice  
26 registered nurse, or a licensed practical nurse licensed under

1 the Nurse Practice Act.

2 "Patient of record" means a patient for whom the patient's  
3 most recent dentist has obtained a relevant medical and dental  
4 history and on whom the dentist has performed an examination  
5 and evaluated the condition to be treated.

6 "Dental responder" means a dentist or dental hygienist who  
7 is appropriately certified in disaster preparedness,  
8 immunizations, and dental humanitarian medical response  
9 consistent with the Society of Disaster Medicine and Public  
10 Health and training certified by the National Incident  
11 Management System or the National Disaster Life Support  
12 Foundation.

13 "Mobile dental van or portable dental unit" means any  
14 self-contained or portable dental unit in which dentistry is  
15 practiced that can be moved, towed, or transported from one  
16 location to another in order to establish a location where  
17 dental services can be provided.

18 "Public health dental hygienist" means a hygienist who  
19 holds a valid license to practice in the State, has 2 years of  
20 full-time clinical experience or an equivalent of 4,000 hours  
21 of clinical experience and has completed at least 42 clock  
22 hours of additional structured courses in dental education  
23 approved by rule by the Department in advanced areas specific  
24 to public health dentistry, including, but not limited to,  
25 emergency procedures for medically compromised patients,  
26 pharmacology, medical recordkeeping procedures, geriatric

1 dentistry, pediatric dentistry, pathology, and other areas of  
2 study as determined by the Department, and works in a public  
3 health setting pursuant to a written public health supervision  
4 agreement as defined by rule by the Department with a dentist  
5 working in or contracted with a local or State government  
6 agency or institution or who is providing services as part of a  
7 certified school-based program or school-based oral health  
8 program.

9 "Public health setting" means a federally qualified health  
10 center; a federal, State, or local public health facility; Head  
11 Start; a special supplemental nutrition program for Women,  
12 Infants, and Children (WIC) facility; or a certified  
13 school-based health center or school-based oral health  
14 program.

15 "Public health supervision" means the supervision of a  
16 public health dental hygienist by a licensed dentist who has a  
17 written public health supervision agreement with that public  
18 health dental hygienist while working in an approved facility  
19 or program that allows the public health dental hygienist to  
20 treat patients, without a dentist first examining the patient  
21 and being present in the facility during treatment, (1) who are  
22 eligible for Medicaid or (2) who are uninsured and whose  
23 household income is not greater than 200% of the federal  
24 poverty level.

25 (Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15;  
26 99-680, eff. 1-1-17; 100-215, eff. 1-1-18; 100-513, eff.

1 1-1-18; revised 9-29-17.)

2 Section 385. The Medical Practice Act of 1987 is amended by  
3 changing Sections 22 and 54.5 as follows:

4 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

5 (Section scheduled to be repealed on December 31, 2019)

6 Sec. 22. Disciplinary action.

7 (A) The Department may revoke, suspend, place on probation,  
8 reprimand, refuse to issue or renew, or take any other  
9 disciplinary or non-disciplinary action as the Department may  
10 deem proper with regard to the license or permit of any person  
11 issued under this Act, including imposing fines not to exceed  
12 \$10,000 for each violation, upon any of the following grounds:

13 (1) Performance of an elective abortion in any place,  
14 locale, facility, or institution other than:

15 (a) a facility licensed pursuant to the Ambulatory  
16 Surgical Treatment Center Act;

17 (b) an institution licensed under the Hospital  
18 Licensing Act;

19 (c) an ambulatory surgical treatment center or  
20 hospitalization or care facility maintained by the  
21 State or any agency thereof, where such department or  
22 agency has authority under law to establish and enforce  
23 standards for the ambulatory surgical treatment  
24 centers, hospitalization, or care facilities under its

1 management and control;

2 (d) ambulatory surgical treatment centers,  
3 hospitalization or care facilities maintained by the  
4 Federal Government; or

5 (e) ambulatory surgical treatment centers,  
6 hospitalization or care facilities maintained by any  
7 university or college established under the laws of  
8 this State and supported principally by public funds  
9 raised by taxation.

10 (2) Performance of an abortion procedure in a willful  
11 and wanton manner on a woman who was not pregnant at the  
12 time the abortion procedure was performed.

13 (3) A plea of guilty or nolo contendere, finding of  
14 guilt, jury verdict, or entry of judgment or sentencing,  
15 including, but not limited to, convictions, preceding  
16 sentences of supervision, conditional discharge, or first  
17 offender probation, under the laws of any jurisdiction of  
18 the United States of any crime that is a felony.

19 (4) Gross negligence in practice under this Act.

20 (5) Engaging in dishonorable, unethical or  
21 unprofessional conduct of a character likely to deceive,  
22 defraud or harm the public.

23 (6) Obtaining any fee by fraud, deceit, or  
24 misrepresentation.

25 (7) Habitual or excessive use or abuse of drugs defined  
26 in law as controlled substances, of alcohol, or of any

1 other substances which results in the inability to practice  
2 with reasonable judgment, skill or safety.

3 (8) Practicing under a false or, except as provided by  
4 law, an assumed name.

5 (9) Fraud or misrepresentation in applying for, or  
6 procuring, a license under this Act or in connection with  
7 applying for renewal of a license under this Act.

8 (10) Making a false or misleading statement regarding  
9 their skill or the efficacy or value of the medicine,  
10 treatment, or remedy prescribed by them at their direction  
11 in the treatment of any disease or other condition of the  
12 body or mind.

13 (11) Allowing another person or organization to use  
14 their license, procured under this Act, to practice.

15 (12) Adverse action taken by another state or  
16 jurisdiction against a license or other authorization to  
17 practice as a medical doctor, doctor of osteopathy, doctor  
18 of osteopathic medicine or doctor of chiropractic, a  
19 certified copy of the record of the action taken by the  
20 other state or jurisdiction being prima facie evidence  
21 thereof. This includes any adverse action taken by a State  
22 or federal agency that prohibits a medical doctor, doctor  
23 of osteopathy, doctor of osteopathic medicine, or doctor of  
24 chiropractic from providing services to the agency's  
25 participants.

26 (13) Violation of any provision of this Act or of the

1 Medical Practice Act prior to the repeal of that Act, or  
2 violation of the rules, or a final administrative action of  
3 the Secretary, after consideration of the recommendation  
4 of the Disciplinary Board.

5 (14) Violation of the prohibition against fee  
6 splitting in Section 22.2 of this Act.

7 (15) A finding by the Disciplinary Board that the  
8 registrant after having his or her license placed on  
9 probationary status or subjected to conditions or  
10 restrictions violated the terms of the probation or failed  
11 to comply with such terms or conditions.

12 (16) Abandonment of a patient.

13 (17) Prescribing, selling, administering,  
14 distributing, giving or self-administering any drug  
15 classified as a controlled substance (designated product)  
16 or narcotic for other than medically accepted therapeutic  
17 purposes.

18 (18) Promotion of the sale of drugs, devices,  
19 appliances or goods provided for a patient in such manner  
20 as to exploit the patient for financial gain of the  
21 physician.

22 (19) Offering, undertaking or agreeing to cure or treat  
23 disease by a secret method, procedure, treatment or  
24 medicine, or the treating, operating or prescribing for any  
25 human condition by a method, means or procedure which the  
26 licensee refuses to divulge upon demand of the Department.



1           (20) Immoral conduct in the commission of any act  
2 including, but not limited to, commission of an act of  
3 sexual misconduct related to the licensee's practice.

4           (21) Willfully making or filing false records or  
5 reports in his or her practice as a physician, including,  
6 but not limited to, false records to support claims against  
7 the medical assistance program of the Department of  
8 Healthcare and Family Services (formerly Department of  
9 Public Aid) under the Illinois Public Aid Code.

10          (22) Willful omission to file or record, or willfully  
11 impeding the filing or recording, or inducing another  
12 person to omit to file or record, medical reports as  
13 required by law, or willfully failing to report an instance  
14 of suspected abuse or neglect as required by law.

15          (23) Being named as a perpetrator in an indicated  
16 report by the Department of Children and Family Services  
17 under the Abused and Neglected Child Reporting Act, and  
18 upon proof by clear and convincing evidence that the  
19 licensee has caused a child to be an abused child or  
20 neglected child as defined in the Abused and Neglected  
21 Child Reporting Act.

22          (24) Solicitation of professional patronage by any  
23 corporation, agents or persons, or profiting from those  
24 representing themselves to be agents of the licensee.

25          (25) Gross and willful and continued overcharging for  
26 professional services, including filing false statements

1 for collection of fees for which services are not rendered,  
2 including, but not limited to, filing such false statements  
3 for collection of monies for services not rendered from the  
4 medical assistance program of the Department of Healthcare  
5 and Family Services (formerly Department of Public Aid)  
6 under the Illinois Public Aid Code.

7 (26) A pattern of practice or other behavior which  
8 demonstrates incapacity or incompetence to practice under  
9 this Act.

10 (27) Mental illness or disability which results in the  
11 inability to practice under this Act with reasonable  
12 judgment, skill or safety.

13 (28) Physical illness, including, but not limited to,  
14 deterioration through the aging process, or loss of motor  
15 skill which results in a physician's inability to practice  
16 under this Act with reasonable judgment, skill or safety.

17 (29) Cheating on or attempt to subvert the licensing  
18 examinations administered under this Act.

19 (30) Willfully or negligently violating the  
20 confidentiality between physician and patient except as  
21 required by law.

22 (31) The use of any false, fraudulent, or deceptive  
23 statement in any document connected with practice under  
24 this Act.

25 (32) Aiding and abetting an individual not licensed  
26 under this Act in the practice of a profession licensed

1 under this Act.

2 (33) Violating state or federal laws or regulations  
3 relating to controlled substances, legend drugs, or  
4 ephedra as defined in the Ephedra Prohibition Act.

5 (34) Failure to report to the Department any adverse  
6 final action taken against them by another licensing  
7 jurisdiction (any other state or any territory of the  
8 United States or any foreign state or country), by any peer  
9 review body, by any health care institution, by any  
10 professional society or association related to practice  
11 under this Act, by any governmental agency, by any law  
12 enforcement agency, or by any court for acts or conduct  
13 similar to acts or conduct which would constitute grounds  
14 for action as defined in this Section.

15 (35) Failure to report to the Department surrender of a  
16 license or authorization to practice as a medical doctor, a  
17 doctor of osteopathy, a doctor of osteopathic medicine, or  
18 doctor of chiropractic in another state or jurisdiction, or  
19 surrender of membership on any medical staff or in any  
20 medical or professional association or society, while  
21 under disciplinary investigation by any of those  
22 authorities or bodies, for acts or conduct similar to acts  
23 or conduct which would constitute grounds for action as  
24 defined in this Section.

25 (36) Failure to report to the Department any adverse  
26 judgment, settlement, or award arising from a liability

1 claim related to acts or conduct similar to acts or conduct  
2 which would constitute grounds for action as defined in  
3 this Section.

4 (37) Failure to provide copies of medical records as  
5 required by law.

6 (38) Failure to furnish the Department, its  
7 investigators or representatives, relevant information,  
8 legally requested by the Department after consultation  
9 with the Chief Medical Coordinator or the Deputy Medical  
10 Coordinator.

11 (39) Violating the Health Care Worker Self-Referral  
12 Act.

13 (40) Willful failure to provide notice when notice is  
14 required under the Parental Notice of Abortion Act of 1995.

15 (41) Failure to establish and maintain records of  
16 patient care and treatment as required by this law.

17 (42) Entering into an excessive number of written  
18 collaborative agreements with licensed advanced practice  
19 registered nurses resulting in an inability to adequately  
20 collaborate.

21 (43) Repeated failure to adequately collaborate with a  
22 licensed advanced practice registered nurse.

23 (44) Violating the Compassionate Use of Medical  
24 Cannabis Pilot Program Act.

25 (45) Entering into an excessive number of written  
26 collaborative agreements with licensed prescribing

1 psychologists resulting in an inability to adequately  
2 collaborate.

3 (46) Repeated failure to adequately collaborate with a  
4 licensed prescribing psychologist.

5 (47) Willfully failing to report an instance of  
6 suspected abuse, neglect, financial exploitation, or  
7 self-neglect of an eligible adult as defined in and  
8 required by the Adult Protective Services Act.

9 (48) Being named as an abuser in a verified report by  
10 the Department on Aging under the Adult Protective Services  
11 Act, and upon proof by clear and convincing evidence that  
12 the licensee abused, neglected, or financially exploited  
13 an eligible adult as defined in the Adult Protective  
14 Services Act.

15 Except for actions involving the ground numbered (26), all  
16 proceedings to suspend, revoke, place on probationary status,  
17 or take any other disciplinary action as the Department may  
18 deem proper, with regard to a license on any of the foregoing  
19 grounds, must be commenced within 5 years next after receipt by  
20 the Department of a complaint alleging the commission of or  
21 notice of the conviction order for any of the acts described  
22 herein. Except for the grounds numbered (8), (9), (26), and  
23 (29), no action shall be commenced more than 10 years after the  
24 date of the incident or act alleged to have violated this  
25 Section. For actions involving the ground numbered (26), a  
26 pattern of practice or other behavior includes all incidents

1 alleged to be part of the pattern of practice or other behavior  
2 that occurred, or a report pursuant to Section 23 of this Act  
3 received, within the 10-year period preceding the filing of the  
4 complaint. In the event of the settlement of any claim or cause  
5 of action in favor of the claimant or the reduction to final  
6 judgment of any civil action in favor of the plaintiff, such  
7 claim, cause of action or civil action being grounded on the  
8 allegation that a person licensed under this Act was negligent  
9 in providing care, the Department shall have an additional  
10 period of 2 years from the date of notification to the  
11 Department under Section 23 of this Act of such settlement or  
12 final judgment in which to investigate and commence formal  
13 disciplinary proceedings under Section 36 of this Act, except  
14 as otherwise provided by law. The time during which the holder  
15 of the license was outside the State of Illinois shall not be  
16 included within any period of time limiting the commencement of  
17 disciplinary action by the Department.

18 The entry of an order or judgment by any circuit court  
19 establishing that any person holding a license under this Act  
20 is a person in need of mental treatment operates as a  
21 suspension of that license. That person may resume their  
22 practice only upon the entry of a Departmental order based upon  
23 a finding by the Disciplinary Board that they have been  
24 determined to be recovered from mental illness by the court and  
25 upon the Disciplinary Board's recommendation that they be  
26 permitted to resume their practice.

1           The Department may refuse to issue or take disciplinary  
2 action concerning the license of any person who fails to file a  
3 return, or to pay the tax, penalty or interest shown in a filed  
4 return, or to pay any final assessment of tax, penalty or  
5 interest, as required by any tax Act administered by the  
6 Illinois Department of Revenue, until such time as the  
7 requirements of any such tax Act are satisfied as determined by  
8 the Illinois Department of Revenue.

9           The Department, upon the recommendation of the  
10 Disciplinary Board, shall adopt rules which set forth standards  
11 to be used in determining:

12           (a) when a person will be deemed sufficiently  
13 rehabilitated to warrant the public trust;

14           (b) what constitutes dishonorable, unethical or  
15 unprofessional conduct of a character likely to deceive,  
16 defraud, or harm the public;

17           (c) what constitutes immoral conduct in the commission  
18 of any act, including, but not limited to, commission of an  
19 act of sexual misconduct related to the licensee's  
20 practice; and

21           (d) what constitutes gross negligence in the practice  
22 of medicine.

23           However, no such rule shall be admissible into evidence in  
24 any civil action except for review of a licensing or other  
25 disciplinary action under this Act.

26           In enforcing this Section, the Disciplinary Board or the

1 Licensing Board, upon a showing of a possible violation, may  
2 compel, in the case of the Disciplinary Board, any individual  
3 who is licensed to practice under this Act or holds a permit to  
4 practice under this Act, or, in the case of the Licensing  
5 Board, any individual who has applied for licensure or a permit  
6 pursuant to this Act, to submit to a mental or physical  
7 examination and evaluation, or both, which may include a  
8 substance abuse or sexual offender evaluation, as required by  
9 the Licensing Board or Disciplinary Board and at the expense of  
10 the Department. The Disciplinary Board or Licensing Board shall  
11 specifically designate the examining physician licensed to  
12 practice medicine in all of its branches or, if applicable, the  
13 multidisciplinary team involved in providing the mental or  
14 physical examination and evaluation, or both. The  
15 multidisciplinary team shall be led by a physician licensed to  
16 practice medicine in all of its branches and may consist of one  
17 or more or a combination of physicians licensed to practice  
18 medicine in all of its branches, licensed chiropractic  
19 physicians, licensed clinical psychologists, licensed clinical  
20 social workers, licensed clinical professional counselors, and  
21 other professional and administrative staff. Any examining  
22 physician or member of the multidisciplinary team may require  
23 any person ordered to submit to an examination and evaluation  
24 pursuant to this Section to submit to any additional  
25 supplemental testing deemed necessary to complete any  
26 examination or evaluation process, including, but not limited



1 to, blood testing, urinalysis, psychological testing, or  
2 neuropsychological testing. The Disciplinary Board, the  
3 Licensing Board, or the Department may order the examining  
4 physician or any member of the multidisciplinary team to  
5 provide to the Department, the Disciplinary Board, or the  
6 Licensing Board any and all records, including business  
7 records, that relate to the examination and evaluation,  
8 including any supplemental testing performed. The Disciplinary  
9 Board, the Licensing Board, or the Department may order the  
10 examining physician or any member of the multidisciplinary team  
11 to present testimony concerning this examination and  
12 evaluation of the licensee, permit holder, or applicant,  
13 including testimony concerning any supplemental testing or  
14 documents relating to the examination and evaluation. No  
15 information, report, record, or other documents in any way  
16 related to the examination and evaluation shall be excluded by  
17 reason of any common law or statutory privilege relating to  
18 communication between the licensee, permit holder, or  
19 applicant and the examining physician or any member of the  
20 multidisciplinary team. No authorization is necessary from the  
21 licensee, permit holder, or applicant ordered to undergo an  
22 evaluation and examination for the examining physician or any  
23 member of the multidisciplinary team to provide information,  
24 reports, records, or other documents or to provide any  
25 testimony regarding the examination and evaluation. The  
26 individual to be examined may have, at his or her own expense,

1 another physician of his or her choice present during all  
2 aspects of the examination. Failure of any individual to submit  
3 to mental or physical examination and evaluation, or both, when  
4 directed, shall result in an automatic suspension, without  
5 hearing, until such time as the individual submits to the  
6 examination. If the Disciplinary Board or Licensing Board finds  
7 a physician unable to practice following an examination and  
8 evaluation because of the reasons set forth in this Section,  
9 the Disciplinary Board or Licensing Board shall require such  
10 physician to submit to care, counseling, or treatment by  
11 physicians, or other health care professionals, approved or  
12 designated by the Disciplinary Board, as a condition for  
13 issued, continued, reinstated, or renewed licensure to  
14 practice. Any physician, whose license was granted pursuant to  
15 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
16 renewed, disciplined or supervised, subject to such terms,  
17 conditions or restrictions who shall fail to comply with such  
18 terms, conditions or restrictions, or to complete a required  
19 program of care, counseling, or treatment, as determined by the  
20 Chief Medical Coordinator or Deputy Medical Coordinators,  
21 shall be referred to the Secretary for a determination as to  
22 whether the licensee shall have their license suspended  
23 immediately, pending a hearing by the Disciplinary Board. In  
24 instances in which the Secretary immediately suspends a license  
25 under this Section, a hearing upon such person's license must  
26 be convened by the Disciplinary Board within 15 days after such

1 suspension and completed without appreciable delay. The  
2 Disciplinary Board shall have the authority to review the  
3 subject physician'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, affected under this  
8 Section, shall be afforded an opportunity to demonstrate to the  
9 Disciplinary Board that they can resume practice in compliance  
10 with acceptable and prevailing standards under the provisions  
11 of their license.

12 The Department may promulgate rules for the imposition of  
13 fines in disciplinary cases, not to exceed \$10,000 for each  
14 violation of this Act. Fines may be imposed in conjunction with  
15 other forms of disciplinary action, but shall not be the  
16 exclusive disposition of any disciplinary action arising out of  
17 conduct resulting in death or injury to a patient. Any funds  
18 collected from such fines shall be deposited in the Illinois  
19 State Medical Disciplinary Fund.

20 All fines imposed under this Section shall be paid within  
21 60 days after the effective date of the order imposing the fine  
22 or in accordance with the terms set forth in the order imposing  
23 the fine.

24 (B) The Department shall revoke the license or permit  
25 issued under this Act to practice medicine or a chiropractic  
26 physician who has been convicted a second time of committing

1 any felony under the Illinois Controlled Substances Act or the  
2 Methamphetamine Control and Community Protection Act, or who  
3 has been convicted a second time of committing a Class 1 felony  
4 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
5 person whose license or permit is revoked under this subsection  
6 B shall be prohibited from practicing medicine or treating  
7 human ailments without the use of drugs and without operative  
8 surgery.

9 (C) The Department shall not revoke, suspend, place on  
10 probation, reprimand, refuse to issue or renew, or take any  
11 other disciplinary or non-disciplinary action against the  
12 license or permit issued under this Act to practice medicine to  
13 a physician based solely upon the recommendation of the  
14 physician to an eligible patient regarding, or prescription  
15 for, or treatment with, an investigational drug, biological  
16 product, or device.

17 (D) The Disciplinary Board shall recommend to the  
18 Department civil penalties and any other appropriate  
19 discipline in disciplinary cases when the Board finds that a  
20 physician willfully performed an abortion with actual  
21 knowledge that the person upon whom the abortion has been  
22 performed is a minor or an incompetent person without notice as  
23 required under the Parental Notice of Abortion Act of 1995.  
24 Upon the Board's recommendation, the Department shall impose,  
25 for the first violation, a civil penalty of \$1,000 and for a  
26 second or subsequent violation, a civil penalty of \$5,000.

1 (Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17;  
2 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; revised 9-29-17.)

3 (225 ILCS 60/54.5)

4 (Section scheduled to be repealed on December 31, 2019)

5 Sec. 54.5. Physician delegation of authority to physician  
6 assistants, advanced practice registered nurses without full  
7 practice authority, and prescribing psychologists.

8 (a) Physicians licensed to practice medicine in all its  
9 branches may delegate care and treatment responsibilities to a  
10 physician assistant under guidelines in accordance with the  
11 requirements of the Physician Assistant Practice Act of 1987. A  
12 physician licensed to practice medicine in all its branches may  
13 enter into collaborative agreements with no more than 5  
14 full-time equivalent physician assistants, except in a  
15 hospital, hospital affiliate, or ambulatory surgical treatment  
16 center as set forth by Section 7.7 of the Physician Assistant  
17 Practice Act of 1987.

18 (b) A physician licensed to practice medicine in all its  
19 branches in active clinical practice may collaborate with an  
20 advanced practice registered nurse in accordance with the  
21 requirements of the Nurse Practice Act. Collaboration is for  
22 the purpose of providing medical consultation, and no  
23 employment relationship is required. A written collaborative  
24 agreement shall conform to the requirements of Section 65-35 of  
25 the Nurse Practice Act. The written collaborative agreement

1 shall be for services in the same area of practice or specialty  
2 as the collaborating physician in his or her clinical medical  
3 practice. A written collaborative agreement shall be adequate  
4 with respect to collaboration with advanced practice  
5 registered nurses if all of the following apply:

6 (1) The agreement is written to promote the exercise of  
7 professional judgment by the advanced practice registered  
8 nurse commensurate with his or her education and  
9 experience.

10 (2) The advanced practice registered nurse provides  
11 services based upon a written collaborative agreement with  
12 the collaborating physician, except as set forth in  
13 subsection (b-5) of this Section. With respect to labor and  
14 delivery, the collaborating physician must provide  
15 delivery services in order to participate with a certified  
16 nurse midwife.

17 (3) Methods of communication are available with the  
18 collaborating physician in person or through  
19 telecommunications for consultation, collaboration, and  
20 referral as needed to address patient care needs.

21 (b-5) An anesthesiologist or physician licensed to  
22 practice medicine in all its branches may collaborate with a  
23 certified registered nurse anesthetist in accordance with  
24 Section 65-35 of the Nurse Practice Act for the provision of  
25 anesthesia services. With respect to the provision of  
26 anesthesia services, the collaborating anesthesiologist or

1 physician shall have training and experience in the delivery of  
2 anesthesia services consistent with Department rules.

3 Collaboration shall be adequate if:

4 (1) an anesthesiologist or a physician participates in  
5 the joint formulation and joint approval of orders or  
6 guidelines and periodically reviews such orders and the  
7 services provided patients under such orders; and

8 (2) for anesthesia services, the anesthesiologist or  
9 physician participates through discussion of and agreement  
10 with the anesthesia plan and is physically present and  
11 available on the premises during the delivery of anesthesia  
12 services for diagnosis, consultation, and treatment of  
13 emergency medical conditions. Anesthesia services in a  
14 hospital shall be conducted in accordance with Section 10.7  
15 of the Hospital Licensing Act and in an ambulatory surgical  
16 treatment center in accordance with Section 6.5 of the  
17 Ambulatory Surgical Treatment Center Act.

18 (b-10) The anesthesiologist or operating physician must  
19 agree with the anesthesia plan prior to the delivery of  
20 services.

21 (c) The collaborating physician shall have access to the  
22 medical records of all patients attended by a physician  
23 assistant. The collaborating physician shall have access to the  
24 medical records of all patients attended to by an advanced  
25 practice registered nurse.

26 (d) (Blank).

1 (e) A physician shall not be liable for the acts or  
2 omissions of a prescribing psychologist, physician assistant,  
3 or advanced practice registered nurse solely on the basis of  
4 having signed a supervision agreement or guidelines or a  
5 collaborative agreement, an order, a standing medical order, a  
6 standing delegation order, or other order or guideline  
7 authorizing a prescribing psychologist, physician assistant,  
8 or advanced practice registered nurse to perform acts, unless  
9 the physician has reason to believe the prescribing  
10 psychologist, physician assistant, or advanced practice  
11 registered nurse lacked the competency to perform the act or  
12 acts or commits willful and wanton misconduct.

13 (f) A collaborating physician may, but is not required to,  
14 delegate prescriptive authority to an advanced practice  
15 registered nurse as part of a written collaborative agreement,  
16 and the delegation of prescriptive authority shall conform to  
17 the requirements of Section 65-40 of the Nurse Practice Act.

18 (g) A collaborating physician may, but is not required to,  
19 delegate prescriptive authority to a physician assistant as  
20 part of a written collaborative agreement, and the delegation  
21 of prescriptive authority shall conform to the requirements of  
22 Section 7.5 of the Physician Assistant Practice Act of 1987.

23 (h) (Blank).

24 (i) A collaborating physician shall delegate prescriptive  
25 authority to a prescribing psychologist as part of a written  
26 collaborative agreement, and the delegation of prescriptive



1 authority shall conform to the requirements of Section 4.3 of  
2 the Clinical Psychologist Licensing Act.

3 (j) As set forth in Section 22.2 of this Act, a licensee  
4 under this Act may not directly or indirectly divide, share, or  
5 split any professional fee or other form of compensation for  
6 professional services with anyone in exchange for a referral or  
7 otherwise, other than as provided in Section 22.2.

8 (Source: P.A. 99-173, eff. 7-29-15; 100-453, eff. 8-25-17;  
9 100-513, eff. 1-1-18; revised 9-29-17.)

10 Section 390. The Pharmacy Practice Act is amended by  
11 changing Sections 3 and 4 as follows:

12 (225 ILCS 85/3)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 3. Definitions. For the purpose of this Act, except  
15 where otherwise limited therein:

16 (a) "Pharmacy" or "drugstore" means and includes every  
17 store, shop, pharmacy department, or other place where  
18 pharmacist care is provided by a pharmacist (1) where drugs,  
19 medicines, or poisons are dispensed, sold or offered for sale  
20 at retail, or displayed for sale at retail; or (2) where  
21 prescriptions of physicians, dentists, advanced practice  
22 registered nurses, physician assistants, veterinarians,  
23 podiatric physicians, or optometrists, within the limits of  
24 their licenses, are compounded, filled, or dispensed; or (3)

1 which has upon it or displayed within it, or affixed to or used  
2 in connection with it, a sign bearing the word or words  
3 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",  
4 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",  
5 "Drugs", "Dispensary", "Medicines", or any word or words of  
6 similar or like import, either in the English language or any  
7 other language; or (4) where the characteristic prescription  
8 sign (Rx) or similar design is exhibited; or (5) any store, or  
9 shop, or other place with respect to which any of the above  
10 words, objects, signs or designs are used in any advertisement.

11 (b) "Drugs" means and includes (1) articles recognized in  
12 the official United States Pharmacopoeia/National Formulary  
13 (USP/NF), or any supplement thereto and being intended for and  
14 having for their main use the diagnosis, cure, mitigation,  
15 treatment or prevention of disease in man or other animals, as  
16 approved by the United States Food and Drug Administration, but  
17 does not include devices or their components, parts, or  
18 accessories; and (2) all other articles intended for and having  
19 for their main use the diagnosis, cure, mitigation, treatment  
20 or prevention of disease in man or other animals, as approved  
21 by the United States Food and Drug Administration, but does not  
22 include devices or their components, parts, or accessories; and  
23 (3) articles (other than food) having for their main use and  
24 intended to affect the structure or any function of the body of  
25 man or other animals; and (4) articles having for their main  
26 use and intended for use as a component or any articles

1 specified in clause (1), (2) or (3); but does not include  
2 devices or their components, parts or accessories.

3 (c) "Medicines" means and includes all drugs intended for  
4 human or veterinary use approved by the United States Food and  
5 Drug Administration.

6 (d) "Practice of pharmacy" means:

7 (1) the interpretation and the provision of assistance  
8 in the monitoring, evaluation, and implementation of  
9 prescription drug orders;

10 (2) the dispensing of prescription drug orders;

11 (3) participation in drug and device selection;

12 (4) drug administration limited to the administration  
13 of oral, topical, injectable, and inhalation as follows:

14 (A) in the context of patient education on the  
15 proper use or delivery of medications;

16 (B) vaccination of patients 14 years of age and  
17 older pursuant to a valid prescription or standing  
18 order, by a physician licensed to practice medicine in  
19 all its branches, upon completion of appropriate  
20 training, including how to address contraindications  
21 and adverse reactions set forth by rule, with  
22 notification to the patient's physician and  
23 appropriate record retention, or pursuant to hospital  
24 pharmacy and therapeutics committee policies and  
25 procedures; and

26 (C) administration of injections of

1           alpha-hydroxyprogesterone caproate, pursuant to a  
2           valid prescription, by a physician licensed to  
3           practice medicine in all its branches, upon completion  
4           of appropriate training, including how to address  
5           contraindications and adverse reactions set forth by  
6           rule, with notification to the patient's physician and  
7           appropriate record retention, or pursuant to hospital  
8           pharmacy and therapeutics committee policies and  
9           procedures;

10           (5) vaccination of patients ages 10 through 13 limited  
11           to the Influenza (inactivated influenza vaccine and live  
12           attenuated influenza intranasal vaccine) and Tdap (defined  
13           as tetanus, diphtheria, acellular pertussis) vaccines,  
14           pursuant to a valid prescription or standing order, by a  
15           physician licensed to practice medicine in all its  
16           branches, upon completion of appropriate training,  
17           including how to address contraindications and adverse  
18           reactions set forth by rule, with notification to the  
19           patient's physician and appropriate record retention, or  
20           pursuant to hospital pharmacy and therapeutics committee  
21           policies and procedures;

22           (6) drug regimen review;

23           (7) drug or drug-related research;

24           (8) the provision of patient counseling;

25           (9) the practice of telepharmacy;

26           (10) the provision of those acts or services necessary

1 to provide pharmacist care;

2 (11) medication therapy management; and

3 (12) the responsibility for compounding and labeling  
4 of drugs and devices (except labeling by a manufacturer,  
5 repackager, or distributor of non-prescription drugs and  
6 commercially packaged legend drugs and devices), proper  
7 and safe storage of drugs and devices, and maintenance of  
8 required records.

9 A pharmacist who performs any of the acts defined as the  
10 practice of pharmacy in this State must be actively licensed as  
11 a pharmacist under this Act.

12 (e) "Prescription" means and includes any written, oral,  
13 facsimile, or electronically transmitted order for drugs or  
14 medical devices, issued by a physician licensed to practice  
15 medicine in all its branches, dentist, veterinarian, podiatric  
16 physician, or optometrist, within the limits of his or her  
17 license ~~their licenses~~, by a physician assistant in accordance  
18 with subsection (f) of Section 4, or by an advanced practice  
19 registered nurse in accordance with subsection (g) of Section  
20 4, containing the following: (1) name of the patient; (2) date  
21 when prescription was issued; (3) name and strength of drug or  
22 description of the medical device prescribed; and (4) quantity;  
23 (5) directions for use; (6) prescriber's name, address, and  
24 signature; and (7) DEA registration number where required, for  
25 controlled substances. The prescription may, but is not  
26 required to, list the illness, disease, or condition for which

1 the drug or device is being prescribed. DEA registration  
2 numbers shall not be required on inpatient drug orders.

3 (f) "Person" means and includes a natural person,  
4 partnership, association, corporation, government entity, or  
5 any other legal entity.

6 (g) "Department" means the Department of Financial and  
7 Professional Regulation.

8 (h) "Board of Pharmacy" or "Board" means the State Board of  
9 Pharmacy of the Department of Financial and Professional  
10 Regulation.

11 (i) "Secretary" means the Secretary of Financial and  
12 Professional Regulation.

13 (j) "Drug product selection" means the interchange for a  
14 prescribed pharmaceutical product in accordance with Section  
15 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
16 Cosmetic Act.

17 (k) "Inpatient drug order" means an order issued by an  
18 authorized prescriber for a resident or patient of a facility  
19 licensed under the Nursing Home Care Act, the ID/DD Community  
20 Care Act, the MC/DD Act, the Specialized Mental Health  
21 Rehabilitation Act of 2013, the Hospital Licensing Act, or the  
22 University of Illinois Hospital Act ~~"An Act in relation to the~~  
23 ~~founding and operation of the University of Illinois Hospital~~  
24 ~~and the conduct of University of Illinois health care~~  
25 ~~programs", approved July 3, 1931, as amended, or a facility~~  
26 which is operated by the Department of Human Services (as

1 successor to the Department of Mental Health and Developmental  
2 Disabilities) or the Department of Corrections.

3 (k-5) "Pharmacist" means an individual health care  
4 professional and provider currently licensed by this State to  
5 engage in the practice of pharmacy.

6 (l) "Pharmacist in charge" means the licensed pharmacist  
7 whose name appears on a pharmacy license and who is responsible  
8 for all aspects of the operation related to the practice of  
9 pharmacy.

10 (m) "Dispense" or "dispensing" means the interpretation,  
11 evaluation, and implementation of a prescription drug order,  
12 including the preparation and delivery of a drug or device to a  
13 patient or patient's agent in a suitable container  
14 appropriately labeled for subsequent administration to or use  
15 by a patient in accordance with applicable State and federal  
16 laws and regulations. "Dispense" or "dispensing" does not mean  
17 the physical delivery to a patient or a patient's  
18 representative in a home or institution by a designee of a  
19 pharmacist or by common carrier. "Dispense" or "dispensing"  
20 also does not mean the physical delivery of a drug or medical  
21 device to a patient or patient's representative by a  
22 pharmacist's designee within a pharmacy or drugstore while the  
23 pharmacist is on duty and the pharmacy is open.

24 (n) "Nonresident pharmacy" means a pharmacy that is located  
25 in a state, commonwealth, or territory of the United States,  
26 other than Illinois, that delivers, dispenses, or distributes,

1 through the United States Postal Service, commercially  
2 acceptable parcel delivery service, or other common carrier, to  
3 Illinois residents, any substance which requires a  
4 prescription.

5 (o) "Compounding" means the preparation and mixing of  
6 components, excluding flavorings, (1) as the result of a  
7 prescriber's prescription drug order or initiative based on the  
8 prescriber-patient-pharmacist relationship in the course of  
9 professional practice or (2) for the purpose of, or incident  
10 to, research, teaching, or chemical analysis and not for sale  
11 or dispensing. "Compounding" includes the preparation of drugs  
12 or devices in anticipation of receiving prescription drug  
13 orders based on routine, regularly observed dispensing  
14 patterns. Commercially available products may be compounded  
15 for dispensing to individual patients only if all of the  
16 following conditions are met: (i) the commercial product is not  
17 reasonably available from normal distribution channels in a  
18 timely manner to meet the patient's needs and (ii) the  
19 prescribing practitioner has requested that the drug be  
20 compounded.

21 (p) (Blank).

22 (q) (Blank).

23 (r) "Patient counseling" means the communication between a  
24 pharmacist or a student pharmacist under the supervision of a  
25 pharmacist and a patient or the patient's representative about  
26 the patient's medication or device for the purpose of



1 optimizing proper use of prescription medications or devices.  
2 "Patient counseling" may include without limitation (1)  
3 obtaining a medication history; (2) acquiring a patient's  
4 allergies and health conditions; (3) facilitation of the  
5 patient's understanding of the intended use of the medication;  
6 (4) proper directions for use; (5) significant potential  
7 adverse events; (6) potential food-drug interactions; and (7)  
8 the need to be compliant with the medication therapy. A  
9 pharmacy technician may only participate in the following  
10 aspects of patient counseling under the supervision of a  
11 pharmacist: (1) obtaining medication history; (2) providing  
12 the offer for counseling by a pharmacist or student pharmacist;  
13 and (3) acquiring a patient's allergies and health conditions.

14 (s) "Patient profiles" or "patient drug therapy record"  
15 means the obtaining, recording, and maintenance of patient  
16 prescription information, including prescriptions for  
17 controlled substances, and personal information.

18 (t) (Blank).

19 (u) "Medical device" or "device" means an instrument,  
20 apparatus, implement, machine, contrivance, implant, in vitro  
21 reagent, or other similar or related article, including any  
22 component part or accessory, required under federal law to bear  
23 the label "Caution: Federal law requires dispensing by or on  
24 the order of a physician". A seller of goods and services who,  
25 only for the purpose of retail sales, compounds, sells, rents,  
26 or leases medical devices shall not, by reasons thereof, be

1 required to be a licensed pharmacy.

2 (v) "Unique identifier" means an electronic signature,  
3 handwritten signature or initials, thumb print, or other  
4 acceptable biometric or electronic identification process as  
5 approved by the Department.

6 (w) "Current usual and customary retail price" means the  
7 price that a pharmacy charges to a non-third-party payor.

8 (x) "Automated pharmacy system" means a mechanical system  
9 located within the confines of the pharmacy or remote location  
10 that performs operations or activities, other than compounding  
11 or administration, relative to storage, packaging, dispensing,  
12 or distribution of medication, and which collects, controls,  
13 and maintains all transaction information.

14 (y) "Drug regimen review" means and includes the evaluation  
15 of prescription drug orders and patient records for (1) known  
16 allergies; (2) drug or potential therapy contraindications;  
17 (3) reasonable dose, duration of use, and route of  
18 administration, taking into consideration factors such as age,  
19 gender, and contraindications; (4) reasonable directions for  
20 use; (5) potential or actual adverse drug reactions; (6)  
21 drug-drug interactions; (7) drug-food interactions; (8)  
22 drug-disease contraindications; (9) therapeutic duplication;  
23 (10) patient laboratory values when authorized and available;  
24 (11) proper utilization (including over or under utilization)  
25 and optimum therapeutic outcomes; and (12) abuse and misuse.

26 (z) "Electronically transmitted prescription" means a

1 prescription that is created, recorded, or stored by electronic  
2 means; issued and validated with an electronic signature; and  
3 transmitted by electronic means directly from the prescriber to  
4 a pharmacy. An electronic prescription is not an image of a  
5 physical prescription that is transferred by electronic means  
6 from computer to computer, facsimile to facsimile, or facsimile  
7 to computer.

8 (aa) "Medication therapy management services" means a  
9 distinct service or group of services offered by licensed  
10 pharmacists, physicians licensed to practice medicine in all  
11 its branches, advanced practice registered nurses authorized  
12 in a written agreement with a physician licensed to practice  
13 medicine in all its branches, or physician assistants  
14 authorized in guidelines by a supervising physician that  
15 optimize therapeutic outcomes for individual patients through  
16 improved medication use. In a retail or other non-hospital  
17 pharmacy, medication therapy management services shall consist  
18 of the evaluation of prescription drug orders and patient  
19 medication records to resolve conflicts with the following:

20 (1) known allergies;

21 (2) drug or potential therapy contraindications;

22 (3) reasonable dose, duration of use, and route of  
23 administration, taking into consideration factors such as  
24 age, gender, and contraindications;

25 (4) reasonable directions for use;

26 (5) potential or actual adverse drug reactions;

- 1 (6) drug-drug interactions;
- 2 (7) drug-food interactions;
- 3 (8) drug-disease contraindications;
- 4 (9) identification of therapeutic duplication;
- 5 (10) patient laboratory values when authorized and
- 6 available;
- 7 (11) proper utilization (including over or under
- 8 utilization) and optimum therapeutic outcomes; and
- 9 (12) drug abuse and misuse.

10 "Medication therapy management services" includes the  
11 following:

- 12 (1) documenting the services delivered and
- 13 communicating the information provided to patients'
- 14 prescribers within an appropriate time frame, not to exceed
- 15 48 hours;
- 16 (2) providing patient counseling designed to enhance a
- 17 patient's understanding and the appropriate use of his or
- 18 her medications; and
- 19 (3) providing information, support services, and
- 20 resources designed to enhance a patient's adherence with
- 21 his or her prescribed therapeutic regimens.

22 "Medication therapy management services" may also include  
23 patient care functions authorized by a physician licensed to  
24 practice medicine in all its branches for his or her identified  
25 patient or groups of patients under specified conditions or  
26 limitations in a standing order from the physician.

1 "Medication therapy management services" in a licensed  
2 hospital may also include the following:

3 (1) reviewing assessments of the patient's health  
4 status; and

5 (2) following protocols of a hospital pharmacy and  
6 therapeutics committee with respect to the fulfillment of  
7 medication orders.

8 (bb) "Pharmacist care" means the provision by a pharmacist  
9 of medication therapy management services, with or without the  
10 dispensing of drugs or devices, intended to achieve outcomes  
11 that improve patient health, quality of life, and comfort and  
12 enhance patient safety.

13 (cc) "Protected health information" means individually  
14 identifiable health information that, except as otherwise  
15 provided, is:

16 (1) transmitted by electronic media;

17 (2) maintained in any medium set forth in the  
18 definition of "electronic media" in the federal Health  
19 Insurance Portability and Accountability Act; or

20 (3) transmitted or maintained in any other form or  
21 medium.

22 "Protected health information" does not include  
23 individually identifiable health information found in:

24 (1) education records covered by the federal Family  
25 Educational Right and Privacy Act; or

26 (2) employment records held by a licensee in its role

1 as an employer.

2 (dd) "Standing order" means a specific order for a patient  
3 or group of patients issued by a physician licensed to practice  
4 medicine in all its branches in Illinois.

5 (ee) "Address of record" means the designated address  
6 recorded by the Department in the applicant's application file  
7 or licensee's license file maintained by the Department's  
8 licensure maintenance unit.

9 (ff) "Home pharmacy" means the location of a pharmacy's  
10 primary operations.

11 (gg) "Email address of record" means the designated email  
12 address recorded by the Department in the applicant's  
13 application file or the licensee's license file, as maintained  
14 by the Department's licensure maintenance unit.

15 (Source: P.A. 99-180, eff. 7-29-15; 100-208, eff. 1-1-18;  
16 100-497, eff. 9-8-17; 100-513, eff. 1-1-18; revised 9-29-17.)

17 (225 ILCS 85/4) (from Ch. 111, par. 4124)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 4. Exemptions. Nothing contained in any Section of  
20 this Act shall apply to, or in any manner interfere with:

21 (a) the lawful practice of any physician licensed to  
22 practice medicine in all of its branches, dentist,  
23 podiatric physician, veterinarian, or therapeutically or  
24 diagnostically certified optometrist within the limits of  
25 his or her license, or prevent him or her from supplying to

1 his or her bona fide patients such drugs, medicines, or  
2 poisons as may seem to him appropriate;

3 (b) the sale of compressed gases;

4 (c) the sale of patent or proprietary medicines and  
5 household remedies when sold in original and unbroken  
6 packages only, if such patent or proprietary medicines and  
7 household remedies be properly and adequately labeled as to  
8 content and usage and generally considered and accepted as  
9 harmless and nonpoisonous when used according to the  
10 directions on the label, and also do not contain opium or  
11 coca leaves, or any compound, salt or derivative thereof,  
12 or any drug which, according to the latest editions of the  
13 following authoritative pharmaceutical treatises and  
14 standards, namely, The United States  
15 Pharmacopoeia/National Formulary (USP/NF), the United  
16 States Dispensatory, and the Accepted Dental Remedies of  
17 the Council of Dental Therapeutics of the American Dental  
18 Association or any or either of them, in use on the  
19 effective date of this Act, or according to the existing  
20 provisions of the Federal Food, Drug, and Cosmetic Act and  
21 Regulations of the Department of Health and Human Services,  
22 Food and Drug Administration, promulgated thereunder now  
23 in effect, is designated, described or considered as a  
24 narcotic, hypnotic, habit forming, dangerous, or poisonous  
25 drug;

26 (d) the sale of poultry and livestock remedies in

1 original and unbroken packages only, labeled for poultry  
2 and livestock medication;

3 (e) the sale of poisonous substances or mixture of  
4 poisonous substances, in unbroken packages, for  
5 nonmedicinal use in the arts or industries or for  
6 insecticide purposes; provided, they are properly and  
7 adequately labeled as to content and such nonmedicinal  
8 usage, in conformity with the provisions of all applicable  
9 federal, state and local laws and regulations promulgated  
10 thereunder now in effect relating thereto and governing the  
11 same, and those which are required under such applicable  
12 laws and regulations to be labeled with the word "Poison",  
13 are also labeled with the word "Poison" printed thereon in  
14 prominent type and the name of a readily obtainable  
15 antidote with directions for its administration;

16 (f) the delegation of limited prescriptive authority  
17 by a physician licensed to practice medicine in all its  
18 branches to a physician assistant under Section 7.5 of the  
19 Physician Assistant Practice Act of 1987. This delegated  
20 authority under Section 7.5 of the Physician Assistant  
21 Practice Act of 1987 may, but is not required to, include  
22 prescription of controlled substances, as defined in  
23 Article II of the Illinois Controlled Substances Act, in  
24 accordance with a written supervision agreement;

25 (g) the delegation of prescriptive authority by a  
26 physician licensed to practice medicine in all its branches



1 or a licensed podiatric physician to an advanced practice  
2 registered nurse in accordance with a written  
3 collaborative agreement under Sections 65-35 and 65-40 of  
4 the Nurse Practice Act; and

5 (h) the sale or distribution of dialysate or devices  
6 necessary to perform home peritoneal renal dialysis for  
7 patients with end-stage renal disease, provided that all of  
8 the following conditions are met:

9 (1) the dialysate, comprised of dextrose or  
10 icodextrin, or devices are approved or cleared by the  
11 federal Food and Drug Administration, as required by  
12 federal law;

13 (2) the dialysate or devices are lawfully held by a  
14 manufacturer or the manufacturer's agent, which is  
15 properly registered with the Board as a manufacturer or  
16 wholesaler;

17 (3) the dialysate or devices are held and delivered  
18 to the manufacturer or the manufacturer's agent in the  
19 original, sealed packaging from the manufacturing  
20 facility;

21 (4) the dialysate or devices are delivered only  
22 upon receipt of a physician's prescription by a  
23 licensed pharmacy in which the prescription is  
24 processed in accordance with provisions set forth in  
25 this Act, and the transmittal of an order from the  
26 licensed pharmacy to the manufacturer or the

1 manufacturer's agent; and

2 (5) the manufacturer or the manufacturer's agent  
3 delivers the dialysate or devices directly to: (i) a  
4 patient with end-stage renal disease, or his or her  
5 designee, for the patient's self-administration of the  
6 dialysis therapy or (ii) a health care provider or  
7 institution for administration or delivery of the  
8 dialysis therapy to a patient with end-stage renal  
9 disease.

10 This paragraph (h) does not include any other drugs for  
11 peritoneal dialysis, except dialysate, as described in  
12 item (1) of this paragraph (h). All records of sales and  
13 distribution of dialysate to patients made pursuant to this  
14 paragraph (h) must be retained in accordance with Section  
15 18 of this Act.

16 (Source: P.A. 100-218, eff. 8-18-17; 100-513, eff. 1-1-18;  
17 revised 9-29-17.)

18 Section 395. The Illinois Physical Therapy Act is amended  
19 by changing Section 1 as follows:

20 (225 ILCS 90/1) (from Ch. 111, par. 4251)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 1. Definitions. As used in this Act:

23 (1) "Physical therapy" means all of the following:

24 (A) Examining, evaluating, and testing individuals who

1 may have mechanical, physiological, or developmental  
2 impairments, functional limitations, disabilities, or  
3 other health and movement-related conditions, classifying  
4 these disorders, determining a rehabilitation prognosis  
5 and plan of therapeutic intervention, and assessing the  
6 ongoing ~~on-going~~ effects of the interventions.

7 (B) Alleviating impairments, functional limitations,  
8 or disabilities by designing, implementing, and modifying  
9 therapeutic interventions that may include, but are not  
10 limited to, the evaluation or treatment of a person through  
11 the use of the effective properties of physical measures  
12 and heat, cold, light, water, radiant energy, electricity,  
13 sound, and air and use of therapeutic massage, therapeutic  
14 exercise, mobilization, and rehabilitative procedures,  
15 with or without assistive devices, for the purposes of  
16 preventing, correcting, or alleviating a physical or  
17 mental impairment, functional limitation, or disability.

18 (C) Reducing the risk of injury, impairment,  
19 functional limitation, or disability, including the  
20 promotion and maintenance of fitness, health, and  
21 wellness.

22 (D) Engaging in administration, consultation,  
23 education, and research.

24 "Physical therapy" includes, but is not limited to: (a)  
25 performance of specialized tests and measurements, (b)  
26 administration of specialized treatment procedures, (c)

1 interpretation of referrals from physicians, dentists,  
2 advanced practice registered nurses, physician assistants, and  
3 podiatric physicians, (d) establishment, and modification of  
4 physical therapy treatment programs, (e) administration of  
5 topical medication used in generally accepted physical therapy  
6 procedures when such medication is either prescribed by the  
7 patient's physician, licensed to practice medicine in all its  
8 branches, the patient's physician licensed to practice  
9 podiatric medicine, the patient's advanced practice registered  
10 nurse, the patient's physician assistant, or the patient's  
11 dentist or used following the physician's orders or written  
12 instructions, (f) supervision or teaching of physical therapy,  
13 and (g) dry needling in accordance with Section 1.5. "Physical  
14 therapy" does not include radiology, electrosurgery,  
15 chiropractic technique or determination of a differential  
16 diagnosis; provided, however, the limitation on determining a  
17 differential diagnosis shall not in any manner limit a physical  
18 therapist licensed under this Act from performing an evaluation  
19 pursuant to such license. Nothing in this Section shall limit a  
20 physical therapist from employing appropriate physical therapy  
21 techniques that he or she is educated and licensed to perform.  
22 A physical therapist shall refer to a licensed physician,  
23 advanced practice registered nurse, physician assistant,  
24 dentist, podiatric physician, other physical therapist, or  
25 other health care provider any patient whose medical condition  
26 should, at the time of evaluation or treatment, be determined

1 to be beyond the scope of practice of the physical therapist.

2 (2) "Physical therapist" means a person who practices  
3 physical therapy and who has met all requirements as provided  
4 in this Act.

5 (3) "Department" means the Department of Professional  
6 Regulation.

7 (4) "Director" means the Director of Professional  
8 Regulation.

9 (5) "Board" means the Physical Therapy Licensing and  
10 Disciplinary Board approved by the Director.

11 (6) "Referral" means a written or oral authorization for  
12 physical therapy services for a patient by a physician,  
13 dentist, advanced practice registered nurse, physician  
14 assistant, or podiatric physician who maintains medical  
15 supervision of the patient and makes a diagnosis or verifies  
16 that the patient's condition is such that it may be treated by  
17 a physical therapist.

18 (7) "Documented current and relevant diagnosis" for the  
19 purpose of this Act means a diagnosis, substantiated by  
20 signature or oral verification of a physician, dentist,  
21 advanced practice registered nurse, physician assistant, or  
22 podiatric physician, that a patient's condition is such that it  
23 may be treated by physical therapy as defined in this Act,  
24 which diagnosis shall remain in effect until changed by the  
25 physician, dentist, advanced practice registered nurse,  
26 physician assistant, or podiatric physician.

1 (8) "State" includes:

2 (a) the states of the United States of America;

3 (b) the District of Columbia; and

4 (c) the Commonwealth of Puerto Rico.

5 (9) "Physical therapist assistant" means a person licensed  
6 to assist a physical therapist and who has met all requirements  
7 as provided in this Act and who works under the supervision of  
8 a licensed physical therapist to assist in implementing the  
9 physical therapy treatment program as established by the  
10 licensed physical therapist. The patient care activities  
11 provided by the physical therapist assistant shall not include  
12 the interpretation of referrals, evaluation procedures, or the  
13 planning or major modification of patient programs.

14 (10) "Physical therapy aide" means a person who has  
15 received on the job training, specific to the facility in which  
16 he is employed.

17 (11) "Advanced practice registered nurse" means a person  
18 licensed as an advanced practice registered nurse under the  
19 Nurse Practice Act.

20 (12) "Physician assistant" means a person licensed under  
21 the Physician Assistant Practice Act of 1987.

22 (Source: P.A. 99-173, eff. 7-29-15; 99-229, eff. 8-3-15;  
23 99-642, eff. 7-28-16; 100-201, eff. 8-18-17; 100-418, eff.  
24 8-25-17; 100-513, eff. 1-1-18; revised 9-29-17.)

25 Section 400. The Boiler and Pressure Vessel Repairer

1 Regulation Act is amended by changing Section 90 as follows:

2 (225 ILCS 203/90)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 90. Penalties. ~~(a)~~ Any natural person who violates any  
5 of the following provisions shall be guilty of a Class A  
6 misdemeanor for the first offense and a corporation or other  
7 business entity that violates any of the following provision  
8 commits a business offense punishable by a fine of up to  
9 \$1,000:

10 (1) Practicing or attempting to practice as a boiler  
11 and pressure vessel repairer without a license;

12 (2) Obtaining or attempting to obtain a license,  
13 practice or business, or any other thing of value by  
14 fraudulent representation;

15 (3) Permitting, directing, or authorizing any person  
16 in one's employ or under one's direction or supervision to  
17 work or serve as a licensee if that individual does not  
18 possess an appropriate valid license.

19 Whenever any person is punished as a repeat offender under  
20 this Section, the State Fire Marshal or the Board may proceed  
21 to obtain a permanent injunction against the person under  
22 Section 10.

23 If any person in making any oath or affidavit required by  
24 this Act swears falsely, such person is guilty of perjury and  
25 upon conviction thereof may be punished accordingly.

1           A natural person who violates any Section of this Act other  
2 than this Section shall be guilty of a Class A misdemeanor for  
3 the first offense, and a corporation or other business entity  
4 that violates any Section of this Act commits a business  
5 offense punishable by a fine of up to \$1,000 ~~\$1000~~ for the  
6 first offense.

7           Second or subsequent offenses in violation of any Section  
8 of this Act, including this Section, are Class 4 felonies if  
9 committed by a natural person, or a business offense punishable  
10 by a fine of up to \$5,000 if committed by a corporation or  
11 other business entity.

12           (Source: P.A. 89-467, eff. 1-1-97; revised 11-8-17.)

13           Section 405. The Illinois Landscape Architecture Act of  
14 1989 is amended by changing Section 29 as follows:

15           (225 ILCS 315/29) (from Ch. 111, par. 8129)

16           (Section scheduled to be repealed on January 1, 2020)

17           Sec. 29. Administrative Review Law; venue. ~~(a)~~ All final  
18 administrative decisions of the Department are subject to  
19 judicial review under the Administrative Review Law, and its  
20 rules. The term "administrative decision" is defined as in  
21 Section 3-101 of the Code of Civil Procedure.

22           Proceedings for judicial review shall be commenced in the  
23 circuit court of the county in which the party applying for  
24 review resides, but if the party is not a resident of this



1 State, the venue shall be in Sangamon County.

2 (Source: P.A. 88-363; revised 11-8-17.)

3 Section 410. The Illinois Professional Land Surveyor Act of  
4 1989 is amended by changing Section 13 as follows:

5 (225 ILCS 330/13) (from Ch. 111, par. 3263)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 13. Minimum standards for enrollment as a Surveyor  
8 Intern. To enroll as a Surveyor Intern, an applicant must be:

9 (1) a graduate of an approved land surveying curriculum  
10 of at least 4 years who has passed an examination in the  
11 fundamentals of surveying, as defined by rule;

12 (2) an applicant in the last year of an approved land  
13 surveying or related science curriculum who passes an  
14 examination in the fundamentals of surveying, as defined by  
15 rule, and furnishes proof that the applicant graduated  
16 within a 12-month period following the examination; or

17 (3) a graduate of a baccalaureate curriculum of at  
18 least 4 years, including at least 24 semester hours of land  
19 surveying courses from an approved land surveying  
20 curriculum and the related science courses, as defined by  
21 rule, who passes an examination in the fundamentals of  
22 surveying, as defined by rule.

23 (Source: P.A. 100-171, eff. 1-1-18; revised 9-29-17.)

1 Section 415. The Collection Agency Act is amended by  
2 changing Section 9.22 as follows:

3 (225 ILCS 425/9.22) (from Ch. 111, par. 2034)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 9.22. Illinois Administrative Procedure Act. The  
6 Illinois Administrative Procedure Act is hereby expressly  
7 adopted and incorporated herein as if all of the provisions of  
8 that Act were included in this Act, except that the provision  
9 of subsection (d) of Section 10-65 of the Illinois  
10 Administrative Procedure Act that provides that at hearings the  
11 licensee has the right to show compliance with all lawful  
12 requirements for retention, continuation or renewal of the  
13 license is specifically excluded. For the purposes of this Act  
14 the notice required under Section 10-25 of the Illinois  
15 Administrative Procedure Act is deemed sufficient when mailed  
16 or emailed to the applicant or licensee at the address of  
17 record or email address of record.

18 (Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17;  
19 revised 9-29-17.)

20 Section 420. The Real Estate License Act of 2000 is amended  
21 by changing Sections 1-10 and 20-20 as follows:

22 (225 ILCS 454/1-10)

23 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 1-10. Definitions. In this Act, unless the context  
2 otherwise requires:

3           "Act" means the Real Estate License Act of 2000.

4           "Address of record" means the designated address recorded  
5 by the Department in the applicant's or licensee's application  
6 file or license file as maintained by the Department's  
7 licensure maintenance unit. It is the duty of the applicant or  
8 licensee to inform the Department of any change of address, and  
9 those changes must be made either through the Department's  
10 website or by contacting the Department.

11           "Agency" means a relationship in which a broker or  
12 licensee, whether directly or through an affiliated licensee,  
13 represents a consumer by the consumer's consent, whether  
14 express or implied, in a real property transaction.

15           "Applicant" means any person, as defined in this Section,  
16 who applies to the Department for a valid license as a managing  
17 broker, broker, or leasing agent.

18           "Blind advertisement" means any real estate advertisement  
19 that does not include the sponsoring broker's business name and  
20 that is used by any licensee regarding the sale or lease of  
21 real estate, including his or her own, licensed activities, or  
22 the hiring of any licensee under this Act. The broker's  
23 business name in the case of a franchise shall include the  
24 franchise affiliation as well as the name of the individual  
25 firm.

26           "Board" means the Real Estate Administration and

1 Disciplinary Board of the Department as created by Section  
2 25-10 of this Act.

3 "Branch office" means a sponsoring broker's office other  
4 than the sponsoring broker's principal office.

5 "Broker" means an individual, partnership, limited  
6 liability company, corporation, or registered limited  
7 liability partnership other than a leasing agent who, whether  
8 in person or through any media or technology, for another and  
9 for compensation, or with the intention or expectation of  
10 receiving compensation, either directly or indirectly:

11 (1) Sells, exchanges, purchases, rents, or leases real  
12 estate.

13 (2) Offers to sell, exchange, purchase, rent, or lease  
14 real estate.

15 (3) Negotiates, offers, attempts, or agrees to  
16 negotiate the sale, exchange, purchase, rental, or leasing  
17 of real estate.

18 (4) Lists, offers, attempts, or agrees to list real  
19 estate for sale, rent, lease, or exchange.

20 (5) Buys, sells, offers to buy or sell, or otherwise  
21 deals in options on real estate or improvements thereon.

22 (6) Supervises the collection, offer, attempt, or  
23 agreement to collect rent for the use of real estate.

24 (7) Advertises or represents himself or herself as  
25 being engaged in the business of buying, selling,  
26 exchanging, renting, or leasing real estate.

1           (8) Assists or directs in procuring or referring of  
2           leads or prospects, intended to result in the sale,  
3           exchange, lease, or rental of real estate.

4           (9) Assists or directs in the negotiation of any  
5           transaction intended to result in the sale, exchange,  
6           lease, or rental of real estate.

7           (10) Opens real estate to the public for marketing  
8           purposes.

9           (11) Sells, rents, leases, or offers for sale or lease  
10          real estate at auction.

11          (12) Prepares or provides a broker price opinion or  
12          comparative market analysis as those terms are defined in  
13          this Act, pursuant to the provisions of Section 10-45 of  
14          this Act.

15          "Brokerage agreement" means a written or oral agreement  
16          between a sponsoring broker and a consumer for licensed  
17          activities to be provided to a consumer in return for  
18          compensation or the right to receive compensation from another.  
19          Brokerage agreements may constitute either a bilateral or a  
20          unilateral agreement between the broker and the broker's client  
21          depending upon the content of the brokerage agreement. All  
22          exclusive brokerage agreements shall be in writing.

23          "Broker price opinion" means an estimate or analysis of the  
24          probable selling price of a particular interest in real estate,  
25          which may provide a varying level of detail about the  
26          property's condition, market, and neighborhood and information

1 on comparable sales. The activities of a real estate broker or  
2 managing broker engaging in the ordinary course of business as  
3 a broker, as defined in this Section, shall not be considered a  
4 broker price opinion if no compensation is paid to the broker  
5 or managing broker, other than compensation based upon the sale  
6 or rental of real estate.

7 "Client" means a person who is being represented by a  
8 licensee.

9 "Comparative market analysis" is an analysis or opinion  
10 regarding pricing, marketing, or financial aspects relating to  
11 a specified interest or interests in real estate that may be  
12 based upon an analysis of comparative market data, the  
13 expertise of the real estate broker or managing broker, and  
14 such other factors as the broker or managing broker may deem  
15 appropriate in developing or preparing such analysis or  
16 opinion. The activities of a real estate broker or managing  
17 broker engaging in the ordinary course of business as a broker,  
18 as defined in this Section, shall not be considered a  
19 comparative market analysis if no compensation is paid to the  
20 broker or managing broker, other than compensation based upon  
21 the sale or rental of real estate.

22 "Compensation" means the valuable consideration given by  
23 one person or entity to another person or entity in exchange  
24 for the performance of some activity or service. Compensation  
25 shall include the transfer of valuable consideration,  
26 including without limitation the following:

- 1 (1) commissions;
- 2 (2) referral fees;
- 3 (3) bonuses;
- 4 (4) prizes;
- 5 (5) merchandise;
- 6 (6) finder fees;
- 7 (7) performance of services;
- 8 (8) coupons or gift certificates;
- 9 (9) discounts;
- 10 (10) rebates;
- 11 (11) a chance to win a raffle, drawing, lottery, or
- 12 similar game of chance not prohibited by any other law or
- 13 statute;
- 14 (12) retainer fee; or
- 15 (13) salary.

16 "Confidential information" means information obtained by a  
17 licensee from a client during the term of a brokerage agreement  
18 that (i) was made confidential by the written request or  
19 written instruction of the client, (ii) deals with the  
20 negotiating position of the client, or (iii) is information the  
21 disclosure of which could materially harm the negotiating  
22 position of the client, unless at any time:

- 23 (1) the client permits the disclosure of information
- 24 given by that client by word or conduct;
- 25 (2) the disclosure is required by law; or
- 26 (3) the information becomes public from a source other

1 than the licensee.

2 "Confidential information" shall not be considered to  
3 include material information about the physical condition of  
4 the property.

5 "Consumer" means a person or entity seeking or receiving  
6 licensed activities.

7 "Coordinator" means the Coordinator of Real Estate created  
8 in Section 25-15 of this Act.

9 "Credit hour" means 50 minutes of classroom instruction in  
10 course work that meets the requirements set forth in rules  
11 adopted by the Department.

12 "Customer" means a consumer who is not being represented by  
13 the licensee but for whom the licensee is performing  
14 ministerial acts.

15 "Department" means the Department of Financial and  
16 Professional Regulation.

17 "Designated agency" means a contractual relationship  
18 between a sponsoring broker and a client under Section 15-50 of  
19 this Act in which one or more licensees associated with or  
20 employed by the broker are designated as agent of the client.

21 "Designated agent" means a sponsored licensee named by a  
22 sponsoring broker as the legal agent of a client, as provided  
23 for in Section 15-50 of this Act.

24 "Dual agency" means an agency relationship in which a  
25 licensee is representing both buyer and seller or both landlord  
26 and tenant in the same transaction. When the agency



1 relationship is a designated agency, the question of whether  
2 there is a dual agency shall be determined by the agency  
3 relationships of the designated agent of the parties and not of  
4 the sponsoring broker.

5 "Education provider" means a school licensed by the  
6 Department offering courses in pre-license, post-license, or  
7 continuing education required by this Act.

8 "Employee" or other derivative of the word "employee", when  
9 used to refer to, describe, or delineate the relationship  
10 between a sponsoring broker and a managing broker, broker, or a  
11 leasing agent, shall be construed to include an independent  
12 contractor relationship, provided that a written agreement  
13 exists that clearly establishes and states the relationship.  
14 All responsibilities of a broker shall remain.

15 "Escrow moneys" means all moneys, promissory notes or any  
16 other type or manner of legal tender or financial consideration  
17 deposited with any person for the benefit of the parties to the  
18 transaction. A transaction exists once an agreement has been  
19 reached and an accepted real estate contract signed or lease  
20 agreed to by the parties. Escrow moneys includes without  
21 limitation earnest moneys and security deposits, except those  
22 security deposits in which the person holding the security  
23 deposit is also the sole owner of the property being leased and  
24 for which the security deposit is being held.

25 "Electronic means of proctoring" means a methodology  
26 providing assurance that the person taking a test and

1 completing the answers to questions is the person seeking  
2 licensure or credit for continuing education and is doing so  
3 without the aid of a third party or other device.

4 "Exclusive brokerage agreement" means a written brokerage  
5 agreement that provides that the sponsoring broker has the sole  
6 right, through one or more sponsored licensees, to act as the  
7 exclusive designated agent or representative of the client and  
8 that meets the requirements of Section 15-75 of this Act.

9 "Inoperative" means a status of licensure where the  
10 licensee holds a current license under this Act, but the  
11 licensee is prohibited from engaging in licensed activities  
12 because the licensee is unsponsored or the license of the  
13 sponsoring broker with whom the licensee is associated or by  
14 whom he or she is employed is currently expired, revoked,  
15 suspended, or otherwise rendered invalid under this Act.

16 "Interactive delivery method" means delivery of a course by  
17 an instructor through a medium allowing for 2-way communication  
18 between the instructor and a student in which either can  
19 initiate or respond to questions.

20 "Leads" means the name or names of a potential buyer,  
21 seller, lessor, lessee, or client of a licensee.

22 "Leasing Agent" means a person who is employed by a broker  
23 to engage in licensed activities limited to leasing residential  
24 real estate who has obtained a license as provided for in  
25 Section 5-5 of this Act.

26 "License" means the document issued by the Department

1 certifying that the person named thereon has fulfilled all  
2 requirements prerequisite to licensure under this Act.

3 "Licensed activities" means those activities listed in the  
4 definition of "broker" under this Section.

5 "Licensee" means any person, as defined in this Section,  
6 who holds a valid unexpired license as a managing broker,  
7 broker, or leasing agent.

8 "Listing presentation" means a communication between a  
9 managing broker or broker and a consumer in which the licensee  
10 is attempting to secure a brokerage agreement with the consumer  
11 to market the consumer's real estate for sale or lease.

12 "Managing broker" means a broker who has supervisory  
13 responsibilities for licensees in one or, in the case of a  
14 multi-office company, more than one office and who has been  
15 appointed as such by the sponsoring broker.

16 "Medium of advertising" means any method of communication  
17 intended to influence the general public to use or purchase a  
18 particular good or service or real estate.

19 "Ministerial acts" means those acts that a licensee may  
20 perform for a consumer that are informative or clerical in  
21 nature and do not rise to the level of active representation on  
22 behalf of a consumer. Examples of these acts include without  
23 limitation (i) responding to phone inquiries by consumers as to  
24 the availability and pricing of brokerage services, (ii)  
25 responding to phone inquiries from a consumer concerning the  
26 price or location of property, (iii) attending an open house

1 and responding to questions about the property from a consumer,  
2 (iv) setting an appointment to view property, (v) responding to  
3 questions of consumers walking into a licensee's office  
4 concerning brokerage services offered or particular  
5 properties, (vi) accompanying an appraiser, inspector,  
6 contractor, or similar third party on a visit to a property,  
7 (vii) describing a property or the property's condition in  
8 response to a consumer's inquiry, (viii) completing business or  
9 factual information for a consumer on an offer or contract to  
10 purchase on behalf of a client, (ix) showing a client through a  
11 property being sold by an owner on his or her own behalf, or  
12 (x) referral to another broker or service provider.

13 "Office" means a broker's place of business where the  
14 general public is invited to transact business and where  
15 records may be maintained and licenses displayed, whether or  
16 not it is the broker's principal place of business.

17 "Person" means and includes individuals, entities,  
18 corporations, limited liability companies, registered limited  
19 liability partnerships, and partnerships, foreign or domestic,  
20 except that when the context otherwise requires, the term may  
21 refer to a single individual or other described entity.

22 "Personal assistant" means a licensed or unlicensed person  
23 who has been hired for the purpose of aiding or assisting a  
24 sponsored licensee in the performance of the sponsored  
25 licensee's job.

26 "Pocket card" means the card issued by the Department to

1 signify that the person named on the card is currently licensed  
2 under this Act.

3 "Pre-renewal period" means the period between the date of  
4 issue of a currently valid license and the license's expiration  
5 date.

6 "Proctor" means any person, including, but not limited to,  
7 an instructor, who has a written agreement to administer  
8 examinations fairly and impartially with a licensed education  
9 provider.

10 "Real estate" means and includes leaseholds as well as any  
11 other interest or estate in land, whether corporeal,  
12 incorporeal, freehold, or non-freehold and whether the real  
13 estate is situated in this State or elsewhere. "Real estate"  
14 does not include property sold, exchanged, or leased as a  
15 timeshare or similar vacation item or interest, vacation club  
16 membership, or other activity formerly regulated under the Real  
17 Estate Timeshare Act of 1999 (repealed).

18 "Regular employee" means a person working an average of 20  
19 hours per week for a person or entity who would be considered  
20 as an employee under the Internal Revenue Service eleven main  
21 tests in three categories being behavioral control, financial  
22 control and the type of relationship of the parties, formerly  
23 the twenty factor test.

24 "Secretary" means the Secretary of the Department of  
25 Financial and Professional Regulation, or a person authorized  
26 by the Secretary to act in the Secretary's stead.

1 "Sponsoring broker" means the broker who has issued a  
2 sponsor card to a licensed managing broker, broker, or a  
3 leasing agent.

4 "Sponsor card" means the temporary permit issued by the  
5 sponsoring broker certifying that the managing broker, broker,  
6 or leasing agent named thereon is employed by or associated by  
7 written agreement with the sponsoring broker, as provided for  
8 in Section 5-40 of this Act.

9 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18;  
10 100-534, eff. 9-22-17; revised 10-2-17.)

11 (225 ILCS 454/20-20)

12 (Section scheduled to be repealed on January 1, 2020)

13 Sec. 20-20. Grounds for discipline.

14 (a) The Department may refuse to issue or renew a license,  
15 may place on probation, suspend, or revoke any license,  
16 reprimand, or take any other disciplinary or non-disciplinary  
17 action as the Department may deem proper and impose a fine not  
18 to exceed \$25,000 upon any licensee or applicant under this Act  
19 or any person who holds himself or herself out as an applicant  
20 or licensee or against a licensee in handling his or her own  
21 property, whether held by deed, option, or otherwise, for any  
22 one or any combination of the following causes:

23 (1) Fraud or misrepresentation in applying for, or  
24 procuring, a license under this Act or in connection with  
25 applying for renewal of a license under this Act.

1           (2) The conviction of or plea of guilty or plea of nolo  
2           contendere to a felony or misdemeanor in this State or any  
3           other jurisdiction; or the entry of an administrative  
4           sanction by a government agency in this State or any other  
5           jurisdiction. Action taken under this paragraph (2) for a  
6           misdemeanor or an administrative sanction is limited to a  
7           misdemeanor or administrative sanction that has as an  
8           essential element dishonesty or fraud or involves larceny,  
9           embezzlement, or obtaining money, property, or credit by  
10          false pretenses or by means of a confidence game.

11          (3) Inability to practice the profession with  
12          reasonable judgment, skill, or safety as a result of a  
13          physical illness, including, but not limited to,  
14          deterioration through the aging process or loss of motor  
15          skill, or a mental illness or disability.

16          (4) Practice under this Act as a licensee in a retail  
17          sales establishment from an office, desk, or space that is  
18          not separated from the main retail business by a separate  
19          and distinct area within the establishment.

20          (5) Having been disciplined by another state, the  
21          District of Columbia, a territory, a foreign nation, or a  
22          governmental agency authorized to impose discipline if at  
23          least one of the grounds for that discipline is the same as  
24          or the equivalent of one of the grounds for which a  
25          licensee may be disciplined under this Act. A certified  
26          copy of the record of the action by the other state or

1 jurisdiction shall be prima facie evidence thereof.

2 (6) Engaging in the practice of real estate brokerage  
3 without a license or after the licensee's license or  
4 temporary permit was expired or while the license was  
5 inoperative.

6 (7) Cheating on or attempting to subvert the Real  
7 Estate License Exam or continuing education exam.

8 (8) Aiding or abetting an applicant to subvert or cheat  
9 on the Real Estate License Exam or continuing education  
10 exam administered pursuant to this Act.

11 (9) Advertising that is inaccurate, misleading, or  
12 contrary to the provisions of the Act.

13 (10) Making any substantial misrepresentation or  
14 untruthful advertising.

15 (11) Making any false promises of a character likely to  
16 influence, persuade, or induce.

17 (12) Pursuing a continued and flagrant course of  
18 misrepresentation or the making of false promises through  
19 licensees, employees, agents, advertising, or otherwise.

20 (13) Any misleading or untruthful advertising, or  
21 using any trade name or insignia of membership in any real  
22 estate organization of which the licensee is not a member.

23 (14) Acting for more than one party in a transaction  
24 without providing written notice to all parties for whom  
25 the licensee acts.

26 (15) Representing or attempting to represent a broker



1 other than the sponsoring broker.

2 (16) Failure to account for or to remit any moneys or  
3 documents coming into his or her possession that belong to  
4 others.

5 (17) Failure to maintain and deposit in a special  
6 account, separate and apart from personal and other  
7 business accounts, all escrow moneys belonging to others  
8 entrusted to a licensee while acting as a broker, escrow  
9 agent, or temporary custodian of the funds of others or  
10 failure to maintain all escrow moneys on deposit in the  
11 account until the transactions are consummated or  
12 terminated, except to the extent that the moneys, or any  
13 part thereof, shall be:

14 (A) disbursed prior to the consummation or  
15 termination (i) in accordance with the written  
16 direction of the principals to the transaction or their  
17 duly authorized agents, (ii) in accordance with  
18 directions providing for the release, payment, or  
19 distribution of escrow moneys contained in any written  
20 contract signed by the principals to the transaction or  
21 their duly authorized agents, or (iii) pursuant to an  
22 order of a court of competent jurisdiction; or

23 (B) deemed abandoned and transferred to the Office  
24 of the State Treasurer to be handled as unclaimed  
25 property pursuant to the Revised Uniform Unclaimed  
26 Property Act. Escrow moneys may be deemed abandoned

1 under this subparagraph (B) only: (i) in the absence of  
2 disbursement under subparagraph (A); (ii) in the  
3 absence of notice of the filing of any claim in a court  
4 of competent jurisdiction; and (iii) if 6 months have  
5 elapsed after the receipt of a written demand for the  
6 escrow moneys from one of the principals to the  
7 transaction or the principal's duly authorized agent.

8 The account shall be noninterest bearing, unless the  
9 character of the deposit is such that payment of interest  
10 thereon is otherwise required by law or unless the  
11 principals to the transaction specifically require, in  
12 writing, that the deposit be placed in an interest bearing  
13 account.

14 (18) Failure to make available to the Department all  
15 escrow records and related documents maintained in  
16 connection with the practice of real estate within 24 hours  
17 of a request for those documents by Department personnel.

18 (19) Failing to furnish copies upon request of  
19 documents relating to a real estate transaction to a party  
20 who has executed that document.

21 (20) Failure of a sponsoring broker to timely provide  
22 information, sponsor cards, or termination of licenses to  
23 the Department.

24 (21) Engaging in dishonorable, unethical, or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud, or harm the public.

1           (22) Commingling the money or property of others with  
2 his or her own money or property.

3           (23) Employing any person on a purely temporary or  
4 single deal basis as a means of evading the law regarding  
5 payment of commission to nonlicensees on some contemplated  
6 transactions.

7           (24) Permitting the use of his or her license as a  
8 broker to enable a leasing agent or unlicensed person to  
9 operate a real estate business without actual  
10 participation therein and control thereof by the broker.

11           (25) Any other conduct, whether of the same or a  
12 different character from that specified in this Section,  
13 that constitutes dishonest dealing.

14           (26) Displaying a "for rent" or "for sale" sign on any  
15 property without the written consent of an owner or his or  
16 her duly authorized agent or advertising by any means that  
17 any property is for sale or for rent without the written  
18 consent of the owner or his or her authorized agent.

19           (27) Failing to provide information requested by the  
20 Department, or otherwise respond to that request, within 30  
21 days of the request.

22           (28) Advertising by means of a blind advertisement,  
23 except as otherwise permitted in Section 10-30 of this Act.

24           (29) Offering guaranteed sales plans, as defined in  
25 clause (A) of this subdivision (29), except to the extent  
26 hereinafter set forth:

1           (A) A "guaranteed sales plan" is any real estate  
2 purchase or sales plan whereby a licensee enters into a  
3 conditional or unconditional written contract with a  
4 seller, prior to entering into a brokerage agreement  
5 with the seller, by the terms of which a licensee  
6 agrees to purchase a property of the seller within a  
7 specified period of time at a specific price in the  
8 event the property is not sold in accordance with the  
9 terms of a brokerage agreement to be entered into  
10 between the sponsoring broker and the seller.

11           (B) A licensee offering a guaranteed sales plan  
12 shall provide the details and conditions of the plan in  
13 writing to the party to whom the plan is offered.

14           (C) A licensee offering a guaranteed sales plan  
15 shall provide to the party to whom the plan is offered  
16 evidence of sufficient financial resources to satisfy  
17 the commitment to purchase undertaken by the broker in  
18 the plan.

19           (D) Any licensee offering a guaranteed sales plan  
20 shall undertake to market the property of the seller  
21 subject to the plan in the same manner in which the  
22 broker would market any other property, unless the  
23 agreement with the seller provides otherwise.

24           (E) The licensee cannot purchase seller's property  
25 until the brokerage agreement has ended according to  
26 its terms or is otherwise terminated.

1           (F) Any licensee who fails to perform on a  
2           guaranteed sales plan in strict accordance with its  
3           terms shall be subject to all the penalties provided in  
4           this Act for violations thereof and, in addition, shall  
5           be subject to a civil fine payable to the party injured  
6           by the default in an amount of up to \$25,000.

7           (30) Influencing or attempting to influence, by any  
8           words or acts, a prospective seller, purchaser, occupant,  
9           landlord, or tenant of real estate, in connection with  
10          viewing, buying, or leasing real estate, so as to promote  
11          or tend to promote the continuance or maintenance of  
12          racially and religiously segregated housing or so as to  
13          retard, obstruct, or discourage racially integrated  
14          housing on or in any street, block, neighborhood, or  
15          community.

16          (31) Engaging in any act that constitutes a violation  
17          of any provision of Article 3 of the Illinois Human Rights  
18          Act, whether or not a complaint has been filed with or  
19          adjudicated by the Human Rights Commission.

20          (32) Inducing any party to a contract of sale or lease  
21          or brokerage agreement to break the contract of sale or  
22          lease or brokerage agreement for the purpose of  
23          substituting, in lieu thereof, a new contract for sale or  
24          lease or brokerage agreement with a third party.

25          (33) Negotiating a sale, exchange, or lease of real  
26          estate directly with any person if the licensee knows that

1 the person has an exclusive brokerage agreement with  
2 another broker, unless specifically authorized by that  
3 broker.

4 (34) When a licensee is also an attorney, acting as the  
5 attorney for either the buyer or the seller in the same  
6 transaction in which the licensee is acting or has acted as  
7 a managing broker or broker.

8 (35) Advertising or offering merchandise or services  
9 as free if any conditions or obligations necessary for  
10 receiving the merchandise or services are not disclosed in  
11 the same advertisement or offer. These conditions or  
12 obligations include without limitation the requirement  
13 that the recipient attend a promotional activity or visit a  
14 real estate site. As used in this subdivision (35), "free"  
15 includes terms such as "award", "prize", "no charge", "free  
16 of charge", "without charge", and similar words or phrases  
17 that reasonably lead a person to believe that he or she may  
18 receive or has been selected to receive something of value,  
19 without any conditions or obligations on the part of the  
20 recipient.

21 (36) (Blank).

22 (37) Violating the terms of a disciplinary order issued  
23 by the Department.

24 (38) Paying or failing to disclose compensation in  
25 violation of Article 10 of this Act.

26 (39) Requiring a party to a transaction who is not a

1 client of the licensee to allow the licensee to retain a  
2 portion of the escrow moneys for payment of the licensee's  
3 commission or expenses as a condition for release of the  
4 escrow moneys to that party.

5 (40) Disregarding or violating any provision of this  
6 Act or the published rules promulgated by the Department to  
7 enforce this Act or aiding or abetting any individual,  
8 partnership, registered limited liability partnership,  
9 limited liability company, or corporation in disregarding  
10 any provision of this Act or the published rules  
11 promulgated by the Department to enforce this Act.

12 (41) Failing to provide the minimum services required  
13 by Section 15-75 of this Act when acting under an exclusive  
14 brokerage agreement.

15 (42) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 that results in a managing broker, broker, or leasing  
18 agent's inability to practice with reasonable skill or  
19 safety.

20 (43) Enabling, aiding, or abetting an auctioneer, as  
21 defined in the Auction License Act, to conduct a real  
22 estate auction in a manner that is in violation of this  
23 Act.

24 (44) Permitting any leasing agent or temporary leasing  
25 agent permit holder to engage in activities that require a  
26 broker's or managing broker's license.

1           (b) The Department may refuse to issue or renew or may  
2 suspend the license of any person who fails to file a return,  
3 pay the tax, penalty or interest shown in a filed return, or  
4 pay any final assessment of tax, penalty, or interest, as  
5 required by any tax Act administered by the Department of  
6 Revenue, until such time as the requirements of that tax Act  
7 are satisfied in accordance with subsection (g) of Section  
8 2105-15 of the Civil Administrative Code of Illinois.

9           (c) The Department shall deny a license or renewal  
10 authorized by this Act to a person who has defaulted on an  
11 educational loan or scholarship provided or guaranteed by the  
12 Illinois Student Assistance Commission or any governmental  
13 agency of this State in accordance with item (5) of subsection  
14 (a) of Section 2105-15 of the Civil Administrative Code of  
15 Illinois.

16           (d) In cases where the Department of Healthcare and Family  
17 Services (formerly Department of Public Aid) has previously  
18 determined that a licensee or a potential licensee is more than  
19 30 days delinquent in the payment of child support and has  
20 subsequently certified the delinquency to the Department may  
21 refuse to issue or renew or may revoke or suspend that person's  
22 license or may take other disciplinary action against that  
23 person based solely upon the certification of delinquency made  
24 by the Department of Healthcare and Family Services in  
25 accordance with item (5) of subsection (a) of Section 2105-15  
26 of the Civil Administrative Code of Illinois.



1           (e) In enforcing this Section, the Department or Board upon  
2 a showing of a possible violation may compel an individual  
3 licensed to practice under this Act, or who has applied for  
4 licensure under this Act, to submit to a mental or physical  
5 examination, or both, as required by and at the expense of the  
6 Department. The Department or Board may order the examining  
7 physician to present testimony concerning the mental or  
8 physical examination of the licensee or applicant. No  
9 information shall be excluded by reason of any common law or  
10 statutory privilege relating to communications between the  
11 licensee or applicant and the examining physician. The  
12 examining physicians shall be specifically designated by the  
13 Board or Department. The individual to be examined may have, at  
14 his or her own expense, another physician of his or her choice  
15 present during all aspects of this examination. Failure of an  
16 individual to submit to a mental or physical examination, when  
17 directed, shall be grounds for suspension of his or her license  
18 until the individual submits to the examination if the  
19 Department finds, after notice and hearing, that the refusal to  
20 submit to the examination was without reasonable cause.

21           If the Department or Board finds an individual unable to  
22 practice because of the reasons set forth in this Section, the  
23 Department or Board may require that individual to submit to  
24 care, counseling, or treatment by physicians approved or  
25 designated by the Department or Board, as a condition, term, or  
26 restriction for continued, reinstated, or renewed licensure to

1 practice; or, in lieu of care, counseling, or treatment, the  
2 Department may file, or the Board may recommend to the  
3 Department to file, a complaint to immediately suspend, revoke,  
4 or otherwise discipline the license of the individual. An  
5 individual whose license was granted, continued, reinstated,  
6 renewed, disciplined or supervised subject to such terms,  
7 conditions, or restrictions, and who fails to comply with such  
8 terms, conditions, or restrictions, shall be referred to the  
9 Secretary for a determination as to whether the individual  
10 shall have his or her license suspended immediately, pending a  
11 hearing by the Department.

12 In instances in which the Secretary immediately suspends a  
13 person's license under this Section, a hearing on that person's  
14 license must be convened by the Department within 30 days after  
15 the suspension and completed without appreciable delay. The  
16 Department and Board shall have the authority to review the  
17 subject individual's record of treatment and counseling  
18 regarding the impairment to the extent permitted by applicable  
19 federal statutes and regulations safeguarding the  
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under  
22 this Section shall be afforded an opportunity to demonstrate to  
23 the Department or Board that he or she can resume practice in  
24 compliance with acceptable and prevailing standards under the  
25 provisions of his or her license.

26 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;

1 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

2 Section 425. The Illinois Dead Animal Disposal Act is  
3 amended by changing Section 12 as follows:

4 (225 ILCS 610/12) (from Ch. 8, par. 160)

5 Sec. 12. The Department shall make such reasonable  
6 regulations for the carrying on and conduct of such business as  
7 it may deem advisable and all persons engaged in such business  
8 shall comply therewith. The Department, or its  
9 representatives, in performing the duties vested in it under  
10 this Act is empowered to enter, during usual working hours, any  
11 premises, buildings, or other places where dead animals or used  
12 cooking grease and cooking oil may be found, for the purpose of  
13 administering the provisions of this Act.

14 Licensees shall comply with rules, bulletins, manuals of  
15 procedure and guidelines pertaining to renderers and blenders  
16 and the handling and distribution of condemned or inedible meat  
17 or poultry products which implement the Federal ~~federal~~ Meat  
18 Inspection Act and the federal Poultry Products Inspection Act.  
19 Such rules, bulletins, manuals and guidelines shall become  
20 effective on the date designated by the United States  
21 Department of Agriculture.

22 (Source: P.A. 98-785, eff. 1-1-15; revised 10-4-17.)

23 Section 430. The Meat and Poultry Inspection Act is amended

1 by changing Section 5.1 as follows:

2 (225 ILCS 650/5.1)

3 Sec. 5.1. Type I licenses.

4 (a) A Type I establishment licensed under this Act who  
5 sells or offers for sale meat, meat product, poultry, and  
6 poultry product ~~shall~~, except as otherwise provided:

7 (1) shall be ~~Be~~ permitted to receive meat, meat  
8 product, poultry, and poultry product for cutting,  
9 processing, preparing, packing, wrapping, chilling,  
10 freezing, sharp freezing, or storing, provided it bears an  
11 official mark of State of Illinois or of Federal  
12 Inspection;~~;~~

13 (2) shall be ~~Be~~ permitted to receive live animals and  
14 poultry for slaughter, provided all animals and poultry are  
15 properly presented for prescribed inspection to a  
16 Department employee; ~~and;~~

17 (3) may ~~May~~ accept meat, meat product, poultry, and  
18 poultry product for sharp freezing or storage provided that  
19 the product is inspected product.

20 (b) Before being granted or renewing official inspection,  
21 an establishment must develop written sanitation Standard  
22 Operating Procedures as required by 8 Ill. Adm. Code 125.141.

23 (c) Before being granted official inspection, an  
24 establishment must conduct a hazard analysis and develop and  
25 validate an HACCP plan as required by 8 Ill. Adm. Code 125.142.

1 A conditional grant of inspection shall be issued for a period  
2 not to exceed 90 days, during which period the establishment  
3 must validate its HACCP plan.

4 Any establishment subject to inspection under this Act that  
5 believes, or has reason to believe, that an adulterated or  
6 misbranded meat or meat food product received by or originating  
7 from the establishment has entered into commerce shall promptly  
8 notify the Director with regard to the type, amount, origin,  
9 and destination of the meat or meat food product.

10 The Director shall require that each Type I establishment  
11 subject to inspection under this Act shall, at a minimum:

12 (1) prepare and maintain current procedures for the  
13 recall of all meat, poultry, meat food products, and  
14 poultry food products with a mark of inspection produced  
15 and shipped by the establishment;

16 (2) document each reassessment of the process control  
17 plans of the establishment; and

18 (3) upon request, make the procedures and reassessed  
19 process control plans available to inspectors appointed by  
20 the Director for review and copying.

21 (d) Any establishment licensed under the authority of this  
22 Act that receives wild game carcasses shall comply with the  
23 following requirements regarding wild game carcasses:

24 (1) Wild game carcasses shall be dressed prior to  
25 entering the processing or refrigerated areas of the  
26 licensed establishment.

1           (2) Wild game carcasses stored in the refrigerated area  
2           of the licensed establishment shall be kept separate and  
3           apart from inspected products.

4           (3) A written request shall be made to the Department  
5           on an annual basis if a licensed establishment is  
6           suspending operations regarding an amenable product due to  
7           handling of wild game carcasses.

8           (4) A written procedure for handling wild game shall be  
9           approved by the Department.

10          (5) All equipment used that comes in contact with wild  
11          game shall be thoroughly cleaned and sanitized prior to use  
12          on animal or poultry carcasses.

13          (Source: P.A. 98-611, eff. 12-27-13; revised 10-4-17.)

14          Section 435. The Illinois Horse Racing Act of 1975 is  
15          amended by changing Section 28 as follows:

16                 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

17                 Sec. 28. Except as provided in subsection (g) of Section 27  
18                 of this Act, moneys collected shall be distributed according to  
19                 the provisions of this Section 28.

20                 (a) Thirty per cent of the total of all monies received by  
21                 the State as privilege taxes shall be paid into the  
22                 Metropolitan Exposition, Auditorium and Office Building Fund  
23                 in the State Treasury.

24                 (b) In addition, 4.5% of the total of all monies received

1 by the State as privilege taxes shall be paid into the State  
2 treasury into a special Fund to be known as the Metropolitan  
3 Exposition, Auditorium and Office Building Fund.

4 (c) Fifty per cent of the total of all monies received by  
5 the State as privilege taxes under the provisions of this Act  
6 shall be paid into the Agricultural Premium Fund.

7 (d) Seven per cent of the total of all monies received by  
8 the State as privilege taxes shall be paid into the Fair and  
9 Exposition Fund in the State treasury; provided, however, that  
10 when all bonds issued prior to July 1, 1984 by the Metropolitan  
11 Fair and Exposition Authority shall have been paid or payment  
12 shall have been provided for upon a refunding of those bonds,  
13 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
14 month into the Build Illinois Fund, and the remainder into the  
15 Fair and Exposition Fund. All excess monies shall be allocated  
16 to the Department of Agriculture for distribution to county  
17 fairs for premiums and rehabilitation as set forth in the  
18 Agricultural Fair Act.

19 (e) The monies provided for in Section 30 shall be paid  
20 into the Illinois Thoroughbred Breeders Fund.

21 (f) The monies provided for in Section 31 shall be paid  
22 into the Illinois Standardbred Breeders Fund.

23 (g) Until January 1, 2000, that part representing 1/2 of  
24 the total breakage in Thoroughbred, Harness, Appaloosa,  
25 Arabian, and Quarter Horse racing in the State shall be paid  
26 into the Illinois Race Track Improvement Fund as established in

1 Section 32.

2 (h) All other monies received by the Board under this Act  
3 shall be paid into the Horse Racing Fund.

4 (i) The salaries of the Board members, secretary, stewards,  
5 directors of mutuels, veterinarians, representatives,  
6 accountants, clerks, stenographers, inspectors and other  
7 employees of the Board, and all expenses of the Board incident  
8 to the administration of this Act, including, but not limited  
9 to, all expenses and salaries incident to the taking of saliva  
10 and urine samples in accordance with the rules and regulations  
11 of the Board shall be paid out of the Agricultural Premium  
12 Fund.

13 (j) The Agricultural Premium Fund shall also be used:

14 (1) for the expenses of operating the Illinois State  
15 Fair and the DuQuoin State Fair, including the payment of  
16 prize money or premiums;

17 (2) for the distribution to county fairs, vocational  
18 agriculture section fairs, agricultural societies, and  
19 agricultural extension clubs in accordance with the  
20 Agricultural Fair Act, as amended;

21 (3) for payment of prize monies and premiums awarded  
22 and for expenses incurred in connection with the  
23 International Livestock Exposition and the Mid-Continent  
24 Livestock Exposition held in Illinois, which premiums, and  
25 awards must be approved, and paid by the Illinois  
26 Department of Agriculture;



1           (4) for personal service of county agricultural  
2 advisors and county home advisors;

3           (5) for distribution to agricultural home economic  
4 extension councils in accordance with "An Act in relation  
5 to additional support and finance for the Agricultural and  
6 Home Economic Extension Councils in the several counties in  
7 this State and making an appropriation therefor", approved  
8 July 24, 1967, as amended;

9           (6) for research on equine disease, including a  
10 development center therefor;

11           (7) for training scholarships for study on equine  
12 diseases to students at the University of Illinois College  
13 of Veterinary Medicine;

14           (8) for the rehabilitation, repair and maintenance of  
15 the Illinois and DuQuoin State Fair Grounds and the  
16 structures and facilities thereon and the construction of  
17 permanent improvements on such Fair Grounds, including  
18 such structures, facilities and property located on such  
19 State Fair Grounds which are under the custody and control  
20 of the Department of Agriculture;

21           (9) (blank);

22           (10) for the expenses of the Department of Commerce and  
23 Economic Opportunity under Sections 605-620, 605-625, and  
24 605-630 of the Department of Commerce and Economic  
25 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and  
26 605/605-630);

1           (11) for remodeling, expanding, and reconstructing  
2 facilities destroyed by fire of any Fair and Exposition  
3 Authority in counties with a population of 1,000,000 or  
4 more inhabitants;

5           (12) for the purpose of assisting in the care and  
6 general rehabilitation of veterans with disabilities of  
7 any war and their surviving spouses and orphans;

8           (13) for expenses of the Department of State Police for  
9 duties performed under this Act;

10          (14) for the Department of Agriculture for soil surveys  
11 and soil and water conservation purposes;

12          (15) for the Department of Agriculture for grants to  
13 the City of Chicago for conducting the Chicagofest;

14          (16) for the State Comptroller for grants and operating  
15 expenses authorized by the Illinois Global Partnership  
16 Act.

17          (k) To the extent that monies paid by the Board to the  
18 Agricultural Premium Fund are in the opinion of the Governor in  
19 excess of the amount necessary for the purposes herein stated,  
20 the Governor shall notify the Comptroller and the State  
21 Treasurer of such fact, who, upon receipt of such notification,  
22 shall transfer such excess monies from the Agricultural Premium  
23 Fund to the General Revenue Fund.

24          (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;  
25 100-110, eff. 8-15-17; revised 9-28-17.)

1 Section 440. The Liquor Control Act of 1934 is amended by  
2 changing Sections 4-4 and 6-11 as follows:

3 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

4 Sec. 4-4. Each local liquor control commissioner shall also  
5 have the following powers, functions, and duties with respect  
6 to licenses, other than licenses to manufacturers, importing  
7 distributors, distributors, foreign importers, non-resident  
8 dealers, non-beverage users, brokers, railroads, airplanes,  
9 and boats:

10 1. To grant ~~and~~ or suspend for not more than 30 ~~thirty~~  
11 days or revoke for cause all local licenses issued to  
12 persons for premises within his jurisdiction;

13 2. To enter or to authorize any law enforcing officer  
14 to enter at any time upon any premises licensed hereunder  
15 to determine whether any of the provisions of this Act or  
16 any rules or regulations adopted by him or by the State  
17 Commission have been or are being violated, and at such  
18 time to examine said premises of said licensee in  
19 connection therewith;

20 3. To notify the Secretary of State where a club  
21 incorporated under the General Not for Profit Corporation  
22 Act of 1986 or a foreign corporation functioning as a club  
23 in this State under a certificate of authority issued under  
24 that Act has violated this Act by selling or offering for  
25 sale at retail alcoholic liquors without a retailer's

1 license;

2 4. To receive a complaint from any citizen within his  
3 jurisdiction that any of the provisions of this Act, or any  
4 rules or regulations adopted pursuant hereto, have been or  
5 are being violated and to act upon the complaint ~~such~~  
6 ~~complaints~~ in the manner hereinafter provided;

7 5. To receive local license fees and pay the same  
8 forthwith to the city, village, town, or county treasurer,  
9 as the case may be.

10 Each local liquor commissioner also has the duty to notify  
11 the Secretary of State of any convictions or dispositions of  
12 court supervision for a violation of Section 6-20 of this Act  
13 or a similar provision of a local ordinance.

14 In counties and municipalities, the local liquor control  
15 commissioners shall also have the power to levy fines in  
16 accordance with Section 7-5 of this Act.

17 (Source: P.A. 95-166, eff. 1-1-08; revised 9-26-17.)

18 (235 ILCS 5/6-11)

19 Sec. 6-11. Sale near churches, schools, and hospitals.

20 (a) No license shall be issued for the sale at retail of  
21 any alcoholic liquor within 100 feet of any church, school  
22 other than an institution of higher learning, hospital, home  
23 for aged or indigent persons or for veterans, their spouses or  
24 children or any military or naval station, provided, that this  
25 prohibition shall not apply to hotels offering restaurant

1 service, regularly organized clubs, or to restaurants, food  
2 shops or other places where sale of alcoholic liquors is not  
3 the principal business carried on if the place of business so  
4 exempted is not located in a municipality of more than 500,000  
5 persons, unless required by local ordinance; nor to the renewal  
6 of a license for the sale at retail of alcoholic liquor on  
7 premises within 100 feet of any church or school where the  
8 church or school has been established within such 100 feet  
9 since the issuance of the original license. In the case of a  
10 church, the distance of 100 feet shall be measured to the  
11 nearest part of any building used for worship services or  
12 educational programs and not to property boundaries.

13 (b) Nothing in this Section shall prohibit the issuance of  
14 a retail license authorizing the sale of alcoholic liquor to a  
15 restaurant, the primary business of which is the sale of goods  
16 baked on the premises if (i) the restaurant is newly  
17 constructed and located on a lot of not less than 10,000 square  
18 feet, (ii) the restaurant costs at least \$1,000,000 to  
19 construct, (iii) the licensee is the titleholder to the  
20 premises and resides on the premises, and (iv) the construction  
21 of the restaurant is completed within 18 months of July 10,  
22 1998 (the effective date of Public Act 90-617).

23 (c) Nothing in this Section shall prohibit the issuance of  
24 a retail license authorizing the sale of alcoholic liquor  
25 incidental to a restaurant if (1) the primary business of the  
26 restaurant consists of the sale of food where the sale of

1 liquor is incidental to the sale of food and the applicant is a  
2 completely new owner of the restaurant, (2) the immediately  
3 prior owner or operator of the premises where the restaurant is  
4 located operated the premises as a restaurant and held a valid  
5 retail license authorizing the sale of alcoholic liquor at the  
6 restaurant for at least part of the 24 months before the change  
7 of ownership, and (3) the restaurant is located 75 or more feet  
8 from a school.

9 (d) In the interest of further developing Illinois' economy  
10 in the area of commerce, tourism, convention, and banquet  
11 business, nothing in this Section shall prohibit issuance of a  
12 retail license authorizing the sale of alcoholic beverages to a  
13 restaurant, banquet facility, grocery store, or hotel having  
14 not fewer than 150 guest room accommodations located in a  
15 municipality of more than 500,000 persons, notwithstanding the  
16 proximity of such hotel, restaurant, banquet facility, or  
17 grocery store to any church or school, if the licensed premises  
18 described on the license are located within an enclosed mall or  
19 building of a height of at least 6 stories, or 60 feet in the  
20 case of a building that has been registered as a national  
21 landmark, or in a grocery store having a minimum of 56,010  
22 square feet of floor space in a single story building in an  
23 open mall of at least 3.96 acres that is adjacent to a public  
24 school that opened as a boys technical high school in 1934, or  
25 in a grocery store having a minimum of 31,000 square feet of  
26 floor space in a single story building located a distance of

1 more than 90 feet but less than 100 feet from a high school  
2 that opened in 1928 as a junior high school and became a senior  
3 high school in 1933, and in each of these cases if the sale of  
4 alcoholic liquors is not the principal business carried on by  
5 the licensee.

6 For purposes of this Section, a "banquet facility" is any  
7 part of a building that caters to private parties and where the  
8 sale of alcoholic liquors is not the principal business.

9 (e) Nothing in this Section shall prohibit the issuance of  
10 a license to a church or private school to sell at retail  
11 alcoholic liquor if any such sales are limited to periods when  
12 groups are assembled on the premises solely for the promotion  
13 of some common object other than the sale or consumption of  
14 alcoholic liquors.

15 (f) Nothing in this Section shall prohibit a church or  
16 church affiliated school located in a home rule municipality or  
17 in a municipality with 75,000 or more inhabitants from locating  
18 within 100 feet of a property for which there is a preexisting  
19 license to sell alcoholic liquor at retail. In these instances,  
20 the local zoning authority may, by ordinance adopted  
21 simultaneously with the granting of an initial special use  
22 zoning permit for the church or church affiliated school,  
23 provide that the 100-foot restriction in this Section shall not  
24 apply to that church or church affiliated school and future  
25 retail liquor licenses.

26 (g) Nothing in this Section shall prohibit the issuance of

1 a retail license authorizing the sale of alcoholic liquor at  
2 premises within 100 feet, but not less than 90 feet, of a  
3 public school if (1) the premises have been continuously  
4 licensed to sell alcoholic liquor for a period of at least 50  
5 years, (2) the premises are located in a municipality having a  
6 population of over 500,000 inhabitants, (3) the licensee is an  
7 individual who is a member of a family that has held the  
8 previous 3 licenses for that location for more than 25 years,  
9 (4) the principal of the school and the alderman of the ward in  
10 which the school is located have delivered a written statement  
11 to the local liquor control commissioner stating that they do  
12 not object to the issuance of a license under this subsection  
13 (g), and (5) the local liquor control commissioner has received  
14 the written consent of a majority of the registered voters who  
15 live within 200 feet of the premises.

16 (h) Notwithstanding any provision of this Section to the  
17 contrary, nothing in this Section shall prohibit the issuance  
18 or renewal of a license authorizing the sale of alcoholic  
19 liquor within premises and at an outdoor patio area attached to  
20 premises that are located in a municipality with a population  
21 in excess of 300,000 inhabitants and that are within 100 feet  
22 of a church if:

23 (1) the sale of alcoholic liquor at the premises is  
24 incidental to the sale of food,

25 (2) the sale of liquor is not the principal business  
26 carried on by the licensee at the premises,



1 (3) the premises are less than 1,000 square feet,

2 (4) the premises are owned by the University of  
3 Illinois,

4 (5) the premises are immediately adjacent to property  
5 owned by a church and are not less than 20 nor more than 40  
6 feet from the church space used for worship services, and

7 (6) the principal religious leader at the place of  
8 worship has indicated his or her support for the issuance  
9 of the license in writing.

10 (i) Notwithstanding any provision in this Section to the  
11 contrary, nothing in this Section shall prohibit the issuance  
12 or renewal of a license to sell alcoholic liquor at a premises  
13 that is located within a municipality with a population in  
14 excess of 300,000 inhabitants and is within 100 feet of a  
15 church, synagogue, or other place of worship if:

16 (1) the primary entrance of the premises and the  
17 primary entrance of the church, synagogue, or other place  
18 of worship are at least 100 feet apart, on parallel  
19 streets, and separated by an alley; and

20 (2) the principal religious leader at the place of  
21 worship has not indicated his or her opposition to the  
22 issuance or renewal of the license in writing.

23 (j) Notwithstanding any provision in this Section to the  
24 contrary, nothing in this Section shall prohibit the issuance  
25 of a retail license authorizing the sale of alcoholic liquor at  
26 a theater that is within 100 feet of a church if (1) the church

1 owns the theater, (2) the church leases the theater to one or  
2 more entities, and (3) the theater is used by at least 5  
3 different not-for-profit theater groups.

4 (k) Notwithstanding any provision in this Section to the  
5 contrary, nothing in this Section shall prohibit the issuance  
6 or renewal of a license authorizing the sale of alcoholic  
7 liquor at a premises that is located within a municipality with  
8 a population in excess of 1,000,000 inhabitants and is within  
9 100 feet of a school if:

10 (1) the primary entrance of the premises and the  
11 primary entrance of the school are parallel, on different  
12 streets, and separated by an alley;

13 (2) the southeast corner of the premises are at least  
14 350 feet from the southwest corner of the school;

15 (3) the school was built in 1978;

16 (4) the sale of alcoholic liquor at the premises is  
17 incidental to the sale of food;

18 (5) the sale of alcoholic liquor is not the principal  
19 business carried on by the licensee at the premises;

20 (6) the applicant is the owner of the restaurant and  
21 has held a valid license authorizing the sale of alcoholic  
22 liquor for the business to be conducted on the premises at  
23 a different location for more than 7 years; and

24 (7) the premises is at least 2,300 square feet and sits  
25 on a lot that is between 6,100 and 6,150 square feet.

26 (1) Notwithstanding any provision in this Section to the

1 contrary, nothing in this Section shall prohibit the issuance  
2 or renewal of a license authorizing the sale of alcoholic  
3 liquor at a premises that is located within a municipality with  
4 a population in excess of 1,000,000 inhabitants and is within  
5 100 feet of a church or school if:

6 (1) the primary entrance of the premises and the  
7 closest entrance of the church or school is at least 90  
8 feet apart and no greater than 95 feet apart;

9 (2) the shortest distance between the premises and the  
10 church or school is at least 80 feet apart and no greater  
11 than 85 feet apart;

12 (3) the applicant is the owner of the restaurant and on  
13 November 15, 2006 held a valid license authorizing the sale  
14 of alcoholic liquor for the business to be conducted on the  
15 premises for at least 14 different locations;

16 (4) the sale of alcoholic liquor at the premises is  
17 incidental to the sale of food;

18 (5) the sale of alcoholic liquor is not the principal  
19 business carried on by the licensee at the premises;

20 (6) the premises is at least 3,200 square feet and sits  
21 on a lot that is between 7,150 and 7,200 square feet; and

22 (7) the principal religious leader at the place of  
23 worship has not indicated his or her opposition to the  
24 issuance or renewal of the license in writing.

25 (m) Notwithstanding any provision in this Section to the  
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic  
2 liquor at a premises that is located within a municipality with  
3 a population in excess of 1,000,000 inhabitants and is within  
4 100 feet of a church if:

5 (1) the premises and the church are perpendicular, and  
6 the primary entrance of the premises faces South while the  
7 primary entrance of the church faces West and the distance  
8 between the two entrances is more than 100 feet;

9 (2) the shortest distance between the premises lot line  
10 and the exterior wall of the church is at least 80 feet;

11 (3) the church was established at the current location  
12 in 1916 and the present structure was erected in 1925;

13 (4) the premises is a single story, single use building  
14 with at least 1,750 square feet and no more than 2,000  
15 square feet;

16 (5) the sale of alcoholic liquor at the premises is  
17 incidental to the sale of food;

18 (6) the sale of alcoholic liquor is not the principal  
19 business carried on by the licensee at the premises; and

20 (7) the principal religious leader at the place of  
21 worship has not indicated his or her opposition to the  
22 issuance or renewal of the license in writing.

23 (n) Notwithstanding any provision in this Section to the  
24 contrary, nothing in this Section shall prohibit the issuance  
25 or renewal of a license authorizing the sale of alcoholic  
26 liquor at a premises that is located within a municipality with

1 a population in excess of 1,000,000 inhabitants and is within  
2 100 feet of a school if:

3 (1) the school is a City of Chicago School District 299  
4 school;

5 (2) the school is located within subarea E of City of  
6 Chicago Residential Business Planned Development Number  
7 70;

8 (3) the sale of alcoholic liquor is not the principal  
9 business carried on by the licensee on the premises;

10 (4) the sale of alcoholic liquor at the premises is  
11 incidental to the sale of food; and

12 (5) the administration of City of Chicago School  
13 District 299 has expressed, in writing, its support for the  
14 issuance of the license.

15 (o) Notwithstanding any provision of this Section to the  
16 contrary, nothing in this Section shall prohibit the issuance  
17 or renewal of a retail license authorizing the sale of  
18 alcoholic liquor at a premises that is located within a  
19 municipality in excess of 1,000,000 inhabitants and within 100  
20 feet of a church if:

21 (1) the sale of alcoholic liquor at the premises is  
22 incidental to the sale of food;

23 (2) the sale of alcoholic liquor is not the principal  
24 business carried on by the licensee at the premises;

25 (3) the premises is located on a street that runs  
26 perpendicular to the street on which the church is located;

1           (4) the primary entrance of the premises is at least  
2           100 feet from the primary entrance of the church;

3           (5) the shortest distance between any part of the  
4           premises and any part of the church is at least 60 feet;

5           (6) the premises is between 3,600 and 4,000 square feet  
6           and sits on a lot that is between 3,600 and 4,000 square  
7           feet; and

8           (7) the premises was built in the year 1909.

9           For purposes of this subsection (o), "premises" means a  
10          place of business together with a privately owned outdoor  
11          location that is adjacent to the place of business.

12          (p) Notwithstanding any provision in this Section to the  
13          contrary, nothing in this Section shall prohibit the issuance  
14          or renewal of a license authorizing the sale of alcoholic  
15          liquor at a premises that is located within a municipality with  
16          a population in excess of 1,000,000 inhabitants and within 100  
17          feet of a church if:

18                 (1) the shortest distance between the backdoor of the  
19                 premises, which is used as an emergency exit, and the  
20                 church is at least 80 feet;

21                 (2) the church was established at the current location  
22                 in 1889; and

23                 (3) liquor has been sold on the premises since at least  
24                 1985.

25          (q) Notwithstanding any provision of this Section to the  
26          contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic  
2 liquor within a premises that is located in a municipality with  
3 a population in excess of 1,000,000 inhabitants and within 100  
4 feet of a church-owned property if:

5 (1) the premises is located within a larger building  
6 operated as a grocery store;

7 (2) the area of the premises does not exceed 720 square  
8 feet and the area of the larger building exceeds 18,000  
9 square feet;

10 (3) the larger building containing the premises is  
11 within 100 feet of the nearest property line of a  
12 church-owned property on which a church-affiliated school  
13 is located;

14 (4) the sale of liquor is not the principal business  
15 carried on within the larger building;

16 (5) the primary entrance of the larger building and the  
17 premises and the primary entrance of the church-affiliated  
18 school are on different, parallel streets, and the distance  
19 between the 2 primary entrances is more than 100 feet;

20 (6) the larger building is separated from the  
21 church-owned property and church-affiliated school by an  
22 alley;

23 (7) the larger building containing the premises and the  
24 church building front are on perpendicular streets and are  
25 separated by a street; and

26 (8) (Blank).

1           (r) Notwithstanding any provision of this Section to the  
2 contrary, nothing in this Section shall prohibit the issuance,  
3 renewal, or maintenance of a license authorizing the sale of  
4 alcoholic liquor incidental to the sale of food within a  
5 restaurant established in a premises that is located in a  
6 municipality with a population in excess of 1,000,000  
7 inhabitants and within 100 feet of a church if:

8           (1) the primary entrance of the church and the primary  
9 entrance of the restaurant are at least 100 feet apart;

10           (2) the restaurant has operated on the ground floor and  
11 lower level of a multi-story, multi-use building for more  
12 than 40 years;

13           (3) the primary business of the restaurant consists of  
14 the sale of food where the sale of liquor is incidental to  
15 the sale of food;

16           (4) the sale of alcoholic liquor is conducted primarily  
17 in the below-grade level of the restaurant to which the  
18 only public access is by a staircase located inside the  
19 restaurant; and

20           (5) the restaurant has held a license authorizing the  
21 sale of alcoholic liquor on the premises for more than 40  
22 years.

23           (s) Notwithstanding any provision of this Section to the  
24 contrary, nothing in this Section shall prohibit renewal of a  
25 license authorizing the sale of alcoholic liquor at a premises  
26 that is located within a municipality with a population more



1 than 5,000 and less than 10,000 and is within 100 feet of a  
2 church if:

3 (1) the church was established at the location within  
4 100 feet of the premises after a license for the sale of  
5 alcoholic liquor at the premises was first issued;

6 (2) a license for sale of alcoholic liquor at the  
7 premises was first issued before January 1, 2007; and

8 (3) a license for the sale of alcoholic liquor on the  
9 premises has been continuously in effect since January 1,  
10 2007, except for interruptions between licenses of no more  
11 than 90 days.

12 (t) Notwithstanding any provision of this Section to the  
13 contrary, nothing in this Section shall prohibit the issuance  
14 or renewal of a license authorizing the sale of alcoholic  
15 liquor incidental to the sale of food within a restaurant that  
16 is established in a premises that is located in a municipality  
17 with a population in excess of 1,000,000 inhabitants and within  
18 100 feet of a school and a church if:

19 (1) the restaurant is located inside a five-story  
20 building with over 16,800 square feet of commercial space;

21 (2) the area of the premises does not exceed 31,050  
22 square feet;

23 (3) the area of the restaurant does not exceed 5,800  
24 square feet;

25 (4) the building has no less than 78 condominium units;

26 (5) the construction of the building in which the

1 restaurant is located was completed in 2006;

2 (6) the building has 10 storefront properties, 3 of  
3 which are used for the restaurant;

4 (7) the restaurant will open for business in 2010;

5 (8) the building is north of the school and separated  
6 by an alley; and

7 (9) the principal religious leader of the church and  
8 either the alderman of the ward in which the school is  
9 located or the principal of the school have delivered a  
10 written statement to the local liquor control commissioner  
11 stating that he or she does not object to the issuance of a  
12 license under this subsection (t).

13 (u) Notwithstanding any provision in this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a license to sell alcoholic liquor at a premises  
16 that is located within a municipality with a population in  
17 excess of 1,000,000 inhabitants and within 100 feet of a school  
18 if:

19 (1) the premises operates as a restaurant and has been  
20 in operation since February 2008;

21 (2) the applicant is the owner of the premises;

22 (3) the sale of alcoholic liquor is incidental to the  
23 sale of food;

24 (4) the sale of alcoholic liquor is not the principal  
25 business carried on by the licensee on the premises;

26 (5) the premises occupy the first floor of a 3-story

1 building that is at least 90 years old;

2 (6) the rear lot of the school and the rear corner of  
3 the building that the premises occupy are separated by an  
4 alley;

5 (7) the distance from the southwest corner of the  
6 property line of the school and the northeast corner of the  
7 building that the premises occupy is at least 16 feet, 5  
8 inches;

9 (8) the distance from the rear door of the premises to  
10 the southwest corner of the property line of the school is  
11 at least 93 feet;

12 (9) the school is a City of Chicago School District 299  
13 school;

14 (10) the school's main structure was erected in 1902  
15 and an addition was built to the main structure in 1959;  
16 and

17 (11) the principal of the school and the alderman in  
18 whose district the premises are located have expressed, in  
19 writing, their support for the issuance of the license.

20 (v) Notwithstanding any provision in this Section to the  
21 contrary, nothing in this Section shall prohibit the issuance  
22 or renewal of a license authorizing the sale of alcoholic  
23 liquor at a premises that is located within a municipality with  
24 a population in excess of 1,000,000 inhabitants and is within  
25 100 feet of a school if:

26 (1) the total land area of the premises for which the

1 license or renewal is sought is more than 600,000 square  
2 feet;

3 (2) the premises for which the license or renewal is  
4 sought has more than 600 parking stalls;

5 (3) the total area of all buildings on the premises for  
6 which the license or renewal is sought exceeds 140,000  
7 square feet;

8 (4) the property line of the premises for which the  
9 license or renewal is sought is separated from the property  
10 line of the school by a street;

11 (5) the distance from the school's property line to the  
12 property line of the premises for which the license or  
13 renewal is sought is at least 60 feet;

14 (6) as of June 14, 2011 (the effective date of Public  
15 Act 97-9), the premises for which the license or renewal is  
16 sought is located in the Illinois Medical District.

17 (w) Notwithstanding any provision in this Section to the  
18 contrary, nothing in this Section shall prohibit the issuance  
19 or renewal of a license to sell alcoholic liquor at a premises  
20 that is located within a municipality with a population in  
21 excess of 1,000,000 inhabitants and within 100 feet of a church  
22 if:

23 (1) the sale of alcoholic liquor at the premises is  
24 incidental to the sale of food;

25 (2) the sale of alcoholic liquor is not the principal  
26 business carried on by the licensee at the premises;

1           (3) the premises occupy the first floor and basement of  
2           a 2-story building that is 106 years old;

3           (4) the premises is at least 7,000 square feet and  
4           located on a lot that is at least 11,000 square feet;

5           (5) the premises is located directly west of the  
6           church, on perpendicular streets, and separated by an  
7           alley;

8           (6) the distance between the property line of the  
9           premises and the property line of the church is at least 20  
10          feet;

11          (7) the distance between the primary entrance of the  
12          premises and the primary entrance of the church is at least  
13          130 feet; and

14          (8) the church has been at its location for at least 40  
15          years.

16          (x) Notwithstanding any provision of this Section to the  
17          contrary, nothing in this Section shall prohibit the issuance  
18          or renewal of a license authorizing the sale of alcoholic  
19          liquor at a premises that is located within a municipality with  
20          a population in excess of 1,000,000 inhabitants and within 100  
21          feet of a church if:

22                 (1) the sale of alcoholic liquor is not the principal  
23                 business carried on by the licensee at the premises;

24                 (2) the church has been operating in its current  
25                 location since 1973;

26                 (3) the premises has been operating in its current

1 location since 1988;

2 (4) the church and the premises are owned by the same  
3 parish;

4 (5) the premises is used for cultural and educational  
5 purposes;

6 (6) the primary entrance to the premises and the  
7 primary entrance to the church are located on the same  
8 street;

9 (7) the principal religious leader of the church has  
10 indicated his support of the issuance of the license;

11 (8) the premises is a 2-story building of approximately  
12 23,000 square feet; and

13 (9) the premises houses a ballroom on its ground floor  
14 of approximately 5,000 square feet.

15 (y) Notwithstanding any provision of this Section to the  
16 contrary, nothing in this Section shall prohibit the issuance  
17 or renewal of a license authorizing the sale of alcoholic  
18 liquor at a premises that is located within a municipality with  
19 a population in excess of 1,000,000 inhabitants and within 100  
20 feet of a school if:

21 (1) the sale of alcoholic liquor is not the principal  
22 business carried on by the licensee at the premises;

23 (2) the sale of alcoholic liquor at the premises is  
24 incidental to the sale of food;

25 (3) according to the municipality, the distance  
26 between the east property line of the premises and the west

1 property line of the school is 97.8 feet;

2 (4) the school is a City of Chicago School District 299  
3 school;

4 (5) the school has been operating since 1959;

5 (6) the primary entrance to the premises and the  
6 primary entrance to the school are located on the same  
7 street;

8 (7) the street on which the entrances of the premises  
9 and the school are located is a major diagonal  
10 thoroughfare;

11 (8) the premises is a single-story building of  
12 approximately 2,900 square feet; and

13 (9) the premises is used for commercial purposes only.

14 (z) Notwithstanding any provision of this Section to the  
15 contrary, nothing in this Section shall prohibit the issuance  
16 or renewal of a license authorizing the sale of alcoholic  
17 liquor at a premises that is located within a municipality with  
18 a population in excess of 1,000,000 inhabitants and within 100  
19 feet of a mosque if:

20 (1) the sale of alcoholic liquor is not the principal  
21 business carried on by the licensee at the premises;

22 (2) the licensee shall only sell packaged liquors at  
23 the premises;

24 (3) the licensee is a national retail chain having over  
25 100 locations within the municipality;

26 (4) the licensee has over 8,000 locations nationwide;

1 (5) the licensee has locations in all 50 states;

2 (6) the premises is located in the North-East quadrant  
3 of the municipality;

4 (7) the premises is a free-standing building that has  
5 "drive-through" pharmacy service;

6 (8) the premises has approximately 14,490 square feet  
7 of retail space;

8 (9) the premises has approximately 799 square feet of  
9 pharmacy space;

10 (10) the premises is located on a major arterial street  
11 that runs east-west and accepts truck traffic; and

12 (11) the alderman of the ward in which the premises is  
13 located has expressed, in writing, his or her support for  
14 the issuance of the license.

15 (aa) Notwithstanding any provision of this Section to the  
16 contrary, nothing in this Section shall prohibit the issuance  
17 or renewal of a license authorizing the sale of alcoholic  
18 liquor at a premises that is located within a municipality with  
19 a population in excess of 1,000,000 inhabitants and within 100  
20 feet of a church if:

21 (1) the sale of alcoholic liquor is not the principal  
22 business carried on by the licensee at the premises;

23 (2) the licensee shall only sell packaged liquors at  
24 the premises;

25 (3) the licensee is a national retail chain having over  
26 100 locations within the municipality;



1 (4) the licensee has over 8,000 locations nationwide;

2 (5) the licensee has locations in all 50 states;

3 (6) the premises is located in the North-East quadrant  
4 of the municipality;

5 (7) the premises is located across the street from a  
6 national grocery chain outlet;

7 (8) the premises has approximately 16,148 square feet  
8 of retail space;

9 (9) the premises has approximately 992 square feet of  
10 pharmacy space;

11 (10) the premises is located on a major arterial street  
12 that runs north-south and accepts truck traffic; and

13 (11) the alderman of the ward in which the premises is  
14 located has expressed, in writing, his or her support for  
15 the issuance of the license.

16 (bb) Notwithstanding any provision of this Section to the  
17 contrary, nothing in this Section shall prohibit the issuance  
18 or renewal of a license authorizing the sale of alcoholic  
19 liquor at a premises that is located within a municipality with  
20 a population in excess of 1,000,000 inhabitants and within 100  
21 feet of a church if:

22 (1) the sale of alcoholic liquor is not the principal  
23 business carried on by the licensee at the premises;

24 (2) the sale of alcoholic liquor at the premises is  
25 incidental to the sale of food;

26 (3) the primary entrance to the premises and the

1 primary entrance to the church are located on the same  
2 street;

3 (4) the premises is across the street from the church;

4 (5) the street on which the premises and the church are  
5 located is a major arterial street that runs east-west;

6 (6) the church is an elder-led and Bible-based Assyrian  
7 church;

8 (7) the premises and the church are both single-story  
9 buildings;

10 (8) the storefront directly west of the church is being  
11 used as a restaurant; and

12 (9) the distance between the northern-most property  
13 line of the premises and the southern-most property line of  
14 the church is 65 feet.

15 (cc) Notwithstanding any provision of this Section to the  
16 contrary, nothing in this Section shall prohibit the issuance  
17 or renewal of a license authorizing the sale of alcoholic  
18 liquor at a premises that is located within a municipality with  
19 a population in excess of 1,000,000 inhabitants and within 100  
20 feet of a school if:

21 (1) the sale of alcoholic liquor is not the principal  
22 business carried on by the licensee at the premises;

23 (2) the licensee shall only sell packaged liquors at  
24 the premises;

25 (3) the licensee is a national retail chain;

26 (4) as of October 25, 2011, the licensee has 1,767

1 stores operating nationwide, 87 stores operating in the  
2 State, and 10 stores operating within the municipality;

3 (5) the licensee shall occupy approximately 124,000  
4 square feet of space in the basement and first and second  
5 floors of a building located across the street from a  
6 school;

7 (6) the school opened in August of 2009 and occupies  
8 approximately 67,000 square feet of space; and

9 (7) the building in which the premises shall be located  
10 has been listed on the National Register of Historic Places  
11 since April 17, 1970.

12 (dd) Notwithstanding any provision in this Section to the  
13 contrary, nothing in this Section shall prohibit the issuance  
14 or renewal of a license authorizing the sale of alcoholic  
15 liquor within a full-service grocery store at a premises that  
16 is located within a municipality with a population in excess of  
17 1,000,000 inhabitants and is within 100 feet of a school if:

18 (1) the premises is constructed on land that was  
19 purchased from the municipality at a fair market price;

20 (2) the premises is constructed on land that was  
21 previously used as a parking facility for public safety  
22 employees;

23 (3) the sale of alcoholic liquor is not the principal  
24 business carried on by the licensee at the premises;

25 (4) the main entrance to the store is more than 100  
26 feet from the main entrance to the school;

1 (5) the premises is to be new construction;

2 (6) the school is a private school;

3 (7) the principal of the school has given written  
4 approval for the license;

5 (8) the alderman of the ward where the premises is  
6 located has given written approval of the issuance of the  
7 license;

8 (9) the grocery store level of the premises is between  
9 60,000 and 70,000 square feet; and

10 (10) the owner and operator of the grocery store  
11 operates 2 other grocery stores that have alcoholic liquor  
12 licenses within the same municipality.

13 (ee) Notwithstanding any provision in this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a license authorizing the sale of alcoholic  
16 liquor within a full-service grocery store at a premises that  
17 is located within a municipality with a population in excess of  
18 1,000,000 inhabitants and is within 100 feet of a school if:

19 (1) the premises is constructed on land that once  
20 contained an industrial steel facility;

21 (2) the premises is located on land that has undergone  
22 environmental remediation;

23 (3) the premises is located within a retail complex  
24 containing retail stores where some of the stores sell  
25 alcoholic beverages;

26 (4) the principal activity of any restaurant in the

1 retail complex is the sale of food, and the sale of  
2 alcoholic liquor is incidental to the sale of food;

3 (5) the sale of alcoholic liquor is not the principal  
4 business carried on by the grocery store;

5 (6) the entrance to any business that sells alcoholic  
6 liquor is more than 100 feet from the entrance to the  
7 school;

8 (7) the alderman of the ward where the premises is  
9 located has given written approval of the issuance of the  
10 license; and

11 (8) the principal of the school has given written  
12 consent to the issuance of the license.

13 (ff) Notwithstanding any provision of this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a license authorizing the sale of alcoholic  
16 liquor at a premises that is located within a municipality with  
17 a population in excess of 1,000,000 inhabitants and within 100  
18 feet of a school if:

19 (1) the sale of alcoholic liquor is not the principal  
20 business carried on at the premises;

21 (2) the sale of alcoholic liquor at the premises is  
22 incidental to the operation of a theater;

23 (3) the premises is a one and one-half-story building  
24 of approximately 10,000 square feet;

25 (4) the school is a City of Chicago School District 299  
26 school;

1           (5) the primary entrance of the premises and the  
2 primary entrance of the school are at least 300 feet apart  
3 and no more than 400 feet apart;

4           (6) the alderman of the ward in which the premises is  
5 located has expressed, in writing, his support for the  
6 issuance of the license; and

7           (7) the principal of the school has expressed, in  
8 writing, that there is no objection to the issuance of a  
9 license under this subsection (ff).

10          (gg) Notwithstanding any provision of this Section to the  
11 contrary, nothing in this Section shall prohibit the issuance  
12 or renewal of a license authorizing the sale of alcoholic  
13 liquor incidental to the sale of food within a restaurant or  
14 banquet facility established in a premises that is located in a  
15 municipality with a population in excess of 1,000,000  
16 inhabitants and within 100 feet of a church if:

17           (1) the sale of alcoholic liquor is not the principal  
18 business carried on by the licensee at the premises;

19           (2) the property on which the church is located and the  
20 property on which the premises are located are both within  
21 a district originally listed on the National Register of  
22 Historic Places on February 14, 1979;

23           (3) the property on which the premises are located  
24 contains one or more multi-story buildings that are at  
25 least 95 years old and have no more than three stories;

26           (4) the building in which the church is located is at

1 least 120 years old;

2 (5) the property on which the church is located is  
3 immediately adjacent to and west of the property on which  
4 the premises are located;

5 (6) the western boundary of the property on which the  
6 premises are located is no less than 118 feet in length and  
7 no more than 122 feet in length;

8 (7) as of December 31, 2012, both the church property  
9 and the property on which the premises are located are  
10 within 250 feet of City of Chicago Business-Residential  
11 Planned Development Number 38;

12 (8) the principal religious leader at the place of  
13 worship has indicated his or her support for the issuance  
14 of the license in writing; and

15 (9) the alderman in whose district the premises are  
16 located has expressed his or her support for the issuance  
17 of the license in writing.

18 For the purposes of this subsection, "banquet facility"  
19 means the part of the building that is located on the floor  
20 above a restaurant and caters to private parties and where the  
21 sale of alcoholic liquors is not the principal business.

22 (hh) Notwithstanding any provision of this Section to the  
23 contrary, nothing in this Section shall prohibit the issuance  
24 or renewal of a license authorizing the sale of alcoholic  
25 liquor within a hotel and at an outdoor patio area attached to  
26 the hotel that are located in a municipality with a population

1 in excess of 1,000,000 inhabitants and that are within 100 feet  
2 of a hospital if:

3 (1) the sale of alcoholic liquor is not the principal  
4 business carried on by the licensee at the hotel;

5 (2) the hotel is located within the City of Chicago  
6 Business Planned Development Number 468; and

7 (3) the hospital is located within the City of Chicago  
8 Institutional Planned Development Number 3.

9 (ii) Notwithstanding any provision of this Section to the  
10 contrary, nothing in this Section shall prohibit the issuance  
11 or renewal of a license authorizing the sale of alcoholic  
12 liquor within a restaurant and at an outdoor patio area  
13 attached to the restaurant that are located in a municipality  
14 with a population in excess of 1,000,000 inhabitants and that  
15 are within 100 feet of a church if:

16 (1) the sale of alcoholic liquor at the premises is not  
17 the principal business carried on by the licensee and is  
18 incidental to the sale of food;

19 (2) the restaurant has been operated on the street  
20 level of a 2-story building located on a corner lot since  
21 2008;

22 (3) the restaurant is between 3,700 and 4,000 square  
23 feet and sits on a lot that is no more than 6,200 square  
24 feet;

25 (4) the primary entrance to the restaurant and the  
26 primary entrance to the church are located on the same



1 street;

2 (5) the street on which the restaurant and the church  
3 are located is a major east-west street;

4 (6) the restaurant and the church are separated by a  
5 one-way northbound street;

6 (7) the church is located to the west of and no more  
7 than 65 feet from the restaurant; and

8 (8) the principal religious leader at the place of  
9 worship has indicated his or her consent to the issuance of  
10 the license in writing.

11 (jj) Notwithstanding any provision of this Section to the  
12 contrary, nothing in this Section shall prohibit the issuance  
13 or renewal of a license authorizing the sale of alcoholic  
14 liquor at premises located within a municipality with a  
15 population in excess of 1,000,000 inhabitants and within 100  
16 feet of a church if:

17 (1) the sale of alcoholic liquor is not the principal  
18 business carried on by the licensee at the premises;

19 (2) the sale of alcoholic liquor is incidental to the  
20 sale of food;

21 (3) the premises are located east of the church, on  
22 perpendicular streets, and separated by an alley;

23 (4) the distance between the primary entrance of the  
24 premises and the primary entrance of the church is at least  
25 175 feet;

26 (5) the distance between the property line of the

1 premises and the property line of the church is at least 40  
2 feet;

3 (6) the licensee has been operating at the premises  
4 since 2012;

5 (7) the church was constructed in 1904;

6 (8) the alderman of the ward in which the premises is  
7 located has expressed, in writing, his or her support for  
8 the issuance of the license; and

9 (9) the principal religious leader of the church has  
10 delivered a written statement that he or she does not  
11 object to the issuance of a license under this subsection  
12 (jj).

13 (kk) Notwithstanding any provision of this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a license authorizing the sale of alcoholic  
16 liquor at a premises that is located within a municipality with  
17 a population in excess of 1,000,000 inhabitants and within 100  
18 feet of a school if:

19 (1) the sale of alcoholic liquor is not the principal  
20 business carried on by the licensee at the premises;

21 (2) the licensee shall only sell packaged liquors on  
22 the premises;

23 (3) the licensee is a national retail chain;

24 (4) as of February 27, 2013, the licensee had 1,778  
25 stores operating nationwide, 89 operating in this State,  
26 and 11 stores operating within the municipality;

1           (5) the licensee shall occupy approximately 169,048  
2 square feet of space within a building that is located  
3 across the street from a tuition-based preschool; and

4           (6) the alderman of the ward in which the premises is  
5 located has expressed, in writing, his or her support for  
6 the issuance of the license.

7           (11) Notwithstanding any provision of this Section to the  
8 contrary, nothing in this Section shall prohibit the issuance  
9 or renewal of a license authorizing the sale of alcoholic  
10 liquor at a premises that is located within a municipality with  
11 a population in excess of 1,000,000 inhabitants and within 100  
12 feet of a school if:

13           (1) the sale of alcoholic liquor is not the principal  
14 business carried on by the licensee at the premises;

15           (2) the licensee shall only sell packaged liquors on  
16 the premises;

17           (3) the licensee is a national retail chain;

18           (4) as of February 27, 2013, the licensee had 1,778  
19 stores operating nationwide, 89 operating in this State,  
20 and 11 stores operating within the municipality;

21           (5) the licensee shall occupy approximately 191,535  
22 square feet of space within a building that is located  
23 across the street from an elementary school; and

24           (6) the alderman of the ward in which the premises is  
25 located has expressed, in writing, his or her support for  
26 the issuance of the license.

1 (mm) Notwithstanding any provision of this Section to the  
2 contrary, nothing in this Section shall prohibit the issuance  
3 or renewal of a license authorizing the sale of alcoholic  
4 liquor within premises and at an outdoor patio or sidewalk  
5 cafe, or both, attached to premises that are located in a  
6 municipality with a population in excess of 1,000,000  
7 inhabitants and that are within 100 feet of a hospital if:

8 (1) the primary business of the restaurant consists of  
9 the sale of food where the sale of liquor is incidental to  
10 the sale of food;

11 (2) as a restaurant, the premises may or may not offer  
12 catering as an incidental part of food service;

13 (3) the primary business of the restaurant is conducted  
14 in space owned by a hospital or an entity owned or  
15 controlled by, under common control with, or that controls  
16 a hospital, and the chief hospital administrator has  
17 expressed his or her support for the issuance of the  
18 license in writing; and

19 (4) the hospital is an adult acute care facility  
20 primarily located within the City of Chicago Institutional  
21 Planned Development Number 3.

22 (nn) Notwithstanding any provision of this Section to the  
23 contrary, nothing in this Section shall prohibit the issuance  
24 or renewal of a license authorizing the sale of alcoholic  
25 liquor at a premises that is located within a municipality with  
26 a population in excess of 1,000,000 inhabitants and within 100

1 feet of a church if:

2 (1) the sale of alcoholic liquor is not the principal  
3 business carried out on the premises;

4 (2) the sale of alcoholic liquor at the premises is  
5 incidental to the operation of a theater;

6 (3) the premises are a building that was constructed in  
7 1913 and opened on May 24, 1915 as a vaudeville theater,  
8 and the premises were converted to a motion picture theater  
9 in 1935;

10 (4) the church was constructed in 1889 with a stone  
11 exterior;

12 (5) the primary entrance of the premises and the  
13 primary entrance of the church are at least 100 feet apart;

14 (6) the principal religious leader at the place of  
15 worship has indicated his or her consent to the issuance of  
16 the license in writing; and

17 (7) the alderman in whose ward the premises are located  
18 has expressed his or her support for the issuance of the  
19 license in writing.

20 (oo) Notwithstanding any provision of this Section to the  
21 contrary, nothing in this Section shall prohibit the issuance  
22 or renewal of a license authorizing the sale of alcoholic  
23 liquor at a premises that is located within a municipality with  
24 a population in excess of 1,000,000 inhabitants and within 100  
25 feet of a mosque, church, or other place of worship if:

26 (1) the primary entrance of the premises and the

1 primary entrance of the mosque, church, or other place of  
2 worship are perpendicular and are on different streets;

3 (2) the primary entrance to the premises faces West and  
4 the primary entrance to the mosque, church, or other place  
5 of worship faces South;

6 (3) the distance between the 2 primary entrances is at  
7 least 100 feet;

8 (4) the mosque, church, or other place of worship was  
9 established in a location within 100 feet of the premises  
10 after a license for the sale of alcohol at the premises was  
11 first issued;

12 (5) the mosque, church, or other place of worship was  
13 established on or around January 1, 2011;

14 (6) a license for the sale of alcohol at the premises  
15 was first issued on or before January 1, 1985;

16 (7) a license for the sale of alcohol at the premises  
17 has been continuously in effect since January 1, 1985,  
18 except for interruptions between licenses of no more than  
19 90 days; and

20 (8) the premises are a single-story, single-use  
21 building of at least 3,000 square feet and no more than  
22 3,380 square feet.

23 (pp) Notwithstanding any provision of this Section to the  
24 contrary, nothing in this Section shall prohibit the issuance  
25 or renewal of a license authorizing the sale of alcoholic  
26 liquor incidental to the sale of food within a restaurant or

1 banquet facility established on premises that are located in a  
2 municipality with a population in excess of 1,000,000  
3 inhabitants and within 100 feet of at least one church if:

4 (1) the sale of liquor shall not be the principal  
5 business carried on by the licensee at the premises;

6 (2) the premises are at least 2,000 square feet and no  
7 more than 10,000 square feet and is located in a  
8 single-story building;

9 (3) the property on which the premises are located is  
10 within an area that, as of 2009, was designated as a  
11 Renewal Community by the United States Department of  
12 Housing and Urban Development;

13 (4) the property on which the premises are located and  
14 the properties on which the churches are located are on the  
15 same street;

16 (5) the property on which the premises are located is  
17 immediately adjacent to and east of the property on which  
18 at least one of the churches is located;

19 (6) the property on which the premises are located is  
20 across the street and southwest of the property on which  
21 another church is located;

22 (7) the principal religious leaders of the churches  
23 have indicated their support for the issuance of the  
24 license in writing; and

25 (8) the alderman in whose ward the premises are located  
26 has expressed his or her support for the issuance of the

1 license in writing.

2 For purposes of this subsection (pp), "banquet facility"  
3 means the part of the building that caters to private parties  
4 and where the sale of alcoholic liquors is not the principal  
5 business.

6 (qq) Notwithstanding any provision of this Section to the  
7 contrary, nothing in this Section shall prohibit the issuance  
8 or renewal of a license authorizing the sale of alcoholic  
9 liquor on premises that are located within a municipality with  
10 a population in excess of 1,000,000 inhabitants and within 100  
11 feet of a church or school if:

12 (1) the primary entrance of the premises and the  
13 closest entrance of the church or school are at least 200  
14 feet apart and no greater than 300 feet apart;

15 (2) the shortest distance between the premises and the  
16 church or school is at least 66 feet apart and no greater  
17 than 81 feet apart;

18 (3) the premises are a single-story, steel-framed  
19 commercial building with at least 18,042 square feet, and  
20 was constructed in 1925 and 1997;

21 (4) the owner of the business operated within the  
22 premises has been the general manager of a similar  
23 supermarket within one mile from the premises, which has  
24 had a valid license authorizing the sale of alcoholic  
25 liquor since 2002, and is in good standing with the City of  
26 Chicago;



1           (5) the principal religious leader at the place of  
2           worship has indicated his or her support to the issuance or  
3           renewal of the license in writing;

4           (6) the alderman of the ward has indicated his or her  
5           support to the issuance or renewal of the license in  
6           writing; and

7           (7) the principal of the school has indicated his or  
8           her support to the issuance or renewal of the license in  
9           writing.

10          (rr) Notwithstanding any provision of this Section to the  
11          contrary, nothing in this Section shall prohibit the issuance  
12          or renewal of a license authorizing the sale of alcoholic  
13          liquor at premises located within a municipality with a  
14          population in excess of 1,000,000 inhabitants and within 100  
15          feet of a club that leases space to a school if:

16                 (1) the sale of alcoholic liquor is not the principal  
17                 business carried out on the premises;

18                 (2) the sale of alcoholic liquor at the premises is  
19                 incidental to the operation of a grocery store;

20                 (3) the premises are a building of approximately 1,750  
21                 square feet and is rented by the owners of the grocery  
22                 store from a family member;

23                 (4) the property line of the premises is approximately  
24                 68 feet from the property line of the club;

25                 (5) the primary entrance of the premises and the  
26                 primary entrance of the club where the school leases space

1 are at least 100 feet apart;

2 (6) the director of the club renting space to the  
3 school has indicated his or her consent to the issuance of  
4 the license in writing; and

5 (7) the alderman in whose district the premises are  
6 located has expressed his or her support for the issuance  
7 of the license in writing.

8 (ss) Notwithstanding any provision of this Section to the  
9 contrary, nothing in this Section shall prohibit the issuance  
10 or renewal of a license authorizing the sale of alcoholic  
11 liquor at premises located within a municipality with a  
12 population in excess of 1,000,000 inhabitants and within 100  
13 feet of a church if:

14 (1) the premises are located within a 15 unit building  
15 with 13 residential apartments and 2 commercial spaces, and  
16 the licensee will occupy both commercial spaces;

17 (2) a restaurant has been operated on the premises  
18 since June 2011;

19 (3) the restaurant currently occupies 1,075 square  
20 feet, but will be expanding to include 975 additional  
21 square feet;

22 (4) the sale of alcoholic liquor is not the principal  
23 business carried on by the licensee at the premises;

24 (5) the premises are located south of the church and on  
25 the same street and are separated by a one-way westbound  
26 street;

1           (6) the primary entrance of the premises is at least 93  
2 feet from the primary entrance of the church;

3           (7) the shortest distance between any part of the  
4 premises and any part of the church is at least 72 feet;

5           (8) the building in which the restaurant is located was  
6 built in 1910;

7           (9) the alderman of the ward in which the premises are  
8 located has expressed, in writing, his or her support for  
9 the issuance of the license; and

10           (10) the principal religious leader of the church has  
11 delivered a written statement that he or she does not  
12 object to the issuance of a license under this subsection  
13 (ss).

14           (tt) Notwithstanding any provision of this Section to the  
15 contrary, nothing in this Section shall prohibit the issuance  
16 or renewal of a license authorizing the sale of alcoholic  
17 liquor at premises located within a municipality with a  
18 population in excess of 1,000,000 inhabitants and within 100  
19 feet of a church if:

20           (1) the sale of alcoholic liquor is not the principal  
21 business carried on by the licensee at the premises;

22           (2) the sale of alcoholic liquor is incidental to the  
23 sale of food;

24           (3) the sale of alcoholic liquor at the premises was  
25 previously authorized by a package goods liquor license;

26           (4) the premises are at least 40,000 square feet with

1           25 parking spaces in the contiguous surface lot to the  
2 north of the store and 93 parking spaces on the roof;

3           (5) the shortest distance between the lot line of the  
4 parking lot of the premises and the exterior wall of the  
5 church is at least 80 feet;

6           (6) the distance between the building in which the  
7 church is located and the building in which the premises  
8 are located is at least 180 feet;

9           (7) the main entrance to the church faces west and is  
10 at least 257 feet from the main entrance of the premises;  
11 and

12           (8) the applicant is the owner of 10 similar grocery  
13 stores within the City of Chicago and the surrounding area  
14 and has been in business for more than 30 years.

15           (uu) Notwithstanding any provision of this Section to the  
16 contrary, nothing in this Section shall prohibit the issuance  
17 or renewal of a license authorizing the sale of alcoholic  
18 liquor at premises located within a municipality with a  
19 population in excess of 1,000,000 inhabitants and within 100  
20 feet of a church if:

21           (1) the sale of alcoholic liquor is not the principal  
22 business carried on by the licensee at the premises;

23           (2) the sale of alcoholic liquor is incidental to the  
24 operation of a grocery store;

25           (3) the premises are located in a building that is  
26 approximately 68,000 square feet with 157 parking spaces on

1 property that was previously vacant land;

2 (4) the main entrance to the church faces west and is  
3 at least 500 feet from the entrance of the premises, which  
4 faces north;

5 (5) the church and the premises are separated by an  
6 alley;

7 (6) the applicant is the owner of 9 similar grocery  
8 stores in the City of Chicago and the surrounding area and  
9 has been in business for more than 40 years; and

10 (7) the alderman of the ward in which the premises are  
11 located has expressed, in writing, his or her support for  
12 the issuance of the license.

13 (vv) Notwithstanding any provision of this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a license authorizing the sale of alcoholic  
16 liquor at premises located within a municipality with a  
17 population in excess of 1,000,000 inhabitants and within 100  
18 feet of a church if:

19 (1) the sale of alcoholic liquor is the principal  
20 business carried on by the licensee at the premises;

21 (2) the sale of alcoholic liquor is primary to the sale  
22 of food;

23 (3) the premises are located south of the church and on  
24 perpendicular streets and are separated by a driveway;

25 (4) the primary entrance of the premises is at least  
26 100 feet from the primary entrance of the church;

1           (5) the shortest distance between any part of the  
2 premises and any part of the church is at least 15 feet;

3           (6) the premises are less than 100 feet from the church  
4 center, but greater than 100 feet from the area within the  
5 building where church services are held;

6           (7) the premises are 25,830 square feet and sit on a  
7 lot that is 0.48 acres;

8           (8) the premises were once designated as a Korean  
9 American Presbyterian Church and were once used as a  
10 Masonic Temple;

11           (9) the premises were built in 1910;

12           (10) the alderman of the ward in which the premises are  
13 located has expressed, in writing, his or her support for  
14 the issuance of the license; and

15           (11) the principal religious leader of the church has  
16 delivered a written statement that he or she does not  
17 object to the issuance of a license under this subsection  
18 (vv).

19           For the purposes of this subsection (vv), "premises" means  
20 a place of business together with a privately owned outdoor  
21 location that is adjacent to the place of business.

22           (wv) Notwithstanding any provision of this Section to the  
23 contrary, nothing in this Section shall prohibit the issuance  
24 or renewal of a license authorizing the sale of alcoholic  
25 liquor at premises located within a municipality with a  
26 population in excess of 1,000,000 inhabitants and within 100

1 feet of a school if:

2 (1) the school is located within Sub Area III of City  
3 of Chicago Residential-Business Planned Development Number  
4 523, as amended; and

5 (2) the premises are located within Sub Area I, Sub  
6 Area II, or Sub Area IV of City of Chicago  
7 Residential-Business Planned Development Number 523, as  
8 amended.

9 (xx) Notwithstanding any provision of this Section to the  
10 contrary, nothing in this Section shall prohibit the issuance  
11 or renewal of a license authorizing the sale of alcoholic  
12 liquor at premises located within a municipality with a  
13 population in excess of 1,000,000 inhabitants and within 100  
14 feet of a church if:

15 (1) the sale of wine or wine-related products is the  
16 exclusive business carried on by the licensee at the  
17 premises;

18 (2) the primary entrance of the premises and the  
19 primary entrance of the church are at least 100 feet apart  
20 and are located on different streets;

21 (3) the building in which the premises are located and  
22 the building in which the church is located are separated  
23 by an alley;

24 (4) the premises consists of less than 2,000 square  
25 feet of floor area dedicated to the sale of wine or  
26 wine-related products;

1           (5) the premises are located on the first floor of a  
2           2-story building that is at least 99 years old and has a  
3           residential unit on the second floor; and

4           (6) the principal religious leader at the church has  
5           indicated his or her support for the issuance or renewal of  
6           the license in writing.

7           (yy) Notwithstanding any provision of this Section to the  
8           contrary, nothing in this Section shall prohibit the issuance  
9           or renewal of a license authorizing the sale of alcoholic  
10          liquor at premises located within a municipality with a  
11          population in excess of 1,000,000 inhabitants and within 100  
12          feet of a church if:

13           (1) the premises are a 27-story hotel containing 191  
14          guest rooms;

15           (2) the sale of alcoholic liquor is not the principal  
16          business carried on by the licensee at the premises and is  
17          limited to a restaurant located on the first floor of the  
18          hotel;

19           (3) the hotel is adjacent to the church;

20           (4) the site is zoned as DX-16;

21           (5) the principal religious leader of the church has  
22          delivered a written statement that he or she does not  
23          object to the issuance of a license under this subsection  
24          (yy); and

25           (6) the alderman of the ward in which the premises are  
26          located has expressed, in writing, his or her support for



1 the issuance of the license.

2 (zz) Notwithstanding any provision of this Section to the  
3 contrary, nothing in this Section shall prohibit the issuance  
4 or renewal of a license authorizing the sale of alcoholic  
5 liquor at premises located within a municipality with a  
6 population in excess of 1,000,000 inhabitants and within 100  
7 feet of a church if:

8 (1) the premises are a 15-story hotel containing 143  
9 guest rooms;

10 (2) the premises are approximately 85,691 square feet;

11 (3) a restaurant is operated on the premises;

12 (4) the restaurant is located in the first floor lobby  
13 of the hotel;

14 (5) the sale of alcoholic liquor is not the principal  
15 business carried on by the licensee at the premises;

16 (6) the hotel is located approximately 50 feet from the  
17 church and is separated from the church by a public street  
18 on the ground level and by air space on the upper level,  
19 which is where the public entrances are located;

20 (7) the site is zoned as DX-16;

21 (8) the principal religious leader of the church has  
22 delivered a written statement that he or she does not  
23 object to the issuance of a license under this subsection  
24 (zz); and

25 (9) the alderman of the ward in which the premises are  
26 located has expressed, in writing, his or her support for

1 the issuance of the license.

2 (aaa) Notwithstanding any provision in this Section to the  
3 contrary, nothing in this Section shall prohibit the issuance  
4 or renewal of a license authorizing the sale of alcoholic  
5 liquor within a full-service grocery store at premises located  
6 within a municipality with a population in excess of 1,000,000  
7 inhabitants and within 100 feet of a school if:

8 (1) the sale of alcoholic liquor is not the primary  
9 business activity of the grocery store;

10 (2) the premises are newly constructed on land that was  
11 formerly used by the Young Men's Christian Association;

12 (3) the grocery store is located within a planned  
13 development that was approved by the municipality in 2007;

14 (4) the premises are located in a multi-building,  
15 mixed-use complex;

16 (5) the entrance to the grocery store is located more  
17 than 200 feet from the entrance to the school;

18 (6) the entrance to the grocery store is located across  
19 the street from the back of the school building, which is  
20 not used for student or public access;

21 (7) the grocery store executed a binding lease for the  
22 property in 2008;

23 (8) the premises consist of 2 levels and occupy more  
24 than 80,000 square feet;

25 (9) the owner and operator of the grocery store  
26 operates at least 10 other grocery stores that have

1 alcoholic liquor licenses within the same municipality;  
2 and

3 (10) the director of the school has expressed, in  
4 writing, his or her support for the issuance of the  
5 license.

6 (bbb) Notwithstanding any provision of this Section to the  
7 contrary, nothing in this Section shall prohibit the issuance  
8 or renewal of a license authorizing the sale of alcoholic  
9 liquor at premises located within a municipality with a  
10 population in excess of 1,000,000 inhabitants and within 100  
11 feet of a church if:

12 (1) the sale of alcoholic liquor at the premises is  
13 incidental to the sale of food;

14 (2) the premises are located in a single-story building  
15 of primarily brick construction containing at least 6  
16 commercial units constructed before 1940;

17 (3) the premises are located in a B3-2 zoning district;

18 (4) the premises are less than 4,000 square feet;

19 (5) the church established its congregation in 1891 and  
20 completed construction of the church building in 1990;

21 (6) the premises are located south of the church;

22 (7) the premises and church are located on the same  
23 street and are separated by a one-way westbound street; and

24 (8) the principal religious leader of the church has  
25 not indicated his or her opposition to the issuance or  
26 renewal of the license in writing.

1           (ccc) Notwithstanding any provision of this Section to the  
2 contrary, nothing in this Section shall prohibit the issuance  
3 or renewal of a license authorizing the sale of alcoholic  
4 liquor within a full-service grocery store at premises located  
5 within a municipality with a population in excess of 1,000,000  
6 inhabitants and within 100 feet of a church and school if:

7           (1) as of March 14, 2007, the premises are located in a  
8 City of Chicago Residential-Business Planned Development  
9 No. 1052;

10          (2) the sale of alcoholic liquor is not the principal  
11 business carried on by the licensee at the premises;

12          (3) the sale of alcoholic liquor is incidental to the  
13 operation of a grocery store and comprises no more than 10%  
14 of the total in-store sales;

15          (4) the owner and operator of the grocery store  
16 operates at least 10 other grocery stores that have  
17 alcoholic liquor licenses within the same municipality;

18          (5) the premises are new construction when the license  
19 is first issued;

20          (6) the constructed premises are to be no less than  
21 50,000 square feet;

22          (7) the school is a private church-affiliated school;

23          (8) the premises and the property containing the church  
24 and church-affiliated school are located on perpendicular  
25 streets and the school and church are adjacent to one  
26 another;

1           (9) the pastor of the church and school has expressed,  
2           in writing, support for the issuance of the license; and

3           (10) the alderman of the ward in which the premises are  
4           located has expressed, in writing, his or her support for  
5           the issuance of the license.

6           (ddd) Notwithstanding any provision of this Section to the  
7           contrary, nothing in this Section shall prohibit the issuance  
8           or renewal of a license authorizing the sale of alcoholic  
9           liquor at premises located within a municipality with a  
10          population in excess of 1,000,000 inhabitants and within 100  
11          feet of a church or school if:

12           (1) the business has been issued a license from the  
13           municipality to allow the business to operate a theater on  
14           the premises;

15           (2) the theater has less than 200 seats;

16           (3) the premises are approximately 2,700 to 3,100  
17           square feet of space;

18           (4) the premises are located to the north of the  
19           church;

20           (5) the primary entrance of the premises and the  
21           primary entrance of any church within 100 feet of the  
22           premises are located either on a different street or across  
23           a right-of-way from the premises;

24           (6) the primary entrance of the premises and the  
25           primary entrance of any school within 100 feet of the  
26           premises are located either on a different street or across

1 a right-of-way from the premises;

2 (7) the premises are located in a building that is at  
3 least 100 years old; and

4 (8) any church or school located within 100 feet of the  
5 premises has indicated its support for the issuance or  
6 renewal of the license to the premises in writing.

7 (eee) Notwithstanding any provision of this Section to the  
8 contrary, nothing in this Section shall prohibit the issuance  
9 or renewal of a license authorizing the sale of alcoholic  
10 liquor at premises located within a municipality with a  
11 population in excess of 1,000,000 inhabitants and within 100  
12 feet of a church and school if:

13 (1) the sale of alcoholic liquor is incidental to the  
14 sale of food;

15 (2) the sale of alcoholic liquor is not the principal  
16 business carried on by the applicant on the premises;

17 (3) a family-owned restaurant has operated on the  
18 premises since 1957;

19 (4) the premises occupy the first floor of a 3-story  
20 building that is at least 90 years old;

21 (5) the distance between the property line of the  
22 premises and the property line of the church is at least 20  
23 feet;

24 (6) the church was established at its current location  
25 and the present structure was erected before 1900;

26 (7) the primary entrance of the premises is at least 75

1 feet from the primary entrance of the church;

2 (8) the school is affiliated with the church;

3 (9) the principal religious leader at the place of  
4 worship has indicated his or her support for the issuance  
5 of the license in writing;

6 (10) the principal of the school has indicated in  
7 writing that he or she is not opposed to the issuance of  
8 the license; and

9 (11) the alderman of the ward in which the premises are  
10 located has expressed, in writing, his or her lack of an  
11 objection to the issuance of the license.

12 (fff) Notwithstanding any provision of this Section to the  
13 contrary, nothing in this Section shall prohibit the issuance  
14 or renewal of a license authorizing the sale of alcoholic  
15 liquor at premises located within a municipality with a  
16 population in excess of 1,000,000 inhabitants and within 100  
17 feet of a church if:

18 (1) the sale of alcoholic liquor is not the principal  
19 business carried on by the licensee at the premises;

20 (2) the sale of alcoholic liquor at the premises is  
21 incidental to the operation of a grocery store;

22 (3) the premises are a one-story building containing  
23 approximately 10,000 square feet and are rented by the  
24 owners of the grocery store;

25 (4) the sale of alcoholic liquor at the premises occurs  
26 in a retail area of the grocery store that is approximately

1           3,500 square feet;

2           (5) the grocery store has operated at the location  
3 since 1984;

4           (6) the grocery store is closed on Sundays;

5           (7) the property on which the premises are located is a  
6 corner lot that is bound by 3 streets and an alley, where  
7 one street is a one-way street that runs north-south, one  
8 street runs east-west, and one street runs  
9 northwest-southeast;

10           (8) the property line of the premises is approximately  
11 16 feet from the property line of the building where the  
12 church is located;

13           (9) the premises are separated from the building  
14 containing the church by a public alley;

15           (10) the primary entrance of the premises and the  
16 primary entrance of the church are at least 100 feet apart;

17           (11) representatives of the church have delivered a  
18 written statement that the church does not object to the  
19 issuance of a license under this subsection (fff); and

20           (12) the alderman of the ward in which the grocery  
21 store is located has expressed, in writing, his or her  
22 support for the issuance of the license.

23           (ggg) Notwithstanding any provision of this Section to the  
24 contrary, nothing in this Section shall prohibit the issuance  
25 or renewal of licenses authorizing the sale of alcoholic liquor  
26 within a restaurant or lobby coffee house at premises located



1 within a municipality with a population in excess of 1,000,000  
2 inhabitants and within 100 feet of a church and school if:

3 (1) a residential retirement home formerly operated on  
4 the premises and the premises are being converted into a  
5 new apartment living complex containing studio and  
6 one-bedroom apartments with ground floor retail space;

7 (2) the restaurant and lobby coffee house are located  
8 within a Community Shopping District within the  
9 municipality;

10 (3) the premises are located in a single-building,  
11 mixed-use complex that, in addition to the restaurant and  
12 lobby coffee house, contains apartment residences, a  
13 fitness center for the residents of the apartment building,  
14 a lobby designed as a social center for the residents, a  
15 rooftop deck, and a patio with a dog run for the exclusive  
16 use of the residents;

17 (4) the sale of alcoholic liquor is not the primary  
18 business activity of the apartment complex, restaurant, or  
19 lobby coffee house;

20 (5) the entrance to the apartment residence is more  
21 than 310 feet from the entrance to the school and church;

22 (6) the entrance to the apartment residence is located  
23 at the end of the block around the corner from the south  
24 side of the school building;

25 (7) the school is affiliated with the church;

26 (8) the pastor of the parish, principal of the school,

1 and the titleholder to the church and school have given  
2 written consent to the issuance of the license;

3 (9) the alderman of the ward in which the premises are  
4 located has given written consent to the issuance of the  
5 license; and

6 (10) the neighborhood block club has given written  
7 consent to the issuance of the license.

8 (hhh) Notwithstanding any provision of this Section to the  
9 contrary, nothing in this Section shall prohibit the issuance  
10 or renewal of a license to sell alcoholic liquor at premises  
11 located within a municipality with a population in excess of  
12 1,000,000 inhabitants and within 100 feet of a home for  
13 indigent persons or a church if:

14 (1) a restaurant operates on the premises and has been  
15 in operation since January of 2014;

16 (2) the sale of alcoholic liquor is incidental to the  
17 sale of food;

18 (3) the sale of alcoholic liquor is not the principal  
19 business carried on by the licensee on the premises;

20 (4) the premises occupy the first floor of a 3-story  
21 building that is at least 100 years old;

22 (5) the primary entrance to the premises is more than  
23 100 feet from the primary entrance to the home for indigent  
24 persons, which opened in 1989 and is operated to address  
25 homelessness and provide shelter;

26 (6) the primary entrance to the premises and the

1 primary entrance to the home for indigent persons are  
2 located on different streets;

3 (7) the executive director of the home for indigent  
4 persons has given written consent to the issuance of the  
5 license;

6 (8) the entrance to the premises is located within 100  
7 feet of a Buddhist temple;

8 (9) the entrance to the premises is more than 100 feet  
9 from where any worship or educational programming is  
10 conducted by the Buddhist temple and is located in an area  
11 used only for other purposes; and

12 (10) the president and the board of directors of the  
13 Buddhist temple have given written consent to the issuance  
14 of the license.

15 (iii) Notwithstanding any provision of this Section to the  
16 contrary, nothing in this Section shall prohibit the issuance  
17 or renewal of a license authorizing the sale of alcoholic  
18 liquor at premises located within a municipality in excess of  
19 1,000,000 inhabitants and within 100 feet of a home for the  
20 aged if:

21 (1) the sale of alcoholic liquor is not the principal  
22 business carried on by the licensee on the premises;

23 (2) the sale of alcoholic liquor at the premises is  
24 incidental to the operation of a restaurant;

25 (3) the premises are on the ground floor of a  
26 multi-floor, university-affiliated housing facility;

1           (4) the premises occupy 1,916 square feet of space,  
2           with the total square footage from which liquor will be  
3           sold, served, and consumed to be 900 square feet;

4           (5) the premises are separated from the home for the  
5           aged by an alley;

6           (6) the primary entrance to the premises and the  
7           primary entrance to the home for the aged are at least 500  
8           feet apart and located on different streets;

9           (7) representatives of the home for the aged have  
10          expressed, in writing, that the home does not object to the  
11          issuance of a license under this subsection; and

12          (8) the alderman of the ward in which the restaurant is  
13          located has expressed, in writing, his or her support for  
14          the issuance of the license.

15          (jjj) Notwithstanding any provision of this Section to the  
16          contrary, nothing in this Section shall prohibit the issuance  
17          or renewal of a license authorizing the sale of alcoholic  
18          liquor at premises located within a municipality with a  
19          population in excess of 1,000,000 inhabitants and within 100  
20          feet of a school if:

21                 (1) as of January 1, 2016, the premises were used for  
22                 the sale of alcoholic liquor for consumption on the  
23                 premises and were authorized to do so pursuant to a retail  
24                 tavern license held by an individual as the sole proprietor  
25                 of the premises;

26                 (2) the primary entrance to the school and the primary

1 entrance to the premises are on the same street;

2 (3) the school was founded in 1949;

3 (4) the building in which the premises are situated was  
4 constructed before 1930;

5 (5) the building in which the premises are situated is  
6 immediately across the street from the school; and

7 (6) the school has not indicated its opposition to the  
8 issuance or renewal of the license in writing.

9 (kkk) (Blank).

10 (lll) Notwithstanding any provision of this Section to the  
11 contrary, nothing in this Section shall prohibit the issuance  
12 or renewal of a license authorizing the sale of alcoholic  
13 liquor at premises located within a municipality with a  
14 population in excess of 1,000,000 inhabitants and within 100  
15 feet of a synagogue or school if:

16 (1) the sale of alcoholic liquor at the premises is  
17 incidental to the sale of food;

18 (2) the sale of alcoholic liquor is not the principal  
19 business carried on by the licensee at the premises;

20 (3) the premises are located on the same street on  
21 which the synagogue or school is located;

22 (4) the primary entrance to the premises and the  
23 closest entrance to the synagogue or school is at least 100  
24 feet apart;

25 (5) the shortest distance between the premises and the  
26 synagogue or school is at least 65 feet apart and no

1 greater than 70 feet apart;

2 (6) the premises are between 1,800 and 2,000 square  
3 feet;

4 (7) the synagogue was founded in 1861; and

5 (8) the leader of the synagogue has indicated, in  
6 writing, the synagogue's support for the issuance or  
7 renewal of the license.

8 (mmm) Notwithstanding any provision of this Section to the  
9 contrary, nothing in this Section shall prohibit the issuance  
10 or renewal of licenses authorizing the sale of alcoholic liquor  
11 within a restaurant or lobby coffee house at premises located  
12 within a municipality with a population in excess of 1,000,000  
13 inhabitants and within 100 feet of a church if:

14 (1) the sale of alcoholic liquor is not the principal  
15 business carried on by the licensee at the premises;

16 (2) the sale of alcoholic liquor at the premises is  
17 incidental to the sale of food in a restaurant;

18 (3) the restaurant has been run by the same family for  
19 at least 19 consecutive years;

20 (4) the premises are located in a 3-story building in  
21 the most easterly part of the first floor;

22 (5) the building in which the premises are located has  
23 residential housing on the second and third floors;

24 (6) the primary entrance to the premises is on a  
25 north-south street around the corner and across an alley  
26 from the primary entrance to the church, which is on an

1 east-west street;

2 (7) the primary entrance to the church and the primary  
3 entrance to the premises are more than 160 feet apart; and

4 (8) the church has expressed, in writing, its support  
5 for the issuance of a license under this subsection.

6 (nnn) Notwithstanding any provision of this Section to the  
7 contrary, nothing in this Section shall prohibit the issuance  
8 or renewal of licenses authorizing the sale of alcoholic liquor  
9 within a restaurant or lobby coffee house at premises located  
10 within a municipality with a population in excess of 1,000,000  
11 inhabitants and within 100 feet of a school and church or  
12 synagogue if:

13 (1) the sale of alcoholic liquor is not the principal  
14 business carried on by the licensee at the premises;

15 (2) the sale of alcoholic liquor at the premises is  
16 incidental to the sale of food in a restaurant;

17 (3) the front door of the synagogue faces east on the  
18 next north-south street east of and parallel to the  
19 north-south street on which the restaurant is located where  
20 the restaurant's front door faces west;

21 (4) the closest exterior pedestrian entrance that  
22 leads to the school or the synagogue is across an east-west  
23 street and at least 300 feet from the primary entrance to  
24 the restaurant;

25 (5) the nearest church-related or school-related  
26 building is a community center building;

1           (6) the restaurant is on the ground floor of a 3-story  
2 building constructed in 1896 with a brick façade;

3           (7) the restaurant shares the ground floor with a  
4 theater, and the second and third floors of the building in  
5 which the restaurant is located consists of residential  
6 housing;

7           (8) the leader of the synagogue and school has  
8 expressed, in writing, that the synagogue does not object  
9 to the issuance of a license under this subsection; and

10          (9) the alderman of the ward in which the premises is  
11 located has expressed, in writing, his or her support for  
12 the issuance of the license.

13          (ooo) Notwithstanding any provision of this Section to the  
14 contrary, nothing in this Section shall prohibit the issuance  
15 or renewal of a license authorizing the sale of alcoholic  
16 liquor at premises located within a municipality with a  
17 population in excess of 2,000 but less than 5,000 inhabitants  
18 in a county with a population in excess of 3,000,000 and within  
19 100 feet of a home for the aged if:

20           (1) as of March 1, 2016, the premises were used to sell  
21 alcohol pursuant to a retail tavern and packaged goods  
22 license issued by the municipality and held by a limited  
23 liability company as the proprietor of the premises;

24           (2) the home for the aged was completed in 2015;

25           (3) the home for the aged is a 5-story structure;

26           (4) the building in which the premises are situated is



1 directly adjacent to the home for the aged;

2 (5) the building in which the premises are situated was  
3 constructed before 1950;

4 (6) the home for the aged has not indicated its  
5 opposition to the issuance or renewal of the license; and

6 (7) the president of the municipality has expressed in  
7 writing that he or she does not object to the issuance or  
8 renewal of the license.

9 (ppp) Notwithstanding any provision of this Section to the  
10 contrary, nothing in this Section shall prohibit the issuance  
11 or renewal of a license authorizing the sale of alcoholic  
12 liquor at premises located within a municipality with a  
13 population in excess of 1,000,000 inhabitants and within 100  
14 feet of a church or churches if:

15 (1) the shortest distance between the premises and a  
16 church is at least 78 feet apart and no greater than 95  
17 feet apart;

18 (2) the premises are a single-story, brick commercial  
19 building and between 3,600 to 4,000 square feet and the  
20 original building was built before 1922;

21 (3) the premises are located in a B3-2 zoning district;

22 (4) the premises are separated from the buildings  
23 containing the churches by a street;

24 (5) the previous owners of the business located on the  
25 premises held a liquor license for at least 10 years;

26 (6) the new owner of the business located on the

1 premises has managed 2 other food and liquor stores since  
2 1997;

3 (7) the principal religious leaders at the places of  
4 worship have indicated their support for the issuance or  
5 renewal of the license in writing; and

6 (8) the alderman of the ward in which the premises are  
7 located has indicated his or her support for the issuance  
8 or renewal of the license in writing.

9 (qqq) Notwithstanding any provision of this Section to the  
10 contrary, nothing in this Section shall prohibit the issuance  
11 or renewal of a license authorizing the sale of alcoholic  
12 liquor at premises located within a municipality with a  
13 population in excess of 1,000,000 inhabitants and within 100  
14 feet of a church if:

15 (1) the sale of alcoholic liquor at the premises is  
16 incidental to the sale of food;

17 (2) the sale of alcoholic liquor is not the principal  
18 business carried on by the licensee at the premises;

19 (3) the premises are located on the opposite side of  
20 the same street on which the church is located;

21 (4) the church is located on a corner lot;

22 (5) the shortest distance between the premises and the  
23 church is at least 90 feet apart and no greater than 95  
24 feet apart;

25 (6) the premises are at least 3,000 but no more than  
26 5,000 square feet;

1 (7) the church's original chapel was built in 1858;

2 (8) the church's first congregation was organized in  
3 1860; and

4 (9) the leaders of the church and the alderman of the  
5 ward in which the premises are located has expressed, in  
6 writing, their support for the issuance of the license.

7 (rrr) Notwithstanding any provision of this Section to the  
8 contrary, nothing in this Section shall prohibit the issuance  
9 or renewal of a license authorizing the sale of alcoholic  
10 liquor at a restaurant or banquet facility established within  
11 premises located within a municipality with a population in  
12 excess of 1,000,000 inhabitants and within 100 feet of a church  
13 or school if:

14 (1) the sale of alcoholic liquor at the premises is  
15 incidental to the sale of food;

16 (2) the sale of alcoholic liquor is not the principal  
17 business carried on by the licensee at the premises;

18 (3) the immediately prior owner or the operator of the  
19 restaurant or banquet facility held a valid retail license  
20 authorizing the sale of alcoholic liquor at the premises  
21 for at least part of the 24 months before a change of  
22 ownership;

23 (4) the premises are located immediately east and  
24 across the street from an elementary school;

25 (5) the premises and elementary school are part of an  
26 approximately 100-acre campus owned by the church;

1           (6) the school opened in 1999 and was named after the  
2 founder of the church; and

3           (7) the alderman of the ward in which the premises are  
4 located has expressed, in writing, his or her support for  
5 the issuance of the license.

6           (sss) Notwithstanding any provision of this Section to the  
7 contrary, nothing in this Section shall prohibit the issuance  
8 or renewal of a license authorizing the sale of alcoholic  
9 liquor at premises located within a municipality with a  
10 population in excess of 1,000,000 inhabitants and within 100  
11 feet of a church or school if:

12           (1) the premises are at least 5,300 square feet and  
13 located in a building that was built prior to 1940;

14           (2) the shortest distance between the property line of  
15 the premises and the exterior wall of the building in which  
16 the church is located is at least 109 feet;

17           (3) the distance between the building in which the  
18 church is located and the building in which the premises  
19 are located is at least 118 feet;

20           (4) the main entrance to the church faces west and is  
21 at least 602 feet from the main entrance of the premises;

22           (5) the shortest distance between the property line of  
23 the premises and the property line of the school is at  
24 least 177 feet;

25           (6) the applicant has been in business for more than 10  
26 years;

1           (7) the principal religious leader of the church has  
2           indicated his or her support for the issuance or renewal of  
3           the license in writing;

4           (8) the principal of the school has indicated in  
5           writing that he or she is not opposed to the issuance of  
6           the license; and

7           (9) the alderman of the ward in which the premises are  
8           located has expressed, in writing, his or her support for  
9           the issuance of the license.

10          (ttt) Notwithstanding any provision of this Section to the  
11          contrary, nothing in this Section shall prohibit the issuance  
12          or renewal of a license authorizing the sale of alcoholic  
13          liquor at premises located within a municipality with a  
14          population in excess of 1,000,000 inhabitants and within 100  
15          feet of a church or school if:

16               (1) the premises are at least 59,000 square feet and  
17               located in a building that was built prior to 1940;

18               (2) the shortest distance between the west property  
19               line of the premises and the exterior wall of the church is  
20               at least 99 feet;

21               (3) the distance between the building in which the  
22               church is located and the building in which the premises  
23               are located is at least 102 feet;

24               (4) the main entrance to the church faces west and is  
25               at least 457 feet from the main entrance of the premises;

26               (5) the shortest distance between the property line of

1 the premises and the property line of the school is at  
2 least 66 feet;

3 (6) the applicant has been in business for more than 10  
4 years;

5 (7) the principal religious leader of the church has  
6 indicated his or her support for the issuance or renewal of  
7 the license in writing;

8 (8) the principal of the school has indicated in  
9 writing that he or she is not opposed to the issuance of  
10 the license; and

11 (9) the alderman of the ward in which the premises are  
12 located has expressed, in writing, his or her support for  
13 the issuance of the license.

14 (uuu) Notwithstanding any provision of this Section to the  
15 contrary, nothing in this Section shall prohibit the issuance  
16 or renewal of a license authorizing the sale of alcoholic  
17 liquor at premises located within a municipality with a  
18 population in excess of 1,000,000 inhabitants and within 100  
19 feet of a place of worship if:

20 (1) the sale of liquor is incidental to the sale of  
21 food;

22 (2) the premises are at least 7,100 square feet;

23 (3) the shortest distance between the north property  
24 line of the premises and the nearest exterior wall of the  
25 place of worship is at least 86 feet;

26 (4) the main entrance to the place of worship faces

1 north and is more than 150 feet from the main entrance of  
2 the premises;

3 (5) the applicant has been in business for more than 20  
4 years at the location;

5 (6) the principal religious leader of the place of  
6 worship has indicated his or her support for the issuance  
7 or renewal of the license in writing; and

8 (7) the alderman of the ward in which the premises are  
9 located has expressed, in writing, his or her support for  
10 the issuance of the license.

11 (vvv) Notwithstanding any provision of this Section to the  
12 contrary, nothing in this Section shall prohibit the issuance  
13 or renewal of a license authorizing the sale of alcoholic  
14 liquor at premises located within a municipality with a  
15 population in excess of 1,000,000 inhabitants and within 100  
16 feet of 2 churches if:

17 (1) as of January 1, 2015, the premises were used for  
18 the sale of alcoholic liquor for consumption on the  
19 premises and the sale was authorized pursuant to a retail  
20 tavern license held by an individual as the sole proprietor  
21 of the premises;

22 (2) a primary entrance of the church situated to the  
23 south of the premises is located on a street running  
24 perpendicular to the street upon which a primary entrance  
25 of the premises is situated;

26 (3) the church located to the south of the premises is

1 a 3-story structure that was constructed in 2006;

2 (4) a parking lot separates the premises from the  
3 church located to the south of the premises;

4 (5) the building in which the premises are situated was  
5 constructed before 1930;

6 (6) the building in which the premises are situated is  
7 a 2-story, mixed-use commercial and residential structure  
8 containing more than 20,000 total square feet and  
9 containing at least 7 residential units on the second floor  
10 and 3 commercial units on the first floor;

11 (7) the building in which the premises are situated is  
12 immediately adjacent to the church located to the north of  
13 the premises;

14 (8) the primary entrance of the church located to the  
15 north of the premises and the primary entrance of the  
16 premises are located on the same street;

17 (9) the churches have not indicated their opposition to  
18 the issuance or renewal of the license in writing; and

19 (10) the alderman of the ward in which the premises are  
20 located has expressed, in writing, his or her support for  
21 the issuance of the license.

22 (www) Notwithstanding any provision of this Section to the  
23 contrary, nothing in this Section shall prohibit the issuance  
24 or renewal of licenses authorizing the sale of alcoholic liquor  
25 within a restaurant at premises located within a municipality  
26 with a population in excess of 1,000,000 inhabitants and within



1 100 feet of a school if:

2 (1) the sale of alcoholic liquor is incidental to the  
3 sale of food and is not the principal business of the  
4 restaurant;

5 (2) the building in which the restaurant is located was  
6 constructed in 1909 and is a 2-story structure;

7 (3) the restaurant has been operating continuously  
8 since 1962, has been located at the existing premises since  
9 1989, and has been owned and operated by the same family,  
10 which also operates a deli in a building located  
11 immediately to the east and adjacent and connected to the  
12 restaurant;

13 (4) the entrance to the restaurant is more than 200  
14 feet from the entrance to the school;

15 (5) the building in which the restaurant is located and  
16 the building in which the school is located are separated  
17 by a traffic-congested major street;

18 (6) the building in which the restaurant is located  
19 faces a public park located to the east of the school,  
20 cannot be seen from the windows of the school, and is not  
21 directly across the street from the school;

22 (7) the school building is located 2 blocks from a  
23 major private university;

24 (8) the school is a public school that has  
25 pre-kindergarten through eighth grade classes, is an open  
26 enrollment school, and has a preschool program that has

1 earned a Gold Circle of Quality award;

2 (9) the local school council has given written consent  
3 for the issuance of the liquor license; and

4 (10) the alderman of the ward in which the premises are  
5 located has given written consent for the issuance of the  
6 liquor license.

7 (xxx) (Blank).

8 (yyy) ~~(sss)~~ Notwithstanding any provision in this Section  
9 to the contrary, nothing in this Section shall prohibit the  
10 issuance or renewal of a license authorizing the sale of  
11 alcoholic liquor at a store that is located within a  
12 municipality with a population in excess of 1,000,000  
13 inhabitants and within 100 feet of a church if:

14 (1) the premises are primarily used for the sale of  
15 alcoholic liquor;

16 (2) on January 1, 2017, the store was authorized to  
17 sell alcoholic liquor pursuant to a package goods liquor  
18 license;

19 (3) on January 1, 2017, the store occupied  
20 approximately 5,560 square feet and will be expanded to  
21 include 440 additional square feet for the purpose of  
22 storage;

23 (4) the store was in existence before the church;

24 (5) the building in which the store is located was  
25 built in 1956 and is immediately south of the church;

26 (6) the store and church are separated by an east-west

1 street;

2 (7) the owner of the store received his first liquor  
3 license in 1986;

4 (8) the church has not indicated its opposition to the  
5 issuance or renewal of the license in writing; and

6 (9) the alderman of the ward in which the store is  
7 located has expressed his or her support for the issuance  
8 or renewal of the license.

9 (Source: P.A. 99-46, eff. 7-15-15; 99-47, eff. 7-15-15; 99-477,  
10 eff. 8-27-15; 99-484, eff. 10-30-15; 99-558, eff. 7-15-16;  
11 99-642, eff. 7-28-16; 99-936, eff. 2-24-17; 100-36, eff.  
12 8-4-17; 100-38, eff. 8-4-17; 100-201, eff. 8-18-17; revised  
13 10-12-17.)

14 Section 445. The Illinois Public Aid Code is amended by  
15 changing Sections 5-5, 5-8, 5-16.8, 5A-8, 6-1.3, 11-6, and 12-5  
16 as follows:

17 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

18 Sec. 5-5. Medical services. The Illinois Department, by  
19 rule, shall determine the quantity and quality of and the rate  
20 of reimbursement for the medical assistance for which payment  
21 will be authorized, and the medical services to be provided,  
22 which may include all or part of the following: (1) inpatient  
23 hospital services; (2) outpatient hospital services; (3) other  
24 laboratory and X-ray services; (4) skilled nursing home

1 services; (5) physicians' services whether furnished in the  
2 office, the patient's home, a hospital, a skilled nursing home,  
3 or elsewhere; (6) medical care, or any other type of remedial  
4 care furnished by licensed practitioners; (7) home health care  
5 services; (8) private duty nursing service; (9) clinic  
6 services; (10) dental services, including prevention and  
7 treatment of periodontal disease and dental caries disease for  
8 pregnant women, provided by an individual licensed to practice  
9 dentistry or dental surgery; for purposes of this item (10),  
10 "dental services" means diagnostic, preventive, or corrective  
11 procedures provided by or under the supervision of a dentist in  
12 the practice of his or her profession; (11) physical therapy  
13 and related services; (12) prescribed drugs, dentures, and  
14 prosthetic devices; and eyeglasses prescribed by a physician  
15 skilled in the diseases of the eye, or by an optometrist,  
16 whichever the person may select; (13) other diagnostic,  
17 screening, preventive, and rehabilitative services, including  
18 to ensure that the individual's need for intervention or  
19 treatment of mental disorders or substance use disorders or  
20 co-occurring mental health and substance use disorders is  
21 determined using a uniform screening, assessment, and  
22 evaluation process inclusive of criteria, for children and  
23 adults; for purposes of this item (13), a uniform screening,  
24 assessment, and evaluation process refers to a process that  
25 includes an appropriate evaluation and, as warranted, a  
26 referral; "uniform" does not mean the use of a singular

1 instrument, tool, or process that all must utilize; (14)  
2 transportation and such other expenses as may be necessary;  
3 (15) medical treatment of sexual assault survivors, as defined  
4 in Section 1a of the Sexual Assault Survivors Emergency  
5 Treatment Act, for injuries sustained as a result of the sexual  
6 assault, including examinations and laboratory tests to  
7 discover evidence which may be used in criminal proceedings  
8 arising from the sexual assault; (16) the diagnosis and  
9 treatment of sickle cell anemia; and (17) any other medical  
10 care, and any other type of remedial care recognized under the  
11 laws of this State. The term "any other type of remedial care"  
12 shall include nursing care and nursing home service for persons  
13 who rely on treatment by spiritual means alone through prayer  
14 for healing.

15 Notwithstanding any other provision of this Section, a  
16 comprehensive tobacco use cessation program that includes  
17 purchasing prescription drugs or prescription medical devices  
18 approved by the Food and Drug Administration shall be covered  
19 under the medical assistance program under this Article for  
20 persons who are otherwise eligible for assistance under this  
21 Article.

22 Notwithstanding any other provision of this Code,  
23 reproductive health care that is otherwise legal in Illinois  
24 shall be covered under the medical assistance program for  
25 persons who are otherwise eligible for medical assistance under  
26 this Article.

1           Notwithstanding any other provision of this Code, the  
2 Illinois Department may not require, as a condition of payment  
3 for any laboratory test authorized under this Article, that a  
4 physician's handwritten signature appear on the laboratory  
5 test order form. The Illinois Department may, however, impose  
6 other appropriate requirements regarding laboratory test order  
7 documentation.

8           Upon receipt of federal approval of an amendment to the  
9 Illinois Title XIX State Plan for this purpose, the Department  
10 shall authorize the Chicago Public Schools (CPS) to procure a  
11 vendor or vendors to manufacture eyeglasses for individuals  
12 enrolled in a school within the CPS system. CPS shall ensure  
13 that its vendor or vendors are enrolled as providers in the  
14 medical assistance program and in any capitated Medicaid  
15 managed care entity (MCE) serving individuals enrolled in a  
16 school within the CPS system. Under any contract procured under  
17 this provision, the vendor or vendors must serve only  
18 individuals enrolled in a school within the CPS system. Claims  
19 for services provided by CPS's vendor or vendors to recipients  
20 of benefits in the medical assistance program under this Code,  
21 the Children's Health Insurance Program, or the Covering ALL  
22 KIDS Health Insurance Program shall be submitted to the  
23 Department or the MCE in which the individual is enrolled for  
24 payment and shall be reimbursed at the Department's or the  
25 MCE's established rates or rate methodologies for eyeglasses.

26           On and after July 1, 2012, the Department of Healthcare and

1 Family Services may provide the following services to persons  
2 eligible for assistance under this Article who are  
3 participating in education, training or employment programs  
4 operated by the Department of Human Services as successor to  
5 the Department of Public Aid:

6 (1) dental services provided by or under the  
7 supervision of a dentist; and

8 (2) eyeglasses prescribed by a physician skilled in the  
9 diseases of the eye, or by an optometrist, whichever the  
10 person may select.

11 Notwithstanding any other provision of this Code and  
12 subject to federal approval, the Department may adopt rules to  
13 allow a dentist who is volunteering his or her service at no  
14 cost to render dental services through an enrolled  
15 not-for-profit health clinic without the dentist personally  
16 enrolling as a participating provider in the medical assistance  
17 program. A not-for-profit health clinic shall include a public  
18 health clinic or Federally Qualified Health Center or other  
19 enrolled provider, as determined by the Department, through  
20 which dental services covered under this Section are performed.  
21 The Department shall establish a process for payment of claims  
22 for reimbursement for covered dental services rendered under  
23 this provision.

24 The Illinois Department, by rule, may distinguish and  
25 classify the medical services to be provided only in accordance  
26 with the classes of persons designated in Section 5-2.

1           The Department of Healthcare and Family Services must  
2 provide coverage and reimbursement for amino acid-based  
3 elemental formulas, regardless of delivery method, for the  
4 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
5 short bowel syndrome when the prescribing physician has issued  
6 a written order stating that the amino acid-based elemental  
7 formula is medically necessary.

8           The Illinois Department shall authorize the provision of,  
9 and shall authorize payment for, screening by low-dose  
10 mammography for the presence of occult breast cancer for women  
11 35 years of age or older who are eligible for medical  
12 assistance under this Article, as follows:

13           (A) A baseline mammogram for women 35 to 39 years of  
14 age.

15           (B) An annual mammogram for women 40 years of age or  
16 older.

17           (C) A mammogram at the age and intervals considered  
18 medically necessary by the woman's health care provider for  
19 women under 40 years of age and having a family history of  
20 breast cancer, prior personal history of breast cancer,  
21 positive genetic testing, or other risk factors.

22           (D) A comprehensive ultrasound screening and MRI of an  
23 entire breast or breasts if a mammogram demonstrates  
24 heterogeneous or dense breast tissue, when medically  
25 necessary as determined by a physician licensed to practice  
26 medicine in all of its branches.



1           (E) A screening MRI when medically necessary, as  
2           determined by a physician licensed to practice medicine in  
3           all of its branches.

4           All screenings shall include a physical breast exam,  
5           instruction on self-examination and information regarding the  
6           frequency of self-examination and its value as a preventative  
7           tool. For purposes of this Section, "low-dose mammography"  
8           means the x-ray examination of the breast using equipment  
9           dedicated specifically for mammography, including the x-ray  
10          tube, filter, compression device, and image receptor, with an  
11          average radiation exposure delivery of less than one rad per  
12          breast for 2 views of an average size breast. The term also  
13          includes digital mammography and includes breast  
14          tomosynthesis. As used in this Section, the term "breast  
15          tomosynthesis" means a radiologic procedure that involves the  
16          acquisition of projection images over the stationary breast to  
17          produce cross-sectional digital three-dimensional images of  
18          the breast. If, at any time, the Secretary of the United States  
19          Department of Health and Human Services, or its successor  
20          agency, promulgates rules or regulations to be published in the  
21          Federal Register or publishes a comment in the Federal Register  
22          or issues an opinion, guidance, or other action that would  
23          require the State, pursuant to any provision of the Patient  
24          Protection and Affordable Care Act (Public Law 111-148),  
25          including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any  
26          successor provision, to defray the cost of any coverage for

1 breast tomosynthesis outlined in this paragraph, then the  
2 requirement that an insurer cover breast tomosynthesis is  
3 inoperative other than any such coverage authorized under  
4 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and  
5 the State shall not assume any obligation for the cost of  
6 coverage for breast tomosynthesis set forth in this paragraph.

7 On and after January 1, 2016, the Department shall ensure  
8 that all networks of care for adult clients of the Department  
9 include access to at least one breast imaging Center of Imaging  
10 Excellence as certified by the American College of Radiology.

11 On and after January 1, 2012, providers participating in a  
12 quality improvement program approved by the Department shall be  
13 reimbursed for screening and diagnostic mammography at the same  
14 rate as the Medicare program's rates, including the increased  
15 reimbursement for digital mammography.

16 The Department shall convene an expert panel including  
17 representatives of hospitals, free-standing mammography  
18 facilities, and doctors, including radiologists, to establish  
19 quality standards for mammography.

20 On and after January 1, 2017, providers participating in a  
21 breast cancer treatment quality improvement program approved  
22 by the Department shall be reimbursed for breast cancer  
23 treatment at a rate that is no lower than 95% of the Medicare  
24 program's rates for the data elements included in the breast  
25 cancer treatment quality program.

26 The Department shall convene an expert panel, including

1 representatives of hospitals, free standing breast cancer  
2 treatment centers, breast cancer quality organizations, and  
3 doctors, including breast surgeons, reconstructive breast  
4 surgeons, oncologists, and primary care providers to establish  
5 quality standards for breast cancer treatment.

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. By January 1, 2016, the  
11 Department shall report to the General Assembly on the status  
12 of the provision set forth in this paragraph.

13 The Department shall establish a methodology to remind  
14 women who are age-appropriate for screening mammography, but  
15 who have not received a mammogram within the previous 18  
16 months, of the importance and benefit of screening mammography.  
17 The Department shall work with experts in breast cancer  
18 outreach and patient navigation to optimize these reminders and  
19 shall establish a methodology for evaluating their  
20 effectiveness and modifying the methodology based on the  
21 evaluation.

22 The Department shall establish a performance goal for  
23 primary care providers with respect to their female patients  
24 over age 40 receiving an annual mammogram. This performance  
25 goal shall be used to provide additional reimbursement in the  
26 form of a quality performance bonus to primary care providers

1 who meet that goal.

2 The Department shall devise a means of case-managing or  
3 patient navigation for beneficiaries diagnosed with breast  
4 cancer. This program shall initially operate as a pilot program  
5 in areas of the State with the highest incidence of mortality  
6 related to breast cancer. At least one pilot program site shall  
7 be in the metropolitan Chicago area and at least one site shall  
8 be outside the metropolitan Chicago area. On or after July 1,  
9 2016, the pilot program shall be expanded to include one site  
10 in western Illinois, one site in southern Illinois, one site in  
11 central Illinois, and 4 sites within metropolitan Chicago. An  
12 evaluation of the pilot program shall be carried out measuring  
13 health outcomes and cost of care for those served by the pilot  
14 program compared to similarly situated patients who are not  
15 served by the pilot program.

16 The Department shall require all networks of care to  
17 develop a means either internally or by contract with experts  
18 in navigation and community outreach to navigate cancer  
19 patients to comprehensive care in a timely fashion. The  
20 Department shall require all networks of care to include access  
21 for patients diagnosed with cancer to at least one academic  
22 commission on cancer-accredited cancer program as an  
23 in-network covered benefit.

24 Any medical or health care provider shall immediately  
25 recommend, to any pregnant woman who is being provided prenatal  
26 services and is suspected of drug abuse or is addicted as

1 defined in the Alcoholism and Other Drug Abuse and Dependency  
2 Act, referral to a local substance abuse treatment provider  
3 licensed by the Department of Human Services or to a licensed  
4 hospital which provides substance abuse treatment services.  
5 The Department of Healthcare and Family Services shall assure  
6 coverage for the cost of treatment of the drug abuse or  
7 addiction for pregnant recipients in accordance with the  
8 Illinois Medicaid Program in conjunction with the Department of  
9 Human Services.

10 All medical providers providing medical assistance to  
11 pregnant women under this Code shall receive information from  
12 the Department on the availability of services under the Drug  
13 Free Families with a Future or any comparable program providing  
14 case management services for addicted women, including  
15 information on appropriate referrals for other social services  
16 that may be needed by addicted women in addition to treatment  
17 for addiction.

18 The Illinois Department, in cooperation with the  
19 Departments of Human Services (as successor to the Department  
20 of Alcoholism and Substance Abuse) and Public Health, through a  
21 public awareness campaign, may provide information concerning  
22 treatment for alcoholism and drug abuse and addiction, prenatal  
23 health care, and other pertinent programs directed at reducing  
24 the number of drug-affected infants born to recipients of  
25 medical assistance.

26 Neither the Department of Healthcare and Family Services

1 nor the Department of Human Services shall sanction the  
2 recipient solely on the basis of her substance abuse.

3 The Illinois Department shall establish such regulations  
4 governing the dispensing of health services under this Article  
5 as it shall deem appropriate. The Department should seek the  
6 advice of formal professional advisory committees appointed by  
7 the Director of the Illinois Department for the purpose of  
8 providing regular advice on policy and administrative matters,  
9 information dissemination and educational activities for  
10 medical and health care providers, and consistency in  
11 procedures to the Illinois Department.

12 The Illinois Department may develop and contract with  
13 Partnerships of medical providers to arrange medical services  
14 for persons eligible under Section 5-2 of this Code.  
15 Implementation of this Section may be by demonstration projects  
16 in certain geographic areas. The Partnership shall be  
17 represented by a sponsor organization. The Department, by rule,  
18 shall develop qualifications for sponsors of Partnerships.  
19 Nothing in this Section shall be construed to require that the  
20 sponsor organization be a medical organization.

21 The sponsor must negotiate formal written contracts with  
22 medical providers for physician services, inpatient and  
23 outpatient hospital care, home health services, treatment for  
24 alcoholism and substance abuse, and other services determined  
25 necessary by the Illinois Department by rule for delivery by  
26 Partnerships. Physician services must include prenatal and

1 obstetrical care. The Illinois Department shall reimburse  
2 medical services delivered by Partnership providers to clients  
3 in target areas according to provisions of this Article and the  
4 Illinois Health Finance Reform Act, except that:

5 (1) Physicians participating in a Partnership and  
6 providing certain services, which shall be determined by  
7 the Illinois Department, to persons in areas covered by the  
8 Partnership may receive an additional surcharge for such  
9 services.

10 (2) The Department may elect to consider and negotiate  
11 financial incentives to encourage the development of  
12 Partnerships and the efficient delivery of medical care.

13 (3) Persons receiving medical services through  
14 Partnerships may receive medical and case management  
15 services above the level usually offered through the  
16 medical assistance program.

17 Medical providers shall be required to meet certain  
18 qualifications to participate in Partnerships to ensure the  
19 delivery of high quality medical services. These  
20 qualifications shall be determined by rule of the Illinois  
21 Department and may be higher than qualifications for  
22 participation in the medical assistance program. Partnership  
23 sponsors may prescribe reasonable additional qualifications  
24 for participation by medical providers, only with the prior  
25 written approval of the Illinois Department.

26 Nothing in this Section shall limit the free choice of

1 practitioners, hospitals, and other providers of medical  
2 services by clients. In order to ensure patient freedom of  
3 choice, the Illinois Department shall immediately promulgate  
4 all rules and take all other necessary actions so that provided  
5 services may be accessed from therapeutically certified  
6 optometrists to the full extent of the Illinois Optometric  
7 Practice Act of 1987 without discriminating between service  
8 providers.

9 The Department shall apply for a waiver from the United  
10 States Health Care Financing Administration to allow for the  
11 implementation of Partnerships under this Section.

12 The Illinois Department shall require health care  
13 providers to maintain records that document the medical care  
14 and services provided to recipients of Medical Assistance under  
15 this Article. Such records must be retained for a period of not  
16 less than 6 years from the date of service or as provided by  
17 applicable State law, whichever period is longer, except that  
18 if an audit is initiated within the required retention period  
19 then the records must be retained until the audit is completed  
20 and every exception is resolved. The Illinois Department shall  
21 require health care providers to make available, when  
22 authorized by the patient, in writing, the medical records in a  
23 timely fashion to other health care providers who are treating  
24 or serving persons eligible for Medical Assistance under this  
25 Article. All dispensers of medical services shall be required  
26 to maintain and retain business and professional records



1 sufficient to fully and accurately document the nature, scope,  
2 details and receipt of the health care provided to persons  
3 eligible for medical assistance under this Code, in accordance  
4 with regulations promulgated by the Illinois Department. The  
5 rules and regulations shall require that proof of the receipt  
6 of prescription drugs, dentures, prosthetic devices and  
7 eyeglasses by eligible persons under this Section accompany  
8 each claim for reimbursement submitted by the dispenser of such  
9 medical services. No such claims for reimbursement shall be  
10 approved for payment by the Illinois Department without such  
11 proof of receipt, unless the Illinois Department shall have put  
12 into effect and shall be operating a system of post-payment  
13 audit and review which shall, on a sampling basis, be deemed  
14 adequate by the Illinois Department to assure that such drugs,  
15 dentures, prosthetic devices and eyeglasses for which payment  
16 is being made are actually being received by eligible  
17 recipients. Within 90 days after September 16, 1984 (the  
18 effective date of Public Act 83-1439), the Illinois Department  
19 shall establish a current list of acquisition costs for all  
20 prosthetic devices and any other items recognized as medical  
21 equipment and supplies reimbursable under this Article and  
22 shall update such list on a quarterly basis, except that the  
23 acquisition costs of all prescription drugs shall be updated no  
24 less frequently than every 30 days as required by Section  
25 5-5.12.

26 Notwithstanding any other law to the contrary, the Illinois

1 Department shall, within 365 days after July 22, 2013 (the  
2 effective date of Public Act 98-104), establish procedures to  
3 permit skilled care facilities licensed under the Nursing Home  
4 Care Act to submit monthly billing claims for reimbursement  
5 purposes. Following development of these procedures, the  
6 Department shall, by July 1, 2016, test the viability of the  
7 new system and implement any necessary operational or  
8 structural changes to its information technology platforms in  
9 order to allow for the direct acceptance and payment of nursing  
10 home claims.

11 Notwithstanding any other law to the contrary, the Illinois  
12 Department shall, within 365 days after August 15, 2014 (the  
13 effective date of Public Act 98-963), establish procedures to  
14 permit ID/DD facilities licensed under the ID/DD Community Care  
15 Act and MC/DD facilities licensed under the MC/DD Act to submit  
16 monthly billing claims for reimbursement purposes. Following  
17 development of these procedures, the Department shall have an  
18 additional 365 days to test the viability of the new system and  
19 to ensure that any necessary operational or structural changes  
20 to its information technology platforms are implemented.

21 The Illinois Department shall require all dispensers of  
22 medical services, other than an individual practitioner or  
23 group of practitioners, desiring to participate in the Medical  
24 Assistance program established under this Article to disclose  
25 all financial, beneficial, ownership, equity, surety or other  
26 interests in any and all firms, corporations, partnerships,

1 associations, business enterprises, joint ventures, agencies,  
2 institutions or other legal entities providing any form of  
3 health care services in this State under this Article.

4 The Illinois Department may require that all dispensers of  
5 medical services desiring to participate in the medical  
6 assistance program established under this Article disclose,  
7 under such terms and conditions as the Illinois Department may  
8 by rule establish, all inquiries from clients and attorneys  
9 regarding medical bills paid by the Illinois Department, which  
10 inquiries could indicate potential existence of claims or liens  
11 for the Illinois Department.

12 Enrollment of a vendor shall be subject to a provisional  
13 period and shall be conditional for one year. During the period  
14 of conditional enrollment, the Department may terminate the  
15 vendor's eligibility to participate in, or may disenroll the  
16 vendor from, the medical assistance program without cause.  
17 Unless otherwise specified, such termination of eligibility or  
18 disenrollment is not subject to the Department's hearing  
19 process. However, a disenrolled vendor may reapply without  
20 penalty.

21 The Department has the discretion to limit the conditional  
22 enrollment period for vendors based upon category of risk of  
23 the vendor.

24 Prior to enrollment and during the conditional enrollment  
25 period in the medical assistance program, all vendors shall be  
26 subject to enhanced oversight, screening, and review based on

1 the risk of fraud, waste, and abuse that is posed by the  
2 category of risk of the vendor. The Illinois Department shall  
3 establish the procedures for oversight, screening, and review,  
4 which may include, but need not be limited to: criminal and  
5 financial background checks; fingerprinting; license,  
6 certification, and authorization verifications; unscheduled or  
7 unannounced site visits; database checks; prepayment audit  
8 reviews; audits; payment caps; payment suspensions; and other  
9 screening as required by federal or State law.

10 The Department shall define or specify the following: (i)  
11 by provider notice, the "category of risk of the vendor" for  
12 each type of vendor, which shall take into account the level of  
13 screening applicable to a particular category of vendor under  
14 federal law and regulations; (ii) by rule or provider notice,  
15 the maximum length of the conditional enrollment period for  
16 each category of risk of the vendor; and (iii) by rule, the  
17 hearing rights, if any, afforded to a vendor in each category  
18 of risk of the vendor that is terminated or disenrolled during  
19 the conditional enrollment period.

20 To be eligible for payment consideration, a vendor's  
21 payment claim or bill, either as an initial claim or as a  
22 resubmitted claim following prior rejection, must be received  
23 by the Illinois Department, or its fiscal intermediary, no  
24 later than 180 days after the latest date on the claim on which  
25 medical goods or services were provided, with the following  
26 exceptions:

1           (1) In the case of a provider whose enrollment is in  
2 process by the Illinois Department, the 180-day period  
3 shall not begin until the date on the written notice from  
4 the Illinois Department that the provider enrollment is  
5 complete.

6           (2) In the case of errors attributable to the Illinois  
7 Department or any of its claims processing intermediaries  
8 which result in an inability to receive, process, or  
9 adjudicate a claim, the 180-day period shall not begin  
10 until the provider has been notified of the error.

11           (3) In the case of a provider for whom the Illinois  
12 Department initiates the monthly billing process.

13           (4) In the case of a provider operated by a unit of  
14 local government with a population exceeding 3,000,000  
15 when local government funds finance federal participation  
16 for claims payments.

17           For claims for services rendered during a period for which  
18 a recipient received retroactive eligibility, claims must be  
19 filed within 180 days after the Department determines the  
20 applicant is eligible. For claims for which the Illinois  
21 Department is not the primary payer, claims must be submitted  
22 to the Illinois Department within 180 days after the final  
23 adjudication by the primary payer.

24           In the case of long term care facilities, within 45  
25 calendar days of receipt by the facility of required  
26 prescreening information, new admissions with associated

1 admission documents shall be submitted through the Medical  
2 Electronic Data Interchange (MEDI) or the Recipient  
3 Eligibility Verification (REV) System or shall be submitted  
4 directly to the Department of Human Services using required  
5 admission forms. Effective September 1, 2014, admission  
6 documents, including all prescreening information, must be  
7 submitted through MEDI or REV. Confirmation numbers assigned to  
8 an accepted transaction shall be retained by a facility to  
9 verify timely submittal. Once an admission transaction has been  
10 completed, all resubmitted claims following prior rejection  
11 are subject to receipt no later than 180 days after the  
12 admission transaction has been completed.

13 Claims that are not submitted and received in compliance  
14 with the foregoing requirements shall not be eligible for  
15 payment under the medical assistance program, and the State  
16 shall have no liability for payment of those claims.

17 To the extent consistent with applicable information and  
18 privacy, security, and disclosure laws, State and federal  
19 agencies and departments shall provide the Illinois Department  
20 access to confidential and other information and data necessary  
21 to perform eligibility and payment verifications and other  
22 Illinois Department functions. This includes, but is not  
23 limited to: information pertaining to licensure;  
24 certification; earnings; immigration status; citizenship; wage  
25 reporting; unearned and earned income; pension income;  
26 employment; supplemental security income; social security

1 numbers; National Provider Identifier (NPI) numbers; the  
2 National Practitioner Data Bank (NPDB); program and agency  
3 exclusions; taxpayer identification numbers; tax delinquency;  
4 corporate information; and death records.

5 The Illinois Department shall enter into agreements with  
6 State agencies and departments, and is authorized to enter into  
7 agreements with federal agencies and departments, under which  
8 such agencies and departments shall share data necessary for  
9 medical assistance program integrity functions and oversight.

10 The Illinois Department shall develop, in cooperation with  
11 other State departments and agencies, and in compliance with  
12 applicable federal laws and regulations, appropriate and  
13 effective methods to share such data. At a minimum, and to the  
14 extent necessary to provide data sharing, the Illinois  
15 Department shall enter into agreements with State agencies and  
16 departments, and is authorized to enter into agreements with  
17 federal agencies and departments, including but not limited to:  
18 the Secretary of State; the Department of Revenue; the  
19 Department of Public Health; the Department of Human Services;  
20 and the Department of Financial and Professional Regulation.

21 Beginning in fiscal year 2013, the Illinois Department  
22 shall set forth a request for information to identify the  
23 benefits of a pre-payment, post-adjudication, and post-edit  
24 claims system with the goals of streamlining claims processing  
25 and provider reimbursement, reducing the number of pending or  
26 rejected claims, and helping to ensure a more transparent

1 adjudication process through the utilization of: (i) provider  
2 data verification and provider screening technology; and (ii)  
3 clinical code editing; and (iii) pre-pay, pre- or  
4 post-adjudicated predictive modeling with an integrated case  
5 management system with link analysis. Such a request for  
6 information shall not be considered as a request for proposal  
7 or as an obligation on the part of the Illinois Department to  
8 take any action or acquire any products or services.

9 The Illinois Department shall establish policies,  
10 procedures, standards and criteria by rule for the acquisition,  
11 repair and replacement of orthotic and prosthetic devices and  
12 durable medical equipment. Such rules shall provide, but not be  
13 limited to, the following services: (1) immediate repair or  
14 replacement of such devices by recipients; and (2) rental,  
15 lease, purchase or lease-purchase of durable medical equipment  
16 in a cost-effective manner, taking into consideration the  
17 recipient's medical prognosis, the extent of the recipient's  
18 needs, and the requirements and costs for maintaining such  
19 equipment. Subject to prior approval, such rules shall enable a  
20 recipient to temporarily acquire and use alternative or  
21 substitute devices or equipment pending repairs or  
22 replacements of any device or equipment previously authorized  
23 for such recipient by the Department. Notwithstanding any  
24 provision of Section 5-5f to the contrary, the Department may,  
25 by rule, exempt certain replacement wheelchair parts from prior  
26 approval and, for wheelchairs, wheelchair parts, wheelchair



1 accessories, and related seating and positioning items,  
2 determine the wholesale price by methods other than actual  
3 acquisition costs.

4 The Department shall require, by rule, all providers of  
5 durable medical equipment to be accredited by an accreditation  
6 organization approved by the federal Centers for Medicare and  
7 Medicaid Services and recognized by the Department in order to  
8 bill the Department for providing durable medical equipment to  
9 recipients. No later than 15 months after the effective date of  
10 the rule adopted pursuant to this paragraph, all providers must  
11 meet the accreditation requirement.

12 The Department shall execute, relative to the nursing home  
13 prescreening project, written inter-agency agreements with the  
14 Department of Human Services and the Department on Aging, to  
15 effect the following: (i) intake procedures and common  
16 eligibility criteria for those persons who are receiving  
17 non-institutional services; and (ii) the establishment and  
18 development of non-institutional services in areas of the State  
19 where they are not currently available or are undeveloped; and  
20 (iii) notwithstanding any other provision of law, subject to  
21 federal approval, on and after July 1, 2012, an increase in the  
22 determination of need (DON) scores from 29 to 37 for applicants  
23 for institutional and home and community-based long term care;  
24 if and only if federal approval is not granted, the Department  
25 may, in conjunction with other affected agencies, implement  
26 utilization controls or changes in benefit packages to

1 effectuate a similar savings amount for this population; and  
2 (iv) no later than July 1, 2013, minimum level of care  
3 eligibility criteria for institutional and home and  
4 community-based long term care; and (v) no later than October  
5 1, 2013, establish procedures to permit long term care  
6 providers access to eligibility scores for individuals with an  
7 admission date who are seeking or receiving services from the  
8 long term care provider. In order to select the minimum level  
9 of care eligibility criteria, the Governor shall establish a  
10 workgroup that includes affected agency representatives and  
11 stakeholders representing the institutional and home and  
12 community-based long term care interests. This Section shall  
13 not restrict the Department from implementing lower level of  
14 care eligibility criteria for community-based services in  
15 circumstances where federal approval has been granted.

16 The Illinois Department shall develop and operate, in  
17 cooperation with other State Departments and agencies and in  
18 compliance with applicable federal laws and regulations,  
19 appropriate and effective systems of health care evaluation and  
20 programs for monitoring of utilization of health care services  
21 and facilities, as it affects persons eligible for medical  
22 assistance under this Code.

23 The Illinois Department shall report annually to the  
24 General Assembly, no later than the second Friday in April of  
25 1979 and each year thereafter, in regard to:

26 (a) actual statistics and trends in utilization of

1 medical services by public aid recipients;

2 (b) actual statistics and trends in the provision of  
3 the various medical services by medical vendors;

4 (c) current rate structures and proposed changes in  
5 those rate structures for the various medical vendors; and

6 (d) efforts at utilization review and control by the  
7 Illinois Department.

8 The period covered by each report shall be the 3 years  
9 ending on the June 30 prior to the report. The report shall  
10 include suggested legislation for consideration by the General  
11 Assembly. The filing of one copy of the report with the  
12 Speaker, one copy with the Minority Leader and one copy with  
13 the Clerk of the House of Representatives, one copy with the  
14 President, one copy with the Minority Leader and one copy with  
15 the Secretary of the Senate, one copy with the Legislative  
16 Research Unit, and such additional copies with the State  
17 Government Report Distribution Center for the General Assembly  
18 as is required under paragraph (t) of Section 7 of the State  
19 Library Act shall be deemed sufficient to comply with this  
20 Section.

21 Rulemaking authority to implement Public Act 95-1045, if  
22 any, is conditioned on the rules being adopted in accordance  
23 with all provisions of the Illinois Administrative Procedure  
24 Act and all rules and procedures of the Joint Committee on  
25 Administrative Rules; any purported rule not so adopted, for  
26 whatever reason, is unauthorized.

1           On and after July 1, 2012, the Department shall reduce any  
2 rate of reimbursement for services or other payments or alter  
3 any methodologies authorized by this Code to reduce any rate of  
4 reimbursement for services or other payments in accordance with  
5 Section 5-5e.

6           Because kidney transplantation can be an appropriate, cost  
7 effective alternative to renal dialysis when medically  
8 necessary and notwithstanding the provisions of Section 1-11 of  
9 this Code, beginning October 1, 2014, the Department shall  
10 cover kidney transplantation for noncitizens with end-stage  
11 renal disease who are not eligible for comprehensive medical  
12 benefits, who meet the residency requirements of Section 5-3 of  
13 this Code, and who would otherwise meet the financial  
14 requirements of the appropriate class of eligible persons under  
15 Section 5-2 of this Code. To qualify for coverage of kidney  
16 transplantation, such person must be receiving emergency renal  
17 dialysis services covered by the Department. Providers under  
18 this Section shall be prior approved and certified by the  
19 Department to perform kidney transplantation and the services  
20 under this Section shall be limited to services associated with  
21 kidney transplantation.

22           Notwithstanding any other provision of this Code to the  
23 contrary, on or after July 1, 2015, all FDA approved forms of  
24 medication assisted treatment prescribed for the treatment of  
25 alcohol dependence or treatment of opioid dependence shall be  
26 covered under both fee for service and managed care medical

1 assistance programs for persons who are otherwise eligible for  
2 medical assistance under this Article and shall not be subject  
3 to any (1) utilization control, other than those established  
4 under the American Society of Addiction Medicine patient  
5 placement criteria, (2) prior authorization mandate, or (3)  
6 lifetime restriction limit mandate.

7 On or after July 1, 2015, opioid antagonists prescribed for  
8 the treatment of an opioid overdose, including the medication  
9 product, administration devices, and any pharmacy fees related  
10 to the dispensing and administration of the opioid antagonist,  
11 shall be covered under the medical assistance program for  
12 persons who are otherwise eligible for medical assistance under  
13 this Article. As used in this Section, "opioid antagonist"  
14 means a drug that binds to opioid receptors and blocks or  
15 inhibits the effect of opioids acting on those receptors,  
16 including, but not limited to, naloxone hydrochloride or any  
17 other similarly acting drug approved by the U.S. Food and Drug  
18 Administration.

19 Upon federal approval, the Department shall provide  
20 coverage and reimbursement for all drugs that are approved for  
21 marketing by the federal Food and Drug Administration and that  
22 are recommended by the federal Public Health Service or the  
23 United States Centers for Disease Control and Prevention for  
24 pre-exposure prophylaxis and related pre-exposure prophylaxis  
25 services, including, but not limited to, HIV and sexually  
26 transmitted infection screening, treatment for sexually

1 transmitted infections, medical monitoring, assorted labs, and  
2 counseling to reduce the likelihood of HIV infection among  
3 individuals who are not infected with HIV but who are at high  
4 risk of HIV infection.

5 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;  
6 99-236, eff. 8-3-15; 99-407 (see Section 20 of P.A. 99-588 for  
7 the effective date of P.A. 99-407); 99-433, eff. 8-21-15;  
8 99-480, eff. 9-9-15; 99-588, eff. 7-20-16; 99-642, eff.  
9 7-28-16; 99-772, eff. 1-1-17; 99-895, eff. 1-1-17; 100-201,  
10 eff. 8-18-17; 100-395, eff. 1-1-18; 100-449, eff. 1-1-18;  
11 100-538, eff. 1-1-18; revised 10-26-17.)

12 (305 ILCS 5/5-8) (from Ch. 23, par. 5-8)

13 Sec. 5-8. Practitioners. In supplying medical assistance,  
14 the Illinois Department may provide for the legally authorized  
15 services of (i) persons licensed under the Medical Practice Act  
16 of 1987, as amended, except as hereafter in this Section  
17 stated, whether under a general or limited license, (ii)  
18 persons licensed under the Nurse Practice Act as advanced  
19 practice registered nurses, regardless of whether or not the  
20 persons have written collaborative agreements, (iii) persons  
21 licensed or registered under other laws of this State to  
22 provide dental, medical, pharmaceutical, optometric,  
23 podiatric, or nursing services, or other remedial care  
24 recognized under State law, (iv) persons licensed under other  
25 laws of this State as a clinical social worker, and (v) persons

1 licensed under other laws of this State as physician  
2 assistants. The Department shall adopt rules, no later than 90  
3 days after January 1, 2017 (the effective date of Public Act  
4 99-621) ~~this amendatory Act of the 99th General Assembly~~, for  
5 the legally authorized services of persons licensed under other  
6 laws of this State as a clinical social worker. The utilization  
7 of the services of persons engaged in the treatment or care of  
8 the sick, which persons are not required to be licensed or  
9 registered under the laws of this State, is not prohibited by  
10 this Section.

11 (Source: P.A. 99-173, eff. 7-29-15; 99-621, eff. 1-1-17;  
12 100-453, eff. 8-25-17; 100-513, eff. 1-1-18; 100-538, eff.  
13 1-1-18; revised 10-26-17.)

14 (305 ILCS 5/5-16.8)

15 Sec. 5-16.8. Required health benefits. The medical  
16 assistance program shall (i) provide the post-mastectomy care  
17 benefits required to be covered by a policy of accident and  
18 health insurance under Section 356t and the coverage required  
19 under Sections 356g.5, 356u, 356w, 356x, 356z.6, and 356z.26  
20 ~~356z.25~~ of the Illinois Insurance Code and (ii) be subject to  
21 the provisions of Sections 356z.19, 364.01, 370c, and 370c.1 of  
22 the Illinois Insurance Code.

23 On and after July 1, 2012, the Department shall reduce any  
24 rate of reimbursement for services or other payments or alter  
25 any methodologies authorized by this Code to reduce any rate of

1 reimbursement for services or other payments in accordance with  
2 Section 5-5e.

3 To ensure full access to the benefits set forth in this  
4 Section, on and after January 1, 2016, the Department shall  
5 ensure that provider and hospital reimbursement for  
6 post-mastectomy care benefits required under this Section are  
7 no lower than the Medicare reimbursement rate.

8 (Source: P.A. 99-433, eff. 8-21-15; 99-480, eff. 9-9-15;  
9 99-642, eff. 7-28-16; 100-138, eff. 8-18-17; revised 1-29-18.)

10 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

11 Sec. 5A-8. Hospital Provider Fund.

12 (a) There is created in the State Treasury the Hospital  
13 Provider Fund. Interest earned by the Fund shall be credited to  
14 the Fund. The Fund shall not be used to replace any moneys  
15 appropriated to the Medicaid program by the General Assembly.

16 (b) The Fund is created for the purpose of receiving moneys  
17 in accordance with Section 5A-6 and disbursing moneys only for  
18 the following purposes, notwithstanding any other provision of  
19 law:

20 (1) For making payments to hospitals as required under  
21 this Code, under the Children's Health Insurance Program  
22 Act, under the Covering ALL KIDS Health Insurance Act, and  
23 under the Long Term Acute Care Hospital Quality Improvement  
24 Transfer Program Act.

25 (2) For the reimbursement of moneys collected by the



1 Illinois Department from hospitals or hospital providers  
2 through error or mistake in performing the activities  
3 authorized under this Code.

4 (3) For payment of administrative expenses incurred by  
5 the Illinois Department or its agent in performing  
6 activities under this Code, under the Children's Health  
7 Insurance Program Act, under the Covering ALL KIDS Health  
8 Insurance Act, and under the Long Term Acute Care Hospital  
9 Quality Improvement Transfer Program Act.

10 (4) For payments of any amounts which are reimbursable  
11 to the federal government for payments from this Fund which  
12 are required to be paid by State warrant.

13 (5) For making transfers, as those transfers are  
14 authorized in the proceedings authorizing debt under the  
15 Short Term Borrowing Act, but transfers made under this  
16 paragraph (5) shall not exceed the principal amount of debt  
17 issued in anticipation of the receipt by the State of  
18 moneys to be deposited into the Fund.

19 (6) For making transfers to any other fund in the State  
20 treasury, but transfers made under this paragraph (6) shall  
21 not exceed the amount transferred previously from that  
22 other fund into the Hospital Provider Fund plus any  
23 interest that would have been earned by that fund on the  
24 monies that had been transferred.

25 (6.5) For making transfers to the Healthcare Provider  
26 Relief Fund, except that transfers made under this

1 paragraph (6.5) shall not exceed \$60,000,000 in the  
2 aggregate.

3 (7) For making transfers not exceeding the following  
4 amounts, related to State fiscal years 2013 through 2018,  
5 to the following designated funds:

6	Health and Human Services Medicaid Trust	
7	Fund .....	\$20,000,000
8	Long-Term Care Provider Fund .....	\$30,000,000
9	General Revenue Fund .....	\$80,000,000.

10 Transfers under this paragraph shall be made within 7 days  
11 after the payments have been received pursuant to the  
12 schedule of payments provided in subsection (a) of Section  
13 5A-4.

14 (7.1) (Blank).

15 (7.5) (Blank).

16 (7.8) (Blank).

17 (7.9) (Blank).

18 (7.10) For State fiscal year 2014, for making transfers  
19 of the moneys resulting from the assessment under  
20 subsection (b-5) of Section 5A-2 and received from hospital  
21 providers under Section 5A-4 and transferred into the  
22 Hospital Provider Fund under Section 5A-6 to the designated  
23 funds not exceeding the following amounts in that State  
24 fiscal year:

25	Healthcare Provider Relief Fund .....	\$100,000,000
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26 Transfers under this paragraph shall be made within 7

1 days after the payments have been received pursuant to the  
2 schedule of payments provided in subsection (a) of Section  
3 5A-4.

4 The additional amount of transfers in this paragraph  
5 (7.10), authorized by Public Act 98-651, shall be made  
6 within 10 State business days after June 16, 2014 (the  
7 effective date of Public Act 98-651). That authority shall  
8 remain in effect even if Public Act 98-651 does not become  
9 law until State fiscal year 2015.

10 (7.10a) For State fiscal years 2015 through 2018, for  
11 making transfers of the moneys resulting from the  
12 assessment under subsection (b-5) of Section 5A-2 and  
13 received from hospital providers under Section 5A-4 and  
14 transferred into the Hospital Provider Fund under Section  
15 5A-6 to the designated funds not exceeding the following  
16 amounts related to each State fiscal year:

17 Healthcare Provider Relief Fund . . . . . \$50,000,000

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 (7.11) (Blank).

23 (7.12) For State fiscal year 2013, for increasing by  
24  $21/365$ ths the transfer of the moneys resulting from the  
25 assessment under subsection (b-5) of Section 5A-2 and  
26 received from hospital providers under Section 5A-4 for the

1 portion of State fiscal year 2012 beginning June 10, 2012  
2 through June 30, 2012 and transferred into the Hospital  
3 Provider Fund under Section 5A-6 to the designated funds  
4 not exceeding the following amounts in that State fiscal  
5 year:

6 Healthcare Provider Relief Fund ..... \$2,870,000

7 Since the federal Centers for Medicare and Medicaid  
8 Services approval of the assessment authorized under  
9 subsection (b-5) of Section 5A-2, received from hospital  
10 providers under Section 5A-4 and the payment methodologies  
11 to hospitals required under Section 5A-12.4 was not  
12 received by the Department until State fiscal year 2014 and  
13 since the Department made retroactive payments during  
14 State fiscal year 2014 related to the referenced period of  
15 June 2012, the transfer authority granted in this paragraph  
16 (7.12) is extended through the date that is 10 State  
17 business days after June 16, 2014 (the effective date of  
18 Public Act 98-651).

19 (7.13) In addition to any other transfers authorized  
20 under this Section, for State fiscal years 2017 and 2018,  
21 for making transfers to the Healthcare Provider Relief Fund  
22 of moneys collected from the ACA Assessment Adjustment  
23 authorized under subsections (a) and (b-5) of Section 5A-2  
24 and paid by hospital providers under Section 5A-4 into the  
25 Hospital Provider Fund under Section 5A-6 for each State  
26 fiscal year. Timing of transfers to the Healthcare Provider

1 Relief Fund under this paragraph shall be at the discretion  
2 of the Department, but no less frequently than quarterly.

3 (8) For making refunds to hospital providers pursuant  
4 to Section 5A-10.

5 (9) For making payment to capitated managed care  
6 organizations as described in subsections (s) and (t) of  
7 Section 5A-12.2 of this Code.

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 (3.5) As applicable, proceeds from surety bond  
24 payments payable to the Department as referenced in  
25 subsection (s) of Section 5A-12.2 of this Code.

26 (4) Moneys transferred from another fund in the State

1 treasury.

2 (5) All other moneys received for the Fund from any  
3 other source, including interest earned thereon.

4 (d) (Blank).

5 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;  
6 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 99-78, eff.  
7 7-20-15; 99-516, eff. 6-30-16; 99-933, eff. 1-27-17; revised  
8 2-15-17.)

9 (305 ILCS 5/6-1.3) (from Ch. 23, par. 6-1.3)

10 Sec. 6-1.3. Utilization of aid available under other  
11 provisions of Code. The person must have been determined  
12 ineligible for aid under the federally funded programs to aid  
13 refugees and Articles III, IV or V. Nothing in this Section  
14 shall prevent the use of General Assistance funds to pay any  
15 portion of the costs of care and maintenance in a residential  
16 drug abuse treatment program licensed by the Department of  
17 Human Services, or in a County Nursing Home, or in a private  
18 nursing home, retirement home or other facility for the care of  
19 the elderly, of a person otherwise eligible to receive General  
20 Assistance except for the provisions of this paragraph.

21 A person otherwise eligible for aid under the federally  
22 funded programs to aid refugees or Articles III, IV or V who  
23 fails or refuses to comply with provisions of this Code or  
24 other laws, or rules and regulations of the Illinois  
25 Department, which would qualify him for aid under those

1 programs or Articles, shall not receive General Assistance  
2 under this Article nor shall any of his dependents whose  
3 eligibility is contingent upon such compliance receive General  
4 Assistance.

5 Persons and families who are ineligible for aid under  
6 Article IV due to having received benefits under Article IV for  
7 any maximum time limits set under the Illinois Temporary  
8 Assistance for ~~to~~ Needy Families (TANF) Plan shall not be  
9 eligible for General Assistance under this Article unless the  
10 Illinois Department or the local governmental unit, by rule,  
11 specifies that those persons or families may be eligible.

12 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97; revised  
13 10-4-17.)

14 (305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

15 Sec. 11-6. Decisions on applications. Within 10 days after  
16 a decision is reached on an application, the applicant shall be  
17 notified in writing of the decision. If the applicant resides  
18 in a facility licensed under the Nursing Home Care Act or a  
19 supportive living facility authorized under Section 5-5.01a,  
20 the facility shall also receive written notice of the decision,  
21 provided that the notification is related to a Department  
22 payment for services received by the applicant in the facility.  
23 Only facilities enrolled in and subject to a provider agreement  
24 under the medical assistance program under Article V may  
25 receive such notices of decisions. The Department shall

1 consider eligibility for, and the notice shall contain a  
2 decision on, each of the following assistance programs for  
3 which the client may be eligible based on the information  
4 contained in the application: Temporary Assistance for ~~to~~ Needy  
5 Families, Medical Assistance, Aid to the Aged, Blind and  
6 Disabled, General Assistance (in the City of Chicago), and food  
7 stamps. No decision shall be required for any assistance  
8 program for which the applicant has expressly declined in  
9 writing to apply. If the applicant is determined to be  
10 eligible, the notice shall include a statement of the amount of  
11 financial aid to be provided and a statement of the reasons for  
12 any partial grant amounts. If the applicant is determined  
13 ineligible for any public assistance the notice shall include  
14 the reason why the applicant is ineligible. If the application  
15 for any public assistance is denied, the notice shall include a  
16 statement defining the applicant's right to appeal the  
17 decision. The Illinois Department, by rule, shall determine the  
18 date on which assistance shall begin for applicants determined  
19 eligible. That date may be no later than 30 days after the date  
20 of the application.

21 Under no circumstances may any application be denied solely  
22 to meet an application-processing deadline.

23 (Source: P.A. 96-206, eff. 1-1-10; revised 10-4-17.)

24 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

25 Sec. 12-5. Appropriations; uses; federal grants; report to



1 General Assembly. From the sums appropriated by the General  
2 Assembly, the Illinois Department shall order for payment by  
3 warrant from the State Treasury grants for public aid under  
4 Articles III, IV, and V, including grants for funeral and  
5 burial expenses, and all costs of administration of the  
6 Illinois Department and the County Departments relating  
7 thereto. Moneys appropriated to the Illinois Department for  
8 public aid under Article VI may be used, with the consent of  
9 the Governor, to co-operate with federal, State, and local  
10 agencies in the development of work projects designed to  
11 provide suitable employment for persons receiving public aid  
12 under Article VI. The Illinois Department, with the consent of  
13 the Governor, may be the agent of the State for the receipt and  
14 disbursement of federal funds or commodities for public aid  
15 purposes under Article VI and for related purposes in which the  
16 co-operation of the Illinois Department is sought by the  
17 federal government, and, in connection therewith, may make  
18 necessary expenditures from moneys appropriated for public aid  
19 under any Article of this Code and for administration. The  
20 Illinois Department, with the consent of the Governor, may be  
21 the agent of the State for the receipt and disbursement of  
22 federal funds pursuant to the Immigration Reform and Control  
23 Act of 1986 and may make necessary expenditures from monies  
24 appropriated to it for operations, administration, and grants,  
25 including payment to the Health Insurance Reserve Fund for  
26 group insurance costs at the rate certified by the Department

1 of Central Management Services. All amounts received by the  
2 Illinois Department pursuant to the Immigration Reform and  
3 Control Act of 1986 shall be deposited in the Immigration  
4 Reform and Control Fund. All amounts received into the  
5 Immigration Reform and Control Fund as reimbursement for  
6 expenditures from the General Revenue Fund shall be transferred  
7 to the General Revenue Fund.

8 All grants received by the Illinois Department for programs  
9 funded by the Federal Social Services Block Grant shall be  
10 deposited in the Social Services Block Grant Fund. All funds  
11 received into the Social Services Block Grant Fund as  
12 reimbursement for expenditures from the General Revenue Fund  
13 shall be transferred to the General Revenue Fund. All funds  
14 received into the Social Services Block Grant fund for  
15 reimbursement for expenditure out of the Local Initiative Fund  
16 shall be transferred into the Local Initiative Fund. Any other  
17 federal funds received into the Social Services Block Grant  
18 Fund shall be transferred to the DHS Special Purposes Trust  
19 Fund. All federal funds received by the Illinois Department as  
20 reimbursement for Employment and Training Programs for  
21 expenditures made by the Illinois Department from grants,  
22 gifts, or legacies as provided in Section 12-4.18 or made by an  
23 entity other than the Illinois Department and all federal funds  
24 received from the Emergency Contingency Fund for State  
25 Temporary Assistance for Needy Families Programs established  
26 by the American Recovery and Reinvestment Act of 2009 shall be

1 deposited into the Employment and Training Fund.

2 Eighty percent of the federal financial participation  
3 funds received by the Illinois Department under the Title IV-A  
4 Emergency Assistance program as reimbursement for expenditures  
5 made from the Illinois Department of Children and Family  
6 Services appropriations for the costs of providing services in  
7 behalf of Department of Children and Family Services clients  
8 shall be deposited into the DCFS Children's Services Fund.

9 All federal funds, except those covered by the foregoing 3  
10 paragraphs, received as reimbursement for expenditures from  
11 the General Revenue Fund shall be deposited in the General  
12 Revenue Fund for administrative and distributive expenditures  
13 properly chargeable by federal law or regulation to aid  
14 programs established under Articles III through XII and Titles  
15 IV, XVI, XIX and XX of the Federal Social Security Act. Any  
16 other federal funds received by the Illinois Department under  
17 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
18 Section 12-10 of this Code to be paid into the DHS Special  
19 Purposes Trust Fund shall be deposited into the DHS Special  
20 Purposes Trust Fund. Any other federal funds received by the  
21 Illinois Department pursuant to the Child Support Enforcement  
22 Program established by Title IV-D of the Social Security Act  
23 shall be deposited in the Child Support Enforcement Trust Fund  
24 as required under Section 12-10.2 or in the Child Support  
25 Administrative Fund as required under Section 12-10.2a of this  
26 Code. Any other federal funds received by the Illinois

1 Department for expenditures made under Title XIX of the Social  
2 Security Act and Articles V and VI of this Code that are  
3 required by Section 15-2 of this Code to be paid into the  
4 County Provider Trust Fund shall be deposited into the County  
5 Provider Trust Fund. Any other federal funds received by the  
6 Illinois Department for hospital inpatient, hospital  
7 ambulatory care, and disproportionate share hospital  
8 expenditures made under Title XIX of the Social Security Act  
9 and Article V of this Code that are required by Section 5A-8 of  
10 this Code to be paid into the Hospital Provider Fund shall be  
11 deposited into the Hospital Provider Fund. Any other federal  
12 funds received by the Illinois Department for medical  
13 assistance program expenditures made under Title XIX of the  
14 Social Security Act and Article V of this Code that are  
15 required by Section 5B-8 of this Code to be paid into the  
16 Long-Term Care Provider Fund shall be deposited into the  
17 Long-Term Care Provider Fund. Any other federal funds received  
18 by the Illinois Department for medical assistance program  
19 expenditures made under Title XIX of the Social Security Act  
20 and Article V of this Code that are required by Section 5C-7 of  
21 this Code to be paid into the Care Provider Fund for Persons  
22 with a Developmental Disability shall be deposited into the  
23 Care Provider Fund for Persons with a Developmental Disability.  
24 Any other federal funds received by the Illinois Department for  
25 trauma center adjustment payments that are required by Section  
26 5-5.03 of this Code and made under Title XIX of the Social

1 Security Act and Article V of this Code shall be deposited into  
2 the Trauma Center Fund. Any other federal funds received by the  
3 Illinois Department as reimbursement for expenses for early  
4 intervention services paid from the Early Intervention  
5 Services Revolving Fund shall be deposited into that Fund.

6 The Illinois Department shall report to the General  
7 Assembly at the end of each fiscal quarter the amount of all  
8 funds received and paid into the Social Services Block Grant  
9 Fund and the Local Initiative Fund and the expenditures and  
10 transfers of such funds for services, programs and other  
11 purposes authorized by law. Such report shall be filed with the  
12 Speaker, Minority Leader and Clerk of the House, with the  
13 President, Minority Leader and Secretary of the Senate, with  
14 the Chairmen of the House and Senate Appropriations Committees,  
15 the House Human Resources Committee and the Senate Public  
16 Health, Welfare and Corrections Committee, or the successor  
17 standing Committees of each as provided by the rules of the  
18 House and Senate, respectively, with the Legislative Research  
19 Unit and with the State Government Report Distribution Center  
20 for the General Assembly as is required under paragraph (t) of  
21 Section 7 of the State Library Act shall be deemed sufficient  
22 to comply with this Section.

23 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15;  
24 99-933, Article 5, Section 5-130, eff. 1-27-17; 99-933, Article  
25 15, Section 15-50, eff. 1-27-17; revised 2-15-17.)

1           Section 450. The Energy Assistance Act is amended by  
2 changing Section 13 as follows:

3           (305 ILCS 20/13)

4           (Section scheduled to be repealed on January 1, 2025)

5           Sec. 13. Supplemental Low-Income Energy Assistance Fund.

6           (a) The Supplemental Low-Income Energy Assistance Fund is  
7 hereby created as a special fund in the State Treasury. The  
8 Supplemental Low-Income Energy Assistance Fund is authorized  
9 to receive moneys from voluntary donations from individuals,  
10 foundations, corporations, and other sources, moneys received  
11 pursuant to Section 17, and, by statutory deposit, the moneys  
12 collected pursuant to this Section. The Fund is also authorized  
13 to receive voluntary donations from individuals, foundations,  
14 corporations, and other sources. Subject to appropriation, the  
15 Department shall use moneys from the Supplemental Low-Income  
16 Energy Assistance Fund for payments to electric or gas public  
17 utilities, municipal electric or gas utilities, and electric  
18 cooperatives on behalf of their customers who are participants  
19 in the program authorized by Sections 4 and 18 of this Act, for  
20 the provision of weatherization services and for  
21 administration of the Supplemental Low-Income Energy  
22 Assistance Fund. The yearly expenditures for weatherization  
23 may not exceed 10% of the amount collected during the year  
24 pursuant to this Section. The yearly administrative expenses of  
25 the Supplemental Low-Income Energy Assistance Fund may not

1 exceed 10% of the amount collected during that year pursuant to  
2 this Section, except when unspent funds from the Supplemental  
3 Low-Income Energy Assistance Fund are reallocated from a  
4 previous year; any unspent balance of the 10% administrative  
5 allowance may be utilized for administrative expenses in the  
6 year they are reallocated.

7 (b) Notwithstanding the provisions of Section 16-111 of the  
8 Public Utilities Act but subject to subsection (k) of this  
9 Section, each public utility, electric cooperative, as defined  
10 in Section 3.4 of the Electric Supplier Act, and municipal  
11 utility, as referenced in Section 3-105 of the Public Utilities  
12 Act, that is engaged in the delivery of electricity or the  
13 distribution of natural gas within the State of Illinois shall,  
14 effective January 1, 1998, assess each of its customer accounts  
15 a monthly Energy Assistance Charge for the Supplemental  
16 Low-Income Energy Assistance Fund. The delivering public  
17 utility, municipal electric or gas utility, or electric or gas  
18 cooperative for a self-assessing purchaser remains subject to  
19 the collection of the fee imposed by this Section. The monthly  
20 charge shall be as follows:

21 (1) \$0.48 per month on each account for residential  
22 electric service;

23 (2) \$0.48 per month on each account for residential gas  
24 service;

25 (3) \$4.80 per month on each account for non-residential  
26 electric service which had less than 10 megawatts of peak

1 demand during the previous calendar year;

2 (4) \$4.80 per month on each account for non-residential  
3 gas service which had distributed to it less than 4,000,000  
4 therms of gas during the previous calendar year;

5 (5) \$360 per month on each account for non-residential  
6 electric service which had 10 megawatts or greater of peak  
7 demand during the previous calendar year; and

8 (6) \$360 per month on each account for non-residential  
9 gas service which had 4,000,000 or more therms of gas  
10 distributed to it during the previous calendar year.

11 The incremental change to such charges imposed by this  
12 amendatory Act of the 96th General Assembly shall not (i) be  
13 used for any purpose other than to directly assist customers  
14 and (ii) be applicable to utilities serving less than 100,000  
15 customers in Illinois on January 1, 2009.

16 In addition, electric and gas utilities have committed, and  
17 shall contribute, a one-time payment of \$22 million to the  
18 Fund, within 10 days after the effective date of the tariffs  
19 established pursuant to Sections 16-111.8 and 19-145 of the  
20 Public Utilities Act to be used for the Department's cost of  
21 implementing the programs described in Section 18 of this  
22 amendatory Act of the 96th General Assembly, the Arrearage  
23 Reduction Program described in Section 18, and the programs  
24 described in Section 8-105 of the Public Utilities Act. If a  
25 utility elects not to file a rider within 90 days after the  
26 effective date of this amendatory Act of the 96th General



1 Assembly, then the contribution from such utility shall be made  
2 no later than February 1, 2010.

3 (c) For purposes of this Section:

4 (1) "residential electric service" means electric  
5 utility service for household purposes delivered to a  
6 dwelling of 2 or fewer units which is billed under a  
7 residential rate, or electric utility service for  
8 household purposes delivered to a dwelling unit or units  
9 which is billed under a residential rate and is registered  
10 by a separate meter for each dwelling unit;

11 (2) "residential gas service" means gas utility  
12 service for household purposes distributed to a dwelling of  
13 2 or fewer units which is billed under a residential rate,  
14 or gas utility service for household purposes distributed  
15 to a dwelling unit or units which is billed under a  
16 residential rate and is registered by a separate meter for  
17 each dwelling unit;

18 (3) "non-residential electric service" means electric  
19 utility service which is not residential electric service;  
20 and

21 (4) "non-residential gas service" means gas utility  
22 service which is not residential gas service.

23 (d) Within 30 days after the effective date of this  
24 amendatory Act of the 96th General Assembly, each public  
25 utility engaged in the delivery of electricity or the  
26 distribution of natural gas shall file with the Illinois

1 Commerce Commission tariffs incorporating the Energy  
2 Assistance Charge in other charges stated in such tariffs,  
3 which shall become effective no later than the beginning of the  
4 first billing cycle following such filing.

5 (e) The Energy Assistance Charge assessed by electric and  
6 gas public utilities shall be considered a charge for public  
7 utility service.

8 (f) By the 20th day of the month following the month in  
9 which the charges imposed by the Section were collected, each  
10 public utility, municipal utility, and electric cooperative  
11 shall remit to the Department of Revenue all moneys received as  
12 payment of the Energy Assistance Charge on a return prescribed  
13 and furnished by the Department of Revenue showing such  
14 information as the Department of Revenue may reasonably  
15 require; provided, however, that a utility offering an  
16 Arrearage Reduction Program or Supplemental Arrearage  
17 Reduction Program pursuant to Section 18 of this Act shall be  
18 entitled to net those amounts necessary to fund and recover the  
19 costs of such Programs as authorized by that Section that is no  
20 more than the incremental change in such Energy Assistance  
21 Charge authorized by Public Act 96-33. If a customer makes a  
22 partial payment, a public utility, municipal utility, or  
23 electric cooperative may elect either: (i) to apply such  
24 partial payments first to amounts owed to the utility or  
25 cooperative for its services and then to payment for the Energy  
26 Assistance Charge or (ii) to apply such partial payments on a

1 pro-rata basis between amounts owed to the utility or  
2 cooperative for its services and to payment for the Energy  
3 Assistance Charge.

4 (g) The Department of Revenue shall deposit into the  
5 Supplemental Low-Income Energy Assistance Fund all moneys  
6 remitted to it in accordance with subsection (f) of this  
7 Section; provided, however, that the amounts remitted by each  
8 utility shall be used to provide assistance to that utility's  
9 customers. The utilities shall coordinate with the Department  
10 to establish an equitable and practical methodology for  
11 implementing this subsection (g) beginning with the 2010  
12 program year.

13 (h) On or before December 31, 2002, the Department shall  
14 prepare a report for the General Assembly on the expenditure of  
15 funds appropriated from the Low-Income Energy Assistance Block  
16 Grant Fund for the program authorized under Section 4 of this  
17 Act.

18 (i) The Department of Revenue may establish such rules as  
19 it deems necessary to implement this Section.

20 (j) The Department of Commerce and Economic Opportunity may  
21 establish such rules as it deems necessary to implement this  
22 Section.

23 (k) The charges imposed by this Section shall only apply to  
24 customers of municipal electric or gas utilities and electric  
25 or gas cooperatives if the municipal electric or gas utility or  
26 electric or gas cooperative makes an affirmative decision to

1 impose the charge. If a municipal electric or gas utility or an  
2 electric cooperative makes an affirmative decision to impose  
3 the charge provided by this Section, the municipal electric or  
4 gas utility or electric cooperative shall inform the Department  
5 of Revenue in writing of such decision when it begins to impose  
6 the charge. If a municipal electric or gas utility or electric  
7 or gas cooperative does not assess this charge, the Department  
8 may not use funds from the Supplemental Low-Income Energy  
9 Assistance Fund to provide benefits to its customers under the  
10 program authorized by Section 4 of this Act.

11 In its use of federal funds under this Act, the Department  
12 may not cause a disproportionate share of those federal funds  
13 to benefit customers of systems which do not assess the charge  
14 provided by this Section.

15 This Section is repealed on January 1, 2025 unless renewed  
16 by action of the General Assembly.

17 (Source: P.A. 98-429, eff. 8-16-13; 99-457, eff. 1-1-16;  
18 99-906, eff. 6-1-17; 99-933, eff. 1-27-17; revised 11-8-17.)

19 Section 455. The Urban Renewal Consolidation Act of 1961 is  
20 amended by changing Section 19 as follows:

21 (315 ILCS 30/19) (from Ch. 67 1/2, par. 91.119)

22 Sec. 19. Prior to making a sale or conveyance of any part  
23 of the real property within the area of a redevelopment project  
24 pursuant to any of the foregoing Sections ~~sections~~ of this Act,

1 the Department shall prepare and approve a plan for the  
2 development or redevelopment of the project area and shall  
3 submit the same to the governing body of the municipality in  
4 which the real property is situated for their approval. The  
5 Department shall not make a sale or conveyance of any part of  
6 the real property in the project area until such time as the  
7 plan has been approved by the governing body of the  
8 municipality in which the real property is situated; provided,  
9 however, that any plan for the development or redevelopment of  
10 a project area heretofore prepared and approved by a land  
11 clearance commission pursuant to the "Blighted Areas  
12 Redevelopment Act of 1947," ~~approved July 2, 1947, as amended,~~  
13 and heretofore approved by the State Housing Board and the  
14 governing body of the municipality shall be sufficient to  
15 authorize a sale pursuant to this Section. At the time of  
16 making any such sale or conveyance, the purchaser shall agree  
17 to reimburse any public utility as defined in the Public  
18 Utilities Act "~~An Act concerning public utilities~~", ~~approved~~  
19 ~~June 29, 1921, as amended,~~ for the costs of relocation of the  
20 facilities of such public utility made necessary by the plan  
21 for the development or redevelopment of the project area,  
22 except and excluding, however, any such costs to the extent  
23 incurred for the relocation of such facilities located, prior  
24 to the development or redevelopment, in a public way or public  
25 property which retains its character as such thereafter.

26 (Source: Laws 1961, p. 3308; revised 10-4-17.)

1           Section 460. The Abused and Neglected Child Reporting Act  
2 is amended by changing Sections 7.4 and 7.14 as follows:

3           (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

4           Sec. 7.4. (a) The Department shall be capable of receiving  
5 reports of suspected child abuse or neglect 24 hours a day, 7  
6 days a week. Whenever the Department receives a report alleging  
7 that a child is a truant as defined in Section 26-2a of ~~the~~ the  
8 School Code, as now or hereafter amended, the Department shall  
9 notify the superintendent of the school district in which the  
10 child resides and the appropriate superintendent of the  
11 educational service region. The notification to the  
12 appropriate officials by the Department shall not be considered  
13 an allegation of abuse or neglect under this Act.

14           (a-5) The Department of Children and Family Services may  
15 implement a "differential response program" in accordance with  
16 criteria, standards, and procedures prescribed by rule. The  
17 program may provide that, upon receiving a report, the  
18 Department shall determine whether to conduct a family  
19 assessment or an investigation as appropriate to prevent or  
20 provide a remedy for child abuse or neglect.

21           For purposes of this subsection (a-5), "family assessment"  
22 means a comprehensive assessment of child safety, risk of  
23 subsequent child maltreatment, and family strengths and needs  
24 that is applied to a child maltreatment report that does not

1 allege substantial child endangerment. "Family assessment"  
2 does not include a determination as to whether child  
3 maltreatment occurred but does determine the need for services  
4 to address the safety of family members and the risk of  
5 subsequent maltreatment.

6 For purposes of this subsection (a-5), "investigation"  
7 means fact-gathering related to the current safety of a child  
8 and the risk of subsequent abuse or neglect that determines  
9 whether a report of suspected child abuse or neglect should be  
10 indicated or unfounded and whether child protective services  
11 are needed.

12 Under the "differential response program" implemented  
13 under this subsection (a-5), the Department:

14 (1) Shall conduct an investigation on reports  
15 involving substantial child abuse or neglect.

16 (2) Shall begin an immediate investigation if, at any  
17 time when it is using a family assessment response, it  
18 determines that there is reason to believe that substantial  
19 child abuse or neglect or a serious threat to the child's  
20 safety exists.

21 (3) May conduct a family assessment for reports that do  
22 not allege substantial child endangerment. In determining  
23 that a family assessment is appropriate, the Department may  
24 consider issues, including, but not limited to, child  
25 safety, parental cooperation, and the need for an immediate  
26 response.

1           (4) Shall promulgate criteria, standards, and  
2           procedures that shall be applied in making this  
3           determination, taking into consideration the Child  
4           Endangerment Risk Assessment Protocol of the Department.

5           (5) May conduct a family assessment on a report that  
6           was initially screened and assigned for an investigation.

7           In determining that a complete investigation is not  
8           required, the Department must document the reason for  
9           terminating the investigation and notify the local law  
10          enforcement agency or the Department of State Police if the  
11          local law enforcement agency or Department of State Police is  
12          conducting a joint investigation.

13          Once it is determined that a "family assessment" will be  
14          implemented, the case shall not be reported to the central  
15          register of abuse and neglect reports.

16          During a family assessment, the Department shall collect  
17          any available and relevant information to determine child  
18          safety, risk of subsequent abuse or neglect, and family  
19          strengths.

20          Information collected includes, but is not limited to, when  
21          relevant: information with regard to the person reporting the  
22          alleged abuse or neglect, including the nature of the  
23          reporter's relationship to the child and to the alleged  
24          offender, and the basis of the reporter's knowledge for the  
25          report; the child allegedly being abused or neglected; the  
26          alleged offender; the child's caretaker; and other collateral



1 sources having relevant information related to the alleged  
2 abuse or neglect. Information relevant to the assessment must  
3 be asked for, and may include:

4 (A) The child's sex and age, prior reports of abuse or  
5 neglect, information relating to developmental  
6 functioning, credibility of the child's statement, and  
7 whether the information provided under this paragraph (A)  
8 is consistent with other information collected during the  
9 course of the assessment or investigation.

10 (B) The alleged offender's age, a record check for  
11 prior reports of abuse or neglect, and criminal charges and  
12 convictions. The alleged offender may submit supporting  
13 documentation relevant to the assessment.

14 (C) Collateral source information regarding the  
15 alleged abuse or neglect and care of the child. Collateral  
16 information includes, when relevant: (i) a medical  
17 examination of the child; (ii) prior medical records  
18 relating to the alleged maltreatment or care of the child  
19 maintained by any facility, clinic, or health care  
20 professional, and an interview with the treating  
21 professionals; and (iii) interviews with the child's  
22 caretakers, including the child's parent, guardian, foster  
23 parent, child care provider, teachers, counselors, family  
24 members, relatives, and other persons who may have  
25 knowledge regarding the alleged maltreatment and the care  
26 of the child.

1           (D) Information on the existence of domestic abuse and  
2           violence in the home of the child, and substance abuse.

3           Nothing in this subsection (a-5) precludes the Department  
4           from collecting other relevant information necessary to  
5           conduct the assessment or investigation. Nothing in this  
6           subsection (a-5) shall be construed to allow the name or  
7           identity of a reporter to be disclosed in violation of the  
8           protections afforded under Section 7.19 of this Act.

9           After conducting the family assessment, the Department  
10          shall determine whether services are needed to address the  
11          safety of the child and other family members and the risk of  
12          subsequent abuse or neglect.

13          Upon completion of the family assessment, if the Department  
14          concludes that no services shall be offered, then the case  
15          shall be closed. If the Department concludes that services  
16          shall be offered, the Department shall develop a family  
17          preservation plan and offer or refer services to the family.

18          At any time during a family assessment, if the Department  
19          believes there is any reason to stop the assessment and conduct  
20          an investigation based on the information discovered, the  
21          Department shall do so.

22          The procedures available to the Department in conducting  
23          investigations under this Act shall be followed as appropriate  
24          during a family assessment.

25          If the Department implements a differential response  
26          program authorized under this subsection (a-5), the Department

1 shall arrange for an independent evaluation of the program for  
2 at least the first 3 years of implementation to determine  
3 whether it is meeting the goals in accordance with Section 2 of  
4 this Act.

5 The Department may adopt administrative rules necessary  
6 for the execution of this Section, in accordance with Section 4  
7 of the Children and Family Services Act.

8 The Department shall submit a report to the General  
9 Assembly by January 15, 2018 on the implementation progress and  
10 recommendations for additional needed legislative changes.

11 (b) (1) The following procedures shall be followed in the  
12 investigation of all reports of suspected abuse or neglect of a  
13 child, except as provided in subsection (c) of this Section.

14 (2) If, during a family assessment authorized by subsection  
15 (a-5) or an investigation, it appears that the immediate safety  
16 or well-being of a child is endangered, that the family may  
17 flee or the child disappear, or that the facts otherwise so  
18 warrant, the Child Protective Service Unit shall commence an  
19 investigation immediately, regardless of the time of day or  
20 night. All other investigations shall be commenced within 24  
21 hours of receipt of the report. Upon receipt of a report, the  
22 Child Protective Service Unit shall conduct a family assessment  
23 authorized by subsection (a-5) or begin an initial  
24 investigation and make an initial determination whether the  
25 report is a good faith indication of alleged child abuse or  
26 neglect.

1           (3) Based on an initial investigation, if the Unit  
2 determines the report is a good faith indication of alleged  
3 child abuse or neglect, then a formal investigation shall  
4 commence and, pursuant to Section 7.12 of this Act, may or may  
5 not result in an indicated report. The formal investigation  
6 shall include: direct contact with the subject or subjects of  
7 the report as soon as possible after the report is received; an  
8 evaluation of the environment of the child named in the report  
9 and any other children in the same environment; a determination  
10 of the risk to such children if they continue to remain in the  
11 existing environments, as well as a determination of the  
12 nature, extent and cause of any condition enumerated in such  
13 report; the name, age and condition of other children in the  
14 environment; and an evaluation as to whether there would be an  
15 immediate and urgent necessity to remove the child from the  
16 environment if appropriate family preservation services were  
17 provided. After seeing to the safety of the child or children,  
18 the Department shall forthwith notify the subjects of the  
19 report in writing, of the existence of the report and their  
20 rights existing under this Act in regard to amendment or  
21 expungement. To fulfill the requirements of this Section, the  
22 Child Protective Service Unit shall have the capability of  
23 providing or arranging for comprehensive emergency services to  
24 children and families at all times of the day or night.

25           (4) If (i) at the conclusion of the Unit's initial  
26 investigation of a report, the Unit determines the report to be

1 a good faith indication of alleged child abuse or neglect that  
2 warrants a formal investigation by the Unit, the Department,  
3 any law enforcement agency or any other responsible agency and  
4 (ii) the person who is alleged to have caused the abuse or  
5 neglect is employed or otherwise engaged in an activity  
6 resulting in frequent contact with children and the alleged  
7 abuse or neglect are in the course of such employment or  
8 activity, then the Department shall, except in investigations  
9 where the Director determines that such notification would be  
10 detrimental to the Department's investigation, inform the  
11 appropriate supervisor or administrator of that employment or  
12 activity that the Unit has commenced a formal investigation  
13 pursuant to this Act, which may or may not result in an  
14 indicated report. The Department shall also notify the person  
15 being investigated, unless the Director determines that such  
16 notification would be detrimental to the Department's  
17 investigation.

18 (c) In an investigation of a report of suspected abuse or  
19 neglect of a child by a school employee at a school or on  
20 school grounds, the Department shall make reasonable efforts to  
21 follow the following procedures:

22 (1) Investigations involving teachers shall not, to  
23 the extent possible, be conducted when the teacher is  
24 scheduled to conduct classes. Investigations involving  
25 other school employees shall be conducted so as to minimize  
26 disruption of the school day. The school employee accused

1 of child abuse or neglect may have his superior, his  
2 association or union representative and his attorney  
3 present at any interview or meeting at which the teacher or  
4 administrator is present. The accused school employee  
5 shall be informed by a representative of the Department, at  
6 any interview or meeting, of the accused school employee's  
7 due process rights and of the steps in the investigation  
8 process. These due process rights shall also include the  
9 right of the school employee to present countervailing  
10 evidence regarding the accusations. In an investigation in  
11 which the alleged perpetrator of abuse or neglect is a  
12 school employee, including, but not limited to, a school  
13 teacher or administrator, and the recommendation is to  
14 determine the report to be indicated, in addition to other  
15 procedures as set forth and defined in Department rules and  
16 procedures, the employee's due process rights shall also  
17 include: (i) the right to a copy of the investigation  
18 summary; (ii) the right to review the specific allegations  
19 which gave rise to the investigation; and (iii) the right  
20 to an administrator's teleconference which shall be  
21 convened to provide the school employee with the  
22 opportunity to present documentary evidence or other  
23 information that supports his or her position and to  
24 provide information before a final finding is entered.

25 (2) If a report of neglect or abuse of a child by a  
26 teacher or administrator does not involve allegations of

1 sexual abuse or extreme physical abuse, the Child  
2 Protective Service Unit shall make reasonable efforts to  
3 conduct the initial investigation in coordination with the  
4 employee's supervisor.

5 If the Unit determines that the report is a good faith  
6 indication of potential child abuse or neglect, it shall  
7 then commence a formal investigation under paragraph (3) of  
8 subsection (b) of this Section.

9 (3) If a report of neglect or abuse of a child by a  
10 teacher or administrator involves an allegation of sexual  
11 abuse or extreme physical abuse, the Child Protective Unit  
12 shall commence an investigation under paragraph (2) of  
13 subsection (b) of this Section.

14 (c-5) In any instance in which a report is made or caused  
15 to made by a school district employee involving the conduct of  
16 a person employed by the school district, at the time the  
17 report was made, as required under Section 4 of this Act, the  
18 Child Protective Service Unit shall send a copy of its final  
19 finding report to the general superintendent of that school  
20 district.

21 (c-10) The Department may recommend that a school district  
22 remove a school employee who is the subject of an investigation  
23 from his or her employment position pending the outcome of the  
24 investigation; however, all employment decisions regarding  
25 school personnel shall be the sole responsibility of the school  
26 district or employer. The Department may not require a school

1 district to remove a school employee from his or her employment  
2 position or limit the school employee's duties pending the  
3 outcome of an investigation.

4 (d) If the Department has contact with an employer, or with  
5 a religious institution or religious official having  
6 supervisory or hierarchical authority over a member of the  
7 clergy accused of the abuse of a child, in the course of its  
8 investigation, the Department shall notify the employer or the  
9 religious institution or religious official, in writing, when a  
10 report is unfounded so that any record of the investigation can  
11 be expunged from the employee's or member of the clergy's  
12 personnel or other records. The Department shall also notify  
13 the employee or the member of the clergy, in writing, that  
14 notification has been sent to the employer or to the  
15 appropriate religious institution or religious official  
16 informing the employer or religious institution or religious  
17 official that the Department's investigation has resulted in an  
18 unfounded report.

19 (e) Upon request by the Department, the Department of State  
20 Police and law enforcement agencies are authorized to provide  
21 criminal history record information as defined in the Illinois  
22 Uniform Conviction Information Act and information maintained  
23 in the adjudicatory and dispositional record system as defined  
24 in Section 2605-355 of the Department of State Police Law (20  
25 ILCS 2605/2605-355) to properly designated employees of the  
26 Department of Children and Family Services if the Department



1 determines the information is necessary to perform its duties  
2 under the Abused and Neglected Child Reporting Act, the Child  
3 Care Act of 1969, and the Children and Family Services Act. The  
4 request shall be in the form and manner required by the  
5 Department of State Police. Any information obtained by the  
6 Department of Children and Family Services under this Section  
7 is confidential and may not be transmitted outside the  
8 Department of Children and Family Services other than to a  
9 court of competent jurisdiction or unless otherwise authorized  
10 by law. Any employee of the Department of Children and Family  
11 Services who transmits confidential information in violation  
12 of this Section or causes the information to be transmitted in  
13 violation of this Section is guilty of a Class A misdemeanor  
14 unless the transmittal of the information is authorized by this  
15 Section or otherwise authorized by law.

16 (f) For purposes of this Section, "child abuse or neglect"  
17 includes abuse or neglect of an adult resident as defined in  
18 this Act.

19 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;  
20 100-191, eff. 1-1-18; revised 10-4-17.)

21 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

22 Sec. 7.14. All reports in the central register shall be  
23 classified in one of three categories: "indicated",  
24 "unfounded" or "undetermined", as the case may be. Prior to  
25 classifying the report, the person making the classification

1 shall determine whether the child named in the report is the  
2 subject of an action under Article V of the Juvenile Court Act  
3 of 1987 who is in the custody or guardianship of the Department  
4 or who has an open intact family services case with the  
5 Department or is the subject of an action under Article II of  
6 the Juvenile Court Act of 1987. If the child ~~is~~ either is the  
7 subject of an action under Article V of the Juvenile Court Act  
8 of 1987 and is in the custody or guardianship of the Department  
9 or has an open intact family services case with the Department  
10 or is the subject of an action under Article II of the Juvenile  
11 Court Act of 1987 and the Department intends to classify the  
12 report as indicated, the Department shall, within 45 days of  
13 classification of the report, transmit a copy of the report to  
14 the attorney or guardian ad litem appointed for the child under  
15 Section 2-17 of the Juvenile Court Act of 1987 or to a guardian  
16 ad litem appointed under Section 5-610 of the Juvenile Court  
17 Act of 1987. If the child ~~is~~ either is the subject of an action  
18 under Article V of the Juvenile Court Act of 1987 and is in the  
19 custody or guardianship of the Department or has an open intact  
20 family services case with the Department or is the subject of  
21 an action under Article II of the Juvenile Court Act of 1987  
22 and the Department intends to classify the report as unfounded,  
23 the Department shall, within 45 days of deciding its intent to  
24 classify the report as unfounded, transmit a copy of the report  
25 and written notice of the Department's intent to the attorney  
26 or guardian ad litem appointed for the child under Section 2-17

1 of the Juvenile Court Act of 1987, or to a guardian ad litem  
2 appointed under Section 5-610 of the Juvenile Court Act of  
3 1987. The Department's obligation under this Section to provide  
4 reports to a guardian ad litem appointed under Section 5-610 of  
5 the Juvenile Court Act of 1987 for a minor with an open intact  
6 family services case applies only if the guardian ad litem  
7 notified the Department in writing of the representation. All  
8 information identifying the subjects of an unfounded report  
9 shall be expunged from the register forthwith, except as  
10 provided in Section 7.7. Unfounded reports may only be made  
11 available to the Child Protective Service Unit when  
12 investigating a subsequent report of suspected abuse or  
13 maltreatment involving a child named in the unfounded report;  
14 and to the subject of the report, provided the Department has  
15 not expunged the file in accordance with Section 7.7. The Child  
16 Protective Service Unit shall not indicate the subsequent  
17 report solely based upon the existence of the prior unfounded  
18 report or reports. Notwithstanding any other provision of law  
19 to the contrary, an unfounded report shall not be admissible in  
20 any judicial or administrative proceeding or action except for  
21 proceedings under Sections 2-10 and 2-21 of the Juvenile Court  
22 Act of 1987 involving a petition filed under Section 2-13 of  
23 the Juvenile Court Act of 1987 alleging abuse or neglect to the  
24 same child, a sibling of the child, or the same perpetrator.  
25 Identifying information on all other records shall be removed  
26 from the register no later than 5 years after the report is

1 indicated. However, if another report is received involving the  
2 same child, his sibling or offspring, or a child in the care of  
3 the persons responsible for the child's welfare, or involving  
4 the same alleged offender, the identifying information may be  
5 maintained in the register until 5 years after the subsequent  
6 case or report is closed.

7 Notwithstanding any other provision of this Section,  
8 identifying information in indicated reports involving serious  
9 physical injury to a child as defined by the Department in  
10 rules, may be retained longer than 5 years after the report is  
11 indicated or after the subsequent case or report is closed, and  
12 may not be removed from the register except as provided by the  
13 Department in rules. Identifying information in indicated  
14 reports involving sexual penetration of a child, sexual  
15 molestation of a child, sexual exploitation of a child, torture  
16 of a child, or the death of a child, as defined by the  
17 Department in rules, shall be retained for a period of not less  
18 than 50 years after the report is indicated or after the  
19 subsequent case or report is closed.

20 For purposes of this Section, "child" includes an adult  
21 resident as defined in this Act.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-349, eff. 1-1-16;  
23 100-158, eff. 1-1-18; revised 10-4-17.)

24 Section 465. The Advisory Council on Early Identification  
25 and Treatment of Mental Health Conditions Act is amended by

1 changing Sections 5 and 10 as follows:

2 (405 ILCS 115/5)

3 Sec. 5. Findings. The General Assembly finds that:

4 (1) the medical science is clear that mental health  
5 treatment works to improve mental health conditions and  
6 manage symptoms but it can take, on average, 10 years for a  
7 child or young adult with a significant condition to  
8 receive the right diagnosis and treatment from the time the  
9 first symptoms began, and nearly two-thirds of children and  
10 adults never get treatment;

11 (2) long treatment lags can lead to debilitating  
12 conditions and permanent disability;

13 (3) suicide, often due to untreated depression, is the  
14 second leading cause of death in this State for children  
15 and young adults ranging in age from 10 to 34;

16 (4) between 40% to 50% of heroin and other drug  
17 addiction begins to self-medicate an underlying, untreated  
18 mental health condition;

19 (5) important State reforms on improving access to  
20 mental health and substance use treatment are underway and  
21 others are pending, but more needs to be done to address  
22 this State's serious systemic challenges to early  
23 identification and treatment of mental health conditions;

24 (6) the medical and mental health treatment  
25 communities across this State are implementing many

1 evidence-based best practices on early screening,  
2 identification and treatment of mental health conditions,  
3 including co-located and integrated care, despite limited  
4 resources and major access to care challenges across the  
5 State; and

6 (7) establishing an Advisory Council on Early  
7 Identification and Treatment of Mental Health Conditions  
8 to:

9 (A) report and share information on evidence-based  
10 best practices related to early identification and  
11 treatment being implemented across this State and  
12 other states;

13 (B) assist in advancing all providers to move  
14 toward implementation of evidence-based best  
15 practices, irrespective of payer such as Medicaid or  
16 private insurance;IT

17 (C) identify the barriers to statewide  
18 implementation of early identification and treatment  
19 across all providers; and

20 (D) reduce the stigma of mental health conditions  
21 by treating them like any other medical condition;

22 will outline the path to enabling thousands of children,  
23 youth, and young adults in this State living with mental  
24 health conditions, including those related to trauma, to  
25 get the early diagnosis and treatment they need to  
26 effectively manage their condition and avoid potentially

1 life-long debilitating symptoms.

2 (Source: P.A. 100-184, eff. 1-1-18; revised 9-28-17.)

3 (405 ILCS 115/10)

4 Sec. 10. Advisory Council on Early Identification and  
5 Treatment of Mental Health Conditions.

6 (a) There is created the Advisory Council on Early  
7 Identification and Treatment of Mental Health Conditions  
8 within the Department of Human Services. The Department of  
9 Human Services shall provide administrative support for the  
10 Advisory Council. The report, recommendations, and action plan  
11 required by this Section shall reflect the consensus of a  
12 majority of the Council.

13 (b) The Advisory Council shall:

14 (1) review and identify evidence-based best practice  
15 models and promising practices supported by peer-reviewed  
16 literature being implemented in this State and other states  
17 on regular screening and early identification of mental  
18 health and substance use conditions in children and young  
19 adults, including depression, bipolar ~~bi-polar~~ disorder,  
20 schizophrenia, and other similar conditions, beginning at  
21 the age endorsed by the American Academy of Pediatrics,  
22 through young adulthood, irrespective of coverage by  
23 public or private health insurance, resulting in early  
24 treatment;

25 (2) identify evidence-based mental health prevention

1 and promotion initiatives;

2 (3) identify strategies to enable additional medical  
3 providers and community-based providers to implement  
4 evidence-based best practices on regular screening, and  
5 early identification and treatment of mental health  
6 conditions;

7 (4) identify barriers to the success of early  
8 screening, identification and treatment of mental health  
9 conditions across this State, including but not limited to,  
10 treatment access challenges, specific mental health  
11 workforce issues, regional challenges, training and  
12 knowledge-base needs of providers, provider infrastructure  
13 needs, reimbursement and payment issues, and public and  
14 private insurance coverage issues;

15 (5) based on the findings in paragraphs (1) through (4)  
16 of this subsection (b), develop a set of recommendations  
17 and an action plan to address the barriers to early and  
18 regular screening and identification of mental health  
19 conditions in children, adolescents and young adults in  
20 this State; and

21 (6) complete and deliver the recommendations and  
22 action plan required by paragraph (5) of this subsection  
23 (b) to the Governor and the General Assembly within one  
24 year of the first meeting of the Advisory Council, ~~and~~

25 Upon ~~(7) upon~~ completion and delivery of the  
26 recommendations and action plan to the Governor and General



1 Assembly, the Advisory Council shall be dissolved.

2 (c) The Advisory Council shall be composed of no more than  
3 27 members and 3 ex officio members, including:

4 (1) Two members of the House of Representatives, one  
5 appointed by the Speaker of the House of Representatives  
6 and one appointed by the Minority Leader of the House of  
7 Representatives.

8 (2) Two members of the Senate, one appointed by the  
9 President of the Senate and one appointed by the Minority  
10 Leader of the Senate.

11 (3) One representative of the Office of the Governor  
12 appointed by the Governor.

13 (4) Twenty-two members of the public as follows;  
14 however, provider representatives selected shall include a  
15 balance of those delivering care to persons with private  
16 health insurance and those serving underserved  
17 populations:

18 (A) Four pediatricians recommended by a statewide  
19 organization that represents pediatricians, one from  
20 the Chicago area, one from suburban Chicago, one from  
21 central Illinois, and one from downstate Illinois,  
22 appointed by the Speaker of the House of  
23 Representatives.

24 (B) Four family primary care physicians  
25 recommended by a statewide organization that  
26 represents family physicians, one from the Chicago

1 area, one from suburban Chicago, one from central  
2 Illinois, and one from downstate Illinois, appointed  
3 by the President of the Senate.

4 (C) Two advanced practice registered nurses  
5 recommended by a statewide organization that  
6 represents advanced practice registered nurses, one  
7 from Chicago and one from central or downstate  
8 Illinois, appointed by the Speaker of the House of  
9 Representatives.

10 (D) Two psychiatrists, including one child  
11 psychiatrist, recommended by a statewide organization  
12 that represents psychiatrists, one from the Chicago  
13 metropolitan region and one from central or downstate  
14 Illinois, appointed by the President of the Senate.

15 (E) Two psychologists, including one child  
16 psychologist, recommended by a statewide organization  
17 that represents psychologists, one from the Chicago  
18 metropolitan region and one from central or downstate  
19 Illinois, appointed by the Speaker of the House of  
20 Representatives.

21 (F) One representative from an organization that  
22 advocates for families and youth with mental health  
23 conditions who is a parent with a child living with a  
24 mental health condition, appointed by the President of  
25 the Senate.

26 (G) Two community mental health service providers

1 recommended by a statewide organization that  
2 represents community mental health providers, one from  
3 the Chicago metropolitan region and one from central  
4 Illinois or downstate Illinois, appointed by the  
5 Speaker of the House of Representatives.

6 (H) Two substance use treatment providers  
7 recommended by a statewide organization that  
8 represents substance use treatment providers, one from  
9 the Chicago metropolitan region, one from central or  
10 downstate Illinois, appointed by the President of the  
11 Senate.

12 (I) One representative from an organization that  
13 advocates for families and youth with mental health  
14 conditions who is an individual with lived experience  
15 of a mental health condition, appointed by the  
16 President of the Senate.

17 (J) Two representatives from private insurance  
18 companies, one appointed by the Speaker of the House of  
19 Representatives and one appointed by the President of  
20 the Senate.

21 (K) The following 3 officials shall serve as ex  
22 officio members:

23 (i) the Director of Public Health, or his or  
24 her designee;

25 (ii) the Director of Healthcare and Family  
26 Services, or his or her designee; and

1 (iii) the Director of the Division of Mental  
2 Health within the Department of Human Services, or  
3 his or her designee.

4 (d) Members shall serve without compensation and are  
5 responsible for the cost of all reasonable and necessary travel  
6 expenses connected to Advisory Council business. Advisory  
7 Council members shall not be reimbursed by the State for these  
8 costs. Advisory Council members shall be appointed within 60  
9 days after January 1, 2018 (the effective date of this Act).  
10 The Advisory Council shall hold its initial meeting within 60  
11 days after at least 50% of the members have been appointed. One  
12 representative from the pediatricians or primary care  
13 physicians and one representative from the mental health  
14 treatment community shall be the co-chairs of the Advisory  
15 Council. At the first meeting of the Advisory Council, the  
16 members shall select a 7-person ~~7-person~~ Steering Committee  
17 that includes ~~include~~ the co-chairs. The Advisory Council may  
18 establish committees that address specific issues or  
19 populations and may appoint persons with relevant expertise who  
20 are not appointed members of the Advisory Council to serve on  
21 the committees as needed.

22 (Source: P.A. 100-184, eff. 1-1-18; revised 1-22-18.)

23 Section 470. The Crematory Regulation Act is amended by  
24 changing Section 5 as follows:

1 (410 ILCS 18/5)

2 (Text of Section before amendment by P.A. 100-526)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 5. Definitions. As used in this Act:

5 "Address of record" means the designated address recorded  
6 by the Comptroller in the applicant's or licensee's application  
7 file or license file. It is the duty of the applicant or  
8 licensee to inform the Comptroller of any change of address  
9 within 14 days, and such changes must be made either through  
10 the Comptroller's website or by contacting the Comptroller. The  
11 address of record shall be the permanent street address of the  
12 crematory.

13 "Alternative container" means a receptacle, other than a  
14 casket, in which human remains are transported to the crematory  
15 and placed in the cremation chamber for cremation. An  
16 alternative container shall be (i) composed of readily  
17 combustible or consumable materials suitable for cremation,  
18 (ii) able to be closed in order to provide a complete covering  
19 for the human remains, (iii) resistant to leakage or spillage,  
20 (iv) rigid enough for handling with ease, and (v) able to  
21 provide protection for the health, safety, and personal  
22 integrity of crematory personnel.

23 "Authorizing agent" means a person legally entitled to  
24 order the cremation and final disposition of specific human  
25 remains.

26 "Body parts" means limbs or other portions of the anatomy

1 that are removed from a person or human remains for medical  
2 purposes during treatment, surgery, biopsy, autopsy, or  
3 medical research; or human bodies or any portion of bodies that  
4 have been donated to science for medical research purposes.

5 "Burial transit permit" means a permit for disposition of a  
6 dead human body as required by Illinois law.

7 "Casket" means a rigid container that is designed for the  
8 encasement of human remains, is usually constructed of wood,  
9 metal, or like material and ornamented and lined with fabric,  
10 and may or may not be combustible.

11 "Comptroller" means the Comptroller of the State of  
12 Illinois.

13 "Cremated remains" means all human remains recovered after  
14 the completion of the cremation, which may possibly include the  
15 residue of any foreign matter including casket material,  
16 bridgework, or eyeglasses, that was cremated with the human  
17 remains.

18 "Cremation" means the technical process, using heat and  
19 flame, or alkaline hydrolysis that reduces human remains to  
20 bone fragments. The reduction takes place through heat and  
21 evaporation or through hydrolysis. Cremation shall include the  
22 processing, and may include the pulverization, of the bone  
23 fragments.

24 "Cremation chamber" means the enclosed space within which  
25 the cremation takes place.

26 "Cremation interment container" means a rigid outer

1 container that, subject to a cemetery's rules and regulations,  
2 is composed of concrete, steel, fiberglass, or some similar  
3 material in which an urn is placed prior to being interred in  
4 the ground, and which is designed to withstand prolonged  
5 exposure to the elements and to support the earth above the  
6 urn.

7 "Cremation room" means the room in which the cremation  
8 chamber is located.

9 "Crematory" means the building or portion of a building  
10 that houses the cremation room and the holding facility.

11 "Crematory authority" means the legal entity which is  
12 licensed by the Comptroller to operate a crematory and to  
13 perform cremations.

14 "Final disposition" means the burial, cremation, or other  
15 disposition of a dead human body or parts of a dead human body.

16 "Funeral director" means a person known by the title of  
17 "funeral director", "funeral director and embalmer", or other  
18 similar words or titles, licensed by the State to practice  
19 funeral directing or funeral directing and embalming.

20 "Funeral establishment" means a building or separate  
21 portion of a building having a specific street address and  
22 location and devoted to activities relating to the shelter,  
23 care, custody, and preparation of a deceased human body and may  
24 contain facilities for funeral or wake services.

25 "Holding facility" means an area that (i) is designated for  
26 the retention of human remains prior to cremation, (ii)

1 complies with all applicable public health law, (iii) preserves  
2 the health and safety of the crematory authority personnel, and  
3 (iv) is secure from access by anyone other than authorized  
4 persons. A holding facility may be located in a cremation room.

5 "Human remains" means the body of a deceased person,  
6 including any form of body prosthesis that has been permanently  
7 attached or implanted in the body.

8 "Licensee" means an entity licensed under this Act. An  
9 entity that holds itself as a licensee or that is accused of  
10 unlicensed practice is considered a licensee for purposes of  
11 enforcement, investigation, hearings, and the Illinois  
12 Administrative Procedure Act.

13 "Niche" means a compartment or cubicle for the  
14 memorialization and permanent placement of an urn containing  
15 cremated remains.

16 "Person" means any person, partnership, association,  
17 corporation, limited liability company, or other entity, and in  
18 the case of any such business organization, its officers,  
19 partners, members, or shareholders possessing 25% or more of  
20 ownership of the entity.

21 "Processing" means the reduction of identifiable bone  
22 fragments after the completion of the cremation process to  
23 unidentifiable bone fragments by manual or mechanical means.

24 "Pulverization" means the reduction of identifiable bone  
25 fragments after the completion of the cremation process to  
26 granulated particles by manual or mechanical means.



1 "Scattering area" means an area which may be designated by  
2 a cemetery and located on dedicated cemetery property or  
3 property used for outdoor recreation or natural resource  
4 conservation owned by the Department of Natural Resources and  
5 designated as a scattering area, where cremated remains, which  
6 have been removed from their container, can be mixed with, or  
7 placed on top of, the soil or ground cover.

8 "Temporary container" means a receptacle for cremated  
9 remains, usually composed of cardboard, plastic or similar  
10 material, that can be closed in a manner that prevents the  
11 leakage or spillage of the cremated remains or the entrance of  
12 foreign material, and is a single container of sufficient size  
13 to hold the cremated remains until an urn is acquired or the  
14 cremated remains are scattered.

15 "Urn" means a receptacle designed to encase the cremated  
16 remains.

17 (Source: P.A. 100-97, eff. 1-1-18.)

18 (Text of Section after amendment by P.A. 100-526)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 5. Definitions. As used in this Act:

21 "Address of record" means the designated address recorded  
22 by the Comptroller in the applicant's or licensee's application  
23 file or license file. It is the duty of the applicant or  
24 licensee to inform the Comptroller of any change of address  
25 within 14 days, and such changes must be made either through

1 the Comptroller's website or by contacting the Comptroller. The  
2 address of record shall be the permanent street address of the  
3 crematory.

4 "Alternative container" means a receptacle, other than a  
5 casket, in which human remains are transported to the crematory  
6 and placed in the cremation chamber for cremation. An  
7 alternative container shall be (i) composed of readily  
8 combustible or consumable materials suitable for cremation,  
9 (ii) able to be closed in order to provide a complete covering  
10 for the human remains, (iii) resistant to leakage or spillage,  
11 (iv) rigid enough for handling with ease, and (v) able to  
12 provide protection for the health, safety, and personal  
13 integrity of crematory personnel.

14 "Authorizing agent" means a person legally entitled to  
15 order the cremation and final disposition of specific human  
16 remains. "Authorizing agent" includes an institution of  
17 medical, mortuary, or other sciences as provided in Section 20  
18 of the Disposition of Remains of the Indigent Act.

19 "Body parts" means limbs or other portions of the anatomy  
20 that are removed from a person or human remains for medical  
21 purposes during treatment, surgery, biopsy, autopsy, or  
22 medical research; or human bodies or any portion of bodies that  
23 have been donated to science for medical research purposes.

24 "Burial transit permit" means a permit for disposition of a  
25 dead human body as required by Illinois law.

26 "Casket" means a rigid container that is designed for the

1 encasement of human remains, is usually constructed of wood,  
2 metal, or like material and ornamented and lined with fabric,  
3 and may or may not be combustible.

4 "Comptroller" means the Comptroller of the State of  
5 Illinois.

6 "Cremated remains" means all human remains recovered after  
7 the completion of the cremation, which may possibly include the  
8 residue of any foreign matter including casket material,  
9 bridgework, or eyeglasses, that was cremated with the human  
10 remains.

11 "Cremation" means the technical process, using heat and  
12 flame, or alkaline hydrolysis that reduces human remains to  
13 bone fragments. The reduction takes place through heat and  
14 evaporation or through hydrolysis. Cremation shall include the  
15 processing, and may include the pulverization, of the bone  
16 fragments.

17 "Cremation chamber" means the enclosed space within which  
18 the cremation takes place.

19 "Cremation interment container" means a rigid outer  
20 container that, subject to a cemetery's rules and regulations,  
21 is composed of concrete, steel, fiberglass, or some similar  
22 material in which an urn is placed prior to being interred in  
23 the ground, and which is designed to withstand prolonged  
24 exposure to the elements and to support the earth above the  
25 urn.

26 "Cremation room" means the room in which the cremation

1 chamber is located.

2 "Crematory" means the building or portion of a building  
3 that houses the cremation room and the holding facility.

4 "Crematory authority" means the legal entity which is  
5 licensed by the Comptroller to operate a crematory and to  
6 perform cremations.

7 "Final disposition" means the burial, cremation, or other  
8 disposition of a dead human body or parts of a dead human body.

9 "Funeral director" means a person known by the title of  
10 "funeral director", "funeral director and embalmer", or other  
11 similar words or titles, licensed by the State to practice  
12 funeral directing or funeral directing and embalming.

13 "Funeral establishment" means a building or separate  
14 portion of a building having a specific street address and  
15 location and devoted to activities relating to the shelter,  
16 care, custody, and preparation of a deceased human body and may  
17 contain facilities for funeral or wake services.

18 "Holding facility" means an area that (i) is designated for  
19 the retention of human remains prior to cremation, (ii)  
20 complies with all applicable public health law, (iii) preserves  
21 the health and safety of the crematory authority personnel, and  
22 (iv) is secure from access by anyone other than authorized  
23 persons. A holding facility may be located in a cremation room.

24 "Human remains" means the body of a deceased person,  
25 including any form of body prosthesis that has been permanently  
26 attached or implanted in the body.

1           "Licensee" means an entity licensed under this Act. An  
2 entity that holds itself as a licensee or that is accused of  
3 unlicensed practice is considered a licensee for purposes of  
4 enforcement, investigation, hearings, and the Illinois  
5 Administrative Procedure Act.

6           "Niche" means a compartment or cubicle for the  
7 memorialization and permanent placement of an urn containing  
8 cremated remains.

9           "Person" means any person, partnership, association,  
10 corporation, limited liability company, or other entity, and in  
11 the case of any such business organization, its officers,  
12 partners, members, or shareholders possessing 25% or more of  
13 ownership of the entity.

14           "Processing" means the reduction of identifiable bone  
15 fragments after the completion of the cremation process to  
16 unidentifiable bone fragments by manual or mechanical means.

17           "Pulverization" means the reduction of identifiable bone  
18 fragments after the completion of the cremation process to  
19 granulated particles by manual or mechanical means.

20           "Scattering area" means an area which may be designated by  
21 a cemetery and located on dedicated cemetery property or  
22 property used for outdoor recreation or natural resource  
23 conservation owned by the Department of Natural Resources and  
24 designated as a scattering area, where cremated remains, which  
25 have been removed from their container, can be mixed with, or  
26 placed on top of, the soil or ground cover.

1 "Temporary container" means a receptacle for cremated  
2 remains, usually composed of cardboard, plastic or similar  
3 material, that can be closed in a manner that prevents the  
4 leakage or spillage of the cremated remains or the entrance of  
5 foreign material, and is a single container of sufficient size  
6 to hold the cremated remains until an urn is acquired or the  
7 cremated remains are scattered.

8 "Urn" means a receptacle designed to encase the cremated  
9 remains.

10 (Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18;  
11 revised 9-29-17.)

12 Section 475. The Tattoo and Body Piercing Establishment  
13 Registration Act is amended by changing Section 10 as follows:

14 (410 ILCS 54/10)

15 Sec. 10. Definitions. In this Act:

16 "Aseptic technique" means a practice that prevents and  
17 hinders the transmission of disease-producing microorganisms  
18 from one person or place to another.

19 "Body piercing" means penetrating the skin to make a hole,  
20 mark, or scar that is generally permanent in nature. "Body  
21 piercing" does not include practices that are considered  
22 medical procedures or the puncturing of the outer perimeter or  
23 lobe of the ear using a pre-sterilized, single-use stud and  
24 clasp ear piercing system.

1 "Client" means the person, customer, or patron whose skin  
2 will be tattooed or pierced.

3 "Communicable disease" means a disease that can be  
4 transmitted from person to person directly or indirectly,  
5 including diseases transmitted via blood or body fluids.

6 "Department" means the Department of Public Health or other  
7 health authority designated as its agent.

8 "Director" means the Director of Public Health or his or  
9 her designee.

10 "Establishment" means a body-piercing operation, a  
11 tattooing operation, or a combination of both operations in a  
12 multiple-type establishment.

13 "Ink cup" means a small container for an individual portion  
14 of pigment that may be installed in a holder or palette and in  
15 which a small amount of pigment of a given color is placed.

16 "Multi-type establishment" means an operation encompassing  
17 both body piercing and tattooing on the same premises and under  
18 the same management.

19 "Person" means any individual, group of individuals,  
20 association, trust, partnership, corporation, or limited  
21 liability company.

22 "Procedure area" means the immediate area where  
23 instruments and supplies are placed during a procedure.

24 "Operator" means an individual, partnership, corporation,  
25 association, or other entity engaged in the business of owning,  
26 managing, or offering services of body piercing or tattooing.

1 "Sanitation" means the effective bactericidal and  
2 veridical treatment of clean equipment surfaces by a process  
3 that effectively destroys pathogens.

4 "Single use" means items that are intended for one time and  
5 one person use only and are to then be discarded.

6 "Sterilize" means to destroy all living organisms  
7 including spores.

8 "Tattooing" means making permanent marks on the skin of a  
9 live human being by puncturing the skin and inserting indelible  
10 colors. "Tattooing" includes imparting permanent makeup on the  
11 skin, such as permanent lip coloring and permanent eyeliner.  
12 "Tattooing" does not include any of the following:

13 (1) The practice of electrology as defined in the  
14 Electrologist ~~Electrology~~ Licensing Act.

15 (2) The practice of acupuncture as defined in the  
16 Acupuncture ~~Practice Licensing~~ Act.

17 (3) The use, by a physician licensed to practice  
18 medicine in all its branches, of colors, dyes, or pigments  
19 for the purpose of obscuring scar tissue or imparting color  
20 to the skin for cosmetic, medical, or figurative purposes.

21 (Source: P.A. 99-117, eff. 1-1-16; revised 9-29-17.)

22 Section 480. The Public Health Standing Orders Act is  
23 amended by changing Section 5 as follows:

24 (410 ILCS 125/5)



1           Sec. 5. Definitions. In this Act:

2           "Health care personnel" means persons working within the  
3 scope of their licensure or training and experience with a  
4 public health clinic who provide medical services, including  
5 volunteers and staff not employed by the public health clinic.

6           "Public health clinic" has the same meaning as provided in  
7 subsection (c) of Section 6-101 of the Local Governmental and  
8 Governmental Employees Tort Immunity ~~Immunities~~ Act.

9           "Public health standing orders physician" has the same  
10 meaning as provided in subsection (d) of Section 6-101 of the  
11 Local Governmental and Governmental Employees Tort Immunity  
12 ~~Immunities~~ Act.

13           (Source: P.A. 97-589, eff. 1-1-12; revised 11-8-17.)

14           Section 485. The Compassionate Use of Medical Cannabis  
15 Pilot Program Act is amended by changing Section 160 as  
16 follows:

17           (410 ILCS 130/160)

18           (Section scheduled to be repealed on July 1, 2020)

19           Sec. 160. Annual reports. ~~(a)~~ The Department of Public  
20 Health shall submit to the General Assembly a report, by  
21 September 30 of each year, that does not disclose any  
22 identifying information about registered qualifying patients,  
23 registered caregivers, or physicians, but does contain, at a  
24 minimum, all of the following information based on the fiscal

1 year for reporting purposes:

2 (1) the number of applications and renewals filed for  
3 registry identification cards or registrations;

4 (2) the number of qualifying patients and designated  
5 caregivers served by each dispensary during the report  
6 year;

7 (3) the nature of the debilitating medical conditions  
8 of the qualifying patients;

9 (4) the number of registry identification cards or  
10 registrations revoked for misconduct;

11 (5) the number of physicians providing written  
12 certifications for qualifying patients; and

13 (6) the number of registered medical cannabis  
14 cultivation centers or registered dispensing  
15 organizations.

16 (Source: P.A. 98-122, eff. 1-1-14; revised 11-8-17.)

17 Section 490. The Consent by Minors to Health Care Services  
18 Act is amended by changing Sections 1, 1.5, 2, 3, and 5 as  
19 follows:

20 (410 ILCS 210/1) (from Ch. 111, par. 4501)

21 Sec. 1. Consent by minor. The consent to the performance of  
22 a health care service by a physician licensed to practice  
23 medicine in all its branches, a chiropractic physician, a  
24 licensed optometrist, a licensed advanced practice registered

1 nurse, or a licensed physician assistant executed by a married  
2 person who is a minor, by a parent who is a minor, by a pregnant  
3 woman who is a minor, or by any person 18 years of age or older,  
4 is not voidable because of such minority, and, for such  
5 purpose, a married person who is a minor, a parent who is a  
6 minor, a pregnant woman who is a minor, or any person 18 years  
7 of age or older, is deemed to have the same legal capacity to  
8 act and has the same powers and obligations as has a person of  
9 legal age.

10 (Source: P.A. 99-173, eff. 7-29-15; 100-378, eff. 1-1-18;  
11 100-513, eff. 1-1-18; revised 9-29-17.)

12 (410 ILCS 210/1.5)

13 Sec. 1.5. Consent by minor seeking care for limited primary  
14 care services.

15 (a) The consent to the performance of primary care services  
16 by a physician licensed to practice medicine in all its  
17 branches, a licensed advanced practice registered nurse, a  
18 licensed physician assistant, a chiropractic physician, or a  
19 licensed optometrist executed by a minor seeking care is not  
20 voidable because of such minority, and for such purpose, a  
21 minor seeking care is deemed to have the same legal capacity to  
22 act and has the same powers and obligations as has a person of  
23 legal age under the following circumstances:

24 (1) the health care professional reasonably believes  
25 that the minor seeking care understands the benefits and

1 risks of any proposed primary care or services; and

2 (2) the minor seeking care is identified in writing as  
3 a minor seeking care by:

4 (A) an adult relative;

5 (B) a representative of a homeless service agency  
6 that receives federal, State, county, or municipal  
7 funding to provide those services or that is otherwise  
8 sanctioned by a local continuum of care;

9 (C) an attorney licensed to practice law in this  
10 State;

11 (D) a public school homeless liaison or school  
12 social worker;

13 (E) a social service agency providing services to  
14 at risk, homeless, or runaway youth; or

15 (F) a representative of a religious organization.

16 (b) A health care professional rendering primary care  
17 services under this Section shall not incur civil or criminal  
18 liability for failure to obtain valid consent or professional  
19 discipline for failure to obtain valid consent if he or she  
20 relied in good faith on the representations made by the minor  
21 or the information provided under paragraph (2) of subsection  
22 (a) of this Section. Under such circumstances, good faith shall  
23 be presumed.

24 (c) The confidential nature of any communication between a  
25 health care professional described in Section 1 of this Act and  
26 a minor seeking care is not waived (1) by the presence, at the

1 time of communication, of any additional persons present at the  
2 request of the minor seeking care, (2) by the health care  
3 professional's disclosure of confidential information to the  
4 additional person with the consent of the minor seeking care,  
5 when reasonably necessary to accomplish the purpose for which  
6 the additional person is consulted, or (3) by the health care  
7 professional billing a health benefit insurance or plan under  
8 which the minor seeking care is insured, is enrolled, or has  
9 coverage for the services provided.

10 (d) Nothing in this Section shall be construed to limit or  
11 expand a minor's existing powers and obligations under any  
12 federal, State, or local law. Nothing in this Section shall be  
13 construed to affect the Parental Notice of Abortion Act of  
14 1995. Nothing in this Section affects the right or authority of  
15 a parent or legal guardian to verbally, in writing, or  
16 otherwise authorize health care services to be provided for a  
17 minor in their absence.

18 (e) For the purposes of this Section:

19 "Minor seeking care" means a person at least 14 years of  
20 age but less than 18 years of age who is living separate and  
21 apart from his or her parents or legal guardian, whether with  
22 or without the consent of a parent or legal guardian who is  
23 unable or unwilling to return to the residence of a parent, and  
24 managing his or her own personal affairs. "Minor seeking care"  
25 does not include minors who are under the protective custody,  
26 temporary custody, or guardianship of the Department of

1 Children and Family Services.

2 "Primary care services" means health care services that  
3 include screening, counseling, immunizations, medication, and  
4 treatment of illness and conditions customarily provided by  
5 licensed health care professionals in an out-patient setting,  
6 eye care services, excluding advanced optometric procedures,  
7 provided by optometrists, and services provided by  
8 chiropractic physicians according to the scope of practice of  
9 chiropractic physicians under the Medical Practice Act of 1987.  
10 "Primary care services" does not include invasive care, beyond  
11 standard injections, laceration care, or non-surgical fracture  
12 care.

13 (Source: P.A. 99-173, eff. 7-29-15; 100-378, eff. 1-1-18;  
14 100-513, eff. 1-1-18; revised 9-29-17.)

15 (410 ILCS 210/2) (from Ch. 111, par. 4502)

16 Sec. 2. Any parent, including a parent who is a minor, may  
17 consent to the performance upon his or her child of a health  
18 care service by a physician licensed to practice medicine in  
19 all its branches, a chiropractic physician, a licensed  
20 optometrist, a licensed advanced practice registered nurse, or  
21 a licensed physician assistant or a dental procedure by a  
22 licensed dentist. The consent of a parent who is a minor shall  
23 not be voidable because of such minority, but, for such  
24 purpose, a parent who is a minor shall be deemed to have the  
25 same legal capacity to act and shall have the same powers and

1 obligations as has a person of legal age.

2 (Source: P.A. 99-173, eff. 7-29-15; 100-378, eff. 1-1-18;  
3 100-513, eff. 1-1-18; revised 9-29-17.)

4 (410 ILCS 210/3) (from Ch. 111, par. 4503)

5 Sec. 3. (a) Where a hospital, a physician licensed to  
6 practice medicine in all its branches, a chiropractic  
7 physician, a licensed optometrist, a licensed advanced  
8 practice registered nurse, or a licensed physician assistant  
9 renders emergency treatment or first aid or a licensed dentist  
10 renders emergency dental treatment to a minor, consent of the  
11 minor's parent or legal guardian need not be obtained if, in  
12 the sole opinion of the physician, chiropractic physician,  
13 optometrist, advanced practice registered nurse, physician  
14 assistant, dentist, or hospital, the obtaining of consent is  
15 not reasonably feasible under the circumstances without  
16 adversely affecting the condition of such minor's health.

17 (b) Where a minor is the victim of a predatory criminal  
18 sexual assault of a child, aggravated criminal sexual assault,  
19 criminal sexual assault, aggravated criminal sexual abuse or  
20 criminal sexual abuse, as provided in Sections 11-1.20 through  
21 11-1.60 of the Criminal Code of 2012, the consent of the  
22 minor's parent or legal guardian need not be obtained to  
23 authorize a hospital, physician, chiropractic physician,  
24 optometrist, advanced practice registered nurse, physician  
25 assistant, or other medical personnel to furnish health care

1 services or counseling related to the diagnosis or treatment of  
2 any disease or injury arising from such offense. The minor may  
3 consent to such counseling, diagnosis or treatment as if the  
4 minor had reached his or her age of majority. Such consent  
5 shall not be voidable, nor subject to later disaffirmance,  
6 because of minority.

7 (Source: P.A. 99-173, eff. 7-29-15; 100-378, eff. 1-1-18;  
8 100-513, eff. 1-1-18; revised 9-29-17.)

9 (410 ILCS 210/5) (from Ch. 111, par. 4505)

10 Sec. 5. Counseling; informing parent or guardian. Any  
11 physician licensed to practice medicine in all its branches,  
12 advanced practice registered nurse, or physician assistant,  
13 who provides diagnosis or treatment or any licensed clinical  
14 psychologist or professionally trained social worker with a  
15 master's degree or any qualified person employed (i) by an  
16 organization licensed or funded by the Department of Human  
17 Services, (ii) by units of local government, or (iii) by  
18 agencies or organizations operating drug abuse programs funded  
19 or licensed by the Federal Government or the State of Illinois  
20 or any qualified person employed by or associated with any  
21 public or private alcoholism or drug abuse program licensed by  
22 the State of Illinois who provides counseling to a minor  
23 patient who has come into contact with any sexually transmitted  
24 disease referred to in Section 4 of this Act may, but shall not  
25 be obligated to, inform the parent, parents, or guardian of the



1 minor as to the treatment given or needed. Any person described  
2 in this Section who provides counseling to a minor who abuses  
3 drugs or alcohol or has a family member who abuses drugs or  
4 alcohol shall not inform the parent, parents, guardian, or  
5 other responsible adult of the minor's condition or treatment  
6 without the minor's consent unless that action is, in the  
7 person's judgment, necessary to protect the safety of the  
8 minor, a family member, or another individual.

9 Any such person shall, upon the minor's consent, make  
10 reasonable efforts to involve the family of the minor in his or  
11 her treatment, if the person furnishing the treatment believes  
12 that the involvement of the family will not be detrimental to  
13 the progress and care of the minor. Reasonable effort shall be  
14 extended to assist the minor in accepting the involvement of  
15 his or her family in the care and treatment being given.

16 (Source: P.A. 100-378, eff. 1-1-18; 100-513, eff. 1-1-18;  
17 revised 9-29-17.)

18 Section 495. The Perinatal HIV Prevention Act is amended by  
19 changing Section 5 as follows:

20 (410 ILCS 335/5)

21 Sec. 5. Definitions. In this Act:

22 "Birth center" means a facility licensed by the Department  
23 under paragraph (6) of Section 35 of the Alternative Health  
24 Care Delivery Act.

1 "Department" means the Department of Public Health.

2 "Health care professional" means a physician licensed to  
3 practice medicine in all its branches, a licensed physician  
4 assistant, or a licensed advanced practice registered nurse.

5 "Health care facility" or "facility" means any hospital,  
6 birth center, or other institution that is licensed or  
7 otherwise authorized to deliver health care services.

8 "Health care services" means any prenatal medical care or  
9 labor or delivery services to a pregnant woman and her newborn  
10 infant, including hospitalization.

11 "Opt-out testing" means an approach in which an HIV test is  
12 offered to the patient, such that the patient is notified that  
13 HIV testing may occur unless the patient opts out by declining  
14 the test.

15 "Third trimester" means the 27th week of pregnancy through  
16 delivery.

17 (Source: P.A. 99-173, eff. 7-29-15; 100-265, eff. 8-22-17;  
18 100-513, eff. 1-1-18; revised 9-29-17.)

19 Section 500. The Vital Records Act is amended by changing  
20 Sections 1 and 24.6 as follows:

21 (410 ILCS 535/1) (from Ch. 111 1/2, par. 73-1)

22 Sec. 1. As used in this Act, unless the context otherwise  
23 requires:

24 (1) "Vital records" means records of births, deaths, fetal

1 deaths, marriages, dissolution of marriages, and data related  
2 thereto.

3 (2) "System of vital records" includes the registration,  
4 collection, preservation, amendment, and certification of  
5 vital records, and activities related thereto.

6 (3) "Filing" means the presentation of a certificate,  
7 report, or other record provided for in this Act, of a birth,  
8 death, fetal death, adoption, marriage, or dissolution of  
9 marriage, for registration by the Office of Vital Records.

10 (4) "Registration" means the acceptance by the Office of  
11 Vital Records and the incorporation in its official records of  
12 certificates, reports, or other records provided for in this  
13 Act, of births, deaths, fetal deaths, adoptions, marriages, or  
14 dissolution of marriages.

15 (5) "Live birth" means the complete expulsion or extraction  
16 from its mother of a product of human conception, irrespective  
17 of the duration of pregnancy, which after such separation  
18 breathes or shows any other evidence of life such as beating of  
19 the heart, pulsation of the umbilical cord, or definite  
20 movement of voluntary muscles, whether or not the umbilical  
21 cord has been cut or the placenta is attached.

22 (6) "Fetal death" means death prior to the complete  
23 expulsion or extraction from its mother of a product of human  
24 conception, irrespective of the duration of pregnancy; the  
25 death is indicated by the fact that after such separation the  
26 fetus does not breathe or show any other evidence of life such

1 as beating of the heart, pulsation of the umbilical cord, or  
2 definite movement of voluntary muscles.

3 (7) "Dead body" means a lifeless human body or parts of  
4 such body or bones thereof from the state of which it may  
5 reasonably be concluded that death has occurred.

6 (8) "Final disposition" means the burial, cremation, or  
7 other disposition of a dead human body or fetus or parts  
8 thereof.

9 (9) "Physician" means a person licensed to practice  
10 medicine in Illinois or any other state ~~State~~.

11 (10) "Institution" means any establishment, public or  
12 private, which provides in-patient medical, surgical, or  
13 diagnostic care or treatment, or nursing, custodial, or  
14 domiciliary care to 2 or more unrelated individuals, or to  
15 which persons are committed by law.

16 (11) "Department" means the Department of Public Health of  
17 the State of Illinois.

18 (12) "Director" means the Director of the Illinois  
19 Department of Public Health.

20 (13) "Licensed health care professional" means a person  
21 licensed to practice as a physician, advanced practice  
22 registered nurse, or physician assistant in Illinois or any  
23 other state.

24 (14) "Licensed mental health professional" means a person  
25 who is licensed or registered to provide mental health services  
26 by the Department of Financial and Professional Regulation or a

1 board of registration duly authorized to register or grant  
2 licenses to persons engaged in the practice of providing mental  
3 health services in Illinois or any other state.

4 (15) "Intersex condition" means a condition in which a  
5 person is born with a reproductive or sexual anatomy or  
6 chromosome pattern that does not fit typical definitions of  
7 male or female.

8 (16) ~~(13)~~ "Homeless person" means an individual who meets  
9 the definition of "homeless" under Section 103 of the federal  
10 McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or an  
11 individual residing in any of the living situations described  
12 in 42 U.S.C. 11434a(2).

13 (Source: P.A. 100-360, eff. 1-1-18; 100-506, eff. 1-1-18;  
14 revised 9-29-17.)

15 (410 ILCS 535/24.6)

16 Sec. 24.6. Access to records; State Treasurer. Any  
17 information contained in the vital records shall be made  
18 available at no cost to the State Treasurer for administrative  
19 purposes related to the Revised Uniform ~~Disposition of~~  
20 Unclaimed Property Act.

21 (Source: P.A. 100-543, eff. 1-1-18; revised 12-14-17.)

22 Section 505. The Environmental Protection Act is amended by  
23 changing Sections 5, 22.15, 29, 41, 42, 44.1, 55, and 55.6 as  
24 follows:

1 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

2 Sec. 5. Pollution Control Board.

3 (a) There is hereby created an independent board to be  
4 known as the Pollution Control Board.

5 On and after August 11, 2003 (the effective date of Public  
6 Act 93-509), the Board shall consist of 5 technically qualified  
7 members, no more than 3 of whom may be of the same political  
8 party, to be appointed by the Governor with the advice and  
9 consent of the Senate. Members shall have verifiable technical,  
10 academic, or actual experience in the field of pollution  
11 control or environmental law and regulation.

12 One member shall be appointed for a term ending July 1,  
13 2004, 2 shall be appointed for terms ending July 1, 2005, and 2  
14 shall be appointed for terms ending July 1, 2006. Thereafter,  
15 all members shall hold office for 3 years from the first day of  
16 July in the year in which they were appointed, except in case  
17 of an appointment to fill a vacancy. In case of a vacancy in  
18 the office when the Senate is not in session, the Governor may  
19 make a temporary appointment until the next meeting of the  
20 Senate, when he or she shall nominate some person to fill such  
21 office; and any person so nominated, who is confirmed by the  
22 Senate, shall hold the office during the remainder of the term.

23 Members of the Board shall hold office until their  
24 respective successors have been appointed and qualified. Any  
25 member may resign from office, such resignation to take effect

1 when a successor has been appointed and has qualified.

2 Board members shall be paid \$37,000 per year or an amount  
3 set by the Compensation Review Board, whichever is greater, and  
4 the Chairman shall be paid \$43,000 per year or an amount set by  
5 the Compensation Review Board, whichever is greater. Each  
6 member shall devote his or her entire time to the duties of the  
7 office, and shall hold no other office or position of profit,  
8 nor engage in any other business, employment, or vocation. Each  
9 member shall be reimbursed for expenses necessarily incurred  
10 and shall make a financial disclosure upon appointment.

11 The Board may employ one assistant for each member and 2  
12 assistants for the Chairman. The Board also may employ and  
13 compensate hearing officers to preside at hearings under this  
14 Act, and such other personnel as may be necessary. Hearing  
15 officers shall be attorneys licensed to practice law in  
16 Illinois.

17 The Board may have an Executive Director; if so, the  
18 Executive Director shall be appointed by the Governor with the  
19 advice and consent of the Senate. The salary and duties of the  
20 Executive Director shall be fixed by the Board.

21 The Governor shall designate one Board member to be  
22 Chairman, who shall serve at the pleasure of the Governor.

23 The Board shall hold at least one meeting each month and  
24 such additional meetings as may be prescribed by Board rules.  
25 In addition, special meetings may be called by the Chairman or  
26 by any 2 Board members, upon delivery of 48 hours written

1 notice to the office of each member. All Board meetings shall  
2 be open to the public, and public notice of all meetings shall  
3 be given at least 48 hours in advance of each meeting. In  
4 emergency situations in which a majority of the Board certifies  
5 that exigencies of time require the requirements of public  
6 notice and of 24 hour written notice to members may be  
7 dispensed with, and Board members shall receive such notice as  
8 is reasonable under the circumstances.

9 Three members of the Board shall constitute a quorum to  
10 transact business; and the affirmative vote of 3 members is  
11 necessary to adopt any order. The Board shall keep a complete  
12 and accurate record of all its meetings.

13 (b) The Board shall determine, define and implement the  
14 environmental control standards applicable in the State of  
15 Illinois and may adopt rules and regulations in accordance with  
16 Title VII of this Act.

17 (c) The Board shall have authority to act for the State in  
18 regard to the adoption of standards for submission to the  
19 United States under any federal law respecting environmental  
20 protection. Such standards shall be adopted in accordance with  
21 Title VII of the Act and upon adoption shall be forwarded to  
22 the Environmental Protection Agency for submission to the  
23 United States pursuant to subsections (l) and (m) of Section 4  
24 of this Act. Nothing in this paragraph shall limit the  
25 discretion of the Governor to delegate authority granted to the  
26 Governor under any federal law.



1           (d) The Board shall have authority to conduct proceedings  
2 upon complaints charging violations of this Act, any rule or  
3 regulation adopted under this Act, any permit or term or  
4 condition of a permit, or any Board order; upon administrative  
5 citations; upon petitions for variances, adjusted standards,  
6 or time-limited water quality standards; upon petitions for  
7 review of the Agency's final determinations on permit  
8 applications in accordance with Title X of this Act; upon  
9 petitions to remove seals under Section 34 of this Act; and  
10 upon other petitions for review of final determinations which  
11 are made pursuant to this Act or Board rule and which involve a  
12 subject which the Board is authorized to regulate. The Board  
13 may also conduct other proceedings as may be provided by this  
14 Act or any other statute or rule.

15           (e) In connection with any proceeding pursuant to  
16 subsection (b) or (d) of this Section, the Board may subpoena  
17 and compel the attendance of witnesses and the production of  
18 evidence reasonably necessary to resolution of the matter under  
19 consideration. The Board shall issue such subpoenas upon the  
20 request of any party to a proceeding under subsection (d) of  
21 this Section or upon its own motion.

22           (f) The Board may prescribe reasonable fees for permits  
23 required pursuant to this Act. Such fees in the aggregate may  
24 not exceed the total cost to the Agency for its inspection and  
25 permit systems. The Board may not prescribe any permit fees  
26 which are different in amount from those established by this

1 Act.

2 (Source: P.A. 99-934, eff. 1-27-17; 99-937, eff. 2-24-17;  
3 revised 2-27-17.)

4 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

5 Sec. 22.15. Solid Waste Management Fund; fees.

6 (a) There is hereby created within the State Treasury a  
7 special fund to be known as the "Solid Waste Management Fund",  
8 to be constituted from the fees collected by the State pursuant  
9 to this Section, from repayments of loans made from the Fund  
10 for solid waste projects, from registration fees collected  
11 pursuant to the Consumer Electronics Recycling Act, and from  
12 amounts transferred into the Fund pursuant to Public Act  
13 100-433 ~~this amendatory Act of the 100th General Assembly.~~  
14 Moneys received by the Department of Commerce and Economic  
15 Opportunity in repayment of loans made pursuant to the Illinois  
16 Solid Waste Management Act shall be deposited into the General  
17 Revenue Fund.

18 (b) The Agency shall assess and collect a fee in the amount  
19 set forth herein from the owner or operator of each sanitary  
20 landfill permitted or required to be permitted by the Agency to  
21 dispose of solid waste if the sanitary landfill is located off  
22 the site where such waste was produced and if such sanitary  
23 landfill is owned, controlled, and operated by a person other  
24 than the generator of such waste. The Agency shall deposit all  
25 fees collected into the Solid Waste Management Fund. If a site

1 is contiguous to one or more landfills owned or operated by the  
2 same person, the volumes permanently disposed of by each  
3 landfill shall be combined for purposes of determining the fee  
4 under this subsection.

5 (1) If more than 150,000 cubic yards of non-hazardous  
6 solid waste is permanently disposed of at a site in a  
7 calendar year, the owner or operator shall either pay a fee  
8 of 95 cents per cubic yard or, alternatively, the owner or  
9 operator may weigh the quantity of the solid waste  
10 permanently disposed of with a device for which  
11 certification has been obtained under the Weights and  
12 Measures Act and pay a fee of \$2.00 per ton of solid waste  
13 permanently disposed of. In no case shall the fee collected  
14 or paid by the owner or operator under this paragraph  
15 exceed \$1.55 per cubic yard or \$3.27 per ton.

16 (2) If more than 100,000 cubic yards but not more than  
17 150,000 cubic yards of non-hazardous waste is permanently  
18 disposed of at a site in a calendar year, the owner or  
19 operator shall pay a fee of \$52,630.

20 (3) If more than 50,000 cubic yards but not more than  
21 100,000 cubic yards of non-hazardous solid waste is  
22 permanently disposed of at a site in a calendar year, the  
23 owner or operator shall pay a fee of \$23,790.

24 (4) If more than 10,000 cubic yards but not more than  
25 50,000 cubic yards of non-hazardous solid waste is  
26 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$7,260.

2 (5) If not more than 10,000 cubic yards of  
3 non-hazardous solid waste is permanently disposed of at a  
4 site in a calendar year, the owner or operator shall pay a  
5 fee of \$1050.

6 (c) (Blank).

7 (d) The Agency shall establish rules relating to the  
8 collection of the fees authorized by this Section. Such rules  
9 shall include, but not be limited to:

10 (1) necessary records identifying the quantities of  
11 solid waste received or disposed;

12 (2) the form and submission of reports to accompany the  
13 payment of fees to the Agency;

14 (3) the time and manner of payment of fees to the  
15 Agency, which payments shall not be more often than  
16 quarterly; and

17 (4) procedures setting forth criteria establishing  
18 when an owner or operator may measure by weight or volume  
19 during any given quarter or other fee payment period.

20 (e) Pursuant to appropriation, all monies in the Solid  
21 Waste Management Fund shall be used by the Agency and the  
22 Department of Commerce and Economic Opportunity for the  
23 purposes set forth in this Section and in the Illinois Solid  
24 Waste Management Act, including for the costs of fee collection  
25 and administration, and for the administration of (1) the  
26 Consumer Electronics Recycling Act and (2) until January 1,

1 2020, the Electronic Products Recycling and Reuse Act.

2 (f) The Agency is authorized to enter into such agreements  
3 and to promulgate such rules as are necessary to carry out its  
4 duties under this Section and the Illinois Solid Waste  
5 Management Act.

6 (g) On the first day of January, April, July, and October  
7 of each year, beginning on July 1, 1996, the State Comptroller  
8 and Treasurer shall transfer \$500,000 from the Solid Waste  
9 Management Fund to the Hazardous Waste Fund. Moneys transferred  
10 under this subsection (g) shall be used only for the purposes  
11 set forth in item (1) of subsection (d) of Section 22.2.

12 (h) The Agency is authorized to provide financial  
13 assistance to units of local government for the performance of  
14 inspecting, investigating and enforcement activities pursuant  
15 to Section 4(r) at nonhazardous solid waste disposal sites.

16 (i) The Agency is authorized to conduct household waste  
17 collection and disposal programs.

18 (j) A unit of local government, as defined in the Local  
19 Solid Waste Disposal Act, in which a solid waste disposal  
20 facility is located may establish a fee, tax, or surcharge with  
21 regard to the permanent disposal of solid waste. All fees,  
22 taxes, and surcharges collected under this subsection shall be  
23 utilized for solid waste management purposes, including  
24 long-term monitoring and maintenance of landfills, planning,  
25 implementation, inspection, enforcement and other activities  
26 consistent with the Solid Waste Management Act and the Local

1 Solid Waste Disposal Act, or for any other environment-related  
2 purpose, including but not limited to an environment-related  
3 public works project, but not for the construction of a new  
4 pollution control facility other than a household hazardous  
5 waste facility. However, the total fee, tax or surcharge  
6 imposed by all units of local government under this subsection  
7 (j) upon the solid waste disposal facility shall not exceed:

8 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
9 of non-hazardous solid waste is permanently disposed of at  
10 the site in a calendar year, unless the owner or operator  
11 weighs the quantity of the solid waste received with a  
12 device for which certification has been obtained under the  
13 Weights and Measures Act, in which case the fee shall not  
14 exceed \$1.27 per ton of solid waste permanently disposed  
15 of.

16 (2) \$33,350 if more than 100,000 cubic yards, but not  
17 more than 150,000 cubic yards, of non-hazardous waste is  
18 permanently disposed of at the site in a calendar year.

19 (3) \$15,500 if more than 50,000 cubic yards, but not  
20 more than 100,000 cubic yards, of non-hazardous solid waste  
21 is permanently disposed of at the site in a calendar year.

22 (4) \$4,650 if more than 10,000 cubic yards, but not  
23 more than 50,000 cubic yards, of non-hazardous solid waste  
24 is permanently disposed of at the site in a calendar year.

25 (5) ~~\$~~\$650 if not more than 10,000 cubic yards of  
26 non-hazardous solid waste is permanently disposed of at the

1 site in a calendar year.

2 The corporate authorities of the unit of local government  
3 may use proceeds from the fee, tax, or surcharge to reimburse a  
4 highway commissioner whose road district lies wholly or  
5 partially within the corporate limits of the unit of local  
6 government for expenses incurred in the removal of  
7 nonhazardous, nonfluid municipal waste that has been dumped on  
8 public property in violation of a State law or local ordinance.

9 A county or Municipal Joint Action Agency that imposes a  
10 fee, tax, or surcharge under this subsection may use the  
11 proceeds thereof to reimburse a municipality that lies wholly  
12 or partially within its boundaries for expenses incurred in the  
13 removal of nonhazardous, nonfluid municipal waste that has been  
14 dumped on public property in violation of a State law or local  
15 ordinance.

16 If the fees are to be used to conduct a local sanitary  
17 landfill inspection or enforcement program, the unit of local  
18 government must enter into a written delegation agreement with  
19 the Agency pursuant to subsection (r) of Section 4. The unit of  
20 local government and the Agency shall enter into such a written  
21 delegation agreement within 60 days after the establishment of  
22 such fees. At least annually, the Agency shall conduct an audit  
23 of the expenditures made by units of local government from the  
24 funds granted by the Agency to the units of local government  
25 for purposes of local sanitary landfill inspection and  
26 enforcement programs, to ensure that the funds have been

1 expended for the prescribed purposes under the grant.

2 The fees, taxes or surcharges collected under this  
3 subsection (j) shall be placed by the unit of local government  
4 in a separate fund, and the interest received on the moneys in  
5 the fund shall be credited to the fund. The monies in the fund  
6 may be accumulated over a period of years to be expended in  
7 accordance with this subsection.

8 A unit of local government, as defined in the Local Solid  
9 Waste Disposal Act, shall prepare and distribute to the Agency,  
10 in April of each year, a report that details spending plans for  
11 monies collected in accordance with this subsection. The report  
12 will at a minimum include the following:

13 (1) The total monies collected pursuant to this  
14 subsection.

15 (2) The most current balance of monies collected  
16 pursuant to this subsection.

17 (3) An itemized accounting of all monies expended for  
18 the previous year pursuant to this subsection.

19 (4) An estimation of monies to be collected for the  
20 following 3 years pursuant to this subsection.

21 (5) A narrative detailing the general direction and  
22 scope of future expenditures for one, 2 and 3 years.

23 The exemptions granted under Sections 22.16 and 22.16a, and  
24 under subsection (k) of this Section, shall be applicable to  
25 any fee, tax or surcharge imposed under this subsection (j);  
26 except that the fee, tax or surcharge authorized to be imposed



1 under this subsection (j) may be made applicable by a unit of  
2 local government to the permanent disposal of solid waste after  
3 December 31, 1986, under any contract lawfully executed before  
4 June 1, 1986 under which more than 150,000 cubic yards (or  
5 50,000 tons) of solid waste is to be permanently disposed of,  
6 even though the waste is exempt from the fee imposed by the  
7 State under subsection (b) of this Section pursuant to an  
8 exemption granted under Section 22.16.

9 (k) In accordance with the findings and purposes of the  
10 Illinois Solid Waste Management Act, beginning January 1, 1989  
11 the fee under subsection (b) and the fee, tax or surcharge  
12 under subsection (j) shall not apply to:

13 (1) waste ~~Waste~~ which is hazardous waste; ~~or~~

14 (2) waste ~~Waste~~ which is pollution control waste; ~~or~~

15 (3) waste ~~Waste~~ from recycling, reclamation or reuse  
16 processes which have been approved by the Agency as being  
17 designed to remove any contaminant from wastes so as to  
18 render such wastes reusable, provided that the process  
19 renders at least 50% of the waste reusable; ~~or~~

20 (4) non-hazardous ~~Non-hazardous~~ solid waste that is  
21 received at a sanitary landfill and composted or recycled  
22 through a process permitted by the Agency; or

23 (5) any ~~Any~~ landfill which is permitted by the Agency  
24 to receive only demolition or construction debris or  
25 landscape waste.

26 (Source: P.A. 100-103, eff. 8-11-17; 100-433, eff. 8-25-17;

1 revised 9-29-17.)

2 (415 ILCS 5/29) (from Ch. 111 1/2, par. 1029)

3 Sec. 29. (a) Any person adversely affected or threatened by  
4 any rule or regulation of the Board may obtain a determination  
5 of the validity or application of such rule or regulation by  
6 petition under subsection (a) of Section 41 of this Act for  
7 judicial review of the Board's final order adopting the rule or  
8 regulation. For purposes of the 35-day appeal period of  
9 subsection (a) of Section 41, a person is deemed to have been  
10 served with the Board's final order on the date on which the  
11 rule or regulation becomes effective pursuant to the Illinois  
12 Administrative Procedure Act.

13 (b) Action by the Board in adopting any regulation for  
14 which judicial review could have been obtained under Section 41  
15 of this Act shall not be subject to review regarding the  
16 regulation's validity or application in any subsequent  
17 proceeding under Title VIII, Title IX, or Section 40 of this  
18 Act.

19 (c) This Section does not apply to orders entered by the  
20 Board pursuant to Section 38.5 of this Act. Final orders  
21 entered by the Board pursuant to Section 38.5 of this Act are  
22 subject to judicial review under subsection (j) of that  
23 Section. Interim orders entered by the Board pursuant to  
24 Section 38.5 are not subject to judicial review under this  
25 Section or Section 38.5.

1 (Source: P.A. 99-934, eff. 1-27-17; 99-937, eff. 2-24-17;  
2 revised 2-27-17.)

3 (415 ILCS 5/41) (from Ch. 111 1/2, par. 1041)

4 Sec. 41. Judicial review.

5 (a) Any party to a Board hearing, any person who filed a  
6 complaint on which a hearing was denied, any person who has  
7 been denied a variance or permit under this Act, any party  
8 adversely affected by a final order or determination of the  
9 Board, and any person who participated in the public comment  
10 process under subsection (8) of Section 39.5 of this Act may  
11 obtain judicial review, by filing a petition for review within  
12 35 days from the date that a copy of the order or other final  
13 action sought to be reviewed was served upon the party affected  
14 by the order or other final Board action complained of, under  
15 the provisions of the Administrative Review Law, as amended and  
16 the rules adopted pursuant thereto, except that review shall be  
17 afforded directly in the Appellate Court for the District in  
18 which the cause of action arose and not in the Circuit Court.  
19 For purposes of this subsection (a), the date of service of the  
20 Board's final order is the date on which the party received a  
21 copy of the order from the Board. Review of any rule or  
22 regulation promulgated by the Board shall not be limited by  
23 this Section but may also be had as provided in Section 29 of  
24 this Act.

25 (b) Any final order of the Board under this Act shall be

1 based solely on the evidence in the record of the particular  
2 proceeding involved, and any such final order for permit  
3 appeals, enforcement actions and variance proceedings, shall  
4 be invalid if it is against the manifest weight of the  
5 evidence. Notwithstanding this subsection, the Board may  
6 include such conditions in granting a variance and may adopt  
7 such rules and regulations as the policies of this Act may  
8 require. If an objection is made to a variance condition, the  
9 board shall reconsider the condition within not more than 75  
10 days from the date of the objection.

11 (c) No challenge to the validity of a Board order shall be  
12 made in any enforcement proceeding under Title XII of this Act  
13 as to any issue that could have been raised in a timely  
14 petition for review under this Section.

15 (d) If there is no final action by the Board within 120  
16 days on a request for a variance which is subject to subsection  
17 (c) of Section 38 or a permit appeal which is subject to  
18 paragraph (a) (3) of Section 40 or paragraph (d) of Section  
19 40.2 or Section 40.3, the petitioner shall be entitled to an  
20 Appellate Court order under this subsection. If a hearing is  
21 required under this Act and was not held by the Board, the  
22 Appellate Court shall order the Board to conduct such a  
23 hearing, and to make a decision within 90 days from the date of  
24 the order. If a hearing was held by the Board, or if a hearing  
25 is not required under this Act and was not held by the Board,  
26 the Appellate Court shall order the Board to make a decision

1 within 90 days from the date of the order.

2 The Appellate Court shall retain jurisdiction during the  
3 pendency of any further action conducted by the Board under an  
4 order by the Appellate Court. The Appellate Court shall have  
5 jurisdiction to review all issues of law and fact presented  
6 upon appeal.

7 (e) This Section does not apply to orders entered by the  
8 Board pursuant to Section 38.5 of this Act. Final orders  
9 entered by the Board pursuant to Section 38.5 of this Act are  
10 subject to judicial review under subsection (j) of that  
11 Section. Interim orders entered by the Board pursuant to  
12 Section 38.5 are not subject to judicial review under this  
13 Section or Section 38.5.

14 (Source: P.A. 99-463, eff. 1-1-16; 99-934, eff. 1-27-17;  
15 99-937, eff. 2-24-17; revised 2-27-17.)

16 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

17 Sec. 42. Civil penalties.

18 (a) Except as provided in this Section, any person that  
19 violates any provision of this Act or any regulation adopted by  
20 the Board, or any permit or term or condition thereof, or that  
21 violates any order of the Board pursuant to this Act, shall be  
22 liable for a civil penalty of not to exceed \$50,000 for the  
23 violation and an additional civil penalty of not to exceed  
24 \$10,000 for each day during which the violation continues; such  
25 penalties may, upon order of the Board or a court of competent

1 jurisdiction, be made payable to the Environmental Protection  
2 Trust Fund, to be used in accordance with the provisions of the  
3 Environmental Protection Trust Fund Act.

4 (b) Notwithstanding the provisions of subsection (a) of  
5 this Section:

6 (1) Any person that violates Section 12(f) of this Act  
7 or any NPDES permit or term or condition thereof, or any  
8 filing requirement, regulation or order relating to the  
9 NPDES permit program, shall be liable to a civil penalty of  
10 not to exceed \$10,000 per day of violation.

11 (2) Any person that violates Section 12(g) of this Act  
12 or any UIC permit or term or condition thereof, or any  
13 filing requirement, regulation or order relating to the  
14 State UIC program for all wells, except Class II wells as  
15 defined by the Board under this Act, shall be liable to a  
16 civil penalty not to exceed \$2,500 per day of violation;  
17 provided, however, that any person who commits such  
18 violations relating to the State UIC program for Class II  
19 wells, as defined by the Board under this Act, shall be  
20 liable to a civil penalty of not to exceed \$10,000 for the  
21 violation and an additional civil penalty of not to exceed  
22 \$1,000 for each day during which the violation continues.

23 (3) Any person that violates Sections 21(f), 21(g),  
24 21(h) or 21(i) of this Act, or any RCRA permit or term or  
25 condition thereof, or any filing requirement, regulation  
26 or order relating to the State RCRA program, shall be

1           liable to a civil penalty of not to exceed \$25,000 per day  
2           of violation.

3           (4) In an administrative citation action under Section  
4           31.1 of this Act, any person found to have violated any  
5           provision of subsection (o) of Section 21 of this Act shall  
6           pay a civil penalty of \$500 for each violation of each such  
7           provision, plus any hearing costs incurred by the Board and  
8           the Agency. Such penalties shall be made payable to the  
9           Environmental Protection Trust Fund, to be used in  
10          accordance with the provisions of the Environmental  
11          Protection Trust Fund Act; except that if a unit of local  
12          government issued the administrative citation, 50% of the  
13          civil penalty shall be payable to the unit of local  
14          government.

15          (4-5) In an administrative citation action under  
16          Section 31.1 of this Act, any person found to have violated  
17          any provision of subsection (p) of Section 21, Section  
18          22.51, Section 22.51a, or subsection (k) of Section 55 of  
19          this Act shall pay a civil penalty of \$1,500 for each  
20          violation of each such provision, plus any hearing costs  
21          incurred by the Board and the Agency, except that the civil  
22          penalty amount shall be \$3,000 for each violation of any  
23          provision of subsection (p) of Section 21, Section 22.51,  
24          Section 22.51a, or subsection (k) of Section 55 that is the  
25          person's second or subsequent adjudication violation of  
26          that provision. The penalties shall be deposited into the

1 Environmental Protection Trust Fund, to be used in  
2 accordance with the provisions of the Environmental  
3 Protection Trust Fund Act; except that if a unit of local  
4 government issued the administrative citation, 50% of the  
5 civil penalty shall be payable to the unit of local  
6 government.

7 (5) Any person who violates subsection 6 of Section  
8 39.5 of this Act or any CAAPP permit, or term or condition  
9 thereof, or any fee or filing requirement, or any duty to  
10 allow or carry out inspection, entry or monitoring  
11 activities, or any regulation or order relating to the  
12 CAAPP shall be liable for a civil penalty not to exceed  
13 \$10,000 per day of violation.

14 (6) Any owner or operator of a community water system  
15 that violates subsection (b) of Section 18.1 or subsection  
16 (a) of Section 25d-3 of this Act shall, for each day of  
17 violation, be liable for a civil penalty not to exceed \$5  
18 for each of the premises connected to the affected  
19 community water system.

20 (7) Any person who violates Section 52.5 of this Act  
21 shall be liable for a civil penalty of up to \$1,000 for the  
22 first violation of that Section and a civil penalty of up  
23 to \$2,500 for a second or subsequent violation of that  
24 Section.

25 (b.5) In lieu of the penalties set forth in subsections (a)  
26 and (b) of this Section, any person who fails to file, in a



1 timely manner, toxic chemical release forms with the Agency  
2 pursuant to Section 25b-2 of this Act shall be liable for a  
3 civil penalty of \$100 per day for each day the forms are late,  
4 not to exceed a maximum total penalty of \$6,000. This daily  
5 penalty shall begin accruing on the thirty-first day after the  
6 date that the person receives the warning notice issued by the  
7 Agency pursuant to Section 25b-6 of this Act; and the penalty  
8 shall be paid to the Agency. The daily accrual of penalties  
9 shall cease as of January 1 of the following year. All  
10 penalties collected by the Agency pursuant to this subsection  
11 shall be deposited into the Environmental Protection Permit and  
12 Inspection Fund.

13 (c) Any person that violates this Act, any rule or  
14 regulation adopted under this Act, any permit or term or  
15 condition of a permit, or any Board order and causes the death  
16 of fish or aquatic life shall, in addition to the other  
17 penalties provided by this Act, be liable to pay to the State  
18 an additional sum for the reasonable value of the fish or  
19 aquatic life destroyed. Any money so recovered shall be placed  
20 in the Wildlife and Fish Fund in the State Treasury.

21 (d) The penalties provided for in this Section may be  
22 recovered in a civil action.

23 (e) The State's Attorney of the county in which the  
24 violation occurred, or the Attorney General, may, at the  
25 request of the Agency or on his own motion, institute a civil  
26 action for an injunction, prohibitory or mandatory, to restrain

1 violations of this Act, any rule or regulation adopted under  
2 this Act, any permit or term or condition of a permit, or any  
3 Board order, or to require such other actions as may be  
4 necessary to address violations of this Act, any rule or  
5 regulation adopted under this Act, any permit or term or  
6 condition of a permit, or any Board order.

7 (f) The State's Attorney of the county in which the  
8 violation occurred, or the Attorney General, shall bring such  
9 actions in the name of the people of the State of Illinois.  
10 Without limiting any other authority which may exist for the  
11 awarding of attorney's fees and costs, the Board or a court of  
12 competent jurisdiction may award costs and reasonable  
13 attorney's fees, including the reasonable costs of expert  
14 witnesses and consultants, to the State's Attorney or the  
15 Attorney General in a case where he has prevailed against a  
16 person who has committed a willful ~~wilful~~, knowing, or repeated  
17 violation of this Act, any rule or regulation adopted under  
18 this Act, any permit or term or condition of a permit, or any  
19 Board order.

20 Any funds collected under this subsection (f) in which the  
21 Attorney General has prevailed shall be deposited in the  
22 Hazardous Waste Fund created in Section 22.2 of this Act. Any  
23 funds collected under this subsection (f) in which a State's  
24 Attorney has prevailed shall be retained by the county in which  
25 he serves.

26 (g) All final orders imposing civil penalties pursuant to

1 this Section shall prescribe the time for payment of such  
2 penalties. If any such penalty is not paid within the time  
3 prescribed, interest on such penalty at the rate set forth in  
4 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
5 shall be paid for the period from the date payment is due until  
6 the date payment is received. However, if the time for payment  
7 is stayed during the pendency of an appeal, interest shall not  
8 accrue during such stay.

9 (h) In determining the appropriate civil penalty to be  
10 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3),  
11 (b)(5), (b)(6), or (b)(7) of this Section, the Board is  
12 authorized to consider any matters of record in mitigation or  
13 aggravation of penalty, including, but not limited to, the  
14 following factors:

15 (1) the duration and gravity of the violation;

16 (2) the presence or absence of due diligence on the  
17 part of the respondent in attempting to comply with  
18 requirements of this Act and regulations thereunder or to  
19 secure relief therefrom as provided by this Act;

20 (3) any economic benefits accrued by the respondent  
21 because of delay in compliance with requirements, in which  
22 case the economic benefits shall be determined by the  
23 lowest cost alternative for achieving compliance;

24 (4) the amount of monetary penalty which will serve to  
25 deter further violations by the respondent and to otherwise  
26 aid in enhancing voluntary compliance with this Act by the

1 respondent and other persons similarly subject to the Act;

2 (5) the number, proximity in time, and gravity of  
3 previously adjudicated violations of this Act by the  
4 respondent;

5 (6) whether the respondent voluntarily self-disclosed,  
6 in accordance with subsection (i) of this Section, the  
7 non-compliance to the Agency;

8 (7) whether the respondent has agreed to undertake a  
9 "supplemental environmental project",<sup>u</sup> which means an  
10 environmentally beneficial project that a respondent  
11 agrees to undertake in settlement of an enforcement action  
12 brought under this Act, but which the respondent is not  
13 otherwise legally required to perform; and

14 (8) whether the respondent has successfully completed  
15 a Compliance Commitment Agreement under subsection (a) of  
16 Section 31 of this Act to remedy the violations that are  
17 the subject of the complaint.

18 In determining the appropriate civil penalty to be imposed  
19 under subsection (a) or paragraph (1), (2), (3), (5), (6), or  
20 (7) of subsection (b) of this Section, the Board shall ensure,  
21 in all cases, that the penalty is at least as great as the  
22 economic benefits, if any, accrued by the respondent as a  
23 result of the violation, unless the Board finds that imposition  
24 of such penalty would result in an arbitrary or unreasonable  
25 financial hardship. However, such civil penalty may be off-set  
26 in whole or in part pursuant to a supplemental environmental

1 project agreed to by the complainant and the respondent.

2 (i) A person who voluntarily self-discloses non-compliance  
3 to the Agency, of which the Agency had been unaware, is  
4 entitled to a 100% reduction in the portion of the penalty that  
5 is not based on the economic benefit of non-compliance if the  
6 person can establish the following:

7 (1) that either the regulated entity is a small entity  
8 or the non-compliance was discovered through an  
9 environmental audit or a compliance management system  
10 documented by the regulated entity as reflecting the  
11 regulated entity's due diligence in preventing, detecting,  
12 and correcting violations;

13 (2) that the non-compliance was disclosed in writing  
14 within 30 days of the date on which the person discovered  
15 it;

16 (3) that the non-compliance was discovered and  
17 disclosed prior to:

18 (i) the commencement of an Agency inspection,  
19 investigation, or request for information;

20 (ii) notice of a citizen suit;

21 (iii) the filing of a complaint by a citizen, the  
22 Illinois Attorney General, or the State's Attorney of  
23 the county in which the violation occurred;

24 (iv) the reporting of the non-compliance by an  
25 employee of the person without that person's  
26 knowledge; or

1           (v) imminent discovery of the non-compliance by  
2           the Agency;

3           (4) that the non-compliance is being corrected and any  
4           environmental harm is being remediated in a timely fashion;

5           (5) that the person agrees to prevent a recurrence of  
6           the non-compliance;

7           (6) that no related non-compliance events have  
8           occurred in the past 3 years at the same facility or in the  
9           past 5 years as part of a pattern at multiple facilities  
10          owned or operated by the person;

11          (7) that the non-compliance did not result in serious  
12          actual harm or present an imminent and substantial  
13          endangerment to human health or the environment or violate  
14          the specific terms of any judicial or administrative order  
15          or consent agreement;

16          (8) that the person cooperates as reasonably requested  
17          by the Agency after the disclosure; and

18          (9) that the non-compliance was identified voluntarily  
19          and not through a monitoring, sampling, or auditing  
20          procedure that is required by statute, rule, permit,  
21          judicial or administrative order, or consent agreement.

22          If a person can establish all of the elements under this  
23          subsection except the element set forth in paragraph (1) of  
24          this subsection, the person is entitled to a 75% reduction in  
25          the portion of the penalty that is not based upon the economic  
26          benefit of non-compliance.

1           For the purposes of this subsection (i), "small entity" has  
2 the same meaning as in Section 221 of the federal Small  
3 Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C.  
4 601).

5           (j) In addition to any other remedy or penalty that may  
6 apply, whether civil or criminal, any person who violates  
7 Section 22.52 of this Act shall be liable for an additional  
8 civil penalty of up to 3 times the gross amount of any  
9 pecuniary gain resulting from the violation.

10          (k) In addition to any other remedy or penalty that may  
11 apply, whether civil or criminal, any person who violates  
12 subdivision (a) (7.6) of Section 31 of this Act shall be liable  
13 for an additional civil penalty of \$2,000.

14          (Source: P.A. 99-934, eff. 1-27-17; 100-436, eff. 8-25-17;  
15 revised 1-22-18.)

16           (415 ILCS 5/44.1)

17           (Text of Section before amendment by P.A. 100-512)

18          Sec. 44.1. (a) In addition to all other civil and criminal  
19 penalties provided by law, any person convicted of a criminal  
20 violation of this Act or the regulations adopted thereunder  
21 shall forfeit to the State (1) an amount equal to the value of  
22 all profits earned, savings realized, and benefits incurred as  
23 a direct or indirect result of such violation, and (2) any  
24 vehicle or conveyance used in the perpetration of such  
25 violation, except as provided in subsection (b).

1 (b) Forfeiture of conveyances shall be subject to the  
2 following exceptions:

3 (1) No conveyance used by any person as a common  
4 carrier in the transaction of business as a common carrier  
5 is subject to forfeiture under this Section unless it is  
6 proven that the owner or other person in charge of the  
7 conveyance consented to or was privy to the covered  
8 violation.

9 (2) No conveyance is subject to forfeiture under this  
10 Section by reason of any covered violation which the owner  
11 proves to have been committed without his knowledge or  
12 consent.

13 (3) A forfeiture of a conveyance encumbered by a bona  
14 fide security interest is subject to the interest of the  
15 secured party if he neither had knowledge of nor consented  
16 to the covered violation.

17 (c) Except as provided in subsection (d), all property  
18 subject to forfeiture under this Section shall be seized  
19 pursuant to the order of a circuit court.

20 (d) Property subject to forfeiture under this Section may  
21 be seized by the Director or any peace officer without process:

22 (1) if the seizure is incident to an inspection under  
23 an administrative inspection warrant, or incident to the  
24 execution of a criminal search or arrest warrant;

25 (2) if the property subject to seizure has been the  
26 subject of a prior judgment in favor of the State in a



1 criminal proceeding, or in an injunction or forfeiture  
2 proceeding based upon this Act; or

3 (3) if there is probable cause to believe that the  
4 property is directly or indirectly dangerous to health or  
5 safety.

6 (e) Property taken or detained under this Section shall not  
7 be subject to eviction or replevin, but is deemed to be in the  
8 custody of the Director subject only to the order and judgments  
9 of the circuit court having jurisdiction over the forfeiture  
10 proceedings. When property is seized under this Act, the  
11 Director may:

12 (1) place the property under seal;

13 (2) secure the property or remove the property to a  
14 place designated by him; or

15 (3) require the sheriff of the county in which the  
16 seizure occurs to take custody of the property and secure  
17 or remove it to an appropriate location for disposition in  
18 accordance with law.

19 (f) All amounts forfeited under item (1) of subsection (a)  
20 shall be apportioned in the following manner:

21 (1) 40% shall be deposited in the Hazardous Waste Fund  
22 created in Section 22.2;

23 (2) 30% shall be paid to the office of the Attorney  
24 General or the State's Attorney of the county in which the  
25 violation occurred, whichever brought and prosecuted the  
26 action; and

1           (3) 30% shall be paid to the law enforcement agency  
2           which investigated the violation.

3           Any funds received under this subsection (f) shall be used  
4           solely for the enforcement of the environmental protection laws  
5           of this State.

6           (g) When property is forfeited under this Section the court  
7           may order:

8           (1) that the property shall be made available for the  
9           official use of the Agency, the Office of the Attorney  
10          General, the State's Attorney of the county in which the  
11          violation occurred, or the law enforcement agency which  
12          investigated the violation, to be used solely for the  
13          enforcement of the environmental protection laws of this  
14          State;

15          (2) the sheriff of the county in which the forfeiture  
16          occurs to take custody of the property and remove it for  
17          disposition in accordance with law; or

18          (3) the sheriff of the county in which the forfeiture  
19          occurs to sell that which is not required to be destroyed  
20          by law and which is not harmful to the public. The proceeds  
21          of such sale shall be used for payment of all proper  
22          expenses of the proceedings for forfeiture and sale,  
23          including expenses of seizure, maintenance of custody,  
24          advertising and court costs, and the balance, if any, shall  
25          be apportioned pursuant to subsection (f).

26          (Source: P.A. 100-173, eff. 1-1-18.)

1 (Text of Section after amendment by P.A. 100-512)

2 Sec. 44.1. (a) In addition to all other civil and criminal  
3 penalties provided by law, any person convicted of a criminal  
4 violation of this Act or the regulations adopted thereunder  
5 shall forfeit to the State (1) an amount equal to the value of  
6 all profits earned, savings realized, and benefits incurred as  
7 a direct or indirect result of such violation, and (2) any  
8 vehicle or conveyance used in the perpetration of such  
9 violation, except as provided in subsection (b).

10 (b) Forfeiture of conveyances shall be subject to the  
11 following exceptions:

12 (1) No conveyance used by any person as a common  
13 carrier in the transaction of business as a common carrier  
14 is subject to forfeiture under this Section unless it is  
15 proven that the owner or other person in charge of the  
16 conveyance consented to or was privy to the covered  
17 violation.

18 (2) No conveyance is subject to forfeiture under this  
19 Section by reason of any covered violation which the owner  
20 proves to have been committed without his knowledge or  
21 consent.

22 (3) A forfeiture of a conveyance encumbered by a bona  
23 fide security interest is subject to the interest of the  
24 secured party if he neither had knowledge of nor consented  
25 to the covered violation.

1           (c) Except as provided in subsection (d), all property  
2 subject to forfeiture under this Section shall be seized  
3 pursuant to the order of a circuit court.

4           (d) Property subject to forfeiture under this Section may  
5 be seized by the Director or any peace officer without process:

6                 (1) if the seizure is incident to an inspection under  
7 an administrative inspection warrant, or incident to the  
8 execution of a criminal search or arrest warrant;

9                 (2) if the property subject to seizure has been the  
10 subject of a prior judgment in favor of the State in a  
11 criminal proceeding, or in an injunction or forfeiture  
12 proceeding based upon this Act; or

13                 (3) if there is probable cause to believe that the  
14 property is directly or indirectly dangerous to health or  
15 safety.

16           (e) Property taken or detained under this Section shall not  
17 be subject to eviction or replevin, but is deemed to be in the  
18 custody of the Director subject only to the order and judgments  
19 of the circuit court having jurisdiction over the forfeiture  
20 proceedings. When property is seized under this Act, the  
21 Director may:

22                 (1) place the property under seal;

23                 (2) secure the property or remove the property to a  
24 place designated by him; or

25                 (3) require the sheriff of the county in which the  
26 seizure occurs to take custody of the property and secure

1 or remove it to an appropriate location for disposition in  
2 accordance with law.

3 (f) All amounts forfeited under item (1) of subsection (a)  
4 shall be apportioned in the following manner:

5 (1) 40% shall be deposited in the Hazardous Waste Fund  
6 created in Section 22.2;

7 (2) 30% shall be paid to the office of the Attorney  
8 General or the State's Attorney of the county in which the  
9 violation occurred, whichever brought and prosecuted the  
10 action; and

11 (3) 30% shall be paid to the law enforcement agency  
12 which investigated the violation.

13 Any funds received under this subsection (f) shall be used  
14 solely for the enforcement of the environmental protection laws  
15 of this State.

16 (g) When property is forfeited under this Section the court  
17 may order:

18 (1) that the property shall be made available for the  
19 official use of the Agency, the Office of the Attorney  
20 General, the State's Attorney of the county in which the  
21 violation occurred, or the law enforcement agency which  
22 investigated the violation, to be used solely for the  
23 enforcement of the environmental protection laws of this  
24 State;

25 (2) the sheriff of the county in which the forfeiture  
26 occurs to take custody of the property and remove it for

1 disposition in accordance with law; or

2 (3) the sheriff of the county in which the forfeiture  
3 occurs to sell that which is not required to be destroyed  
4 by law and which is not harmful to the public. The proceeds  
5 of such sale shall be used for payment of all proper  
6 expenses of the proceedings for forfeiture and sale,  
7 including expenses of seizure, maintenance of custody,  
8 advertising and court costs, and the balance, if any, shall  
9 be apportioned pursuant to subsection (f).

10 (h) Property seized or forfeited under this Section is  
11 subject to reporting under the Seizure and Forfeiture Reporting  
12 Act.

13 (Source: P.A. 100-173, eff. 1-1-18; 100-512, eff. 7-1-18;  
14 revised 10-2-17.)

15 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

16 Sec. 55. Prohibited activities.

17 (a) No person shall:

18 (1) Cause or allow the open dumping of any used or  
19 waste tire.

20 (2) Cause or allow the open burning of any used or  
21 waste tire.

22 (3) Except at a tire storage site which contains more  
23 than 50 used tires, cause or allow the storage of any used  
24 tire unless the tire is altered, reprocessed, converted,  
25 covered, or otherwise prevented from accumulating water.

1           (4) Cause or allow the operation of a tire storage site  
2           except in compliance with Board regulations.

3           (5) Abandon, dump or dispose of any used or waste tire  
4           on private or public property, except in a sanitary  
5           landfill approved by the Agency pursuant to regulations  
6           adopted by the Board.

7           (6) Fail to submit required reports, tire removal  
8           agreements, or Board regulations.

9           (b) (Blank.)

10          (b-1) No person shall knowingly mix any used or waste tire,  
11          either whole or cut, with municipal waste, and no owner or  
12          operator of a sanitary landfill shall accept any used or waste  
13          tire for final disposal; except that used or waste tires, when  
14          separated from other waste, may be accepted if the sanitary  
15          landfill provides and maintains a means for shredding,  
16          slitting, or chopping whole tires and so treats whole tires  
17          and, if approved by the Agency in a permit issued under this  
18          Act, uses the used or waste tires for alternative uses, which  
19          may include on-site practices such as lining of roadways with  
20          tire scraps, alternative daily cover, or use in a leachate  
21          collection system. In the event the physical condition of a  
22          used or waste tire makes shredding, slitting, chopping, reuse,  
23          reprocessing, or other alternative use of the used or waste  
24          tire impractical or infeasible, then the sanitary landfill,  
25          after authorization by the Agency, may accept the used or waste  
26          tire for disposal.

1 (c) Any person who sells new or used tires at retail or  
2 operates a tire storage site or a tire disposal site which  
3 contains more than 50 used or waste tires shall give notice of  
4 such activity to the Agency. Any person engaging in such  
5 activity for the first time after January 1, 1990, shall give  
6 notice to the Agency within 30 days after the date of  
7 commencement of the activity. The form of such notice shall be  
8 specified by the Agency and shall be limited to information  
9 regarding the following:

10 (1) the name and address of the owner and operator;

11 (2) the name, address and location of the operation;

12 (3) the type of operations involving used and waste  
13 tires (storage, disposal, conversion or processing); and

14 (4) the number of used and waste tires present at the  
15 location.

16 (d) Beginning January 1, 1992, no person shall cause or  
17 allow the operation of:

18 (1) a tire storage site which contains more than 50  
19 used tires, unless the owner or operator, by January 1,  
20 1992 (or the January 1 following commencement of operation,  
21 whichever is later) and January 1 of each year thereafter,

22 (i) registers the site with the Agency, except that the  
23 registration requirement in this item (i) does not apply in  
24 the case of a tire storage site required to be permitted  
25 under subsection (d-5), (ii) certifies to the Agency that  
26 the site complies with any applicable standards adopted by



1 the Board pursuant to Section 55.2, (iii) reports to the  
2 Agency the number of tires accumulated, the status of  
3 vector controls, and the actions taken to handle and  
4 process the tires, and (iv) pays the fee required under  
5 subsection (b) of Section 55.6; or

6 (2) a tire disposal site, unless the owner or operator  
7 (i) has received approval from the Agency after filing a  
8 tire removal agreement pursuant to Section 55.4, or (ii)  
9 has entered into a written agreement to participate in a  
10 consensual removal action under Section 55.3.

11 The Agency shall provide written forms for the annual  
12 registration and certification required under this subsection  
13 (d).

14 (d-4) On or before January 1, 2015, the owner or operator  
15 of each tire storage site that contains used tires totaling  
16 more than 10,000 passenger tire equivalents, or at which more  
17 than 500 tons of used tires are processed in a calendar year,  
18 shall submit documentation demonstrating its compliance with  
19 Board rules adopted under this Title. This documentation must  
20 be submitted on forms and in a format prescribed by the Agency.

21 (d-5) Beginning July 1, 2016, no person shall cause or  
22 allow the operation of a tire storage site that contains used  
23 tires totaling more than 10,000 passenger tire equivalents, or  
24 at which more than 500 tons of used tires are processed in a  
25 calendar year, without a permit granted by the Agency or in  
26 violation of any conditions imposed by that permit, including

1 periodic reports and full access to adequate records and the  
2 inspection of facilities, as may be necessary to ensure  
3 compliance with this Act and with regulations and standards  
4 adopted under this Act.

5 (d-6) No person shall cause or allow the operation of a  
6 tire storage site in violation of the financial assurance rules  
7 established by the Board under subsection (b) of Section 55.2  
8 of this Act. In addition to the remedies otherwise provided  
9 under this Act, the State's Attorney of the county in which the  
10 violation occurred, or the Attorney General, may, at the  
11 request of the Agency or on his or her own motion, institute a  
12 civil action for an immediate injunction, prohibitory or  
13 mandatory, to restrain any violation of this subsection (d-6)  
14 or to require any other action as may be necessary to abate or  
15 mitigate any immediate danger or threat to public health or the  
16 environment at the site. Injunctions to restrain a violation of  
17 this subsection (d-6) may include, but are not limited to, the  
18 required removal of all tires for which financial assurance is  
19 not maintained and a prohibition against the acceptance of  
20 tires in excess of the amount for which financial assurance is  
21 maintained.

22 (e) No person shall cause or allow the storage, disposal,  
23 treatment or processing of any used or waste tire in violation  
24 of any regulation or standard adopted by the Board.

25 (f) No person shall arrange for the transportation of used  
26 or waste tires away from the site of generation with a person

1 known to openly dump such tires.

2 (g) No person shall engage in any operation as a used or  
3 waste tire transporter except in compliance with Board  
4 regulations.

5 (h) No person shall cause or allow the combustion of any  
6 used or waste tire in an enclosed device unless a permit has  
7 been issued by the Agency authorizing such combustion pursuant  
8 to regulations adopted by the Board for the control of air  
9 pollution and consistent with the provisions of Section 9.4 of  
10 this Act.

11 (i) No person shall cause or allow the use of pesticides to  
12 treat tires except as prescribed by Board regulations.

13 (j) No person shall fail to comply with the terms of a tire  
14 removal agreement approved by the Agency pursuant to Section  
15 55.4.

16 (k) No person shall:

17 (1) Cause or allow water to accumulate in used or waste  
18 tires. The prohibition set forth in this paragraph (1) of  
19 subsection (k) shall not apply to used or waste tires  
20 located at a residential household, as long as not more  
21 than 4 used or waste tires at the site are covered and kept  
22 dry.

23 (2) Fail to collect a fee required under Section 55.8  
24 of this Title.

25 (3) Fail to file a return required under Section 55.10  
26 of this Title.

1           (4) Transport used or waste tires in violation of the  
2           registration and vehicle placarding requirements adopted  
3           by the Board.

4           (Source: P.A. 100-103, eff. 8-11-17; 100-327, eff. 8-24-17;  
5           revised 10-2-17.)

6           (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)  
7           Sec. 55.6. Used Tire Management Fund.

8           (a) There is hereby created in the State Treasury a special  
9           fund to be known as the Used Tire Management Fund. There shall  
10          be deposited into the Fund all monies received as (1) recovered  
11          costs or proceeds from the sale of used tires under Section  
12          55.3 of this Act, (2) repayment of loans from the Used Tire  
13          Management Fund, or (3) penalties or punitive damages for  
14          violations of this Title, except as provided by subdivision  
15          (b) (4) or (b) (4-5) of Section 42.

16          (b) Beginning January 1, 1992, in addition to any other  
17          fees required by law, the owner or operator of each site  
18          required to be registered or permitted under subsection (d) or  
19          (d-5) of Section 55 shall pay to the Agency an annual fee of  
20          \$100. Fees collected under this subsection shall be deposited  
21          into the Environmental Protection Permit and Inspection Fund.

22          (c) Pursuant to appropriation, monies up to an amount of \$4  
23          million per fiscal year from the Used Tire Management Fund  
24          shall be allocated as follows:

25                 (1) 38% shall be available to the Agency for the

1 following purposes, provided that priority shall be given  
2 to item (i):

3 (i) To undertake preventive, corrective or removal  
4 action as authorized by and in accordance with Section  
5 55.3, and to recover costs in accordance with Section  
6 55.3.

7 (ii) For the performance of inspection and  
8 enforcement activities for used and waste tire sites.

9 (iii) (Blank).

10 (iv) To provide financial assistance to units of  
11 local government for the performance of inspecting,  
12 investigating and enforcement activities pursuant to  
13 subsection (r) of Section 4 at used and waste tire  
14 sites.

15 (v) To provide financial assistance for used and  
16 waste tire collection projects sponsored by local  
17 government or not-for-profit corporations.

18 (vi) For the costs of fee collection and  
19 administration relating to used and waste tires, and to  
20 accomplish such other purposes as are authorized by  
21 this Act and regulations thereunder.

22 (vii) To provide financial assistance to units of  
23 local government and private industry for the purposes  
24 of:

25 (A) assisting in the establishment of  
26 facilities and programs to collect, process, and

1           utilize used and waste tires and tire-derived  
2           materials;

3           (B) demonstrating the feasibility of  
4           innovative technologies as a means of collecting,  
5           storing, processing, and utilizing used and waste  
6           tires and tire-derived materials; and

7           (C) applying demonstrated technologies as a  
8           means of collecting, storing, processing, and  
9           utilizing used and waste tires and tire-derived  
10          materials.

11          (2) For fiscal years beginning prior to July 1, 2004,  
12          23% shall be available to the Department of Commerce and  
13          Economic Opportunity for the following purposes, provided  
14          that priority shall be given to item (A):

15           (A) To provide grants or loans for the purposes of:

16           (i) assisting units of local government and  
17           private industry in the establishment of  
18           facilities and programs to collect, process and  
19           utilize used and waste tires and tire derived  
20           materials;

21           (ii) demonstrating the feasibility of  
22           innovative technologies as a means of collecting,  
23           storing, processing and utilizing used and waste  
24           tires and tire derived materials; and

25           (iii) applying demonstrated technologies as a  
26           means of collecting, storing, processing, and

1           utilizing used and waste tires and tire derived  
2           materials.

3           (B) To develop educational material for use by  
4           officials and the public to better understand and  
5           respond to the problems posed by used tires and  
6           associated insects.

7           (C) (Blank).

8           (D) To perform such research as the Director deems  
9           appropriate to help meet the purposes of this Act.

10          (E) To pay the costs of administration of its  
11          activities authorized under this Act.

12          (2.1) For the fiscal year beginning July 1, 2004 and  
13          for all fiscal years thereafter, 23% shall be deposited  
14          into the General Revenue Fund.

15          (3) 25% shall be available to the Illinois Department  
16          of Public Health for the following purposes:

17                (A) To investigate threats or potential threats to  
18                the public health related to mosquitoes and other  
19                vectors of disease associated with the improper  
20                storage, handling and disposal of tires, improper  
21                waste disposal, or natural conditions.

22                (B) To conduct surveillance and monitoring  
23                activities for mosquitoes and other arthropod vectors  
24                of disease, and surveillance of animals which provide a  
25                reservoir for disease-producing organisms.

26                (C) To conduct training activities to promote

1 vector control programs and integrated pest management  
2 as defined in the Vector Control Act.

3 (D) To respond to inquiries, investigate  
4 complaints, conduct evaluations and provide technical  
5 consultation to help reduce or eliminate public health  
6 hazards and nuisance conditions associated with  
7 mosquitoes and other vectors.

8 (E) To provide financial assistance to units of  
9 local government for training, investigation and  
10 response to public nuisances associated with  
11 mosquitoes and other vectors of disease.

12 (4) 2% shall be available to the Department of  
13 Agriculture for its activities under the Illinois  
14 Pesticide Act relating to used and waste tires.

15 (5) 2% shall be available to the Pollution Control  
16 Board for administration of its activities relating to used  
17 and waste tires.

18 (6) 10% shall be available to the University of  
19 Illinois for the Prairie Research Institute to perform  
20 research to study the biology, distribution, population  
21 ecology, and biosystematics of tire-breeding arthropods,  
22 especially mosquitoes, and the diseases they spread.

23 (d) By January 1, 1998, and biennially thereafter, each  
24 State agency receiving an appropriation from the Used Tire  
25 Management Fund shall report to the Governor and the General  
26 Assembly on its activities relating to the Fund.



1 (e) Any monies appropriated from the Used Tire Management  
2 Fund, but not obligated, shall revert to the Fund.

3 (f) In administering the provisions of subdivisions (1),  
4 (2) and (3) of subsection (c) of this Section, the Agency, the  
5 Department of Commerce and Economic Opportunity, and the  
6 Illinois Department of Public Health shall ensure that  
7 appropriate funding assistance is provided to any municipality  
8 with a population over 1,000,000 or to any sanitary district  
9 which serves a population over 1,000,000.

10 (g) Pursuant to appropriation, monies in excess of \$4  
11 million per fiscal year from the Used Tire Management Fund  
12 shall be used as follows:

13 (1) 55% shall be available to the Agency for the  
14 following purposes, provided that priority shall be given  
15 to subparagraph (A):

16 (A) To undertake preventive, corrective or renewed  
17 action as authorized by and in accordance with Section  
18 55.3 and to recover costs in accordance with Section  
19 55.3.

20 (B) To provide financial assistance to units of  
21 local government and private industry for the purposes  
22 of:

23 (i) assisting in the establishment of  
24 facilities and programs to collect, process, and  
25 utilize used and waste tires and tire-derived  
26 materials;

1           (ii) demonstrating the feasibility of  
2 innovative technologies as a means of collecting,  
3 storing, processing, and utilizing used and waste  
4 tires and tire-derived materials; and

5           (iii) applying demonstrated technologies as a  
6 means of collecting, storing, processing, and  
7 utilizing used and waste tires and tire-derived  
8 materials.

9           (C) To provide grants to public universities for  
10 vector-related research, disease-related research, and  
11 for related laboratory-based equipment and field-based  
12 equipment.

13           (2) For fiscal years beginning prior to July 1, 2004,  
14 45% shall be available to the Department of Commerce and  
15 Economic Opportunity to provide grants or loans for the  
16 purposes of:

17           (i) assisting units of local government and  
18 private industry in the establishment of facilities  
19 and programs to collect, process and utilize waste  
20 tires and tire derived material;

21           (ii) demonstrating the feasibility of innovative  
22 technologies as a means of collecting, storing,  
23 processing, and utilizing used and waste tires and tire  
24 derived materials; and

25           (iii) applying demonstrated technologies as a  
26 means of collecting, storing, processing, and

1           utilizing used and waste tires and tire derived  
2           materials.

3           (3) For the fiscal year beginning July 1, 2004 and for  
4           all fiscal years thereafter, 45% shall be deposited into  
5           the General Revenue Fund.

6           (Source: P.A. 100-103, eff. 8-11-17; 100-327, eff. 8-24-17;  
7           revised 10-2-17.)

8           Section 510. The Solid Waste Planning and Recycling Act is  
9           amended by changing Section 11 as follows:

10           (415 ILCS 15/11) (from Ch. 85, par. 5961)

11           Sec. 11. ~~(a)~~ It shall be a violation of this Act for any  
12           person:

13           (1) To cause or assist in the violation of Section 9 or  
14           10 of this Act or any regulation promulgated hereunder.

15           (2) To fail to adhere to the schedule set forth in, or  
16           pursuant to, this Act for adopting and reviewing a waste  
17           management plan.

18           (3) To fail to implement the recycling component of an  
19           adopted waste management plan.

20           (Source: P.A. 85-1198; revised 11-8-17.)

21           Section 515. The Spent Nuclear Fuel Act is amended by  
22           changing Section 4 as follows:

1 (420 ILCS 15/4) (from Ch. 111 1/2, par. 230.24)

2 Sec. 4. The State's ~~States~~ Attorney in a county where a  
3 violation occurs or Attorney General may institute a civil  
4 action for immediate injunction to halt any activity which is  
5 in violation of this Act.

6 (Source: P.A. 81-1516, Art. II; revised 10-21-15.)

7 Section 520. The Smoke Detector Act is amended by changing  
8 Section 4 as follows:

9 (425 ILCS 60/4) (from Ch. 127 1/2, par. 804)

10 (Text of Section before amendment by P.A. 100-200)

11 Sec. 4. (a) Willful failure to install or maintain in  
12 operating condition any smoke detector required by this Act  
13 shall be a Class B misdemeanor.

14 (b) Tampering with, removing, destroying, disconnecting or  
15 removing the batteries from any installed smoke detector,  
16 except in the course of inspection, maintenance or replacement  
17 of the detector, shall be a Class A misdemeanor in the case of  
18 a first conviction, and a Class 4 felony in the case of a  
19 second or subsequent conviction.

20 (Source: P.A. 85-143.)

21 (Text of Section after amendment by P.A. 100-200)

22 Sec. 4. (a) Except as provided in subsection (c), willful  
23 failure to install or maintain in operating condition any smoke

1 detector required by this Act shall be a Class B misdemeanor.

2 (b) Except as provided in subsection (c), tampering with,  
3 removing, destroying, disconnecting or removing the batteries  
4 from any installed smoke detector, except in the course of  
5 inspection, maintenance or replacement of the detector, shall  
6 be a Class A misdemeanor in the case of a first conviction, and  
7 a Class 4 felony in the case of a second or subsequent  
8 conviction.

9 (c) A party in violation of the battery requirements of  
10 subsection (e) of Section 3 of this Act shall be provided with  
11 90 days' ~~day's~~ warning with which to rectify that violation. If  
12 that party fails to rectify the violation within that 90-day ~~90~~  
13 ~~day~~ period, he or she may be assessed a fine of up to \$100, and  
14 may be fined \$100 every 30 days thereafter until either the  
15 violation is rectified or the cumulative amount of fines  
16 assessed reaches \$1,500. The provisions of subsection (a) and  
17 (b) of this Section shall apply only after the penalty provided  
18 under this subsection (c) has been exhausted to the extent that  
19 a violating party has reached the \$1,500 cumulative fine  
20 threshold and has failed to rectify the violation.

21 If the alleged violation has been corrected prior to or on  
22 the date of the hearing scheduled to adjudicate the alleged  
23 violation, then the violation shall be dismissed.

24 (Source: P.A. 100-200, eff. 1-1-23; revised 10-2-17.)

25 Section 525. The Wildlife Code is amended by changing

1 Sections 2.35 and 3.19 as follows:

2 (520 ILCS 5/2.35) (from Ch. 61, par. 2.35)

3 Sec. 2.35. Wild game birds or fur-bearing mammals.

4 (a) Migratory game birds, or any part or parts thereof, may  
5 be possessed only in accordance with the regulations of the  
6 federal government ~~Federal Government~~.

7 (b) Except as provided in Sections 3.21, 3.23, 3.27, 3.28,  
8 and 3.30,  
9 it is unlawful to possess wild game birds or wild  
10 game mammals or any parts thereof in excess of the legally  
11 established daily limit or possession limit, whichever  
12 applies.

13 (c) Except as provided in this Code, it is unlawful to have  
14 in possession the green hides of fur-bearing mammals without a  
15 valid hunting or trapping license.

16 (d) Failure to establish proof of the legality of the  
17 possession in another state or country and of importation into  
18 this State, shall be prima facie evidence that migratory game  
19 birds and game birds or any parts thereof, and fur-bearing  
20 mammals or any parts thereof, were taken within this State.

21 (e) For all those species to which a daily or possession  
22 limit shall apply, each hunter shall maintain his bag of such  
23 species separately and distinctly from those of all other  
24 hunters.

25 (f) No person shall receive or have in custody any  
protected species belonging to another person, except in the

1 personal abodes of the donor or recipient, unless such  
2 protected species are tagged in accordance with Section 2.30b  
3 of this Code or tagged with the hunter's or trapper's name,  
4 address, total number of species, and the date such species  
5 were taken.

6 (Source: P.A. 100-123, eff. 1-1-18; revised 10-5-17.)

7 (520 ILCS 5/3.19) (from Ch. 61, par. 3.19)

8 Sec. 3.19. Permit requirements. Each resident fur buyer,  
9 nonresident fur buyer, non-resident auction participant,  
10 fur-bearing ~~fur-bearing~~ mammal breeder, or fur tanner shall  
11 have his or her permit in his or her possession when receiving,  
12 collecting, buying, selling, or offering for sale the green  
13 hides of fur-bearing mammals or accepting the same for  
14 dressing, dyeing, or tanning and shall immediately produce the  
15 same when requested to do so by an officer or authorized  
16 employees of the Department, any sheriff, deputy sheriff or any  
17 other peace officer. Persons conducting organized and  
18 established auction sales or the green hides of fur-bearing  
19 mammals, protected by this Act, shall be exempt from the  
20 provisions of this Section.

21 (Source: P.A. 100-123, eff. 1-1-18; revised 10-5-17.)

22 Section 530. The Illinois Highway Code is amended by  
23 changing Sections 3-105 and 6-130 as follows:

1 (605 ILCS 5/3-105) (from Ch. 121, par. 3-105)

2 Sec. 3-105. Except as otherwise provided in the Treasurer  
3 as Custodian of Funds Act, all money received by the State of  
4 Illinois from the federal government for aid in construction of  
5 highways shall be placed in the Road Fund ~~"Road Fund"~~ in the  
6 State treasury ~~Treasury~~. For the purposes of this Section,  
7 money received by the State of Illinois from the federal  
8 government under the Recreational Trails Program for grants or  
9 contracts obligated on or after October 1, 2017 shall not be  
10 considered for use as aid in construction of highways, and  
11 shall be placed in the Park and Conservation Fund ~~"Park and  
12 Conservation Fund"~~ in the State treasury.

13 Whenever any county having a population of 500,000 or more  
14 inhabitants has incurred indebtedness and issued Expressway  
15 bonds as authorized by Division 5-34 of the Counties Code and  
16 has used the proceeds of such bonds for the construction of  
17 Expressways in accordance with the provisions of Section 15d of  
18 "An Act to revise the law in relation to roads and bridges",  
19 approved June 27, 1913, as amended (repealed) or of Section  
20 5-403 of this Code in order to accelerate the improvement of  
21 the National System of Interstate Highways, the federal aid  
22 primary highway network or the federal aid highway network in  
23 urban areas, the State shall appropriate and allot, from the  
24 allotments of federal funds made available by Acts of Congress  
25 under the Federal Aid Road Act and as appropriated and made  
26 available to the State of Illinois, to such county or counties



1 a sum sufficient to retire the bonded indebtedness due annually  
2 arising from the issuance of those Expressway bonds issued for  
3 the purpose of constructing Expressways in the county or  
4 counties. Such funds shall be deposited in the Treasury of such  
5 county or counties for the purpose of applying such funds to  
6 the payment of the Expressway bonds, principal and interest due  
7 annually, issued pursuant to Division 5-34 of the Counties  
8 Code.

9 (Source: P.A. 100-127, eff. 1-1-18; revised 10-12-17.)

10 (605 ILCS 5/6-130) (from Ch. 121, par. 6-130)

11 Sec. 6-130. Road district abolishment. Notwithstanding any  
12 other provision of this Code to the contrary, no township road  
13 district may continue in existence if the roads forming a part  
14 of the district do not exceed a total of 4 centerline miles in  
15 length as determined by the county engineer or county  
16 superintendent of highways. On the first Tuesday in April of  
17 1975, or of any subsequent year next succeeding the reduction  
18 of a township road system to a total mileage of 4 centerline  
19 miles or less, each such township road district shall, by  
20 operation of law, be abolished. The roads comprising that  
21 district at that time shall thereafter be administered by the  
22 township board of trustees by contracting with the county, a  
23 municipality or a private contractor. The township board of  
24 trustees shall assume all taxing authority of a township road  
25 district abolished under this Section.

1 (Source: P.A. 100-106, eff. 1-1-18; 100-107, eff. 1-1-18;  
2 revised 10-12-17.)

3 Section 535. The Illinois Aeronautics Act is amended by  
4 changing Sections 1 and 47 as follows:

5 (620 ILCS 5/1) (from Ch. 15 1/2, par. 22.1)

6 Sec. 1. Definitions.→ For the purposes of this Act, the  
7 words, terms, and phrases set forth in Sections 2 to 23b,  
8 inclusive, shall have the meanings prescribed in such Sections  
9 ~~sections~~ unless otherwise specifically defined, or unless  
10 another intention clearly appears, or the context otherwise  
11 requires.

12 (Source: P.A. 79-1010; revised 10-12-17.)

13 (620 ILCS 5/47) (from Ch. 15 1/2, par. 22.47)

14 Sec. 47. Operation without certificate of approval  
15 unlawful; applications.→ An application for a certificate of  
16 approval of an airport or restricted landing area, or the  
17 alteration or extension thereof, shall set forth, among other  
18 things, the location of all railways, mains, pipes, conduits,  
19 wires, cables, poles and other facilities and structures of  
20 public service corporations or municipal or quasi-municipal  
21 corporations, located within the area proposed to be acquired  
22 or restricted, and the names of persons owning the same, to the  
23 extent that such information can be reasonably ascertained by

1 the applicant.

2 It shall be unlawful for any municipality or other  
3 political subdivision, or officer or employee thereof, or for  
4 any person, to make any alteration or extension of an existing  
5 airport or restricted landing area, or to use or operate any  
6 airport or restricted landing area, for which a certificate of  
7 approval has not been issued by the Department; provided, that  
8 no certificate of approval shall be required for an airport or  
9 restricted landing area which was in existence and approved by  
10 the Illinois Aeronautics Commission, whether or not being  
11 operated, on or before July 1, 1945, or for the O'Hare  
12 Modernization Program as defined in Section 10 of the O'Hare  
13 Modernization Act; except that a certificate of approval shall  
14 be required under this Section for construction of a new runway  
15 at O'Hare International Airport with a geographical  
16 orientation that varies from a geographical east-west  
17 orientation by more than 10 degrees, or for construction of a  
18 new runway at that airport that would result in more than 10  
19 runways being available for aircraft operations at that  
20 airport. The Department shall supervise, monitor, and enforce  
21 compliance with the O'Hare Modernization Act by all other  
22 departments, agencies, and units of State and local government.

23 Provisions of this Section do not apply to special purpose  
24 aircraft designated as such by the Department when operating to  
25 or from uncertificated areas other than their principal base of  
26 operations, provided mutually acceptable arrangements are made

1 with the property owner, and provided the owner or operator of  
2 the aircraft assumes liabilities which may arise out of such  
3 operations.

4 (Source: P.A. 99-202, eff. 1-1-16; revised 10-12-17.)

5 Section 540. The Permanent Noise Monitoring Act is amended  
6 by changing Section 10 as follows:

7 (620 ILCS 35/10) (from Ch. 15 1/2, par. 760)

8 Sec. 10. Establishment of permanent noise monitoring  
9 systems.

10 (a) No later than December 31, 2008, each airport shall  
11 have an operable permanent noise monitoring system. The system  
12 shall be operated by the airport sponsor. The airport sponsor  
13 shall be responsible for the construction or the design and  
14 construction of any system not constructed or designed and  
15 constructed as of July 13, 2009 (the effective date of Public  
16 Act 96-37) ~~this amendatory Act of the 96th General Assembly.~~  
17 The cost of the systems and of the permanent noise monitoring  
18 reports under Section 15 of this Act shall be borne by the  
19 airport sponsor.

20 (b) On or before June 30, 2018,    each airport shall upgrade  
21 its permanent noise monitoring system to be capable of  
22 producing the data necessary to meet the requirements of this  
23 Act enacted in Public Act 99-202. On June 30, 2018 and  
24 thereafter,    an airport's permanent noise monitoring report and

1 noise contour maps shall be produced using the criteria in this  
2 Act enacted in Public Act 99-202.

3 (Source: P.A. 100-165, eff. 8-18-17; revised 10-12-17.)

4 Section 545. The Illinois Vehicle Code is amended by  
5 changing Sections 1-118, 1-205.1, 1-205.2, 3-414, 3-611,  
6 3-699.14, 3-802, 3-809, 3-810, 3-810.1, 4-203, 4-216, 5-104,  
7 5-104.3, 5-503, 6-103, 6-115, 7-216, 7-604, 11-208, 12-503,  
8 12-601, 12-606, 12-806, 12-825, 15-301, and 15-308.2 as  
9 follows:

10 (625 ILCS 5/1-118) (from Ch. 95 1/2, par. 1-118)

11 Sec. 1-118. Essential parts. All integral and body parts of  
12 a vehicle of a type required to be registered hereunder, the  
13 removal, alteration or substitution of which would tend to  
14 conceal the identity of the vehicle or substantially alter its  
15 appearance, model, type or mode of operation. "Essential parts"  
16 includes the following: vehicle hulks, shells, chassis,  
17 frames, front end assemblies (which may consist of headlight,  
18 grill, fenders and hood), front clip (front end assembly with  
19 cowl attached), rear clip (which may consist of quarter panels,  
20 fenders, floor and top), doors, hatchbacks, fenders, cabs, cab  
21 clips, cowls, hoods, trunk lids, deck lids, bed, front bumper,  
22 rear bumper, transmissions, seats, engines, and similar parts.  
23 "Essential parts" ~~Essential parts~~ also includes fairings, fuel  
24 tanks, and forks of motorcycles. "Essential parts" ~~Essential~~

1 ~~parts~~ shall also include stereo radios.

2 An essential part which does not have affixed to it an  
3 identification number as defined in Section 1-129 adopts the  
4 identification number of the vehicle to which such part is  
5 affixed, installed or mounted.

6 "Essential parts" ~~An "essential part"~~ does not include an  
7 engine, transmission, or a rear axle that is used in a glider  
8 kit.

9 (Source: P.A. 99-748, eff. 8-5-16; 100-409, eff. 8-25-17;  
10 revised 10-12-17.)

11 (625 ILCS 5/1-205.1) (from Ch. 95 1/2, par. 1-205.1)

12 Sec. 1-205.1. Tow truck ~~Tow Truck~~. Every truck designed or  
13 altered and equipped for and used to push, tow, carry upon, or  
14 draw vehicles by means of a crane, hoist, towbar, towline or  
15 auxiliary axle, or carried upon to render assistance to  
16 disabled vehicles, except for any truck tractor temporarily  
17 converted to a tow truck by means of a portable wrecker unit  
18 attached to the fifth wheel of the truck tractor and used only  
19 by the owner to tow a disabled vehicle also owned by him or her  
20 and never used for hire.

21 (Source: P.A. 89-245, eff. 1-1-96; 90-89, eff. 1-1-98; revised  
22 10-12-17.)

23 (625 ILCS 5/1-205.2) (from Ch. 95 1/2, par. 1-205.2)

24 Sec. 1-205.2. Tower. A person who owns or operates a tow

1 truck ~~tow-truck~~ or a wrecker.

2 (Source: P.A. 83-1473; revised 10-12-17.)

3 (625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)

4 Sec. 3-414. Expiration of registration.

5 (a) Every vehicle registration under this Chapter and every  
6 registration card and registration plate or registration  
7 sticker issued hereunder to a vehicle shall be for the periods  
8 specified in this Chapter and shall expire at midnight on the  
9 day and date specified in this Section as follows:

10 1. When registered on a calendar year basis commencing  
11 January 1, expiration shall be on the 31st day of December  
12 or at such other date as may be selected in the discretion  
13 of the Secretary of State; however, through December 31,  
14 2004, registrations of apportionable vehicles,  
15 motorcycles, motor driven cycles and pedalcycles shall  
16 commence on the first day of April and shall expire March  
17 31st of the following calendar year;

18 1.1. Beginning January 1, 2005, registrations of  
19 motorcycles and motor driven cycles shall commence on  
20 January 1 and shall expire on December 31 or on another  
21 date that may be selected by the Secretary; registrations  
22 of apportionable vehicles and pedalcycles, however, shall  
23 commence on the first day of April and shall expire March  
24 31 of the following calendar year;

25 2. When registered on a 2 calendar year basis

1 commencing January 1 of an even-numbered year, expiration  
2 shall be on the 31st day of December of the ensuing  
3 odd-numbered year, or at such other later date as may be  
4 selected in the discretion of the Secretary of State not  
5 beyond March 1 next;

6 3. When registered on a fiscal year basis commencing  
7 July 1, expiration shall be on the 30th day of June or at  
8 such other later date as may be selected in the discretion  
9 of the Secretary of State not beyond September 1 next;

10 4. When registered on a 2 fiscal year basis commencing  
11 July 1 of an even-numbered year, expiration shall be on the  
12 30th day of June of the ensuing even-numbered year, or at  
13 such other later date as may be selected in the discretion  
14 of the Secretary of State not beyond September 1 next;

15 5. When registered on a 4 fiscal year basis commencing  
16 July 1 of an even-numbered year, expiration shall be on the  
17 30th day of June of the second ensuing even-numbered year,  
18 or at such other later date as may be selected in the  
19 discretion of the Secretary of State not beyond September 1  
20 next.

21 (a-5) The Secretary may, in his or her discretion, require  
22 an owner of a motor vehicle of the first division or a motor  
23 vehicle of the second division weighing not more than 8,000  
24 pounds to select the owner's birthday as the date of  
25 registration expiration under this Section. If the motor  
26 vehicle has more than one registered owner, the owners may



1 select one registered owner's birthday as the date of  
2 registration expiration. The Secretary may adopt any rules  
3 necessary to implement this subsection.

4 (b) Vehicle registrations of vehicles of the first division  
5 shall be for a calendar year, 2 calendar year, 3 calendar year,  
6 or 5 calendar year basis as provided for in this Chapter.

7 Vehicle registrations of vehicles under Sections 3-807,  
8 3-808 and 3-809 shall be on an indefinite term basis or a 2  
9 calendar year basis as provided for in this Chapter.

10 Vehicle registrations for vehicles of the second division  
11 shall be for a fiscal year, 2 fiscal year or calendar year  
12 basis as provided for in this Chapter.

13 Motor vehicles registered under the provisions of Section  
14 3-402.1 shall be issued multi-year registration plates with a  
15 new registration card issued annually upon payment of the  
16 appropriate fees. Motor vehicles registered under the  
17 provisions of Section 3-405.3 shall be issued multi-year  
18 registration plates with a new multi-year registration card  
19 issued pursuant to subsections (j), (k), and (l) of this  
20 Section upon payment of the appropriate fees. Apportionable  
21 trailers and apportionable semitrailers registered under the  
22 provisions of Section 3-402.1 shall be issued multi-year  
23 registration plates and cards that will be subject to  
24 revocation for failure to pay annual fees required by Section  
25 3-814.1. The Secretary shall determine when these vehicles  
26 shall be issued new registration plates.

1 (c) Every vehicle registration specified in Section 3-810  
2 and every registration card and registration plate or  
3 registration sticker issued thereunder shall expire on the 31st  
4 day of December of each year or at such other date as may be  
5 selected in the discretion of the Secretary of State.

6 (d) Every vehicle registration for a vehicle of the second  
7 division weighing over 8,000 pounds, except as provided in  
8 subsection ~~paragraph~~ (g) of this Section, and every  
9 registration card and registration plate or registration  
10 sticker, where applicable, issued hereunder to such vehicles  
11 shall be issued for a fiscal year commencing on July 1st of  
12 each registration year. However, the Secretary of State may,  
13 pursuant to an agreement or arrangement or declaration  
14 providing for apportionment of a fleet of vehicles with other  
15 jurisdictions, provide for registration of such vehicles under  
16 apportionment or for all of the vehicles registered in Illinois  
17 by an applicant who registers some of his vehicles under  
18 apportionment on a calendar year basis instead, and the fees or  
19 taxes to be paid on a calendar year basis shall be identical to  
20 those specified in this Code ~~Act~~ for a fiscal year  
21 registration. Provision for installment payment may also be  
22 made.

23 (e) Semitrailer registrations under apportionment may be  
24 on a calendar year under a reciprocal agreement or arrangement  
25 and all other semitrailer registrations shall be on fiscal year  
26 or 2 fiscal year or 4 fiscal year basis as provided for in this

1 Chapter.

2 (f) The Secretary of State may convert annual registration  
3 plates or 2-year registration plates, whether registered on a  
4 calendar year or fiscal year basis, to multi-year plates. The  
5 determination of which plate categories and when to convert to  
6 multi-year plates is solely within the discretion of the  
7 Secretary of State.

8 (g) After January 1, 1975, each registration, registration  
9 card and registration plate or registration sticker, where  
10 applicable, issued for a recreational vehicle or recreational  
11 or camping trailer, except a house trailer, used exclusively by  
12 the owner for recreational purposes, and not used commercially  
13 nor as a truck or bus, nor for hire, shall be on a calendar year  
14 basis; except that the Secretary of State shall provide for  
15 registration and the issuance of registration cards and plates  
16 or registration stickers, where applicable, for one 6-month  
17 period in order to accomplish an orderly transition from a  
18 fiscal year to a calendar year basis. Fees and taxes due under  
19 this Code Act for a registration year shall be appropriately  
20 reduced for such 6-month transitional registration period.

21 (h) The Secretary of State may, in order to accomplish an  
22 orderly transition for vehicles registered under Section  
23 3-402.1 of this Code from a calendar year registration to a  
24 March 31st expiration, require applicants to pay fees and taxes  
25 due under this Code on a 15 month registration basis. However,  
26 if in the discretion of the Secretary of State this creates an

1 undue hardship on any applicant the Secretary may allow the  
2 applicant to pay 3 month fees and taxes at the time of  
3 registration and the additional 12 month fees and taxes to be  
4 payable no later than March 31, 1992.

5 (i) The Secretary of State may stagger registrations, or  
6 change the annual expiration date, as necessary for the  
7 convenience of the public and the efficiency of his Office. In  
8 order to appropriately and effectively accomplish any such  
9 staggering, the Secretary of State is authorized to prorate all  
10 required registration fees, rounded to the nearest dollar, but  
11 in no event for a period longer than 18 months, at a monthly  
12 rate for a 12-month ~~12-month~~ registration fee.

13 (j) The Secretary of State may enter into an agreement with  
14 a rental owner, as defined in Section 3-400 of this Code, who  
15 registers a fleet of motor vehicles of the first division  
16 pursuant to Section 3-405.3 of this Code to provide for the  
17 registration of the rental owner's vehicles on a 2 or 3  
18 calendar year basis and the issuance of multi-year registration  
19 plates with a new registration card issued up to every 3 years.

20 (k) The Secretary of State may provide multi-year  
21 registration cards for any registered fleet of motor vehicles  
22 of the first or second division that are registered pursuant to  
23 Section 3-405.3 of this Code. Each motor vehicle of the  
24 registered fleet must carry a ~~an~~ unique multi-year registration  
25 card that displays the vehicle identification number of the  
26 registered motor vehicle. The Secretary of State shall

1 promulgate rules in order to implement multi-year  
2 registrations.

3 (1) Beginning with the 2018 registration year, the  
4 Secretary of State may enter into an agreement with a rental  
5 owner, as defined in Section 3-400 of this Code, who registers  
6 a fleet of motor vehicles of the first division under Section  
7 3-405.3 of this Code to provide for the registration of the  
8 rental owner's vehicle on a 5 calendar year basis. Motor  
9 vehicles registered on a 5 calendar year basis shall be issued  
10 a distinct registration plate that expires on a 5-year cycle.  
11 The Secretary may prorate the registration of these  
12 registration plates to the length of time remaining in the  
13 5-year cycle. The Secretary may adopt any rules necessary to  
14 implement this subsection.

15 (Source: P.A. 99-80, eff. 1-1-16; 99-644, eff. 1-1-17; 100-201,  
16 eff. 8-18-17; revised 10-12-17.)

17 (625 ILCS 5/3-611) (from Ch. 95 1/2, par. 3-611)

18 Sec. 3-611. Special designations. The Secretary of State,  
19 in his discretion, may make special designations of certain  
20 designs or combinations of designs, or alphabetical letters or  
21 combination of letters, or colors or combination of colors  
22 pertaining to registration plates issued to vehicles owned by  
23 governmental agencies, vehicles owned and registered by State  
24 and federal elected officials, retired Illinois Supreme Court  
25 justices, and appointed federal cabinet officials, vehicles

1 operated by taxi or livery businesses, operated in connection  
2 with mileage weight registrations, or operated by a dealer,  
3 transporter, or manufacturer as the Secretary of State may deem  
4 necessary for the proper administration of this Code Act. In  
5 the case of registration plates issued for vehicles operated by  
6 or for persons with disabilities, as defined by Section  
7 1-159.1, under Section 3-616 of this Code Act, the Secretary of  
8 State, upon request, shall make such special designations so  
9 that automobiles bearing such plates are easily recognizable  
10 through ~~thru~~ use of the international accessibility symbol as  
11 automobiles driven by or for such persons. In the case of  
12 registration plates issued for vehicles operated by a person  
13 with a disability with a type four hearing disability, as  
14 defined pursuant to Section 4A of the ~~The~~ Illinois  
15 Identification Card Act, the Secretary of State, upon request,  
16 shall make such special designations so that a motor vehicle  
17 bearing such plate is easily recognizable by a special symbol  
18 indicating that such vehicle is driven by a person with a  
19 hearing disability. Registration plates issued to a person who  
20 is deaf or hard of hearing under this Section shall not entitle  
21 a motor vehicle bearing such plates to those parking privileges  
22 established for persons with disabilities under this Code. In  
23 the case of registration plates issued for State-owned ~~State~~  
24 ~~owned~~ vehicles, they shall be manufactured in compliance with  
25 Section 2 of the State Vehicle Identification Act ~~"An Act~~  
26 ~~relating to identification and use of motor vehicles of the~~

1 ~~State, approved August 9, 1951, as amended".~~ In the case of  
2 plates issued for State officials, such plates may be issued  
3 for a 2-year ~~2-year~~ period beginning January 1st of each  
4 odd-numbered year and ending December 31st of the subsequent  
5 even-numbered year.

6 (Source: P.A. 99-143, eff. 7-27-15; revised 10-12-17.)

7 (625 ILCS 5/3-699.14)

8 Sec. 3-699.14. Universal special license plates.

9 (a) In addition to any other special license plate, the  
10 Secretary, upon receipt of all applicable fees and applications  
11 made in the form prescribed by the Secretary, may issue  
12 Universal special license plates to residents of Illinois on  
13 behalf of organizations that have been authorized by the  
14 General Assembly to issue decals for Universal special license  
15 plates. Appropriate documentation, as determined by the  
16 Secretary, shall accompany each application. Authorized  
17 organizations shall be designated by amendment to this Section.  
18 When applying for a Universal special license plate the  
19 applicant shall inform the Secretary of the name of the  
20 authorized organization from which the applicant will obtain a  
21 decal to place on the plate. The Secretary shall make a record  
22 of that organization and that organization shall remain  
23 affiliated with that plate until the plate is surrendered,  
24 revoked, or otherwise cancelled. The authorized organization  
25 may charge a fee to offset the cost of producing and

1 distributing the decal, but that fee shall be retained by the  
2 authorized organization and shall be separate and distinct from  
3 any registration fees charged by the Secretary. No decal,  
4 sticker, or other material may be affixed to a Universal  
5 special license plate other than a decal authorized by the  
6 General Assembly in this Section or a registration renewal  
7 sticker. The special plates issued under this Section shall be  
8 affixed only to passenger vehicles of the first division,  
9 including motorcycles and autocycles, or motor vehicles of the  
10 second division weighing not more than 8,000 pounds. Plates  
11 issued under this Section shall expire according to the  
12 multi-year procedure under Section 3-414.1 of this Code.

13 (b) The design, color, and format of the Universal special  
14 license plate shall be wholly within the discretion of the  
15 Secretary. Universal special license plates are not required to  
16 designate "Land of Lincoln", as prescribed in subsection (b) of  
17 Section 3-412 of this Code. The design shall allow for the  
18 application of a decal to the plate. Organizations authorized  
19 by the General Assembly to issue decals for Universal special  
20 license plates shall comply with rules adopted by the Secretary  
21 governing the requirements for and approval of Universal  
22 special license plate decals. The Secretary may, in his or her  
23 discretion, allow Universal special license plates to be issued  
24 as vanity or personalized plates in accordance with Section  
25 3-405.1 of this Code. The Secretary of State must make a  
26 version of the special registration plates authorized under



1 this Section in a form appropriate for motorcycles and  
2 autocycles.

3 (c) When authorizing a Universal special license plate, the  
4 General Assembly shall set forth whether an additional fee is  
5 to be charged for the plate and, if a fee is to be charged, the  
6 amount of the fee and how the fee is to be distributed. When  
7 necessary, the authorizing language shall create a special fund  
8 in the State treasury into which fees may be deposited for an  
9 authorized Universal special license plate. Additional fees  
10 may only be charged if the fee is to be paid over to a State  
11 agency or to a charitable entity that is in compliance with the  
12 registration and reporting requirements of the Charitable  
13 Trust Act and the Solicitation for Charity Act. Any charitable  
14 entity receiving fees for the sale of Universal special license  
15 plates shall annually provide the Secretary of State a letter  
16 of compliance issued by the Attorney General verifying that the  
17 entity is in compliance with the Charitable Trust Act and the  
18 Solicitation for Charity Act.

19 (d) Upon original issuance and for each registration  
20 renewal period, in addition to the appropriate registration  
21 fee, if applicable, the Secretary shall collect any additional  
22 fees, if required, for issuance of Universal special license  
23 plates. The fees shall be collected on behalf of the  
24 organization designated by the applicant when applying for the  
25 plate. All fees collected shall be transferred to the State  
26 agency on whose behalf the fees were collected, or paid into

1 the special fund designated in the law authorizing the  
2 organization to issue decals for Universal special license  
3 plates. All money in the designated fund shall be distributed  
4 by the Secretary subject to appropriation by the General  
5 Assembly.

6 (e) The following organizations may issue decals for  
7 Universal special license plates with the original and renewal  
8 fees and fee distribution as follows:

9 (1) The Illinois Department of Natural Resources.

10 (A) Original issuance: \$25; with \$10 to the  
11 Roadside Monarch Habitat Fund and \$15 to the Secretary  
12 of State Special License Plate Fund.

13 (B) Renewal: \$25; with \$23 to the Roadside Monarch  
14 Habitat Fund and \$2 to the Secretary of State Special  
15 License Plate Fund.

16 (2) Illinois Veterans' Homes.

17 (A) Original issuance: \$26, which shall be  
18 deposited into the Illinois Veterans' Homes Fund.

19 (B) Renewal: \$26, which shall be deposited into the  
20 Illinois Veterans' Homes Fund.

21 (3) The Illinois Department of Human Services for  
22 volunteerism decals.

23 (A) Original issuance: \$25, which shall be  
24 deposited into the Secretary of State Special License  
25 Plate Fund.

26 (B) Renewal: \$25, which shall be deposited into the

1 Secretary of State Special License Plate Fund.

2 (4) ~~(3)~~ The Illinois Department of Public Health.

3 (A) Original issuance: \$25; with \$10 to the  
4 Prostate Cancer Awareness Fund and \$15 to the Secretary  
5 of State Special License Plate Fund.

6 (B) Renewal: \$25; with \$23 to the Prostate Cancer  
7 Awareness Fund and \$2 to the Secretary of State Special  
8 License Plate Fund.

9 (5) ~~(3)~~ Horsemen's Council of Illinois.

10 (A) Original issuance: \$25; with \$10 to the  
11 Horsemen's Council of Illinois Fund and \$15 to the  
12 Secretary of State Special License Plate Fund.

13 (B) Renewal: \$25; with \$23 to the Horsemen's  
14 Council of Illinois Fund and \$2 to the Secretary of  
15 State Special License Plate Fund.

16 (f) The following funds are created as special funds in the  
17 State treasury:

18 (1) The Roadside Monarch Habitat Fund. All moneys to be  
19 paid as grants to the Illinois Department of Natural  
20 Resources to fund roadside monarch and other pollinator  
21 habitat development, enhancement, and restoration projects  
22 in this State.

23 (2) The Prostate Cancer Awareness Fund. All moneys to  
24 be paid as grants to the Prostate Cancer Foundation of  
25 Chicago.

26 (3) ~~(2)~~ The Horsemen's Council of Illinois Fund. All

1 moneys shall be paid as grants to the Horsemen's Council of  
2 Illinois.

3 (Source: P.A. 99-483, eff. 7-1-16; 99-723, eff. 8-5-16; 99-814,  
4 eff. 1-1-17; 100-57, eff. 1-1-18; 100-60, eff. 1-1-18; 100-78,  
5 eff. 1-1-18; 100-201, eff. 8-18-17; revised 1-21-18.)

6 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

7 Sec. 3-802. Reclassifications and upgrades.

8 (a) Definitions. For the purposes of this Section, the  
9 following words shall have the meanings ascribed to them as  
10 follows:

11 "Reclassification" means changing the registration of  
12 a vehicle from one plate category to another.

13 "Upgrade" means increasing the registered weight of a  
14 vehicle within the same plate category.

15 (b) When reclassing the registration of a vehicle from one  
16 plate category to another, the owner shall receive credit for  
17 the unused portion of the present plate and be charged the  
18 current portion fees for the new plate. In addition, the  
19 appropriate replacement plate and replacement sticker fees  
20 shall be assessed.

21 (b-5) Beginning with the 2019 registration year, any  
22 individual who has a registration issued under either Section  
23 3-405 or 3-405.1 that qualifies for a special license plate  
24 under Section ~~Sections~~ 3-609, 3-609.1, 3-620, 3-621, 3-622,  
25 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,

1 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677,  
2 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, or 3-699.12  
3 may reclass his or her registration upon acquiring a special  
4 license plate listed in this subsection (b-5) without a  
5 replacement plate fee or registration sticker cost.

6 (b-10) Beginning with the 2019 registration year, any  
7 individual who has a special license plate issued under Section  
8 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625,  
9 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664,  
10 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683,  
11 3-686, 3-688, 3-693, 3-698, or 3-699.12 may reclass his or her  
12 special license plate upon acquiring a new registration under  
13 Section 3-405 or 3-405.1 without a replacement plate fee or  
14 registration sticker cost.

15 (c) When upgrading the weight of a registration within the  
16 same plate category, the owner shall pay the difference in  
17 current period fees between the two plates. In addition, the  
18 appropriate replacement plate and replacement sticker fees  
19 shall be assessed. In the event new plates are not required,  
20 the corrected registration card fee shall be assessed.

21 (d) In the event the owner of the vehicle desires to change  
22 the registered weight and change the plate category, the owner  
23 shall receive credit for the unused portion of the registration  
24 fee of the current plate and pay the current portion of the  
25 registration fee for the new plate, and in addition, pay the  
26 appropriate replacement plate and replacement sticker fees.

1 (e) Reclassing from one plate category to another plate  
2 category can be done only once within any registration period.

3 (f) No refunds shall be made in any of the circumstances  
4 found in subsection (b), subsection (c), or subsection (d);  
5 however, when reclassing from a flat weight plate to an  
6 apportioned plate, a refund may be issued if the credit amounts  
7 to an overpayment.

8 (g) In the event the registration of a vehicle registered  
9 under the mileage tax option is revoked, the owner shall be  
10 required to pay the annual registration fee in the new plate  
11 category and shall not receive any credit for the mileage plate  
12 fees.

13 (h) Certain special interest plates may be displayed on  
14 first division vehicles, second division vehicles weighing  
15 8,000 pounds or less, and recreational vehicles. Those plates  
16 can be transferred within those vehicle groups.

17 (i) Plates displayed on second division vehicles weighing  
18 8,000 pounds or less and passenger vehicle plates may be  
19 reclassified from one division to the other.

20 (j) Other than in subsection (i), reclassing from one  
21 division to the other division is prohibited. In addition, a  
22 reclass from a motor vehicle to a trailer or a trailer to a  
23 motor vehicle is prohibited.

24 (Source: P.A. 99-809, eff. 1-1-17; 100-246, eff. 1-1-18;  
25 100-450, eff. 1-1-18; revised 10-12-17.)

1 (625 ILCS 5/3-809) (from Ch. 95 1/2, par. 3-809)

2 Sec. 3-809. Farm machinery, exempt vehicles and fertilizer  
3 spreaders; registration fee.

4 (a) Vehicles of the second division having a corn sheller,  
5 a well driller, hay press, clover huller, feed mixer and  
6 unloader, or other farm machinery permanently mounted thereon  
7 and used solely for transporting the same, farm wagon type  
8 trailers having a fertilizer spreader attachment permanently  
9 mounted thereon, having a gross weight of not to exceed 36,000  
10 pounds and used only for the transportation of bulk fertilizer,  
11 and farm wagon type tank trailers of not to exceed 3,000  
12 gallons capacity, used during the liquid fertilizer season as  
13 field-storage "nurse tanks" supplying the fertilizer to a field  
14 applicator and moved on highways only for bringing the  
15 fertilizer from a local source of supply to farm or field or  
16 from one farm or field to another, or used during the lime  
17 season and moved on the highways only for bringing from a local  
18 source of supply to farm or field or from one farm or field to  
19 another, shall be registered upon the filing of a proper  
20 application and the payment of a registration fee of \$13 per  
21 2-year registration period. This registration fee of \$13 shall  
22 be paid in full and shall not be reduced even though such  
23 registration is made after the beginning of the registration  
24 period.

25 (b) Vehicles exempt from registration under the provisions  
26 of subsection A of Section 3-402 ~~3-402.A~~ of this Code Act, as

1 amended, except those vehicles required to be registered under  
2 subsection ~~paragraph~~ (c) of this Section, may, at the option of  
3 the owner, be identified as exempt vehicles by displaying  
4 registration plates issued by the Secretary of State. The owner  
5 thereof may apply for such permanent, non-transferable  
6 registration plates upon the filing of a proper application and  
7 the payment of a registration fee of \$13. The application for  
8 and display of such registration plates for identification  
9 purposes by vehicles exempt from registration shall not be  
10 deemed as a waiver or rescission of its exempt status, nor make  
11 such vehicle subject to registration. Nothing in this Section  
12 prohibits the towing of another vehicle by the exempt vehicle  
13 if the towed vehicle:

14 (i) does not exceed the registered weight of 8,000  
15 pounds;

16 (ii) is used exclusively for transportation to and from  
17 the work site;

18 (iii) is not used for carrying counter weights or other  
19 material related to the operation of the exempt vehicle  
20 while under tow; and

21 (iv) displays proper and current registration plates.

22 (c) Any single unit self-propelled agricultural fertilizer  
23 implement, designed for both on and off road use, equipped with  
24 flotation tires and otherwise specially adapted for the  
25 application of plant food materials or agricultural chemicals,  
26 desiring to be operated upon the highways laden with load



1 shall be registered upon the filing of a proper application and  
2 payment of a registration fee of \$250. The registration fee  
3 shall be paid in full and shall not be reduced even though such  
4 registration is made during the second half of the registration  
5 year. These vehicles shall, whether loaded or unloaded, be  
6 limited to a maximum gross weight of 36,000 pounds, restricted  
7 to a highway speed of not more than 30 miles per hour and a  
8 legal width of not more than 12 feet. Such vehicles shall be  
9 limited to the furthering of agricultural or horticultural  
10 pursuits and in furtherance of these pursuits, such vehicles  
11 may be operated upon the highway, within a 50-mile ~~50-mile~~  
12 radius of their point of loading as indicated on the written or  
13 printed statement required by the Illinois Fertilizer Act of  
14 1961, for the purpose of moving plant food materials or  
15 agricultural chemicals to the field, or from field to field,  
16 for the sole purpose of application.

17 No single unit self-propelled agricultural fertilizer  
18 implement, designed for both on and off road use, equipped with  
19 flotation tires and otherwise specially adapted for the  
20 application of plant food materials or agricultural chemicals,  
21 having a width of more than 12 feet or a gross weight in excess  
22 of 36,000 pounds, shall be permitted to operate upon the  
23 highways laden with load.

24 Whenever any vehicle is operated in violation of subsection  
25 (c) of this Section, the owner or the driver of such vehicle  
26 shall be deemed guilty of a petty offense and either may be

1 prosecuted for such violation.

2 (Source: P.A. 100-201, eff. 8-18-17; revised 10-12-17.)

3 (625 ILCS 5/3-810) (from Ch. 95 1/2, par. 3-810)

4 Sec. 3-810. Dealers, manufacturers, engine and driveline  
5 component manufacturers, transporters, and repossessors;  
6 registration plates ~~Manufacturers, Engine and Driveline~~  
7 ~~Component Manufacturers, Transporters and Repossessors~~  
8 ~~Registration Plates.~~ (a) Dealers, manufacturers, and  
9 transporters registered under this Code Act may obtain  
10 registration plates for use as provided in this Code Act, at  
11 the following rates:

12 Initial set of dealer's, manufacturer's, or  
13 transporter's "in-transit" plates: \$45

14 Duplicate Plates: \$13

15 Manufacturers of engine and driveline components  
16 registered under this Code Act may obtain registration  
17 plates at the following rates:

18 Initial set of "test vehicle" plates: \$94

19 Duplicate plates: \$25

20 Repossessors and other persons qualified and registered  
21 under Section 3-601 of this Code Act may obtain registration  
22 plates at the rate of \$45 per set.

23 (Source: P.A. 91-37, eff. 7-1-99; revised 11-8-17.)

24 (625 ILCS 5/3-810.1) (from Ch. 95 1/2, par. 3-810.1)

1           Sec. 3-810.1. Tow truck; registration plates ~~Tow Truck~~  
2 ~~Registration Plates.~~ Tow truck ~~Tow Truck~~ operators registered  
3 under this Code Act may obtain registration plates for use as  
4 provided in this Code Act at the rate per set provided in  
5 subsection (a) of Section 3-815 of this Code for each vehicle  
6 so registered.

7 (Source: P.A. 83-1473; revised 10-10-17.)

8 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

9 (Text of Section before amendment by P.A. 100-537)

10           Sec. 4-203. Removal of motor vehicles or other vehicles;  
11 towing or hauling away.

12           (a) When a vehicle is abandoned, or left unattended, on a  
13 toll highway, interstate highway, or expressway for 2 hours or  
14 more, its removal by a towing service may be authorized by a  
15 law enforcement agency having jurisdiction.

16           (b) When a vehicle is abandoned on a highway in an urban  
17 district 10 hours or more, its removal by a towing service may  
18 be authorized by a law enforcement agency having jurisdiction.

19           (c) When a vehicle is abandoned or left unattended on a  
20 highway other than a toll highway, interstate highway, or  
21 expressway, outside of an urban district for 24 hours or more,  
22 its removal by a towing service may be authorized by a law  
23 enforcement agency having jurisdiction.

24           (d) When an abandoned, unattended, wrecked, burned or  
25 partially dismantled vehicle is creating a traffic hazard

1 because of its position in relation to the highway or its  
2 physical appearance is causing the impeding of traffic, its  
3 immediate removal from the highway or private property adjacent  
4 to the highway by a towing service may be authorized by a law  
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a  
7 person under arrest for a violation of Section 11-501 of this  
8 Code or a similar provision of a local ordinance is likely,  
9 upon release, to commit a subsequent violation of Section  
10 11-501, or a similar provision of a local ordinance, the  
11 arresting officer shall have the vehicle which the person was  
12 operating at the time of the arrest impounded for a period of  
13 not more than 12 hours after the time of arrest. However, such  
14 vehicle may be released by the arresting law enforcement agency  
15 prior to the end of the impoundment period if:

16 (1) the vehicle was not owned by the person under  
17 arrest, and the lawful owner requesting such release  
18 possesses a valid operator's license, proof of ownership,  
19 and would not, as determined by the arresting law  
20 enforcement agency, indicate a lack of ability to operate a  
21 motor vehicle in a safe manner, or who would otherwise, by  
22 operating such motor vehicle, be in violation of this Code;  
23 or

24 (2) the vehicle is owned by the person under arrest,  
25 and the person under arrest gives permission to another  
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and would  
2 not, as determined by the arresting law enforcement agency,  
3 indicate a lack of ability to operate a motor vehicle in a  
4 safe manner or who would otherwise, by operating such motor  
5 vehicle, be in violation of this Code.

6 (e-5) Whenever a registered owner of a vehicle is taken  
7 into custody for operating the vehicle in violation of Section  
8 11-501 of this Code or a similar provision of a local ordinance  
9 or Section 6-303 of this Code, a law enforcement officer may  
10 have the vehicle immediately impounded for a period not less  
11 than:

12 (1) 24 hours for a second violation of Section 11-501  
13 of this Code or a similar provision of a local ordinance or  
14 Section 6-303 of this Code or a combination of these  
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501 of  
17 this Code or a similar provision of a local ordinance or  
18 Section 6-303 of this Code or a combination of these  
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned  
21 by the person under arrest and the person under arrest gives  
22 permission to another person to operate the vehicle and that  
23 other person possesses a valid operator's license and would  
24 not, as determined by the arresting law enforcement agency,  
25 indicate a lack of ability to operate a motor vehicle in a safe  
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the  
3 owner or lessor of privately owned real property within this  
4 State, or any person authorized by such owner or lessor, or any  
5 law enforcement agency in the case of publicly owned real  
6 property may cause any motor vehicle abandoned or left  
7 unattended upon such property without permission to be removed  
8 by a towing service without liability for the costs of removal,  
9 transportation or storage or damage caused by such removal,  
10 transportation or storage. The towing or removal of any vehicle  
11 from private property without the consent of the registered  
12 owner or other legally authorized person in control of the  
13 vehicle is subject to compliance with the following conditions  
14 and restrictions:

15 1. Any towed or removed vehicle must be stored at the  
16 site of the towing service's place of business. The site  
17 must be open during business hours, and for the purpose of  
18 redemption of vehicles, during the time that the person or  
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of  
21 completion of such towing or removal, notify the law  
22 enforcement agency having jurisdiction of such towing or  
23 removal, and the make, model, color and license plate  
24 number of the vehicle, and shall obtain and record the name  
25 of the person at the law enforcement agency to whom such  
26 information was reported.

1           3. If the registered owner or legally authorized person  
2 entitled to possession of the vehicle shall arrive at the  
3 scene prior to actual removal or towing of the vehicle, the  
4 vehicle shall be disconnected from the tow truck and that  
5 person shall be allowed to remove the vehicle without  
6 interference, upon the payment of a reasonable service fee  
7 of not more than one half the posted rate of the towing  
8 service as provided in paragraph 6 of this subsection, for  
9 which a receipt shall be given.

10           4. The rebate or payment of money or any other valuable  
11 consideration from the towing service or its owners,  
12 managers or employees to the owners or operators of the  
13 premises from which the vehicles are towed or removed, for  
14 the privilege of removing or towing those vehicles, is  
15 prohibited. Any individual who violates this paragraph  
16 shall be guilty of a Class A misdemeanor.

17           5. Except for property appurtenant to and obviously a  
18 part of a single family residence, and except for instances  
19 where notice is personally given to the owner or other  
20 legally authorized person in control of the vehicle that  
21 the area in which that vehicle is parked is reserved or  
22 otherwise unavailable to unauthorized vehicles and they  
23 are subject to being removed at the owner or operator's  
24 expense, any property owner or lessor, prior to towing or  
25 removing any vehicle from private property without the  
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the  
2 following requirements:

3 a. Except as otherwise provided in subparagraph  
4 a.1 of this subdivision (f)5, the notice must be  
5 prominently placed at each driveway access or curb cut  
6 allowing vehicular access to the property within 5 feet  
7 from the public right-of-way line. If there are no  
8 curbs or access barriers, the sign must be posted not  
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less  
11 than 250,000, as an alternative to the requirement of  
12 subparagraph a of this subdivision (f)5, the notice for  
13 a parking lot contained within property used solely for  
14 a 2-family, 3-family, or 4-family residence may be  
15 prominently placed at the perimeter of the parking lot,  
16 in a position where the notice is visible to the  
17 occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less  
19 than 2 inch high light-reflective letters on a  
20 contrasting background, that unauthorized vehicles  
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and  
23 current telephone number of the towing service towing  
24 or removing the vehicle.

25 d. The sign structure containing the required  
26 notices must be permanently installed with the bottom



1 of the sign not less than 4 feet above ground level,  
2 and must be continuously maintained on the property for  
3 not less than 24 hours prior to the towing or removing  
4 of any vehicle.

5 6. Any towing service that tows or removes vehicles and  
6 proposes to require the owner, operator, or person in  
7 control of the vehicle to pay the costs of towing and  
8 storage prior to redemption of the vehicle must file and  
9 keep on record with the local law enforcement agency a  
10 complete copy of the current rates to be charged for such  
11 services, and post at the storage site an identical rate  
12 schedule and any written contracts with property owners,  
13 lessors, or persons in control of property which authorize  
14 them to remove vehicles as provided in this Section. The  
15 towing and storage charges, however, shall not exceed the  
16 maximum allowed by the Illinois Commerce Commission under  
17 Section 18a-200.

18 7. No person shall engage in the removal of vehicles  
19 from private property as described in this Section without  
20 filing a notice of intent in each community where he  
21 intends to do such removal, and such notice shall be filed  
22 at least 7 days before commencing such towing.

23 8. No removal of a vehicle from private property shall  
24 be done except upon express written instructions of the  
25 owners or persons in charge of the private property upon  
26 which the vehicle is said to be trespassing.

1           9. Vehicle entry for the purpose of removal shall be  
2 allowed with reasonable care on the part of the person or  
3 firm towing the vehicle. Such person or firm shall be  
4 liable for any damages occasioned to the vehicle if such  
5 entry is not in accordance with the standards of reasonable  
6 care.

7           9.5. Except as authorized by a law enforcement officer,  
8 no towing service shall engage in the removal of a  
9 commercial motor vehicle that requires a commercial  
10 driver's license to operate by operating the vehicle under  
11 its own power on a highway.

12           10. When a vehicle has been towed or removed pursuant  
13 to this Section, it must be released to its owner,  
14 custodian, agent, or lienholder within one half hour after  
15 requested, if such request is made during business hours.  
16 Any vehicle owner, custodian, agent, or lienholder shall  
17 have the right to inspect the vehicle before accepting its  
18 return, and no release or waiver of any kind which would  
19 release the towing service from liability for damages  
20 incurred during the towing and storage may be required from  
21 any vehicle owner or other legally authorized person as a  
22 condition of release of the vehicle. A detailed, signed  
23 receipt showing the legal name of the towing service must  
24 be given to the person paying towing or storage charges at  
25 the time of payment, whether requested or not.

26           This Section shall not apply to law enforcement,

1 firefighting, rescue, ambulance, or other emergency vehicles  
2 which are marked as such or to property owned by any  
3 governmental entity.

4 When an authorized person improperly causes a motor vehicle  
5 to be removed, such person shall be liable to the owner or  
6 lessee of the vehicle for the cost or removal, transportation  
7 and storage, any damages resulting from the removal,  
8 transportation and storage, attorney's fee and court costs.

9 Any towing or storage charges accrued shall be payable in  
10 cash or by cashier's check, certified check, debit card, credit  
11 card, or wire transfer, at the option of the party taking  
12 possession of the vehicle.

13 11. Towing companies shall also provide insurance  
14 coverage for areas where vehicles towed under the  
15 provisions of this Chapter will be impounded or otherwise  
16 stored, and shall adequately cover loss by fire, theft or  
17 other risks.

18 Any person who fails to comply with the conditions and  
19 restrictions of this subsection shall be guilty of a Class C  
20 misdemeanor and shall be fined not less than \$100 nor more than  
21 \$500.

22 (g) (1) When a vehicle is determined to be a hazardous  
23 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
24 Illinois Municipal Code or Section 5-12002.1 of the Counties  
25 Code, its removal and impoundment by a towing service may be  
26 authorized by a law enforcement agency with appropriate

1 jurisdiction.

2 (2) When a vehicle removal from either public or private  
3 property is authorized by a law enforcement agency, the owner  
4 of the vehicle shall be responsible for all towing and storage  
5 charges.

6 (3) Vehicles removed from public or private property and  
7 stored by a commercial vehicle relocater or any other towing  
8 service authorized by a law enforcement agency in compliance  
9 with this Section and Sections 4-201 and 4-202 of this Code, or  
10 at the request of the vehicle owner or operator, shall be  
11 subject to a possessor lien for services pursuant to the Labor  
12 and Storage Lien (Small Amount) Act. The provisions of Section  
13 1 of that Act relating to notice and implied consent shall be  
14 deemed satisfied by compliance with Section 18a-302 and  
15 subsection (6) of Section 18a-300. In no event shall such lien  
16 be greater than the rate or rates established in accordance  
17 with subsection (6) of Section 18a-200 of this Code. In no  
18 event shall such lien be increased or altered to reflect any  
19 charge for services or materials rendered in addition to those  
20 authorized by this Code Act. Every such lien shall be payable  
21 in cash or by cashier's check, certified check, debit card,  
22 credit card, or wire transfer, at the option of the party  
23 taking possession of the vehicle.

24 (4) Any personal property belonging to the vehicle owner in  
25 a vehicle subject to a lien under this subsection (g) shall  
26 likewise be subject to that lien, excepting only: child

1 restraint systems as defined in Section 4 of the Child  
2 Passenger Protection Act and other child booster seats;  
3 eyeglasses; food; medicine; perishable property; any  
4 operator's licenses; any cash, credit cards, or checks or  
5 checkbooks; any wallet, purse, or other property containing any  
6 operator's license or other identifying documents or  
7 materials, cash, credit cards, checks, or checkbooks; and any  
8 personal property belonging to a person other than the vehicle  
9 owner if that person provides adequate proof that the personal  
10 property belongs to that person. The spouse, child, mother,  
11 father, brother, or sister of the vehicle owner may claim  
12 personal property excepted under this paragraph (4) if the  
13 person claiming the personal property provides the commercial  
14 vehicle relocater or towing service with the authorization of  
15 the vehicle owner.

16 (5) This paragraph (5) applies only in the case of a  
17 vehicle that is towed as a result of being involved in an  
18 accident. In addition to the personal property excepted under  
19 paragraph (4), all other personal property in a vehicle subject  
20 to a lien under this subsection (g) is exempt from that lien  
21 and may be claimed by the vehicle owner if the vehicle owner  
22 provides the commercial vehicle relocater or towing service  
23 with proof that the vehicle owner has an insurance policy  
24 covering towing and storage fees. The spouse, child, mother,  
25 father, brother, or sister of the vehicle owner may claim  
26 personal property in a vehicle subject to a lien under this

1 subsection (g) if the person claiming the personal property  
2 provides the commercial vehicle relocater or towing service  
3 with the authorization of the vehicle owner and proof that the  
4 vehicle owner has an insurance policy covering towing and  
5 storage fees. The regulation of liens on personal property and  
6 exceptions to those liens in the case of vehicles towed as a  
7 result of being involved in an accident are exclusive powers  
8 and functions of the State. A home rule unit may not regulate  
9 liens on personal property and exceptions to those liens in the  
10 case of vehicles towed as a result of being involved in an  
11 accident. This paragraph (5) is a denial and limitation of home  
12 rule powers and functions under subsection (h) of Section 6 of  
13 Article VII of the Illinois Constitution.

14 (6) No lien under this subsection (g) shall: exceed \$2,000  
15 in its total amount; or be increased or altered to reflect any  
16 charge for services or materials rendered in addition to those  
17 authorized by this Code Act.

18 (h) Whenever a peace officer issues a citation to a driver  
19 for a violation of subsection (a) of Section 11-506 of this  
20 Code, the arresting officer may have the vehicle which the  
21 person was operating at the time of the arrest impounded for a  
22 period of 5 days after the time of arrest. An impounding agency  
23 shall release a motor vehicle impounded under this subsection  
24 (h) to the registered owner of the vehicle under any of the  
25 following circumstances:

26 (1) If the vehicle is a stolen vehicle; or

1           (2) If the person ticketed for a violation of  
2 subsection (a) of Section 11-506 of this Code was not  
3 authorized by the registered owner of the vehicle to  
4 operate the vehicle at the time of the violation; or

5           (3) If the registered owner of the vehicle was neither  
6 the driver nor a passenger in the vehicle at the time of  
7 the violation or was unaware that the driver was using the  
8 vehicle to engage in street racing; or

9           (4) If the legal owner or registered owner of the  
10 vehicle is a rental car agency; or

11           (5) If, prior to the expiration of the impoundment  
12 period specified above, the citation is dismissed or the  
13 defendant is found not guilty of the offense.

14           (i) Except for vehicles exempted under subsection (b) of  
15 Section 7-601 of this Code, whenever a law enforcement officer  
16 issues a citation to a driver for a violation of Section 3-707  
17 of this Code, and the driver has a prior conviction for a  
18 violation of Section 3-707 of this Code in the past 12 months,  
19 the arresting officer shall authorize the removal and  
20 impoundment of the vehicle by a towing service.

21           (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;  
22 revised 10-10-17.)

23           (Text of Section after amendment by P.A. 100-537)

24           Sec. 4-203. Removal of motor vehicles or other vehicles;  
25 towing or hauling away.

1           (a) When a vehicle is abandoned, or left unattended, on a  
2 toll highway, interstate highway, or expressway for 2 hours or  
3 more, its removal by a towing service may be authorized by a  
4 law enforcement agency having jurisdiction.

5           (b) When a vehicle is abandoned on a highway in an urban  
6 district 10 hours or more, its removal by a towing service may  
7 be authorized by a law enforcement agency having jurisdiction.

8           (c) When a vehicle is abandoned or left unattended on a  
9 highway other than a toll highway, interstate highway, or  
10 expressway, outside of an urban district for 24 hours or more,  
11 its removal by a towing service may be authorized by a law  
12 enforcement agency having jurisdiction.

13           (d) When an abandoned, unattended, wrecked, burned or  
14 partially dismantled vehicle is creating a traffic hazard  
15 because of its position in relation to the highway or its  
16 physical appearance is causing the impeding of traffic, its  
17 immediate removal from the highway or private property adjacent  
18 to the highway by a towing service may be authorized by a law  
19 enforcement agency having jurisdiction.

20           (e) Whenever a peace officer reasonably believes that a  
21 person under arrest for a violation of Section 11-501 of this  
22 Code or a similar provision of a local ordinance is likely,  
23 upon release, to commit a subsequent violation of Section  
24 11-501, or a similar provision of a local ordinance, the  
25 arresting officer shall have the vehicle which the person was  
26 operating at the time of the arrest impounded for a period of



1 12 hours after the time of arrest. However, such vehicle may be  
2 released by the arresting law enforcement agency prior to the  
3 end of the impoundment period if:

4 (1) the vehicle was not owned by the person under  
5 arrest, and the lawful owner requesting such release  
6 possesses a valid operator's license, proof of ownership,  
7 and would not, as determined by the arresting law  
8 enforcement agency, indicate a lack of ability to operate a  
9 motor vehicle in a safe manner, or who would otherwise, by  
10 operating such motor vehicle, be in violation of this Code;  
11 or

12 (2) the vehicle is owned by the person under arrest,  
13 and the person under arrest gives permission to another  
14 person to operate such vehicle, provided however, that the  
15 other person possesses a valid operator's license and would  
16 not, as determined by the arresting law enforcement agency,  
17 indicate a lack of ability to operate a motor vehicle in a  
18 safe manner or who would otherwise, by operating such motor  
19 vehicle, be in violation of this Code.

20 (e-5) Whenever a registered owner of a vehicle is taken  
21 into custody for operating the vehicle in violation of Section  
22 11-501 of this Code or a similar provision of a local ordinance  
23 or Section 6-303 of this Code, a law enforcement officer may  
24 have the vehicle immediately impounded for a period not less  
25 than:

26 (1) 24 hours for a second violation of Section 11-501

1 of this Code or a similar provision of a local ordinance or  
2 Section 6-303 of this Code or a combination of these  
3 offenses; or

4 (2) 48 hours for a third violation of Section 11-501 of  
5 this Code or a similar provision of a local ordinance or  
6 Section 6-303 of this Code or a combination of these  
7 offenses.

8 The vehicle may be released sooner if the vehicle is owned  
9 by the person under arrest and the person under arrest gives  
10 permission to another person to operate the vehicle and that  
11 other person possesses a valid operator's license and would  
12 not, as determined by the arresting law enforcement agency,  
13 indicate a lack of ability to operate a motor vehicle in a safe  
14 manner or would otherwise, by operating the motor vehicle, be  
15 in violation of this Code.

16 (f) Except as provided in Chapter 18a of this Code, the  
17 owner or lessor of privately owned real property within this  
18 State, or any person authorized by such owner or lessor, or any  
19 law enforcement agency in the case of publicly owned real  
20 property may cause any motor vehicle abandoned or left  
21 unattended upon such property without permission to be removed  
22 by a towing service without liability for the costs of removal,  
23 transportation or storage or damage caused by such removal,  
24 transportation or storage. The towing or removal of any vehicle  
25 from private property without the consent of the registered  
26 owner or other legally authorized person in control of the

1 vehicle is subject to compliance with the following conditions  
2 and restrictions:

3 1. Any towed or removed vehicle must be stored at the  
4 site of the towing service's place of business. The site  
5 must be open during business hours, and for the purpose of  
6 redemption of vehicles, during the time that the person or  
7 firm towing such vehicle is open for towing purposes.

8 2. The towing service shall within 30 minutes of  
9 completion of such towing or removal, notify the law  
10 enforcement agency having jurisdiction of such towing or  
11 removal, and the make, model, color and license plate  
12 number of the vehicle, and shall obtain and record the name  
13 of the person at the law enforcement agency to whom such  
14 information was reported.

15 3. If the registered owner or legally authorized person  
16 entitled to possession of the vehicle shall arrive at the  
17 scene prior to actual removal or towing of the vehicle, the  
18 vehicle shall be disconnected from the tow truck and that  
19 person shall be allowed to remove the vehicle without  
20 interference, upon the payment of a reasonable service fee  
21 of not more than one half the posted rate of the towing  
22 service as provided in paragraph 6 of this subsection, for  
23 which a receipt shall be given.

24 4. The rebate or payment of money or any other valuable  
25 consideration from the towing service or its owners,  
26 managers or employees to the owners or operators of the

1 premises from which the vehicles are towed or removed, for  
2 the privilege of removing or towing those vehicles, is  
3 prohibited. Any individual who violates this paragraph  
4 shall be guilty of a Class A misdemeanor.

5 5. Except for property appurtenant to and obviously a  
6 part of a single family residence, and except for instances  
7 where notice is personally given to the owner or other  
8 legally authorized person in control of the vehicle that  
9 the area in which that vehicle is parked is reserved or  
10 otherwise unavailable to unauthorized vehicles and they  
11 are subject to being removed at the owner or operator's  
12 expense, any property owner or lessor, prior to towing or  
13 removing any vehicle from private property without the  
14 consent of the owner or other legally authorized person in  
15 control of that vehicle, must post a notice meeting the  
16 following requirements:

17 a. Except as otherwise provided in subparagraph  
18 a.1 of this subdivision (f)5, the notice must be  
19 prominently placed at each driveway access or curb cut  
20 allowing vehicular access to the property within 5 feet  
21 from the public right-of-way line. If there are no  
22 curbs or access barriers, the sign must be posted not  
23 less than one sign each 100 feet of lot frontage.

24 a.1. In a municipality with a population of less  
25 than 250,000, as an alternative to the requirement of  
26 subparagraph a of this subdivision (f)5, the notice for

1 a parking lot contained within property used solely for  
2 a 2-family, 3-family, or 4-family residence may be  
3 prominently placed at the perimeter of the parking lot,  
4 in a position where the notice is visible to the  
5 occupants of vehicles entering the lot.

6 b. The notice must indicate clearly, in not less  
7 than 2 inch high light-reflective letters on a  
8 contrasting background, that unauthorized vehicles  
9 will be towed away at the owner's expense.

10 c. The notice must also provide the name and  
11 current telephone number of the towing service towing  
12 or removing the vehicle.

13 d. The sign structure containing the required  
14 notices must be permanently installed with the bottom  
15 of the sign not less than 4 feet above ground level,  
16 and must be continuously maintained on the property for  
17 not less than 24 hours prior to the towing or removing  
18 of any vehicle.

19 6. Any towing service that tows or removes vehicles and  
20 proposes to require the owner, operator, or person in  
21 control of the vehicle to pay the costs of towing and  
22 storage prior to redemption of the vehicle must file and  
23 keep on record with the local law enforcement agency a  
24 complete copy of the current rates to be charged for such  
25 services, and post at the storage site an identical rate  
26 schedule and any written contracts with property owners,

1 lessors, or persons in control of property which authorize  
2 them to remove vehicles as provided in this Section. The  
3 towing and storage charges, however, shall not exceed the  
4 maximum allowed by the Illinois Commerce Commission under  
5 Section 18a-200.

6 7. No person shall engage in the removal of vehicles  
7 from private property as described in this Section without  
8 filing a notice of intent in each community where he  
9 intends to do such removal, and such notice shall be filed  
10 at least 7 days before commencing such towing.

11 8. No removal of a vehicle from private property shall  
12 be done except upon express written instructions of the  
13 owners or persons in charge of the private property upon  
14 which the vehicle is said to be trespassing.

15 9. Vehicle entry for the purpose of removal shall be  
16 allowed with reasonable care on the part of the person or  
17 firm towing the vehicle. Such person or firm shall be  
18 liable for any damages occasioned to the vehicle if such  
19 entry is not in accordance with the standards of reasonable  
20 care.

21 9.5. Except as authorized by a law enforcement officer,  
22 no towing service shall engage in the removal of a  
23 commercial motor vehicle that requires a commercial  
24 driver's license to operate by operating the vehicle under  
25 its own power on a highway.

26 10. When a vehicle has been towed or removed pursuant

1 to this Section, it must be released to its owner,  
2 custodian, agent, or lienholder within one half hour after  
3 requested, if such request is made during business hours.  
4 Any vehicle owner, custodian, agent, or lienholder shall  
5 have the right to inspect the vehicle before accepting its  
6 return, and no release or waiver of any kind which would  
7 release the towing service from liability for damages  
8 incurred during the towing and storage may be required from  
9 any vehicle owner or other legally authorized person as a  
10 condition of release of the vehicle. A detailed, signed  
11 receipt showing the legal name of the towing service must  
12 be given to the person paying towing or storage charges at  
13 the time of payment, whether requested or not.

14 This Section shall not apply to law enforcement,  
15 firefighting, rescue, ambulance, or other emergency  
16 vehicles which are marked as such or to property owned by  
17 any governmental entity.

18 When an authorized person improperly causes a motor  
19 vehicle to be removed, such person shall be liable to the  
20 owner or lessee of the vehicle for the cost or removal,  
21 transportation and storage, any damages resulting from the  
22 removal, transportation and storage, attorney's fee and  
23 court costs.

24 Any towing or storage charges accrued shall be payable  
25 in cash or by cashier's check, certified check, debit card,  
26 credit card, or wire transfer, at the option of the party

1 taking possession of the vehicle.

2 11. Towing companies shall also provide insurance  
3 coverage for areas where vehicles towed under the  
4 provisions of this Chapter will be impounded or otherwise  
5 stored, and shall adequately cover loss by fire, theft or  
6 other risks.

7 Any person who fails to comply with the conditions and  
8 restrictions of this subsection shall be guilty of a Class C  
9 misdemeanor and shall be fined not less than \$100 nor more than  
10 \$500.

11 (g)(1) When a vehicle is determined to be a hazardous  
12 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
13 Illinois Municipal Code or Section 5-12002.1 of the Counties  
14 Code, its removal and impoundment by a towing service may be  
15 authorized by a law enforcement agency with appropriate  
16 jurisdiction.

17 (2) When a vehicle removal from either public or private  
18 property is authorized by a law enforcement agency, the owner  
19 of the vehicle shall be responsible for all towing and storage  
20 charges.

21 (3) Vehicles removed from public or private property and  
22 stored by a commercial vehicle relocater or any other towing  
23 service authorized by a law enforcement agency in compliance  
24 with this Section and Sections 4-201 and 4-202 of this Code, or  
25 at the request of the vehicle owner or operator, shall be  
26 subject to a possessor lien for services pursuant to the Labor



1 and Storage Lien (Small Amount) Act. The provisions of Section  
2 1 of that Act relating to notice and implied consent shall be  
3 deemed satisfied by compliance with Section 18a-302 and  
4 subsection (6) of Section 18a-300. In no event shall such lien  
5 be greater than the rate or rates established in accordance  
6 with subsection (6) of Section 18a-200 of this Code. In no  
7 event shall such lien be increased or altered to reflect any  
8 charge for services or materials rendered in addition to those  
9 authorized by this Code Act. Every such lien shall be payable  
10 in cash or by cashier's check, certified check, debit card,  
11 credit card, or wire transfer, at the option of the party  
12 taking possession of the vehicle.

13 (4) Any personal property belonging to the vehicle owner in  
14 a vehicle subject to a lien under this subsection (g) shall  
15 likewise be subject to that lien, excepting only: child  
16 restraint systems as defined in Section 4 of the Child  
17 Passenger Protection Act and other child booster seats;  
18 eyeglasses; food; medicine; perishable property; any  
19 operator's licenses; any cash, credit cards, or checks or  
20 checkbooks; any wallet, purse, or other property containing any  
21 operator's license or other identifying documents or  
22 materials, cash, credit cards, checks, or checkbooks; and any  
23 personal property belonging to a person other than the vehicle  
24 owner if that person provides adequate proof that the personal  
25 property belongs to that person. The spouse, child, mother,  
26 father, brother, or sister of the vehicle owner may claim

1 personal property excepted under this paragraph (4) if the  
2 person claiming the personal property provides the commercial  
3 vehicle relocater or towing service with the authorization of  
4 the vehicle owner.

5 (5) This paragraph (5) applies only in the case of a  
6 vehicle that is towed as a result of being involved in an  
7 accident. In addition to the personal property excepted under  
8 paragraph (4), all other personal property in a vehicle subject  
9 to a lien under this subsection (g) is exempt from that lien  
10 and may be claimed by the vehicle owner if the vehicle owner  
11 provides the commercial vehicle relocater or towing service  
12 with proof that the vehicle owner has an insurance policy  
13 covering towing and storage fees. The spouse, child, mother,  
14 father, brother, or sister of the vehicle owner may claim  
15 personal property in a vehicle subject to a lien under this  
16 subsection (g) if the person claiming the personal property  
17 provides the commercial vehicle relocater or towing service  
18 with the authorization of the vehicle owner and proof that the  
19 vehicle owner has an insurance policy covering towing and  
20 storage fees. The regulation of liens on personal property and  
21 exceptions to those liens in the case of vehicles towed as a  
22 result of being involved in an accident are exclusive powers  
23 and functions of the State. A home rule unit may not regulate  
24 liens on personal property and exceptions to those liens in the  
25 case of vehicles towed as a result of being involved in an  
26 accident. This paragraph (5) is a denial and limitation of home

1 rule powers and functions under subsection (h) of Section 6 of  
2 Article VII of the Illinois Constitution.

3 (6) No lien under this subsection (g) shall: exceed \$2,000  
4 in its total amount; or be increased or altered to reflect any  
5 charge for services or materials rendered in addition to those  
6 authorized by this Code Act.

7 (h) Whenever a peace officer issues a citation to a driver  
8 for a violation of subsection (a) of Section 11-506 of this  
9 Code, the arresting officer may have the vehicle which the  
10 person was operating at the time of the arrest impounded for a  
11 period of 5 days after the time of arrest. An impounding agency  
12 shall release a motor vehicle impounded under this subsection  
13 (h) to the registered owner of the vehicle under any of the  
14 following circumstances:

15 (1) If the vehicle is a stolen vehicle; or

16 (2) If the person ticketed for a violation of  
17 subsection (a) of Section 11-506 of this Code was not  
18 authorized by the registered owner of the vehicle to  
19 operate the vehicle at the time of the violation; or

20 (3) If the registered owner of the vehicle was neither  
21 the driver nor a passenger in the vehicle at the time of  
22 the violation or was unaware that the driver was using the  
23 vehicle to engage in street racing; or

24 (4) If the legal owner or registered owner of the  
25 vehicle is a rental car agency; or

26 (5) If, prior to the expiration of the impoundment

1 period specified above, the citation is dismissed or the  
2 defendant is found not guilty of the offense.

3 (i) Except for vehicles exempted under subsection (b) of  
4 Section 7-601 of this Code, whenever a law enforcement officer  
5 issues a citation to a driver for a violation of Section 3-707  
6 of this Code, and the driver has a prior conviction for a  
7 violation of Section 3-707 of this Code in the past 12 months,  
8 the arresting officer shall authorize the removal and  
9 impoundment of the vehicle by a towing service.

10 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;  
11 100-537, eff. 6-1-18; revised 10-10-17.)

12 (625 ILCS 5/4-216)

13 Sec. 4-216. Storage fees; notice to lienholder of record.

14 (a) Any commercial vehicle relocater or any other private  
15 towing service providing removal or towing services pursuant to  
16 this Code and seeking to impose fees in connection with the  
17 furnishing of storage for a vehicle in the possession of the  
18 commercial vehicle relocater or other private towing service  
19 must provide written notice within 2 business days after the  
20 vehicle is removed or towed, by certified mail, return receipt  
21 requested, to the lienholder of record, regardless of whether  
22 the commercial vehicle relocater or other private towing  
23 service enforces a lien under the Labor and Storage Lien Act or  
24 the Labor and Storage Lien (Small Amount) Act. The notice shall  
25 be effective upon mailing and include the rate at which fees

1 will be incurred, and shall provide the lienholder with an  
2 opportunity to inspect the vehicle on the premises where the  
3 vehicle is stored within 2 business days of the lienholder's  
4 request. The date on which the assessment and accrual of  
5 storage fees may commence is the date of the impoundment of the  
6 vehicle, subject to any applicable limitations set forth by a  
7 municipality authorizing the vehicle removal. Payment of the  
8 storage fees by the lienholder may be made in cash or by  
9 cashier's check, certified check, debit card, credit card, or  
10 wire transfer, at the option of the lienholder taking  
11 possession of the vehicle. The commercial vehicle relocater or  
12 other private towing service shall furnish a copy of the  
13 certified mail receipt to the lienholder upon request.

14 (b) The notification requirements in subsection (a) of this  
15 Section apply in addition to any lienholder notice requirements  
16 under this Code relating to the removal or towing of an  
17 abandoned, lost, stolen, or unclaimed vehicle. If the  
18 commercial vehicle relocater or other private towing service  
19 fails to comply with the notification requirements set forth in  
20 subsection (a) of this Section, storage fees shall not be  
21 assessed and collected and the lienholder shall be entitled to  
22 injunctive relief for possession of the vehicle without the  
23 payment of any storage fees.

24 (c) If the notification required under subsection (a) was  
25 not sent and a lienholder discovers its collateral is in the  
26 possession of a commercial vehicle relocater or other private

1 towing service by means other than the notification required in  
2 subsection (a) of this Section, the lienholder is entitled to  
3 recover any storage fees paid to the commercial vehicle  
4 relocater or other private towing service to reclaim possession  
5 of its collateral.

6 (d) An action under this Section may be brought by the  
7 lienholder against the commercial vehicle locator or other  
8 private towing service in the circuit court.

9 (e) Notwithstanding any provision to the contrary in this  
10 Code ~~Act or the Illinois Vehicle Code~~, a commercial vehicle  
11 relocater or other private towing service seeking to impose  
12 storage fees for a vehicle in its possession may not foreclose  
13 or otherwise enforce its claim for payment of storage services  
14 or any lien relating to the claim pursuant to this Code or  
15 other applicable law unless it first complies with the  
16 lienholder notification requirements set forth in subsection  
17 (a) of this Section.

18 (f) If the vehicle that is removed or towed is registered  
19 in a state other than Illinois, the assessment and accrual of  
20 storage fees may commence on the date that the request for  
21 lienholder information is filed by the commercial vehicle  
22 relocater or other private towing service with the applicable  
23 administrative agency or office in that state if: (i) the  
24 commercial vehicle relocater or other private towing service  
25 furnishes the lienholder with a copy or proof of filing of the  
26 request for lienholder information; (ii) the commercial

1 vehicle relocater or other private towing service provides to  
2 the lienholder of record the notification required by this  
3 Section within one business day after receiving the requested  
4 lienholder information; and (iii) the assessment of storage  
5 fees complies with any applicable limitations set forth by a  
6 municipality authorizing the vehicle removal.

7 (Source: P.A. 100-311, eff. 11-23-17; revised 10-10-17.)

8 (625 ILCS 5/5-104) (from Ch. 95 1/2, par. 5-104)

9 Sec. 5-104. ~~(a)~~ On and after January 1, 1976, each  
10 manufacturer of a 1976 or later model year vehicle of the first  
11 division manufactured for sale in this State, other than a  
12 motorcycle, shall clearly and conspicuously indicate, on the  
13 price listing affixed to the vehicle pursuant to the  
14 "Automobile Information Disclosure Act", (15 United States  
15 Code 1231 through 1233), the following, with the appropriate  
16 gasoline mileage figure:

17 "In tests for fuel economy in city and highway driving  
18 conducted by the United States Environmental Protection  
19 Agency, this passenger vehicle obtained ..... miles per  
20 gallon of gasoline.".

21 (Source: P.A. 79-747; revised 11-8-17.)

22 (625 ILCS 5/5-104.3)

23 Sec. 5-104.3. Disclosure of rebuilt vehicle.

24 (a) No person shall knowingly, with intent to defraud or

1 deceive another, sell a vehicle for which a rebuilt title has  
2 been issued unless that vehicle is accompanied by a Disclosure  
3 of Rebuilt Vehicle Status form, properly signed and delivered  
4 to the buyer.

5 (a-5) No dealer or rebuilder licensed under Sections 5-101,  
6 5-102, or 5-301 of this Code shall sell a vehicle for which a  
7 rebuilt title has been issued from another jurisdiction without  
8 first obtaining an Illinois certificate of title with a  
9 "REBUILT" notation under Section 3-118.1 of this Code.

10 (b) The Secretary of State may by rule or regulation  
11 prescribe the format and information contained in the  
12 Disclosure of Rebuilt Vehicle Status form.

13 (c) A violation of subsection ~~subsections~~ (a) or (a-5) of  
14 this Section is a Class A misdemeanor. A second or subsequent  
15 violation of subsection ~~subsections~~ (a) or (a-5) of this  
16 Section is a Class 4 felony.

17 (Source: P.A. 100-104, eff. 11-9-17; revised 10-10-17.)

18 (625 ILCS 5/5-503) (from Ch. 95 1/2, par. 5-503)

19 Sec. 5-503. Failure to obtain dealer's license, operation  
20 of a business with a suspended or revoked license.

21 (a) Any person operating a business for which he is  
22 required to be licensed under Section 5-101, 5-101.2, 5-102,  
23 5-201, or 5-301 who fails to apply for such a license or  
24 licenses within 15 days after being informed in writing by the  
25 Secretary of State that he must obtain such a license or



1 licenses is subject to a civil action brought by the Secretary  
2 of State for operating a business without a license in the  
3 circuit court in the county in which the business is located.  
4 If the person is found to be in violation of Section 5-101,  
5 5-101.2, 5-102, 5-201, or 5-301 by carrying on a business  
6 without being properly licensed, that person shall be fined  
7 \$300 for each business day he conducted his business without  
8 such a license after the expiration of the 15-day ~~15-day~~ period  
9 specified in this subsection (a).

10 (b) Any person who, having had his license or licenses  
11 issued under Section 5-101, 5-101.2, 5-102, 5-201, or 5-301  
12 suspended, revoked, nonrenewed, cancelled, or denied by the  
13 Secretary of State under Section 5-501 or 5-501.5 of this Code,  
14 continues to operate business after the effective date of such  
15 revocation, nonrenewal, suspension, cancellation, or denial  
16 may be sued in a civil action by the Secretary of State in the  
17 county in which the established or additional place of such  
18 business is located. Except as provided in subsection (e) of  
19 Section 5-501.5 of this Code, if such person is found by the  
20 court to have operated such a business after the license or  
21 licenses required for conducting such business have been  
22 suspended, revoked, nonrenewed, cancelled, or denied, that  
23 person shall be fined \$500 for each day he conducted business  
24 thereafter.

25 (Source: P.A. 100-409, eff. 8-25-17; 100-450, eff. 1-1-18;  
26 revised 1-22-18.)

1 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

2 Sec. 6-103. What persons shall not be licensed as drivers  
3 or granted permits. The Secretary of State shall not issue,  
4 renew, or allow the retention of any driver's license nor issue  
5 any permit under this Code:

6 1. To any person, as a driver, who is under the age of  
7 18 years except as provided in Section 6-107, and except  
8 that an instruction permit may be issued under Section  
9 6-107.1 to a child who is not less than 15 years of age if  
10 the child is enrolled in an approved driver education  
11 course as defined in Section 1-103 of this Code and  
12 requires an instruction permit to participate therein,  
13 except that an instruction permit may be issued under the  
14 provisions of Section 6-107.1 to a child who is 17 years  
15 and 3 months of age without the child having enrolled in an  
16 approved driver education course and except that an  
17 instruction permit may be issued to a child who is at least  
18 15 years and 3 months of age, is enrolled in school, meets  
19 the educational requirements of the Driver Education Act,  
20 and has passed examinations the Secretary of State in his  
21 or her discretion may prescribe;

22 1.5. To any person at least 18 years of age but less  
23 than 21 years of age unless the person has, in addition to  
24 any other requirements of this Code, successfully  
25 completed an adult driver education course as provided in

1 Section 6-107.5 of this Code;

2 2. To any person who is under the age of 18 as an  
3 operator of a motorcycle other than a motor driven cycle  
4 unless the person has, in addition to meeting the  
5 provisions of Section 6-107 of this Code, successfully  
6 completed a motorcycle training course approved by the  
7 Illinois Department of Transportation and successfully  
8 completes the required Secretary of State's motorcycle  
9 driver's examination;

10 3. To any person, as a driver, whose driver's license  
11 or permit has been suspended, during the suspension, nor to  
12 any person whose driver's license or permit has been  
13 revoked, except as provided in Sections 6-205, 6-206, and  
14 6-208;

15 4. To any person, as a driver, who is a user of alcohol  
16 or any other drug to a degree that renders the person  
17 incapable of safely driving a motor vehicle;

18 5. To any person, as a driver, who has previously been  
19 adjudged to be afflicted with or suffering from any mental  
20 or physical disability or disease and who has not at the  
21 time of application been restored to competency by the  
22 methods provided by law;

23 6. To any person, as a driver, who is required by the  
24 Secretary of State to submit an alcohol and drug evaluation  
25 or take an examination provided for in this Code unless the  
26 person has successfully passed the examination and

1 submitted any required evaluation;

2 7. To any person who is required under the provisions  
3 of the laws of this State to deposit security or proof of  
4 financial responsibility and who has not deposited the  
5 security or proof;

6 8. To any person when the Secretary of State has good  
7 cause to believe that the person by reason of physical or  
8 mental disability would not be able to safely operate a  
9 motor vehicle upon the highways, unless the person shall  
10 furnish to the Secretary of State a verified written  
11 statement, acceptable to the Secretary of State, from a  
12 competent medical specialist, a licensed physician  
13 assistant, or a licensed advanced practice registered  
14 nurse, to the effect that the operation of a motor vehicle  
15 by the person would not be inimical to the public safety;

16 9. To any person, as a driver, who is 69 years of age  
17 or older, unless the person has successfully complied with  
18 the provisions of Section 6-109;

19 10. To any person convicted, within 12 months of  
20 application for a license, of any of the sexual offenses  
21 enumerated in paragraph 2 of subsection (b) of Section  
22 6-205;

23 11. To any person who is under the age of 21 years with  
24 a classification prohibited in paragraph (b) of Section  
25 6-104 and to any person who is under the age of 18 years  
26 with a classification prohibited in paragraph (c) of

1 Section 6-104;

2 12. To any person who has been either convicted of or  
3 adjudicated under the Juvenile Court Act of 1987 based upon  
4 a violation of the Cannabis Control Act, the Illinois  
5 Controlled Substances Act, or the Methamphetamine Control  
6 and Community Protection Act while that person was in  
7 actual physical control of a motor vehicle. For purposes of  
8 this Section, any person placed on probation under Section  
9 10 of the Cannabis Control Act, Section 410 of the Illinois  
10 Controlled Substances Act, or Section 70 of the  
11 Methamphetamine Control and Community Protection Act shall  
12 not be considered convicted. Any person found guilty of  
13 this offense, while in actual physical control of a motor  
14 vehicle, shall have an entry made in the court record by  
15 the judge that this offense did occur while the person was  
16 in actual physical control of a motor vehicle and order the  
17 clerk of the court to report the violation to the Secretary  
18 of State as such. The Secretary of State shall not issue a  
19 new license or permit for a period of one year;

20 13. To any person who is under the age of 18 years and  
21 who has committed the offense of operating a motor vehicle  
22 without a valid license or permit in violation of Section  
23 6-101 or a similar out of state offense;

24 14. To any person who is 90 days or more delinquent in  
25 court ordered child support payments or has been  
26 adjudicated in arrears in an amount equal to 90 days'

1 obligation or more and who has been found in contempt of  
2 court for failure to pay the support, subject to the  
3 requirements and procedures of Article VII of Chapter 7 of  
4 the Illinois Vehicle Code;

5 14.5. To any person certified by the Illinois  
6 Department of Healthcare and Family Services as being 90  
7 days or more delinquent in payment of support under an  
8 order of support entered by a court or administrative body  
9 of this or any other State, subject to the requirements and  
10 procedures of Article VII of Chapter 7 of this Code  
11 regarding those certifications;

12 15. To any person released from a term of imprisonment  
13 for violating Section 9-3 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012, or a similar provision of a law  
15 of another state relating to reckless homicide or for  
16 violating subparagraph (F) of paragraph (1) of subsection  
17 (d) of Section 11-501 of this Code relating to aggravated  
18 driving under the influence of alcohol, other drug or  
19 drugs, intoxicating compound or compounds, or any  
20 combination thereof, if the violation was the proximate  
21 cause of a death, within 24 months of release from a term  
22 of imprisonment;

23 16. To any person who, with intent to influence any act  
24 related to the issuance of any driver's license or permit,  
25 by an employee of the Secretary of State's Office, or the  
26 owner or employee of any commercial driver training school

1 licensed by the Secretary of State, or any other individual  
2 authorized by the laws of this State to give driving  
3 instructions or administer all or part of a driver's  
4 license examination, promises or tenders to that person any  
5 property or personal advantage which that person is not  
6 authorized by law to accept. Any persons promising or  
7 tendering such property or personal advantage shall be  
8 disqualified from holding any class of driver's license or  
9 permit for 120 consecutive days. The Secretary of State  
10 shall establish by rule the procedures for implementing  
11 this period of disqualification and the procedures by which  
12 persons so disqualified may obtain administrative review  
13 of the decision to disqualify;

14 17. To any person for whom the Secretary of State  
15 cannot verify the accuracy of any information or  
16 documentation submitted in application for a driver's  
17 license;

18 18. To any person who has been adjudicated under the  
19 Juvenile Court Act of 1987 based upon an offense that is  
20 determined by the court to have been committed in  
21 furtherance of the criminal activities of an organized  
22 gang, as provided in Section 5-710 of that Act, and that  
23 involved the operation or use of a motor vehicle or the use  
24 of a driver's license or permit. The person shall be denied  
25 a license or permit for the period determined by the court;  
26 or

1           19. To any person who holds a REAL ID compliant  
2           identification card or REAL ID compliant Person with a  
3           Disability Identification Card issued under the Illinois  
4           Identification Card Act. Any such person may, at his or her  
5           discretion, surrender the REAL ID compliant identification  
6           card or REAL ID compliant Person with a Disability  
7           Identification Card in order to become eligible to obtain a  
8           REAL ID compliant driver's license.

9           The Secretary of State shall retain all conviction  
10          information, if the information is required to be held  
11          confidential under the Juvenile Court Act of 1987.

12          (Source: P.A. 99-173, eff. 7-29-15; 99-511, eff. 1-1-17;  
13          100-248, eff. 8-22-17; 100-513, eff. 1-1-18; revised  
14          10-12-17.)

15                 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

16          Sec. 6-115. Expiration of driver's license.

17                 (a) Except as provided elsewhere in this Section, every  
18          driver's license issued under the provisions of this Code shall  
19          expire 4 years from the date of its issuance, or at such later  
20          date, as the Secretary of State may by proper rule and  
21          regulation designate, not to exceed 12 calendar months; in the  
22          event that an applicant for renewal of a driver's license fails  
23          to apply prior to the expiration date of the previous driver's  
24          license, the renewal driver's license shall expire 4 years from  
25          the expiration date of the previous driver's license, or at



1 such later date as the Secretary of State may by proper rule  
2 and regulation designate, not to exceed 12 calendar months.

3 The Secretary of State may, however, issue to a person not  
4 previously licensed as a driver in Illinois a driver's license  
5 which will expire not less than 4 years nor more than 5 years  
6 from date of issuance, except as provided elsewhere in this  
7 Section.

8 (a-5) Every driver's license issued under this Code to an  
9 applicant who is not a United States citizen or permanent  
10 resident shall be marked "Limited Term" and shall expire on  
11 whichever is the earlier date of the following:

12 (1) as provided under subsection (a), (f), (g), or (i)  
13 of this Section; ~~or~~

14 (2) on the date the applicant's authorized stay in the  
15 United States terminates; or

16 (3) if the applicant's authorized stay is indefinite  
17 and the applicant is applying for a Limited Term REAL ID  
18 compliant driver's license, one year from the date of  
19 issuance of the license.

20 (b) Before the expiration of a driver's license, except  
21 those licenses expiring on the individual's 21st birthday, or 3  
22 months after the individual's 21st birthday, the holder thereof  
23 may apply for a renewal thereof, subject to all the provisions  
24 of Section 6-103, and the Secretary of State may require an  
25 examination of the applicant. A licensee whose driver's license  
26 expires on his 21st birthday, or 3 months after his 21st

1 birthday, may not apply for a renewal of his driving privileges  
2 until he reaches the age of 21.

3 (c) The Secretary of State shall, 30 days prior to the  
4 expiration of a driver's license, forward to each person whose  
5 license is to expire a notification of the expiration of said  
6 license which may be presented at the time of renewal of said  
7 license.

8 There may be included with such notification information  
9 explaining the anatomical gift and Emergency Medical  
10 Information Card provisions of Section 6-110. The format and  
11 text of such information shall be prescribed by the Secretary.

12 There shall be included with such notification, for a  
13 period of 4 years beginning January 1, 2000 information  
14 regarding the Illinois Adoption Registry and Medical  
15 Information Exchange established in Section 18.1 of the  
16 Adoption Act.

17 (d) The Secretary may defer the expiration of the driver's  
18 license of a licensee, spouse, and dependent children who are  
19 living with such licensee while on active duty, serving in the  
20 Armed Forces of the United States outside of the State of  
21 Illinois, and 120 days thereafter, upon such terms and  
22 conditions as the Secretary may prescribe.

23 (d-5) The Secretary may defer the expiration of the  
24 driver's license of a licensee, or of a spouse or dependent  
25 children living with the licensee, serving as a civilian  
26 employee of the United States Armed Forces or the United States

1 Department of Defense, outside of the State of Illinois, and  
2 120 days thereafter, upon such terms and conditions as the  
3 Secretary may prescribe.

4 (e) The Secretary of State may decline to process a renewal  
5 of a driver's license of any person who has not paid any fee or  
6 tax due under this Code and is not paid upon reasonable notice  
7 and demand.

8 (f) The Secretary shall provide that each original or  
9 renewal driver's license issued to a licensee under 21 years of  
10 age shall expire 3 months after the licensee's 21st birthday.  
11 Persons whose current driver's licenses expire on their 21st  
12 birthday on or after January 1, 1986 shall not renew their  
13 driver's license before their 21st birthday, and their current  
14 driver's license will be extended for an additional term of 3  
15 months beyond their 21st birthday. Thereafter, the expiration  
16 and term of the driver's license shall be governed by  
17 subsection (a) hereof.

18 (g) The Secretary shall provide that each original or  
19 renewal driver's license issued to a licensee 81 years of age  
20 through age 86 shall expire 2 years from the date of issuance,  
21 or at such later date as the Secretary may by rule and  
22 regulation designate, not to exceed an additional 12 calendar  
23 months. The Secretary shall also provide that each original or  
24 renewal driver's license issued to a licensee 87 years of age  
25 or older shall expire 12 months from the date of issuance, or  
26 at such later date as the Secretary may by rule and regulation

1 designate, not to exceed an additional 12 calendar months.

2 (h) The Secretary of State shall provide that each special  
3 restricted driver's license issued under subsection (g) of  
4 Section 6-113 of this Code shall expire 12 months from the date  
5 of issuance. The Secretary shall adopt rules defining renewal  
6 requirements.

7 (i) The Secretary of State shall provide that each driver's  
8 license issued to a person convicted of a sex offense as  
9 defined in Section 2 of the Sex Offender Registration Act shall  
10 expire 12 months from the date of issuance or at such date as  
11 the Secretary may by rule designate, not to exceed an  
12 additional 12 calendar months. The Secretary may adopt rules  
13 defining renewal requirements.

14 (Source: P.A. 99-118, eff. 1-1-16; 99-305, eff. 1-1-16; 99-642,  
15 eff. 7-28-16; 100-248, eff. 8-22-17; revised 10-10-17.)

16 (625 ILCS 5/7-216) (from Ch. 95 1/2, par. 7-216)

17 Sec. 7-216. Reciprocity; residents and nonresidents;  
18 licensing ~~Reciprocity—Residents and nonresidents—Licensing~~  
19 of nonresidents.

20 (a) When a nonresident's operating privilege is suspended  
21 pursuant to Section 7-205 the Secretary of State shall transmit  
22 a certified copy of the record of such action to the official  
23 in charge of the issuance of driver's license and registration  
24 certificates in the state in which such nonresident resides, if  
25 the law of such other state provides for action in relation

1 thereto similar to that provided for in subsection ~~paragraph~~  
2 (b).

3 (b) Upon receipt of such certification that the operating  
4 privilege of a resident of this State has been suspended or  
5 revoked in any such other state pursuant to a law providing for  
6 its suspension or revocation for failure to deposit security  
7 for the payment of judgments arising out of a motor vehicle  
8 accident, or for failure to deposit security under  
9 circumstances which would require the Secretary of State to  
10 suspend a nonresident's operating privilege had the motor  
11 vehicle accident occurred in this State, the Secretary of State  
12 shall suspend the driver's license of such resident and all  
13 other registrations. Such suspension shall continue until such  
14 resident furnishes evidence of compliance with the law of such  
15 other state relating to the deposit of such security.

16 (c) In case the operator or the owner of a motor vehicle  
17 involved in a motor vehicle accident within this State has no  
18 driver's license or registration, such operator shall not be  
19 allowed a driver's license or registration until the operator  
20 has complied with the requirements of Sections 7-201 through  
21 ~~thru~~ 7-216 to the same extent that would be necessary if, at  
22 the time of the motor vehicle accident, such operator had held  
23 a license and registration.

24 (Source: P.A. 83-831; revised 10-6-17.)

25 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

1           Sec. 7-604. Verification of liability insurance policy.

2           (a) The Secretary of State may select random samples of  
3 registrations of motor vehicles subject to Section 7-601 of  
4 this Code, or owners thereof, for the purpose of verifying  
5 whether or not the motor vehicles are insured.

6           In addition to such general random samples of motor vehicle  
7 registrations, the Secretary may select for verification other  
8 random samples, including, but not limited to registrations of  
9 motor vehicles owned by persons:

10           (1) whose motor vehicle registrations during the  
11 preceding 4 years have been suspended pursuant to Section  
12 7-606 or 7-607 of this Code;

13           (2) who during the preceding 4 years have been  
14 convicted of violating Section 3-707, 3-708, or 3-710 of  
15 this Code while operating vehicles owned by other persons;

16           (3) whose driving privileges have been suspended  
17 during the preceding 4 years;

18           (4) who during the preceding 4 years acquired ownership  
19 of motor vehicles while the registrations of such vehicles  
20 under the previous owners were suspended pursuant to  
21 Section 7-606 or 7-607 of this Code; or

22           (5) who during the preceding 4 years have received a  
23 disposition of supervision under subsection (c) of Section  
24 5-6-1 of the Unified Code of Corrections for a violation of  
25 Section 3-707, 3-708, or 3-710 of this Code.

26           (b) Upon receiving certification from the Department of

1 Transportation under Section 7-201.2 of this Code of the name  
2 of an owner or operator of any motor vehicle involved in an  
3 accident, the Secretary may verify whether or not at the time  
4 of the accident such motor vehicle was covered by a liability  
5 insurance policy in accordance with Section 7-601 of this Code.

6 (c) In preparation for selection of random samples and  
7 their verification, the Secretary may send to owners of  
8 randomly selected motor vehicles, or to randomly selected motor  
9 vehicle owners, requests for information about their motor  
10 vehicles and liability insurance coverage electronically or,  
11 if electronic means are unavailable, via U.S. mail. The request  
12 shall require the owner to state whether or not the motor  
13 vehicle was insured on the verification date stated in the  
14 Secretary's request and the request may require, but is not  
15 limited to, a statement by the owner of the names and addresses  
16 of insurers, policy numbers, and expiration dates of insurance  
17 coverage.

18 (d) Within 30 days after the Secretary sends a request  
19 under subsection (c) of this Section, the owner to whom it is  
20 sent shall furnish the requested information to the Secretary  
21 above the owner's signed affirmation that such information is  
22 true and correct. Proof of insurance in effect on the  
23 verification date, as prescribed by the Secretary, may be  
24 considered by the Secretary to be a satisfactory response to  
25 the request for information.

26 Any owner whose response indicates that his or her vehicle

1 was not covered by a liability insurance policy in accordance  
2 with Section 7-601 of this Code shall be deemed to have  
3 registered or maintained registration of a motor vehicle in  
4 violation of that Section. Any owner who fails to respond to  
5 such a request shall be deemed to have registered or maintained  
6 registration of a motor vehicle in violation of Section 7-601  
7 of this Code.

8 (e) If the owner responds to the request for information by  
9 asserting that his or her vehicle was covered by a liability  
10 insurance policy on the verification date stated in the  
11 Secretary's request, the Secretary may conduct a verification  
12 of the response by furnishing necessary information to the  
13 insurer named in the response. The insurer shall within 45 days  
14 inform the Secretary whether or not on the verification date  
15 stated the motor vehicle was insured by the insurer in  
16 accordance with Section 7-601 of this Code. The Secretary may  
17 by rule and regulation prescribe the procedures for  
18 verification.

19 (f) No random sample selected under this Section shall be  
20 categorized on the basis of race, color, religion, sex,  
21 national origin, ancestry, age, marital status, physical or  
22 mental disability, economic status, or geography.

23 (g) (Blank).

24 (h) This Section shall be inoperative upon ~~of~~ the effective  
25 date of the rules adopted by the Secretary to implement Section  
26 7-603.5 of this Code.



1 (Source: P.A. 99-333, eff. 12-30-15 (see Section 15 of P.A.  
2 99-483 for the effective date of changes made by P.A. 99-333);  
3 99-737, eff. 8-5-16; 100-145, eff. 1-1-18; 100-373, eff.  
4 1-1-18; revised 10-6-17.)

5 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

6 (Text of Section before amendment by P.A. 100-352)

7 Sec. 11-208. Powers of local authorities.

8 (a) The provisions of this Code shall not be deemed to  
9 prevent local authorities with respect to streets and highways  
10 under their jurisdiction and within the reasonable exercise of  
11 the police power from:

12 1. Regulating the standing or parking of vehicles,  
13 except as limited by Sections 11-1306 and 11-1307 of this  
14 Act;

15 2. Regulating traffic by means of police officers or  
16 traffic control signals;

17 3. Regulating or prohibiting processions or  
18 assemblages on the highways; and certifying persons to  
19 control traffic for processions or assemblages;

20 4. Designating particular highways as one-way highways  
21 and requiring that all vehicles thereon be moved in one  
22 specific direction;

23 5. Regulating the speed of vehicles in public parks  
24 subject to the limitations set forth in Section 11-604;

25 6. Designating any highway as a through highway, as

1 authorized in Section 11-302, and requiring that all  
2 vehicles stop before entering or crossing the same or  
3 designating any intersection as a stop intersection or a  
4 yield right-of-way intersection and requiring all vehicles  
5 to stop or yield the right-of-way at one or more entrances  
6 to such intersections;

7 7. Restricting the use of highways as authorized in  
8 Chapter 15;

9 8. Regulating the operation of bicycles, low-speed  
10 electric bicycles, and low-speed gas bicycles, and  
11 requiring the registration and licensing of same,  
12 including the requirement of a registration fee;

13 9. Regulating or prohibiting the turning of vehicles or  
14 specified types of vehicles at intersections;

15 10. Altering the speed limits as authorized in Section  
16 11-604;

17 11. Prohibiting U-turns;

18 12. Prohibiting pedestrian crossings at other than  
19 designated and marked crosswalks or at intersections;

20 13. Prohibiting parking during snow removal operation;

21 14. Imposing fines in accordance with Section  
22 11-1301.3 as penalties for use of any parking place  
23 reserved for persons with disabilities, as defined by  
24 Section 1-159.1, or veterans with disabilities by any  
25 person using a motor vehicle not bearing registration  
26 plates specified in Section 11-1301.1 or a special decal or

1 device as defined in Section 11-1301.2 as evidence that the  
2 vehicle is operated by or for a person with disabilities or  
3 a veteran with a disability;

4 15. Adopting such other traffic regulations as are  
5 specifically authorized by this Code; or

6 16. Enforcing the provisions of subsection (f) of  
7 Section 3-413 of this Code or a similar local ordinance.

8 (b) No ordinance or regulation enacted under paragraph  
9 ~~subsections~~ 1, 4, 5, 6, 7, 9, 10, 11 or 13 of subsection  
10 ~~paragraph~~ (a) shall be effective until signs giving reasonable  
11 notice of such local traffic regulations are posted.

12 (c) The provisions of this Code shall not prevent any  
13 municipality having a population of 500,000 or more inhabitants  
14 from prohibiting any person from driving or operating any motor  
15 vehicle upon the roadways of such municipality with headlamps  
16 on high beam or bright.

17 (d) The provisions of this Code shall not be deemed to  
18 prevent local authorities within the reasonable exercise of  
19 their police power from prohibiting, on private property, the  
20 unauthorized use of parking spaces reserved for persons with  
21 disabilities.

22 (e) No unit of local government, including a home rule  
23 unit, may enact or enforce an ordinance that applies only to  
24 motorcycles if the principal purpose for that ordinance is to  
25 restrict the access of motorcycles to any highway or portion of  
26 a highway for which federal or State funds have been used for

1 the planning, design, construction, or maintenance of that  
2 highway. No unit of local government, including a home rule  
3 unit, may enact an ordinance requiring motorcycle users to wear  
4 protective headgear. Nothing in this subsection (e) shall  
5 affect the authority of a unit of local government to regulate  
6 motorcycles for traffic control purposes or in accordance with  
7 Section 12-602 of this Code. No unit of local government,  
8 including a home rule unit, may regulate motorcycles in a  
9 manner inconsistent with this Code. This subsection (e) is a  
10 limitation under subsection (i) of Section 6 of Article VII of  
11 the Illinois Constitution on the concurrent exercise by home  
12 rule units of powers and functions exercised by the State.

13 (e-5) The City of Chicago may enact an ordinance providing  
14 for a noise monitoring system upon any portion of the roadway  
15 known as Lake Shore Drive. Twelve months after the installation  
16 of the noise monitoring system, and any time after the first  
17 report as the City deems necessary, the City of Chicago shall  
18 prepare a noise monitoring report with the data collected from  
19 the system and shall, upon request, make the report available  
20 to the public. For purposes of this subsection (e-5), "noise  
21 monitoring system" means an automated noise monitor capable of  
22 recording noise levels 24 hours per day and 365 days per year  
23 with computer equipment sufficient to process the data.

24 (f) A municipality or county designated in Section 11-208.6  
25 may enact an ordinance providing for an automated traffic law  
26 enforcement system to enforce violations of this Code or a

1 similar provision of a local ordinance and imposing liability  
2 on a registered owner or lessee of a vehicle used in such a  
3 violation.

4 (g) A municipality or county, as provided in Section  
5 11-1201.1, may enact an ordinance providing for an automated  
6 traffic law enforcement system to enforce violations of Section  
7 11-1201 of this Code or a similar provision of a local  
8 ordinance and imposing liability on a registered owner of a  
9 vehicle used in such a violation.

10 (h) A municipality designated in Section 11-208.8 may enact  
11 an ordinance providing for an automated speed enforcement  
12 system to enforce violations of Article VI of Chapter 11 of  
13 this Code or a similar provision of a local ordinance.

14 (i) A municipality or county designated in Section 11-208.9  
15 may enact an ordinance providing for an automated traffic law  
16 enforcement system to enforce violations of Section 11-1414 of  
17 this Code or a similar provision of a local ordinance and  
18 imposing liability on a registered owner or lessee of a vehicle  
19 used in such a violation.

20 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;  
21 100-257, eff. 8-22-17; revised 10-6-17.)

22 (Text of Section after amendment by P.A. 100-352)

23 Sec. 11-208. Powers of local authorities.

24 (a) The provisions of this Code shall not be deemed to  
25 prevent local authorities with respect to streets and highways

1 under their jurisdiction and within the reasonable exercise of  
2 the police power from:

3 1. Regulating the standing or parking of vehicles,  
4 except as limited by Sections 11-1306 and 11-1307 of this  
5 Act;

6 2. Regulating traffic by means of police officers or  
7 traffic control signals;

8 3. Regulating or prohibiting processions or  
9 assemblages on the highways; and certifying persons to  
10 control traffic for processions or assemblages;

11 4. Designating particular highways as one-way highways  
12 and requiring that all vehicles thereon be moved in one  
13 specific direction;

14 5. Regulating the speed of vehicles in public parks  
15 subject to the limitations set forth in Section 11-604;

16 6. Designating any highway as a through highway, as  
17 authorized in Section 11-302, and requiring that all  
18 vehicles stop before entering or crossing the same or  
19 designating any intersection as a stop intersection or a  
20 yield right-of-way intersection and requiring all vehicles  
21 to stop or yield the right-of-way at one or more entrances  
22 to such intersections;

23 7. Restricting the use of highways as authorized in  
24 Chapter 15;

25 8. Regulating the operation of bicycles, low-speed  
26 electric bicycles, and low-speed gas bicycles, and

1 requiring the registration and licensing of same,  
2 including the requirement of a registration fee;

3 9. Regulating or prohibiting the turning of vehicles or  
4 specified types of vehicles at intersections;

5 10. Altering the speed limits as authorized in Section  
6 11-604;

7 11. Prohibiting U-turns;

8 12. Prohibiting pedestrian crossings at other than  
9 designated and marked crosswalks or at intersections;

10 13. Prohibiting parking during snow removal operation;

11 14. Imposing fines in accordance with Section  
12 11-1301.3 as penalties for use of any parking place  
13 reserved for persons with disabilities, as defined by  
14 Section 1-159.1, or veterans with disabilities by any  
15 person using a motor vehicle not bearing registration  
16 plates specified in Section 11-1301.1 or a special decal or  
17 device as defined in Section 11-1301.2 as evidence that the  
18 vehicle is operated by or for a person with disabilities or  
19 a veteran with a disability;

20 15. Adopting such other traffic regulations as are  
21 specifically authorized by this Code; or

22 16. Enforcing the provisions of subsection (f) of  
23 Section 3-413 of this Code or a similar local ordinance.

24 (b) No ordinance or regulation enacted under paragraph  
25 ~~subsections~~ 1, 4, 5, 6, 7, 9, 10, 11 or 13 of subsection  
26 ~~paragraph~~ (a) shall be effective until signs giving reasonable

1 notice of such local traffic regulations are posted.

2 (c) The provisions of this Code shall not prevent any  
3 municipality having a population of 500,000 or more inhabitants  
4 from prohibiting any person from driving or operating any motor  
5 vehicle upon the roadways of such municipality with headlamps  
6 on high beam or bright.

7 (d) The provisions of this Code shall not be deemed to  
8 prevent local authorities within the reasonable exercise of  
9 their police power from prohibiting, on private property, the  
10 unauthorized use of parking spaces reserved for persons with  
11 disabilities.

12 (e) No unit of local government, including a home rule  
13 unit, may enact or enforce an ordinance that applies only to  
14 motorcycles if the principal purpose for that ordinance is to  
15 restrict the access of motorcycles to any highway or portion of  
16 a highway for which federal or State funds have been used for  
17 the planning, design, construction, or maintenance of that  
18 highway. No unit of local government, including a home rule  
19 unit, may enact an ordinance requiring motorcycle users to wear  
20 protective headgear. Nothing in this subsection (e) shall  
21 affect the authority of a unit of local government to regulate  
22 motorcycles for traffic control purposes or in accordance with  
23 Section 12-602 of this Code. No unit of local government,  
24 including a home rule unit, may regulate motorcycles in a  
25 manner inconsistent with this Code. This subsection (e) is a  
26 limitation under subsection (i) of Section 6 of Article VII of



1 the Illinois Constitution on the concurrent exercise by home  
2 rule units of powers and functions exercised by the State.

3 (e-5) The City of Chicago may enact an ordinance providing  
4 for a noise monitoring system upon any portion of the roadway  
5 known as Lake Shore Drive. Twelve months after the installation  
6 of the noise monitoring system, and any time after the first  
7 report as the City deems necessary, the City of Chicago shall  
8 prepare a noise monitoring report with the data collected from  
9 the system and shall, upon request, make the report available  
10 to the public. For purposes of this subsection (e-5), "noise  
11 monitoring system" means an automated noise monitor capable of  
12 recording noise levels 24 hours per day and 365 days per year  
13 with computer equipment sufficient to process the data.

14 (e-10) ~~(e-5)~~ A unit of local government, including a home  
15 rule unit, may not enact an ordinance prohibiting the use of  
16 Automated Driving System equipped vehicles on its roadways.  
17 Nothing in this subsection (e-10) ~~(e-5)~~ shall affect the  
18 authority of a unit of local government to regulate Automated  
19 Driving System equipped vehicles for traffic control purposes.  
20 No unit of local government, including a home rule unit, may  
21 regulate Automated Driving System equipped vehicles in a manner  
22 inconsistent with this Code. For purposes of this subsection  
23 (e-10) ~~(e-5)~~, "Automated Driving System equipped vehicle"  
24 means any vehicle equipped with an Automated Driving System of  
25 hardware and software that are collectively capable of  
26 performing the entire dynamic driving task on a sustained

1 basis, regardless of whether it is limited to a specific  
2 operational domain. This subsection (e-10) ~~(e-5)~~ is a  
3 limitation under subsection (i) of Section 6 of Article VII of  
4 the Illinois Constitution on the concurrent exercise by home  
5 rule units of powers and functions exercised by the State.

6 (f) A municipality or county designated in Section 11-208.6  
7 may enact an ordinance providing for an automated traffic law  
8 enforcement system to enforce violations of this Code or a  
9 similar provision of a local ordinance and imposing liability  
10 on a registered owner or lessee of a vehicle used in such a  
11 violation.

12 (g) A municipality or county, as provided in Section  
13 11-1201.1, may enact an ordinance providing for an automated  
14 traffic law enforcement system to enforce violations of Section  
15 11-1201 of this Code or a similar provision of a local  
16 ordinance and imposing liability on a registered owner of a  
17 vehicle used in such a violation.

18 (h) A municipality designated in Section 11-208.8 may enact  
19 an ordinance providing for an automated speed enforcement  
20 system to enforce violations of Article VI of Chapter 11 of  
21 this Code or a similar provision of a local ordinance.

22 (i) A municipality or county designated in Section 11-208.9  
23 may enact an ordinance providing for an automated traffic law  
24 enforcement system to enforce violations of Section 11-1414 of  
25 this Code or a similar provision of a local ordinance and  
26 imposing liability on a registered owner or lessee of a vehicle

1 used in such a violation.

2 (Source: P.A. 99-143, eff. 7-27-15; 100-209, eff. 1-1-18;  
3 100-257, eff. 8-22-17; 100-352, eff. 6-1-18; revised 10-6-17.)

4 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

5 Sec. 12-503. Windshields must be unobstructed and equipped  
6 with wipers.

7 (a) No person shall drive a motor vehicle with any sign,  
8 poster, window application, reflective material, nonreflective  
9 material or tinted film upon the front windshield, except that  
10 a nonreflective tinted film may be used along the uppermost  
11 portion of the windshield if such material does not extend more  
12 than 6 inches down from the top of the windshield.

13 (a-3) No new or used motor vehicle dealer shall permit a  
14 driver to drive a motor vehicle offered for sale or lease off  
15 the premises where the motor vehicle is being offered for sale  
16 or lease, including when the driver is test driving the  
17 vehicle, with signs, decals, paperwork, or other material on  
18 the front windshield or on the windows immediately adjacent to  
19 each side of the driver that would obstruct the driver's view  
20 in violation of subsection (a) of this Section. For purposes of  
21 this subsection (a-3), "test driving" means when a driver, with  
22 permission of the new or used vehicle dealer or employee of the  
23 new or used vehicle dealer, drives a vehicle owned and held for  
24 sale or lease by a new or used vehicle dealer that the driver  
25 is considering to purchase or lease.

1 (a-5) No window treatment or tinting shall be applied to  
2 the windows immediately adjacent to each side of the driver,  
3 except:

4 (1) On vehicles where none of the windows to the rear  
5 of the driver's seat are treated in a manner that allows  
6 less than 30% light transmittance, a nonreflective tinted  
7 film that allows at least 50% light transmittance, with a  
8 5% variance observed by any law enforcement official  
9 metering the light transmittance, may be used on the  
10 vehicle windows immediately adjacent to each side of the  
11 driver.

12 (2) On vehicles where none of the windows to the rear  
13 of the driver's seat are treated in a manner that allows  
14 less than 35% light transmittance, a nonreflective tinted  
15 film that allows at least 35% light transmittance, with a  
16 5% variance observed by any law enforcement official  
17 metering the light transmittance, may be used on the  
18 vehicle windows immediately adjacent to each side of the  
19 driver.

20 (3) (Blank).

21 (4) On vehicles where a nonreflective smoked or tinted  
22 glass that was originally installed by the manufacturer on  
23 the windows to the rear of the driver's seat, a  
24 nonreflective tint that allows at least 50% light  
25 transmittance, with a 5% variance observed by a law  
26 enforcement official metering the light transmittance, may

1 be used on the vehicle windows immediately adjacent to each  
2 side of the driver.

3 (a-10) No person shall install or repair any material  
4 prohibited by subsection (a) of this Section.

5 (1) Nothing in this subsection shall prohibit a person  
6 from removing or altering any material prohibited by  
7 subsection (a) to make a motor vehicle comply with the  
8 requirements of this Section.

9 (2) Nothing in this subsection shall prohibit a person  
10 from installing window treatment for a person with a  
11 medical condition described in subsection (g) of this  
12 Section. An installer who installs window treatment for a  
13 person with a medical condition described in subsection (g)  
14 must obtain a copy of the certified statement or letter  
15 written by a physician described in subsection (g) from the  
16 person with the medical condition prior to installing the  
17 window treatment. The copy of the certified statement or  
18 letter must be kept in the installer's permanent records.

19 (b) On motor vehicles where window treatment has not been  
20 applied to the windows immediately adjacent to each side of the  
21 driver, the use of a perforated window screen or other  
22 decorative window application on windows to the rear of the  
23 driver's seat shall be allowed.

24 (b-5) Any motor vehicle with a window to the rear of the  
25 driver's seat treated in this manner shall be equipped with a  
26 side mirror on each side of the motor vehicle which are in

1 conformance with Section 12-502.

2 (c) No person shall drive a motor vehicle with any objects  
3 placed or suspended between the driver and the front  
4 windshield, rear window, side wings or side windows immediately  
5 adjacent to each side of the driver which materially obstructs  
6 the driver's view.

7 (d) Every motor vehicle, except motorcycles, shall be  
8 equipped with a device, controlled by the driver, for cleaning  
9 rain, snow, moisture or other obstructions from the windshield;  
10 and no person shall drive a motor vehicle with snow, ice,  
11 moisture or other material on any of the windows or mirrors,  
12 which materially obstructs the driver's clear view of the  
13 highway.

14 (e) No person shall drive a motor vehicle when the  
15 windshield, side or rear windows are in such defective  
16 condition or repair as to materially impair the driver's view  
17 to the front, side or rear. A vehicle equipped with a side  
18 mirror on each side of the vehicle which are in conformance  
19 with Section 12-502 will be deemed to be in compliance in the  
20 event the rear window of the vehicle is materially obscured.

21 (f) Subsections ~~Paragraphs~~ (a), (a-5), (b), and (b-5) of  
22 this Section shall not apply to:

23 (1) (Blank).

24 (2) those motor vehicles properly registered in  
25 another jurisdiction.

26 (g) Subsections ~~Paragraphs~~ (a) and (a-5) of this Section

1 shall not apply to window treatment, including, but not limited  
2 to, a window application, nonreflective material, or tinted  
3 film, applied or affixed to a motor vehicle for which  
4 distinctive license plates or license plate stickers have been  
5 issued pursuant to subsection (k) of Section 3-412 of this  
6 Code, and which:

7 (1) is owned and operated by a person afflicted with or  
8 suffering from a medical disease, including, but not  
9 limited to, systemic or discoid lupus erythematosus,  
10 disseminated superficial actinic porokeratosis, or  
11 albinism, which would require that person to be shielded  
12 from the direct rays of the sun; or

13 (2) is used in transporting a person when the person  
14 resides at the same address as the registered owner of the  
15 vehicle and the person is afflicted with or suffering from  
16 a medical disease which would require the person to be  
17 shielded from the direct rays of the sun, including, but  
18 not limited to, systemic or discoid lupus erythematosus,  
19 disseminated superficial actinic porokeratosis, or  
20 albinism.

21 The owner must obtain a certified statement or letter  
22 written by a physician licensed to practice medicine in  
23 Illinois that such person owning and operating or being  
24 transported in a motor vehicle is afflicted with or suffers  
25 from such disease, including, but not limited to, systemic  
26 or discoid lupus erythematosus, disseminated superficial

1 actinic porokeratosis, or albinism. However, no exemption  
2 from the requirements of subsection (a-5) shall be granted  
3 for any condition, such as light sensitivity, for which  
4 protection from the direct rays of the sun can be  
5 adequately obtained by the use of sunglasses or other eye  
6 protective devices.

7 Such certification must be carried in the motor vehicle  
8 at all times. The certification shall be legible and shall  
9 contain the date of issuance, the name, address and  
10 signature of the attending physician, and the name,  
11 address, and medical condition of the person requiring  
12 exemption. The information on the certificate for a window  
13 treatment must remain current and shall be renewed every 4  
14 years by the attending physician. The owner shall also  
15 submit a copy of the certification to the Secretary of  
16 State. The Secretary of State may forward notice of  
17 certification to law enforcement agencies.

18 (g-5) (Blank).

19 (g-7) Installers shall only install window treatment  
20 authorized by subsection (g) on motor vehicles for which  
21 distinctive plates or license plate stickers have been issued  
22 pursuant to subsection (k) of Section 3-412 of this Code. The  
23 distinctive license plates or plate sticker must be on the  
24 motor vehicle at the time of window treatment installation.

25 (h) Subsection ~~Paragraph~~ (a) of this Section shall not  
26 apply to motor vehicle stickers or other certificates issued by



1 State or local authorities which are required to be displayed  
2 upon motor vehicle windows to evidence compliance with  
3 requirements concerning motor vehicles.

4 (i) (Blank).

5 (j) A person found guilty of violating subsection  
6 ~~paragraphs~~ (a), (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of  
7 this Section shall be guilty of a petty offense and fined no  
8 less than \$50 nor more than \$500. A second or subsequent  
9 violation of subsection ~~paragraphs~~ (a), (a-3), (a-5), (a-10),  
10 (b), (b-5), or (g-7) of this Section shall be treated as a  
11 Class C misdemeanor and the violator fined no less than \$100  
12 nor more than \$500. Any person convicted under subsection  
13 ~~paragraphs~~ (a), (a-5), (b), or (b-5) of this Section shall be  
14 ordered to alter any nonconforming windows into compliance with  
15 this Section.

16 (k) Except as provided in subsection (a-3) of this Section,  
17 nothing in this Section shall create a cause of action on  
18 behalf of a buyer against a vehicle dealer or manufacturer who  
19 sells a motor vehicle with a window which is in violation of  
20 this Section.

21 (l) The Secretary of State shall provide a notice of the  
22 requirements of this Section to a new resident applying for  
23 vehicle registration in this State pursuant to Section 3-801 of  
24 this Code. The Secretary of State may comply with this  
25 subsection by posting the requirements of this Section on the  
26 Secretary of State's website.

1 (m) A home rule unit may not regulate motor vehicles in a  
2 manner inconsistent with this Section. This Section is a  
3 limitation under subsection (i) of Section 6 of Article VII of  
4 the Illinois Constitution on the concurrent exercise by home  
5 rule units of powers and functions exercised by the State.

6 (Source: P.A. 100-346, eff. 1-1-18; revised 10-12-17.)

7 (625 ILCS 5/12-601) (from Ch. 95 1/2, par. 12-601)

8 Sec. 12-601. Horns and warning devices.

9 (a) Every motor vehicle when operated upon a highway shall  
10 be equipped with a horn in good working order and capable of  
11 emitting sound audible under normal conditions from a distance  
12 of not less than 200 feet, but no horn or other warning device  
13 shall emit an unreasonable loud or harsh sound or a whistle.  
14 The driver of a motor vehicle shall when reasonably necessary  
15 to insure safe operation give audible warning with his horn but  
16 shall not otherwise use such horn when upon a highway.

17 (b) No vehicle shall be equipped with nor shall any person  
18 use upon a vehicle any siren, whistle, or bell, except as  
19 otherwise permitted in this Section ~~section~~. Any authorized  
20 emergency vehicle or organ transport vehicle as defined in  
21 Chapter 1 of this Code or a vehicle operated by a fire chief or  
22 the Director or Coordinator of a municipal or county emergency  
23 services and disaster agency~~7~~ may be equipped with a siren,  
24 whistle, or bell~~7~~ capable of emitting sound audible under  
25 normal conditions from a distance of not less than 500 feet,

1 but such siren, whistle, or bell shall not be used except when  
2 such vehicle is operated in response to an emergency call or in  
3 the immediate pursuit of an actual or suspected violator of the  
4 law in either of which events the driver of such vehicle shall  
5 sound such siren, whistle, or bell when necessary to warn  
6 pedestrians and other drivers of the approach thereof.

7 (c) Trackless trolley coaches, as defined by Section 1-206  
8 of this Code, and replica trolleys, as defined by Section  
9 1-171.04 of this Code, may be equipped with a bell or bells in  
10 lieu of a horn, and may, in addition to the requirements of  
11 ~~subsection paragraph~~ (a) of this Section, use a bell or bells  
12 for the purpose of indicating arrival or departure at  
13 designated stops during the hours of scheduled operation.

14 (Source: P.A. 100-182, eff. 1-1-18; revised 10-6-17.)

15 (625 ILCS 5/12-606) (from Ch. 95 1/2, par. 12-606)

16 Sec. 12-606. Tow trucks; ~~Tow trucks;~~ identification;  
17 equipment; insurance.

18 (a) Every tow truck ~~tow truck~~, except those owned by  
19 governmental agencies, shall have displayed on each side  
20 thereof, a sign with letters not less than 2 inches in height,  
21 contrasting in color to that of the background, stating the  
22 full legal name, complete address (including street address and  
23 city), and telephone number of the owner or operator thereof.  
24 This information shall be permanently affixed to the sides of  
25 the tow truck.

1 (b) Every tow truck ~~tow-truck~~ shall be equipped with:

2 (1) One or more brooms and shovels;

3 (2) One or more trash cans of at least 5 gallon  
4 capacity; and

5 (3) One fire extinguisher. This extinguisher shall be  
6 either:

7 (i) of the dry chemical or carbon dioxide type with  
8 an aggregate rating of at least 4-B, C units, and  
9 bearing the approval of a laboratory qualified by the  
10 Division of Fire Prevention for this purpose; or

11 (ii) One that meets the requirements of the Federal  
12 Motor Carrier Safety Regulations of the United States  
13 Department of Transportation for fire extinguishers on  
14 commercial motor vehicles.

15 (c) Every owner or operator and driver of a tow truck  
16 ~~tow-truck~~ shall comply with Section 11-1413 of this Code Act  
17 and shall remove or cause to be removed all glass and debris,  
18 except any (i) hazardous substance as defined in Section 3.215  
19 of the Environmental Protection Act, (ii) hazardous waste as  
20 defined in Section 3.220 of the Environmental Protection Act,  
21 and (iii) medical samples or waste, including but not limited  
22 to any blood samples, used syringes, other used medical  
23 supplies, or any other potentially infectious medical waste as  
24 defined in Section 3.360 of the Environmental Protection Act,  
25 deposited upon any street or highway by the disabled vehicle  
26 being serviced, and shall in addition, spread dirt or sand or

1 oil absorbent upon that portion of any street or highway where  
2 oil or grease has been deposited by the disabled vehicle being  
3 serviced.

4 (d) Every tow truck ~~tow-truck~~ operator shall in addition  
5 file an indemnity bond, insurance policy, or other proof of  
6 insurance in a form to be prescribed by the Secretary for:  
7 garagekeepers liability insurance, in an amount no less than a  
8 combined single limit of \$500,000, and truck (auto) liability  
9 insurance in an amount no less than a combined single limit of  
10 \$500,000, on hook coverage or garagekeepers coverage in an  
11 amount of no less than \$25,000 which shall indemnify or insure  
12 the tow truck ~~tow-truck~~ operator for the following:

13 (1) Bodily injury or damage to the property of others.

14 (2) Damage to any vehicle towed by the tower.

15 (3) In case of theft, loss of, or damage to any vehicle  
16 stored, garagekeepers legal liability coverage in an  
17 amount of no less than \$25,000.

18 (4) In case of injury to or occupational illness of the  
19 tow truck driver or helper, workers compensation insurance  
20 meeting the minimum requirements of the Workers'  
21 Compensation Act.

22 Any such bond or policy shall be issued only by a bonding  
23 or insuring firm authorized to do business as such in the State  
24 of Illinois, and a certificate of such bond or policy shall be  
25 carried in the cab of each tow truck ~~tow-truck~~.

26 (e) The bond or policy required in subsection (d) shall

1 provide that the insurance carrier may cancel it by serving  
2 previous notice, as required by Sections 143.14 and 143.16 of  
3 the Illinois Insurance Code, in writing, either personally or  
4 by registered mail, upon the owner or operator of the motor  
5 vehicle and upon the Secretary of State. Whenever any such bond  
6 or policy shall be so cancelled, the Secretary of State shall  
7 mark the policy "Cancelled" and shall require such owner or  
8 operator either to furnish a new bond or policy, in accordance  
9 with this Act.

10 (Source: P.A. 92-574, eff. 6-26-02; revised 10-6-17.)

11 (625 ILCS 5/12-806) (from Ch. 95 1/2, par. 12-806)

12 Sec. 12-806. Identification, stop signal arms and special  
13 lighting when not used as a school bus.

14 (a) Except as provided in Section 12-806a, whenever a  
15 school bus is operated for the purpose of transporting  
16 passengers other than persons in connection with an activity of  
17 the school or religious organization which owns the school bus  
18 or for which the school bus is operated, the "SCHOOL BUS" signs  
19 shall be covered or concealed and the stop signal arm and  
20 flashing signal system shall not be operable through normal  
21 controls.

22 (b) If a school district, religious organization, vendor of  
23 school buses ~~busses~~, or school bus company whose main source of  
24 income is contracting with a school district or religious  
25 organization for the provision of transportation services in

1 connection with the activities of a school district or  
2 religious organization, discards through either sale or  
3 donation, a school bus to an individual or entity that is not  
4 one of the aforementioned entities above, then the recipient of  
5 such school bus shall be responsible for immediately removing,  
6 covering, or concealing the "SCHOOL BUS" signs and any other  
7 insignia or words indicating the vehicle is a school bus,  
8 rendering inoperable or removing entirely the stop signal arm  
9 and flashing signal system, and painting the school bus a  
10 different color from those under Section 12-801 of this Code.

11 (Source: P.A. 100-277, eff. 1-1-18; revised 10-5-17.)

12 (625 ILCS 5/12-825)

13 Sec. 12-825. Extracurricular ~~Extra-curricular~~ activities;  
14 passengers.

15 (a) Each school bus operated by a public or private primary  
16 or secondary school transporting students enrolled in grade 12  
17 or below for a school related athletic event or other school  
18 approved extracurricular activity shall be registered under  
19 subsection (a) of Section 3-808 of this Code, comply with  
20 school bus driver permit requirements under Section 6-104 of  
21 this Code, comply with the minimum liability insurance  
22 requirements under Section 12-707.01 of this Code, and comply  
23 with special requirements pertaining to school buses under this  
24 Chapter.

25 (b) Each school bus that operates under subsection (a) of

1 this Section may be used for the transportation of passengers  
2 other than students enrolled in grade 12 or below for  
3 activities that do not involve either a public or private  
4 educational institution if the school bus driver or school bus  
5 owner complies with Section 12-806 of this Code and the "SCHOOL  
6 BUS" sign under Section 12-802 of this Code is either removed  
7 or obscured so that it is not visible to other motorists.

8 (Source: P.A. 100-241, eff. 1-1-18; revised 10-5-17.)

9 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

10 Sec. 15-301. Permits for excess size and weight.

11 (a) The Department with respect to highways under its  
12 jurisdiction and local authorities with respect to highways  
13 under their jurisdiction may, in their discretion, upon  
14 application and good cause being shown therefor, issue a  
15 special permit authorizing the applicant to operate or move a  
16 vehicle or combination of vehicles of a size or weight of  
17 vehicle or load exceeding the maximum specified in this Act or  
18 otherwise not in conformity with this Act upon any highway  
19 under the jurisdiction of the party granting such permit and  
20 for the maintenance of which the party is responsible.  
21 Applications and permits other than those in written or printed  
22 form may only be accepted from and issued to the company or  
23 individual making the movement. Except for an application to  
24 move directly across a highway, it shall be the duty of the  
25 applicant to establish in the application that the load to be



1 moved by such vehicle or combination cannot reasonably be  
2 dismantled or disassembled, the reasonableness of which shall  
3 be determined by the Secretary of the Department. For the  
4 purpose of over length movements, more than one object may be  
5 carried side by side as long as the height, width, and weight  
6 laws are not exceeded and the cause for the over length is not  
7 due to multiple objects. For the purpose of over height  
8 movements, more than one object may be carried as long as the  
9 cause for the over height is not due to multiple objects and  
10 the length, width, and weight laws are not exceeded. For the  
11 purpose of an over width movement, more than one object may be  
12 carried as long as the cause for the over width is not due to  
13 multiple objects and length, height, and weight laws are not  
14 exceeded. Except for transporting fluid milk products, no State  
15 or local agency shall authorize the issuance of excess size or  
16 weight permits for vehicles and loads that are divisible and  
17 that can be carried, when divided, within the existing size or  
18 weight maximums specified in this Chapter. Any excess size or  
19 weight permit issued in violation of the provisions of this  
20 Section shall be void at issue and any movement made thereunder  
21 shall not be authorized under the terms of the void permit. In  
22 any prosecution for a violation of this Chapter when the  
23 authorization of an excess size or weight permit is at issue,  
24 it is the burden of the defendant to establish that the permit  
25 was valid because the load to be moved could not reasonably be  
26 dismantled or disassembled, or was otherwise nondivisible.

1           (b) The application for any such permit shall: (1) state  
2 whether such permit is requested for a single trip or for  
3 limited continuous operation; (2) state if the applicant is an  
4 authorized carrier under the Illinois Motor Carrier of Property  
5 Law, if so, his certificate, registration or permit number  
6 issued by the Illinois Commerce Commission; (3) specifically  
7 describe and identify the vehicle or vehicles and load to be  
8 operated or moved except that for vehicles or vehicle  
9 combinations registered by the Department as provided in  
10 Section 15-319 of this Chapter, only the Illinois Department of  
11 Transportation's (IDT) registration number or classification  
12 need be given; (4) state the routing requested including the  
13 points of origin and destination, and may identify and include  
14 a request for routing to the nearest certified scale in  
15 accordance with the Department's rules and regulations,  
16 provided the applicant has approval to travel on local roads;  
17 and (5) state if the vehicles or loads are being transported  
18 for hire. No permits for the movement of a vehicle or load for  
19 hire shall be issued to any applicant who is required under the  
20 Illinois Motor Carrier of Property Law to have a certificate,  
21 registration or permit and does not have such certificate,  
22 registration or permit.

23           (c) The Department or local authority when not inconsistent  
24 with traffic safety is authorized to issue or withhold such  
25 permit at its discretion; or, if such permit is issued at its  
26 discretion to prescribe the route or routes to be traveled, to

1 limit the number of trips, to establish seasonal or other time  
2 limitations within which the vehicles described may be operated  
3 on the highways indicated, or otherwise to limit or prescribe  
4 conditions of operations of such vehicle or vehicles, when  
5 necessary to assure against undue damage to the road  
6 foundations, surfaces or structures, and may require such  
7 undertaking or other security as may be deemed necessary to  
8 compensate for any injury to any roadway or road structure. The  
9 Department shall maintain a daily record of each permit issued  
10 along with the fee and the stipulated dimensions, weights,  
11 conditions and restrictions authorized and this record shall be  
12 presumed correct in any case of questions or dispute. The  
13 Department shall install an automatic device for recording  
14 applications received and permits issued by telephone. In  
15 making application by telephone, the Department and applicant  
16 waive all objections to the recording of the conversation.

17 (d) The Department shall, upon application in writing from  
18 any local authority, issue an annual permit authorizing the  
19 local authority to move oversize highway construction,  
20 transportation, utility and maintenance equipment over roads  
21 under the jurisdiction of the Department. The permit shall be  
22 applicable only to equipment and vehicles owned by or  
23 registered in the name of the local authority, and no fee shall  
24 be charged for the issuance of such permits.

25 (e) As an exception to subsection ~~paragraph~~ (a) of this  
26 Section, the Department and local authorities, with respect to

1 highways under their respective jurisdictions, in their  
2 discretion and upon application in writing may issue a special  
3 permit for limited continuous operation, authorizing the  
4 applicant to move loads of agricultural commodities on a 2-axle  
5 ~~2-axle~~ single vehicle registered by the Secretary of State with  
6 axle loads not to exceed 35%, on a 3-axle or 4-axle ~~3 or 4 axle~~  
7 vehicle registered by the Secretary of State with axle loads  
8 not to exceed 20%, and on a 5-axle ~~5-axle~~ vehicle registered by  
9 the Secretary of State not to exceed 10% above those provided  
10 in Section 15-111. The total gross weight of the vehicle,  
11 however, may not exceed the maximum gross weight of the  
12 registration class of the vehicle allowed under Section 3-815  
13 or 3-818 of this Code.

14 As used in this Section, "agricultural commodities" means:

- 15 (1) cultivated plants or agricultural produce grown  
16 including, but ~~is~~ not limited to, corn, soybeans, wheat,  
17 oats, grain sorghum, canola, and rice;
- 18 (2) livestock, including, but not limited to, hogs,  
19 equine, sheep, and poultry;
- 20 (3) ensilage; and
- 21 (4) fruits and vegetables.

22 Permits may be issued for a period not to exceed 40 days  
23 and moves may be made of a distance not to exceed 50 miles from  
24 a field, an on-farm grain storage facility, a warehouse as  
25 defined in the ~~Illinois~~ Grain Code, or a livestock management  
26 facility as defined in the Livestock Management Facilities Act

1 over any highway except the National System of Interstate and  
2 Defense Highways. The operator of the vehicle, however, must  
3 abide by posted bridge and posted highway weight limits. All  
4 implements of husbandry operating under this Section between  
5 sunset and sunrise shall be equipped as prescribed in Section  
6 12-205.1.

7 (e-1) Upon a declaration by the Governor that an emergency  
8 harvest situation exists, a special permit issued by the  
9 Department under this Section shall be required from September  
10 1 through December 31 during harvest season emergencies for a  
11 vehicle that exceeds the maximum axle weight and gross weight  
12 limits under Section 15-111 of this Code or exceeds the  
13 vehicle's registered gross weight, provided that the vehicle's  
14 axle weight and gross weight do not exceed 10% above the  
15 maximum limits under Section 15-111 of this Code and does not  
16 exceed the vehicle's registered gross weight by 10%. All other  
17 restrictions that apply to permits issued under this Section  
18 shall apply during the declared time period and no fee shall be  
19 charged for the issuance of those permits. Permits issued by  
20 the Department under this subsection (e-1) are only valid on  
21 federal and State highways under the jurisdiction of the  
22 Department, except interstate highways. With respect to  
23 highways under the jurisdiction of local authorities, the local  
24 authorities may, at their discretion, waive special permit  
25 requirements during harvest season emergencies, and set a  
26 divisible load weight limit not to exceed 10% above a vehicle's

1 registered gross weight, provided that the vehicle's axle  
2 weight and gross weight do not exceed 10% above the maximum  
3 limits specified in Section 15-111. Permits issued under this  
4 subsection (e-1) shall apply to all registered vehicles  
5 eligible to obtain permits under this Section, including  
6 vehicles used in private or for-hire movement of divisible load  
7 agricultural commodities during the declared time period.

8 (f) The form and content of the permit shall be determined  
9 by the Department with respect to highways under its  
10 jurisdiction and by local authorities with respect to highways  
11 under their jurisdiction. Every permit shall be in written form  
12 and carried in the vehicle or combination of vehicles to which  
13 it refers and shall be open to inspection by any police officer  
14 or authorized agent of any authority granting the permit and no  
15 person shall violate any of the terms or conditions of such  
16 special permit. Violation of the terms and conditions of the  
17 permit shall not be deemed a revocation of the permit; however,  
18 any vehicle and load found to be off the route prescribed in  
19 the permit shall be held to be operating without a permit. Any  
20 off route vehicle and load shall be required to obtain a new  
21 permit or permits, as necessary, to authorize the movement back  
22 onto the original permit routing. No rule or regulation, nor  
23 anything herein shall be construed to authorize any police  
24 officer, court, or authorized agent of any authority granting  
25 the permit to remove the permit from the possession of the  
26 permittee unless the permittee is charged with a fraudulent

1 permit violation as provided in subsection ~~paragraph~~ (i).  
2 However, upon arrest for an offense of violation of permit,  
3 operating without a permit when the vehicle is off route, or  
4 any size or weight offense under this Chapter when the  
5 permittee plans to raise the issuance of the permit as a  
6 defense, the permittee, or his agent, must produce the permit  
7 at any court hearing concerning the alleged offense.

8 If the permit designates and includes a routing to a  
9 certified scale, the permittee, while enroute to the designated  
10 scale, shall be deemed in compliance with the weight provisions  
11 of the permit provided the axle or gross weights do not exceed  
12 any of the permitted limits by more than the following amounts:

13	Single axle	2000 pounds
14	Tandem axle	3000 pounds
15	Gross	5000 pounds

16 (g) The Department is authorized to adopt, amend, and to  
17 make available to interested persons a policy concerning  
18 reasonable rules, limitations and conditions or provisions of  
19 operation upon highways under its jurisdiction in addition to  
20 those contained in this Section for the movement by special  
21 permit of vehicles, combinations, or loads which cannot  
22 reasonably be dismantled or disassembled, including  
23 manufactured and modular home sections and portions thereof.  
24 All rules, limitations and conditions or provisions adopted in  
25 the policy shall have due regard for the safety of the  
26 traveling public and the protection of the highway system and

1 shall have been promulgated in conformity with the provisions  
2 of the Illinois Administrative Procedure Act. The requirements  
3 of the policy for flagmen and escort vehicles shall be the same  
4 for all moves of comparable size and weight. When escort  
5 vehicles are required, they shall meet the following  
6 requirements:

7 (1) All operators shall be 18 years of age or over and  
8 properly licensed to operate the vehicle.

9 (2) Vehicles escorting oversized loads more than  
10 12-feet wide must be equipped with a rotating or flashing  
11 amber light mounted on top as specified under Section  
12 12-215.

13 The Department shall establish reasonable rules and  
14 regulations regarding liability insurance or self insurance  
15 for vehicles with oversized loads promulgated under the  
16 Illinois Administrative Procedure Act. Police vehicles may be  
17 required for escort under circumstances as required by rules  
18 and regulations of the Department.

19 (h) Violation of any rule, limitation or condition or  
20 provision of any permit issued in accordance with the  
21 provisions of this Section shall not render the entire permit  
22 null and void but the violator shall be deemed guilty of  
23 violation of permit and guilty of exceeding any size, weight or  
24 load limitations in excess of those authorized by the permit.  
25 The prescribed route or routes on the permit are not mere  
26 rules, limitations, conditions, or provisions of the permit,



1 but are also the sole extent of the authorization granted by  
2 the permit. If a vehicle and load are found to be off the route  
3 or routes prescribed by any permit authorizing movement, the  
4 vehicle and load are operating without a permit. Any off-route  
5 ~~off-route~~ movement shall be subject to the size and weight  
6 maximums, under the applicable provisions of this Chapter, as  
7 determined by the type or class highway upon which the vehicle  
8 and load are being operated.

9 (i) Whenever any vehicle is operated or movement made under  
10 a fraudulent permit the permit shall be void, and the person,  
11 firm, or corporation to whom such permit was granted, the  
12 driver of such vehicle in addition to the person who issued  
13 such permit and any accessory, shall be guilty of fraud and  
14 either one or all persons may be prosecuted for such violation.  
15 Any person, firm, or corporation committing such violation  
16 shall be guilty of a Class 4 felony and the Department shall  
17 not issue permits to the person, firm or corporation convicted  
18 of such violation for a period of one year after the date of  
19 conviction. Penalties for violations of this Section shall be  
20 in addition to any penalties imposed for violation of other  
21 Sections of this Code Act.

22 (j) Whenever any vehicle is operated or movement made in  
23 violation of a permit issued in accordance with this Section,  
24 the person to whom such permit was granted, or the driver of  
25 such vehicle, is guilty of such violation and either, but not  
26 both, persons may be prosecuted for such violation as stated in

1 this subsection (j). Any person, firm or corporation convicted  
2 of such violation shall be guilty of a petty offense and shall  
3 be fined for the first offense, not less than \$50 nor more than  
4 \$200 and, for the second offense by the same person, firm or  
5 corporation within a period of one year, not less than \$200 nor  
6 more than \$300 and, for the third offense by the same person,  
7 firm or corporation within a period of one year after the date  
8 of the first offense, not less than \$300 nor more than \$500 and  
9 the Department shall not issue permits to the person, firm or  
10 corporation convicted of a third offense during a period of one  
11 year after the date of conviction for such third offense.

12 (k) Whenever any vehicle is operated on local roads under  
13 permits for excess width or length issued by local authorities,  
14 such vehicle may be moved upon a State highway for a distance  
15 not to exceed one-half mile without a permit for the purpose of  
16 crossing the State highway.

17 (l) Notwithstanding any other provision of this Section,  
18 the Department, with respect to highways under its  
19 jurisdiction, and local authorities, with respect to highways  
20 under their jurisdiction, may at their discretion authorize the  
21 movement of a vehicle in violation of any size or weight  
22 requirement, or both, that would not ordinarily be eligible for  
23 a permit, when there is a showing of extreme necessity that the  
24 vehicle and load should be moved without unnecessary delay.

25 For the purpose of this subsection, showing of extreme  
26 necessity shall be limited to the following: shipments of

1 livestock, hazardous materials, liquid concrete being hauled  
2 in a mobile cement mixer, or hot asphalt.

3 (m) Penalties for violations of this Section shall be in  
4 addition to any penalties imposed for violating any other  
5 Section of this Code.

6 (n) The Department with respect to highways under its  
7 jurisdiction and local authorities with respect to highways  
8 under their jurisdiction, in their discretion and upon  
9 application in writing, may issue a special permit for  
10 continuous limited operation, authorizing the applicant to  
11 operate a tow truck ~~tow-truck~~ that exceeds the weight limits  
12 provided for in subsection (a) of Section 15-111, provided:

13 (1) no rear single axle of the tow truck ~~tow-truck~~  
14 exceeds 26,000 pounds;

15 (2) no rear tandem axle of the tow truck ~~tow-truck~~  
16 exceeds 50,000 pounds;

17 (2.1) no triple rear axle on a manufactured recovery  
18 unit exceeds 60,000 pounds;

19 (3) neither the disabled vehicle nor the disabled  
20 combination of vehicles exceed the weight restrictions  
21 imposed by this Chapter 15, or the weight limits imposed  
22 under a permit issued by the Department prior to hookup;

23 (4) the tow truck ~~tow-truck~~ prior to hookup does not  
24 exceed the weight restrictions imposed by this Chapter 15;

25 (5) during the tow operation the tow truck ~~tow-truck~~  
26 does not violate any weight restriction sign;

1           (6) the tow truck ~~tow truck~~ is equipped with flashing,  
2           rotating, or oscillating amber lights, visible for at least  
3           500 feet in all directions;

4           (7) the tow truck ~~tow truck~~ is specifically designed  
5           and licensed as a tow truck ~~tow truck~~;

6           (8) the tow truck ~~tow truck~~ has a gross vehicle weight  
7           rating of sufficient capacity to safely handle the load;

8           (9) the tow truck ~~tow truck~~ is equipped with air  
9           brakes;

10          (10) the tow truck ~~tow truck~~ is capable of utilizing  
11          the lighting and braking systems of the disabled vehicle or  
12          combination of vehicles;

13          (11) the tow commences at the initial point of wreck or  
14          disablement and terminates at a point where the repairs are  
15          actually to occur;

16          (12) the permit issued to the tow truck ~~tow truck~~ is  
17          carried in the tow truck ~~tow truck~~ and exhibited on demand  
18          by a police officer; and

19          (13) the movement shall be valid only on State ~~state~~  
20          routes approved by the Department.

21          (o) (Blank).

22          (p) In determining whether a load may be reasonably  
23          dismantled or disassembled for the purpose of subsection  
24          ~~paragraph~~ (a), the Department shall consider whether there is a  
25          significant negative impact on the condition of the pavement  
26          and structures along the proposed route, whether the load or

1 vehicle as proposed causes a safety hazard to the traveling  
2 public, whether dismantling or disassembling the load promotes  
3 or stifles economic development and whether the proposed route  
4 travels less than 5 miles. A load is not required to be  
5 dismantled or disassembled for the purposes of subsection  
6 ~~paragraph~~ (a) if the Secretary of the Department determines  
7 there will be no significant negative impact to pavement or  
8 structures along the proposed route, the proposed load or  
9 vehicle causes no safety hazard to the traveling public,  
10 dismantling or disassembling the load does not promote economic  
11 development and the proposed route travels less than 5 miles.  
12 The Department may promulgate rules for the purpose of  
13 establishing the divisibility of a load pursuant to subsection  
14 ~~paragraph~~ (a). Any load determined by the Secretary to be  
15 nondivisible shall otherwise comply with the existing size or  
16 weight maximums specified in this Chapter.

17 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;  
18 revised 10-12-17.)

19 (625 ILCS 5/15-308.2)

20 Sec. 15-308.2. Fees for special permits for tow trucks  
21 ~~tow trucks~~. The fee for a special permit to operate a tow truck  
22 ~~tow truck~~ pursuant to subsection (n) of Section 15-301 is \$50  
23 quarterly and \$200 annually.

24 (Source: P.A. 93-1023, eff. 8-25-04; revised 10-5-17.)

1 Section 550. The Boat Registration and Safety Act is  
2 amended by changing Sections 3-1 and 4-1 as follows:

3 (625 ILCS 45/3-1) (from Ch. 95 1/2, par. 313-1)

4 (Text of Section before amendment by P.A. 100-469)

5 Sec. 3-1. Unlawful operation of unnumbered watercraft.  
6 Every watercraft other than non-powered watercraft on waters  
7 within the jurisdiction of this State shall be numbered. No  
8 person may operate or give permission for the operation of any  
9 such watercraft on such waters unless the watercraft is  
10 numbered in accordance with this Act, or in accordance with  
11 applicable federal ~~Federal~~ law, or in accordance with a  
12 federally approved ~~Federally-approved~~ numbering system of  
13 another State, and unless (1) the certificate of number awarded  
14 to such watercraft is in full force and effect, and (2) the  
15 identifying number set forth in the certificate of number is  
16 displayed on each side of the bow of such watercraft.

17 (Source: P.A. 97-1136, eff. 1-1-13; revised 10-30-17.)

18 (Text of Section after amendment by P.A. 100-469)

19 Sec. 3-1. Unlawful operation of unnumbered watercraft.  
20 Every watercraft other than non-powered watercraft on waters  
21 within the jurisdiction of this State shall be numbered. No  
22 person may operate, use, or store or give permission for the  
23 operation, usage, or storage of any such watercraft on such  
24 waters unless it has on board while in operation:

1 (A) A valid certificate of number is issued in accordance  
2 with this Act, or in accordance with applicable federal ~~Federal~~  
3 law, or in accordance with a federally approved  
4 ~~Federally approved~~ numbering system of another State, and  
5 unless:

6 (1) the pocket-sized ~~pocket-sized~~ certificate of  
7 number awarded to such watercraft is in full force and  
8 effect; or

9 (2) the operator is in possession of a valid 60-day ~~60~~  
10 ~~day~~ temporary permit under this Act.

11 (B) The identifying number set forth in the certificate of  
12 number is displayed on each side of the bow of such watercraft.

13 The certificate of number, lease, or rental agreement  
14 required by this Section shall be available at all times for  
15 inspection at the request of a federal, State, or local law  
16 enforcement officer on the watercraft for which it is issued.  
17 No person shall operate a watercraft under this Section unless  
18 the certificate of number, lease, or rental agreement required  
19 is carried on board in a manner that it can be handed to a  
20 requesting law enforcement officer for inspection. A holder of  
21 a certificate of number shall notify the Department within 30  
22 days if the holder's address no longer conforms to the address  
23 appearing on the certificate and shall furnish the Department  
24 with the holder's new address. The Department may provide for  
25 in its rules and regulations for the surrender of the  
26 certificate bearing the former address and its replacement with

1 a certificate bearing the new address or for the alteration of  
2 an outstanding certificate to show the new address of the  
3 holder.

4 (Source: P.A. 100-469, eff. 6-1-18; revised 10-30-17.)

5 (625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

6 (Text of Section before amendment by P.A. 100-469)

7 Sec. 4-1. Personal flotation devices.

8 A. No person may operate a watercraft unless at least one  
9 U.S. Coast Guard approved PFD of the following types or their  
10 equivalent is on board for each person: Type I, Type II or Type  
11 III.

12 B. No person may operate a personal watercraft or specialty  
13 prop-craft unless each person aboard is wearing a Type I, Type  
14 II, Type III or Type V PFD approved by the United States Coast  
15 Guard.

16 C. No person may operate a watercraft 16 feet or more in  
17 length, except a canoe or kayak, unless at least one Type IV  
18 U.S. Coast Guard approved PFD or its equivalent is on board in  
19 addition to the PFD's required in paragraph A of this Section.

20 D. A U.S. Coast Guard approved Type V personal flotation  
21 device may be carried in lieu of the Type I, II, III or IV  
22 personal flotation device required in this Section, if the Type  
23 V personal flotation device is approved for the activity in  
24 which it is being used.

25 E. When assisting a person on water skis ~~waterskis~~,



1 aquaplane or similar device, there must be one U.S. Coast Guard  
2 approved PFD on board the watercraft for each person being  
3 assisted or towed or worn by the person being assisted or  
4 towed.

5 F. No person may operate a watercraft unless each device  
6 required by this Section is:

7 1. Readily accessible;

8 2. In serviceable condition;

9 3. Of the appropriate size for the person for whom it  
10 is intended; and

11 4. Legibly marked with the U.S. Coast Guard approval  
12 number.

13 G. Approved personal flotation devices are defined as  
14 follows:

15 Type I - A Type I personal flotation device is an  
16 approved device designed to turn an unconscious person in  
17 the water from a face downward position to a vertical or  
18 slightly backward position and to have more than 20 pounds  
19 of buoyancy.

20 Type II - A Type II personal flotation device is an  
21 approved device designed to turn an unconscious person in  
22 the water from a face downward position to a vertical or  
23 slightly backward position and to have at least 15 1/2  
24 pounds of buoyancy.

25 Type III - A Type III personal flotation device is an  
26 approved device designed to keep a conscious person in a

1 vertical or slightly backward position and to have at least  
2 15 1/2 pounds of buoyancy.

3 Type IV - A Type IV personal flotation device is an  
4 approved device designed to be thrown to a person in the  
5 water and not worn. It is designed to have at least 16 1/2  
6 pounds of buoyancy.

7 Type V - A Type V personal flotation device is an  
8 approved device for restricted use and is acceptable only  
9 when used in the activity for which it is approved.

10 H. The provisions of subsections A through G of this  
11 Section shall not apply to sailboards.

12 I. No person may operate a watercraft under 26 feet in  
13 length unless a Type I, Type II, Type III, or Type V personal  
14 flotation device is being properly worn by each person under  
15 the age of 13 on board the watercraft at all times in which the  
16 watercraft is underway; however, this requirement shall not  
17 apply to persons who are below decks or in totally enclosed  
18 cabin spaces. The provisions of this subsection I shall not  
19 apply to a person operating a watercraft on private property.

20 J. Racing shells, rowing sculls, racing canoes, and racing  
21 kayaks are exempt from the PFD, of any type, carriage  
22 requirements under this Section provided that the racing shell,  
23 racing scull, racing canoe, or racing kayak is participating in  
24 an event sanctioned by the Department as a PFD optional event.  
25 The Department may adopt rules to implement this subsection.

26 (Source: P.A. 97-801, eff. 1-1-13; 98-567, eff. 1-1-14; revised

1 10-5-17.)

2 (Text of Section after amendment by P.A. 100-469)

3 Sec. 4-1. Personal flotation devices.

4 A. No person may operate a watercraft unless at least one  
5 U.S. Coast Guard approved PFD is on board, so placed as to be  
6 readily available for each person.

7 B. No person may operate a personal watercraft or specialty  
8 prop-craft unless each person aboard is wearing a PFD approved  
9 by the United States Coast Guard. No person on board a personal  
10 watercraft shall use an inflatable PFD in order to meet the PFD  
11 requirements of subsection A of this Section.

12 C. No person may operate a watercraft 16 feet or more in  
13 length, except a canoe or kayak, unless at least one readily  
14 accessible United States Coast Guard approved throwable PFD is  
15 on board.

16 D. (Blank).

17 E. When assisting a person on water skis ~~waterskis~~,  
18 aquaplane or similar device, there must be one wearable United  
19 States Coast Guard approved PFD on board the watercraft for  
20 each person being assisted or towed or worn by the person being  
21 assisted or towed.

22 F. No person may operate a watercraft unless each device  
23 required by this Section is:

24 1. in serviceable condition;

25 2. identified by a label bearing a description and

1 approval number demonstrating that the device has been  
2 approved by the United States Coast Guard;

3 3. of the appropriate size for the person for whom it  
4 is intended; ~~and~~

5 4. in the case of a wearable PFD, readily accessible  
6 aboard the watercraft;

7 5. in the case of a throwable ~~throwable~~ PFD,  
8 immediately available for use;

9 6. out of its original packaging; and

10 7. not stowed under lock and key.

11 G. Approved personal flotation devices are defined as a  
12 device that is approved by the United States Coast Guard under  
13 Title 46 CFR Part 160.

14 H. (Blank).

15 I. No person may operate a watercraft under 26 feet in  
16 length unless an approved and appropriate sized United States  
17 Coast Guard personal flotation device is being properly worn by  
18 each person under the age of 13 on board the watercraft at all  
19 times in which the watercraft is underway; however, this  
20 requirement shall not apply to persons who are below decks or  
21 in totally enclosed cabin spaces. The provisions of this  
22 subsection I shall not apply to a person operating a watercraft  
23 on an individual's private property.

24 J. Racing shells, rowing sculls, racing canoes, and racing  
25 kayaks are exempt from the PFD, of any type, carriage  
26 requirements under this Section provided that the racing shell,

1 racing scull, racing canoe, or racing kayak is participating in  
2 an event sanctioned by the Department as a PFD optional event.  
3 The Department may adopt rules to implement this subsection.  
4 (Source: P.A. 100-469, eff. 6-1-18; revised 10-5-17.)

5 Section 555. The Clerks of Courts Act is amended by  
6 changing Section 27.2 as follows:

7 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

8 Sec. 27.2. The fees of the clerks of the circuit court in  
9 all counties having a population in excess of 500,000  
10 inhabitants but less than 3,000,000 inhabitants in the  
11 instances described in this Section shall be as provided in  
12 this Section. In those instances where a minimum and maximum  
13 fee is stated, counties with more than 500,000 inhabitants but  
14 less than 3,000,000 inhabitants must charge the minimum fee  
15 listed in this Section and may charge up to the maximum fee if  
16 the county board has by resolution increased the fee. In  
17 addition, the minimum fees authorized in this Section shall  
18 apply to all units of local government and school districts in  
19 counties with more than 3,000,000 inhabitants. The fees shall  
20 be paid in advance and shall be as follows:

21 (a) Civil Cases.

22 With the following exceptions, the fee for filing a  
23 complaint, petition, or other pleading initiating a civil  
24 action shall be a minimum of \$150 and shall be a maximum of

1           \$190 through December 31, 2021 and a maximum of \$184 on and  
2           after January 1, 2022.

3           (A) When the amount of money or damages or the  
4           value of personal property claimed does not exceed  
5           \$250, a minimum of \$10 and a maximum of \$15.

6           (B) When that amount exceeds \$250 but does not  
7           exceed \$1,000, a minimum of \$20 and a maximum of \$40.

8           (C) When that amount exceeds \$1,000 but does not  
9           exceed \$2500, a minimum of \$30 and a maximum of \$50.

10          (D) When that amount exceeds \$2500 but does not  
11          exceed \$5,000, a minimum of \$75 and a maximum of \$100.

12          (D-5) When the amount exceeds \$5,000 but does not  
13          exceed \$15,000, a minimum of \$75 and a maximum of \$150.

14          (E) For the exercise of eminent domain, \$150. For  
15          each additional lot or tract of land or right or  
16          interest therein subject to be condemned, the damages  
17          in respect to which shall require separate assessment  
18          by a jury, \$150.

19          (F) No fees shall be charged by the clerk to a  
20          petitioner in any order of protection including, but  
21          not limited to, filing, modifying, withdrawing,  
22          certifying, or photocopying petitions for orders of  
23          protection, or for issuing alias summons, or for any  
24          related filing service, certifying, modifying,  
25          vacating, or photocopying any orders of protection.

26         (b) Eviction.

1           In each eviction case when the plaintiff seeks eviction  
2           only or unites with his or her claim for eviction a claim  
3           for rent or damages or both in the amount of \$15,000 or  
4           less, a minimum of \$40 and a maximum of \$75. When the  
5           plaintiff unites his or her claim for eviction with a claim  
6           for rent or damages or both exceeding \$15,000, a minimum of  
7           \$150 and a maximum of \$225.

8           (c) Counterclaim or Joining Third Party Defendant.

9           When any defendant files a counterclaim as part of his  
10          or her answer or otherwise or joins another party as a  
11          third party defendant, or both, the defendant shall pay a  
12          fee for each counterclaim or third party action in an  
13          amount equal to the fee he or she would have had to pay had  
14          he or she brought a separate action for the relief sought  
15          in the counterclaim or against the third party defendant,  
16          less the amount of the appearance fee, if that has been  
17          paid.

18          (d) Confession of Judgment.

19          In a confession of judgment when the amount does not  
20          exceed \$1500, a minimum of \$50 and a maximum of \$60. When  
21          the amount exceeds \$1500, but does not exceed \$5,000, \$75.  
22          When the amount exceeds \$5,000, but does not exceed  
23          \$15,000, \$175. When the amount exceeds \$15,000, a minimum  
24          of \$200 and a maximum of \$250.

25          (e) Appearance.

26          The fee for filing an appearance in each civil case

1 shall be a minimum of \$50 and a maximum of \$75, except as  
2 follows:

3 (A) When the plaintiff in an eviction case seeks  
4 eviction only, a minimum of \$20 and a maximum of \$40.

5 (B) When the amount in the case does not exceed  
6 \$1500, a minimum of \$20 and a maximum of \$40.

7 (C) When the amount in the case exceeds \$1500 but  
8 does not exceed \$15,000, a minimum of \$40 and a maximum  
9 of \$60.

10 (f) Garnishment, Wage Deduction, and Citation.

11 In garnishment affidavit, wage deduction affidavit,  
12 and citation petition when the amount does not exceed  
13 \$1,000, a minimum of \$10 and a maximum of \$15; when the  
14 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
15 of \$20 and a maximum of \$30; and when the amount exceeds  
16 \$5,000, a minimum of \$30 and a maximum of \$50.

17 (g) Petition to Vacate or Modify.

18 (1) Petition to vacate or modify any final judgment or  
19 order of court, except in eviction cases and small claims  
20 cases or a petition to reopen an estate, to modify,  
21 terminate, or enforce a judgment or order for child or  
22 spousal support, or to modify, suspend, or terminate an  
23 order for withholding, if filed before 30 days after the  
24 entry of the judgment or order, a minimum of \$40 and a  
25 maximum of \$50.

26 (2) Petition to vacate or modify any final judgment or



1 order of court, except a petition to modify, terminate, or  
2 enforce a judgment or order for child or spousal support or  
3 to modify, suspend, or terminate an order for withholding,  
4 if filed later than 30 days after the entry of the judgment  
5 or order, a minimum of \$60 and a maximum of \$75.

6 (3) Petition to vacate order of bond forfeiture, a  
7 minimum of \$20 and a maximum of \$40.

8 (h) Mailing.

9 When the clerk is required to mail, the fee will be a  
10 minimum of \$6 and a maximum of \$10, plus the cost of  
11 postage.

12 (i) Certified Copies.

13 Each certified copy of a judgment after the first,  
14 except in small claims and eviction cases, a minimum of \$10  
15 and a maximum of \$15.

16 (j) Habeas Corpus.

17 For filing a petition for relief by habeas corpus, a  
18 minimum of \$80 and a maximum of \$125.

19 (k) Certification, Authentication, and Reproduction.

20 (1) Each certification or authentication for taking  
21 the acknowledgment of a deed or other instrument in writing  
22 with the seal of office, a minimum of \$4 and a maximum of  
23 \$6.

24 (2) Court appeals when original documents are  
25 forwarded, under 100 pages, plus delivery and costs, a  
26 minimum of \$50 and a maximum of \$75.

1           (3) Court appeals when original documents are  
2 forwarded, over 100 pages, plus delivery and costs, a  
3 minimum of \$120 and a maximum of \$150.

4           (4) Court appeals when original documents are  
5 forwarded, over 200 pages, an additional fee of a minimum  
6 of 20 and a maximum of 25 cents per page.

7           (5) For reproduction of any document contained in the  
8 clerk's files:

9                   (A) First page, \$2.

10                   (B) Next 19 pages, 50 cents per page.

11                   (C) All remaining pages, 25 cents per page.

12 (l) Remands.

13           In any cases remanded to the Circuit Court from the  
14 Supreme Court or the Appellate Court for a new trial, the  
15 clerk shall file the remanding order and reinstate the case  
16 with either its original number or a new number. The Clerk  
17 shall not charge any new or additional fee for the  
18 reinstatement. Upon reinstatement the Clerk shall advise  
19 the parties of the reinstatement. A party shall have the  
20 same right to a jury trial on remand and reinstatement as  
21 he or she had before the appeal, and no additional or new  
22 fee or charge shall be made for a jury trial after remand.

23 (m) Record Search.

24           For each record search, within a division or municipal  
25 district, the clerk shall be entitled to a search fee of a  
26 minimum of \$4 and a maximum of \$6 for each year searched.

1 (n) Hard Copy.

2 For each page of hard copy print output, when case  
3 records are maintained on an automated medium, the clerk  
4 shall be entitled to a fee of a minimum of \$4 and a maximum  
5 of \$6.

6 (o) Index Inquiry and Other Records.

7 No fee shall be charged for a single  
8 plaintiff/defendant index inquiry or single case record  
9 inquiry when this request is made in person and the records  
10 are maintained in a current automated medium, and when no  
11 hard copy print output is requested. The fees to be charged  
12 for management records, multiple case records, and  
13 multiple journal records may be specified by the Chief  
14 Judge pursuant to the guidelines for access and  
15 dissemination of information approved by the Supreme  
16 Court.

17 (p) (Blank).

18 (q) Alias Summons.

19 For each alias summons or citation issued by the clerk,  
20 a minimum of \$4 and a maximum of \$5.

21 (r) Other Fees.

22 Any fees not covered in this Section shall be set by  
23 rule or administrative order of the Circuit Court with the  
24 approval of the Administrative Office of the Illinois  
25 Courts.

26 The clerk of the circuit court may provide additional

1 services for which there is no fee specified by statute in  
2 connection with the operation of the clerk's office as may  
3 be requested by the public and agreed to by the clerk and  
4 approved by the chief judge of the circuit court. Any  
5 charges for additional services shall be as agreed to  
6 between the clerk and the party making the request and  
7 approved by the chief judge of the circuit court. Nothing  
8 in this subsection shall be construed to require any clerk  
9 to provide any service not otherwise required by law.

10 (s) Jury Services.

11 The clerk shall be entitled to receive, in addition to  
12 other fees allowed by law, the sum of a minimum of \$192.50  
13 and a maximum of \$212.50, as a fee for the services of a  
14 jury in every civil action not quasi-criminal in its nature  
15 and not a proceeding for the exercise of the right of  
16 eminent domain and in every other action wherein the right  
17 of trial by jury is or may be given by law. The jury fee  
18 shall be paid by the party demanding a jury at the time of  
19 filing the jury demand. If the fee is not paid by either  
20 party, no jury shall be called in the action or proceeding,  
21 and the same shall be tried by the court without a jury.

22 (t) Voluntary Assignment.

23 For filing each deed of voluntary assignment, a minimum  
24 of \$10 and a maximum of \$20; for recording the same, a  
25 minimum of 25¢ and a maximum of 50¢ for each 100 words.  
26 Exceptions filed to claims presented to an assignee of a

1 debtor who has made a voluntary assignment for the benefit  
2 of creditors shall be considered and treated, for the  
3 purpose of taxing costs therein, as actions in which the  
4 party or parties filing the exceptions shall be considered  
5 as party or parties plaintiff, and the claimant or  
6 claimants as party or parties defendant, and those parties  
7 respectively shall pay to the clerk the same fees as  
8 provided by this Section to be paid in other actions.

9 (u) Expungement Petition.

10 The clerk shall be entitled to receive a fee of a  
11 minimum of \$30 and a maximum of \$60 for each expungement  
12 petition filed and an additional fee of a minimum of \$2 and  
13 a maximum of \$4 for each certified copy of an order to  
14 expunge arrest records.

15 (v) Probate.

16 The clerk is entitled to receive the fees specified in  
17 this subsection (v), which shall be paid in advance, except  
18 that, for good cause shown, the court may suspend, reduce,  
19 or release the costs payable under this subsection:

20 (1) For administration of the estate of a decedent  
21 (whether testate or intestate) or of a missing person, a  
22 minimum of \$100 and a maximum of \$150, plus the fees  
23 specified in subsection (v) (3), except:

24 (A) When the value of the real and personal  
25 property does not exceed \$15,000, the fee shall be a  
26 minimum of \$25 and a maximum of \$40.

1 (B) When (i) proof of heirship alone is made, (ii)  
2 a domestic or foreign will is admitted to probate  
3 without administration (including proof of heirship),  
4 or (iii) letters of office are issued for a particular  
5 purpose without administration of the estate, the fee  
6 shall be a minimum of \$25 and a maximum of \$40.

7 (2) For administration of the estate of a ward, a  
8 minimum of \$50 and a maximum of \$75, plus the fees  
9 specified in subsection (v) (3), except:

10 (A) When the value of the real and personal  
11 property does not exceed \$15,000, the fee shall be a  
12 minimum of \$25 and a maximum of \$40.

13 (B) When (i) letters of office are issued to a  
14 guardian of the person or persons, but not of the  
15 estate or (ii) letters of office are issued in the  
16 estate of a ward without administration of the estate,  
17 including filing or joining in the filing of a tax  
18 return or releasing a mortgage or consenting to the  
19 marriage of the ward, the fee shall be a minimum of \$10  
20 and a maximum of \$20.

21 (3) In addition to the fees payable under subsection  
22 (v) (1) or (v) (2) of this Section, the following fees are  
23 payable:

24 (A) For each account (other than one final account)  
25 filed in the estate of a decedent, or ward, a minimum  
26 of \$15 and a maximum of \$25.

1 (B) For filing a claim in an estate when the amount  
2 claimed is \$150 or more but less than \$500, a minimum  
3 of \$10 and a maximum of \$20; when the amount claimed is  
4 \$500 or more but less than \$10,000, a minimum of \$25  
5 and a maximum of \$40; when the amount claimed is  
6 \$10,000 or more, a minimum of \$40 and a maximum of \$60;  
7 provided that the court in allowing a claim may add to  
8 the amount allowed the filing fee paid by the claimant.

9 (C) For filing in an estate a claim, petition, or  
10 supplemental proceeding based upon an action seeking  
11 equitable relief including the construction or contest  
12 of a will, enforcement of a contract to make a will,  
13 and proceedings involving testamentary trusts or the  
14 appointment of testamentary trustees, a minimum of \$40  
15 and a maximum of \$60.

16 (D) For filing in an estate (i) the appearance of  
17 any person for the purpose of consent or (ii) the  
18 appearance of an executor, administrator,  
19 administrator to collect, guardian, guardian ad litem,  
20 or special administrator, no fee.

21 (E) Except as provided in subsection (v) (3) (D),  
22 for filing the appearance of any person or persons, a  
23 minimum of \$10 and a maximum of \$30.

24 (F) For each jury demand, a minimum of \$102.50 and  
25 a maximum of \$137.50.

26 (G) For disposition of the collection of a judgment

1 or settlement of an action or claim for wrongful death  
2 of a decedent or of any cause of action of a ward, when  
3 there is no other administration of the estate, a  
4 minimum of \$30 and a maximum of \$50, less any amount  
5 paid under subsection (v) (1) (B) or (v) (2) (B) except  
6 that if the amount involved does not exceed \$5,000, the  
7 fee, including any amount paid under subsection  
8 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
9 maximum of \$20.

10 (H) For each certified copy of letters of office,  
11 of court order or other certification, a minimum of \$1  
12 and a maximum of \$2, plus a minimum of 50¢ and a  
13 maximum of \$1 per page in excess of 3 pages for the  
14 document certified.

15 (I) For each exemplification, a minimum of \$1 and a  
16 maximum of \$2, plus the fee for certification.

17 (4) The executor, administrator, guardian, petitioner,  
18 or other interested person or his or her attorney shall pay  
19 the cost of publication by the clerk directly to the  
20 newspaper.

21 (5) The person on whose behalf a charge is incurred for  
22 witness, court reporter, appraiser, or other miscellaneous  
23 fee shall pay the same directly to the person entitled  
24 thereto.

25 (6) The executor, administrator, guardian, petitioner,  
26 or other interested person or his attorney shall pay to the



1 clerk all postage charges incurred by the clerk in mailing  
2 petitions, orders, notices, or other documents pursuant to  
3 the provisions of the Probate Act of 1975.

4 (w) Criminal and Quasi-Criminal Costs and Fees.

5 (1) The clerk shall be entitled to costs in all  
6 criminal and quasi-criminal cases from each person  
7 convicted or sentenced to supervision therein as follows:

8 (A) Felony complaints, a minimum of \$80 and a  
9 maximum of \$125.

10 (B) Misdemeanor complaints, a minimum of \$50 and a  
11 maximum of \$75.

12 (C) Business offense complaints, a minimum of \$50  
13 and a maximum of \$75.

14 (D) Petty offense complaints, a minimum of \$50 and  
15 a maximum of \$75.

16 (E) Minor traffic or ordinance violations, \$20.

17 (F) When court appearance required, \$30.

18 (G) Motions to vacate or amend final orders, a  
19 minimum of \$20 and a maximum of \$40.

20 (H) Motions to vacate bond forfeiture orders, a  
21 minimum of \$20 and a maximum of \$30.

22 (I) Motions to vacate ex parte judgments, whenever  
23 filed, a minimum of \$20 and a maximum of \$30.

24 (J) Motions to vacate judgment on forfeitures,  
25 whenever filed, a minimum of \$20 and a maximum of \$25.

26 (K) Motions to vacate "failure to appear" or

1 "failure to comply" notices sent to the Secretary of  
2 State, a minimum of \$20 and a maximum of \$40.

3 (2) In counties having a population of more than  
4 500,000 but fewer than 3,000,000 inhabitants, when the  
5 violation complaint is issued by a municipal police  
6 department, the clerk shall be entitled to costs from each  
7 person convicted therein as follows:

8 (A) Minor traffic or ordinance violations, \$10.

9 (B) When court appearance required, \$15.

10 (3) In ordinance violation cases punishable by fine  
11 only, the clerk of the circuit court shall be entitled to  
12 receive, unless the fee is excused upon a finding by the  
13 court that the defendant is indigent, in addition to other  
14 fees or costs allowed or imposed by law, the sum of a  
15 minimum of \$50 and a maximum of \$112.50 as a fee for the  
16 services of a jury. The jury fee shall be paid by the  
17 defendant at the time of filing his or her jury demand. If  
18 the fee is not so paid by the defendant, no jury shall be  
19 called, and the case shall be tried by the court without a  
20 jury.

21 (x) Transcripts of Judgment.

22 For the filing of a transcript of judgment, the clerk  
23 shall be entitled to the same fee as if it were the  
24 commencement of a new suit.

25 (y) Change of Venue.

26 (1) For the filing of a change of case on a change of

1 venue, the clerk shall be entitled to the same fee as if it  
2 were the commencement of a new suit.

3 (2) The fee for the preparation and certification of a  
4 record on a change of venue to another jurisdiction, when  
5 original documents are forwarded, a minimum of \$25 and a  
6 maximum of \$40.

7 (z) Tax objection complaints.

8 For each tax objection complaint containing one or more  
9 tax objections, regardless of the number of parcels  
10 involved or the number of taxpayers joining in the  
11 complaint, a minimum of \$25 and a maximum of \$50.

12 (aa) Tax Deeds.

13 (1) Petition for tax deed, if only one parcel is  
14 involved, a minimum of \$150 and a maximum of \$250.

15 (2) For each additional parcel, add a fee of a minimum  
16 of \$50 and a maximum of \$100.

17 (bb) Collections.

18 (1) For all collections made of others, except the  
19 State and county and except in maintenance or child support  
20 cases, a sum equal to a minimum of 2.5% and a maximum of  
21 3.0% of the amount collected and turned over.

22 (2) Interest earned on any funds held by the clerk  
23 shall be turned over to the county general fund as an  
24 earning of the office.

25 (3) For any check, draft, or other bank instrument  
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, \$25.

2 (4) In child support and maintenance cases, the clerk,  
3 if authorized by an ordinance of the county board, may  
4 collect an annual fee of up to \$36 from the person making  
5 payment for maintaining child support records and the  
6 processing of support orders to the State of Illinois KIDS  
7 system and the recording of payments issued by the State  
8 Disbursement Unit for the official record of the Court.  
9 This fee shall be in addition to and separate from amounts  
10 ordered to be paid as maintenance or child support and  
11 shall be deposited into a Separate Maintenance and Child  
12 Support Collection Fund, of which the clerk shall be the  
13 custodian, ex officio ~~ex officio~~, to be used by the clerk  
14 to maintain child support orders and record all payments  
15 issued by the State Disbursement Unit for the official  
16 record of the Court. The clerk may recover from the person  
17 making the maintenance or child support payment any  
18 additional cost incurred in the collection of this annual  
19 fee.

20 The clerk shall also be entitled to a fee of \$5 for  
21 certifications made to the Secretary of State as provided  
22 in Section 7-703 of the Family Financial Responsibility Law  
23 and these fees shall also be deposited into the Separate  
24 Maintenance and Child Support Collection Fund.

25 (cc) Corrections of Numbers.

26 For correction of the case number, case title, or

1 attorney computer identification number, if required by  
 2 rule of court, on any document filed in the clerk's office,  
 3 to be charged against the party that filed the document, a  
 4 minimum of \$15 and a maximum of \$25.

5 (dd) Exceptions.

6 The fee requirements of this Section shall not apply to  
 7 police departments or other law enforcement agencies. In  
 8 this Section, "law enforcement agency" means an agency of  
 9 the State or a unit of local government which is vested by  
 10 law or ordinance with the duty to maintain public order and  
 11 to enforce criminal laws or ordinances. "Law enforcement  
 12 agency" also means the Attorney General or any state's  
 13 attorney. The fee requirements of this Section shall not  
 14 apply to any action instituted under subsection (b) of  
 15 Section 11-31-1 of the Illinois Municipal Code by a private  
 16 owner or tenant of real property within 1200 feet of a  
 17 dangerous or unsafe building seeking an order compelling  
 18 the owner or owners of the building to take any of the  
 19 actions authorized under that subsection.

20 The fee requirements of this Section shall not apply to  
 21 the filing of any commitment petition or petition for an  
 22 order authorizing the administration of psychotropic  
 23 medication or electroconvulsive therapy under the Mental  
 24 Health and Developmental Disabilities Code.

25 (ee) Adoptions.

26 (1) For an adoption ..... \$65

1           (2) Upon good cause shown, the court may waive the  
2           adoption filing fee in a special needs adoption. The term  
3           "special needs adoption" shall have the meaning ascribed to  
4           it by the Illinois Department of Children and Family  
5           Services.

6           (ff) Adoption exemptions.

7           No fee other than that set forth in subsection (ee)  
8           shall be charged to any person in connection with an  
9           adoption proceeding nor may any fee be charged for  
10          proceedings for the appointment of a confidential  
11          intermediary under the Adoption Act.

12          (gg) Unpaid fees.

13          Unless a court ordered payment schedule is implemented  
14          or the fee requirements of this Section are waived pursuant  
15          to court order, the clerk of the court may add to any  
16          unpaid fees and costs under this Section a delinquency  
17          amount equal to 5% of the unpaid fees that remain unpaid  
18          after 30 days, 10% of the unpaid fees that remain unpaid  
19          after 60 days, and 15% of the unpaid fees that remain  
20          unpaid after 90 days. Notice to those parties may be made  
21          by signage posting or publication. The additional  
22          delinquency amounts collected under this Section shall be  
23          used to defray additional administrative costs incurred by  
24          the clerk of the circuit court in collecting unpaid fees  
25          and costs.

26          (Source: P.A. 99-859, eff. 8-19-16; 100-173, eff. 1-1-18;

1 revised 10-6-17.)

2 Section 560. The Juvenile Court Act of 1987 is amended by  
3 changing Sections 1-3, 1-7, 2-10, 2-28, and 5-915 as follows:

4 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

5 Sec. 1-3. Definitions. Terms used in this Act, unless the  
6 context otherwise requires, have the following meanings  
7 ascribed to them:

8 (1) "Adjudicatory hearing" means a hearing to determine  
9 whether the allegations of a petition under Section 2-13, 3-15  
10 or 4-12 that a minor under 18 years of age is abused, neglected  
11 or dependent, or requires authoritative intervention, or  
12 addicted, respectively, are supported by a preponderance of the  
13 evidence or whether the allegations of a petition under Section  
14 5-520 that a minor is delinquent are proved beyond a reasonable  
15 doubt.

16 (2) "Adult" means a person 21 years of age or older.

17 (3) "Agency" means a public or private child care facility  
18 legally authorized or licensed by this State for placement or  
19 institutional care or for both placement and institutional  
20 care.

21 (4) "Association" means any organization, public or  
22 private, engaged in welfare functions which include services to  
23 or on behalf of children but does not include "agency" as  
24 herein defined.

1 (4.05) Whenever a "best interest" determination is  
2 required, the following factors shall be considered in the  
3 context of the child's age and developmental needs:

4 (a) the physical safety and welfare of the child,  
5 including food, shelter, health, and clothing;

6 (b) the development of the child's identity;

7 (c) the child's background and ties, including  
8 familial, cultural, and religious;

9 (d) the child's sense of attachments, including:

10 (i) where the child actually feels love,  
11 attachment, and a sense of being valued (as opposed to  
12 where adults believe the child should feel such love,  
13 attachment, and a sense of being valued);

14 (ii) the child's sense of security;

15 (iii) the child's sense of familiarity;

16 (iv) continuity of affection for the child;

17 (v) the least disruptive placement alternative for  
18 the child;

19 (e) the child's wishes and long-term goals;

20 (f) the child's community ties, including church,  
21 school, and friends;

22 (g) the child's need for permanence which includes the  
23 child's need for stability and continuity of relationships  
24 with parent figures and with siblings and other relatives;

25 (h) the uniqueness of every family and child;

26 (i) the risks attendant to entering and being in



1 substitute care; and

2 (j) the preferences of the persons available to care  
3 for the child.

4 (4.1) "Chronic truant" shall have the definition ascribed  
5 to it in Section 26-2a of the School Code.

6 (5) "Court" means the circuit court in a session or  
7 division assigned to hear proceedings under this Act.

8 (6) "Dispositional hearing" means a hearing to determine  
9 whether a minor should be adjudged to be a ward of the court,  
10 and to determine what order of disposition should be made in  
11 respect to a minor adjudged to be a ward of the court.

12 (7) "Emancipated minor" means any minor 16 years of age or  
13 over who has been completely or partially emancipated under the  
14 Emancipation of Minors Act or under this Act.

15 (7.05) "Foster parent" includes a relative caregiver  
16 selected by the Department of Children and Family Services to  
17 provide care for the minor.

18 (8) "Guardianship of the person" of a minor means the duty  
19 and authority to act in the best interests of the minor,  
20 subject to residual parental rights and responsibilities, to  
21 make important decisions in matters having a permanent effect  
22 on the life and development of the minor and to be concerned  
23 with his or her general welfare. It includes but is not  
24 necessarily limited to:

25 (a) the authority to consent to marriage, to enlistment  
26 in the armed forces of the United States, or to a major

1 medical, psychiatric, and surgical treatment; to represent  
2 the minor in legal actions; and to make other decisions of  
3 substantial legal significance concerning the minor;

4 (b) the authority and duty of reasonable visitation,  
5 except to the extent that these have been limited in the  
6 best interests of the minor by court order;

7 (c) the rights and responsibilities of legal custody  
8 except where legal custody has been vested in another  
9 person or agency; and

10 (d) the power to consent to the adoption of the minor,  
11 but only if expressly conferred on the guardian in  
12 accordance with Section 2-29, 3-30, or 4-27.

13 (9) "Legal custody" means the relationship created by an  
14 order of court in the best interests of the minor which imposes  
15 on the custodian the responsibility of physical possession of a  
16 minor and the duty to protect, train and discipline him and to  
17 provide him with food, shelter, education and ordinary medical  
18 care, except as these are limited by residual parental rights  
19 and responsibilities and the rights and responsibilities of the  
20 guardian of the person, if any.

21 (9.1) "Mentally capable adult relative" means a person 21  
22 years of age or older who is not suffering from a mental  
23 illness that prevents him or her from providing the care  
24 necessary to safeguard the physical safety and welfare of a  
25 minor who is left in that person's care by the parent or  
26 parents or other person responsible for the minor's welfare.

1           (10) "Minor" means a person under the age of 21 years  
2 subject to this Act.

3           (11) "Parent" means a father or mother of a child and  
4 includes any adoptive parent. It also includes a person (i)  
5 whose parentage is presumed or has been established under the  
6 law of this or another jurisdiction or (ii) who has registered  
7 with the Putative Father Registry in accordance with Section  
8 12.1 of the Adoption Act and whose paternity has not been ruled  
9 out under the law of this or another jurisdiction. It does not  
10 include a parent whose rights in respect to the minor have been  
11 terminated in any manner provided by law. It does not include a  
12 person who has been or could be determined to be a parent under  
13 the Illinois Parentage Act of 1984 or the Illinois Parentage  
14 Act of 2015, or similar parentage law in any other state, if  
15 that person has been convicted of or pled nolo contendere to a  
16 crime that resulted in the conception of the child under  
17 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
18 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
19 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
20 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
22 statute in another jurisdiction unless upon motion of any  
23 party, other than the offender, to the juvenile court  
24 proceedings the court finds it is in the child's best interest  
25 to deem the offender a parent for purposes of the juvenile  
26 court proceedings.

1           (11.1) "Permanency goal" means a goal set by the court as  
2 defined in subdivision (2) of Section 2-28.

3           (11.2) "Permanency hearing" means a hearing to set the  
4 permanency goal and to review and determine (i) the  
5 appropriateness of the services contained in the plan and  
6 whether those services have been provided, (ii) whether  
7 reasonable efforts have been made by all the parties to the  
8 service plan to achieve the goal, and (iii) whether the plan  
9 and goal have been achieved.

10          (12) "Petition" means the petition provided for in Section  
11 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
12 thereunder in Section 3-15, 4-12 or 5-520.

13          (12.1) "Physically capable adult relative" means a person  
14 21 years of age or older who does not have a severe physical  
15 disability or medical condition, or is not suffering from  
16 alcoholism or drug addiction, that prevents him or her from  
17 providing the care necessary to safeguard the physical safety  
18 and welfare of a minor who is left in that person's care by the  
19 parent or parents or other person responsible for the minor's  
20 welfare.

21          (12.2) "Post Permanency Sibling Contact Agreement" has the  
22 meaning ascribed to the term in Section 7.4 of the Children and  
23 Family Services Act.

24          (12.3) "Residential treatment center" means a licensed  
25 setting that provides 24-hour ~~24-hour~~ care to children in a  
26 group home or institution, including a facility licensed as a

1 child care institution under Section 2.06 of the Child Care Act  
2 of 1969, a licensed group home under Section 2.16 of the Child  
3 Care Act of 1969, a secure child care facility as defined in  
4 paragraph (18) of this Section, or any similar facility in  
5 another state. "Residential treatment center" does not include  
6 a relative foster home or a licensed foster family home.

7 (13) "Residual parental rights and responsibilities" means  
8 those rights and responsibilities remaining with the parent  
9 after the transfer of legal custody or guardianship of the  
10 person, including, but not necessarily limited to, the right to  
11 reasonable visitation (which may be limited by the court in the  
12 best interests of the minor as provided in subsection (8) (b) of  
13 this Section), the right to consent to adoption, the right to  
14 determine the minor's religious affiliation, and the  
15 responsibility for his support.

16 (14) "Shelter" means the temporary care of a minor in  
17 physically unrestricting facilities pending court disposition  
18 or execution of court order for placement.

19 (14.05) "Shelter placement" means a temporary or emergency  
20 placement for a minor, including an emergency foster home  
21 placement.

22 (14.1) "Sibling Contact Support Plan" has the meaning  
23 ascribed to the term in Section 7.4 of the Children and Family  
24 Services Act.

25 (15) "Station adjustment" means the informal handling of an  
26 alleged offender by a juvenile police officer.

1           (16) "Ward of the court" means a minor who is so adjudged  
2 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
3 requisite jurisdictional facts, and thus is subject to the  
4 dispositional powers of the court under this Act.

5           (17) "Juvenile police officer" means a sworn police officer  
6 who has completed a Basic Recruit Training Course, has been  
7 assigned to the position of juvenile police officer by his or  
8 her chief law enforcement officer and has completed the  
9 necessary juvenile officers training as prescribed by the  
10 Illinois Law Enforcement Training Standards Board, or in the  
11 case of a State police officer, juvenile officer training  
12 approved by the Director of the Department of State Police.

13           (18) "Secure child care facility" means any child care  
14 facility licensed by the Department of Children and Family  
15 Services to provide secure living arrangements for children  
16 under 18 years of age who are subject to placement in  
17 facilities under the Children and Family Services Act and who  
18 are not subject to placement in facilities for whom standards  
19 are established by the Department of Corrections under Section  
20 3-15-2 of the Unified Code of Corrections. "Secure child care  
21 facility" also means a facility that is designed and operated  
22 to ensure that all entrances and exits from the facility, a  
23 building, or a distinct part of the building are under the  
24 exclusive control of the staff of the facility, whether or not  
25 the child has the freedom of movement within the perimeter of  
26 the facility, building, or distinct part of the building.

1 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;  
2 100-229, eff. 1-1-18; revised 10-10-17.)

3 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

4 Sec. 1-7. Confidentiality of law enforcement and municipal  
5 ordinance violation records.

6 (A) All juvenile records which have not been expunged are  
7 sealed and may never be disclosed to the general public or  
8 otherwise made widely available. Sealed records may be obtained  
9 only under this Section and Sections ~~Section~~ 1-8 and 5-915 of  
10 this Act, when their use is needed for good cause and with an  
11 order from the juvenile court, as required by those not  
12 authorized to retain them. Inspection and copying of law  
13 enforcement records maintained by law enforcement agencies or  
14 records of municipal ordinance violations maintained by any  
15 State, local, or municipal agency that relate to a minor who  
16 has been investigated, arrested, or taken into custody before  
17 his or her 18th birthday shall be restricted to the following:

18 (1) Any local, State, or federal law enforcement  
19 officers of any jurisdiction or agency when necessary for  
20 the discharge of their official duties during the  
21 investigation or prosecution of a crime or relating to a  
22 minor who has been adjudicated delinquent and there has  
23 been a previous finding that the act which constitutes the  
24 previous offense was committed in furtherance of criminal  
25 activities by a criminal street gang, or, when necessary

1 for the discharge of its official duties in connection with  
2 a particular investigation of the conduct of a law  
3 enforcement officer, an independent agency or its staff  
4 created by ordinance and charged by a unit of local  
5 government with the duty of investigating the conduct of  
6 law enforcement officers. For purposes of this Section,  
7 "criminal street gang" has the meaning ascribed to it in  
8 Section 10 of the Illinois Streetgang Terrorism Omnibus  
9 Prevention Act.

10 (2) Prosecutors, probation officers, social workers,  
11 or other individuals assigned by the court to conduct a  
12 pre-adjudication or pre-disposition investigation, and  
13 individuals responsible for supervising or providing  
14 temporary or permanent care and custody for minors pursuant  
15 to the order of the juvenile court, when essential to  
16 performing their responsibilities.

17 (3) Prosecutors and probation officers:

18 (a) in the course of a trial when institution of  
19 criminal proceedings has been permitted or required  
20 under Section 5-805; or

21 (b) when institution of criminal proceedings has  
22 been permitted or required under Section 5-805 and such  
23 minor is the subject of a proceeding to determine the  
24 amount of bail; or

25 (c) when criminal proceedings have been permitted  
26 or required under Section 5-805 and such minor is the



1 subject of a pre-trial investigation, pre-sentence  
2 investigation, fitness hearing, or proceedings on an  
3 application for probation.

4 (4) Adult and Juvenile Prisoner Review Board.

5 (5) Authorized military personnel.

6 (6) Persons engaged in bona fide research, with the  
7 permission of the Presiding Judge of the Juvenile Court and  
8 the chief executive of the respective law enforcement  
9 agency; provided that publication of such research results  
10 in no disclosure of a minor's identity and protects the  
11 confidentiality of the minor's record.

12 (7) Department of Children and Family Services child  
13 protection investigators acting in their official  
14 capacity.

15 (8) The appropriate school official only if the agency  
16 or officer believes that there is an imminent threat of  
17 physical harm to students, school personnel, or others who  
18 are present in the school or on school grounds.

19 (A) Inspection and copying shall be limited to law  
20 enforcement records transmitted to the appropriate  
21 school official or officials whom the school has  
22 determined to have a legitimate educational or safety  
23 interest by a local law enforcement agency under a  
24 reciprocal reporting system established and maintained  
25 between the school district and the local law  
26 enforcement agency under Section 10-20.14 of the

1 School Code concerning a minor enrolled in a school  
2 within the school district who has been arrested or  
3 taken into custody for any of the following offenses:

4 (i) any violation of Article 24 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012;

6 (ii) a violation of the Illinois Controlled  
7 Substances Act;

8 (iii) a violation of the Cannabis Control Act;

9 (iv) a forcible felony as defined in Section  
10 2-8 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012;

12 (v) a violation of the Methamphetamine Control  
13 and Community Protection Act;

14 (vi) a violation of Section 1-2 of the  
15 Harassing and Obscene Communications Act;

16 (vii) a violation of the Hazing Act; or

17 (viii) a violation of Section 12-1, 12-2,  
18 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
19 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 The information derived from the law enforcement  
22 records shall be kept separate from and shall not  
23 become a part of the official school record of that  
24 child and shall not be a public record. The information  
25 shall be used solely by the appropriate school official  
26 or officials whom the school has determined to have a

1           legitimate educational or safety interest to aid in the  
2           proper rehabilitation of the child and to protect the  
3           safety of students and employees in the school. If the  
4           designated law enforcement and school officials deem  
5           it to be in the best interest of the minor, the student  
6           may be referred to in-school or community based social  
7           services if those services are available.  
8           "Rehabilitation services" may include interventions by  
9           school support personnel, evaluation for eligibility  
10          for special education, referrals to community-based  
11          agencies such as youth services, behavioral healthcare  
12          service providers, drug and alcohol prevention or  
13          treatment programs, and other interventions as deemed  
14          appropriate for the student.

15           (B) Any information provided to appropriate school  
16          officials whom the school has determined to have a  
17          legitimate educational or safety interest by local law  
18          enforcement officials about a minor who is the subject  
19          of a current police investigation that is directly  
20          related to school safety shall consist of oral  
21          information only, and not written law enforcement  
22          records, and shall be used solely by the appropriate  
23          school official or officials to protect the safety of  
24          students and employees in the school and aid in the  
25          proper rehabilitation of the child. The information  
26          derived orally from the local law enforcement

1 officials shall be kept separate from and shall not  
2 become a part of the official school record of the  
3 child and shall not be a public record. This limitation  
4 on the use of information about a minor who is the  
5 subject of a current police investigation shall in no  
6 way limit the use of this information by prosecutors in  
7 pursuing criminal charges arising out of the  
8 information disclosed during a police investigation of  
9 the minor. For purposes of this paragraph,  
10 "investigation" means an official systematic inquiry  
11 by a law enforcement agency into actual or suspected  
12 criminal activity.

13 (9) Mental health professionals on behalf of the  
14 Illinois Department of Corrections or the Department of  
15 Human Services or prosecutors who are evaluating,  
16 prosecuting, or investigating a potential or actual  
17 petition brought under the Sexually Violent Persons  
18 Commitment Act relating to a person who is the subject of  
19 juvenile law enforcement records or the respondent to a  
20 petition brought under the Sexually Violent Persons  
21 Commitment Act who is the subject of the juvenile law  
22 enforcement records sought. Any records and any  
23 information obtained from those records under this  
24 paragraph (9) may be used only in sexually violent persons  
25 commitment proceedings.

26 (10) The president of a park district. Inspection and

1 copying shall be limited to law enforcement records  
2 transmitted to the president of the park district by the  
3 Illinois State Police under Section 8-23 of the Park  
4 District Code or Section 16a-5 of the Chicago Park District  
5 Act concerning a person who is seeking employment with that  
6 park district and who has been adjudicated a juvenile  
7 delinquent for any of the offenses listed in subsection (c)  
8 of Section 8-23 of the Park District Code or subsection (c)  
9 of Section 16a-5 of the Chicago Park District Act.

10 (B) (1) Except as provided in paragraph (2), no law  
11 enforcement officer or other person or agency may knowingly  
12 transmit to the Department of Corrections or the Department of  
13 State Police or to the Federal Bureau of Investigation any  
14 fingerprint or photograph relating to a minor who has been  
15 arrested or taken into custody before his or her 18th birthday,  
16 unless the court in proceedings under this Act authorizes the  
17 transmission or enters an order under Section 5-805 permitting  
18 or requiring the institution of criminal proceedings.

19 (2) Law enforcement officers or other persons or agencies  
20 shall transmit to the Department of State Police copies of  
21 fingerprints and descriptions of all minors who have been  
22 arrested or taken into custody before their 18th birthday for  
23 the offense of unlawful use of weapons under Article 24 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012, a Class X  
25 or Class 1 felony, a forcible felony as defined in Section 2-8  
26 of the Criminal Code of 1961 or the Criminal Code of 2012, or a

1 Class 2 or greater felony under the Cannabis Control Act, the  
2 Illinois Controlled Substances Act, the Methamphetamine  
3 Control and Community Protection Act, or Chapter 4 of the  
4 Illinois Vehicle Code, pursuant to Section 5 of the Criminal  
5 Identification Act. Information reported to the Department  
6 pursuant to this Section may be maintained with records that  
7 the Department files pursuant to Section 2.1 of the Criminal  
8 Identification Act. Nothing in this Act prohibits a law  
9 enforcement agency from fingerprinting a minor taken into  
10 custody or arrested before his or her 18th birthday for an  
11 offense other than those listed in this paragraph (2).

12 (C) The records of law enforcement officers, or of an  
13 independent agency created by ordinance and charged by a unit  
14 of local government with the duty of investigating the conduct  
15 of law enforcement officers, concerning all minors under 18  
16 years of age must be maintained separate from the records of  
17 arrests and may not be open to public inspection or their  
18 contents disclosed to the public. For purposes of obtaining  
19 documents under this Section, a civil subpoena is not an order  
20 of the court.

21 (1) In cases where the law enforcement, or independent  
22 agency, records concern a pending juvenile court case, the  
23 party seeking to inspect the records shall provide actual  
24 notice to the attorney or guardian ad litem of the minor  
25 whose records are sought.

26 (2) In cases where the records concern a juvenile court

1 case that is no longer pending, the party seeking to  
2 inspect the records shall provide actual notice to the  
3 minor or the minor's parent or legal guardian, and the  
4 matter shall be referred to the chief judge presiding over  
5 matters pursuant to this Act.

6 (3) In determining whether the records should be  
7 available for inspection, the court shall consider the  
8 minor's interest in confidentiality and rehabilitation  
9 over the moving party's interest in obtaining the  
10 information. Any records obtained in violation of this  
11 subsection (C) shall not be admissible in any criminal or  
12 civil proceeding, or operate to disqualify a minor from  
13 subsequently holding public office or securing employment,  
14 or operate as a forfeiture of any public benefit, right,  
15 privilege, or right to receive any license granted by  
16 public authority.

17 (D) Nothing contained in subsection (C) of this Section  
18 shall prohibit the inspection or disclosure to victims and  
19 witnesses of photographs contained in the records of law  
20 enforcement agencies when the inspection and disclosure is  
21 conducted in the presence of a law enforcement officer for the  
22 purpose of the identification or apprehension of any person  
23 subject to the provisions of this Act or for the investigation  
24 or prosecution of any crime.

25 (E) Law enforcement officers, and personnel of an  
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct  
2 of law enforcement officers, may not disclose the identity of  
3 any minor in releasing information to the general public as to  
4 the arrest, investigation or disposition of any case involving  
5 a minor.

6 (F) Nothing contained in this Section shall prohibit law  
7 enforcement agencies from communicating with each other by  
8 letter, memorandum, teletype or intelligence alert bulletin or  
9 other means the identity or other relevant information  
10 pertaining to a person under 18 years of age if there are  
11 reasonable grounds to believe that the person poses a real and  
12 present danger to the safety of the public or law enforcement  
13 officers. The information provided under this subsection (F)  
14 shall remain confidential and shall not be publicly disclosed,  
15 except as otherwise allowed by law.

16 (G) Nothing in this Section shall prohibit the right of a  
17 Civil Service Commission or appointing authority of any state,  
18 county or municipality examining the character and fitness of  
19 an applicant for employment with a law enforcement agency,  
20 correctional institution, or fire department from obtaining  
21 and examining the records of any law enforcement agency  
22 relating to any record of the applicant having been arrested or  
23 taken into custody before the applicant's 18th birthday.

24 (H) The changes made to this Section by Public Act 98-61  
25 apply to law enforcement records of a minor who has been  
26 arrested or taken into custody on or after January 1, 2014 (the



1 effective date of Public Act 98-61).

2 (I) Willful violation of this Section is a Class C  
3 misdemeanor and each violation is subject to a fine of \$1,000.  
4 This subsection (I) shall not apply to the person who is the  
5 subject of the record.

6 (J) A person convicted of violating this Section is liable  
7 for damages in the amount of \$1,000 or actual damages,  
8 whichever is greater.

9 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;  
10 revised 10-5-17.)

11 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

12 Sec. 2-10. Temporary custody hearing. At the appearance of  
13 the minor before the court at the temporary custody hearing,  
14 all witnesses present shall be examined before the court in  
15 relation to any matter connected with the allegations made in  
16 the petition.

17 (1) If the court finds that there is not probable cause to  
18 believe that the minor is abused, neglected or dependent it  
19 shall release the minor and dismiss the petition.

20 (2) If the court finds that there is probable cause to  
21 believe that the minor is abused, neglected or dependent, the  
22 court shall state in writing the factual basis supporting its  
23 finding and the minor, his or her parent, guardian, custodian  
24 and other persons able to give relevant testimony shall be  
25 examined before the court. The Department of Children and

1 Family Services shall give testimony concerning indicated  
2 reports of abuse and neglect, of which they are aware ~~of~~  
3 through the central registry, involving the minor's parent,  
4 guardian or custodian. After such testimony, the court may,  
5 consistent with the health, safety and best interests of the  
6 minor, enter an order that the minor shall be released upon the  
7 request of parent, guardian or custodian if the parent,  
8 guardian or custodian appears to take custody. If it is  
9 determined that a parent's, guardian's, or custodian's  
10 compliance with critical services mitigates the necessity for  
11 removal of the minor from his or her home, the court may enter  
12 an Order of Protection setting forth reasonable conditions of  
13 behavior that a parent, guardian, or custodian must observe for  
14 a specified period of time, not to exceed 12 months, without a  
15 violation; provided, however, that the 12-month period shall  
16 begin anew after any violation. "Custodian" includes the  
17 Department of Children and Family Services, if it has been  
18 given custody of the child, or any other agency of the State  
19 which has been given custody or wardship of the child. If it is  
20 consistent with the health, safety and best interests of the  
21 minor, the court may also prescribe shelter care and order that  
22 the minor be kept in a suitable place designated by the court  
23 or in a shelter care facility designated by the Department of  
24 Children and Family Services or a licensed child welfare  
25 agency; however, on and after January 1, 2015 (the effective  
26 date of Public Act 98-803) and before January 1, 2017, a minor

1 charged with a criminal offense under the Criminal Code of 1961  
2 or the Criminal Code of 2012 or adjudicated delinquent shall  
3 not be placed in the custody of or committed to the Department  
4 of Children and Family Services by any court, except a minor  
5 less than 16 years of age and committed to the Department of  
6 Children and Family Services under Section 5-710 of this Act or  
7 a minor for whom an independent basis of abuse, neglect, or  
8 dependency exists; and on and after January 1, 2017, a minor  
9 charged with a criminal offense under the Criminal Code of 1961  
10 or the Criminal Code of 2012 or adjudicated delinquent shall  
11 not be placed in the custody of or committed to the Department  
12 of Children and Family Services by any court, except a minor  
13 less than 15 years of age and committed to the Department of  
14 Children and Family Services under Section 5-710 of this Act or  
15 a minor for whom an independent basis of abuse, neglect, or  
16 dependency exists. An independent basis exists when the  
17 allegations or adjudication of abuse, neglect, or dependency do  
18 not arise from the same facts, incident, or circumstances which  
19 give rise to a charge or adjudication of delinquency.

20 In placing the minor, the Department or other agency shall,  
21 to the extent compatible with the court's order, comply with  
22 Section 7 of the Children and Family Services Act. In  
23 determining the health, safety and best interests of the minor  
24 to prescribe shelter care, the court must find that it is a  
25 matter of immediate and urgent necessity for the safety and  
26 protection of the minor or of the person or property of another

1 that the minor be placed in a shelter care facility or that he  
2 or she is likely to flee the jurisdiction of the court, and  
3 must further find that reasonable efforts have been made or  
4 that, consistent with the health, safety and best interests of  
5 the minor, no efforts reasonably can be made to prevent or  
6 eliminate the necessity of removal of the minor from his or her  
7 home. The court shall require documentation from the Department  
8 of Children and Family Services as to the reasonable efforts  
9 that were made to prevent or eliminate the necessity of removal  
10 of the minor from his or her home or the reasons why no efforts  
11 reasonably could be made to prevent or eliminate the necessity  
12 of removal. When a minor is placed in the home of a relative,  
13 the Department of Children and Family Services shall complete a  
14 preliminary background review of the members of the minor's  
15 custodian's household in accordance with Section 4.3 of the  
16 Child Care Act of 1969 within 90 days of that placement. If the  
17 minor is ordered placed in a shelter care facility of the  
18 Department of Children and Family Services or a licensed child  
19 welfare agency, the court shall, upon request of the  
20 appropriate Department or other agency, appoint the Department  
21 of Children and Family Services Guardianship Administrator or  
22 other appropriate agency executive temporary custodian of the  
23 minor and the court may enter such other orders related to the  
24 temporary custody as it deems fit and proper, including the  
25 provision of services to the minor or his family to ameliorate  
26 the causes contributing to the finding of probable cause or to

1 the finding of the existence of immediate and urgent necessity.

2 Where the Department of Children and Family Services  
3 Guardianship Administrator is appointed as the executive  
4 temporary custodian, the Department of Children and Family  
5 Services shall file with the court and serve on the parties a  
6 parent-child visiting plan, within 10 days, excluding weekends  
7 and holidays, after the appointment. The parent-child visiting  
8 plan shall set out the time and place of visits, the frequency  
9 of visits, the length of visits, who shall be present at the  
10 visits, and where appropriate, the minor's opportunities to  
11 have telephone and mail communication with the parents.

12 Where the Department of Children and Family Services  
13 Guardianship Administrator is appointed as the executive  
14 temporary custodian, and when the child has siblings in care,  
15 the Department of Children and Family Services shall file with  
16 the court and serve on the parties a sibling placement and  
17 contact plan within 10 days, excluding weekends and holidays,  
18 after the appointment. The sibling placement and contact plan  
19 shall set forth whether the siblings are placed together, and  
20 if they are not placed together, what, if any, efforts are  
21 being made to place them together. If the Department has  
22 determined that it is not in a child's best interest to be  
23 placed with a sibling, the Department shall document in the  
24 sibling placement and contact plan the basis for its  
25 determination. For siblings placed separately, the sibling  
26 placement and contact plan shall set the time and place for

1 visits, the frequency of the visits, the length of visits, who  
2 shall be present for the visits, and where appropriate, the  
3 child's opportunities to have contact with their siblings in  
4 addition to in person contact. If the Department determines it  
5 is not in the best interest of a sibling to have contact with a  
6 sibling, the Department shall document in the sibling placement  
7 and contact plan the basis for its determination. The sibling  
8 placement and contact plan shall specify a date for development  
9 of the Sibling Contact Support Plan, under subsection (f) of  
10 Section 7.4 of the Children and Family Services Act, and shall  
11 remain in effect until the Sibling Contact Support Plan is  
12 developed.

13 For good cause, the court may waive the requirement to file  
14 the parent-child visiting plan or the sibling placement and  
15 contact plan, or extend the time for filing either plan. Any  
16 party may, by motion, request the court to review the  
17 parent-child visiting plan to determine whether it is  
18 reasonably calculated to expeditiously facilitate the  
19 achievement of the permanency goal. A party may, by motion,  
20 request the court to review the parent-child visiting plan or  
21 the sibling placement and contact plan to determine whether it  
22 is consistent with the minor's best interest. The court may  
23 refer the parties to mediation where available. The frequency,  
24 duration, and locations of visitation shall be measured by the  
25 needs of the child and family, and not by the convenience of  
26 Department personnel. Child development principles shall be

1 considered by the court in its analysis of how frequent  
2 visitation should be, how long it should last, where it should  
3 take place, and who should be present. If upon motion of the  
4 party to review either plan and after receiving evidence, the  
5 court determines that the parent-child visiting plan is not  
6 reasonably calculated to expeditiously facilitate the  
7 achievement of the permanency goal or that the restrictions  
8 placed on parent-child contact or sibling placement or contact  
9 are contrary to the child's best interests, the court shall put  
10 in writing the factual basis supporting the determination and  
11 enter specific findings based on the evidence. The court shall  
12 enter an order for the Department to implement changes to the  
13 parent-child visiting plan or sibling placement or contact  
14 plan, consistent with the court's findings. At any stage of  
15 proceeding, any party may by motion request the court to enter  
16 any orders necessary to implement the parent-child visiting  
17 plan, sibling placement or contact plan or subsequently  
18 developed Sibling Contact Support Plan. Nothing under this  
19 subsection (2) shall restrict the court from granting  
20 discretionary authority to the Department to increase  
21 opportunities for additional parent-child contacts or sibling  
22 contacts, without further court orders. Nothing in this  
23 subsection (2) shall restrict the Department from immediately  
24 restricting or terminating parent-child contact or sibling  
25 contacts, without either amending the parent-child visiting  
26 plan or the sibling contact plan or obtaining a court order,

1 where the Department or its assigns reasonably believe that  
2 continuation of the contact, as set out in the plan, would be  
3 contrary to the child's health, safety, and welfare. The  
4 Department shall file with the court and serve on the parties  
5 any amendments to the plan within 10 days, excluding weekends  
6 and holidays, of the change of the visitation.

7 Acceptance of services shall not be considered an admission  
8 of any allegation in a petition made pursuant to this Act, nor  
9 may a referral of services be considered as evidence in any  
10 proceeding pursuant to this Act, except where the issue is  
11 whether the Department has made reasonable efforts to reunite  
12 the family. In making its findings that it is consistent with  
13 the health, safety and best interests of the minor to prescribe  
14 shelter care, the court shall state in writing (i) the factual  
15 basis supporting its findings concerning the immediate and  
16 urgent necessity for the protection of the minor or of the  
17 person or property of another and (ii) the factual basis  
18 supporting its findings that reasonable efforts were made to  
19 prevent or eliminate the removal of the minor from his or her  
20 home or that no efforts reasonably could be made to prevent or  
21 eliminate the removal of the minor from his or her home. The  
22 parents, guardian, custodian, temporary custodian and minor  
23 shall each be furnished a copy of such written findings. The  
24 temporary custodian shall maintain a copy of the court order  
25 and written findings in the case record for the child. The  
26 order together with the court's findings of fact in support



1       thereof shall be entered of record in the court.

2               Once the court finds that it is a matter of immediate and  
3       urgent necessity for the protection of the minor that the minor  
4       be placed in a shelter care facility, the minor shall not be  
5       returned to the parent, custodian or guardian until the court  
6       finds that such placement is no longer necessary for the  
7       protection of the minor.

8               If the child is placed in the temporary custody of the  
9       Department of Children and Family Services for his or her  
10      protection, the court shall admonish the parents, guardian,  
11      custodian or responsible relative that the parents must  
12      cooperate with the Department of Children and Family Services,  
13      comply with the terms of the service plans, and correct the  
14      conditions which require the child to be in care, or risk  
15      termination of their parental rights. The court shall ensure,  
16      by inquiring in open court of each parent, guardian, custodian  
17      or responsible relative, that the parent, guardian, custodian  
18      or responsible relative has had the opportunity to provide the  
19      Department with all known names, addresses, and telephone  
20      numbers of each of the minor's living maternal and paternal  
21      adult relatives, including, but not limited to, grandparents,  
22      aunts, uncles, and siblings. The court shall advise the  
23      parents, guardian, custodian or responsible relative to inform  
24      the Department if additional information regarding the minor's  
25      adult relatives becomes available.

26              (3) If prior to the shelter care hearing for a minor

1 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is  
2 unable to serve notice on the party respondent, the shelter  
3 care hearing may proceed ex parte. A shelter care order from an  
4 ex parte hearing shall be endorsed with the date and hour of  
5 issuance and shall be filed with the clerk's office and entered  
6 of record. The order shall expire after 10 days from the time  
7 it is issued unless before its expiration it is renewed, at a  
8 hearing upon appearance of the party respondent, or upon an  
9 affidavit of the moving party as to all diligent efforts to  
10 notify the party respondent by notice as herein prescribed. The  
11 notice prescribed shall be in writing and shall be personally  
12 delivered to the minor or the minor's attorney and to the last  
13 known address of the other person or persons entitled to  
14 notice. The notice shall also state the nature of the  
15 allegations, the nature of the order sought by the State,  
16 including whether temporary custody is sought, and the  
17 consequences of failure to appear and shall contain a notice  
18 that the parties will not be entitled to further written  
19 notices or publication notices of proceedings in this case,  
20 including the filing of an amended petition or a motion to  
21 terminate parental rights, except as required by Supreme Court  
22 Rule 11; and shall explain the right of the parties and the  
23 procedures to vacate or modify a shelter care order as provided  
24 in this Section. The notice for a shelter care hearing shall be  
25 substantially as follows:

26 NOTICE TO PARENTS AND CHILDREN

OF SHELTER CARE HEARING

On ..... at ....., before the Honorable  
 ....., (address:) ....., the State  
 of Illinois will present evidence (1) that (name of child  
 or children) ..... are abused, neglected  
 or dependent for the following reasons:  
 ..... and (2)  
 whether there is "immediate and urgent necessity" to remove  
 the child or children from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 PLACEMENT of the child or children in foster care until a  
 trial can be held. A trial may not be held for up to 90  
 days. You will not be entitled to further notices of  
 proceedings in this case, including the filing of an  
 amended petition or a motion to terminate parental rights.

At the shelter care hearing, parents have the following  
 rights:

1. To ask the court to appoint a lawyer if they  
 cannot afford one.
2. To ask the court to continue the hearing to  
 allow them time to prepare.
3. To present evidence concerning:
  - a. Whether or not the child or children were  
 abused, neglected or dependent.
  - b. Whether or not there is "immediate and  
 urgent necessity" to remove the child from home

1 (including: their ability to care for the child,  
2 conditions in the home, alternative means of  
3 protecting the child other than removal).

4 c. The best interests of the child.

5 4. To cross examine the State's witnesses.

6 The Notice for rehearings shall be substantially as  
7 follows:

8 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
9 TO REHEARING ON TEMPORARY CUSTODY

10 If you were not present at and did not have adequate  
11 notice of the Shelter Care Hearing at which temporary  
12 custody of ..... was awarded to  
13 ....., you have the right to request a full  
14 rehearing on whether the State should have temporary  
15 custody of ..... To request this rehearing,  
16 you must file with the Clerk of the Juvenile Court  
17 (address): ....., in person or by  
18 mailing a statement (affidavit) setting forth the  
19 following:

20 1. That you were not present at the shelter care  
21 hearing.

22 2. That you did not get adequate notice (explaining  
23 how the notice was inadequate).

24 3. Your signature.

25 4. Signature must be notarized.

1           The rehearing should be scheduled within 48 hours of  
2 your filing this affidavit.

3           At the rehearing, your rights are the same as at the  
4 initial shelter care hearing. The enclosed notice explains  
5 those rights.

6           At the Shelter Care Hearing, children have the  
7 following rights:

8                   1. To have a guardian ad litem appointed.

9                   2. To be declared competent as a witness and to  
10 present testimony concerning:

11                           a. Whether they are abused, neglected or  
12 dependent.

13                           b. Whether there is "immediate and urgent  
14 necessity" to be removed from home.

15                           c. Their best interests.

16                   3. To cross examine witnesses for other parties.

17                   4. To obtain an explanation of any proceedings and  
18 orders of the court.

19           (4) If the parent, guardian, legal custodian, responsible  
20 relative, minor age 8 or over, or counsel of the minor did not  
21 have actual notice of or was not present at the shelter care  
22 hearing, he or she may file an affidavit setting forth these  
23 facts, and the clerk shall set the matter for rehearing not  
24 later than 48 hours, excluding Sundays and legal holidays,  
25 after the filing of the affidavit. At the rehearing, the court  
26 shall proceed in the same manner as upon the original hearing.

1           (5) Only when there is reasonable cause to believe that the  
2 minor taken into custody is a person described in subsection  
3 (3) of Section 5-105 may the minor be kept or detained in a  
4 detention home or county or municipal jail. This Section shall  
5 in no way be construed to limit subsection (6).

6           (6) No minor under 16 years of age may be confined in a  
7 jail or place ordinarily used for the confinement of prisoners  
8 in a police station. Minors under 18 years of age must be kept  
9 separate from confined adults and may not at any time be kept  
10 in the same cell, room, or yard with adults confined pursuant  
11 to the criminal law.

12           (7) If the minor is not brought before a judicial officer  
13 within the time period as specified in Section 2-9, the minor  
14 must immediately be released from custody.

15           (8) If neither the parent, guardian or custodian appears  
16 within 24 hours to take custody of a minor released upon  
17 request pursuant to subsection (2) of this Section, then the  
18 clerk of the court shall set the matter for rehearing not later  
19 than 7 days after the original order and shall issue a summons  
20 directed to the parent, guardian or custodian to appear. At the  
21 same time the probation department shall prepare a report on  
22 the minor. If a parent, guardian or custodian does not appear  
23 at such rehearing, the judge may enter an order prescribing  
24 that the minor be kept in a suitable place designated by the  
25 Department of Children and Family Services or a licensed child  
26 welfare agency.

1           (9) Notwithstanding any other provision of this Section any  
2 interested party, including the State, the temporary  
3 custodian, an agency providing services to the minor or family  
4 under a service plan pursuant to Section 8.2 of the Abused and  
5 Neglected Child Reporting Act, foster parent, or any of their  
6 representatives, on notice to all parties entitled to notice,  
7 may file a motion that it is in the best interests of the minor  
8 to modify or vacate a temporary custody order on any of the  
9 following grounds:

10           (a) It is no longer a matter of immediate and urgent  
11 necessity that the minor remain in shelter care; or

12           (b) There is a material change in the circumstances of  
13 the natural family from which the minor was removed and the  
14 child can be cared for at home without endangering the  
15 child's health or safety; or

16           (c) A person not a party to the alleged abuse, neglect  
17 or dependency, 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 and the child can be cared for at home  
24 without endangering the child's health or safety.

25           In ruling on the motion, the court shall determine whether  
26 it is consistent with the health, safety and best interests of

1 the minor to modify or vacate a temporary custody order.

2 The clerk shall set the matter for hearing not later than  
3 14 days after such motion is filed. In the event that the court  
4 modifies or vacates a temporary custody order but does not  
5 vacate its finding of probable cause, the court may order that  
6 appropriate services be continued or initiated in behalf of the  
7 minor and his or her family.

8 (10) When the court finds or has found that there is  
9 probable cause to believe a minor is an abused minor as  
10 described in subsection (2) of Section 2-3 and that there is an  
11 immediate and urgent necessity for the abused minor to be  
12 placed in shelter care, immediate and urgent necessity shall be  
13 presumed for any other minor residing in the same household as  
14 the abused minor provided:

15 (a) Such other minor is the subject of an abuse or  
16 neglect petition pending before the court; and

17 (b) A party to the petition is seeking shelter care for  
18 such other minor.

19 Once the presumption of immediate and urgent necessity has  
20 been raised, the burden of demonstrating the lack of immediate  
21 and urgent necessity shall be on any party that is opposing  
22 shelter care for the other minor.

23 (11) The changes made to this Section by Public Act 98-61  
24 apply to a minor who has been arrested or taken into custody on  
25 or after January 1, 2014 (the effective date of Public Act  
26 98-61).



1 (Source: P.A. 99-625, eff. 1-1-17; 99-642, eff. 7-28-16;  
2 100-159, eff. 8-18-17; revised 10-5-17.)

3 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

4 Sec. 2-28. Court review.

5 (1) The court may require any legal custodian or guardian  
6 of the person appointed under this Act to report periodically  
7 to the court or may cite him into court and require him or his  
8 agency, to make a full and accurate report of his or its doings  
9 in behalf of the minor. The custodian or guardian, within 10  
10 days after such citation, or earlier if the court determines it  
11 to be necessary to protect the health, safety, or welfare of  
12 the minor, shall make the report, either in writing verified by  
13 affidavit or orally under oath in open court, or otherwise as  
14 the court directs. Upon the hearing of the report the court may  
15 remove the custodian or guardian and appoint another in his  
16 stead or restore the minor to the custody of his parents or  
17 former guardian or custodian. However, custody of the minor  
18 shall not be restored to any parent, guardian or legal  
19 custodian in any case in which the minor is found to be  
20 neglected or abused under Section 2-3 or dependent under  
21 Section 2-4 of this Act, unless the minor can be cared for at  
22 home without endangering the minor's health or safety and it is  
23 in the best interests of the minor, and if such neglect, abuse,  
24 or dependency is found by the court under paragraph (1) of  
25 Section 2-21 of this Act to have come about due to the acts or

1 omissions or both of such parent, guardian or legal custodian,  
2 until such time as an investigation is made as provided in  
3 paragraph (5) and a hearing is held on the issue of the fitness  
4 of such parent, guardian or legal custodian to care for the  
5 minor and the court enters an order that such parent, guardian  
6 or legal custodian is fit to care for the minor.

7 (1.5) The public agency that is the custodian or guardian  
8 of the minor shall file a written report with the court no  
9 later than 15 days after a minor in the agency's care remains:

10 (1) in a shelter placement beyond 30 days;

11 (2) in a psychiatric hospital past the time when the  
12 minor is clinically ready for discharge or beyond medical  
13 necessity for the minor's health; or

14 (3) in a detention center or Department of Juvenile  
15 Justice facility solely because the public agency cannot  
16 find an appropriate placement for the minor.

17 The report shall explain the steps the agency is taking to  
18 ensure the minor is placed appropriately, how the minor's needs  
19 are being met in the minor's shelter placement, and if a future  
20 placement has been identified by the Department, why the  
21 anticipated placement is appropriate for the needs of the minor  
22 and the anticipated placement date.

23 (2) The first permanency hearing shall be conducted by the  
24 judge. Subsequent permanency hearings may be heard by a judge  
25 or by hearing officers appointed or approved by the court in  
26 the manner set forth in Section 2-28.1 of this Act. The initial

1 hearing shall be held (a) within 12 months from the date  
2 temporary custody was taken, regardless of whether an  
3 adjudication or dispositional hearing has been completed  
4 within that time frame, (b) if the parental rights of both  
5 parents have been terminated in accordance with the procedure  
6 described in subsection (5) of Section 2-21, within 30 days of  
7 the order for termination of parental rights and appointment of  
8 a guardian with power to consent to adoption, or (c) in  
9 accordance with subsection (2) of Section 2-13.1. Subsequent  
10 permanency hearings shall be held every 6 months or more  
11 frequently if necessary in the court's determination following  
12 the initial permanency hearing, in accordance with the  
13 standards set forth in this Section, until the court determines  
14 that the plan and goal have been achieved. Once the plan and  
15 goal have been achieved, if the minor remains in substitute  
16 care, the case shall be reviewed at least every 6 months  
17 thereafter, subject to the provisions of this Section, unless  
18 the minor is placed in the guardianship of a suitable relative  
19 or other person and the court determines that further  
20 monitoring by the court does not further the health, safety or  
21 best interest of the child and that this is a stable permanent  
22 placement. The permanency hearings must occur within the time  
23 frames set forth in this subsection and may not be delayed in  
24 anticipation of a report from any source or due to the agency's  
25 failure to timely file its written report (this written report  
26 means the one required under the next paragraph and does not

1 mean the service plan also referred to in that paragraph).

2       The public agency that is the custodian or guardian of the  
3 minor, or another agency responsible for the minor's care,  
4 shall ensure that all parties to the permanency hearings are  
5 provided a copy of the most recent service plan prepared within  
6 the prior 6 months at least 14 days in advance of the hearing.  
7 If not contained in the agency's service plan, the agency shall  
8 also include a report setting forth (i) any special physical,  
9 psychological, educational, medical, emotional, or other needs  
10 of the minor or his or her family that are relevant to a  
11 permanency or placement determination and (ii) for any minor  
12 age 16 or over, a written description of the programs and  
13 services that will enable the minor to prepare for independent  
14 living. If not contained in the agency's service plan, the  
15 agency's report shall specify if a minor is placed in a  
16 licensed child care facility under a corrective plan by the  
17 Department due to concerns impacting the minor's safety and  
18 well-being. The report shall explain the steps the Department  
19 is taking to ensure the safety and well-being of the minor and  
20 that the minor's needs are met in the facility. The agency's  
21 written report must detail what progress or lack of progress  
22 the parent has made in correcting the conditions requiring the  
23 child to be in care; whether the child can be returned home  
24 without jeopardizing the child's health, safety, and welfare,  
25 and if not, what permanency goal is recommended to be in the  
26 best interests of the child, and why the other permanency goals

1 are not appropriate. The caseworker must appear and testify at  
2 the permanency hearing. If a permanency hearing has not  
3 previously been scheduled by the court, the moving party shall  
4 move for the setting of a permanency hearing and the entry of  
5 an order within the time frames set forth in this subsection.

6 At the permanency hearing, the court shall determine the  
7 future status of the child. The court shall set one of the  
8 following permanency goals:

9 (A) The minor will be returned home by a specific date  
10 within 5 months.

11 (B) The minor will be in short-term care with a  
12 continued goal to return home within a period not to exceed  
13 one year, where the progress of the parent or parents is  
14 substantial giving particular consideration to the age and  
15 individual needs of the minor.

16 (B-1) The minor will be in short-term care with a  
17 continued goal to return home pending a status hearing.  
18 When the court finds that a parent has not made reasonable  
19 efforts or reasonable progress to date, the court shall  
20 identify what actions the parent and the Department must  
21 take in order to justify a finding of reasonable efforts or  
22 reasonable progress and shall set a status hearing to be  
23 held not earlier than 9 months from the date of  
24 adjudication nor later than 11 months from the date of  
25 adjudication during which the parent's progress will again  
26 be reviewed.

1           (C) The minor will be in substitute care pending court  
2 determination on termination of parental rights.

3           (D) Adoption, provided that parental rights have been  
4 terminated or relinquished.

5           (E) The guardianship of the minor will be transferred  
6 to an individual or couple on a permanent basis provided  
7 that goals (A) through (D) have been ruled out.

8           (F) The minor over age 15 will be in substitute care  
9 pending independence.

10           (G) The minor will be in substitute care because he or  
11 she cannot be provided for in a home environment due to  
12 developmental disabilities or mental illness or because he  
13 or she is a danger to self or others, provided that goals  
14 (A) through (D) have been ruled out.

15           In selecting any permanency goal, the court shall indicate  
16 in writing the reasons the goal was selected and why the  
17 preceding goals were ruled out. Where the court has selected a  
18 permanency goal other than (A), (B), or (B-1), the Department  
19 of Children and Family Services shall not provide further  
20 reunification services, but shall provide services consistent  
21 with the goal selected.

22           (H) Notwithstanding any other provision in this  
23 Section, the court may select the goal of continuing foster  
24 care as a permanency goal if:

25                   (1) The Department of Children and Family Services  
26                   has custody and guardianship of the minor;

1           (2) The court has ruled out all other permanency  
2 goals based on the child's best interest;

3           (3) The court has found compelling reasons, based  
4 on written documentation reviewed by the court, to  
5 place the minor in continuing foster care. Compelling  
6 reasons include:

7           (a) the child does not wish to be adopted or to  
8 be placed in the guardianship of his or her  
9 relative or foster care placement;

10           (b) the child exhibits an extreme level of need  
11 such that the removal of the child from his or her  
12 placement would be detrimental to the child; or

13           (c) the child who is the subject of the  
14 permanency hearing has existing close and strong  
15 bonds with a sibling, and achievement of another  
16 permanency goal would substantially interfere with  
17 the subject child's sibling relationship, taking  
18 into consideration the nature and extent of the  
19 relationship, and whether ongoing contact is in  
20 the subject child's best interest, including  
21 long-term emotional interest, as compared with the  
22 legal and emotional benefit of permanence;

23           (4) The child has lived with the relative or foster  
24 parent for at least one year; and

25           (5) The relative or foster parent currently caring  
26 for the child is willing and capable of providing the

1 child with a stable and permanent environment.

2 The court shall set a permanency goal that is in the best  
3 interest of the child. In determining that goal, the court  
4 shall consult with the minor in an age-appropriate manner  
5 regarding the proposed permanency or transition plan for the  
6 minor. The court's determination shall include the following  
7 factors:

8 (1) Age of the child.

9 (2) Options available for permanence, including both  
10 out-of-State and in-State placement options.

11 (3) Current placement of the child and the intent of  
12 the family regarding adoption.

13 (4) Emotional, physical, and mental status or  
14 condition of the child.

15 (5) Types of services previously offered and whether or  
16 not the services were successful and, if not successful,  
17 the reasons the services failed.

18 (6) Availability of services currently needed and  
19 whether the services exist.

20 (7) Status of siblings of the minor.

21 The court shall consider (i) the permanency goal contained  
22 in the service plan, (ii) the appropriateness of the services  
23 contained in the plan and whether those services have been  
24 provided, (iii) whether reasonable efforts have been made by  
25 all the parties to the service plan to achieve the goal, and  
26 (iv) whether the plan and goal have been achieved. All evidence



1 relevant to determining these questions, including oral and  
2 written reports, may be admitted and may be relied on to the  
3 extent of their probative value.

4 The court shall make findings as to whether, in violation  
5 of Section 8.2 of the Abused and Neglected Child Reporting Act,  
6 any portion of the service plan compels a child or parent to  
7 engage in any activity or refrain from any activity that is not  
8 reasonably related to remedying a condition or conditions that  
9 gave rise or which could give rise to any finding of child  
10 abuse or neglect. The services contained in the service plan  
11 shall include services reasonably related to remedy the  
12 conditions that gave rise to removal of the child from the home  
13 of his or her parents, guardian, or legal custodian or that the  
14 court has found must be remedied prior to returning the child  
15 home. Any tasks the court requires of the parents, guardian, or  
16 legal custodian or child prior to returning the child home,  
17 must be reasonably related to remedying a condition or  
18 conditions that gave rise to or which could give rise to any  
19 finding of child abuse or neglect.

20 If the permanency goal is to return home, the court shall  
21 make findings that identify any problems that are causing  
22 continued placement of the children away from the home and  
23 identify what outcomes would be considered a resolution to  
24 these problems. The court shall explain to the parents that  
25 these findings are based on the information that the court has  
26 at that time and may be revised, should additional evidence be

1 presented to the court.

2 The court shall review the Sibling Contact Support Plan  
3 developed or modified under subsection (f) of Section 7.4 of  
4 the Children and Family Services Act, if applicable. If the  
5 Department has not convened a meeting to develop or modify a  
6 Sibling Contact Support Plan, or if the court finds that the  
7 existing Plan is not in the child's best interest, the court  
8 may enter an order requiring the Department to develop, modify  
9 or implement a Sibling Contact Support Plan, or order  
10 mediation.

11 If the goal has been achieved, the court shall enter orders  
12 that are necessary to conform the minor's legal custody and  
13 status to those findings.

14 If, after receiving evidence, the court determines that the  
15 services contained in the plan are not reasonably calculated to  
16 facilitate achievement of the permanency goal, the court shall  
17 put in writing the factual basis supporting the determination  
18 and enter specific findings based on the evidence. The court  
19 also shall enter an order for the Department to develop and  
20 implement a new service plan or to implement changes to the  
21 current service plan consistent with the court's findings. The  
22 new service plan shall be filed with the court and served on  
23 all parties within 45 days of the date of the order. The court  
24 shall continue the matter until the new service plan is filed.  
25 Except as authorized by subsection (2.5) of this Section and as  
26 otherwise specifically authorized by law, the court is not

1 empowered under this Section to order specific placements,  
2 specific services, or specific service providers to be included  
3 in the service plan.

4 A guardian or custodian appointed by the court pursuant to  
5 this Act shall file updated case plans with the court every 6  
6 months.

7 Rights of wards of the court under this Act are enforceable  
8 against any public agency by complaints for relief by mandamus  
9 filed in any proceedings brought under this Act.

10 (2.5) If, after reviewing the evidence, including evidence  
11 from the Department, the court determines that the minor's  
12 current or planned placement is not necessary or appropriate to  
13 facilitate achievement of the permanency goal, the court shall  
14 put in writing the factual basis supporting its determination  
15 and enter specific findings based on the evidence. If the court  
16 finds that the minor's current or planned placement is not  
17 necessary or appropriate, the court may enter an order  
18 directing the Department to implement a recommendation by the  
19 minor's treating clinician or a clinician contracted by the  
20 Department to evaluate the minor or a recommendation made by  
21 the Department. If the Department places a minor in a placement  
22 under an order entered under this subsection (2.5), the  
23 Department has the authority to remove the minor from that  
24 placement when a change in circumstances necessitates the  
25 removal to protect the minor's health, safety, and best  
26 interest. If the Department determines removal is necessary,

1 the Department shall notify the parties of the planned  
2 placement change in writing no later than 10 days prior to the  
3 implementation of its determination unless remaining in the  
4 placement poses an imminent risk of harm to the minor, in which  
5 case the Department shall notify the parties of the placement  
6 change in writing immediately following the implementation of  
7 its decision. The Department shall notify others of the  
8 decision to change the minor's placement as required by  
9 Department rule.

10 (3) Following the permanency hearing, the court shall enter  
11 a written order that includes the determinations required under  
12 subsection (2) of this Section and sets forth the following:

13 (a) The future status of the minor, including the  
14 permanency goal, and any order necessary to conform the  
15 minor's legal custody and status to such determination; or

16 (b) If the permanency goal of the minor cannot be  
17 achieved immediately, the specific reasons for continuing  
18 the minor in the care of the Department of Children and  
19 Family Services or other agency for short term placement,  
20 and the following determinations:

21 (i) (Blank).

22 (ii) Whether the services required by the court and  
23 by any service plan prepared within the prior 6 months  
24 have been provided and (A) if so, whether the services  
25 were reasonably calculated to facilitate the  
26 achievement of the permanency goal or (B) if not

1 provided, why the services were not provided.

2 (iii) Whether the minor's current or planned  
3 placement ~~current or planned~~ is necessary, and  
4 appropriate to the plan and goal, recognizing the right  
5 of minors to the least restrictive (most family-like)  
6 setting available and in close proximity to the  
7 parents' home consistent with the health, safety, best  
8 interest and special needs of the minor and, if the  
9 minor is placed out-of-State, whether the out-of-State  
10 placement continues to be appropriate and consistent  
11 with the health, safety, and best interest of the  
12 minor.

13 (iv) (Blank).

14 (v) (Blank).

15 (4) The minor or any person interested in the minor may  
16 apply to the court for a change in custody of the minor and the  
17 appointment of a new custodian or guardian of the person or for  
18 the restoration of the minor to the custody of his parents or  
19 former guardian or custodian.

20 When return home is not selected as the permanency goal:

21 (a) The Department, the minor, or the current foster  
22 parent or relative caregiver seeking private guardianship  
23 may file a motion for private guardianship of the minor.  
24 Appointment of a guardian under this Section requires  
25 approval of the court.

26 (b) The State's Attorney may file a motion to terminate

1 parental rights of any parent who has failed to make  
2 reasonable efforts to correct the conditions which led to  
3 the removal of the child or reasonable progress toward the  
4 return of the child, as defined in subdivision (D)(m) of  
5 Section 1 of the Adoption Act or for whom any other  
6 unfitness ground for terminating parental rights as  
7 defined in subdivision (D) of Section 1 of the Adoption Act  
8 exists.

9 When parental rights have been terminated for a minimum  
10 of 3 years and the child who is the subject of the  
11 permanency hearing is 13 years old or older and is not  
12 currently placed in a placement likely to achieve  
13 permanency, the Department of Children and Family Services  
14 shall make reasonable efforts to locate parents whose  
15 rights have been terminated, except when the Court  
16 determines that those efforts would be futile or  
17 inconsistent with the subject child's best interests. The  
18 Department of Children and Family Services shall assess the  
19 appropriateness of the parent whose rights have been  
20 terminated, and shall, as appropriate, foster and support  
21 connections between the parent whose rights have been  
22 terminated and the youth. The Department of Children and  
23 Family Services shall document its determinations and  
24 efforts to foster connections in the child's case plan.

25 Custody of the minor shall not be restored to any parent,  
26 guardian or legal custodian in any case in which the minor is

1 found to be neglected or abused under Section 2-3 or dependent  
2 under Section 2-4 of this Act, unless the minor can be cared  
3 for at home without endangering his or her health or safety and  
4 it is in the best interest of the minor, and if such neglect,  
5 abuse, or dependency is found by the court under paragraph (1)  
6 of Section 2-21 of this Act to have come about due to the acts  
7 or omissions or both of such parent, guardian or legal  
8 custodian, until such time as an investigation is made as  
9 provided in paragraph (5) and a hearing is held on the issue of  
10 the health, safety and best interest of the minor and the  
11 fitness of such parent, guardian or legal custodian to care for  
12 the minor and the court enters an order that such parent,  
13 guardian or legal custodian is fit to care for the minor. In  
14 the event that the minor has attained 18 years of age and the  
15 guardian or custodian petitions the court for an order  
16 terminating his guardianship or custody, guardianship or  
17 custody shall terminate automatically 30 days after the receipt  
18 of the petition unless the court orders otherwise. No legal  
19 custodian or guardian of the person may be removed without his  
20 consent until given notice and an opportunity to be heard by  
21 the court.

22 When the court orders a child restored to the custody of  
23 the parent or parents, the court shall order the parent or  
24 parents to cooperate with the Department of Children and Family  
25 Services and comply with the terms of an after-care plan, or  
26 risk the loss of custody of the child and possible termination

1 of their parental rights. The court may also enter an order of  
2 protective supervision in accordance with Section 2-24.

3 (5) Whenever a parent, guardian, or legal custodian files a  
4 motion for restoration of custody of the minor, and the minor  
5 was adjudicated neglected, abused, or dependent as a result of  
6 physical abuse, the court shall cause to be made an  
7 investigation as to whether the movant has ever been charged  
8 with or convicted of any criminal offense which would indicate  
9 the likelihood of any further physical abuse to the minor.  
10 Evidence of such criminal convictions shall be taken into  
11 account in determining whether the minor can be cared for at  
12 home without endangering his or her health or safety and  
13 fitness of the parent, guardian, or legal custodian.

14 (a) Any agency of this State or any subdivision thereof  
15 shall co-operate with the agent of the court in providing  
16 any information sought in the investigation.

17 (b) The information derived from the investigation and  
18 any conclusions or recommendations derived from the  
19 information shall be provided to the parent, guardian, or  
20 legal custodian seeking restoration of custody prior to the  
21 hearing on fitness and the movant shall have an opportunity  
22 at the hearing to refute the information or contest its  
23 significance.

24 (c) All information obtained from any investigation  
25 shall be confidential as provided in Section 5-150 of this  
26 Act.



1 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;  
2 100-229, eff. 1-1-18; revised 10-10-17.)

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:

7 "Dissemination" or "disseminate" means to publish,  
8 produce, print, manufacture, distribute, sell, lease,  
9 exhibit, broadcast, display, transmit, or otherwise share  
10 information in any format so as to make the information  
11 accessible to others.

12 "Expunge" means to physically destroy the records and  
13 to obliterate the minor's name and juvenile court records  
14 from any official index, public record, or electronic  
15 database. No evidence of the juvenile court records may be  
16 retained by any law enforcement agency, the juvenile court,  
17 or by any municipal, county, or State agency or department.  
18 Nothing in this Act shall require the physical destruction  
19 of the internal office records, files, or databases  
20 maintained by a State's Attorney's Office or other  
21 prosecutor or by the Office of the Secretary of State.

22 "Juvenile court record" includes, but is not limited  
23 to:

24 (a) all documents filed in or maintained by the  
25 juvenile court pertaining to a specific incident,

1 proceeding, or individual;

2 (b) all documents relating to a specific incident,  
3 proceeding, or individual made available to or maintained  
4 by probation officers;

5 (c) all documents, video or audio tapes,  
6 photographs, and exhibits admitted into evidence at  
7 juvenile court hearings; or

8 (d) all documents, transcripts, records, reports  
9 or other evidence prepared by, maintained by, or released  
10 by any municipal, county, or State ~~state~~ agency or  
11 department, in any format, if indicating involvement with  
12 the juvenile court relating to a specific incident,  
13 proceeding, or individual.

14 "Law enforcement record" includes, but is not limited  
15 to, records of arrest, station adjustments, fingerprints,  
16 probation adjustments, the issuance of a notice to appear,  
17 or any other records or documents maintained by any law  
18 enforcement agency relating to a minor suspected of  
19 committing an offense or evidence of interaction with law  
20 enforcement.

21 (0.1) (a) The Department of State Police and all law  
22 enforcement agencies within the State shall automatically  
23 expunge, on or before January 1 of each year, all law  
24 enforcement records relating to events occurring before an  
25 individual's 18th birthday if:

26 (1) one year or more has elapsed since the date of the

1           arrest or law enforcement interaction documented in the  
2           records;

3           (2) no petition for delinquency or criminal charges  
4           were filed with the clerk of the circuit court relating to  
5           the arrest or law enforcement interaction documented in the  
6           records; and

7           (3) 6 months have elapsed without an additional  
8           subsequent arrest or filing of a petition for delinquency  
9           or criminal charges whether related or not to the arrest or  
10          law enforcement interaction documented in the records.

11          (b) If the law enforcement agency is unable to verify  
12          satisfaction of conditions (2) and (3) of this subsection  
13          (0.1), records that satisfy condition (1) of this subsection  
14          (0.1) shall be automatically expunged if the records relate to  
15          an offense that if committed by an adult would not be an  
16          offense classified as Class 2 felony or higher, an offense  
17          under Article 11 of the Criminal Code of 1961 or Criminal Code  
18          of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
19          12-15, or 12-16 of the Criminal Code of 1961.

20          (0.2) (a) Upon dismissal of a petition alleging delinquency  
21          or upon a finding of not delinquent, the successful termination  
22          of an order of supervision, or an adjudication for an offense  
23          which would be a Class B misdemeanor, Class C misdemeanor, or a  
24          petty or business offense if committed by an adult, the court  
25          shall automatically order the expungement of the juvenile court  
26          and law enforcement records within 60 business days.

1 (b) If the chief law enforcement officer of the agency, or  
2 his or her designee, certifies in writing that certain  
3 information is needed for a pending investigation involving the  
4 commission of a felony, that information, and information  
5 identifying the juvenile, may be retained in an intelligence  
6 file until the investigation is terminated or for one  
7 additional year, whichever is sooner. Retention of a portion of  
8 a juvenile's law enforcement record does not disqualify the  
9 remainder of his or her record from immediate automatic  
10 expungement.

11 (0.3) (a) Upon an adjudication of delinquency based on any  
12 offense except a disqualified offense, the juvenile court shall  
13 automatically order the expungement of the juvenile records 2  
14 years after the juvenile's case was closed if no delinquency or  
15 criminal proceeding is pending and the person has had no  
16 subsequent delinquency adjudication or criminal conviction.  
17 The court shall automatically order the expungement of the  
18 juvenile court and law enforcement records within 60 business  
19 days. For the purposes of this subsection (0.3), "disqualified  
20 offense" means any of the following offenses: Section 8-1.2,  
21 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,  
22 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
23 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,  
24 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,  
25 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,  
26 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,

1 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal  
2 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)  
3 of subsection (a) of Section 11-14.4, subsection (a-5) of  
4 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of  
5 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,  
6 paragraph (1) or (2) of subsection (a) of Section 12-7.4,  
7 subparagraph (i) of paragraph (1) of subsection (a) of Section  
8 12-9, subparagraph (H) of paragraph (3) of subsection (a) of  
9 Section 24-1.6, paragraph (1) of subsection (a) of Section  
10 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code  
11 of 2012.

12 (b) If the chief law enforcement officer of the agency, or  
13 his or her designee, certifies in writing that certain  
14 information is needed for a pending investigation involving the  
15 commission of a felony, that information, and information  
16 identifying the juvenile, may be retained in an intelligence  
17 file until the investigation is terminated or for one  
18 additional year, whichever is sooner. Retention of a portion of  
19 a juvenile's law enforcement record does not disqualify the  
20 remainder of his or her record from immediate automatic  
21 expungement.

22 (1) Nothing in this subsection (1) precludes an eligible  
23 minor from obtaining expungement under subsection ~~subsections~~  
24 (0.1), (0.2), or (0.3). Whenever a person has been arrested,  
25 charged, or adjudicated delinquent for an incident occurring  
26 before his or her 18th birthday that if committed by an adult

1 would be an offense, and that person's records are not eligible  
2 for automatic expungement under subsection ~~subsections~~ (0.1),  
3 (0.2), or (0.3), the person may petition the court at any time  
4 for expungement of law enforcement records and juvenile court  
5 records relating to the incident and, upon termination of all  
6 juvenile court proceedings relating to that incident, the court  
7 shall order the expungement of all records in the possession of  
8 the Department of State Police, the clerk of the circuit court,  
9 and law enforcement agencies relating to the incident, but only  
10 in any of the following circumstances:

11 (a) the minor was arrested and no petition for  
12 delinquency was filed with the clerk of the circuit court;

13 (a-5) the minor was charged with an offense and the  
14 petition or petitions were dismissed without a finding of  
15 delinquency;

16 (b) the minor was charged with an offense and was found  
17 not delinquent of that offense;

18 (c) the minor was placed under supervision pursuant to  
19 Section 5-615, and the order of supervision has since been  
20 successfully terminated; or

21 (d) the minor was adjudicated for an offense which  
22 would be a Class B misdemeanor, Class C misdemeanor, or a  
23 petty or business offense if committed by an adult.

24 (1.5) ~~January 1, 2015 (Public Act 98-637)~~ The Department of  
25 State Police shall allow a person to use the Access and Review  
26 process, established in the Department of State Police, for

1 verifying that his or her law enforcement records relating to  
2 incidents occurring before his or her 18th birthday eligible  
3 under this Act have been expunged.

4 (1.6) (Blank). ~~January 1, 2015 (Public Act 98-637) January~~  
5 ~~1, 2015 (Public Act 98-637)~~

6 (1.7) (Blank).

7 (1.8) (Blank).

8 (2) Any person whose delinquency adjudications are not  
9 eligible for automatic expungement under subsection (0.3) of  
10 this Section may petition the court to expunge all law  
11 enforcement records relating to any incidents occurring before  
12 his or her 18th birthday which did not result in proceedings in  
13 criminal court and all juvenile court records with respect to  
14 any adjudications except those based upon first degree murder  
15 or an offense under Article 11 of the Criminal Code of 2012 if  
16 the person is required to register under the Sex Offender  
17 Registration Act; provided that:

18 (a) (blank); or

19 (b) 2 years have elapsed since all juvenile court  
20 proceedings relating to him or her have been terminated and  
21 his or her commitment to the Department of Juvenile Justice  
22 under this Act has been terminated.

23 (2.5) If a minor is arrested and no petition for  
24 delinquency is filed with the clerk of the circuit court at the  
25 time the minor is released from custody, the youth officer, if  
26 applicable, or other designated person from the arresting

1 agency, shall notify verbally and in writing to the minor or  
2 the minor's parents or guardians that the minor shall have an  
3 arrest record and shall provide the minor and the minor's  
4 parents or guardians with an expungement information packet,  
5 information regarding this State's expungement laws including  
6 a petition to expunge juvenile records obtained from the clerk  
7 of the circuit court.

8 (2.6) If a minor is referred to court then at the time of  
9 sentencing or dismissal of the case, or successful completion  
10 of supervision, the judge shall inform the delinquent minor of  
11 his or her rights regarding expungement and the clerk of the  
12 circuit court shall provide an expungement information packet  
13 to the minor, written in plain language, including information  
14 regarding this State's expungement laws and a petition for  
15 expungement, a sample of a completed petition, expungement  
16 instructions that shall include information informing the  
17 minor that (i) once the case is expunged, it shall be treated  
18 as if it never occurred, (ii) he or she may apply to have  
19 petition fees waived, (iii) once he or she obtains an  
20 expungement, he or she may not be required to disclose that he  
21 or she had a juvenile record, and (iv) if petitioning he or she  
22 may file the petition on his or her own or with the assistance  
23 of an attorney. The failure of the judge to inform the  
24 delinquent minor of his or her right to petition for  
25 expungement as provided by law does not create a substantive  
26 right, nor is that failure grounds for: (i) a reversal of an



1 adjudication of delinquency, (ii) a new trial; or (iii) an  
2 appeal.

3 (2.7) (Blank).

4 (2.8) The petition for expungement for subsection (1) and  
5 (2) may include multiple offenses on the same petition and  
6 shall 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 AND 2))

16 Now comes ....., petitioner, and respectfully requests  
17 that this Honorable Court enter an order expunging all juvenile  
18 law enforcement and court records of petitioner and in support  
19 thereof states that: Petitioner was arrested on ..... by the  
20 ..... Police Department for the offense or offenses of  
21 ....., and:

22 (Check All That Apply:)

23 ( ) a. no petition or petitions were filed with the Clerk of  
24 the Circuit Court.

1 ( ) b. was charged with ..... and was found not delinquent of  
2 the offense or offenses.

3 ( ) c. a petition or petitions were filed and the petition or  
4 petitions were dismissed without a finding of delinquency on  
5 .....

6 ( ) d. on ..... placed under supervision pursuant to Section  
7 5-615 of the Juvenile Court Act of 1987 and such order of  
8 supervision successfully terminated on .....

9 ( ) e. was adjudicated for the offense or offenses, which would  
10 have been a Class B misdemeanor, a Class C misdemeanor, or a  
11 petty offense or business offense if committed by an adult.

12 ( ) f. was adjudicated for a Class A misdemeanor or felony,  
13 except first degree murder or an offense under Article 11 of  
14 the Criminal Code of 2012 if the person is required to register  
15 under the Sex Offender Registration Act, and 2 years have  
16 passed since the case was closed.

17 Petitioner .... has .... has not been arrested on charges in  
18 this or any county other than the charges listed above. If  
19 petitioner has been arrested on additional charges, please list  
20 the charges below:

21 Charge(s): .....

22 Arresting Agency or Agencies: .....

23 Disposition/Result: (choose from a. through f., above): .....

24 WHEREFORE, the petitioner respectfully requests this Honorable  
25 Court to (1) order all law enforcement agencies to expunge all  
26 records of petitioner to this incident or incidents, and (2) to

1 order the Clerk of the Court to expunge all records concerning  
2 the petitioner regarding this incident or incidents.

3 .....  
4 Petitioner (Signature)

5 .....  
6 Petitioner's Street Address

7 .....  
8 City, State, Zip Code

9 .....  
10 Petitioner's Telephone Number

11 Pursuant to the penalties of perjury under the Code of Civil  
12 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
13 statements in this petition are true and correct, or on  
14 information and belief I believe the same to be true.

15 .....  
16 Petitioner (Signature)

17 ~~first degree~~

18 (3) The chief judge of the circuit in which an arrest was  
19 made or a charge was brought or any judge of that circuit  
20 designated by the chief judge may, upon verified petition of a

1 person who is the subject of an arrest or a juvenile court  
2 proceeding under subsection (1) or (2) of this Section, order  
3 the law enforcement records or official court file, or both, to  
4 be expunged from the official records of the arresting  
5 authority, the clerk of the circuit court and the Department of  
6 State Police. The person whose records are to be expunged shall  
7 petition the court using the appropriate form containing his or  
8 her current address and shall promptly notify the clerk of the  
9 circuit court of any change of address. Notice of the petition  
10 shall be served upon the State's Attorney or prosecutor charged  
11 with the duty of prosecuting the offense, the Department of  
12 State Police, and the arresting agency or agencies by the clerk  
13 of the circuit court. If an objection is filed within 45 days  
14 of the notice of the petition, the clerk of the circuit court  
15 shall set a date for hearing after the 45-day objection period.  
16 At the hearing the court shall hear evidence on whether the  
17 expungement should or should not be granted. Unless the State's  
18 Attorney or prosecutor, the Department of State Police, or an  
19 arresting agency objects to the expungement within 45 days of  
20 the notice, the court may enter an order granting expungement.  
21 The clerk shall forward a certified copy of the order to the  
22 Department of State Police and deliver a certified copy of the  
23 order to the arresting agency.

24 (3.1) The Notice of Expungement shall be in substantially  
25 the following form:

26 IN THE CIRCUIT COURT OF ....., ILLINOIS

1   ..... JUDICIAL CIRCUIT

2         IN THE INTEREST OF )         NO.

3   )

4   )

5         .....)

6         (Name of Petitioner)

7   NOTICE

8         TO:   State's Attorney

9         TO:   Arresting Agency

10  
11         .....

12         .....

13  
14         .....

15         .....

16         TO:   Illinois State Police

17  
18         .....

19  
20         .....

21         ATTENTION: Expungement

22         You are hereby notified that on ....., at ....., in courtroom  
23         ..., located at ..., before the Honorable ..., Judge, or any  
24         judge sitting in his/her stead, I shall then and there present

1 a Petition to Expunge Juvenile records in the above-entitled  
2 matter, at which time and place you may appear.

3 .....

4 Petitioner's Signature

5 .....

6 Petitioner's Street Address

7 .....

8 City, State, Zip Code

9 .....

10 Petitioner's Telephone Number

11 PROOF OF SERVICE

12 On the ..... day of ....., 20..., I on oath state that I  
13 served this notice and true and correct copies of the  
14 above-checked documents by:

15 (Check One:)

16 delivering copies personally to each entity to whom they are  
17 directed;

18 or

19 by mailing copies to each entity to whom they are directed by  
20 depositing the same in the U.S. Mail, proper postage fully  
21 prepaid, before the hour of 5:00 p.m., at the United States  
22 Postal Depository located at .....

23 .....

24

25 Signature

26

Clerk of the Circuit Court or Deputy Clerk

1 Printed Name of Delinquent Minor/Petitioner: ....

2 Address: .....

3 Telephone Number: .....

4 (3.2) The Order of Expungement shall be in substantially  
5 the following form:

6 IN THE CIRCUIT COURT OF ....., ILLINOIS

7 ..... JUDICIAL CIRCUIT

8 IN THE INTEREST OF ) NO.

9 )

10 )

11 .....)

12 (Name of Petitioner)

13 DOB .....

14 Arresting Agency/Agencies .....

15 ORDER OF EXPUNGEMENT

16 (705 ILCS 405/5-915 (SUBSECTION 3))

17 This matter having been heard on the petitioner's motion and  
18 the court being fully advised in the premises does find that  
19 the petitioner is indigent or has presented reasonable cause to  
20 waive all costs in this matter, IT IS HEREBY ORDERED that:

21 ( ) 1. Clerk of Court and Department of State Police costs  
22 are hereby waived in this matter.

23 ( ) 2. The Illinois State Police Bureau of Identification  
24 and the following law enforcement agencies expunge all records

1 of petitioner relating to an arrest dated ..... for the  
2 offense of .....

3 Law Enforcement Agencies:  
4 .....  
5 .....

6 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
7 Court expunge all records regarding the above-captioned case.

8 ENTER: .....

9

10 JUDGE

11 DATED: .....

12 Name:

13 Attorney for:

14 Address: City/State/Zip:

15 Attorney Number:

16 (3.3) The Notice of Objection shall be in substantially the  
17 following form:

18 IN THE CIRCUIT COURT OF ....., ILLINOIS  
19 ..... JUDICIAL CIRCUIT

20 IN THE INTEREST OF ) NO.

21 )

22 )

23 .....)

24 (Name of Petitioner)



1  
2  
3  
4  
5  
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26

NOTICE OF OBJECTION

TO: (Attorney, Public Defender, Minor)

.....

.....

TO: (Illinois State Police)

.....

.....

TO: (Clerk of the Court)

.....

.....

TO: (Judge)

.....

.....

TO: (Arresting Agency/Agencies)

.....

.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

- ( ) State's Attorney's Office;
- ( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
- ( ) Department of Illinois State Police; or
- ( ) Arresting Agency or Agencies.

The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement

1 should or should not be granted.

2 DATED: .....

3 Name:

4 Attorney For:

5 Address:

6 City/State/Zip:

7 Telephone:

8 Attorney No.:

9 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

10 This matter has been set for hearing on the foregoing  
11 objection, on ..... in room ....., located at ....., before the  
12 Honorable ....., Judge, or any judge sitting in his/her stead.  
13 (Only one hearing shall be set, regardless of the number of  
14 Notices of Objection received on the same case).

15 A copy of this completed Notice of Objection containing the  
16 court date, time, and location, has been sent via regular U.S.  
17 Mail to the following entities. (If more than one Notice of  
18 Objection is received on the same case, each one must be  
19 completed with the court date, time and location and mailed to  
20 the following entities):

21 ( ) Attorney, Public Defender or Minor;

22 ( ) State's Attorney's Office;

23 ( ) Prosecutor (other than State's Attorney's Office) charged  
24 with the duty of prosecuting the offense sought to be expunged;

25 ( ) Department of Illinois State Police; and

26 ( ) Arresting agency or agencies.

1 Date: .....

2 Initials of Clerk completing this section: .....

3 (4) (a) Upon entry of an order expunging records or files,  
4 the offense, which the records or files concern shall be  
5 treated as if it never occurred. Law enforcement officers and  
6 other public offices and agencies shall properly reply on  
7 inquiry that no record or file exists with respect to the  
8 person.

9 (a-5) Local law enforcement agencies shall send written  
10 notice to the minor of the expungement of any records within 60  
11 days of automatic expungement or the date of service of an  
12 expungement order, whichever applies. If a minor's court file  
13 has been expunged, the clerk of the circuit court shall send  
14 written notice to the minor of the expungement of any records  
15 within 60 days of automatic expungement or the date of service  
16 of an expungement order, whichever applies.

17 (b) Except with respect to authorized military personnel,  
18 an expunged juvenile record may not be considered by any  
19 private or public entity in employment matters, certification,  
20 licensing, revocation of certification or licensure, or  
21 registration. Applications for employment within the State  
22 must contain specific language that states that the applicant  
23 is not obligated to disclose expunged juvenile records of  
24 adjudication or arrest. Employers may not ask, in any format or  
25 context, if an applicant has had a juvenile record expunged.  
26 Information about an expunged record obtained by a potential

1 employer, even inadvertently, from an employment application  
2 that does not contain specific language that states that the  
3 applicant is not obligated to disclose expunged juvenile  
4 records of adjudication or arrest, shall be treated as  
5 dissemination of an expunged record by the employer.

6 (c) A person whose juvenile records have been expunged is  
7 not entitled to remission of any fines, costs, or other money  
8 paid as a consequence of expungement.

9 (5) (Blank).7

10 (5.5) Whether or not expunged, records eligible for  
11 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
12 (0.3) (a) may be treated as expunged by the individual subject  
13 to the records.

14 (6) Nothing in this Section shall be construed to prohibit  
15 the maintenance of information relating to an offense after  
16 records or files concerning the offense have been expunged if  
17 the information is kept in a manner that does not enable  
18 identification of the individual. This information may only be  
19 used for anonymous statistical and bona fide research purposes.

20 (6.5) The Department of State Police or any employee of the  
21 Department shall be immune from civil or criminal liability for  
22 failure to expunge any records of arrest that are subject to  
23 expungement under this Section because of inability to verify a  
24 record. Nothing in this Section shall create Department of  
25 State Police liability or responsibility for the expungement of  
26 law enforcement records it does not possess.

1           (7) (a) The State Appellate Defender shall establish,  
2 maintain, and carry out, by December 31, 2004, a juvenile  
3 expungement program to provide information and assistance to  
4 minors eligible to have their juvenile records expunged.

5           (b) The State Appellate Defender shall develop brochures,  
6 pamphlets, and other materials in printed form and through the  
7 agency's World Wide Web site. The pamphlets and other materials  
8 shall include at a minimum the following information:

9           (i) An explanation of the State's juvenile expungement  
10 laws, including both automatic expungement and expungement  
11 by petition;

12           (ii) The circumstances under which juvenile  
13 expungement may occur;

14           (iii) The juvenile offenses that may be expunged;

15           (iv) The steps necessary to initiate and complete the  
16 juvenile expungement process; and

17           (v) Directions on how to contact the State Appellate  
18 Defender.

19           (c) The State Appellate Defender shall establish and  
20 maintain a statewide toll-free telephone number that a person  
21 may use to receive information or assistance concerning the  
22 expungement of juvenile records. The State Appellate Defender  
23 shall advertise the toll-free telephone number statewide. The  
24 State Appellate Defender shall develop an expungement  
25 information packet that may be sent to eligible persons seeking  
26 expungement of their juvenile records, which may include, but

1 is not limited to, a pre-printed expungement petition with  
2 instructions on how to complete the petition and a pamphlet  
3 containing information that would assist individuals through  
4 the juvenile expungement process.

5 (d) The State Appellate Defender shall compile a statewide  
6 list of volunteer attorneys willing to assist eligible  
7 individuals through the juvenile expungement process.

8 (e) This Section shall be implemented from funds  
9 appropriated by the General Assembly to the State Appellate  
10 Defender for this purpose. The State Appellate Defender shall  
11 employ the necessary staff and adopt the necessary rules for  
12 implementation of this Section.

13 (7.5) (a) Willful dissemination of any information  
14 contained in an expunged record shall be treated as a Class C  
15 misdemeanor and punishable by a fine of \$1,000 per violation.

16 (b) Willful dissemination for financial gain of any  
17 information contained in an expunged record shall be treated as  
18 a Class 4 felony. Dissemination for financial gain by an  
19 employee of any municipal, county, or State agency, including  
20 law enforcement, shall result in immediate termination.

21 (c) The person whose record was expunged has a right of  
22 action against any person who intentionally disseminates an  
23 expunged record. In the proceeding, punitive damages up to an  
24 amount of \$1,000 may be sought in addition to any actual  
25 damages. The prevailing party shall be entitled to costs and  
26 reasonable attorney fees.

1 (d) The punishments for dissemination of an expunged record  
2 shall never apply to the person whose record was expunged.

3 (8) (a) An expunged juvenile record may not be considered by  
4 any private or public entity in employment matters,  
5 certification, licensing, revocation of certification or  
6 licensure, or registration. Applications for employment must  
7 contain specific language that states that the applicant is not  
8 obligated to disclose expunged juvenile records of  
9 adjudication, conviction, or arrest. Employers may not ask if  
10 an applicant has had a juvenile record expunged. Effective  
11 January 1, 2005, the Department of Labor shall develop a link  
12 on the Department's website to inform employers that employers  
13 may not ask if an applicant had a juvenile record expunged and  
14 that application for employment must contain specific language  
15 that states that the applicant is not obligated to disclose  
16 expunged juvenile records of adjudication, arrest, or  
17 conviction.

18 (b) (Blank). ~~Public Act 93-912~~

19 (c) The expungement of juvenile records under subsection  
20 ~~subsections~~ 0.1, 0.2, or 0.3 of this Section shall be funded by  
21 the additional fine imposed under Section 5-9-1.17 of the  
22 Unified Code of Corrections.

23 (9) (Blank).

24 (10) (Blank). ~~Public Act 98-637 Public Act 98-637~~

25 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;  
26 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; revised

1 10-10-17.)

2 Section 565. The Criminal Code of 2012 is amended by  
3 changing Sections 3-5, 3-6, 9-1, 11-9.1, and 12-7.1 as follows:

4 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

5 Sec. 3-5. General limitations.

6 (a) A prosecution for: (1) first degree murder, attempt to  
7 commit first degree murder, second degree murder, involuntary  
8 manslaughter, reckless homicide, ~~or~~ a violation of  
9 subparagraph (F) of paragraph (1) of subsection (d) of Section  
10 11-501 of the Illinois Vehicle Code for the offense of  
11 aggravated driving under the influence of alcohol, other drug  
12 or drugs, or intoxicating compound or compounds, or any  
13 combination thereof when the violation was a proximate cause of  
14 a death, leaving the scene of a motor vehicle accident  
15 involving death or personal injuries under Section 11-401 of  
16 the Illinois Vehicle Code, failing to give information and  
17 render aid under Section 11-403 of the Illinois Vehicle Code,  
18 concealment of homicidal death, treason, arson, residential  
19 arson, aggravated arson, forgery, child pornography under  
20 paragraph (1) of subsection (a) of Section 11-20.1, or  
21 aggravated child pornography under paragraph (1) of subsection  
22 (a) of Section 11-20.1B, or (2) any offense involving sexual  
23 conduct or sexual penetration, as defined by Section 11-0.1 of  
24 this Code in which the DNA profile of the offender is obtained



1 and entered into a DNA database within 10 years after the  
2 commission of the offense, may be commenced at any time. Clause  
3 (2) of this subsection (a) applies if either: (i) the victim  
4 reported the offense to law enforcement authorities within 3  
5 years after the commission of the offense unless a longer  
6 period for reporting the offense to law enforcement authorities  
7 is provided in Section 3-6 or (ii) the victim is murdered  
8 during the course of the offense or within 2 years after the  
9 commission of the offense.

10 (a-5) A prosecution for theft of property exceeding  
11 \$100,000 in value under Section 16-1, identity theft under  
12 subsection (a) of Section 16-30, aggravated identity theft  
13 under subsection (b) of Section 16-30, financial exploitation  
14 of an elderly person or a person with a disability under  
15 Section 17-56; or any offense set forth in Article 16H or  
16 Section 17-10.6 may be commenced within 7 years of the last act  
17 committed in furtherance of the crime.

18 (b) Unless the statute describing the offense provides  
19 otherwise, or the period of limitation is extended by Section  
20 3-6, a prosecution for any offense not designated in subsection  
21 (a) or (a-5) must be commenced within 3 years after the  
22 commission of the offense if it is a felony, or within one year  
23 and 6 months after its commission if it is a misdemeanor.

24 (Source: P.A. 99-820, eff. 8-15-16; 100-149, eff. 1-1-18;  
25 revised 10-5-17.)

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

2 Sec. 3-6. Extended limitations. The period within which a  
3 prosecution must be commenced under the provisions of Section  
4 3-5 or other applicable statute is extended under the following  
5 conditions:

6 (a) A prosecution for theft involving a breach of a  
7 fiduciary obligation to the aggrieved person may be commenced  
8 as follows:

9 (1) If the aggrieved person is a minor or a person  
10 under legal disability, then during the minority or legal  
11 disability or within one year after the termination  
12 thereof.

13 (2) In any other instance, within one year after the  
14 discovery of the offense by an aggrieved person, or by a  
15 person who has legal capacity to represent an aggrieved  
16 person or has a legal duty to report the offense, and is  
17 not himself or herself a party to the offense; or in the  
18 absence of such discovery, within one year after the proper  
19 prosecuting officer becomes aware of the offense. However,  
20 in no such case is the period of limitation so extended  
21 more than 3 years beyond the expiration of the period  
22 otherwise applicable.

23 (b) A prosecution for any offense based upon misconduct in  
24 office by a public officer or employee may be commenced within  
25 one year after discovery of the offense by a person having a  
26 legal duty to report such offense, or in the absence of such

1 discovery, within one year after the proper prosecuting officer  
2 becomes aware of the offense. However, in no such case is the  
3 period of limitation so extended more than 3 years beyond the  
4 expiration of the period otherwise applicable.

5 (b-5) When the victim is under 18 years of age at the time  
6 of the offense, a prosecution for involuntary servitude,  
7 involuntary sexual servitude of a minor, or trafficking in  
8 persons and related offenses under Section 10-9 of this Code  
9 may be commenced within 25 years of the victim attaining the  
10 age of 18 years.

11 (c) (Blank).

12 (d) A prosecution for child pornography, aggravated child  
13 pornography, indecent solicitation of a child, soliciting for a  
14 juvenile prostitute, juvenile pimping, exploitation of a  
15 child, or promoting juvenile prostitution except for keeping a  
16 place of juvenile prostitution may be commenced within one year  
17 of the victim attaining the age of 18 years. However, in no  
18 such case shall the time period for prosecution expire sooner  
19 than 3 years after the commission of the offense.

20 (e) Except as otherwise provided in subdivision (j), a  
21 prosecution for any offense involving sexual conduct or sexual  
22 penetration, as defined in Section 11-0.1 of this Code, where  
23 the defendant was within a professional or fiduciary  
24 relationship or a purported professional or fiduciary  
25 relationship with the victim at the time of the commission of  
26 the offense may be commenced within one year after the

1 discovery of the offense by the victim.

2 (f) A prosecution for any offense set forth in Section 44  
3 of the ~~"Environmental Protection Act", approved June 29, 1970,~~  
4 ~~as amended,~~ may be commenced within 5 years after the discovery  
5 of such an offense by a person or agency having the legal duty  
6 to report the offense or in the absence of such discovery,  
7 within 5 years after the proper prosecuting officer becomes  
8 aware of the offense.

9 (f-5) A prosecution for any offense set forth in Section  
10 16-30 of this Code may be commenced within 5 years after the  
11 discovery of the offense by the victim of that offense.

12 (g) (Blank).

13 (h) (Blank).

14 (i) Except as otherwise provided in subdivision (j), a  
15 prosecution for criminal sexual assault, aggravated criminal  
16 sexual assault, or aggravated criminal sexual abuse may be  
17 commenced within 10 years of the commission of the offense if  
18 the victim reported the offense to law enforcement authorities  
19 within 3 years after the commission of the offense.

20 Nothing in this subdivision (i) shall be construed to  
21 shorten a period within which a prosecution must be commenced  
22 under any other provision of this Section.

23 (i-5) A prosecution for armed robbery, home invasion,  
24 kidnapping, or aggravated kidnaping may be commenced within 10  
25 years of the commission of the offense if it arises out of the  
26 same course of conduct and meets the criteria under one of the

1 offenses in subsection (i) of this Section.

2 (j) (1) When the victim is under 18 years of age at the  
3 time of the offense, a prosecution for criminal sexual assault,  
4 aggravated criminal sexual assault, predatory criminal sexual  
5 assault of a child, aggravated criminal sexual abuse, or felony  
6 criminal sexual abuse may be commenced at any time.

7 (2) When the victim is under 18 years of age at the time of  
8 the offense, a prosecution for failure of a person who is  
9 required to report an alleged or suspected commission of  
10 criminal sexual assault, aggravated criminal sexual assault,  
11 predatory criminal sexual assault of a child, aggravated  
12 criminal sexual abuse, or felony criminal sexual abuse under  
13 the Abused and Neglected Child Reporting Act may be commenced  
14 within 20 years after the child victim attains 18 years of age.

15 (3) When the victim is under 18 years of age at the time of  
16 the offense, a prosecution for misdemeanor criminal sexual  
17 abuse may be commenced within 10 years after the child victim  
18 attains 18 years of age.

19 (4) Nothing in this subdivision (j) shall be construed to  
20 shorten a period within which a prosecution must be commenced  
21 under any other provision of this Section.

22 (j-5) A prosecution for armed robbery, home invasion,  
23 kidnapping, or aggravated kidnaping may be commenced at any  
24 time if it arises out of the same course of conduct and meets  
25 the criteria under one of the offenses in subsection (j) of  
26 this Section.

1 (k) (Blank).

2 (l) A prosecution for any offense set forth in Section 26-4  
3 of this Code may be commenced within one year after the  
4 discovery of the offense by the victim of that offense.

5 (m) The prosecution shall not be required to prove at trial  
6 facts which extend the general limitations in Section 3-5 of  
7 this Code when the facts supporting extension of the period of  
8 general limitations are properly pled in the charging document.  
9 Any challenge relating to the extension of the general  
10 limitations period as defined in this Section shall be  
11 exclusively conducted under Section 114-1 of the Code of  
12 Criminal Procedure of 1963.

13 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;  
14 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.  
15 1-1-18; revised 10-5-17.)

16 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

17 Sec. 9-1. First degree murder; death penalties;  
18 exceptions; separate hearings; proof; findings; appellate  
19 procedures; reversals. ~~First degree Murder — Death penalties —~~  
20 ~~Exceptions — Separate Hearings — Proof — Findings — Appellate~~  
21 ~~procedures — Reversals.~~

22 (a) A person who kills an individual without lawful  
23 justification commits first degree murder if, in performing the  
24 acts which cause the death:

25 (1) he either intends to kill or do great bodily harm

1 to that individual or another, or knows that such acts will  
2 cause death to that individual or another; or

3 (2) he knows that such acts create a strong probability  
4 of death or great bodily harm to that individual or  
5 another; or

6 (3) he is attempting or committing a forcible felony  
7 other than second degree murder.

8 (b) Aggravating Factors. A defendant who at the time of the  
9 commission of the offense has attained the age of 18 or more  
10 and who has been found guilty of first degree murder may be  
11 sentenced to death if:

12 (1) the murdered individual was a peace officer or  
13 fireman killed in the course of performing his official  
14 duties, to prevent the performance of his official duties,  
15 or in retaliation for performing his official duties, and  
16 the defendant knew or should have known that the murdered  
17 individual was a peace officer or fireman; or

18 (2) the murdered individual was an employee of an  
19 institution or facility of the Department of Corrections,  
20 or any similar local correctional agency, killed in the  
21 course of performing his official duties, to prevent the  
22 performance of his official duties, or in retaliation for  
23 performing his official duties, or the murdered individual  
24 was an inmate at such institution or facility and was  
25 killed on the grounds thereof, or the murdered individual  
26 was otherwise present in such institution or facility with

1 the knowledge and approval of the chief administrative  
2 officer thereof; or

3 (3) the defendant has been convicted of murdering two  
4 or more individuals under subsection (a) of this Section or  
5 under any law of the United States or of any state which is  
6 substantially similar to subsection (a) of this Section  
7 regardless of whether the deaths occurred as the result of  
8 the same act or of several related or unrelated acts so  
9 long as the deaths were the result of either an intent to  
10 kill more than one person or of separate acts which the  
11 defendant knew would cause death or create a strong  
12 probability of death or great bodily harm to the murdered  
13 individual or another; or

14 (4) the murdered individual was killed as a result of  
15 the hijacking of an airplane, train, ship, bus or other  
16 public conveyance; or

17 (5) the defendant committed the murder pursuant to a  
18 contract, agreement or understanding by which he was to  
19 receive money or anything of value in return for committing  
20 the murder or procured another to commit the murder for  
21 money or anything of value; or

22 (6) the murdered individual was killed in the course of  
23 another felony if:

24 (a) the murdered individual:

25 (i) was actually killed by the defendant, or

26 (ii) received physical injuries personally



1           inflicted by the defendant substantially  
2           contemporaneously with physical injuries caused by  
3           one or more persons for whose conduct the defendant  
4           is legally accountable under Section 5-2 of this  
5           Code, and the physical injuries inflicted by  
6           either the defendant or the other person or persons  
7           for whose conduct he is legally accountable caused  
8           the death of the murdered individual; and

9           (b) in performing the acts which caused the death  
10          of the murdered individual or which resulted in  
11          physical injuries personally inflicted by the  
12          defendant on the murdered individual under the  
13          circumstances of subdivision (ii) of subparagraph (a)  
14          of paragraph (6) of subsection (b) of this Section, the  
15          defendant acted with the intent to kill the murdered  
16          individual or with the knowledge that his acts created  
17          a strong probability of death or great bodily harm to  
18          the murdered individual or another; and

19          (c) the other felony was an inherently violent  
20          crime or the attempt to commit an inherently violent  
21          crime. In this subparagraph (c), "inherently violent  
22          crime" includes, but is not limited to, armed robbery,  
23          robbery, predatory criminal sexual assault of a child,  
24          aggravated criminal sexual assault, aggravated  
25          kidnapping, aggravated vehicular hijacking, aggravated  
26          arson, aggravated stalking, residential burglary, and

1 home invasion; or

2 (7) the murdered individual was under 12 years of age  
3 and the death resulted from exceptionally brutal or heinous  
4 behavior indicative of wanton cruelty; or

5 (8) the defendant committed the murder with intent to  
6 prevent the murdered individual from testifying or  
7 participating in any criminal investigation or prosecution  
8 or giving material assistance to the State in any  
9 investigation or prosecution, either against the defendant  
10 or another; or the defendant committed the murder because  
11 the murdered individual was a witness in any prosecution or  
12 gave material assistance to the State in any investigation  
13 or prosecution, either against the defendant or another;  
14 for purposes of this paragraph (8), "participating in any  
15 criminal investigation or prosecution" is intended to  
16 include those appearing in the proceedings in any capacity  
17 such as trial judges, prosecutors, defense attorneys,  
18 investigators, witnesses, or jurors; or

19 (9) the defendant, while committing an offense  
20 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
21 407 or 407.1 or subsection (b) of Section 404 of the  
22 Illinois Controlled Substances Act, or while engaged in a  
23 conspiracy or solicitation to commit such offense,  
24 intentionally killed an individual or counseled,  
25 commanded, induced, procured or caused the intentional  
26 killing of the murdered individual; or

1           (10) the defendant was incarcerated in an institution  
2           or facility of the Department of Corrections at the time of  
3           the murder, and while committing an offense punishable as a  
4           felony under Illinois law, or while engaged in a conspiracy  
5           or solicitation to commit such offense, intentionally  
6           killed an individual or counseled, commanded, induced,  
7           procured or caused the intentional killing of the murdered  
8           individual; or

9           (11) the murder was committed in a cold, calculated and  
10          premeditated manner pursuant to a preconceived plan,  
11          scheme or design to take a human life by unlawful means,  
12          and the conduct of the defendant created a reasonable  
13          expectation that the death of a human being would result  
14          therefrom; or

15          (12) the murdered individual was an emergency medical  
16          technician - ambulance, emergency medical technician -  
17          intermediate, emergency medical technician - paramedic,  
18          ambulance driver, or other medical assistance or first aid  
19          personnel, employed by a municipality or other  
20          governmental unit, killed in the course of performing his  
21          official duties, to prevent the performance of his official  
22          duties, or in retaliation for performing his official  
23          duties, and the defendant knew or should have known that  
24          the murdered individual was an emergency medical  
25          technician - ambulance, emergency medical technician -  
26          intermediate, emergency medical technician - paramedic,

1 ambulance driver, or other medical assistance or first aid  
2 personnel; or

3 (13) the defendant was a principal administrator,  
4 organizer, or leader of a calculated criminal drug  
5 conspiracy consisting of a hierarchical position of  
6 authority superior to that of all other members of the  
7 conspiracy, and the defendant counseled, commanded,  
8 induced, procured, or caused the intentional killing of the  
9 murdered person; or

10 (14) the murder was intentional and involved the  
11 infliction of torture. For the purpose of this Section  
12 torture means the infliction of or subjection to extreme  
13 physical pain, motivated by an intent to increase or  
14 prolong the pain, suffering or agony of the victim; or

15 (15) the murder was committed as a result of the  
16 intentional discharge of a firearm by the defendant from a  
17 motor vehicle and the victim was not present within the  
18 motor vehicle; or

19 (16) the murdered individual was 60 years of age or  
20 older and the death resulted from exceptionally brutal or  
21 heinous behavior indicative of wanton cruelty; or

22 (17) the murdered individual was a person with a  
23 disability and the defendant knew or should have known that  
24 the murdered individual was a person with a disability. For  
25 purposes of this paragraph (17), "person with a disability"  
26 means a person who suffers from a permanent physical or

1           mental impairment resulting from disease, an injury, a  
2           functional disorder, or a congenital condition that  
3           renders the person incapable of adequately providing for  
4           his or her own health or personal care; or

5           (18) the murder was committed by reason of any person's  
6           activity as a community policing volunteer or to prevent  
7           any person from engaging in activity as a community  
8           policing volunteer; or

9           (19) the murdered individual was subject to an order of  
10          protection and the murder was committed by a person against  
11          whom the same order of protection was issued under the  
12          Illinois Domestic Violence Act of 1986; or

13          (20) the murdered individual was known by the defendant  
14          to be a teacher or other person employed in any school and  
15          the teacher or other employee is upon the grounds of a  
16          school or grounds adjacent to a school, or is in any part  
17          of a building used for school purposes; or

18          (21) the murder was committed by the defendant in  
19          connection with or as a result of the offense of terrorism  
20          as defined in Section 29D-14.9 of this Code.

21          (b-5) Aggravating Factor; Natural Life Imprisonment. A  
22          defendant who has been found guilty of first degree murder and  
23          who at the time of the commission of the offense had attained  
24          the age of 18 years or more may be sentenced to natural life  
25          imprisonment if (i) the murdered individual was a physician,  
26          physician assistant, psychologist, nurse, or advanced practice

1 registered nurse, (ii) the defendant knew or should have known  
2 that the murdered individual was a physician, physician  
3 assistant, psychologist, nurse, or advanced practice  
4 registered nurse, and (iii) the murdered individual was killed  
5 in the course of acting in his or her capacity as a physician,  
6 physician assistant, psychologist, nurse, or advanced practice  
7 registered nurse, or to prevent him or her from acting in that  
8 capacity, or in retaliation for his or her acting in that  
9 capacity.

10 (c) Consideration of factors in Aggravation and  
11 Mitigation.

12 The court shall consider, or shall instruct the jury to  
13 consider any aggravating and any mitigating factors which are  
14 relevant to the imposition of the death penalty. Aggravating  
15 factors may include but need not be limited to those factors  
16 set forth in subsection (b). Mitigating factors may include but  
17 need not be limited to the following:

18 (1) the defendant has no significant history of prior  
19 criminal activity;

20 (2) the murder was committed while the defendant was  
21 under the influence of extreme mental or emotional  
22 disturbance, although not such as to constitute a defense  
23 to prosecution;

24 (3) the murdered individual was a participant in the  
25 defendant's homicidal conduct or consented to the  
26 homicidal act;

1           (4) the defendant acted under the compulsion of threat  
2           or menace of the imminent infliction of death or great  
3           bodily harm;

4           (5) the defendant was not personally present during  
5           commission of the act or acts causing death;

6           (6) the defendant's background includes a history of  
7           extreme emotional or physical abuse;

8           (7) the defendant suffers from a reduced mental  
9           capacity.

10          Provided, however, that an action that does not otherwise  
11          mitigate first degree murder cannot qualify as a mitigating  
12          factor for first degree murder because of the discovery,  
13          knowledge, or disclosure of the victim's sexual orientation as  
14          defined in Section 1-103 of the Illinois Human Rights Act.

15          (d) Separate sentencing hearing.

16          Where requested by the State, the court shall conduct a  
17          separate sentencing proceeding to determine the existence of  
18          factors set forth in subsection (b) and to consider any  
19          aggravating or mitigating factors as indicated in subsection  
20          (c). The proceeding shall be conducted:

21                 (1) before the jury that determined the defendant's  
22                 guilt; or

23                 (2) before a jury impanelled for the purpose of the  
24                 proceeding if:

25                         A. the defendant was convicted upon a plea of  
26                         guilty; or

1           B. the defendant was convicted after a trial before  
2           the court sitting without a jury; or

3           C. the court for good cause shown discharges the  
4           jury that determined the defendant's guilt; or

5           (3) before the court alone if the defendant waives a  
6           jury for the separate proceeding.

7           (e) Evidence and Argument.

8           During the proceeding any information relevant to any of  
9           the factors set forth in subsection (b) may be presented by  
10          either the State or the defendant under the rules governing the  
11          admission of evidence at criminal trials. Any information  
12          relevant to any additional aggravating factors or any  
13          mitigating factors indicated in subsection (c) may be presented  
14          by the State or defendant regardless of its admissibility under  
15          the rules governing the admission of evidence at criminal  
16          trials. The State and the defendant shall be given fair  
17          opportunity to rebut any information received at the hearing.

18          (f) Proof.

19          The burden of proof of establishing the existence of any of  
20          the factors set forth in subsection (b) is on the State and  
21          shall not be satisfied unless established beyond a reasonable  
22          doubt.

23          (g) Procedure - Jury.

24          If at the separate sentencing proceeding the jury finds  
25          that none of the factors set forth in subsection (b) exists,  
26          the court shall sentence the defendant to a term of



1 imprisonment under Chapter V of the Unified Code of  
2 Corrections. If there is a unanimous finding by the jury that  
3 one or more of the factors set forth in subsection (b) exist,  
4 the jury shall consider aggravating and mitigating factors as  
5 instructed by the court and shall determine whether the  
6 sentence of death shall be imposed. If the jury determines  
7 unanimously, after weighing the factors in aggravation and  
8 mitigation, that death is the appropriate sentence, the court  
9 shall sentence the defendant to death. If the court does not  
10 concur with the jury determination that death is the  
11 appropriate sentence, the court shall set forth reasons in  
12 writing including what facts or circumstances the court relied  
13 upon, along with any relevant documents, that compelled the  
14 court to non-concur with the sentence. This document and any  
15 attachments shall be part of the record for appellate review.  
16 The court shall be bound by the jury's sentencing  
17 determination.

18 If after weighing the factors in aggravation and  
19 mitigation, one or more jurors determines that death is not the  
20 appropriate sentence, the court shall sentence the defendant to  
21 a term of imprisonment under Chapter V of the Unified Code of  
22 Corrections.

23 (h) Procedure - No Jury.

24 In a proceeding before the court alone, if the court finds  
25 that none of the factors found in subsection (b) exists, the  
26 court shall sentence the defendant to a term of imprisonment

1 under Chapter V of the Unified Code of Corrections.

2 If the Court determines that one or more of the factors set  
3 forth in subsection (b) exists, the Court shall consider any  
4 aggravating and mitigating factors as indicated in subsection  
5 (c). If the Court determines, after weighing the factors in  
6 aggravation and mitigation, that death is the appropriate  
7 sentence, the Court shall sentence the defendant to death.

8 If the court finds that death is not the appropriate  
9 sentence, the court shall sentence the defendant to a term of  
10 imprisonment under Chapter V of the Unified Code of  
11 Corrections.

12 (h-5) Decertification as a capital case.

13 In a case in which the defendant has been found guilty of  
14 first degree murder by a judge or jury, or a case on remand for  
15 resentencing, and the State seeks the death penalty as an  
16 appropriate sentence, on the court's own motion or the written  
17 motion of the defendant, the court may decertify the case as a  
18 death penalty case if the court finds that the only evidence  
19 supporting the defendant's conviction is the uncorroborated  
20 testimony of an informant witness, as defined in Section 115-21  
21 of the Code of Criminal Procedure of 1963, concerning the  
22 confession or admission of the defendant or that the sole  
23 evidence against the defendant is a single eyewitness or single  
24 accomplice without any other corroborating evidence. If the  
25 court decertifies the case as a capital case under either of  
26 the grounds set forth above, the court shall issue a written

1 finding. The State may pursue its right to appeal the  
2 decertification pursuant to Supreme Court Rule 604(a)(1). If  
3 the court does not decertify the case as a capital case, the  
4 matter shall proceed to the eligibility phase of the sentencing  
5 hearing.

6 (i) Appellate Procedure.

7 The conviction and sentence of death shall be subject to  
8 automatic review by the Supreme Court. Such review shall be in  
9 accordance with rules promulgated by the Supreme Court. The  
10 Illinois Supreme Court may overturn the death sentence, and  
11 order the imposition of imprisonment under Chapter V of the  
12 Unified Code of Corrections if the court finds that the death  
13 sentence is fundamentally unjust as applied to the particular  
14 case. If the Illinois Supreme Court finds that the death  
15 sentence is fundamentally unjust as applied to the particular  
16 case, independent of any procedural grounds for relief, the  
17 Illinois Supreme Court shall issue a written opinion explaining  
18 this finding.

19 (j) Disposition of reversed death sentence.

20 In the event that the death penalty in this Act is held to  
21 be unconstitutional by the Supreme Court of the United States  
22 or of the State of Illinois, any person convicted of first  
23 degree murder shall be sentenced by the court to a term of  
24 imprisonment under Chapter V of the Unified Code of  
25 Corrections.

26 In the event that any death sentence pursuant to the

1 sentencing provisions of this Section is declared  
2 unconstitutional by the Supreme Court of the United States or  
3 of the State of Illinois, the court having jurisdiction over a  
4 person previously sentenced to death shall cause the defendant  
5 to be brought before the court, and the court shall sentence  
6 the defendant to a term of imprisonment under Chapter V of the  
7 Unified Code of Corrections.

8 (k) Guidelines for seeking the death penalty.

9 The Attorney General and State's Attorneys Association  
10 shall consult on voluntary guidelines for procedures governing  
11 whether or not to seek the death penalty. The guidelines do not  
12 have the force of law and are only advisory in nature.

13 (Source: P.A. 99-143, eff. 7-27-15; 100-460, eff. 1-1-18;  
14 100-513, eff. 1-1-18; revised 10-5-17.)

15 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

16 Sec. 11-9.1. Sexual exploitation of a child.

17 (a) A person commits sexual exploitation of a child if in  
18 the presence or virtual presence, or both, of a child and with  
19 knowledge that a child or one whom he or she believes to be a  
20 child would view his or her acts, that person:

21 (1) engages in a sexual act; or

22 (2) exposes his or her sex organs, anus or breast for  
23 the purpose of sexual arousal or gratification of such  
24 person or the child or one whom he or she believes to be a  
25 child.

1 (a-5) A person commits sexual exploitation of a child who  
2 knowingly entices, coerces, or persuades a child to remove the  
3 child's clothing for the purpose of sexual arousal or  
4 gratification of the person or the child, or both.

5 (b) Definitions. As used in this Section:

6 "Sexual act" means masturbation, sexual conduct or sexual  
7 penetration as defined in Section 11-0.1 of this Code.

8 "Sex offense" means any violation of Article 11 of this  
9 Code or Section 12-5.01 of this Code.

10 "Child" means a person under 17 years of age.

11 "Virtual presence" means an environment that is created  
12 with software and presented to the user and or receiver via the  
13 Internet, in such a way that the user appears in front of the  
14 receiver on the computer monitor or screen or hand-held ~~hand~~  
15 ~~held~~ portable electronic device, usually through a web camming  
16 program. "Virtual presence" includes primarily experiencing  
17 through sight or sound, or both, a video image that can be  
18 explored interactively at a personal computer or hand-held ~~hand~~  
19 ~~held~~ communication device, or both.

20 "Webcam" means a video capturing device connected to a  
21 computer or computer network that is designed to take digital  
22 photographs or live or recorded video which allows for the live  
23 transmission to an end user over the Internet.

24 (c) Sentence.

25 (1) Sexual exploitation of a child is a Class A  
26 misdemeanor. A second or subsequent violation of this

1 Section or a substantially similar law of another state is  
2 a Class 4 felony.

3 (2) Sexual exploitation of a child is a Class 4 felony  
4 if the person has been previously convicted of a sex  
5 offense.

6 (3) Sexual exploitation of a child is a Class 4 felony  
7 if the victim was under 13 years of age at the time of the  
8 commission of the offense.

9 (4) Sexual exploitation of a child is a Class 4 felony  
10 if committed by a person 18 years of age or older who is on  
11 or within 500 feet of elementary or secondary school  
12 grounds when children are present on the grounds.

13 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;  
14 96-1551, eff. 7-1-11; 97-333, eff. 8-12-11; 97-1150, eff.  
15 1-25-13; revised 10-5-17.)

16 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

17 Sec. 12-7.1. Hate crime.

18 (a) A person commits hate crime when, by reason of the  
19 actual or perceived race, color, creed, religion, ancestry,  
20 gender, sexual orientation, physical or mental disability, or  
21 national origin of another individual or group of individuals,  
22 regardless of the existence of any other motivating factor or  
23 factors, he or she commits assault, battery, aggravated  
24 assault, intimidation, stalking, cyberstalking, misdemeanor  
25 theft, criminal trespass to residence, misdemeanor criminal

1 damage to property, criminal trespass to vehicle, criminal  
2 trespass to real property, mob action, disorderly conduct,  
3 transmission of obscene messages, harassment by telephone, or  
4 harassment through electronic communications as these crimes  
5 are defined in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5,  
6 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2,  
7 paragraphs (a)(1), (a)(2), and (a)(3) of Section 12-6, and  
8 paragraphs (a)(2) and (a)(5) of Section 26.5-3 of this Code,  
9 respectively.

10 (b) Except as provided in subsection (b-5), hate crime is a  
11 Class 4 felony for a first offense and a Class 2 felony for a  
12 second or subsequent offense.

13 (b-5) Hate crime is a Class 3 felony for a first offense  
14 and a Class 2 felony for a second or subsequent offense if  
15 committed:

16 (1) in, or upon the exterior or grounds of, a church,  
17 synagogue, mosque, or other building, structure, or place  
18 identified or associated with a particular religion or used  
19 for religious worship or other religious purpose;

20 (2) in a cemetery, mortuary, or other facility used for  
21 the purpose of burial or memorializing the dead;

22 (3) in a school or other educational facility,  
23 including an administrative facility or public or private  
24 dormitory facility of or associated with the school or  
25 other educational facility;

26 (4) in a public park or an ethnic or religious

1 community center;

2 (5) on the real property comprising any location  
3 specified in clauses (1) through (4) of this subsection  
4 (b-5); or

5 (6) on a public way within 1,000 feet of the real  
6 property comprising any location specified in clauses (1)  
7 through (4) of this subsection (b-5).

8 (b-10) Upon imposition of any sentence, the trial court  
9 shall also either order restitution paid to the victim or  
10 impose a fine in an amount to be determined by the court based  
11 on the severity of the crime and the injury or damages suffered  
12 by the victim. In addition, any order of probation or  
13 conditional discharge entered following a conviction or an  
14 adjudication of delinquency shall include a condition that the  
15 offender perform public or community service of no less than  
16 200 hours if that service is established in the county where  
17 the offender was convicted of hate crime. In addition, any  
18 order of probation or conditional discharge entered following a  
19 conviction or an adjudication of delinquency shall include a  
20 condition that the offender enroll in an educational program  
21 discouraging hate crimes involving the protected class  
22 identified in subsection (a) that gave rise to the offense the  
23 offender committed. The educational program must be attended by  
24 the offender in-person and may be administered, as determined  
25 by the court, by a university, college, community college,  
26 non-profit organization, the Illinois Holocaust and Genocide



1 Commission, or any other organization that provides  
2 educational programs discouraging hate crimes, except that  
3 programs administered online or that can otherwise be attended  
4 remotely are prohibited. The court may also impose any other  
5 condition of probation or conditional discharge under this  
6 Section. If the court sentences the offender to imprisonment or  
7 periodic imprisonment for a violation of this Section, as a  
8 condition of the offender's mandatory supervised release, the  
9 court shall require that the offender perform public or  
10 community service of no less than 200 hours and enroll in an  
11 educational program discouraging hate crimes involving the  
12 protected class identified in subsection (a) that gave rise to  
13 the offense the offender committed.

14 (c) Independent of any criminal prosecution or the result  
15 of a criminal prosecution, any person suffering injury to his  
16 or her person, damage to his or her property, intimidation as  
17 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section  
18 12-6 of this Code, stalking as defined in Section 12-7.3 of  
19 this Code, cyberstalking as defined in Section 12-7.5 of this  
20 Code, disorderly conduct as defined in paragraph (a)(1) of  
21 Section 26-1 of this Code, transmission of obscene messages as  
22 defined in Section 26.5-1 of this Code, harassment by telephone  
23 as defined in Section 26.5-2 of this Code, or harassment  
24 through electronic communications as defined in paragraphs  
25 (a)(2) and (a)(5) of Section 26.5-3 of this Code as a result of  
26 a hate crime may bring a civil action for damages, injunction

1 or other appropriate relief. The court may award actual  
2 damages, including damages for emotional distress, as well as  
3 punitive damages. The court may impose a civil penalty up to  
4 \$25,000 for each violation of this subsection (c). A judgment  
5 in favor of a person who brings a civil action under this  
6 subsection (c) shall include attorney's fees and costs. After  
7 consulting with the local State's Attorney, the Attorney  
8 General may bring a civil action in the name of the People of  
9 the State for an injunction or other equitable relief under  
10 this subsection (c). In addition, the Attorney General may  
11 request and the court may impose a civil penalty up to \$25,000  
12 for each violation under this subsection (c). The parents or  
13 legal guardians, other than guardians appointed pursuant to the  
14 Juvenile Court Act or the Juvenile Court Act of 1987, of an  
15 unemancipated minor shall be liable for the amount of any  
16 judgment for all damages rendered against such minor under this  
17 subsection (c) in any amount not exceeding the amount provided  
18 under Section 5 of the Parental Responsibility Law.

19 (d) "Sexual orientation" has the meaning ascribed to it in  
20 paragraph (O-1) of Section 1-103 of the Illinois Human Rights  
21 Act.

22 (Source: P.A. 99-77, eff. 1-1-16; 100-197, eff. 1-1-18;  
23 100-260, eff. 1-1-18; revised 10-5-17.)

24 Section 570. The Cannabis Control Act is amended by  
25 changing Section 14 as follows:

1 (720 ILCS 550/14) (from Ch. 56 1/2, par. 714)

2 Sec. 14. ~~(a)~~ The Director shall cooperate with Federal and  
3 other State agencies in discharging his responsibilities  
4 concerning traffic in cannabis and in suppressing the use of  
5 cannabis. To this end, he may:

6 (1) arrange for the exchange of information among  
7 governmental officials concerning the use of cannabis;

8 (2) coordinate and cooperate in training programs  
9 concerning cannabis law enforcement at local and State  
10 levels;

11 (3) cooperate with the Bureau of Narcotics and  
12 Dangerous Drugs, United States Department of Justice, or  
13 its successor agency; and

14 (4) conduct programs of eradication aimed at  
15 destroying wild illicit growth of plant species from which  
16 cannabis may be extracted.

17 (Source: P.A. 77-758; revised 11-8-17.)

18 Section 575. The Illinois Controlled Substances Act is  
19 amended by changing Sections 102, 204, and 303.05 as follows:

20 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

21 Sec. 102. Definitions. As used in this Act, unless the  
22 context otherwise requires:

23 (a) "Addict" means any person who habitually uses any drug,

1 chemical, substance or dangerous drug other than alcohol so as  
2 to endanger the public morals, health, safety or welfare or who  
3 is so far addicted to the use of a dangerous drug or controlled  
4 substance other than alcohol as to have lost the power of self  
5 control with reference to his or her addiction.

6 (b) "Administer" means the direct application of a  
7 controlled substance, whether by injection, inhalation,  
8 ingestion, or any other means, to the body of a patient,  
9 research subject, or animal (as defined by the Humane  
10 Euthanasia in Animal Shelters Act) by:

11 (1) a practitioner (or, in his or her presence, by his  
12 or her authorized agent),

13 (2) the patient or research subject pursuant to an  
14 order, or

15 (3) a euthanasia technician as defined by the Humane  
16 Euthanasia in Animal Shelters Act.

17 (c) "Agent" means an authorized person who acts on behalf  
18 of or at the direction of a manufacturer, distributor,  
19 dispenser, prescriber, or practitioner. It does not include a  
20 common or contract carrier, public warehouseman or employee of  
21 the carrier or warehouseman.

22 (c-1) "Anabolic Steroids" means any drug or hormonal  
23 substance, chemically and pharmacologically related to  
24 testosterone (other than estrogens, progestins,  
25 corticosteroids, and dehydroepiandrosterone), and includes:

26 (i) 3[beta],17-dihydroxy-5a-androstane,

- 1 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,
- 2 (iii) 5[alpha]-androstan-3,17-dione,
- 3 (iv) 1-androstenediol (3[beta],
- 4 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- 5 (v) 1-androstenediol (3[alpha],
- 6 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- 7 (vi) 4-androstenediol
- 8 (3[beta],17[beta]-dihydroxy-androst-4-ene),
- 9 (vii) 5-androstenediol
- 10 (3[beta],17[beta]-dihydroxy-androst-5-ene),
- 11 (viii) 1-androstenedione
- 12 ([5alpha]-androst-1-en-3,17-dione),
- 13 (ix) 4-androstenedione
- 14 (androst-4-en-3,17-dione),
- 15 (x) 5-androstenedione
- 16 (androst-5-en-3,17-dione),
- 17 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
- 18 hydroxyandrost-4-en-3-one),
- 19 (xii) boldenone (17[beta]-hydroxyandrost-
- 20 1,4,-diene-3-one),
- 21 (xiii) boldione (androsta-1,4-
- 22 diene-3,17-dione),
- 23 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17
- 24 [beta]-hydroxyandrost-4-en-3-one),
- 25 (xv) clostebol (4-chloro-17[beta]-
- 26 hydroxyandrost-4-en-3-one),

- 1 (xvi) dehydrochloromethyltestosterone (4-chloro-  
2 17[beta]-hydroxy-17[alpha]-methyl-  
3 androst-1,4-dien-3-one),  
4 (xvii) desoxymethyltestosterone  
5 (17[alpha]-methyl-5[alpha]  
6 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
7 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
8 '1-testosterone') (17[beta]-hydroxy-  
9 5[alpha]-androst-1-en-3-one),  
10 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
11 androstan-3-one),  
12 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
13 5[alpha]-androstan-3-one),  
14 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
15 hydroxyestr-4-ene),  
16 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
17 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
18 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
19 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
20 (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
21 hydroxyandrostan[2,3-c]-furazan),  
22 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one<sub>→</sub>  
23 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
24 androst-4-en-3-one),  
25 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-  
26 dihydroxy-estr-4-en-3-one),

1 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
2 hydroxy-5-androstan-3-one),  
3 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-  
4 [5a]-androstan-3-one),  
5 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
6 hydroxyandrost-1,4-dien-3-one),  
7 (xxxii) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
8 dihydroxyandrost-5-ene),  
9 (xxxiii) methenolone (1-methyl-17[beta]-hydroxy-  
10 5[alpha]-androst-1-en-3-one),  
11 (xxxiiii) 17[alpha]-methyl-3[beta], 17[beta]-  
12 dihydroxy-5a-androstane),  
13 (xxxv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
14 -5a-androstane),  
15 (xxxvi) 17[alpha]-methyl-3[beta],17[beta]-  
16 dihydroxyandrost-4-ene),  
17 (xxxvii) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
18 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
19 (xxxviii) methyldienolone (17[alpha]-methyl-17[beta]-  
20 hydroxyestra-4,9(10)-dien-3-one),  
21 (xxxix) methyltrienolone (17[alpha]-methyl-17[beta]-  
22 hydroxyestra-4,9-11-trien-3-one),  
23 (xl) methyltestosterone (17[alpha]-methyl-17[beta]-  
24 hydroxyandrost-4-en-3-one),  
25 (xli) mibolerone (7[alpha],17a-dimethyl-17[beta]-  
26 hydroxyestr-4-en-3-one),

- 1 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
2 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
3 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
4 1-testosterone'),  
5 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
6 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
7 dihydroxyestr-4-ene),  
8 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
9 dihydroxyestr-4-ene),  
10 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
11 dihydroxyestr-5-ene),  
12 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
13 dihydroxyestr-5-ene),  
14 (xlvii) 19-nor-4,9(10)-androstadienedione  
15 (estra-4,9(10)-diene-3,17-dione),  
16 (xlviii) 19-nor-4-androstenedione (estr-4-  
17 en-3,17-dione),  
18 (xlix) 19-nor-5-androstenedione (estr-5-  
19 en-3,17-dione),  
20 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
21 hydroxygon-4-en-3-one),  
22 (li) norclostebol (4-chloro-17[beta]-  
23 hydroxyestr-4-en-3-one),  
24 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
25 hydroxyestr-4-en-3-one),  
26 (liii) normethandrolone (17[alpha]-methyl-17[beta]-



- 1 hydroxyestr-4-en-3-one),  
2 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
3 2-oxa-5[alpha]-androst-3-one),  
4 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-  
5 dihydroxyandrost-4-en-3-one),  
6 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-  
7 17[beta]-hydroxy-(5[alpha]-androst-3-one),  
8 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
9 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
10 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
11 (5[alpha]-androst-1-en-3-one),  
12 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
13 secoandrosta-1,4-dien-17-oic  
14 acid lactone),  
15 (lx) testosterone (17[beta]-hydroxyandrost-  
16 4-en-3-one),  
17 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
18 diethyl-17[beta]-hydroxygon-  
19 4,9,11-trien-3-one),  
20 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
21 11-trien-3-one).

22 Any person who is otherwise lawfully in possession of an  
23 anabolic steroid, or who otherwise lawfully manufactures,  
24 distributes, dispenses, delivers, or possesses with intent to  
25 deliver an anabolic steroid, which anabolic steroid is  
26 expressly intended for and lawfully allowed to be administered

1 through implants to livestock or other nonhuman species, and  
2 which is approved by the Secretary of Health and Human Services  
3 for such administration, and which the person intends to  
4 administer or have administered through such implants, shall  
5 not be considered to be in unauthorized possession or to  
6 unlawfully manufacture, distribute, dispense, deliver, or  
7 possess with intent to deliver such anabolic steroid for  
8 purposes of this Act.

9 (d) "Administration" means the Drug Enforcement  
10 Administration, United States Department of Justice, or its  
11 successor agency.

12 (d-5) "Clinical Director, Prescription Monitoring Program"  
13 means a Department of Human Services administrative employee  
14 licensed to either prescribe or dispense controlled substances  
15 who shall run the clinical aspects of the Department of Human  
16 Services Prescription Monitoring Program and its Prescription  
17 Information Library.

18 (d-10) "Compounding" means the preparation and mixing of  
19 components, excluding flavorings, (1) as the result of a  
20 prescriber's prescription drug order or initiative based on the  
21 prescriber-patient-pharmacist relationship in the course of  
22 professional practice or (2) for the purpose of, or incident  
23 to, research, teaching, or chemical analysis and not for sale  
24 or dispensing. "Compounding" includes the preparation of drugs  
25 or devices in anticipation of receiving prescription drug  
26 orders based on routine, regularly observed dispensing

1 patterns. Commercially available products may be compounded  
2 for dispensing to individual patients only if both of the  
3 following conditions are met: (i) the commercial product is not  
4 reasonably available from normal distribution channels in a  
5 timely manner to meet the patient's needs and (ii) the  
6 prescribing practitioner has requested that the drug be  
7 compounded.

8 (e) "Control" means to add a drug or other substance, or  
9 immediate precursor, to a Schedule whether by transfer from  
10 another Schedule or otherwise.

11 (f) "Controlled Substance" means (i) a drug, substance,  
12 immediate precursor, or synthetic drug in the Schedules of  
13 Article II of this Act or (ii) a drug or other substance, or  
14 immediate precursor, designated as a controlled substance by  
15 the Department through administrative rule. The term does not  
16 include distilled spirits, wine, malt beverages, or tobacco, as  
17 those terms are defined or used in the Liquor Control Act of  
18 1934 and the Tobacco Products Tax Act of 1995.

19 (f-5) "Controlled substance analog" means a substance:

20 (1) the chemical structure of which is substantially  
21 similar to the chemical structure of a controlled substance  
22 in Schedule I or II;

23 (2) which has a stimulant, depressant, or  
24 hallucinogenic effect on the central nervous system that is  
25 substantially similar to or greater than the stimulant,  
26 depressant, or hallucinogenic effect on the central

1 nervous system of a controlled substance in Schedule I or  
2 II; or

3 (3) with respect to a particular person, which such  
4 person represents or intends to have a stimulant,  
5 depressant, or hallucinogenic effect on the central  
6 nervous system that is substantially similar to or greater  
7 than the stimulant, depressant, or hallucinogenic effect  
8 on the central nervous system of a controlled substance in  
9 Schedule I or II.

10 (g) "Counterfeit substance" means a controlled substance,  
11 which, or the container or labeling of which, without  
12 authorization bears the trademark, trade name, or other  
13 identifying mark, imprint, number or device, or any likeness  
14 thereof, of a manufacturer, distributor, or dispenser other  
15 than the person who in fact manufactured, distributed, or  
16 dispensed the substance.

17 (h) "Deliver" or "delivery" means the actual, constructive  
18 or attempted transfer of possession of a controlled substance,  
19 with or without consideration, whether or not there is an  
20 agency relationship.

21 (i) "Department" means the Illinois Department of Human  
22 Services (as successor to the Department of Alcoholism and  
23 Substance Abuse) or its successor agency.

24 (j) (Blank).

25 (k) "Department of Corrections" means the Department of  
26 Corrections of the State of Illinois or its successor agency.

1           (1) "Department of Financial and Professional Regulation"  
2 means the Department of Financial and Professional Regulation  
3 of the State of Illinois or its successor agency.

4           (m) "Depressant" means any drug that (i) causes an overall  
5 depression of central nervous system functions, (ii) causes  
6 impaired consciousness and awareness, and (iii) can be  
7 habit-forming or lead to a substance abuse problem, including  
8 but not limited to alcohol, cannabis and its active principles  
9 and their analogs, benzodiazepines and their analogs,  
10 barbiturates and their analogs, opioids (natural and  
11 synthetic) and their analogs, and chloral hydrate and similar  
12 sedative hypnotics.

13           (n) (Blank).

14           (o) "Director" means the Director of the Illinois State  
15 Police or his or her designated agents.

16           (p) "Dispense" means to deliver a controlled substance to  
17 an ultimate user or research subject by or pursuant to the  
18 lawful order of a prescriber, including the prescribing,  
19 administering, packaging, labeling, or compounding necessary  
20 to prepare the substance for that delivery.

21           (q) "Dispenser" means a practitioner who dispenses.

22           (r) "Distribute" means to deliver, other than by  
23 administering or dispensing, a controlled substance.

24           (s) "Distributor" means a person who distributes.

25           (t) "Drug" means (1) substances recognized as drugs in the  
26 official United States Pharmacopoeia, Official Homeopathic

1 Pharmacopoeia of the United States, or official National  
2 Formulary, or any supplement to any of them; (2) substances  
3 intended for use in diagnosis, cure, mitigation, treatment, or  
4 prevention of disease in man or animals; (3) substances (other  
5 than food) intended to affect the structure of any function of  
6 the body of man or animals and (4) substances intended for use  
7 as a component of any article specified in clause (1), (2), or  
8 (3) of this subsection. It does not include devices or their  
9 components, parts, or accessories.

10 (t-3) "Electronic health record" or "EHR" means an  
11 electronic record of health-related information on an  
12 individual that is created, gathered, managed, and consulted by  
13 authorized health care clinicians and staff.

14 (t-4) "Emergency medical services personnel" has the  
15 meaning ascribed to it in the Emergency Medical Services (EMS)  
16 Systems Act.

17 (t-5) "Euthanasia agency" means an entity certified by the  
18 Department of Financial and Professional Regulation for the  
19 purpose of animal euthanasia that holds an animal control  
20 facility license or animal shelter license under the Animal  
21 Welfare Act. A euthanasia agency is authorized to purchase,  
22 store, possess, and utilize Schedule II nonnarcotic and  
23 Schedule III nonnarcotic drugs for the sole purpose of animal  
24 euthanasia.

25 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
26 substances (nonnarcotic controlled substances) that are used

1 by a euthanasia agency for the purpose of animal euthanasia.

2 (u) "Good faith" means the prescribing or dispensing of a  
3 controlled substance by a practitioner in the regular course of  
4 professional treatment to or for any person who is under his or  
5 her treatment for a pathology or condition other than that  
6 individual's physical or psychological dependence upon or  
7 addiction to a controlled substance, except as provided herein:  
8 and application of the term to a pharmacist shall mean the  
9 dispensing of a controlled substance pursuant to the  
10 prescriber's order which in the professional judgment of the  
11 pharmacist is lawful. The pharmacist shall be guided by  
12 accepted professional standards including, but not limited to  
13 the following, in making the judgment:

14 (1) lack of consistency of prescriber-patient  
15 relationship,

16 (2) frequency of prescriptions for same drug by one  
17 prescriber for large numbers of patients,

18 (3) quantities beyond those normally prescribed,

19 (4) unusual dosages (recognizing that there may be  
20 clinical circumstances where more or less than the usual  
21 dose may be used legitimately),

22 (5) unusual geographic distances between patient,  
23 pharmacist and prescriber,

24 (6) consistent prescribing of habit-forming drugs.

25 (u-0.5) "Hallucinogen" means a drug that causes markedly  
26 altered sensory perception leading to hallucinations of any

1 type.

2 (u-1) "Home infusion services" means services provided by a  
3 pharmacy in compounding solutions for direct administration to  
4 a patient in a private residence, long-term care facility, or  
5 hospice setting by means of parenteral, intravenous,  
6 intramuscular, subcutaneous, or intraspinal infusion.

7 (u-5) "Illinois State Police" means the State Police of the  
8 State of Illinois, or its successor agency.

9 (v) "Immediate precursor" means a substance:

10 (1) which the Department has found to be and by rule  
11 designated as being a principal compound used, or produced  
12 primarily for use, in the manufacture of a controlled  
13 substance;

14 (2) which is an immediate chemical intermediary used or  
15 likely to be used in the manufacture of such controlled  
16 substance; and

17 (3) the control of which is necessary to prevent,  
18 curtail or limit the manufacture of such controlled  
19 substance.

20 (w) "Instructional activities" means the acts of teaching,  
21 educating or instructing by practitioners using controlled  
22 substances within educational facilities approved by the State  
23 Board of Education or its successor agency.

24 (x) "Local authorities" means a duly organized State,  
25 County or Municipal peace unit or police force.

26 (y) "Look-alike substance" means a substance, other than a



1 controlled substance which (1) by overall dosage unit  
2 appearance, including shape, color, size, markings or lack  
3 thereof, taste, consistency, or any other identifying physical  
4 characteristic of the substance, would lead a reasonable person  
5 to believe that the substance is a controlled substance, or (2)  
6 is expressly or impliedly represented to be a controlled  
7 substance or is distributed under circumstances which would  
8 lead a reasonable person to believe that the substance is a  
9 controlled substance. For the purpose of determining whether  
10 the representations made or the circumstances of the  
11 distribution would lead a reasonable person to believe the  
12 substance to be a controlled substance under this clause (2) of  
13 subsection (y), the court or other authority may consider the  
14 following factors in addition to any other factor that may be  
15 relevant:

16 (a) statements made by the owner or person in control  
17 of the substance concerning its nature, use or effect;

18 (b) statements made to the buyer or recipient that the  
19 substance may be resold for profit;

20 (c) whether the substance is packaged in a manner  
21 normally used for the illegal distribution of controlled  
22 substances;

23 (d) whether the distribution or attempted distribution  
24 included an exchange of or demand for money or other  
25 property as consideration, and whether the amount of the  
26 consideration was substantially greater than the

1 reasonable retail market value of the substance.

2 Clause (1) of this subsection (y) shall not apply to a  
3 noncontrolled substance in its finished dosage form that was  
4 initially introduced into commerce prior to the initial  
5 introduction into commerce of a controlled substance in its  
6 finished dosage form which it may substantially resemble.

7 Nothing in this subsection (y) prohibits the dispensing or  
8 distributing of noncontrolled substances by persons authorized  
9 to dispense and distribute controlled substances under this  
10 Act, provided that such action would be deemed to be carried  
11 out in good faith under subsection (u) if the substances  
12 involved were controlled substances.

13 Nothing in this subsection (y) or in this Act prohibits the  
14 manufacture, preparation, propagation, compounding,  
15 processing, packaging, advertising or distribution of a drug or  
16 drugs by any person registered pursuant to Section 510 of the  
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

18 (y-1) "Mail-order pharmacy" means a pharmacy that is  
19 located in a state of the United States that delivers,  
20 dispenses or distributes, through the United States Postal  
21 Service or other common carrier, to Illinois residents, any  
22 substance which requires a prescription.

23 (z) "Manufacture" means the production, preparation,  
24 propagation, compounding, conversion or processing of a  
25 controlled substance other than methamphetamine, either  
26 directly or indirectly, by extraction from substances of

1 natural origin, or independently by means of chemical  
2 synthesis, or by a combination of extraction and chemical  
3 synthesis, and includes any packaging or repackaging of the  
4 substance or labeling of its container, except that this term  
5 does not include:

6 (1) by an ultimate user, the preparation or compounding  
7 of a controlled substance for his or her own use; or

8 (2) by a practitioner, or his or her authorized agent  
9 under his or her supervision, the preparation,  
10 compounding, packaging, or labeling of a controlled  
11 substance:

12 (a) as an incident to his or her administering or  
13 dispensing of a controlled substance in the course of  
14 his or her professional practice; or

15 (b) as an incident to lawful research, teaching or  
16 chemical analysis and not for sale.

17 (z-1) (Blank).

18 (z-5) "Medication shopping" means the conduct prohibited  
19 under subsection (a) of Section 314.5 of this Act.

20 (z-10) "Mid-level practitioner" means (i) a physician  
21 assistant who has been delegated authority to prescribe through  
22 a written delegation of authority by a physician licensed to  
23 practice medicine in all of its branches, in accordance with  
24 Section 7.5 of the Physician Assistant Practice Act of 1987,  
25 (ii) an advanced practice registered nurse who has been  
26 delegated authority to prescribe through a written delegation

1 of authority by a physician licensed to practice medicine in  
2 all of its branches or by a podiatric physician, in accordance  
3 with Section 65-40 of the Nurse Practice Act, (iii) an advanced  
4 practice registered nurse certified as a nurse practitioner,  
5 nurse midwife, or clinical nurse specialist who has been  
6 granted authority to prescribe by a hospital affiliate in  
7 accordance with Section 65-45 of the Nurse Practice Act, (iv)  
8 an animal euthanasia agency, or (v) a prescribing psychologist.

9 (aa) "Narcotic drug" means any of the following, whether  
10 produced directly or indirectly by extraction from substances  
11 of vegetable origin, or independently by means of chemical  
12 synthesis, or by a combination of extraction and chemical  
13 synthesis:

14 (1) opium, opiates, derivatives of opium and opiates,  
15 including their isomers, esters, ethers, salts, and salts  
16 of isomers, esters, and ethers, whenever the existence of  
17 such isomers, esters, ethers, and salts is possible within  
18 the specific chemical designation; however the term  
19 "narcotic drug" does not include the isoquinoline  
20 alkaloids of opium;

21 (2) (blank);

22 (3) opium poppy and poppy straw;

23 (4) coca leaves, except coca leaves and extracts of  
24 coca leaves from which substantially all of the cocaine and  
25 ecgonine, and their isomers, derivatives and salts, have  
26 been removed;

1           (5) cocaine, its salts, optical and geometric isomers,  
2           and salts of isomers;

3           (6) ecgonine, its derivatives, their salts, isomers,  
4           and salts of isomers;

5           (7) any compound, mixture, or preparation which  
6           contains any quantity of any of the substances referred to  
7           in subparagraphs (1) through (6).

8           (bb) "Nurse" means a registered nurse licensed under the  
9           Nurse Practice Act.

10          (cc) (Blank).

11          (dd) "Opiate" means any substance having an addiction  
12          forming or addiction sustaining liability similar to morphine  
13          or being capable of conversion into a drug having addiction  
14          forming or addiction sustaining liability.

15          (ee) "Opium poppy" means the plant of the species *Papaver*  
16          *somniferum* L., except its seeds.

17          (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
18          solution or other liquid form of medication intended for  
19          administration by mouth, but the term does not include a form  
20          of medication intended for buccal, sublingual, or transmucosal  
21          administration.

22          (ff) "Parole and Pardon Board" means the Parole and Pardon  
23          Board of the State of Illinois or its successor agency.

24          (gg) "Person" means any individual, corporation,  
25          mail-order pharmacy, government or governmental subdivision or  
26          agency, business trust, estate, trust, partnership or

1 association, or any other entity.

2 (hh) "Pharmacist" means any person who holds a license or  
3 certificate of registration as a registered pharmacist, a local  
4 registered pharmacist or a registered assistant pharmacist  
5 under the Pharmacy Practice Act.

6 (ii) "Pharmacy" means any store, ship or other place in  
7 which pharmacy is authorized to be practiced under the Pharmacy  
8 Practice Act.

9 (ii-5) "Pharmacy shopping" means the conduct prohibited  
10 under subsection (b) of Section 314.5 of this Act.

11 (ii-10) "Physician" (except when the context otherwise  
12 requires) means a person licensed to practice medicine in all  
13 of its branches.

14 (jj) "Poppy straw" means all parts, except the seeds, of  
15 the opium poppy, after mowing.

16 (kk) "Practitioner" means a physician licensed to practice  
17 medicine in all its branches, dentist, optometrist, podiatric  
18 physician, veterinarian, scientific investigator, pharmacist,  
19 physician assistant, advanced practice registered nurse,  
20 licensed practical nurse, registered nurse, emergency medical  
21 services personnel, hospital, laboratory, or pharmacy, or  
22 other person licensed, registered, or otherwise lawfully  
23 permitted by the United States or this State to distribute,  
24 dispense, conduct research with respect to, administer or use  
25 in teaching or chemical analysis, a controlled substance in the  
26 course of professional practice or research.

1           (11) "Pre-printed prescription" means a written  
2 prescription upon which the designated drug has been indicated  
3 prior to the time of issuance; the term does not mean a written  
4 prescription that is individually generated by machine or  
5 computer in the prescriber's office.

6           (mm) "Prescriber" means a physician licensed to practice  
7 medicine in all its branches, dentist, optometrist,  
8 prescribing psychologist licensed under Section 4.2 of the  
9 Clinical Psychologist Licensing Act with prescriptive  
10 authority delegated under Section 4.3 of the Clinical  
11 Psychologist Licensing Act, podiatric physician, or  
12 veterinarian who issues a prescription, a physician assistant  
13 who issues a prescription for a controlled substance in  
14 accordance with Section 303.05, a written delegation, and a  
15 written collaborative agreement required under Section 7.5 of  
16 the Physician Assistant Practice Act of 1987, an advanced  
17 practice registered 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, an advanced practice registered nurse  
22 certified as a nurse practitioner, nurse midwife, or clinical  
23 nurse specialist who has been granted authority to prescribe by  
24 a hospital affiliate in accordance with Section 65-45 of the  
25 Nurse Practice Act and in accordance with Section 303.05, or an  
26 advanced practice registered nurse certified as a nurse

1 practitioner, nurse midwife, or clinical nurse specialist who  
2 has full practice authority pursuant to Section 65-43 of the  
3 Nurse Practice Act.

4 (nn) "Prescription" means a written, facsimile, or oral  
5 order, or an electronic order that complies with applicable  
6 federal requirements, of a physician licensed to practice  
7 medicine in all its branches, dentist, podiatric physician or  
8 veterinarian for any controlled substance, of an optometrist in  
9 accordance with Section 15.1 of the Illinois Optometric  
10 Practice Act of 1987, of a prescribing psychologist licensed  
11 under Section 4.2 of the Clinical Psychologist Licensing Act  
12 with prescriptive authority delegated under Section 4.3 of the  
13 Clinical Psychologist Licensing Act, of a physician assistant  
14 for a controlled substance in accordance with Section 303.05, a  
15 written delegation, and a written collaborative agreement  
16 required under Section 7.5 of the Physician Assistant Practice  
17 Act of 1987, of an advanced practice registered nurse with  
18 prescriptive authority delegated under Section 65-40 of the  
19 Nurse Practice Act who issues a prescription for a controlled  
20 substance in accordance with Section 303.05, a written  
21 delegation, and a written collaborative agreement under  
22 Section 65-35 of the Nurse Practice Act, of an advanced  
23 practice registered nurse certified as a nurse practitioner,  
24 nurse midwife, or clinical nurse specialist who has been  
25 granted authority to prescribe by a hospital affiliate in  
26 accordance with Section 65-45 of the Nurse Practice Act and in



1 accordance with Section 303.05 when required by law, or of an  
2 advanced practice registered nurse certified as a nurse  
3 practitioner, nurse midwife, or clinical nurse specialist who  
4 has full practice authority pursuant to Section 65-43 of the  
5 Nurse Practice Act.

6 (nn-5) "Prescription Information Library" (PIL) means an  
7 electronic library that contains reported controlled substance  
8 data.

9 (nn-10) "Prescription Monitoring Program" (PMP) means the  
10 entity that collects, tracks, and stores reported data on  
11 controlled substances and select drugs pursuant to Section 316.

12 (oo) "Production" or "produce" means manufacture,  
13 planting, cultivating, growing, or harvesting of a controlled  
14 substance other than methamphetamine.

15 (pp) "Registrant" means every person who is required to  
16 register under Section 302 of this Act.

17 (qq) "Registry number" means the number assigned to each  
18 person authorized to handle controlled substances under the  
19 laws of the United States and of this State.

20 (qq-5) "Secretary" means, as the context requires, either  
21 the Secretary of the Department or the Secretary of the  
22 Department of Financial and Professional Regulation, and the  
23 Secretary's designated agents.

24 (rr) "State" includes the State of Illinois and any state,  
25 district, commonwealth, territory, insular possession thereof,  
26 and any area subject to the legal authority of the United

1 States of America.

2 (rr-5) "Stimulant" means any drug that (i) causes an  
3 overall excitation of central nervous system functions, (ii)  
4 causes impaired consciousness and awareness, and (iii) can be  
5 habit-forming or lead to a substance abuse problem, including  
6 but not limited to amphetamines and their analogs,  
7 methylphenidate and its analogs, cocaine, and phencyclidine  
8 and its analogs.

9 (ss) "Ultimate user" means a person who lawfully possesses  
10 a controlled substance for his or her own use or for the use of  
11 a member of his or her household or for administering to an  
12 animal owned by him or her or by a member of his or her  
13 household.

14 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;  
15 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;  
16 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513, eff.  
17 1-1-18; revised 10-6-17.)

18 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

19 Sec. 204. (a) The controlled substances listed in this  
20 Section are included in Schedule I.

21 (b) Unless specifically excepted or unless listed in  
22 another schedule, any of the following opiates, including their  
23 isomers, esters, ethers, salts, and salts of isomers, esters,  
24 and ethers, whenever the existence of such isomers, esters,  
25 ethers and salts is possible within the specific chemical

1 designation:

2 (1) Acetylmethadol;

3 (1.1) Acetyl-alpha-methylfentanyl

4 (N-[1-(1-methyl-2-phenethyl)-

5 4-piperidinyl]-N-phenylacetamide);

6 (2) Allylprodine;

7 (3) Alphacetylmethadol, except

8 levo-alphacetylmethadol (also known as levo-alpha-

9 acetylmethadol, levomethadyl acetate, or LAAM);

10 (4) Alphameprodine;

11 (5) Alphamethadol;

12 (6) Alpha-methylfentanyl

13 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)

14 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-

15 propanilido) piperidine;

16 (6.1) Alpha-methylthiofentanyl

17 (N-[1-methyl-2-(2-thienyl)ethyl-

18 4-piperidinyl]-N-phenylpropanamide);

19 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

20 (7.1) PEPAP

21 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

22 (8) Benzethidine;

23 (9) Betacetylmethadol;

24 (9.1) Beta-hydroxyfentanyl

25 (N-[1-(2-hydroxy-2-phenethyl)-

26 4-piperidinyl]-N-phenylpropanamide);

- 1 (10) Betameprodine;
- 2 (11) Betamethadol;
- 3 (12) Betaprodine;
- 4 (13) Clonitazene;
- 5 (14) Dextromoramide;
- 6 (15) Diampromide;
- 7 (16) Diethylthiambutene;
- 8 (17) Difenoquin;
- 9 (18) Dimenoxadol;
- 10 (19) Dimepheptanol;
- 11 (20) Dimethylthiambutene;
- 12 (21) Dioxaphetylbutyrate;
- 13 (22) Dipipanone;
- 14 (23) Ethylmethylthiambutene;
- 15 (24) Etonitazene;
- 16 (25) Etoxadine;
- 17 (26) Furethidine;
- 18 (27) Hydroxypethidine;
- 19 (28) Ketobemidone;
- 20 (29) Levomoramide;
- 21 (30) Levophenacymorphan;
- 22 (31) 3-Methylfentanyl
- 23 (N-[3-methyl-1-(2-phenylethyl)-
- 24 4-piperidyl]-N-phenylpropanamide);
- 25 (31.1) 3-Methylthiofentanyl
- 26 (N-[(3-methyl-1-(2-thienyl)ethyl)-

1 4-piperidinyl]-N-phenylpropanamide);  
2 (32) Morpheridine;  
3 (33) Noracymethadol;  
4 (34) Norlevorphanol;  
5 (35) Normethadone;  
6 (36) Norpipanone;  
7 (36.1) Para-fluorofentanyl  
8 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-  
9 4-piperidinyl]propanamide);  
10 (37) Phenadoxone;  
11 (38) Phenampromide;  
12 (39) Phenomorphan;  
13 (40) Phenoperidine;  
14 (41) Piritramide;  
15 (42) Proheptazine;  
16 (43) Properidine;  
17 (44) Propiram;  
18 (45) Racemoramide;  
19 (45.1) Thiofentanyl  
20 (N-phenyl-N-[1-(2-thienyl)ethyl-  
21 4-piperidinyl]-propanamide);  
22 (46) Tilidine;  
23 (47) Trimeperidine;  
24 (48) Beta-hydroxy-3-methylfentanyl (other name:  
25 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-  
26 N-phenylpropanamide);

1 (49) Furanyl fentanyl (FU-F);

2 (50) Butyryl fentanyl;

3 (51) Valeryl fentanyl;

4 (52) Acetyl fentanyl;

5 (53) Beta-hydroxy-thiofentanyl;

6 (54) 3,4-dichloro-N-[2-

7 (dimethylamino)cyclohexyl]-N-

8 methylbenzamide (U-47700);

9 (55) 4-chloro-N-[1-[2-

10 (4-nitrophenyl)ethyl]-2-piperidinylidene]-

11 benzenesulfonamide (W-18);

12 (56) 4-chloro-N-[1-(2-phenylethyl)

13 -2-piperidinylidene]-benzenesulfonamide (W-15);

14 (57) acrylfentanyl (acryloylfentanyl).

15 (c) Unless specifically excepted or unless listed in  
16 another schedule, any of the following opium derivatives, its  
17 salts, isomers and salts of isomers, whenever the existence of  
18 such salts, isomers and salts of isomers is possible within the  
19 specific chemical designation:

20 (1) Acetorphine;

21 (2) Acetyldihydrocodeine;

22 (3) Benzylmorphine;

23 (4) Codeine methylbromide;

24 (5) Codeine-N-Oxide;

25 (6) Cyprenorphine;

26 (7) Desomorphine;

- 1 (8) Diacetyldihydromorphine (Dihydroheroin);
- 2 (9) Dihydromorphine;
- 3 (10) Drotebanol;
- 4 (11) Etorphine (except hydrochloride salt);
- 5 (12) Heroin;
- 6 (13) Hydromorphanol;
- 7 (14) Methyldesorphine;
- 8 (15) Methyldihydromorphine;
- 9 (16) Morphine methylbromide;
- 10 (17) Morphine methylsulfonate;
- 11 (18) Morphine-N-Oxide;
- 12 (19) Myrophine;
- 13 (20) Nicocodeine;
- 14 (21) Nicomorphine;
- 15 (22) Normorphine;
- 16 (23) Pholcodine;
- 17 (24) Thebacon.

18 (d) Unless specifically excepted or unless listed in  
19 another schedule, any material, compound, mixture, or  
20 preparation which contains any quantity of the following  
21 hallucinogenic substances, or which contains any of its salts,  
22 isomers and salts of isomers, whenever the existence of such  
23 salts, isomers, and salts of isomers is possible within the  
24 specific chemical designation (for the purposes of this  
25 paragraph only, the term "isomer" includes the optical,  
26 position and geometric isomers):

- 1 (1) 3,4-methylenedioxyamphetamine
- 2 (alpha-methyl, 3,4-methylenedioxyphenethylamine,
- 3 methylenedioxyamphetamine, MDA);
- 4 (1.1) Alpha-ethyltryptamine
- 5 (some trade or other names: etryptamine;
- 6 MONASE; alpha-ethyl-1H-indole-3-ethanamine;
- 7 3-(2-aminobutyl)indole; a-ET; and AET);
- 8 (2) 3,4-methylenedioxymethamphetamine (MDMA);
- 9 (2.1) 3,4-methylenedioxy-N-ethylamphetamine
- 10 (also known as: N-ethyl-alpha-methyl-
- 11 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
- 12 and MDEA);
- 13 (2.2) N-Benzylpiperazine (BZP);
- 14 (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);
- 15 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
- 16 (4) 3,4,5-trimethoxyamphetamine (TMA);
- 17 (5) (Blank);
- 18 (6) Diethyltryptamine (DET);
- 19 (7) Dimethyltryptamine (DMT);
- 20 (7.1) 5-Methoxy-diallyltryptamine;
- 21 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 22 (9) Ibogaine (some trade and other names:
- 23 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
- 24 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
- 25 indole; Tabernanthe iboga);
- 26 (10) Lysergic acid diethylamide;



1 (10.1) Salvinorin A;

2 (10.5) Salvia divinorum (meaning all parts of the plant  
3 presently classified botanically as Salvia divinorum,  
4 whether growing or not, the seeds thereof, any extract from  
5 any part of that plant, and every compound, manufacture,  
6 salts, isomers, and salts of isomers whenever the existence  
7 of such salts, isomers, and salts of isomers is possible  
8 within the specific chemical designation, derivative,  
9 mixture, or preparation of that plant, its seeds or  
10 extracts);

11 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);

12 (12) Peyote (meaning all parts of the plant presently  
13 classified botanically as Lophophora williamsii Lemaire,  
14 whether growing or not, the seeds thereof, any extract from  
15 any part of that plant, and every compound, manufacture,  
16 salts, derivative, mixture, or preparation of that plant,  
17 its seeds or extracts);

18 (13) N-ethyl-3-piperidyl benzilate (JB 318);

19 (14) N-methyl-3-piperidyl benzilate;

20 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine  
21 (also known as N-hydroxy-alpha-methyl-  
22 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);

23 (15) Parahexyl; some trade or other names:  
24 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-  
25 dibenzo (b,d) pyran; Synhexyl;

26 (16) Psilocybin;

1 (17) Psilocyn;

2 (18) Alpha-methyltryptamine (AMT);

3 (19) 2,5-dimethoxyamphetamine

4 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

5 (20) 4-bromo-2,5-dimethoxyamphetamine

6 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;

7 4-bromo-2,5-DMA);

8 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.

9 Some trade or other names: 2-(4-bromo-

10 2,5-dimethoxyphenyl)-1-aminoethane;

11 alpha-desmethyl DOB, 2CB, Nexus;

12 (21) 4-methoxyamphetamine

13 (4-methoxy-alpha-methylphenethylamine;

14 paramethoxyamphetamine; PMA);

15 (22) (Blank);

16 (23) Ethylamine analog of phencyclidine.

17 Some trade or other names:

18 N-ethyl-1-phenylcyclohexylamine,

19 (1-phenylcyclohexyl) ethylamine,

20 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

21 (24) Pyrrolidine analog of phencyclidine. Some trade

22 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,

23 PHP;

24 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;

25 (26) 2,5-dimethoxy-4-ethylamphetamine

26 (another name: DOET);

- 1 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine  
2 (another name: TCPy);
- 3 (28) (Blank);
- 4 (29) Thiophene analog of phencyclidine (some trade  
5 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;  
6 2-thienyl analog of phencyclidine; TPCP; TCP);
- 7 (29.1) Benzothiophene analog of phencyclidine. Some  
8 trade or other names: BTCP or benocyclidine;
- 9 (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);
- 10 (30) Bufotenine (some trade or other names:  
11 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;  
12 3-(2-dimethylaminoethyl)-5-indolol;  
13 5-hydroxy-N,N-dimethyltryptamine;  
14 N,N-dimethylserotonin; mappine);
- 15 (31) (Blank);
- 16 (32) (Blank);
- 17 (33) (Blank);
- 18 (34) (Blank);
- 19 (34.5) (Blank);
- 20 (35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-  
21 (2-methyloctan-2-yl)-6a,7,  
22 10,10a-tetrahydrobenzo[c]chromen-1-ol  
23 Some trade or other names: HU-210;
- 24 (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-  
25 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
26 tetrahydrobenzo[c]chromen-1-ol, its isomers,

1 salts, and salts of isomers; Some trade or other  
2 names: HU-210, Dexanabinol;

3 (36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-  
4 6,6-dimethyl-3-(2-methyloctan-2-yl)-  
5 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol

6 Some trade or other names: HU-211;

7 (37) (Blank);

8 (38) (Blank);

9 (39) (Blank);

10 (40) (Blank);

11 (41) (Blank);

12 (42) Any compound structurally derived from  
13 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane  
14 by substitution at the nitrogen atom of the indole ring by  
15 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
16 cycloalkylethyl, aryl halide, alkyl aryl halide,  
17 1-(N-methyl-2-piperidiny)methyl, or  
18 2-(4-morpholinyl)ethyl whether or not further substituted  
19 in the indole ring to any extent, whether or not  
20 substituted in the naphthyl ring to any extent. Examples of  
21 this structural class include, but are not limited to,  
22 JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

23 (43) Any compound structurally derived from  
24 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
25 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
26 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl

1 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
2 2-(4-morpholinyl)ethyl, whether or not further substituted  
3 in the pyrrole ring to any extent, whether or not  
4 substituted in the naphthyl ring to any extent. Examples of  
5 this structural class include, but are not limited to,  
6 JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

7 (44) Any compound structurally derived from  
8 1-(1-naphthylmethyl)indene by substitution at the  
9 3-position of the indene ring by alkyl, haloalkyl, alkenyl,  
10 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
11 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
12 2-(4-morpholinyl)ethyl whether or not further substituted  
13 in the indene ring to any extent, whether or not  
14 substituted in the naphthyl ring to any extent. Examples of  
15 this structural class include, but are not limited to,  
16 JWH-176;

17 (45) Any compound structurally derived from  
18 3-phenylacetylindole by substitution at the nitrogen atom  
19 of the indole ring with alkyl, haloalkyl, alkenyl,  
20 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
21 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
22 2-(4-morpholinyl)ethyl, whether or not further substituted  
23 in the indole ring to any extent, whether or not  
24 substituted in the phenyl ring to any extent. Examples of  
25 this structural class include, but are not limited to,  
26 JWH-167, JWH-250, JWH-251, and RCS-8;

1           (46) Any compound structurally derived from  
2           2-(3-hydroxycyclohexyl)phenol by substitution at the  
3           5-position of the phenolic ring by alkyl, haloalkyl,  
4           alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
5           alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
6           2-(4-morpholinyl)ethyl, whether or not substituted in the  
7           cyclohexyl ring to any extent. Examples of this structural  
8           class include, but are not limited to, CP 47, 497 and its  
9           C8 homologue (cannabicyclohexanol);

10           (46.1) Any compound structurally derived from  
11           3-(benzoyl) indole with substitution at the nitrogen atom  
12           of the indole ring by an alkyl, haloalkyl, alkenyl,  
13           cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
14           halide, 1-(N-methyl-2-piperidinyl)methyl, or  
15           2-(4-morpholinyl)ethyl group whether or not further  
16           substituted in the indole ring to any extent and whether or  
17           not substituted in the phenyl ring to any extent. Examples  
18           of this structural class include, but are not limited to,  
19           AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and  
20           RCS-4;

21           (47) (Blank);

22           (48) (Blank);

23           (49) (Blank);

24           (50) (Blank);

25           (51) (Blank);

26           (52) (Blank);

1 (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine\_

2 Some trade or other names: 2C-T-7;

3 (53.1) 4-ethyl-2,5-dimethoxyphenethylamine\_ Some trade

4 or other names: 2C-E;

5 (53.2) 2,5-dimethoxy-4-methylphenethylamine\_ Some

6 trade or other names: 2C-D;

7 (53.3) 4-chloro-2,5-dimethoxyphenethylamine\_ Some

8 trade or other names: 2C-C;

9 (53.4) 4-iodo-2,5-dimethoxyphenethylamine\_ Some trade

10 or other names: 2C-I;

11 (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine\_ Some

12 trade or other names: 2C-T-2;

13 (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine\_

14 Some trade or other names: 2C-T-4;

15 (53.7) 2,5-dimethoxyphenethylamine\_ Some trade or

16 other names: 2C-H;

17 (53.8) 2,5-dimethoxy-4-nitrophenethylamine\_ Some trade

18 or other names: 2C-N;

19 (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine\_ Some

20 trade or other names: 2C-P;

21 (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine\_ Some

22 trade or other names: 2C-G;

23 (53.11) The N-(2-methoxybenzyl) derivative of any 2C

24 phenethylamine referred to in subparagraphs (20.1), (53),

25 (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7),

26 (53.8), (53.9), and (53.10) including, but not limited to,

1 25I-NBOMe and 25C-NBOMe;

2 (54) 5-Methoxy-N,N-diisopropyltryptamine;

3 (55) (Blank);

4 (56) (Blank);

5 (57) (Blank);

6 (58) (Blank);

7 (59) 3-cyclopropoylindole with substitution at the  
8 nitrogen atom of the indole ring by alkyl, haloalkyl,  
9 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
10 alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or  
11 2-(4-morpholinyl)ethyl, whether or not further substituted  
12 on the indole ring to any extent, whether or not  
13 substituted on the cyclopropyl ring to any extent:  
14 including, but not limited to, XLR11, UR144, FUB-144;

15 (60) 3-adamantoylindole with substitution at the  
16 nitrogen atom of the indole ring by alkyl, haloalkyl,  
17 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,  
18 alkyl aryl halide, 1-(N-methyl-2-piperidiny)methyl, or  
19 2-(4-morpholinyl)ethyl, whether or not further substituted  
20 on the indole ring to any extent, whether or not  
21 substituted on the adamantyl ring to any extent: including,  
22 but not limited to, AB-001;

23 (61) N-(adamantyl)-indole-3-carboxamide with  
24 substitution at the nitrogen atom of the indole ring by  
25 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
26 cycloalkylethyl, aryl halide, alkyl aryl halide,



1 1-(N-methyl-2-piperidinyl)methyl, or  
2 2-(4-morpholinyl)ethyl, whether or not further substituted  
3 on the indole ring to any extent, whether or not  
4 substituted on the adamantyl ring to any extent: including,  
5 but not limited to, APICA/2NE-1, STS-135;

6 (62) N-(adamantyl)-indazole-3-carboxamide with  
7 substitution at a nitrogen atom of the indazole ring by  
8 alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
9 cycloalkylethyl, aryl halide, alkyl aryl halide,  
10 1-(N-methyl-2-piperidinyl)methyl, or  
11 2-(4-morpholinyl)ethyl, whether or not further substituted  
12 on the indazole ring to any extent, whether or not  
13 substituted on the adamantyl ring to any extent: including,  
14 but not limited to, AKB48, 5F-AKB48;

15 (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester  
16 with substitution at the nitrogen atom of the indole ring  
17 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
18 cycloalkylethyl, aryl halide, alkyl aryl halide,  
19 1-(N-methyl-2-piperidinyl)methyl, or  
20 2-(4-morpholinyl)ethyl, whether or not further substituted  
21 on the indole ring to any extent, whether or not  
22 substituted on the quinoline ring to any extent: including,  
23 but not limited to, PB22, 5F-PB22, FUB-PB-22;

24 (64) 3-(1-naphthoyl)indazole with substitution at the  
25 nitrogen atom of the indazole ring by alkyl, haloalkyl,  
26 alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide,

1 alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or  
2 2-(4-morpholinyl)ethyl, whether or not further substituted  
3 on the indazole ring to any extent, whether or not  
4 substituted on the naphthyl ring to any extent: including,  
5 but not limited to, THJ-018, THJ-2201;

6 (65) 2-(1-naphthoyl)benzimidazole with substitution at  
7 the nitrogen atom of the benzimidazole ring by alkyl,  
8 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
9 aryl halide, alkyl aryl halide,  
10 1-(N-methyl-2-piperidinyl)methyl, or  
11 2-(4-morpholinyl)ethyl, whether or not further substituted  
12 on the benzimidazole ring to any extent, whether or not  
13 substituted on the naphthyl ring to any extent: including,  
14 but not limited to, FUBIMINA;

15 (66) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-  
16 3-carboxamide with substitution on the nitrogen atom of the  
17 indazole ring by alkyl, haloalkyl, alkenyl,  
18 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
19 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
20 2-(4-morpholinyl)ethyl, whether or not further substituted  
21 on the indazole ring to any extent: including, but not  
22 limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

23 (67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
24 indazole-3-carboxamide with substitution on the nitrogen  
25 atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
26 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl

1 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
2 2-(4-morpholinyl)ethyl, whether or not further substituted  
3 on the indazole ring to any extent: including, but not  
4 limited to, ADB-PINACA, ADB-FUBINACA;

5 (68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-  
6 indole-3-carboxamide with substitution on the nitrogen  
7 atom of the indole ring by alkyl, haloalkyl, alkenyl,  
8 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
9 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
10 2-(4-morpholinyl)ethyl, whether or not further substituted  
11 on the indole ring to any extent: including, but not  
12 limited to, ADBICA, 5F-ADBICA;

13 (69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-  
14 3-carboxamide with substitution on the nitrogen atom of the  
15 indole ring by alkyl, haloalkyl, alkenyl,  
16 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
17 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted  
19 on the indole ring to any extent: including, but not  
20 limited to, ABICA, 5F-ABICA;

21 (70) Methyl 2-(1H-indazole-3-carboxamido)-3-  
22 methylbutanoate with substitution on the nitrogen atom of  
23 the indazole ring by alkyl, haloalkyl, alkenyl,  
24 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
25 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
26 2-(4-morpholinyl)ethyl, whether or not further substituted

1 on the indazole ring to any extent: including, but not  
2 limited to, AMB, 5F-AMB;

3 (71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-  
4 dimethylbutanoate with substitution on the nitrogen atom  
5 of the indazole ring by alkyl, haloalkyl, alkenyl,  
6 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
7 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
8 2-(4-morpholinyl)ethyl, whether or not further substituted  
9 on the indazole ring to any extent: including, but not  
10 limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

11 (72) Methyl 2-(1H-indole-3-carboxamido)-3-  
12 methylbutanoate with substitution on the nitrogen atom of  
13 the indole ring by alkyl, haloalkyl, alkenyl,  
14 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
15 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
16 2-(4-morpholinyl)ethyl, whether or not further substituted  
17 on the indazole ring to any extent: including, but not  
18 limited to, MMB018, MMB2201, and AMB-CHMICA;

19 (73) Methyl 2-(1H-indole-3-carboxamido)-3,3-  
20 dimethylbutanoate with substitution on the nitrogen atom  
21 of the indole ring by alkyl, haloalkyl, alkenyl,  
22 cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
23 halide, 1-(N-methyl-2-piperidinyl)methyl, or  
24 2-(4-morpholinyl)ethyl, whether or not further substituted  
25 on the indazole ring to any extent: including, but not  
26 limited to, MDMB-CHMICA;

1           (74)           N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-  
2           indazole-3-carboxamide with substitution on the nitrogen  
3           atom of the indazole ring by alkyl, haloalkyl, alkenyl,  
4           cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
5           halide,           1-(N-methyl-2-piperidinyl)methyl,           or  
6           2-(4-morpholinyl)ethyl, whether or not further substituted  
7           on the indazole ring to any           extent: including, but not  
8           limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

9           (75)   N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-  
10          3-carboxamide with substitution on the nitrogen atom of the  
11          indole       ring       by       alkyl,       haloalkyl,       alkenyl,  
12          cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl  
13          halide,           1-(N-methyl-2-piperidinyl)methyl,           or  
14          2-(4-morpholinyl)ethyl, whether or not further substituted  
15          on the indazole ring to any extent: including, but not  
16          limited to, APP-PICA and 5-fluoro-APP-PICA;

17          (76)   4-Acetoxy-N,N-dimethyltryptamine:   trade   name  
18          4-AcO-DMT;

19          (77)   5-Methoxy-N-methyl-N-isopropyltryptamine:   trade  
20          name 5-MeO-MIPT;

21          (78)   4-hydroxy Diethyltryptamine (4-HO-DET);

22          (79)   4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

23          (80)   4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

24          (81)               4-hydroxy-N-methyl-N-isopropyltryptamine  
25          (4-HO-MiPT);

26          (82)   Fluorophenylpiperazine;

1 (83) Methoxetamine;

2 (84) 1-(Ethylamino)-2-phenylpropan-2-one (iso-  
3 ethcathinone).

4 (e) Unless specifically excepted or unless listed in  
5 another schedule, any material, compound, mixture, or  
6 preparation which contains any quantity of the following  
7 substances having a depressant effect on the central nervous  
8 system, including its salts, isomers, and salts of isomers  
9 whenever the existence of such salts, isomers, and salts of  
10 isomers is possible within the specific chemical designation:

11 (1) mecloqualone;

12 (2) methaqualone; and

13 (3) gamma hydroxybutyric acid.

14 (f) Unless specifically excepted or unless listed in  
15 another schedule, any material, compound, mixture, or  
16 preparation which contains any quantity of the following  
17 substances having a stimulant effect on the central nervous  
18 system, including its salts, isomers, and salts of isomers:

19 (1) Fenethylamine;

20 (2) N-ethylamphetamine;

21 (3) Aminorex (some other names:

22 2-amino-5-phenyl-2-oxazoline; aminoxaphen;

23 4-5-dihydro-5-phenyl-2-oxazolamine) and its

24 salts, optical isomers, and salts of optical isomers;

25 (4) Methcathinone (some other names:

26 2-methylamino-1-phenylpropan-1-one;

1 Ephedrone; 2-(methylamino)-propiofenone;  
2 alpha-(methylamino)propiofenone; N-methylcathinone;  
3 methycathinone; Monomethylpropion; UR 1431) and its  
4 salts, optical isomers, and salts of optical isomers;  
5 (5) Cathinone (some trade or other names:  
6 2-aminopropiofenone; alpha-aminopropiofenone;  
7 2-amino-1-phenyl-propanone; norephedrone);  
8 (6) N,N-dimethylamphetamine (also known as:  
9 N,N-alpha-trimethyl-benzeneethanamine;  
10 N,N-alpha-trimethylphenethylamine);  
11 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-  
12 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);  
13 (8) 3,4-Methylenedioxypropylvalerone (MDPV);  
14 (9) Halogenated amphetamines and  
15 methamphetamines - any compound derived from either  
16 amphetamine or methamphetamine through the substitution  
17 of a halogen on the phenyl ring, including, but not  
18 limited to, 2-fluoroamphetamine, 3-  
19 fluoroamphetamine and 4-fluoroamphetamine;  
20 (10) Aminopropylbenzofuran (APB):  
21 including 4-(2-Aminopropyl) benzofuran, 5-  
22 (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl)  
23 benzofuran, and 7-(2-Aminopropyl) benzofuran;  
24 (11) Aminopropyldihydrobenzofuran (APDB):  
25 including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran,  
26 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran,

1           6-(2-Aminopropyl)-2,3-dihydrobenzofuran,  
2           and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;  
3           (12) Methylaminopropylbenzofuran  
4           (MAPB): including 4-(2-methylaminopropyl)  
5           benzofuran, 5-(2-methylaminopropyl)benzofuran,  
6           6-(2-methylaminopropyl)benzofuran  
7           and 7-(2-methylaminopropyl)benzofuran.

8           (g) Temporary listing of substances subject to emergency  
9           scheduling. Any material, compound, mixture, or preparation  
10          that contains any quantity of the following substances:

11           (1)           N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
12           (benzylfentanyl), its optical isomers, isomers, salts, and  
13           salts of isomers;

14           (2)           N-[1(2-thienyl)           methyl-4-piperidyl]-N-  
15           phenylpropanamide (thenylfentanyl), its optical isomers,  
16           salts, and salts of isomers.

17           (h) Synthetic cathinones. Unless specifically excepted,  
18           any chemical compound which is not approved by the United  
19           States Food and Drug Administration or, if approved, is not  
20           dispensed or possessed in accordance with State or federal law,  
21           not including bupropion, structurally derived from  
22           2-aminopropan-1-one by substitution at the 1-position with  
23           either phenyl, naphthyl, or thiophene ring systems, whether or  
24           not the compound is further modified in one or more of the  
25           following ways:

26           (1) by substitution in the ring system to any extent



1 with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or  
2 halide substituents, whether or not further substituted in  
3 the ring system by one or more other univalent  
4 substituents. Examples of this class include, but are not  
5 limited to, 3,4-Methylenedioxcathinone (bk-MDA);

6 (2) by substitution at the 3-position with an acyclic  
7 alkyl substituent. Examples of this class include, but are  
8 not limited to, 2-methylamino-1-phenylbutan-1-one  
9 (buphedrone); or

10 (3) by substitution at the 2-amino nitrogen atom with  
11 alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by  
12 inclusion of the 2-amino nitrogen atom in a cyclic  
13 structure. Examples of this class include, but are not  
14 limited to, Dimethylcathinone, Ethcathinone, and  
15  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP).

16 (Source: P.A. 99-371, eff. 1-1-16; 100-201, eff. 8-18-17;  
17 100-368, eff. 1-1-18; revised 10-5-17.)

18 (720 ILCS 570/303.05)

19 Sec. 303.05. Mid-level practitioner registration.

20 (a) The Department of Financial and Professional  
21 Regulation shall register licensed physician assistants,  
22 licensed advanced practice registered nurses, and prescribing  
23 psychologists licensed under Section 4.2 of the Clinical  
24 Psychologist Licensing Act to prescribe and dispense  
25 controlled substances under Section 303 and euthanasia

1 agencies to purchase, store, or administer animal euthanasia  
2 drugs under the following circumstances:

3 (1) with respect to physician assistants,

4 (A) the physician assistant has been delegated  
5 written authority to prescribe any Schedule III  
6 through V controlled substances by a physician  
7 licensed to practice medicine in all its branches in  
8 accordance with Section 7.5 of the Physician Assistant  
9 Practice Act of 1987; and the physician assistant has  
10 completed the appropriate application forms and has  
11 paid the required fees as set by rule; or

12 (B) the physician assistant has been delegated  
13 authority by a collaborating physician licensed to  
14 practice medicine in all its branches to prescribe or  
15 dispense Schedule II controlled substances through a  
16 written delegation of authority and under the  
17 following conditions:

18 (i) Specific Schedule II controlled substances  
19 by oral dosage or topical or transdermal  
20 application may be delegated, provided that the  
21 delegated Schedule II controlled substances are  
22 routinely prescribed by the collaborating  
23 physician. This delegation must identify the  
24 specific Schedule II controlled substances by  
25 either brand name or generic name. Schedule II  
26 controlled substances to be delivered by injection

1 or other route of administration may not be  
2 delegated;

3 (ii) any delegation must be of controlled  
4 substances prescribed by the collaborating  
5 physician;

6 (iii) all prescriptions must be limited to no  
7 more than a 30-day supply, with any continuation  
8 authorized only after prior approval of the  
9 collaborating physician;

10 (iv) the physician assistant must discuss the  
11 condition of any patients for whom a controlled  
12 substance is prescribed monthly with the  
13 delegating physician;

14 (v) the physician assistant must have  
15 completed the appropriate application forms and  
16 paid the required fees as set by rule;

17 (vi) the physician assistant must provide  
18 evidence of satisfactory completion of 45 contact  
19 hours in pharmacology from any physician assistant  
20 program accredited by the Accreditation Review  
21 Commission on Education for the Physician  
22 Assistant (ARC-PA), or its predecessor agency, for  
23 any new license issued with Schedule II authority  
24 after the effective date of this amendatory Act of  
25 the 97th General Assembly; and

26 (vii) the physician assistant must annually

1 complete at least 5 hours of continuing education  
2 in pharmacology;

3 (2) with respect to advanced practice registered  
4 nurses who do not meet the requirements of Section 65-43 of  
5 the Nurse Practice Act,

6 (A) the advanced practice registered nurse has  
7 been delegated authority to prescribe any Schedule III  
8 through V controlled substances by a collaborating  
9 physician licensed to practice medicine in all its  
10 branches or a collaborating podiatric physician in  
11 accordance with Section 65-40 of the Nurse Practice  
12 Act. The advanced practice registered nurse has  
13 completed the appropriate application forms and has  
14 paid the required fees as set by rule; or

15 (B) the advanced practice registered nurse has  
16 been delegated authority by a collaborating physician  
17 licensed to practice medicine in all its branches to  
18 prescribe or dispense Schedule II controlled  
19 substances through a written delegation of authority  
20 and under the following conditions:

21 (i) specific Schedule II controlled substances  
22 by oral dosage or topical or transdermal  
23 application may be delegated, provided that the  
24 delegated Schedule II controlled substances are  
25 routinely prescribed by the collaborating  
26 physician. This delegation must identify the

1           specific Schedule II controlled substances by  
2           either brand name or generic name. Schedule II  
3           controlled substances to be delivered by injection  
4           or other route of administration may not be  
5           delegated;

6           (ii) any delegation must be of controlled  
7           substances prescribed by the collaborating  
8           physician;

9           (iii) all prescriptions must be limited to no  
10          more than a 30-day supply, with any continuation  
11          authorized only after prior approval of the  
12          collaborating physician;

13          (iv) the advanced practice registered nurse  
14          must discuss the condition of any patients for whom  
15          a controlled substance is prescribed monthly with  
16          the delegating physician or in the course of review  
17          as required by Section 65-40 of the Nurse Practice  
18          Act;

19          (v) the advanced practice registered nurse  
20          must have completed the appropriate application  
21          forms and paid the required fees as set by rule;

22          (vi) the advanced practice registered nurse  
23          must provide evidence of satisfactory completion  
24          of at least 45 graduate contact hours in  
25          pharmacology for any new license issued with  
26          Schedule II authority after the effective date of

1           this amendatory Act of the 97th General Assembly;

2           and

3                   (vii) the advanced practice registered nurse  
4           must annually complete 5 hours of continuing  
5           education in pharmacology;

6           (2.5) with respect to advanced practice registered  
7           nurses certified as nurse practitioners, nurse midwives,  
8           or clinical nurse specialists who do not meet the  
9           requirements of Section 65-43 of the Nurse Practice Act  
10          practicing in a hospital affiliate,

11                   (A) the advanced practice registered nurse  
12          certified as a nurse practitioner, nurse midwife, or  
13          clinical nurse specialist has been privileged to  
14          prescribe any Schedule II through V controlled  
15          substances by the hospital affiliate upon the  
16          recommendation of the appropriate physician committee  
17          of the hospital affiliate in accordance with Section  
18          65-45 of the Nurse Practice Act, has completed the  
19          appropriate application forms, and has paid the  
20          required fees as set by rule; and

21                   (B) an advanced practice registered nurse  
22          certified as a nurse practitioner, nurse midwife, or  
23          clinical nurse specialist has been privileged to  
24          prescribe any Schedule II controlled substances by the  
25          hospital affiliate upon the recommendation of the  
26          appropriate physician committee of the hospital

1           affiliate, then the following conditions must be met:

2                   (i) specific Schedule II controlled substances  
3                   by oral dosage or topical or transdermal  
4                   application may be designated, provided that the  
5                   designated Schedule II controlled substances are  
6                   routinely prescribed by advanced practice  
7                   registered nurses in their area of certification;  
8                   the privileging documents must identify the  
9                   specific Schedule II controlled substances by  
10                  either brand name or generic name; privileges to  
11                  prescribe or dispense Schedule II controlled  
12                  substances to be delivered by injection or other  
13                  route of administration may not be granted;

14                  (ii) any privileges must be controlled  
15                  substances limited to the practice of the advanced  
16                  practice registered nurse;

17                  (iii) any prescription must be limited to no  
18                  more than a 30-day supply;

19                  (iv) the advanced practice registered nurse  
20                  must discuss the condition of any patients for whom  
21                  a controlled substance is prescribed monthly with  
22                  the appropriate physician committee of the  
23                  hospital affiliate or its physician designee; and

24                  (v) the advanced practice registered nurse  
25                  must meet the education requirements of this  
26                  Section;

1           (3) with respect to animal euthanasia agencies, the  
2 euthanasia agency has obtained a license from the  
3 Department of Financial and Professional Regulation and  
4 obtained a registration number from the Department; or

5           (4) with respect to prescribing psychologists, the  
6 prescribing psychologist has been delegated authority to  
7 prescribe any nonnarcotic Schedule III through V  
8 controlled substances by a collaborating physician  
9 licensed to practice medicine in all its branches in  
10 accordance with Section 4.3 of the Clinical Psychologist  
11 Licensing Act, and the prescribing psychologist has  
12 completed the appropriate application forms and has paid  
13 the required fees as set by rule.

14           (b) The mid-level practitioner shall only be licensed to  
15 prescribe those schedules of controlled substances for which a  
16 licensed physician has delegated prescriptive authority,  
17 except that an animal euthanasia agency does not have any  
18 prescriptive authority. A physician assistant and an advanced  
19 practice registered nurse are prohibited from prescribing  
20 medications and controlled substances not set forth in the  
21 required written delegation of authority or as authorized by  
22 their practice Act.

23           (c) Upon completion of all registration requirements,  
24 physician assistants, advanced practice registered nurses, and  
25 animal euthanasia agencies may be issued a mid-level  
26 practitioner controlled substances license for Illinois.



1 (d) A collaborating physician may, but is not required to,  
2 delegate prescriptive authority to an advanced practice  
3 registered nurse as part of a written collaborative agreement,  
4 and the delegation of prescriptive authority shall conform to  
5 the requirements of Section 65-40 of the Nurse Practice Act.

6 (e) A collaborating physician may, but is not required to,  
7 delegate prescriptive authority to a physician assistant as  
8 part of a written collaborative agreement, and the delegation  
9 of prescriptive authority shall conform to the requirements of  
10 Section 7.5 of the Physician Assistant Practice Act of 1987.

11 (f) Nothing in this Section shall be construed to prohibit  
12 generic substitution.

13 (Source: P.A. 99-173, eff. 7-29-15; 100-453, eff. 8-25-17;  
14 100-513, eff. 1-1-18; revised 10-5-17.)

15 Section 580. The Code of Criminal Procedure of 1963 is  
16 amended by changing Sections 110-6.4 and 112A-14 as follows:

17 (725 ILCS 5/110-6.4)

18 Sec. 110-6.4. Statewide risk-assessment ~~risk-assessment~~  
19 tool. The Supreme Court may establish a statewide  
20 risk-assessment tool to be used in proceedings to assist the  
21 court in establishing bail for a defendant by assessing the  
22 defendant's likelihood of appearing at future court  
23 proceedings or determining if the defendant poses a real and  
24 present threat to the physical safety of any person or persons.

1 The Supreme Court shall consider establishing a  
2 risk-assessment tool that does not discriminate on the basis of  
3 race, gender, educational level, socio-economic status, or  
4 neighborhood. If a risk-assessment ~~risk-assessment~~ tool is  
5 utilized within a circuit that does not require a personal  
6 interview to be completed, the Chief Judge of the circuit or  
7 the director ~~Director~~ of the pretrial services agency ~~Pre-trial~~  
8 ~~Services Agency~~ may exempt the requirement under Section 9 and  
9 subsection (a) of Section 7 of the Pretrial Services Act.

10 For the purpose of this Section, "risk-assessment tool"  
11 "~~risk-assessment tool~~" means an empirically validated,  
12 evidence-based screening instrument that demonstrates reduced  
13 instances of a defendant's failure to appear for further court  
14 proceedings or prevents future criminal activity.

15 (Source: P.A. 100-1, eff. 1-1-18; revised 10-5-17.)

16 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

17 Sec. 112A-14. Order of protection; remedies.

18 (a) (Blank).

19 (b) The court may order any of the remedies listed in this  
20 subsection. The remedies listed in this subsection shall be in  
21 addition to other civil or criminal remedies available to  
22 petitioner.

23 (1) Prohibition of abuse. Prohibit respondent's  
24 harassment, interference with personal liberty,  
25 intimidation of a dependent, physical abuse or willful

1 deprivation, as defined in this Article, if such abuse has  
2 occurred or otherwise appears likely to occur if not  
3 prohibited.

4 (2) Grant of exclusive possession of residence.  
5 Prohibit respondent from entering or remaining in any  
6 residence, household, or premises of the petitioner,  
7 including one owned or leased by respondent, if petitioner  
8 has a right to occupancy thereof. The grant of exclusive  
9 possession of the residence, household, or premises shall  
10 not affect title to real property, nor shall the court be  
11 limited by the standard set forth in Section 701 of the  
12 Illinois Marriage and Dissolution of Marriage Act.

13 (A) Right to occupancy. A party has a right to  
14 occupancy of a residence or household if it is solely  
15 or jointly owned or leased by that party, that party's  
16 spouse, a person with a legal duty to support that  
17 party or a minor child in that party's care, or by any  
18 person or entity other than the opposing party that  
19 authorizes that party's occupancy (e.g., a domestic  
20 violence shelter). Standards set forth in subparagraph  
21 (B) shall not preclude equitable relief.

22 (B) Presumption of hardships. If petitioner and  
23 respondent each has the right to occupancy of a  
24 residence or household, the court shall balance (i) the  
25 hardships to respondent and any minor child or  
26 dependent adult in respondent's care resulting from

1 entry of this remedy with (ii) the hardships to  
2 petitioner and any minor child or dependent adult in  
3 petitioner's care resulting from continued exposure to  
4 the risk of abuse (should petitioner remain at the  
5 residence or household) or from loss of possession of  
6 the residence or household (should petitioner leave to  
7 avoid the risk of abuse). When determining the balance  
8 of hardships, the court shall also take into account  
9 the accessibility of the residence or household.  
10 Hardships need not be balanced if respondent does not  
11 have a right to occupancy.

12 The balance of hardships is presumed to favor  
13 possession by petitioner unless the presumption is  
14 rebutted by a preponderance of the evidence, showing  
15 that the hardships to respondent substantially  
16 outweigh the hardships to petitioner and any minor  
17 child or dependent adult in petitioner's care. The  
18 court, on the request of petitioner or on its own  
19 motion, may order respondent to provide suitable,  
20 accessible, alternate housing for petitioner instead  
21 of excluding respondent from a mutual residence or  
22 household.

23 (3) Stay away order and additional prohibitions. Order  
24 respondent to stay away from petitioner or any other person  
25 protected by the order of protection, or prohibit  
26 respondent from entering or remaining present at

1 petitioner's school, place of employment, or other  
2 specified places at times when petitioner is present, or  
3 both, if reasonable, given the balance of hardships.  
4 Hardships need not be balanced for the court to enter a  
5 stay away order or prohibit entry if respondent has no  
6 right to enter the premises.

7 (A) If an order of protection grants petitioner  
8 exclusive possession of the residence, or prohibits  
9 respondent from entering the residence, or orders  
10 respondent to stay away from petitioner or other  
11 protected persons, then the court may allow respondent  
12 access to the residence to remove items of clothing and  
13 personal adornment used exclusively by respondent,  
14 medications, and other items as the court directs. The  
15 right to access shall be exercised on only one occasion  
16 as the court directs and in the presence of an  
17 agreed-upon adult third party or law enforcement  
18 officer.

19 (B) When the petitioner and the respondent attend  
20 the same public, private, or non-public elementary,  
21 middle, or high school, the court when issuing an order  
22 of protection and providing relief shall consider the  
23 severity of the act, any continuing physical danger or  
24 emotional distress to the petitioner, the educational  
25 rights guaranteed to the petitioner and respondent  
26 under federal and State law, the availability of a

1 transfer of the respondent to another school, a change  
2 of placement or a change of program of the respondent,  
3 the expense, difficulty, and educational disruption  
4 that would be caused by a transfer of the respondent to  
5 another school, and any other relevant facts of the  
6 case. The court may order that the respondent not  
7 attend the public, private, or non-public elementary,  
8 middle, or high school attended by the petitioner,  
9 order that the respondent accept a change of placement  
10 or change of program, as determined by the school  
11 district or private or non-public school, or place  
12 restrictions on the respondent's movements within the  
13 school attended by the petitioner. The respondent  
14 bears the burden of proving by a preponderance of the  
15 evidence that a transfer, change of placement, or  
16 change of program of the respondent is not available.  
17 The respondent also bears the burden of production with  
18 respect to the expense, difficulty, and educational  
19 disruption that would be caused by a transfer of the  
20 respondent to another school. A transfer, change of  
21 placement, or change of program is not unavailable to  
22 the respondent solely on the ground that the respondent  
23 does not agree with the school district's or private or  
24 non-public school's transfer, change of placement, or  
25 change of program or solely on the ground that the  
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a  
2 transfer, change of placement, or change of program.  
3 When a court orders a respondent to stay away from the  
4 public, private, or non-public school attended by the  
5 petitioner and the respondent requests a transfer to  
6 another attendance center within the respondent's  
7 school district or private or non-public school, the  
8 school district or private or non-public school shall  
9 have sole discretion to determine the attendance  
10 center to which the respondent is transferred. If the  
11 court order results in a transfer of the minor  
12 respondent to another attendance center, a change in  
13 the respondent's placement, or a change of the  
14 respondent's program, the parents, guardian, or legal  
15 custodian of the respondent is responsible for  
16 transportation and other costs associated with the  
17 transfer or change.

18 (C) The court may order the parents, guardian, or  
19 legal custodian of a minor respondent to take certain  
20 actions or to refrain from taking certain actions to  
21 ensure that the respondent complies with the order. If  
22 the court orders a transfer of the respondent to  
23 another school, the parents, guardian, or legal  
24 custodian of the respondent is responsible for  
25 transportation and other costs associated with the  
26 change of school by the respondent.

1           (4) Counseling. Require or recommend the respondent to  
2           undergo counseling for a specified duration with a social  
3           worker, psychologist, clinical psychologist, psychiatrist,  
4           family service agency, alcohol or substance abuse program,  
5           mental health center guidance counselor, agency providing  
6           services to elders, program designed for domestic violence  
7           abusers or any other guidance service the court deems  
8           appropriate. The court may order the respondent in any  
9           intimate partner relationship to report to an Illinois  
10          Department of Human Services protocol approved partner  
11          abuse intervention program for an assessment and to follow  
12          all recommended treatment.

13          (5) Physical care and possession of the minor child. In  
14          order to protect the minor child from abuse, neglect, or  
15          unwarranted separation from the person who has been the  
16          minor child's primary caretaker, or to otherwise protect  
17          the well-being of the minor child, the court may do either  
18          or both of the following: (i) grant petitioner physical  
19          care or possession of the minor child, or both, or (ii)  
20          order respondent to return a minor child to, or not remove  
21          a minor child from, the physical care of a parent or person  
22          in loco parentis.

23          If the respondent is charged with abuse (as defined in  
24          Section 112A-3) of a minor child, there shall be a  
25          rebuttable presumption that awarding physical care to  
26          respondent would not be in the minor child's best interest.



1           (6) Temporary legal custody. Award temporary legal  
2 custody to petitioner in accordance with this Section, the  
3 Illinois Marriage and Dissolution of Marriage Act, the  
4 Illinois Parentage Act of 2015, and this State's Uniform  
5 Child-Custody Jurisdiction and Enforcement Act.

6           If the respondent is charged with abuse (as defined in  
7 Section 112A-3) of a minor child, there shall be a  
8 rebuttable presumption that awarding temporary legal  
9 custody to respondent would not be in the child's best  
10 interest.

11           (7) Visitation. Determine the visitation rights, if  
12 any, of respondent in any case in which the court awards  
13 physical care or temporary legal custody of a minor child  
14 to petitioner. The court shall restrict or deny  
15 respondent's visitation with a minor child if the court  
16 finds that respondent has done or is likely to do any of  
17 the following: (i) abuse or endanger the minor child during  
18 visitation; (ii) use the visitation as an opportunity to  
19 abuse or harass petitioner or petitioner's family or  
20 household members; (iii) improperly conceal or detain the  
21 minor child; or (iv) otherwise act in a manner that is not  
22 in the best interests of the minor child. The court shall  
23 not be limited by the standards set forth in Section 607.1  
24 of the Illinois Marriage and Dissolution of Marriage Act.  
25 If the court grants visitation, the order shall specify  
26 dates and times for the visitation to take place or other

1 specific parameters or conditions that are appropriate. No  
2 order for visitation shall refer merely to the term  
3 "reasonable visitation".

4 Petitioner may deny respondent access to the minor  
5 child if, when respondent arrives for visitation,  
6 respondent is under the influence of drugs or alcohol and  
7 constitutes a threat to the safety and well-being of  
8 petitioner or petitioner's minor children or is behaving in  
9 a violent or abusive manner.

10 If necessary to protect any member of petitioner's  
11 family or household from future abuse, respondent shall be  
12 prohibited from coming to petitioner's residence to meet  
13 the minor child for visitation, and the parties shall  
14 submit to the court their recommendations for reasonable  
15 alternative arrangements for visitation. A person may be  
16 approved to supervise visitation only after filing an  
17 affidavit accepting that responsibility and acknowledging  
18 accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit  
20 respondent from removing a minor child from the State or  
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in  
23 court, alone or with a minor child, to prevent abuse,  
24 neglect, removal or concealment of the child, to return the  
25 child to the custody or care of the petitioner or to permit  
26 any court-ordered interview or examination of the child or

1 the respondent.

2 (10) Possession of personal property. Grant petitioner  
3 exclusive possession of personal property and, if  
4 respondent has possession or control, direct respondent to  
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the  
7 property; or

8 (ii) the parties own the property jointly; sharing  
9 it would risk abuse of petitioner by respondent or is  
10 impracticable; and the balance of hardships favors  
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the property  
13 is that it is marital property, the court may award  
14 petitioner temporary possession thereof under the  
15 standards of subparagraph (ii) of this paragraph only if a  
16 proper proceeding has been filed under the Illinois  
17 Marriage and Dissolution of Marriage Act, as now or  
18 hereafter amended.

19 No order under this provision shall affect title to  
20 property.

21 (11) Protection of property. Forbid the respondent  
22 from taking, transferring, encumbering, concealing,  
23 damaging or otherwise disposing of any real or personal  
24 property, except as explicitly authorized by the court, if:

25 (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly, and the  
2           balance of hardships favors granting this remedy.

3           If petitioner's sole claim to ownership of the property  
4           is that it is marital property, the court may grant  
5           petitioner relief under subparagraph (ii) of this  
6           paragraph only if a proper proceeding has been filed under  
7           the Illinois Marriage and Dissolution of Marriage Act, as  
8           now or hereafter amended.

9           The court may further prohibit respondent from  
10          improperly using the financial or other resources of an  
11          aged member of the family or household for the profit or  
12          advantage of respondent or of any other person.

13          (11.5) Protection of animals. Grant the petitioner the  
14          exclusive care, custody, or control of any animal owned,  
15          possessed, leased, kept, or held by either the petitioner  
16          or the respondent or a minor child residing in the  
17          residence or household of either the petitioner or the  
18          respondent and order the respondent to stay away from the  
19          animal and forbid the respondent from taking,  
20          transferring, encumbering, concealing, harming, or  
21          otherwise disposing of the animal.

22          (12) Order for payment of support. Order respondent to  
23          pay temporary support for the petitioner or any child in  
24          the petitioner's care or custody, when the respondent has a  
25          legal obligation to support that person, in accordance with  
26          the Illinois Marriage and Dissolution of Marriage Act,

1           which shall govern, among other matters, the amount of  
2           support, payment through the clerk and withholding of  
3           income to secure payment. An order for child support may be  
4           granted to a petitioner with lawful physical care or  
5           custody of a child, or an order or agreement for physical  
6           care or custody, prior to entry of an order for legal  
7           custody. Such a support order shall expire upon entry of a  
8           valid order granting legal custody to another, unless  
9           otherwise provided in the custody order.

10           (13) Order for payment of losses. Order respondent to  
11           pay petitioner for losses suffered as a direct result of  
12           the abuse. Such losses shall include, but not be limited  
13           to, medical expenses, lost earnings or other support,  
14           repair or replacement of property damaged or taken,  
15           reasonable attorney's fees, court costs and moving or other  
16           travel expenses, including additional reasonable expenses  
17           for temporary shelter and restaurant meals.

18           (i) Losses affecting family needs. If a party is  
19           entitled to seek maintenance, child support or  
20           property distribution from the other party under the  
21           Illinois Marriage and Dissolution of Marriage Act, as  
22           now or hereafter amended, the court may order  
23           respondent to reimburse petitioner's actual losses, to  
24           the extent that such reimbursement would be  
25           "appropriate temporary relief", as authorized by  
26           subsection (a) (3) of Section 501 of that Act.

1           (ii) Recovery of expenses. In the case of an  
2           improper concealment or removal of a minor child, the  
3           court may order respondent to pay the reasonable  
4           expenses incurred or to be incurred in the search for  
5           and recovery of the minor child, including, but not  
6           limited to, legal fees, court costs, private  
7           investigator fees, and travel costs.

8           (14) Prohibition of entry. Prohibit the respondent  
9           from entering or remaining in the residence or household  
10          while the respondent is under the influence of alcohol or  
11          drugs and constitutes a threat to the safety and well-being  
12          of the petitioner or the petitioner's children.

13          (14.5) Prohibition of firearm possession.

14           (A) A person who is subject to an existing order of  
15          protection~~r~~ issued under this Code may not lawfully  
16          possess weapons under Section 8.2 of the Firearm Owners  
17          Identification Card Act.

18           (B) Any firearms in the possession of the  
19          respondent, except as provided in subparagraph (C) of  
20          this paragraph (14.5), shall be ordered by the court to  
21          be turned over to a person with a valid Firearm Owner's  
22          Identification Card for safekeeping. The court shall  
23          issue an order that the respondent's Firearm Owner's  
24          Identification Card be turned over to the local law  
25          enforcement agency, which in turn shall immediately  
26          mail the card to the Department of State Police Firearm

1 Owner's Identification Card Office for safekeeping.  
2 The period of safekeeping shall be for the duration of  
3 the order of protection. The firearm or firearms and  
4 Firearm Owner's Identification Card, if unexpired,  
5 shall at the respondent's request be returned to the  
6 respondent at expiration of the order of protection.

7 (C) If the respondent is a peace officer as defined  
8 in Section 2-13 of the Criminal Code of 2012, the court  
9 shall order that any firearms used by the respondent in  
10 the performance of his or her duties as a peace officer  
11 be surrendered to the chief law enforcement executive  
12 of the agency in which the respondent is employed, who  
13 shall retain the firearms for safekeeping for the  
14 duration of the order of protection.

15 (D) Upon expiration of the period of safekeeping,  
16 if the firearms or Firearm Owner's Identification Card  
17 cannot be returned to respondent because respondent  
18 cannot be located, fails to respond to requests to  
19 retrieve the firearms, or is not lawfully eligible to  
20 possess a firearm, upon petition from the local law  
21 enforcement agency, the court may order the local law  
22 enforcement agency to destroy the firearms, use the  
23 firearms for training purposes, or for any other  
24 application as deemed appropriate by the local law  
25 enforcement agency; or that the firearms be turned over  
26 to a third party who is lawfully eligible to possess

1 firearms, and who does not reside with respondent.

2 (15) Prohibition of access to records. If an order of  
3 protection prohibits respondent from having contact with  
4 the minor child, or if petitioner's address is omitted  
5 under subsection (b) of Section 112A-5, or if necessary to  
6 prevent abuse or wrongful removal or concealment of a minor  
7 child, the order shall deny respondent access to, and  
8 prohibit respondent from inspecting, obtaining, or  
9 attempting to inspect or obtain, school or any other  
10 records of the minor child who is in the care of  
11 petitioner.

12 (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse of  
19 a family or household member or to effectuate one of the  
20 granted remedies, if supported by the balance of hardships.  
21 If the harm to be prevented by the injunction is abuse or  
22 any other harm that one of the remedies listed in  
23 paragraphs (1) through (16) of this subsection is designed  
24 to prevent, no further evidence is necessary to establish  
25 that the harm is an irreparable injury.

26 (18) Telephone services.



1           (A) Unless a condition described in subparagraph  
2           (B) of this paragraph exists, the court may, upon  
3           request by the petitioner, order a wireless telephone  
4           service provider to transfer to the petitioner the  
5           right to continue to use a telephone number or numbers  
6           indicated by the petitioner and the financial  
7           responsibility associated with the number or numbers,  
8           as set forth in subparagraph (C) of this paragraph. For  
9           purposes of this paragraph (18), the term "wireless  
10          telephone service provider" means a provider of  
11          commercial mobile service as defined in 47 U.S.C. 332.  
12          The petitioner may request the transfer of each  
13          telephone number that the petitioner, or a minor child  
14          in his or her custody, uses. The clerk of the court  
15          shall serve the order on the wireless telephone service  
16          provider's agent for service of process provided to the  
17          Illinois Commerce Commission. The order shall contain  
18          all of the following:

19                 (i) The name and billing telephone number of  
20                 the account holder including the name of the  
21                 wireless telephone service provider that serves  
22                 the account.

23                 (ii) Each telephone number that will be  
24                 transferred.

25                 (iii) A statement that the provider transfers  
26                 to the petitioner all financial responsibility for

1           and right to the use of any telephone number  
2           transferred under this paragraph.

3           (B) A wireless telephone service provider shall  
4           terminate the respondent's use of, and shall transfer  
5           to the petitioner use of, the telephone number or  
6           numbers indicated in subparagraph (A) of this  
7           paragraph unless it notifies the petitioner, within 72  
8           hours after it receives the order, that one of the  
9           following applies:

10                   (i) The account holder named in the order has  
11                   terminated the account.

12                   (ii) A difference in network technology would  
13                   prevent or impair the functionality of a device on  
14                   a network if the transfer occurs.

15                   (iii) The transfer would cause a geographic or  
16                   other limitation on network or service provision  
17                   to the petitioner.

18                   (iv) Another technological or operational  
19                   issue would prevent or impair the use of the  
20                   telephone number if the transfer occurs.

21           (C) The petitioner assumes all financial  
22           responsibility for and right to the use of any  
23           telephone number transferred under this paragraph. In  
24           this paragraph, "financial responsibility" includes  
25           monthly service costs and costs associated with any  
26           mobile device associated with the number.

1           (D) A wireless telephone service provider may  
2           apply to the petitioner its routine and customary  
3           requirements for establishing an account or  
4           transferring a number, including requiring the  
5           petitioner to provide proof of identification,  
6           financial information, and customer preferences.

7           (E) Except for willful or wanton misconduct, a  
8           wireless telephone service provider is immune from  
9           civil liability for its actions taken in compliance  
10          with a court order issued under this paragraph.

11          (F) All wireless service providers that provide  
12          services to residential customers shall provide to the  
13          Illinois Commerce Commission the name and address of an  
14          agent for service of orders entered under this  
15          paragraph (18). Any change in status of the registered  
16          agent must be reported to the Illinois Commerce  
17          Commission within 30 days of such change.

18          (G) The Illinois Commerce Commission shall  
19          maintain the list of registered agents for service for  
20          each wireless telephone service provider on the  
21          Commission's website. The Commission may consult with  
22          wireless telephone service providers and the Circuit  
23          Court Clerks on the manner in which this information is  
24          provided and displayed.

25          (c) Relevant factors; findings.

26            (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider  
2 relevant factors, including, but not limited to, the  
3 following:

4 (i) the nature, frequency, severity, pattern and  
5 consequences of the respondent's past abuse of the  
6 petitioner or any family or household member,  
7 including the concealment of his or her location in  
8 order to evade service of process or notice, and the  
9 likelihood of danger of future abuse to petitioner or  
10 any member of petitioner's or respondent's family or  
11 household; and

12 (ii) the danger that any minor child will be abused  
13 or neglected or improperly removed from the  
14 jurisdiction, improperly concealed within the State or  
15 improperly separated from the child's primary  
16 caretaker.

17 (2) In comparing relative hardships resulting to the  
18 parties from loss of possession of the family home, the  
19 court shall consider relevant factors, including, but not  
20 limited to, the following:

21 (i) availability, accessibility, cost, safety,  
22 adequacy, location and other characteristics of  
23 alternate housing for each party and any minor child or  
24 dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1           and any minor child or dependent adult in the party's  
2           care, to family, school, church and community.

3           (3) Subject to the exceptions set forth in paragraph  
4           (4) of this subsection, the court shall make its findings  
5           in an official record or in writing, and shall at a minimum  
6           set forth the following:

7                   (i) That the court has considered the applicable  
8                   relevant factors described in paragraphs (1) and (2) of  
9                   this subsection.

10                   (ii) Whether the conduct or actions of respondent,  
11                   unless prohibited, will likely cause irreparable harm  
12                   or continued abuse.

13                   (iii) Whether it is necessary to grant the  
14                   requested relief in order to protect petitioner or  
15                   other alleged abused persons.

16           (4) (Blank).

17           (5) Never married parties. No rights or  
18           responsibilities for a minor child born outside of marriage  
19           attach to a putative father until a father and child  
20           relationship has been established under the Illinois  
21           Parentage Act of 1984 or under the Illinois Parentage Act  
22           of 2015 on and after the effective date of that Act. Absent  
23           such an adjudication, no putative father shall be granted  
24           temporary custody of the minor child, visitation with the  
25           minor child, or physical care and possession of the minor  
26           child, nor shall an order of payment for support of the

1 minor child be entered.

2 (d) Balance of hardships; findings. If the court finds that  
3 the balance of hardships does not support the granting of a  
4 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
5 subsection (b) of this Section, which may require such  
6 balancing, the court's findings shall so indicate and shall  
7 include a finding as to whether granting the remedy will result  
8 in hardship to respondent that would substantially outweigh the  
9 hardship to petitioner from denial of the remedy. The findings  
10 shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be  
12 based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force, unless  
14 that cause satisfies the standards for justifiable use of  
15 force provided by Article 7 of the Criminal Code of 2012;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of  
18 another, provided that, if petitioner utilized force, such  
19 force was justifiable under Article 7 of the Criminal Code  
20 of 2012;

21 (4) Petitioner did not act in self-defense or defense  
22 of another;

23 (5) Petitioner left the residence or household to avoid  
24 further abuse by respondent;

25 (6) Petitioner did not leave the residence or household  
26 to avoid further abuse by respondent;

1           (7) Conduct by any family or household member excused  
2           the abuse by respondent, unless that same conduct would  
3           have excused such abuse if the parties had not been family  
4           or household members.

5           (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;  
6           100-388, eff. 1-1-18; revised 10-10-17.)

7           Section 585. The Unified Code of Corrections is amended by  
8           changing Sections 3-2-2, 3-7-2, and 5-2-4 as follows:

9           (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

10          Sec. 3-2-2. Powers and duties ~~Duties~~ of the Department.

11          (1) In addition to the powers, duties, and responsibilities  
12          which are otherwise provided by law, the Department shall have  
13          the following powers:

14               (a) To accept persons committed to it by the courts of  
15               this State for care, custody, treatment and  
16               rehabilitation, and to accept federal prisoners and aliens  
17               over whom the Office of the Federal Detention Trustee is  
18               authorized to exercise the federal detention function for  
19               limited purposes and periods of time.

20               (b) To develop and maintain reception and evaluation  
21               units for purposes of analyzing the custody and  
22               rehabilitation needs of persons committed to it and to  
23               assign such persons to institutions and programs under its  
24               control or transfer them to other appropriate agencies. In

1 consultation with the Department of Alcoholism and  
2 Substance Abuse (now the Department of Human Services), the  
3 Department of Corrections shall develop a master plan for  
4 the screening and evaluation of persons committed to its  
5 custody who have alcohol or drug abuse problems, and for  
6 making appropriate treatment available to such persons;  
7 the Department shall report to the General Assembly on such  
8 plan not later than April 1, 1987. The maintenance and  
9 implementation of such plan shall be contingent upon the  
10 availability of funds.

11 (b-1) To create and implement, on January 1, 2002, a  
12 pilot program to establish the effectiveness of  
13 pupillometer technology (the measurement of the pupil's  
14 reaction to light) as an alternative to a urine test for  
15 purposes of screening and evaluating persons committed to  
16 its custody who have alcohol or drug problems. The pilot  
17 program shall require the pupillometer technology to be  
18 used in at least one Department of Corrections facility.  
19 The Director may expand the pilot program to include an  
20 additional facility or facilities as he or she deems  
21 appropriate. A minimum of 4,000 tests shall be included in  
22 the pilot program. The Department must report to the  
23 General Assembly on the effectiveness of the program by  
24 January 1, 2003.

25 (b-5) To develop, in consultation with the Department  
26 of State Police, a program for tracking and evaluating each



1 inmate from commitment through release for recording his or  
2 her gang affiliations, activities, or ranks.

3 (c) To maintain and administer all State correctional  
4 institutions and facilities under its control and to  
5 establish new ones as needed. Pursuant to its power to  
6 establish new institutions and facilities, the Department  
7 may, with the written approval of the Governor, authorize  
8 the Department of Central Management Services to enter into  
9 an agreement of the type described in subsection (d) of  
10 Section 405-300 of the Department of Central Management  
11 Services Law (20 ILCS 405/405-300). The Department shall  
12 designate those institutions which shall constitute the  
13 State Penitentiary System.

14 Pursuant to its power to establish new institutions and  
15 facilities, the Department may authorize the Department of  
16 Central Management Services to accept bids from counties  
17 and municipalities for the construction, remodeling or  
18 conversion of a structure to be leased to the Department of  
19 Corrections for the purposes of its serving as a  
20 correctional institution or facility. Such construction,  
21 remodeling or conversion may be financed with revenue bonds  
22 issued pursuant to the Industrial Building Revenue Bond Act  
23 by the municipality or county. The lease specified in a bid  
24 shall be for a term of not less than the time needed to  
25 retire any revenue bonds used to finance the project, but  
26 not to exceed 40 years. The lease may grant to the State

1 the option to purchase the structure outright.

2 Upon receipt of the bids, the Department may certify  
3 one or more of the bids and shall submit any such bids to  
4 the General Assembly for approval. Upon approval of a bid  
5 by a constitutional majority of both houses of the General  
6 Assembly, pursuant to joint resolution, the Department of  
7 Central Management Services may enter into an agreement  
8 with the county or municipality pursuant to such bid.

9 (c-5) To build and maintain regional juvenile  
10 detention centers and to charge a per diem to the counties  
11 as established by the Department to defray the costs of  
12 housing each minor in a center. In this subsection (c-5),  
13 "juvenile detention center" means a facility to house  
14 minors during pendency of trial who have been transferred  
15 from proceedings under the Juvenile Court Act of 1987 to  
16 prosecutions under the criminal laws of this State in  
17 accordance with Section 5-805 of the Juvenile Court Act of  
18 1987, whether the transfer was by operation of law or  
19 permissive under that Section. The Department shall  
20 designate the counties to be served by each regional  
21 juvenile detention center.

22 (d) To develop and maintain programs of control,  
23 rehabilitation and employment of committed persons within  
24 its institutions.

25 (d-5) To provide a pre-release job preparation program  
26 for inmates at Illinois adult correctional centers.

1           (d-10) To provide educational and visitation  
2 opportunities to committed persons within its institutions  
3 through temporary access to content-controlled tablets  
4 that may be provided as a privilege to committed persons to  
5 induce or reward compliance.

6           (e) To establish a system of supervision and guidance  
7 of committed persons in the community.

8           (f) To establish in cooperation with the Department of  
9 Transportation to supply a sufficient number of prisoners  
10 for use by the Department of Transportation to clean up the  
11 trash and garbage along State, county, township, or  
12 municipal highways as designated by the Department of  
13 Transportation. The Department of Corrections, at the  
14 request of the Department of Transportation, shall furnish  
15 such prisoners at least annually for a period to be agreed  
16 upon between the Director of Corrections and the Secretary  
17 ~~Director~~ of Transportation. The prisoners used on this  
18 program shall be selected by the Director of Corrections on  
19 whatever basis he deems proper in consideration of their  
20 term, behavior and earned eligibility to participate in  
21 such program - where they will be outside of the prison  
22 facility but still in the custody of the Department of  
23 Corrections. Prisoners convicted of first degree murder,  
24 or a Class X felony, or armed violence, or aggravated  
25 kidnapping, or criminal sexual assault, aggravated  
26 criminal sexual abuse or a subsequent conviction for

1 criminal sexual abuse, or forcible detention, or arson, or  
2 a prisoner adjudged a Habitual Criminal shall not be  
3 eligible for selection to participate in such program. The  
4 prisoners shall remain as prisoners in the custody of the  
5 Department of Corrections and such Department shall  
6 furnish whatever security is necessary. The Department of  
7 Transportation shall furnish trucks and equipment for the  
8 highway cleanup program and personnel to supervise and  
9 direct the program. Neither the Department of Corrections  
10 nor the Department of Transportation shall replace any  
11 regular employee with a prisoner.

12 (g) To maintain records of persons committed to it and  
13 to establish programs of research, statistics and  
14 planning.

15 (h) To investigate the grievances of any person  
16 committed to the Department, to inquire into any alleged  
17 misconduct by employees or committed persons, and to  
18 investigate the assets of committed persons to implement  
19 Section 3-7-6 of this Code; and for these purposes it may  
20 issue subpoenas and compel the attendance of witnesses and  
21 the production of writings and papers, and may examine  
22 under oath any witnesses who may appear before it; to also  
23 investigate alleged violations of a parolee's or  
24 releasee's conditions of parole or release; and for this  
25 purpose it may issue subpoenas and compel the attendance of  
26 witnesses and the production of documents only if there is

1 reason to believe that such procedures would provide  
2 evidence that such violations have occurred.

3 If any person fails to obey a subpoena issued under  
4 this subsection, the Director may apply to any circuit  
5 court to secure compliance with the subpoena. The failure  
6 to comply with the order of the court issued in response  
7 thereto shall be punishable as contempt of court.

8 (i) To appoint and remove the chief administrative  
9 officers, and administer programs of training and  
10 development of personnel of the Department. Personnel  
11 assigned by the Department to be responsible for the  
12 custody and control of committed persons or to investigate  
13 the alleged misconduct of committed persons or employees or  
14 alleged violations of a parolee's or releasee's conditions  
15 of parole shall be conservators of the peace for those  
16 purposes, and shall have the full power of peace officers  
17 outside of the facilities of the Department in the  
18 protection, arrest, retaking and reconfining of committed  
19 persons or where the exercise of such power is necessary to  
20 the investigation of such misconduct or violations. This  
21 subsection shall not apply to persons committed to the  
22 Department of Juvenile Justice under the Juvenile Court Act  
23 of 1987 on aftercare release.

24 (j) To cooperate with other departments and agencies  
25 and with local communities for the development of standards  
26 and programs for better correctional services in this

1 State.

2 (k) To administer all moneys and properties of the  
3 Department.

4 (l) To report annually to the Governor on the committed  
5 persons, institutions and programs of the Department.

6 (l-5) (Blank).

7 (m) To make all rules and regulations and exercise all  
8 powers and duties vested by law in the Department.

9 (n) To establish rules and regulations for  
10 administering a system of sentence credits, established in  
11 accordance with Section 3-6-3, subject to review by the  
12 Prisoner Review Board.

13 (o) To administer the distribution of funds from the  
14 State Treasury to reimburse counties where State penal  
15 institutions are located for the payment of assistant  
16 state's attorneys' salaries under Section 4-2001 of the  
17 Counties Code.

18 (p) To exchange information with the Department of  
19 Human Services and the Department of Healthcare and Family  
20 Services for the purpose of verifying living arrangements  
21 and for other purposes directly connected with the  
22 administration of this Code and the Illinois Public Aid  
23 Code.

24 (q) To establish a diversion program.

25 The program shall provide a structured environment for  
26 selected technical parole or mandatory supervised release

1 violators and committed persons who have violated the rules  
2 governing their conduct while in work release. This program  
3 shall not apply to those persons who have committed a new  
4 offense while serving on parole or mandatory supervised  
5 release or while committed to work release.

6 Elements of the program shall include, but shall not be  
7 limited to, the following:

8 (1) The staff of a diversion facility shall provide  
9 supervision in accordance with required objectives set  
10 by the facility.

11 (2) Participants shall be required to maintain  
12 employment.

13 (3) Each participant shall pay for room and board  
14 at the facility on a sliding-scale basis according to  
15 the participant's income.

16 (4) Each participant shall:

17 (A) provide restitution to victims in  
18 accordance with any court order;

19 (B) provide financial support to his  
20 dependents; and

21 (C) make appropriate payments toward any other  
22 court-ordered obligations.

23 (5) Each participant shall complete community  
24 service in addition to employment.

25 (6) Participants shall take part in such  
26 counseling, educational and other programs as the

1 Department may deem appropriate.

2 (7) Participants shall submit to drug and alcohol  
3 screening.

4 (8) The Department shall promulgate rules  
5 governing the administration of the program.

6 (r) To enter into intergovernmental cooperation  
7 agreements under which persons in the custody of the  
8 Department may participate in a county impact  
9 incarceration program established under Section 3-6038 or  
10 3-15003.5 of the Counties Code.

11 (r-5) (Blank).

12 (r-10) To systematically and routinely identify with  
13 respect to each streetgang active within the correctional  
14 system: (1) each active gang; (2) every existing inter-gang  
15 affiliation or alliance; and (3) the current leaders in  
16 each gang. The Department shall promptly segregate leaders  
17 from inmates who belong to their gangs and allied gangs.  
18 "Segregate" means no physical contact and, to the extent  
19 possible under the conditions and space available at the  
20 correctional facility, prohibition of visual and sound  
21 communication. For the purposes of this paragraph (r-10),  
22 "leaders" means persons who:

23 (i) are members of a criminal streetgang;

24 (ii) with respect to other individuals within the  
25 streetgang, occupy a position of organizer,  
26 supervisor, or other position of management or



1 leadership; and

2 (iii) are actively and personally engaged in  
3 directing, ordering, authorizing, or requesting  
4 commission of criminal acts by others, which are  
5 punishable as a felony, in furtherance of streetgang  
6 related activity both within and outside of the  
7 Department of Corrections.

8 "Streetgang", "gang", and "streetgang related" have the  
9 meanings ascribed to them in Section 10 of the Illinois  
10 Streetgang Terrorism Omnibus Prevention Act.

11 (s) To operate a super-maximum security institution,  
12 in order to manage and supervise inmates who are disruptive  
13 or dangerous and provide for the safety and security of the  
14 staff and the other inmates.

15 (t) To monitor any unprivileged conversation or any  
16 unprivileged communication, whether in person or by mail,  
17 telephone, or other means, between an inmate who, before  
18 commitment to the Department, was a member of an organized  
19 gang and any other person without the need to show cause or  
20 satisfy any other requirement of law before beginning the  
21 monitoring, except as constitutionally required. The  
22 monitoring may be by video, voice, or other method of  
23 recording or by any other means. As used in this  
24 subdivision (1)(t), "organized gang" has the meaning  
25 ascribed to it in Section 10 of the Illinois Streetgang  
26 Terrorism Omnibus Prevention Act.

1           As used in this subdivision (1)(t), "unprivileged  
2 conversation" or "unprivileged communication" means a  
3 conversation or communication that is not protected by any  
4 privilege recognized by law or by decision, rule, or order  
5 of the Illinois Supreme Court.

6           (u) To establish a Women's and Children's Pre-release  
7 Community Supervision Program for the purpose of providing  
8 housing and services to eligible female inmates, as  
9 determined by the Department, and their newborn and young  
10 children.

11           (u-5) To issue an order, whenever a person committed to  
12 the Department absconds or absents himself or herself,  
13 without authority to do so, from any facility or program to  
14 which he or she is assigned. The order shall be certified  
15 by the Director, the Supervisor of the Apprehension Unit,  
16 or any person duly designated by the Director, with the  
17 seal of the Department affixed. The order shall be directed  
18 to all sheriffs, coroners, and police officers, or to any  
19 particular person named in the order. Any order issued  
20 pursuant to this subdivision (1) (u-5) shall be sufficient  
21 warrant for the officer or person named in the order to  
22 arrest and deliver the committed person to the proper  
23 correctional officials and shall be executed the same as  
24 criminal process.

25           (v) To do all other acts necessary to carry out the  
26 provisions of this Chapter.

1           (2) The Department of Corrections shall by January 1, 1998,  
2 consider building and operating a correctional facility within  
3 100 miles of a county of over 2,000,000 inhabitants, especially  
4 a facility designed to house juvenile participants in the  
5 impact incarceration program.

6           (3) When the Department lets bids for contracts for medical  
7 services to be provided to persons committed to Department  
8 facilities by a health maintenance organization, medical  
9 service corporation, or other health care provider, the bid may  
10 only be let to a health care provider that has obtained an  
11 irrevocable letter of credit or performance bond issued by a  
12 company whose bonds have an investment grade or higher rating  
13 by a bond rating organization.

14           (4) When the Department lets bids for contracts for food or  
15 commissary services to be provided to Department facilities,  
16 the bid may only be let to a food or commissary services  
17 provider that has obtained an irrevocable letter of credit or  
18 performance bond issued by a company whose bonds have an  
19 investment grade or higher rating by a bond rating  
20 organization.

21           (5) On and after the date 6 months after August 16, 2013  
22 (the effective date of Public Act 98-488), as provided in the  
23 Executive Order 1 (2012) Implementation Act, all of the powers,  
24 duties, rights, and responsibilities related to State  
25 healthcare purchasing under this Code that were transferred  
26 from the Department of Corrections to the Department of

1 Healthcare and Family Services by Executive Order 3 (2005) are  
2 transferred back to the Department of Corrections; however,  
3 powers, duties, rights, and responsibilities related to State  
4 healthcare purchasing under this Code that were exercised by  
5 the Department of Corrections before the effective date of  
6 Executive Order 3 (2005) but that pertain to individuals  
7 resident in facilities operated by the Department of Juvenile  
8 Justice are transferred to the Department of Juvenile Justice.  
9 (Source: P.A. 100-198, eff. 1-1-18; revised 10-5-17.)

10 (730 ILCS 5/3-7-2) (from Ch. 38, par. 1003-7-2)

11 Sec. 3-7-2. Facilities.

12 (a) All institutions and facilities of the Department shall  
13 provide every committed person with access to toilet  
14 facilities, barber facilities, bathing facilities at least  
15 once each week, a library of legal materials and published  
16 materials including newspapers and magazines approved by the  
17 Director. A committed person may not receive any materials that  
18 the Director deems pornographic.

19 (b) (Blank).

20 (c) All institutions and facilities of the Department shall  
21 provide facilities for every committed person to leave his cell  
22 for at least one hour each day unless the chief administrative  
23 officer determines that it would be harmful or dangerous to the  
24 security or safety of the institution or facility.

25 (d) All institutions and facilities of the Department shall

1 provide every committed person with a wholesome and nutritional  
2 diet at regularly scheduled hours, drinking water, clothing  
3 adequate for the season, bedding, soap and towels and medical  
4 and dental care.

5 (e) All institutions and facilities of the Department shall  
6 permit every committed person to send and receive an unlimited  
7 number of uncensored letters, provided, however, that the  
8 Director may order that mail be inspected and read for reasons  
9 of the security, safety or morale of the institution or  
10 facility.

11 (f) All of the institutions and facilities of the  
12 Department shall permit every committed person to receive  
13 in-person visitors and video contact, if available, except in  
14 case of abuse of the visiting privilege or when the chief  
15 administrative officer determines that such visiting would be  
16 harmful or dangerous to the security, safety or morale of the  
17 institution or facility. The chief administrative officer  
18 shall have the right to restrict visitation to non-contact  
19 visits, video, or other forms of non-contact visits for reasons  
20 of safety, security, and order, including, but not limited to,  
21 restricting contact visits for committed persons engaged in  
22 gang activity. No committed person in a super maximum security  
23 facility or on disciplinary segregation is allowed contact  
24 visits. Any committed person found in possession of illegal  
25 drugs or who fails a drug test shall not be permitted contact  
26 visits for a period of at least 6 months. Any committed person

1 involved in gang activities or found guilty of assault  
2 committed against a Department employee shall not be permitted  
3 contact visits for a period of at least 6 months. The  
4 Department shall offer every visitor appropriate written  
5 information concerning HIV and AIDS, including information  
6 concerning how to contact the Illinois Department of Public  
7 Health for counseling information. The Department shall  
8 develop the written materials in consultation with the  
9 Department of Public Health. The Department shall ensure that  
10 all such information and materials are culturally sensitive and  
11 reflect cultural diversity as appropriate. Implementation of  
12 the changes made to this Section by Public Act 94-629 ~~this~~  
13 ~~amendatory Act of the 94th General Assembly~~ is subject to  
14 appropriation. The Department shall seek the lowest possible  
15 cost to provide video calling and shall charge to the extent of  
16 recovering any demonstrated costs of providing video calling.  
17 The Department shall not make a commission or profit from video  
18 calling services. Nothing in this Section shall be construed to  
19 permit video calling instead of in-person visitation.

20 (f-5) (Blank).

21 (f-10) The Department may not restrict or limit in-person  
22 visits to committed persons due to the availability of  
23 interactive video conferences.

24 (f-15) (1) The Department shall issue a standard written  
25 policy for each institution and facility of the Department that  
26 provides for:

1 (A) the number of in-person visits each committed  
2 person is entitled to per week and per month;

3 (B) the hours of in-person visits;

4 (C) the type of identification required for visitors at  
5 least 18 years of age; and

6 (D) the type of identification, if any, required for  
7 visitors under 18 years of age.

8 (2) This policy shall be posted on the Department website  
9 and at each facility.

10 (3) The Department shall post on its website daily any  
11 restrictions or denials of visitation for that day and the  
12 succeeding 5 calendar days, including those based on a lockdown  
13 of the facility, to inform family members and other visitors.

14 (g) All institutions and facilities of the Department shall  
15 permit religious ministrations and sacraments to be available  
16 to every committed person, but attendance at religious services  
17 shall not be required.

18 (h) Within 90 days after December 31, 1996, the Department  
19 shall prohibit the use of curtains, cell-coverings, or any  
20 other matter or object that obstructs or otherwise impairs the  
21 line of vision into a committed person's cell.

22 (Source: P.A. 99-933, eff. 1-27-17; 100-30, eff. 1-1-18;  
23 100-142, eff. 1-1-18; revised 10-5-17.)

24 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

25 Sec. 5-2-4. Proceedings after acquittal by reason of

1 insanity.

2 (a) After a finding or verdict of not guilty by reason of  
3 insanity under Sections 104-25, 115-3, or 115-4 of the Code of  
4 Criminal Procedure of 1963, the defendant shall be ordered to  
5 the Department of Human Services for an evaluation as to  
6 whether he is in need of mental health services. The order  
7 shall specify whether the evaluation shall be conducted on an  
8 inpatient or outpatient basis. If the evaluation is to be  
9 conducted on an inpatient basis, the defendant shall be placed  
10 in a secure setting. With the court order for evaluation shall  
11 be sent a copy of the arrest report, criminal charges, arrest  
12 record, jail record, any report prepared under Section 115-6 of  
13 the Code of Criminal Procedure of 1963, and any victim impact  
14 statement prepared under Section 6 of the Rights of Crime  
15 Victims and Witnesses Act. The clerk of the circuit court shall  
16 transmit this information to the Department within 5 days. If  
17 the court orders that the evaluation be done on an inpatient  
18 basis, the Department shall evaluate the defendant to determine  
19 to which secure facility the defendant shall be transported  
20 and, within 20 days of the transmittal by the clerk of the  
21 circuit court of the placement court order, notify the sheriff  
22 of the designated facility. Upon receipt of that notice, the  
23 sheriff shall promptly transport the defendant to the  
24 designated facility. During the period of time required to  
25 determine the appropriate placement, the defendant shall  
26 remain in jail. If, within 20 days of the transmittal by the



1 clerk of the circuit court of the placement court order, the  
2 Department fails to notify the sheriff of the identity of the  
3 facility to which the defendant shall be transported, the  
4 sheriff shall contact a designated person within the Department  
5 to inquire about when a placement will become available at the  
6 designated facility and bed availability at other facilities.  
7 If, within 20 days of the transmittal by the clerk of the  
8 circuit court of the placement court order, the Department  
9 fails to notify the sheriff of the identity of the facility to  
10 which the defendant shall be transported, the sheriff shall  
11 notify the Department of its intent to transfer the defendant  
12 to the nearest secure mental health facility operated by the  
13 Department and inquire as to the status of the placement  
14 evaluation and availability for admission to such facility  
15 operated by the Department by contacting a designated person  
16 within the Department. The Department shall respond to the  
17 sheriff within 2 business days of the notice and inquiry by the  
18 sheriff seeking the transfer and the Department shall provide  
19 the sheriff with the status of the placement evaluation,  
20 information on bed and placement availability, and an estimated  
21 date of admission for the defendant and any changes to that  
22 estimated date of admission. If the Department notifies the  
23 sheriff during the 2 business day period of a facility operated  
24 by the Department with placement availability, the sheriff  
25 shall promptly transport the defendant to that facility.  
26 Individualized placement evaluations by the Department of

1 Human Services determine the most appropriate setting for  
2 forensic treatment based upon a number of factors including  
3 mental health diagnosis, proximity to surviving victims,  
4 security need, age, gender, and proximity to family.

5 The Department shall provide the Court with a report of its  
6 evaluation within 30 days of the date of this order. The Court  
7 shall hold a hearing as provided under the Mental Health and  
8 Developmental Disabilities Code to determine if the individual  
9 is: (a) in need of mental health services on an inpatient  
10 basis; (b) in need of mental health services on an outpatient  
11 basis; (c) a person not in need of mental health services. The  
12 Court shall enter its findings.

13 If the defendant is found to be in need of mental health  
14 services on an inpatient care basis, the Court shall order the  
15 defendant to the Department of Human Services. The defendant  
16 shall be placed in a secure setting. Such defendants placed in  
17 a secure setting shall not be permitted outside the facility's  
18 housing unit unless escorted or accompanied by personnel of the  
19 Department of Human Services or with the prior approval of the  
20 Court for unsupervised on-grounds privileges as provided  
21 herein. Any defendant placed in a secure setting pursuant to  
22 this Section, transported to court hearings or other necessary  
23 appointments off facility grounds by personnel of the  
24 Department of Human Services, shall be placed in security  
25 devices or otherwise secured during the period of  
26 transportation to assure secure transport of the defendant and

1 the safety of Department of Human Services personnel and  
2 others. These security measures shall not constitute restraint  
3 as defined in the Mental Health and Developmental Disabilities  
4 Code. If the defendant is found to be in need of mental health  
5 services, but not on an inpatient care basis, the Court shall  
6 conditionally release the defendant, under such conditions as  
7 set forth in this Section as will reasonably assure the  
8 defendant's satisfactory progress and participation in  
9 treatment or rehabilitation and the safety of the defendant and  
10 others. If the Court finds the person not in need of mental  
11 health services, then the Court shall order the defendant  
12 discharged from custody.

13 (a-1) Definitions. For the purposes of this Section:

14 (A) (Blank).

15 (B) "In need of mental health services on an inpatient  
16 basis" means: a defendant who has been found not guilty by  
17 reason of insanity but who, due to mental illness, is  
18 reasonably expected to inflict serious physical harm upon  
19 himself or another and who would benefit from inpatient  
20 care or is in need of inpatient care.

21 (C) "In need of mental health services on an outpatient  
22 basis" means: a defendant who has been found not guilty by  
23 reason of insanity who is not in need of mental health  
24 services on an inpatient basis, but is in need of  
25 outpatient care, drug and/or alcohol rehabilitation  
26 programs, community adjustment programs, individual,

1 group, or family therapy, or chemotherapy.

2 (D) "Conditional Release" means: the release from  
3 either the custody of the Department of Human Services or  
4 the custody of the Court of a person who has been found not  
5 guilty by reason of insanity under such conditions as the  
6 Court may impose which reasonably assure the defendant's  
7 satisfactory progress in treatment or habilitation and the  
8 safety of the defendant and others. The Court shall  
9 consider such terms and conditions which may include, but  
10 need not be limited to, outpatient care, alcoholic and drug  
11 rehabilitation programs, community adjustment programs,  
12 individual, group, family, and chemotherapy, random  
13 testing to ensure the defendant's timely and continuous  
14 taking of any medicines prescribed to control or manage his  
15 or her conduct or mental state, and periodic checks with  
16 the legal authorities and/or the Department of Human  
17 Services. The Court may order as a condition of conditional  
18 release that the defendant not contact the victim of the  
19 offense that resulted in the finding or verdict of not  
20 guilty by reason of insanity or any other person. The Court  
21 may order the Department of Human Services to provide care  
22 to any person conditionally released under this Section.  
23 The Department may contract with any public or private  
24 agency in order to discharge any responsibilities imposed  
25 under this Section. The Department shall monitor the  
26 provision of services to persons conditionally released

1 under this Section and provide periodic reports to the  
2 Court concerning the services and the condition of the  
3 defendant. Whenever a person is conditionally released  
4 pursuant to this Section, the State's Attorney for the  
5 county in which the hearing is held shall designate in  
6 writing the name, telephone number, and address of a person  
7 employed by him or her who shall be notified in the event  
8 that either the reporting agency or the Department decides  
9 that the conditional release of the defendant should be  
10 revoked or modified pursuant to subsection (i) of this  
11 Section. Such conditional release shall be for a period of  
12 five years. However, the defendant, the person or facility  
13 rendering the treatment, therapy, program or outpatient  
14 care, the Department, or the State's Attorney may petition  
15 the Court for an extension of the conditional release  
16 period for an additional 5 years. Upon receipt of such a  
17 petition, the Court shall hold a hearing consistent with  
18 the provisions of paragraph (a), this paragraph (a-1), and  
19 paragraph (f) of this Section, shall determine whether the  
20 defendant should continue to be subject to the terms of  
21 conditional release, and shall enter an order either  
22 extending the defendant's period of conditional release  
23 for an additional 5-year ~~5-year~~ period or discharging the  
24 defendant. Additional 5-year periods of conditional  
25 release may be ordered following a hearing as provided in  
26 this Section. However, in no event shall the defendant's

1 period of conditional release continue beyond the maximum  
2 period of commitment ordered by the Court pursuant to  
3 paragraph (b) of this Section. These provisions for  
4 extension of conditional release shall only apply to  
5 defendants conditionally released on or after August 8,  
6 2003. However, the extension provisions of Public Act  
7 83-1449 apply only to defendants charged with a forcible  
8 felony.

9 (E) "Facility director" means the chief officer of a  
10 mental health or developmental disabilities facility or  
11 his or her designee or the supervisor of a program of  
12 treatment or habilitation or his or her designee.  
13 "Designee" may include a physician, clinical psychologist,  
14 social worker, nurse, or clinical professional counselor.

15 (b) If the Court finds the defendant in need of mental  
16 health services on an inpatient basis, the admission,  
17 detention, care, treatment or habilitation, treatment plans,  
18 review proceedings, including review of treatment and  
19 treatment plans, and discharge of the defendant after such  
20 order shall be under the Mental Health and Developmental  
21 Disabilities Code, except that the initial order for admission  
22 of a defendant acquitted of a felony by reason of insanity  
23 shall be for an indefinite period of time. Such period of  
24 commitment shall not exceed the maximum length of time that the  
25 defendant would have been required to serve, less credit for  
26 good behavior as provided in Section 5-4-1 of the Unified Code

1 of Corrections, before becoming eligible for release had he  
2 been convicted of and received the maximum sentence for the  
3 most serious crime for which he has been acquitted by reason of  
4 insanity. The Court shall determine the maximum period of  
5 commitment by an appropriate order. During this period of time,  
6 the defendant shall not be permitted to be in the community in  
7 any manner, including, but not limited to, off-grounds  
8 privileges, with or without escort by personnel of the  
9 Department of Human Services, unsupervised on-grounds  
10 privileges, discharge or conditional or temporary release,  
11 except by a plan as provided in this Section. In no event shall  
12 a defendant's continued unauthorized absence be a basis for  
13 discharge. Not more than 30 days after admission and every 90  
14 days thereafter so long as the initial order remains in effect,  
15 the facility director shall file a treatment plan report in  
16 writing with the court and forward a copy of the treatment plan  
17 report to the clerk of the court, the State's Attorney, and the  
18 defendant's attorney, if the defendant is represented by  
19 counsel, or to a person authorized by the defendant under the  
20 Mental Health and Developmental Disabilities Confidentiality  
21 Act to be sent a copy of the report. The report shall include  
22 an opinion as to whether the defendant is currently in need of  
23 mental health services on an inpatient basis or in need of  
24 mental health services on an outpatient basis. The report shall  
25 also summarize the basis for those findings and provide a  
26 current summary of the following items from the treatment plan:

1 (1) an assessment of the defendant's treatment needs, (2) a  
2 description of the services recommended for treatment, (3) the  
3 goals of each type of element of service, (4) an anticipated  
4 timetable for the accomplishment of the goals, and (5) a  
5 designation of the qualified professional responsible for the  
6 implementation of the plan. The report may also include  
7 unsupervised on-grounds privileges, off-grounds privileges  
8 (with or without escort by personnel of the Department of Human  
9 Services), home visits and participation in work programs, but  
10 only where such privileges have been approved by specific court  
11 order, which order may include such conditions on the defendant  
12 as the Court may deem appropriate and necessary to reasonably  
13 assure the defendant's satisfactory progress in treatment and  
14 the safety of the defendant and others.

15 (c) Every defendant acquitted of a felony by reason of  
16 insanity and subsequently found to be in need of mental health  
17 services shall be represented by counsel in all proceedings  
18 under this Section and under the Mental Health and  
19 Developmental Disabilities Code.

20 (1) The Court shall appoint as counsel the public  
21 defender or an attorney licensed by this State.

22 (2) Upon filing with the Court of a verified statement  
23 of legal services rendered by the private attorney  
24 appointed pursuant to paragraph (1) of this subsection, the  
25 Court shall determine a reasonable fee for such services.

26 If the defendant is unable to pay the fee, the Court shall



1 enter an order upon the State to pay the entire fee or such  
2 amount as the defendant is unable to pay from funds  
3 appropriated by the General Assembly for that purpose.

4 (d) When the facility director determines that:

5 (1) the defendant is no longer in need of mental health  
6 services on an inpatient basis; and

7 (2) the defendant may be conditionally released  
8 because he or she is still in need of mental health  
9 services or that the defendant may be discharged as not in  
10 need of any mental health services; or

11 (3) (blank);

12 the facility director shall give written notice to the Court,  
13 State's Attorney and defense attorney. Such notice shall set  
14 forth in detail the basis for the recommendation of the  
15 facility director, and specify clearly the recommendations, if  
16 any, of the facility director, concerning conditional release.  
17 Any recommendation for conditional release shall include an  
18 evaluation of the defendant's need for psychotropic  
19 medication, what provisions should be made, if any, to ensure  
20 that the defendant will continue to receive psychotropic  
21 medication following discharge, and what provisions should be  
22 made to assure the safety of the defendant and others in the  
23 event the defendant is no longer receiving psychotropic  
24 medication. Within 30 days of the notification by the facility  
25 director, the Court shall set a hearing and make a finding as  
26 to whether the defendant is:

- 1           (i) (blank); or  
2           (ii) in need of mental health services in the form of  
3           inpatient care; or  
4           (iii) in need of mental health services but not subject  
5           to inpatient care; or  
6           (iv) no longer in need of mental health services; or  
7           (v) (blank).

8           Upon finding by the Court, the Court shall enter its  
9           findings and such appropriate order as provided in subsections  
10          (a) and (a-1) of this Section.

11          (e) A defendant admitted pursuant to this Section, or any  
12          person on his behalf, may file a petition for treatment plan  
13          review or discharge or conditional release under the standards  
14          of this Section in the Court which rendered the verdict. Upon  
15          receipt of a petition for treatment plan review or discharge or  
16          conditional release, the Court shall set a hearing to be held  
17          within 120 days. Thereafter, no new petition may be filed for  
18          180 days without leave of the Court.

19          (f) The Court shall direct that notice of the time and  
20          place of the hearing be served upon the defendant, the facility  
21          director, the State's Attorney, and the defendant's attorney.  
22          If requested by either the State or the defense or if the Court  
23          feels it is appropriate, an impartial examination of the  
24          defendant by a psychiatrist or clinical psychologist as defined  
25          in Section 1-103 of the Mental Health and Developmental  
26          Disabilities Code who is not in the employ of the Department of

1 Human Services shall be ordered, and the report considered at  
2 the time of the hearing.

3 (g) The findings of the Court shall be established by clear  
4 and convincing evidence. The burden of proof and the burden of  
5 going forth with the evidence rest with the defendant or any  
6 person on the defendant's behalf when a hearing is held to  
7 review a petition filed by or on behalf of the defendant. The  
8 evidence shall be presented in open Court with the right of  
9 confrontation and cross-examination. Such evidence may  
10 include, but is not limited to:

11 (1) whether the defendant appreciates the harm caused  
12 by the defendant to others and the community by his or her  
13 prior conduct that resulted in the finding of not guilty by  
14 reason of insanity;

15 (2) Whether the person appreciates the criminality of  
16 conduct similar to the conduct for which he or she was  
17 originally charged in this matter;

18 (3) the current state of the defendant's illness;

19 (4) what, if any, medications the defendant is taking  
20 to control his or her mental illness;

21 (5) what, if any, adverse physical side effects the  
22 medication has on the defendant;

23 (6) the length of time it would take for the  
24 defendant's mental health to deteriorate if the defendant  
25 stopped taking prescribed medication;

26 (7) the defendant's history or potential for alcohol

1 and drug abuse;

2 (8) the defendant's past criminal history;

3 (9) any specialized physical or medical needs of the  
4 defendant;

5 (10) any family participation or involvement expected  
6 upon release and what is the willingness and ability of the  
7 family to participate or be involved;

8 (11) the defendant's potential to be a danger to  
9 himself, herself, or others; and

10 (12) any other factor or factors the Court deems  
11 appropriate.

12 (h) Before the court orders that the defendant be  
13 discharged or conditionally released, it shall order the  
14 facility director to establish a discharge plan that includes a  
15 plan for the defendant's shelter, support, and medication. If  
16 appropriate, the court shall order that the facility director  
17 establish a program to train the defendant in self-medication  
18 under standards established by the Department of Human  
19 Services. If the Court finds, consistent with the provisions of  
20 this Section, that the defendant is no longer in need of mental  
21 health services it shall order the facility director to  
22 discharge the defendant. If the Court finds, consistent with  
23 the provisions of this Section, that the defendant is in need  
24 of mental health services, and no longer in need of inpatient  
25 care, it shall order the facility director to release the  
26 defendant under such conditions as the Court deems appropriate

1 and as provided by this Section. Such conditional release shall  
2 be imposed for a period of 5 years as provided in paragraph (D)  
3 of subsection (a-1) and shall be subject to later modification  
4 by the Court as provided by this Section. If the Court finds  
5 consistent with the provisions in this Section that the  
6 defendant is in need of mental health services on an inpatient  
7 basis, it shall order the facility director not to discharge or  
8 release the defendant in accordance with paragraph (b) of this  
9 Section.

10 (i) If within the period of the defendant's conditional  
11 release the State's Attorney determines that the defendant has  
12 not fulfilled the conditions of his or her release, the State's  
13 Attorney may petition the Court to revoke or modify the  
14 conditional release of the defendant. Upon the filing of such  
15 petition the defendant may be remanded to the custody of the  
16 Department, or to any other mental health facility designated  
17 by the Department, pending the resolution of the petition.  
18 Nothing in this Section shall prevent the emergency admission  
19 of a defendant pursuant to Article VI of Chapter III of the  
20 Mental Health and Developmental Disabilities Code or the  
21 voluntary admission of the defendant pursuant to Article IV of  
22 Chapter III of the Mental Health and Developmental Disabilities  
23 Code. If the Court determines, after hearing evidence, that the  
24 defendant has not fulfilled the conditions of release, the  
25 Court shall order a hearing to be held consistent with the  
26 provisions of paragraph (f) and (g) of this Section. At such

1 hearing, if the Court finds that the defendant is in need of  
2 mental health services on an inpatient basis, it shall enter an  
3 order remanding him or her to the Department of Human Services  
4 or other facility. If the defendant is remanded to the  
5 Department of Human Services, he or she shall be placed in a  
6 secure setting unless the Court determines that there are  
7 compelling reasons that such placement is not necessary. If the  
8 Court finds that the defendant continues to be in need of  
9 mental health services but not on an inpatient basis, it may  
10 modify the conditions of the original release in order to  
11 reasonably assure the defendant's satisfactory progress in  
12 treatment and his or her safety and the safety of others in  
13 accordance with the standards established in paragraph (D) of  
14 subsection (a-1). Nothing in this Section shall limit a Court's  
15 contempt powers or any other powers of a Court.

16 (j) An order of admission under this Section does not  
17 affect the remedy of habeas corpus.

18 (k) In the event of a conflict between this Section and the  
19 Mental Health and Developmental Disabilities Code or the Mental  
20 Health and Developmental Disabilities Confidentiality Act, the  
21 provisions of this Section shall govern.

22 (l) Public Act 90-593 ~~This amendatory Act~~ shall apply to  
23 all persons who have been found not guilty by reason of  
24 insanity and who are presently committed to the Department of  
25 Mental Health and Developmental Disabilities (now the  
26 Department of Human Services).

1 (m) The Clerk of the Court shall transmit a certified copy  
2 of the order of discharge or conditional release to the  
3 Department of Human Services, to the sheriff of the county from  
4 which the defendant was admitted, to the Illinois Department of  
5 State Police, to the proper law enforcement agency for the  
6 municipality where the offense took place, and to the sheriff  
7 of the county into which the defendant is conditionally  
8 discharged. The Illinois Department of State Police shall  
9 maintain a centralized record of discharged or conditionally  
10 released defendants while they are under court supervision for  
11 access and use of appropriate law enforcement agencies.

12 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;  
13 revised 10-10-17.)

14 Section 590. The Code of Civil Procedure is amended by  
15 changing Section 3-107 as follows:

16 (735 ILCS 5/3-107) (from Ch. 110, par. 3-107)

17 Sec. 3-107. Defendants.

18 (a) Except as provided in subsection (b) or (c), in any  
19 action to review any final decision of an administrative  
20 agency, the administrative agency and all persons, other than  
21 the plaintiff, who were parties of record to the proceedings  
22 before the administrative agency shall be made defendants. The  
23 method of service of the decision shall be as provided in the  
24 Act governing the procedure before the administrative agency,

1 but if no method is provided, a decision shall be deemed to  
2 have been served either when a copy of the decision is  
3 personally delivered or when a copy of the decision is  
4 deposited in the United States mail, in a sealed envelope or  
5 package, with postage prepaid, addressed to the party affected  
6 by the decision at his or her last known residence or place of  
7 business. The form of the summons and the issuance of alias  
8 summons shall be according to rules of the Supreme Court.

9 No action for administrative review shall be dismissed for  
10 lack of jurisdiction: (1) based upon misnomer of an agency,  
11 board, commission, or party that is properly served with  
12 summons that was issued in the action within the applicable  
13 time limits; or (2) for a failure to name an employee, agent,  
14 or member, who acted in his or her official capacity, of an  
15 administrative agency, board, committee, or government entity  
16 where a timely action for administrative review has been filed  
17 that identifies the final administrative decision under review  
18 and that makes a good faith effort to properly name the  
19 administrative agency, board, committee, or government entity.  
20 Naming the director or agency head, in his or her official  
21 capacity, shall be deemed to include as defendant the  
22 administrative agency, board, committee, or government entity  
23 that the named defendants direct or head. No action for  
24 administrative review shall be dismissed for lack of  
25 jurisdiction based upon the failure to name an administrative  
26 agency, board, committee, or government entity, where the



1 director or agency head, in his or her official capacity, has  
2 been named as a defendant as provided in this Section.

3 If, during the course of a review action, the court  
4 determines that an agency or a party of record to the  
5 administrative proceedings was not made a defendant as required  
6 by the preceding paragraph, then the court shall grant the  
7 plaintiff 35 days from the date of the determination in which  
8 to name and serve the unnamed agency or party as a defendant.  
9 The court shall permit the newly served defendant to  
10 participate in the proceedings to the extent the interests of  
11 justice may require.

12 (b) With respect to actions to review decisions of a zoning  
13 board of appeals under Division 13 of Article 11 of the  
14 Illinois Municipal Code, "parties of record" means only the  
15 zoning board of appeals and applicants before the zoning board  
16 of appeals. The plaintiff shall send a notice of filing of the  
17 action by certified mail to each other person who appeared  
18 before and submitted oral testimony or written statements to  
19 the zoning board of appeals with respect to the decision  
20 appealed from. The notice shall be mailed within 2 days of the  
21 filing of the action. The notice shall state the caption of the  
22 action, the court in which the action is filed, and the names  
23 of the plaintiff in the action and the applicant to the zoning  
24 board of appeals. The notice shall inform the person of his or  
25 her right to intervene. Each person who appeared before and  
26 submitted oral testimony or written statements to the zoning

1 board of appeals with respect to the decision appealed from  
2 shall have a right to intervene as a defendant in the action  
3 upon application made to the court within 30 days of the  
4 mailing of the notice.

5 (c) With respect to actions to review decisions of a  
6 hearing officer or a county zoning board of appeals under  
7 Division 5-12 of Article 5 of the Counties Code, "parties of  
8 record" means only the hearing officer or the zoning board of  
9 appeals and applicants before the hearing officer or the zoning  
10 board of appeals. The plaintiff shall send a notice of filing  
11 of the action by certified mail to each other person who  
12 appeared before and submitted oral testimony or written  
13 statements to the hearing officer or the zoning board of  
14 appeals with respect to the decision appealed from. The notice  
15 shall be mailed within 2 days of the filing of the action. The  
16 notice shall state the caption of the action, the court in  
17 which the action is filed, and the name of the plaintiff in the  
18 action and the applicant to the hearing officer or the zoning  
19 board of appeals. The notice shall inform the person of his or  
20 her right to intervene. Each person who appeared before and  
21 submitted oral testimony or written statements to the hearing  
22 officer or the zoning board of appeals with respect to the  
23 decision appealed from shall have a right to intervene as a  
24 defendant in the action upon application made to the court  
25 within 30 days of the mailing of the notice. This subsection  
26 (c) applies to zoning proceedings commenced on or after July 1,

1 2007 (the effective date of Public Act 95-321).

2 (d) The changes to this Section made by Public Act 95-831  
3 apply to all actions filed on or after August 21, 2007 (the  
4 effective date of Public Act 95-831). The changes made by  
5 Public Act 100-212 ~~this amendatory Act of the 100th General~~  
6 ~~Assembly~~ apply to all actions filed on or after August 18, 2017  
7 ~~(the effective date of Public Act 100-212)~~ ~~this amendatory Act~~  
8 ~~of the 100th General Assembly.~~

9 (Source: P.A. 100-83, eff. 1-1-18; 100-212, eff. 8-18-17;  
10 revised 10-6-17.)

11 Section 595. The Eminent Domain Act is amended by setting  
12 forth, renumbering, and changing multiple versions of Section  
13 25-5-70 as follows:

14 (735 ILCS 30/25-5-70)

15 (Section scheduled to be repealed on August 4, 2019)

16 Sec. 25-5-70. Quick-take; Macon County; Brush College  
17 Road.

18 (a) Quick-take proceedings under Article 20 may be used for  
19 a period of no more than one year after August 4, 2017 (the  
20 effective date of Public Act 100-39) ~~this amendatory Act of the~~  
21 ~~100th General Assembly~~ by Macon County and the City of Decatur  
22 for the acquisition of the following described property for the  
23 purpose of construction on Brush College Road:

1 Parcel 001  
2 Macon County  
3 Route: Brush College Road  
4 Owner: The JDW Trust  
5 Section: 14-00268-02-EG  
6 Job Number: 6447  
7 Sta. 30+71 RT. to Sta. 52+97 RT. (North Brush College Road)  
8 Permanent Index Number: 18-08-30-400-014

9 Part of the North Half of the Southeast Quarter of Section 30,  
10 Township 17 North, Range 3 East of the Third Principal  
11 Meridian, Macon County, Illinois, more particularly described  
12 as follows:

13 Commencing at the Northeast corner of the Southeast Quarter of  
14 Section 30, Township 17 North, Range 3 East of the Third  
15 Principal Meridian; thence West along the North line of said  
16 Southeast Quarter, a bearing based on the Illinois Coordinate  
17 System East Zone NAD83 (2011) Adjustment South 89 degrees 01  
18 minutes 31 seconds West, a distance of 1168.47 feet to the  
19 Point of Beginning for the following described parcel:

20 Thence South 19 degrees 55 minutes 15 seconds West, a distance  
21 of 164.68 feet; thence South 22 degrees 09 minutes 15 seconds  
22 East, a distance of 9.83 feet; thence South 67 degrees 09  
23 minutes 15 seconds East, a distance of 425.00 feet; thence

1 South 66 degrees 16 minutes 22 seconds East, a distance of  
2 283.28 feet to a point of curvature; thence Southeasterly along  
3 a circular curve to the right, radius point being South, a  
4 radius of 1067.71 feet, the chord across the last described  
5 circular curve course bears South 55 degrees 49 minutes 53  
6 seconds East, a distance of 389.47 feet; thence North 79  
7 degrees 23 minutes 00 seconds East, a distance of 40.06 feet to  
8 a point of curvature; thence Northeasterly along a circular  
9 curve to the left, radius point being West, a radius of 625.00  
10 feet, the chord across the last described circular curve course  
11 bears North 30 degrees 51 minutes 43 seconds East, a distance  
12 of 284.02 feet to a point on the West Right of Way line of Brush  
13 College Road; thence South 00 degrees 20 minutes 50 seconds  
14 East along the said West Right of Way line, a distance of  
15 871.15 feet; thence Northwesterly along a circular curve to the  
16 left, radius point being South, a radius of 931.75 feet, the  
17 chord across the last described circular curve course bears  
18 North 39 degrees 00 minutes 19 seconds West, a distance of  
19 905.05 feet; thence North 68 degrees 04 minutes 22 seconds  
20 West, a distance of 233.28 feet; thence North 67 degrees 09  
21 minutes 15 seconds West, a distance of 850.00 feet; thence  
22 North 77 degrees 09 minutes 14 seconds West, a distance of  
23 130.95 feet to a point on the Easterly Right of Way Line of  
24 Illinois Route 48; thence North 37 degrees 48 minutes 50  
25 seconds East along the said Easterly Right of Way Line, a  
26 distance of 156.61 feet to the Southwest corner of Lot 2 as

1 designated upon the Final Plat of WMCD Subdivision, being a  
2 subdivision in the SE. 1/4 and SW. 1/4 of the NE. 1/4 of  
3 Section 30, Township 17 North, Range 3 East of the Third  
4 Principal Meridian, Macon County, Illinois and recorded in Book  
5 1832, Page 338 of the Records in the Recorder's Office of Macon  
6 County, Illinois; thence North 89 degrees 01 minutes 31 seconds  
7 East along the North line of said Southeast Quarter as  
8 aforesaid to the Point of Beginning, containing 8.310 acres,  
9 more or less.

10 (b) This Section is repealed August 4, 2019 (2 years after  
11 the effective date of Public Act 100-39) ~~this amendatory Act of~~  
12 ~~the 100th General Assembly.~~

13 (Source: P.A. 100-39, eff. 8-4-17; revised 11-6-17.)

14 (735 ILCS 30/25-5-72)

15 Sec. 25-5-72 ~~25-5-70~~. Quick-take; McHenry County; Randall  
16 Road. Quick-take proceedings under Article 20 may be used for a  
17 period of no more than one year after August 25, 2017 (the  
18 effective date of Public Act 100-446) ~~this amendatory Act of~~  
19 ~~the 100th General Assembly~~ by McHenry County for the  
20 acquisition of the following described property for the purpose  
21 of construction on Randall Road:

22 RANDALL ROAD, McHENRY COUNTY, ILLINOIS

23 LEGAL DESCRIPTIONS

1           \*\*\*

2           That part of Lot 3, except the West 10.0 feet thereof  
3 conveyed to McHenry County, Illinois, by quit claim deed  
4 recorded July 30, 2008 as document number 2008R0041806, in  
5 Rosen Rosen Rosen Subdivision, being a subdivision of part of  
6 the Northwest Quarter of Section 32, Township 43 North, Range 8  
7 East of the Third Principal Meridian, according to the plat  
8 thereof recorded July 26, 2001 as document number 2001R0052702,  
9 in McHenry County, Illinois, bearings and distances are based  
10 on the Illinois Coordinate System, NAD 83(2011) East Zone, with  
11 a combination factor of 0.9999373735, described as follows:

12           Commencing at the southwest corner of said Lot 3; thence on  
13 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
14 South 87 degrees 20 minutes 06 seconds East along the south  
15 line of said Lot 3, a distance of 10.00 feet to the east right  
16 of way line of Randall Road recorded July 30, 2008 as document  
17 number 2008R0041806 and the point of beginning; thence North 2  
18 degrees 40 minutes 02 seconds East along the said east right of  
19 way line of Randall Road, a distance of 227.85 feet to the  
20 northerly line of said Lot 3; thence North 81 degrees 39  
21 minutes 50 seconds East along the northerly line of said Lot 3,  
22 a distance of 3.52 feet; thence South 2 degrees 47 minutes 42  
23 seconds West, a distance of 228.52 feet to the south line of  
24 said Lot 3; thence North 87 degrees 20 minutes 06 seconds West

1 along the south line of said Lot 3, a distance of 2.94 feet to  
2 the point of beginning.

3 Said parcel containing 0.017 acre, more or less.

4 \*\*\*

5 That part of Lot 3, except the West 10.0 feet thereof  
6 conveyed to McHenry County, Illinois, by quit claim deed  
7 recorded July 30, 2008 as document number 2008R0041806, in  
8 Rosen Rosen Rosen Subdivision, being a subdivision of part of  
9 the Northwest Quarter of Section 32, Township 43 North, Range 8  
10 East of the Third Principal Meridian, according to the plat  
11 thereof recorded July 26, 2001 as document number 2001R0052702,  
12 in McHenry County, Illinois, bearings and distances are based  
13 on the Illinois Coordinate System, NAD 83(2011) East Zone, with  
14 a combination factor of 0.9999373735, described as follows:

15 Commencing at the southwest corner of said Lot 3; thence on  
16 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17 South 87 degrees 20 minutes 06 seconds East along the south  
18 line of said Lot 3, a distance of 10.00 feet to the east right  
19 of way line of Randall Road recorded July 30, 2008 as document  
20 number 2008R0041806; thence North 2 degrees 40 minutes 02  
21 seconds East along the said east right of way line of Randall  
22 Road, a distance of 227.85 feet to the northerly line of said



1 Lot 3; thence North 81 degrees 39 minutes 50 seconds East along  
2 the northerly line of said Lot 3, a distance of 3.52 feet to  
3 the point of beginning; thence South 2 degrees 47 minutes 42  
4 seconds West, a distance of 228.52 feet to the south line of  
5 said Lot 3; thence South 87 degrees 20 minutes 06 seconds East  
6 along the south line of said Lot 3, a distance of 8.00 feet;  
7 thence North 2 degrees 47 minutes 42 seconds East, a distance  
8 of 230.08 feet to the northerly line of said Lot 3; thence  
9 South 81 degrees 39 minutes 50 seconds West along the northerly  
10 line of said Lot 3, a distance of 8.15 feet to the point of  
11 beginning.

12 Said temporary easement containing 0.043 acre, more or  
13 less.

14 Said temporary easement to be used for grading purposes.

15 \*\*\*

16 That part of Lot 3 in Rubloff Oakridge Resubdivision, being  
17 a resubdivision of Lots 4, 5 and "A" in Olsen's Second  
18 Resubdivision in the Northeast Quarter of Section 31, Township  
19 43 North, Range 8 East of the Third Principal Meridian,  
20 according to the plat of said Rubloff Oakridge Resubdivision  
21 recorded November 1, 2002 as document number 2002R0100964, in  
22 McHenry County, Illinois, bearings and distances are based on

1 the Illinois Coordinate System, NAD 83(2011) East Zone, with a  
2 combination factor of 0.9999373735, described as follows:

3 Beginning at the northeast corner of said Lot 3; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 South 2 degrees 40 minutes 02 seconds West along the east line  
6 of said Lot 3, a distance of 22.73 feet to an angle point on  
7 said east line of Lot 3; thence South 5 degrees 31 minutes 46  
8 seconds West along the east line of said Lot 3, a distance of  
9 100.12 feet to an angle point on said east line of Lot 3;  
10 thence South 2 degrees 40 minutes 02 seconds West along the  
11 east line of said Lot 3, a distance of 288.24 feet to the  
12 southeast corner of Lot 3; thence North 89 degrees 27 minutes  
13 18 seconds West along the south line of said Lot 3, a distance  
14 of 5.81 feet; thence North 2 degrees 47 minutes 42 seconds  
15 East, a distance of 170.94 feet; thence North 87 degrees 12  
16 minutes 18 seconds West, a distance of 22.00 feet; thence North  
17 2 degrees 47 minutes 42 seconds East, a distance of 40.00 feet;  
18 thence South 87 degrees 12 minutes 18 seconds East, a distance  
19 of 15.00 feet; thence North 2 degrees 47 minutes 42 seconds  
20 East, a distance of 200.22 feet to the north line of said Lot  
21 3; thence South 87 degrees 20 minutes 16 seconds East along the  
22 north line of said Lot 3, a distance of 16.89 feet to the point  
23 of beginning.

24 Said parcel containing 0.111 acre, more or less.

1           \*\*\*

2           That part of Lot 3 in Rubloff Oakridge Resubdivision, being  
3           a resubdivision of Lots 4, 5 and "A" in Olsen's Second  
4           Resubdivision in the Northeast Quarter of Section 31, Township  
5           43 North, Range 8 East of the Third Principal Meridian,  
6           according to the plat of said Rubloff Oakridge Resubdivision  
7           recorded November 1, 2002 as document number 2002R0100964, in  
8           McHenry County, Illinois, bearings and distances are based on  
9           the Illinois Coordinate System, NAD 83(2011) East Zone, with a  
10          combination factor of 0.9999373735, described as follows:

11          Commencing at the northeast corner of said Lot 3; thence on  
12          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13          South 2 degrees 40 minutes 02 seconds West along the east line  
14          of said Lot 3, a distance of 22.73 feet to an angle point on  
15          said east line of Lot 3; thence South 5 degrees 31 minutes 46  
16          seconds West along the east line of said Lot 3, a distance of  
17          100.12 feet to an angle point on said east line of Lot 3;  
18          thence South 2 degrees 40 minutes 02 seconds West along the  
19          east line of said Lot 3, a distance of 288.24 feet to the  
20          southeast corner of Lot 3; thence North 89 degrees 27 minutes  
21          18 seconds West along the south line of said Lot 3, a distance  
22          of 5.81 feet; thence North 2 degrees 47 minutes 42 seconds  
23          East, a distance of 170.94 feet; thence North 87 degrees 12

1 minutes 18 seconds West, a distance of 22.00 feet; thence North  
2 2 degrees 47 minutes 42 seconds East, a distance of 40.00 feet  
3 to the point of beginning; thence South 87 degrees 12 minutes  
4 18 seconds East, a distance of 15.00 feet; thence North 2  
5 degrees 47 minutes 42 seconds East, a distance of 200.22 feet  
6 to the north line of said Lot 3; thence North 87 degrees 20  
7 minutes 16 seconds West along the north line of said Lot 3, a  
8 distance of 15.00 feet; thence South 2 degrees 47 minutes 42  
9 seconds West, a distance of 200.18 feet to the point of  
10 beginning.

11 Said temporary easement containing 0.069 acre, more or  
12 less.

13 Said temporary easement to be used for grading purposes.

14 \*\*\*

15 That part of Lot 1 in Olsen's Subdivision, being a  
16 subdivision of part of the East Half of the Northeast Quarter  
17 of Section 31, Township 43 North, Range 8 East of the Third  
18 Principal Meridian, according to the plat thereof recorded  
19 August 17, 1995 as document number 95R033749 and that part of  
20 Lot 3 in Olsen's Second Resubdivision, being a resubdivision of  
21 Lot 3 in Olsen's Subdivision recorded August 17, 1995 as  
22 document number 95R033749 and Lot 4 in Olsen's First

1 Resubdivision of Lot 2 and part of Lot 3 in Olsen's Subdivision  
2 recorded August 14, 1996 as document number 96R042075 of part  
3 of the East Half of the Northeast Quarter of Section 31,  
4 Township 43 North, Range 8 East of the Third Principal  
5 Meridian, according to the plat of said Olsen's Second  
6 Resubdivision recorded November 5, 1999 as document number  
7 1999R0076925, in McHenry County, Illinois, bearings and  
8 distances are based on the Illinois Coordinate System, NAD  
9 83(2011) East Zone, with a combination factor of 0.9999373735,  
10 described as follows:

11 Beginning at the southeast corner of said Lot 3; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 North 87 degrees 20 minutes 16 seconds West along a south line  
14 of said Lot 3, a distance of 16.89 feet; thence North 2 degrees  
15 47 minutes 42 seconds East, a distance of 154.86 feet to a  
16 point of curvature; thence northerly 437.88 feet along a curve  
17 to the left having a radius of 17159.52 feet, the chord of said  
18 curve bears North 2 degrees 03 minutes 51 seconds East, 437.87  
19 feet; thence North 88 degrees 40 minutes 01 second West along a  
20 radial line, a distance of 15.00 feet; thence northerly 412.44  
21 feet along a curve to the left having a radius of 17144.52  
22 feet, the chord of said curve bears North 0 degrees 38 minutes  
23 38 seconds East, 412.43 feet; thence North 45 degrees 12  
24 minutes 48 seconds West, a distance of 21.16 feet; thence South  
25 89 degrees 38 minutes 36 seconds West, a distance of 332.84

1 feet; thence North 83 degrees 51 minutes 10 seconds West, a  
2 distance of 197.73 feet to the west line of said Lot 1; thence  
3 North 1 degree 52 minutes 34 seconds East along the west line  
4 of said Lot 1, a distance of 12.43 feet to the northwest corner  
5 of Lot 1; thence North 89 degrees 21 minutes 14 seconds East  
6 along the north line of said Lot 1, a distance of 551.12 feet  
7 to the northeasterly line of Lot 1; thence South 45 degrees 19  
8 minutes 13 seconds East along the northeasterly line of said  
9 Lot 1, a distance of 35.15 feet to east line of Lot 1; thence  
10 South 0 degrees 00 minutes 21 seconds West along the east line  
11 of said Lot 1, a distance of 430.58 feet (430.63 feet,  
12 recorded) to an angle point on the east line of Lot 1; thence  
13 South 2 degrees 40 minutes 02 seconds West along the east line  
14 of said Lot 1 and along the east line of said Lot 3, a distance  
15 of 603.78 feet to the point of beginning.

16 Said parcel containing 0.993 acre, more or less.

17 \*\*\*

18 That part of Lot 1 in Olsen's Subdivision, being a  
19 subdivision of part of the East Half of the Northeast Quarter  
20 of Section 31, Township 43 North, Range 8 East of the Third  
21 Principal Meridian, according to the plat thereof recorded  
22 August 17, 1995 as document number 95R033749 and that part of  
23 Lot 3 in Olsen's Second Resubdivision, being a resubdivision of

1 Lot 3 in Olsen's Subdivision recorded August 17, 1995 as  
2 document number 95R033749 and Lot 4 in Olsen's First  
3 Resubdivision of Lot 2 and part of Lot 3 in Olsen's Subdivision  
4 recorded August 14, 1996 as document number 96R042075 of part  
5 of the East Half of the Northeast Quarter of Section 31,  
6 Township 43 North, Range 8 East of the Third Principal  
7 Meridian, according to the plat of said Olsen's Second  
8 Resubdivision recorded November 5, 1999 as document number  
9 1999R0076925, in McHenry County, Illinois, bearings and  
10 distances are based on the Illinois Coordinate System, NAD  
11 83(2011) East Zone, with a combination factor of 0.9999373735,  
12 described as follows:

13 Commencing at the southeast corner of said Lot 3; thence on  
14 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
15 North 87 degrees 20 minutes 16 seconds West along a south line  
16 of said Lot 3, a distance of 16.89 feet to the point of  
17 beginning; thence North 2 degrees 47 minutes 42 seconds East, a  
18 distance of 154.86 feet to a point of curvature; thence  
19 northerly 437.88 feet along a curve to the left having a radius  
20 of 17159.52 feet, the chord of said curve bears North 2 degrees  
21 03 minutes 51 seconds East, 437.87 feet; thence North 88  
22 degrees 40 minutes 01 second West along a radial line, a  
23 distance of 15.00 feet; thence southerly 437.50 feet along a  
24 curve to the right having a radius of 17144.52 feet, the chord  
25 of said curve bears South 2 degrees 03 minutes 51 seconds West,

1 437.49 feet to a point of tangency; thence South 2 degrees 47  
2 minutes 42 seconds West, a distance of 154.89 feet to a south  
3 line of said Lot 3; thence South 87 degrees 20 minutes 16  
4 seconds East along a south line of said Lot 3, a distance of  
5 15.00 to the point of beginning.

6 Said temporary easement containing 0.204 acre, more or  
7 less.

8 Said temporary easement to be used for construction  
9 purposes.

10 \*\*\*

11 That part of Lot 1 in Olsen's Subdivision, being a  
12 subdivision of part of the East Half of the Northeast Quarter  
13 of Section 31, Township 43 North, Range 8 East of the Third  
14 Principal Meridian, according to the plat thereof recorded  
15 August 17, 1995 as document number 95R033749, in McHenry  
16 County, Illinois, bearings and distances are based on the  
17 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
18 combination factor of 0.9999373735, described as follows:

19 Commencing at the southeast corner of Lot 3 in Olsen's  
20 Second Resubdivision according to the plat thereof recorded  
21 November 5, 1999 as document number 1999R0076925; thence on an



1 Illinois Coordinate System NAD 83(2011) East Zone bearing of  
2 North 87 degrees 20 minutes 16 seconds West along a south line  
3 of Lot 3 in said Olsen's Second Resubdivision, a distance of  
4 16.89 feet; thence North 2 degrees 47 minutes 42 seconds East,  
5 a distance of 154.86 feet to a point of curvature; thence  
6 northerly 437.88 feet along a curve to the left having a radius  
7 of 17159.52 feet, the chord of said curve bears North 2 degrees  
8 03 minutes 51 seconds East, 437.87 feet; thence North 88  
9 degrees 40 minutes 01 second West along a radial line, a  
10 distance of 15.00 feet; thence northerly 35.00 feet along a  
11 curve to the left having a radius of 17144.52 feet, the chord  
12 of said curve bears North 1 degree 16 minutes 28 seconds East,  
13 35.00 feet to the point of beginning; thence northerly 377.44  
14 feet along a curve to the left having a radius of 17144.52  
15 feet, the chord of said curve bears North 0 degrees 35 minutes  
16 07 second East, 377.43 feet; thence North 45 degrees 12 minutes  
17 48 seconds West, a distance of 21.16 feet; thence South 89  
18 degrees 38 minutes 36 seconds West, a distance of 332.84 feet;  
19 thence North 83 degrees 51 minutes 10 seconds West, a distance  
20 of 197.73 feet to the west line of said Lot 1; thence South 1  
21 degree 52 minutes 34 seconds West along the west line of said  
22 Lot 1, a distance of 6.02 feet; thence South 83 degrees 51  
23 minutes 10 second East, a distance of 197.62 feet; thence North  
24 89 degrees 38 minutes 36 seconds East, a distance of 338.15  
25 feet; thence southerly 326.14 feet along a curve to the right  
26 having a radius of 17134.52 feet, the chord of said curve bears

1 South 0 degrees 28 minutes 12 seconds West, 326.14 feet; thence  
2 North 88 degrees 40 minutes 01 second West, a distance of 30.00  
3 feet; thence southerly 60.00 feet along a curve to the right  
4 having a radius of 17104.52 feet, the chord of said curve bears  
5 South 1 degree 06 minutes 55 seconds West, 60.00 feet; thence  
6 South 88 degrees 40 minutes 01 second East, a distance of 40.00  
7 feet to the point of beginning.

8 Said temporary easement containing 0.203 acre, more or  
9 less.

10 Said temporary easement to be used for grading and driveway  
11 construction purposes.

12 \*\*\*

13 That part of the Northwest Quarter of Section 32, Township  
14 43 North, Range 8 East of the Third Principal Meridian, in  
15 McHenry County, Illinois, bearings and distances are based on  
16 the Illinois Coordinate System, NAD 83(2011) East Zone, with a  
17 combination factor of 0.9999373735, described as follows:

18 Beginning at the northwest corner of the Northwest Quarter  
19 of said Section 32; thence on an Illinois Coordinate System NAD  
20 83(2011) East Zone bearing of South 89 degrees 47 minutes 34  
21 seconds East along the north line of the Northwest Quarter of

1 said Section 32, a distance of 23.41 feet to a point of  
2 intersection with the Northerly extension of the east right of  
3 way line of Randall Road recorded May 20, 1971 as document  
4 number 543017; thence South 0 degrees 00 minutes 21 seconds  
5 West along the Northerly extension of the said east right of  
6 way line of Randall Road, a distance of 70.00 feet to the south  
7 right of way line of Huntington Drive recorded July 23, 1990 as  
8 document number 90R026911; thence South 89 degrees 47 minutes  
9 34 seconds East along the said south right of way line of  
10 Huntington Drive, a distance of 99.99 feet to a point of  
11 curvature on said south right of way line; thence easterly  
12 114.98 feet (111.67 feet, recorded) along the southerly right  
13 of way line of said Huntington Drive on a curve to the left  
14 having a radius of 334.98 feet, the chord of said curve bears  
15 North 80 degrees 22 minutes 26 seconds East, 114.42 feet to a  
16 point of reverse curvature on said southerly right of way line;  
17 thence easterly 90.96 feet (88.34 feet, recorded) along the  
18 said southerly right of way line of Huntington Drive on a curve  
19 to the right having a radius of 264.98 feet, the chord of said  
20 curve bears North 80 degrees 22 minutes 26 seconds East, 90.51  
21 feet to a point of tangency on the said south right of way line  
22 of Huntington Drive; thence South 89 degrees 47 minutes 34  
23 seconds East along the said south right of way line of  
24 Huntington Drive, a distance of 319.64 feet; thence South 81  
25 degrees 12 minutes 30 seconds West, a distance of 225.11 feet;  
26 thence South 8 degrees 47 minutes 30 seconds East, a distance

1 of 5.00 feet; thence South 81 degrees 12 minutes 30 seconds  
2 West, a distance of 128.86 feet; thence South 89 degrees 38  
3 minutes 36 seconds West, a distance of 172.42 feet; thence  
4 South 64 degrees 03 minutes 37 seconds West, a distance of  
5 69.23 feet; thence southerly 582.56 feet along a curve to the  
6 right having a radius of 17334.52 feet, the chord of said curve  
7 bears South 0 degrees 56 minutes 37 seconds West, 582.53 feet  
8 to the south line of the grantor according to warranty deed  
9 recorded March 9, 1910 as document number 15359; thence North  
10 89 degrees 35 minutes 06 seconds West along the south line of  
11 the grantor according to said warranty deed, a distance of  
12 77.27 feet to the west line of the Northwest Quarter of said  
13 Section 32; thence North 2 degrees 03 minutes 28 seconds East  
14 along the west line of the Northwest Quarter of said Section  
15 32, a distance of 710.08 feet (710 feet, recorded) to the point  
16 of beginning.

17 Said parcel containing 1.559 acres, more or less, of which  
18 0.571 acre, more or less, was previously dedicated or used for  
19 highway purposes.

20 \*\*\*

21 That part of the Northwest Quarter of Section 32, Township  
22 43 North, Range 8 East of the Third Principal Meridian, in  
23 McHenry County, Illinois, bearings and distances are based on

1 the Illinois Coordinate System, NAD 83(2011) East Zone, with a  
2 combination factor of 0.9999373735, described as follows:

3 Commencing at the northwest corner of the Northwest Quarter  
4 of said Section 32; thence on an Illinois Coordinate System NAD  
5 83(2011) East Zone bearing of South 89 degrees 47 minutes 34  
6 seconds East along the north line of the Northwest Quarter of  
7 said Section 32, a distance of 23.41 feet to a point of  
8 intersection with the Northerly extension of the east right of  
9 way line of Randall Road recorded May 20, 1971 as document  
10 number 543017; thence South 0 degrees 00 minutes 21 seconds  
11 West along the Northerly extension of the said east right of  
12 way line of Randall Road, a distance of 70.00 feet to the south  
13 right of way line of Huntington Drive recorded July 23, 1990 as  
14 document number 90R026911; thence South 89 degrees 47 minutes  
15 34 seconds East along the said south right of way line of  
16 Huntington Drive, a distance of 99.99 feet to a point of  
17 curvature on said south right of way line; thence easterly  
18 114.98 feet (111.67 feet, recorded) along the southerly right  
19 of way line of said Huntington Drive on a curve to the left  
20 having a radius of 334.98 feet, the chord of said curve bears  
21 North 80 degrees 22 minutes 26 seconds East, 114.42 feet to a  
22 point of reverse curvature on said southerly right of way line;  
23 thence easterly 90.96 feet (88.34 feet, recorded) along the  
24 said southerly right of way line of Huntington Drive on a curve  
25 to the right having a radius of 264.98 feet, the chord of said

1 curve bears North 80 degrees 22 minutes 26 seconds East, 90.51  
2 feet to a point of tangency on the said south right of way line  
3 of Huntington Drive; thence South 89 degrees 47 minutes 34  
4 seconds East along the said south right of way line of  
5 Huntington Drive, a distance of 319.64 feet to the point of  
6 beginning; thence South 81 degrees 12 minutes 30 seconds West,  
7 a distance of 225.11 feet; thence South 8 degrees 47 minutes 30  
8 seconds East, a distance of 5.00 feet; thence South 81 degrees  
9 12 minutes 30 seconds West, a distance of 128.86 feet; thence  
10 South 89 degrees 38 minutes 36 seconds West, a distance of  
11 172.42 feet; thence South 64 degrees 03 minutes 37 seconds  
12 West, a distance of 69.23 feet; thence southerly 582.56 feet  
13 along a curve to the right having a radius of 17334.52 feet,  
14 the chord of said curve bears South 0 degrees 56 minutes 37  
15 seconds West, 582.53 feet to the south line of the grantor  
16 according to warranty deed recorded March 9, 1910 as document  
17 number 15359; thence South 89 degrees 35 minutes 06 seconds  
18 East along the south line of the grantor according to said  
19 warranty deed, a distance of 10.00 feet; thence northerly  
20 102.10 feet along a curve to the left having a radius of  
21 17344.52 feet, the chord of said curve bears North 1 degree 44  
22 minutes 12 seconds East, 102.10 feet; thence North 90 degrees  
23 00 minutes 00 seconds East, a distance of 70.03 feet; thence  
24 northerly 295.03 feet along a curve to the left having a radius  
25 of 17414.52 feet, the chord of said curve bears North 1 degree  
26 04 minutes 35 seconds East, 295.03 feet; thence North 90

1 degrees 00 minutes 00 seconds East, a distance of 50.00 feet;  
2 thence northerly 125.49 feet along a curve to the left having a  
3 radius of 17464.52 feet, the chord of said curve bears North 0  
4 degrees 23 minutes 01 second East, 125.49 feet; thence North 50  
5 degrees 24 minutes 29 seconds East, a distance of 29.58 feet;  
6 thence North 89 degrees 38 minutes 36 seconds East, a distance  
7 of 87.71 feet; thence North 81 degrees 12 minutes 30 seconds  
8 East, a distance of 164.10 feet; thence North 65 degrees 08  
9 minutes 08 seconds East, a distance of 133.64 feet; thence  
10 North 8 degrees 47 minutes 30 seconds West, a distance of 25.00  
11 feet; thence North 81 degrees 12 minutes 30 seconds East, a  
12 distance of 112.61 feet; thence North 0 degrees 18 minutes 19  
13 seconds East, a distance of 7.64 feet to the said south right  
14 of way line of Huntington Drive; thence North 89 degrees 47  
15 minutes 34 seconds West along the said south right of way line  
16 of Huntington Drive, a distance of 47.64 feet to the point of  
17 beginning.

18 Said temporary easement containing 1.849 acres, more or  
19 less.

20 Said temporary easement to be used for grading purposes.

21 \*\*\*

22 That part of Lot 1 in Meijer Store #206 Subdivision, being

1 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
2 the Southeast Quarter of Section 30, Township 43 North, Range 8  
3 East of the Third Principal Meridian, according to the plat of  
4 said Meijer #206 Subdivision recorded September 25, 2002 as  
5 document number 2002R0084811, in McHenry County, Illinois,  
6 bearings and distances are based on the Illinois Coordinate  
7 System, NAD 83(2011) East Zone, with a combination factor of  
8 0.9999373735, described as follows:

9 Beginning at the southeast corner of said Lot 1; thence on  
10 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
11 South 89 degrees 21 minutes 14 seconds West along the south  
12 line of said Lot 1, a distance of 281.80 feet (281.83 feet,  
13 recorded) to a southwest corner of Lot 1; thence northeasterly  
14 10.29 feet along a northwesterly line of said Lot 1 on a curve  
15 to the left having a radius of 49.00 feet, the chord of said  
16 curve bears North 30 degrees 40 minutes 11 seconds East, 10.27  
17 feet; thence North 89 degrees 38 minutes 36 seconds East, a  
18 distance of 160.24 feet; thence South 0 degrees 21 minutes 24  
19 seconds East, a distance of 5.00 feet; thence North 89 degrees  
20 38 minutes 36 seconds East, a distance of 54.47 feet; thence  
21 North 44 degrees 48 minutes 06 seconds East, a distance of  
22 87.77 feet to the east line of said Lot 1; thence South 0  
23 degrees 01 minute 40 seconds West along the east line of said  
24 Lot 1, a distance of 64.27 feet to the point of beginning.



1 Said parcel containing 0.082 acre, more or less.

2 \*\*\*

3 That part of Lot 1 in Meijer Store #206 Subdivision, being  
4 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
5 the Southeast Quarter of Section 30, Township 43 North, Range 8  
6 East of the Third Principal Meridian, according to the plat of  
7 said Meijer #206 Subdivision recorded September 25, 2002 as  
8 document number 2002R0084811, in McHenry County, Illinois,  
9 bearings and distances are based on the Illinois Coordinate  
10 System, NAD 83(2011) East Zone, with a combination factor of  
11 0.9999373735, described as follows:

12 Beginning at a southeast corner of said Lot 1, being also  
13 the southwest corner of Lot 5 in said Meijer Store #206  
14 Subdivision; thence on an Illinois Coordinate System NAD  
15 83(2011) East Zone bearing of South 89 degrees 21 minutes 14  
16 seconds West along the south line of said Lot 1, a distance of  
17 74.24 feet; thence North 0 degrees 21 minutes 24 seconds West,  
18 a distance of 39.98 feet; thence North 89 degrees 24 minutes 27  
19 seconds East, a distance of 63.85 feet to an east line of said  
20 Lot 1; thence South 0 degrees 21 minutes 27 seconds East along  
21 an east line of said Lot 1, a distance of 9.70 feet to a  
22 northeasterly line of Lot 1; thence southeasterly 32.50 feet  
23 along a northeasterly line of said Lot 1 on a curve to the left

1 having a radius of 49.00 feet, the chord of said curve bears  
2 South 19 degrees 22 minutes 16 seconds East, 31.91 feet to the  
3 point of beginning.

4 Said temporary easement containing 0.061 acre, more or  
5 less.

6 Said temporary easement to be used for construction  
7 purposes.

8 \*\*\*

9 That part of Lot 1 in Meijer Store #206 Subdivision, being  
10 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
11 the Southeast Quarter of Section 30, Township 43 North, Range 8  
12 East of the Third Principal Meridian, according to the plat of  
13 said Meijer #206 Subdivision recorded September 25, 2002 as  
14 document number 2002R0084811, in McHenry County, Illinois,  
15 bearings and distances are based on the Illinois Coordinate  
16 System, NAD 83(2011) East Zone, with a combination factor of  
17 0.9999373735, described as follows:

18 Commencing at the southeast corner of said Lot 1; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 South 89 degrees 21 minutes 14 seconds West along the south  
21 line of said Lot 1, a distance of 281.80 feet (281.83 feet,

1 recorded) to a southwest corner of Lot 1; thence northeasterly  
2 10.29 feet along a northwesterly line of said Lot 1 on a curve  
3 to the left having a radius of 49.00 feet, the chord of said  
4 curve bears North 30 degrees 40 minutes 11 seconds East, 10.27  
5 feet to the point of beginning; thence North 89 degrees 38  
6 minutes 36 seconds East, a distance of 78.24 feet; thence North  
7 0 degrees 21 minutes 24 seconds West, a distance of 27.00 feet;  
8 thence South 89 degrees 38 minutes 36 seconds West, a distance  
9 of 73.61 feet to a west line of said Lot 1; thence South 0  
10 degrees 06 minutes 47 seconds East along a west line of said  
11 Lot 1, a distance of 6.50 feet to a northwesterly line of Lot  
12 1; thence southwesterly 21.18 feet along a northwesterly line  
13 of said Lot 1 on a curve to the right having a radius of 49.00  
14 feet, the chord of said curve bears South 12 degrees 16 minutes  
15 19 seconds West, 21.01 feet to the point of beginning.

16 Said temporary easement containing 0.046 acre, more or  
17 less.

18 Said temporary easement to be used for construction  
19 purposes.

20 \*\*\*

21 That part of Lot 1 in Meijer Store #206 Subdivision, being  
22 a resubdivision of part of Lot 6 in Eagle Commercial Center in

1 the Southeast Quarter of Section 30, Township 43 North, Range 8  
2 East of the Third Principal Meridian, according to the plat of  
3 said Meijer #206 Subdivision recorded September 25, 2002 as  
4 document number 2002R0084811, in McHenry County, Illinois,  
5 bearings and distances are based on the Illinois Coordinate  
6 System, NAD 83(2011) East Zone, with a combination factor of  
7 0.9999373735, described as follows:

8 Commencing at the southeast corner of said Lot 1; thence on  
9 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
10 South 89 degrees 21 minutes 14 seconds West along the south  
11 line of said Lot 1, a distance of 281.80 feet (281.83 feet,  
12 recorded) to a southwest corner of Lot 1; thence northeasterly  
13 10.29 feet along a northwesterly line of said Lot 1 on a curve  
14 to the left having a radius of 49.00 feet, the chord of said  
15 curve bears North 30 degrees 40 minutes 11 seconds East, 10.27  
16 feet; thence North 89 degrees 38 minutes 36 seconds East, a  
17 distance of 160.24 feet; thence South 0 degrees 21 minutes 24  
18 seconds East, a distance of 5.00 feet; thence North 89 degrees  
19 38 minutes 36 seconds East, a distance of 35.00 feet to the  
20 point of beginning; thence continuing North 89 degrees 38  
21 minutes 36 seconds East, a distance of 19.47 feet; thence North  
22 44 degrees 48 minutes 06 seconds East, a distance of 87.77 feet  
23 to the east line of said Lot 1; thence North 0 degrees 01  
24 minute 40 seconds East along the east line of said Lot 1, a  
25 distance of 391.21 feet to a northeast corner of Lot 1; thence

1 southwesterly 49.51 feet along a northeasterly line of said Lot  
2 1 on a curve to the right having a radius of 98.99 feet, the  
3 chord of said curve bears South 62 degrees 09 minutes 20  
4 seconds West, 48.99 feet; thence South 1 degree 09 minutes 06  
5 seconds West, a distance of 56.02 feet; thence North 89 degrees  
6 58 minutes 13 seconds East, a distance of 36.65 feet; thence  
7 South 0 degrees 01 minute 47 seconds East, a distance of 312.74  
8 feet; thence South 44 degrees 48 minutes 06 seconds West, a  
9 distance of 80.18 feet; thence South 89 degrees 38 minutes 36  
10 seconds West, a distance of 17.40 feet; thence South 0 degrees  
11 21 minutes 24 seconds East, a distance of 5.00 feet to the  
12 point of beginning.

13 Said temporary easement containing 0.132 acre, more or  
14 less.

15 Said temporary easement to be used for construction  
16 purposes.

17 \*\*\*

18 That part of Lot 1 in Meijer Store #206 Subdivision, being  
19 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
20 the Southeast Quarter of Section 30, Township 43 North, Range 8  
21 East of the Third Principal Meridian, according to the plat of  
22 said Meijer #206 Subdivision recorded September 25, 2002 as

1 document number 2002R0084811, in McHenry County, Illinois,  
2 bearings and distances are based on the Illinois Coordinate  
3 System, NAD83(2011) East Zone, with a combination factor of  
4 0.9999373735, described as follows:

5 Beginning at the northeast corner of Lot 3 in said Meijer  
6 Store #206 Subdivision, being also a southeast corner of said  
7 Lot 1; thence on an Illinois Coordinate System NAD 83(2011)  
8 East Zone bearing of North 0 degrees 01 minute 40 seconds East  
9 along an east line of said Lot 1, a distance of 18.24 feet;  
10 thence northerly 47.70 feet along an east line of said Lot 1 on  
11 a curve to the left having a radius of 31851.48 feet, the chord  
12 of said curve bears North 0 degrees 00 minutes 38 seconds West,  
13 47.70 feet to a northwesterly line of Lot 1; thence  
14 southwesterly 73.12 feet (73.16 feet, recorded) along a  
15 northwesterly line of said Lot 1 on a curve to the right having  
16 a radius of 98.99 feet, the chord of said curve bears South 68  
17 degrees 49 minutes 52 seconds West, 71.47 feet to a north line  
18 of Lot 1; thence North 89 degrees 59 minutes 09 seconds West  
19 along a north line of said Lot 1, a distance of 1.65 feet;  
20 thence South 0 degrees 04 minutes 51 seconds East, a distance  
21 of 30.98 feet to a south line of said Lot 1; thence South 89  
22 degrees 58 minutes 47 seconds East along a south line of said  
23 Lot 1, a distance of 36.76 feet to a southwesterly line of Lot  
24 1; thence southeasterly 33.23 feet (33.24 feet, recorded) along  
25 a southwesterly line of said Lot 1 on a curve to the right

1 having a radius of 59.00 feet, the chord of said curve bears  
2 South 73 degrees 49 minutes 27 seconds East, 32.79 feet to the  
3 point of beginning.

4 Said temporary easement containing 0.063 acre, more or  
5 less.

6 Said temporary easement to be used for construction  
7 purposes.

8 \*\*\*

9 That part of Lot 5 in Meijer Store #206 Subdivision, being  
10 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
11 the Southeast Quarter of Section 30, Township 43 North, Range 8  
12 East of the Third Principal Meridian, according to the plat of  
13 said Meijer #206 Subdivision recorded September 25, 2002 as  
14 document number 2002R0084811, in McHenry County, Illinois,  
15 bearings and distances are based on the Illinois Coordinate  
16 System, NAD 83(2011) East Zone, with a combination factor of  
17 0.9999373735, described as follows:

18 Beginning at the southeast corner of said Lot 5; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 South 89 degrees 21 minutes 14 seconds West along the south  
21 line of said Lot 5, a distance of 176.22 feet; thence North 0

1 degrees 00 minutes 00 seconds East, a distance of 3.32 feet;  
2 thence North 85 degrees 39 minutes 34 seconds East, a distance  
3 of 91.74 feet; thence North 89 degrees 38 minutes 36 seconds  
4 East, a distance of 89.97 feet to the southeasterly line of  
5 said Lot 5; thence southwesterly 10.29 feet along the  
6 southeasterly line of said Lot 5 on a curve to the right having  
7 a radius of 49.00 feet, the chord of said curve bears South 30  
8 degrees 40 minutes 11 seconds West, 10.27 feet to the point of  
9 beginning.

10 Said parcel containing 0.031 acre, more or less.

11 \*\*\*

12 That part of Lot 5 in Meijer Store #206 Subdivision, being  
13 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
14 the Southeast Quarter of Section 30, Township 43 North, Range 8  
15 East of the Third Principal Meridian, according to the plat of  
16 said Meijer #206 Subdivision recorded September 25, 2002 as  
17 document number 2002R0084811, in McHenry County, Illinois,  
18 bearings and distances are based on the Illinois Coordinate  
19 System, NAD 83(2011) East Zone, with a combination factor of  
20 0.9999373735, described as follows:

21 Beginning at the southwest corner of said Lot 5; thence  
22 northwesterly 32.50 feet along the southwesterly line of said



1 Lot 5 on a curve to the right having a radius of 49.00 feet, the  
2 chord of said curve bears on an Illinois Coordinate System NAD  
3 83(2011) East Zone bearing of North 19 degrees 22 minutes 16  
4 seconds West, 31.91 feet to the west line of Lot 5; thence  
5 North 0 degrees 21 minutes 27 seconds West along the west line  
6 of said Lot 5, a distance of 9.70 feet; thence North 89 degrees  
7 24 minutes 27 seconds East, a distance of 19.31 feet; thence  
8 South 0 degrees 35 minutes 33 seconds East, a distance of 39.90  
9 feet to the south line of said Lot 5; thence South 89 degrees  
10 21 minutes 14 seconds West along the south line of said Lot 5,  
11 a distance of 9.08 feet to the point of beginning.

12 Said temporary easement containing 0.015 acre, more or  
13 less.

14 Said temporary easement to be used for grading purposes.

15 \*\*\*

16 That part of Lot 5 in Meijer Store #206 Subdivision, being  
17 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
18 the Southeast Quarter of Section 30, Township 43 North, Range 8  
19 East of the Third Principal Meridian, according to the plat of  
20 said Meijer #206 Subdivision recorded September 25, 2002 as  
21 document number 2002R0084811, in McHenry County, Illinois,  
22 bearings and distances are based on the Illinois Coordinate

1 System, NAD 83(2011) East Zone, with a combination factor of  
2 0.9999373735, described as follows:

3 Commencing at the southeast corner of said Lot 5; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 South 89 degrees 21 minutes 14 seconds West along the south  
6 line of said Lot 5, a distance of 176.22 feet; thence North 0  
7 degrees 00 minutes 00 seconds East, a distance of 3.32 feet;  
8 thence North 85 degrees 39 minutes 34 seconds East, a distance  
9 of 91.74 feet; thence North 89 degrees 38 minutes 36 seconds  
10 East, a distance of 84.21 feet to the point of beginning;  
11 thence continuing North 89 degrees 38 minutes 36 seconds East,  
12 a distance of 5.76 feet to the southeasterly line of said Lot  
13 5; thence northeasterly 21.18 feet along the southeasterly line  
14 of said Lot 5 on a curve to the left having a radius of 49.00  
15 feet, the chord of said curve bears North 12 degrees 16 minutes  
16 19 seconds East, 21.01 feet to the east line of said Lot 5;  
17 thence North 0 degrees 06 minutes 47 seconds West along the  
18 east line of said Lot 5, a distance of 6.50 feet; thence South  
19 89 degrees 38 minutes 36 seconds West, a distance of 10.39  
20 feet; thence South 0 degrees 21 minutes 24 seconds East, a  
21 distance of 27.00 feet to the point of beginning.

22 Said temporary easement containing 0.006 acre, more or  
23 less, or 249 square feet, more or less.

1 Said temporary easement to be used for grading purposes.

2 \*\*\*

3 That part of Lot 11 in Kaper's Business Center Unit 1,  
4 being a subdivision of part of the West Half of the Southwest  
5 Quarter of Section 29, Township 43 North, Range 8 East of the  
6 Third

7 Principal Meridian, according to the plat thereof recorded  
8 June 4, 1997 as document number 97R025826, in McHenry County,  
9 Illinois, bearings and distances are based on the Illinois  
10 Coordinate System, NAD 83(2011) East Zone, with a combination  
11 factor of 0.9999373735, described as follows:

12 Commencing at the northwest corner of said Lot 11; thence  
13 on an Illinois Coordinate System NAD 83(2011) East Zone bearing  
14 of South 0 degrees 04 minutes 06 seconds East along the west  
15 line of said Lot 11, a distance of 118.49 feet to the southwest  
16 corner of special warranty deed recorded December 28, 2015 as  
17 document number 2015R0047895, being also the northwest corner  
18 of the grantor and the point of beginning; thence South 89  
19 degrees 47 minutes 46 seconds East along the north line of the  
20 grantor according to said special warranty deed, a distance of  
21 33.20 feet; thence South 0 degrees 01 minute 47 seconds East, a  
22 distance of 81.58 feet to the south line of said Lot 11; thence

1 North 89 degrees 48 minutes 02 seconds West along the south  
2 line of said Lot 11, a distance of 33.14 feet to the southwest  
3 corner of Lot 11; thence North 0 degrees 04 minutes 06 seconds  
4 West along the west line of said Lot 11, a distance of 81.58  
5 feet to the point of beginning.

6 Said parcel containing 0.062 acre, more or less.

7 \*\*\*

8 That part of Lot 11 in Kaper's Business Center Unit 1,  
9 being a subdivision of part of the West Half of the Southwest  
10 Quarter of Section 29, Township 43 North, Range 8 East of the  
11 Third Principal Meridian, according to the plat thereof  
12 recorded June 4, 1997 as document number 97R025826, in McHenry  
13 County, Illinois, bearings and distances are based on the  
14 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
15 combination factor of 0.9999373735, described as follows:

16 Commencing at the northwest corner of said Lot 11; thence  
17 on an Illinois Coordinate System NAD 83(2011) East Zone bearing  
18 of South 0 degrees 04 minutes 06 seconds East along the west  
19 line of said Lot 11, a distance of 118.49 feet to the southwest  
20 corner of special warranty deed recorded December 28, 2015 as  
21 document number 2015R0047895, being also the northwest corner  
22 of the grantor; thence South 89 degrees 47 minutes 46 seconds

1 East along the north line of the grantor according to said  
2 special warranty deed, a distance of 33.20 feet to the point of  
3 beginning; thence South 0 degrees 01 minute 47 seconds East, a  
4 distance of 81.58 feet to the south line of said Lot 11; thence  
5 South 89 degrees 48 minutes 02 seconds East along the south  
6 line of said Lot 11, a distance of 10.00 feet; thence North 0  
7 degrees 01 minute 47 seconds West, a distance of 81.58 feet to  
8 the north line of the grantor according to said special  
9 warranty deed; thence North 89 degrees 47 minutes 46 seconds  
10 West along the north line of the grantor according to said  
11 special warranty deed, a distance of 10.00 feet to the point of  
12 beginning.

13 Said temporary easement containing 0.019 acre, more or  
14 less.

15 Said temporary easement to be used for grading purposes.

16 \*\*\*

17 That part of Lot 2 in Randall Rolls Second Resubdivision,  
18 being a resubdivision of Lots 2 and 3 of Randall Rolls  
19 Resubdivision in the West Half of the Southwest Quarter of  
20 Section 29, Township 43 North, Range 8 East of the Third  
21 Principal Meridian, according to the plat of said Randall Rolls  
22 Second Resubdivision recorded June 7, 2001 as document number

1 2001R0038572, in McHenry County, Illinois, bearings and  
2 distances are based on the Illinois Coordinate System,  
3 NAD83(2011) East Zone, with a combination factor of  
4 0.9999373735, described as follows:

5 Beginning at the northwest corner of said Lot 2; thence on  
6 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
7 South 89 degrees 58 minutes 44 seconds East along the north  
8 line of said Lot 2, a distance of 23.38 feet; thence South 0  
9 degrees 01 minute 47 seconds East, a distance of 145.25 feet to  
10 the south line of said Lot 2; thence North 89 degrees 47  
11 minutes 46 seconds West along the south line of said Lot 2, a  
12 distance of 23.28 feet to the southwest corner of Lot 2; thence  
13 North 0 degrees 04 minutes 06 seconds West along the west line  
14 of said Lot 2, a distance of 145.17 feet (145.12 feet,  
15 recorded) to the point of beginning.

16 Said parcel containing 0.078 acre, more or less.

17 \*\*\*

18 That part of Lot 2 in Randall Rolls Second Resubdivision,  
19 being a resubdivision of Lots 2 and 3 of Randall Rolls  
20 Resubdivision in the West Half of the Southwest Quarter of  
21 Section 29, Township 43 North, Range 8 East of the Third  
22 Principal Meridian, according to the plat of said Randall Rolls

1 Second Resubdivision recorded June 7, 2001 as document number  
2 2001R0038572, in McHenry County, Illinois, bearings and  
3 distances are based on the Illinois Coordinate System,  
4 NAD83(2011) East Zone, with a combination factor of  
5 0.9999373735, described as follows:

6 Commencing at the northwest corner of said Lot 2; thence on  
7 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
8 South 89 degrees 58 minutes 44 seconds East along the north  
9 line of said Lot 2, a distance of 23.38 feet to the point of  
10 beginning; thence South 0 degrees 01 minute 47 seconds East, a  
11 distance of 145.25 feet to the south line of said Lot 2; thence  
12 South 89 degrees 47 minutes 46 seconds East along the south  
13 line of said Lot 2, a distance of 10.00 feet; thence North 0  
14 degrees 01 minute 47 seconds West, a distance of 145.28 feet to  
15 the north line of said Lot 2; thence North 89 degrees 58  
16 minutes 44 seconds West along the north line of said Lot 2, a  
17 distance of 10.00 feet to the point of beginning.

18 Said temporary easement containing 0.033 acre, more or  
19 less.

20 Said temporary easement to be used for grading purposes.

21 \*\*\*

1           That part of Lot 3 in Meijer Store #206 Subdivision, being  
2 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
3 the Southeast Quarter of Section 30, Township 43 North, Range 8  
4 East of the Third Principal Meridian, according to the plat of  
5 said Meijer #206 Subdivision recorded September 25, 2002 as  
6 document number 2002R0084811, in McHenry County, Illinois,  
7 bearings and distances are based on the Illinois Coordinate  
8 System, NAD83(2011) East Zone, with a combination factor of  
9 0.9999373735, described as follows:

10           Beginning at the southeast corner of said Lot 3; thence on  
11 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
12 North 89 degrees 58 minute 47 seconds West along the south line  
13 of said Lot 3, a distance of 8.02 feet; thence North 0 degrees  
14 01 minute 47 seconds West, a distance of 190.10 feet; thence  
15 South 89 degrees 58 minutes 13 seconds West, a distance of  
16 60.00 feet; thence North 0 degrees 04 minutes 51 seconds West,  
17 a distance of 20.21 feet to the north line of said Lot 3;  
18 thence South 89 degrees 58 minutes 47 seconds East along the  
19 north line of said Lot 3, a distance of 36.76 feet to the  
20 northeasterly line of Lot 3; thence southeasterly 33.23 feet  
21 (33.24 feet, recorded) along the northeasterly line of said Lot  
22 3 on a curve to the right having a radius of 59.00 feet, the  
23 chord of said curve bears South 73 degrees 49 minutes 27  
24 seconds East, 32.79 feet to the east line of Lot 3; thence  
25 South 0 degrees 01 minute 40 seconds West along the east line



1 of said Lot 3, a distance of 201.14 feet to the point of  
2 beginning.

3 Said temporary easement containing 0.065 acre, more or  
4 less.

5 Said temporary easement to be used for construction  
6 purposes.

7 \*\*\*

8 That part of Lot 1 in Randall Rolls Second Resubdivision,  
9 being a resubdivision of Lots 2 and 3 of Randall Rolls  
10 Resubdivision in the West Half of the Southwest Quarter of  
11 Section 29, Township 43 North, Range 8 East of the Third  
12 Principal Meridian, according to the plat of said Randall Rolls  
13 Second Resubdivision recorded June 7, 2001 as document number  
14 2001R0038572, in McHenry County, Illinois, bearings and  
15 distances are based on the Illinois Coordinate System,  
16 NAD83(2011) East Zone, with a combination factor of  
17 0.9999373735, described as follows:

18 Beginning at the northwest corner of said Lot 1; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 South 89 degrees 47 minutes 16 seconds East along the north  
21 line of said Lot 1, a distance of 23.33 feet; thence southerly

1 69.10 feet along a curve to the right having a radius of  
2 11550.00 feet, the chord of said curve bears South 0 degrees 12  
3 minutes 04 seconds East, 69.10 feet to a point of tangency;  
4 thence South 0 degrees 01 minute 47 seconds East, a distance of  
5 162.89 feet to the south line of said Lot 1; thence North 89  
6 degrees 58 minutes 44 seconds West along the south line of said  
7 Lot 1, a distance of 23.28 feet to the southwest corner of Lot  
8 1; thence North 0 degrees 04 minutes 06 seconds West along the  
9 west line of said Lot 1, a distance of 232.06 feet (231.98  
10 feet, recorded) to the point of beginning.

11 Said parcel containing 0.125 acre, more or less.

12 \*\*\*

13 That part of Lot 1 in Randall Rolls Second Resubdivision,  
14 being a resubdivision of Lots 2 and 3 of Randall Rolls  
15 Resubdivision in the West Half of the Southwest Quarter of  
16 Section 29, Township 43 North, Range 8 East of the Third  
17 Principal Meridian, according to the plat of said Randall Rolls  
18 Second Resubdivision recorded June 7, 2001 as document number  
19 2001R0038572, in McHenry County, Illinois, bearings and  
20 distances are based on the Illinois Coordinate System,  
21 NAD83(2011) East Zone, with a combination factor of  
22 0.9999373735, described as follows:

1 Commencing at the northwest corner of said Lot 1; thence on  
2 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
3 South 89 degrees 47 minutes 16 seconds East along the north  
4 line of said Lot 1, a distance of 23.33 feet to the point of  
5 beginning; thence southerly 69.10 feet along a curve to the  
6 right having a radius of 11550.00 feet, the chord of said curve  
7 bears South 0 degrees 12 minutes 04 seconds East, 69.10 feet to  
8 a point of tangency; thence South 0 degrees 01 minute 47  
9 seconds East, a distance of 162.89 feet to the south line of  
10 said Lot 1; thence South 89 degrees 58 minutes 44 seconds East  
11 along the south line of said Lot 1, a distance of 10.00 feet;  
12 thence North 0 degrees 01 minute 47 seconds West, a distance of  
13 231.95 feet to the north line of said Lot 1; thence North 89  
14 degrees 47 minutes 16 seconds West along the north line of said  
15 Lot 1, a distance of 10.21 feet to the point of beginning.

16 Said temporary easement containing 0.053 acre, more or  
17 less.

18 Said temporary easement to be used for grading purposes.

19 \*\*\*

20 That part of Lot 2 in Meijer Store #206 Subdivision, being  
21 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
22 the Southeast Quarter of Section 30, Township 43 North, Range 8

1 East of the Third Principal Meridian, according to the plat of  
2 said Meijer #206 Subdivision recorded September 25, 2002 as  
3 document number 2002R0084811, in McHenry County, Illinois,  
4 bearings and distances are based on the Illinois Coordinate  
5 System, NAD83(2011) East Zone, with a combination factor of  
6 0.9999373735, described as follows:

7 Beginning at the southeast corner of said Lot 2; thence  
8 southwesterly 10.76 feet along the southeasterly line of said  
9 Lot 2 on a curve to the right having a radius of 98.99 feet, the  
10 chord of said curve bears on an Illinois Coordinate System NAD  
11 83(2011) East Zone bearing of South 50 degrees 47 minute 09  
12 seconds West, 10.76 feet; thence northerly 301.58 feet along a  
13 curve to the left having a radius of 11370.00 feet, the chord  
14 of said curve bears North 1 degree 00 minutes 14 seconds West,  
15 301.57 feet to the northeasterly line of said Lot 2; thence  
16 South 54 degrees 53 minutes 52 seconds East along the  
17 northeasterly line of said Lot 2, a distance 14.75 feet to the  
18 east line of Lot 2; thence southerly 286.24 feet along the east  
19 line of said Lot 2 on a curve to the right having a radius of  
20 31851.48 feet, the chord of said curve bears South 0 degrees 18  
21 minutes 39 seconds East, 286.24 feet to the point of beginning.

22 Said parcel containing 0.066 acre, more or less.

23 \*\*\*

1           That part of Lot 2 in Meijer Store #206 Subdivision, being  
2 a resubdivision of part of Lot 6 in Eagle Commercial Center in  
3 the Southeast Quarter of Section 30, Township 43 North, Range 8  
4 East of the Third Principal Meridian, according to the plat of  
5 said Meijer #206 Subdivision recorded September 25, 2002 as  
6 document number 2002R0084811, in McHenry County, Illinois,  
7 bearings and distances are based on the Illinois Coordinate  
8 System, NAD83(2011) East Zone, with a combination factor of  
9 0.9999373735, described as follows:

10           Commencing at the southeast corner of said Lot 2; thence  
11 southwesterly 22.96 feet along the southeasterly line of said  
12 Lot 2 on a curve to the right having a radius of 98.99 feet, the  
13 chord of said curve bears on an Illinois Coordinate System NAD  
14 83(2011) East Zone bearing of South 54 degrees 18 minute 54  
15 seconds West, 22.91 feet to the point of beginning; thence  
16 southwesterly 50.16 feet along the southeasterly line of said  
17 Lot 2 on a curve to the right having a radius of 98.99 feet, the  
18 chord of said curve bears South 75 degrees 28 minutes 32  
19 seconds West, 49.63 feet to the south line of Lot 2; thence  
20 North 89 degrees 59 minutes 09 seconds West along the south  
21 line of said Lot 2, a distance of 1.65 feet; thence North 0  
22 degrees 04 minutes 51 seconds West, a distance of 12.19 feet;  
23 thence North 89 degrees 42 minutes 18 seconds East, a distance  
24 of 49.70 feet to the point of beginning.

1           Said temporary easement containing 0.010 acre, more or  
2 less, or 418 square feet, more or less.

3           Said temporary easement to be used for construction  
4 purposes.

5           \*\*\*

6           That part of Lot 1 in Re-Subdivision of Lot 14 in Kaper's  
7 Business Center Unit 2, being a resubdivision of Kaper's  
8 Business Center Unit 2, being a subdivision of part of the West  
9 Half of the Southwest Quarter of Section 29, Township 43 North,  
10 Range 8 East of the Third Principal Meridian, according to the  
11 plat of said Re-Subdivision of Lot 14 in Kaper's Business  
12 Center Unit 2 recorded August 24, 2001 as document number  
13 2001R0061761, in McHenry County, Illinois, bearings and  
14 distances are based on the Illinois Coordinate System,  
15 NAD83(2011) East Zone, with a combination factor of  
16 0.9999373735, described as follows:

17           Beginning at the southwest corner of said Lot 1; thence on  
18 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
19 North 1 degree 04 minutes 41 seconds West along the west line  
20 of said Lot 1, a distance of 121.99 feet to a point of  
21 curvature on said west line of Lot 1; thence northeasterly

1 47.12 feet (47.13 feet, recorded) along the northwesterly line  
2 of said Lot 1 on a curve to the right having a radius of 30.00  
3 feet, the chord of said curve bears North 43 degrees 55 minutes  
4 08 seconds East, 42.42 feet to a point of tangency on the north  
5 line of Lot 1; thence North 88 degrees 54 minutes 57 seconds  
6 East along the north line of said Lot 1, a distance of 35.61  
7 feet; thence South 43 degrees 53 minutes 35 seconds West, a  
8 distance of 48.85 feet; thence southerly 117.43 feet along a  
9 curve to the right having a radius of 11550.00 feet, the chord  
10 of said curve bears South 1 degree 29 minutes 53 seconds East,  
11 117.43 feet to the south line of said Lot 1; thence South 88  
12 degrees 54 minutes 57 seconds West along the south line of said  
13 Lot 1, a distance of 31.95 feet to the point of beginning.

14 Said parcel containing 0.119 acre, more or less.

15 \*\*\*

16 That part of Lot 1 in Re-Subdivision of Lot 14 in Kaper's  
17 Business Center Unit 2, being a resubdivision of Kaper's  
18 Business Center Unit 2, being a subdivision of part of the West  
19 Half of the Southwest Quarter of Section 29, Township 43 North,  
20 Range 8 East of the Third Principal Meridian, according to the  
21 plat of said Re-Subdivision of Lot 14 in Kaper's Business  
22 Center Unit 2 recorded August 24, 2001 as document number  
23 2001R0061761, in McHenry County, Illinois, bearings and

1 distances are based on the Illinois Coordinate System,  
2 NAD83(2011) East Zone, with a combination factor of  
3 0.9999373735, described as follows:

4 Commencing at the southwest corner of said Lot 1; thence on  
5 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
6 North 1 degree 04 minutes 41 seconds West along the west line  
7 of said Lot 1, a distance of 121.99 feet to a point of  
8 curvature on said west line of Lot 1; thence northeasterly  
9 47.12 feet (47.13 feet, recorded) along the northwesterly line  
10 of said Lot 1 on a curve to the right having a radius of 30.00  
11 feet, the chord of said curve bears North 43 degrees 55 minutes  
12 08 seconds East, 42.42 feet to a point of tangency on the north  
13 line of Lot 1; thence North 88 degrees 54 minutes 57 seconds  
14 East along the north line of said Lot 1, a distance of 35.61  
15 feet; thence South 43 degrees 53 minutes 35 seconds West, a  
16 distance of 27.90 feet to the point of beginning; thence  
17 continuing South 43 degrees 53 minutes 35 seconds West, a  
18 distance of 20.95 feet; thence southerly 117.43 feet along a  
19 curve to the right having a radius of 11550.00 feet, the chord  
20 of said curve bears South 1 degree 29 minutes 53 seconds East,  
21 117.43 feet to the south line of said Lot 1; thence North 88  
22 degrees 54 minutes 57 seconds East along the south line of said  
23 Lot 1, a distance of 15.00 feet; thence northerly 132.25 feet  
24 along a curve to the left having a radius of 11565.00 feet, the  
25 chord of said curve bears North 1 degree 32 minutes 03 seconds



1 West, 132.25 feet to the point of beginning.

2 Said temporary easement containing 0.043 acre, more or  
3 less.

4 Said temporary easement to be used for grading purposes.

5 \*\*\*

6 That part of Lot 5 in Kaper's East Subdivision, being a  
7 subdivision of the West Half of the Southwest Quarter of  
8 Section 29, Township 43 North, Range 8 East of the Third  
9 Principal Meridian, according to the plat thereof recorded  
10 February 28, 1989 as document number 89R005770, in McHenry  
11 County, Illinois, bearings and distances are based on the  
12 Illinois Coordinate System, NAD83(2011) East Zone, with a  
13 combination factor of 0.9999373735, described as follows:

14 Beginning at the northwest corner of said Lot 5; thence on  
15 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16 North 88 degrees 54 minutes 55 seconds East along the north  
17 line of said Lot 5, a distance of 28.15 feet; thence southerly  
18 97.22 feet along a curve to the left having a radius of  
19 11365.00 feet, the chord of said curve bears South 2 degrees 41  
20 minutes 33 seconds East, 97.22 feet to a point of reverse  
21 curvature; thence southerly 89.95 feet along a curve to the

1 right having a radius of 11555.00 feet, the chord of said curve  
2 bears South 2 degrees 42 minutes 53 seconds East, 89.95 feet;  
3 thence South 40 degrees 49 minutes 13 seconds East, a distance  
4 of 48.27 feet to the south line of said Lot 5; thence South 88  
5 degrees 54 minutes 57 seconds West along the south line of said  
6 Lot 5, a distance of 34.32 feet to a point of curvature on said  
7 south line of Lot 5; thence northwesterly 47.12 feet along the  
8 southwesterly line of said Lot 5 on a curve to the right having  
9 a radius of 30.00 feet, the chord of said curve bears North 46  
10 degrees 04 minutes 52 seconds West, 42.43 feet to a point of  
11 tangency on the west line of Lot 5; thence North 1 degree 04  
12 minutes 41 seconds West along the west line of said Lot 5, a  
13 distance of 194.21 feet (194.23 feet, recorded) to the point of  
14 beginning.

15 Said parcel containing 0.169 acre, more or less.

16 \*\*\*

17 That part of Lot 5 in Kaper's East Subdivision, being a  
18 subdivision of the West Half of the Southwest Quarter of  
19 Section 29, Township 43 North, Range 8 East of the Third  
20 Principal Meridian, according to the plat thereof recorded  
21 February 28, 1989 as document number 89R005770, in McHenry  
22 County, Illinois, bearings and distances are based on the  
23 Illinois Coordinate System, NAD83(2011) East Zone, with a

1 combination factor of 0.9999373735, described as follows:

2 Commencing at the northwest corner of said Lot 5; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 North 88 degrees 54 minutes 55 seconds East along the north  
5 line of said Lot 5, a distance of 28.15 feet to the point of  
6 beginning; thence southerly 97.22 feet along a curve to the  
7 left having a radius of 11365.00 feet, the chord of said curve  
8 bears South 2 degrees 41 minutes 33 seconds East, 97.22 feet to  
9 a point of reverse curvature; thence southerly 89.95 feet along  
10 a curve to the right having a radius of 11555.00 feet, the  
11 chord of said curve bears South 2 degrees 42 minutes 53 seconds  
12 East, 89.95 feet; thence South 40 degrees 49 minutes 13 seconds  
13 East, a distance of 16.11; thence northerly 102.66 feet along a  
14 curve to the left having a radius of 11565.00 feet, the chord  
15 of said curve bears North 2 degrees 41 minutes 00 seconds West,  
16 102.66 feet to a point of reverse curvature; thence northerly  
17 96.90 feet along a curve to the right having a radius of  
18 11355.00 feet, the chord of said curve bears North 2 degrees 41  
19 minutes 36 seconds West, 96.90 feet to the north line of said  
20 Lot 5; thence South 88 degrees 54 minutes 55 seconds West along  
21 the north line of said Lot 5, a distance of 10.00 feet to the  
22 point of beginning.

23 Said temporary easement containing 0.044 acre, more or  
24 less.

1 Said temporary easement to be used for grading purposes.

2 \*\*\*

3 That part of Lot 4 in Kaper's East Subdivision, being a  
4 subdivision of the West Half of the Southwest Quarter of  
5 Section 29, Township 43 North, Range 8 East of the Third  
6 Principal Meridian, according to the plat thereof recorded  
7 February 28, 1989 as document number 89R005770, in McHenry  
8 County, Illinois, bearings and distances are based on the  
9 Illinois Coordinate System, NAD83(2011) East Zone, with a  
10 combination factor of 0.9999373735, described as follows:

11 Beginning at the northwest corner of said Lot 4; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 North 88 degrees 54 minutes 50 seconds East along the north  
14 line of said Lot 4, a distance of 25.00 feet; thence southerly  
15 225.01 feet along a curve to the left having a radius of  
16 11365.00 feet, the chord of said curve bears South 1 degree 52  
17 minutes 49 seconds East, 225.01 feet to the south line of said  
18 Lot 4; thence South 88 degrees 54 minutes 55 seconds West along  
19 the south line of said Lot 4, a distance of 28.15 feet to the  
20 southwest corner of Lot 4; thence North 1 degree 04 minutes 41  
21 seconds West along the west line of said Lot 4, a distance of  
22 224.98 feet (225.00 feet, recorded) to the point of beginning.

1 Said parcel containing 0.135 acre, more or less.

2 \*\*\*

3 That part of Lot 4 in Kaper's East Subdivision, being a  
4 subdivision of the West Half of the Southwest Quarter of  
5 Section 29, Township 43 North, Range 8 East of the Third  
6 Principal Meridian, according to the plat thereof recorded  
7 February 28, 1989 as document number 89R005770, in McHenry  
8 County, Illinois, bearings and distances are based on the  
9 Illinois Coordinate System, NAD83(2011) East Zone, with a  
10 combination factor of 0.9999373735, described as follows:

11 Commencing at the northwest corner of said Lot 4; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 North 88 degrees 54 minutes 50 seconds East along the north  
14 line of said Lot 4, a distance of 25.00 feet to the point of  
15 beginning; thence southerly 225.01 feet along a curve to the  
16 left having a radius of 11365.00 feet, the chord of said curve  
17 bears South 1 degree 52 minutes 49 seconds East, 225.01 feet to  
18 the south line of said Lot 4; thence North 88 degrees 54  
19 minutes 55 seconds East along the south line of said Lot 4, a  
20 distance of 10.00 feet; thence northerly 225.01 feet along a  
21 curve to the right having a radius of 11355.00 feet, the chord  
22 of said curve bears North 1 degree 52 minutes 52 seconds West,

1 225.01 feet to the north line of said Lot 4; thence South 88  
2 degrees 54 minutes 50 seconds West along the north line of said  
3 Lot 4, a distance 10.00 feet to the point of beginning.

4 Said temporary easement containing 0.052 acre, more or  
5 less.

6 Said temporary easement to be used for grading purposes.

7 \*\*\*

8 That part of Lot 2 in Eagle Commercial Center, being a  
9 resubdivision of Lot 3 in Kaper's West Subdivision, being a  
10 subdivision of part of the East Half of the Southeast Quarter  
11 of Section 30, Township 43 North, Range 8 East of the Third  
12 Principal Meridian, according to the plat of said Eagle  
13 Commercial Center recorded November 4, 1993 as document number  
14 93R067593, in McHenry County, Illinois, bearings and distances  
15 are based on the Illinois Coordinate System, NAD83(2011) East  
16 Zone, with a combination factor of 0.9999373735, described as  
17 follows:

18 Beginning at the northeast corner of said Lot 2; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 South 1 degree 29 minutes 18 seconds East along the east line  
21 of said Lot 2, a distance of 240.40 feet (240.45 feet,

1 recorded) to the southeast corner of Lot 2; thence South 88  
2 degrees 53 minutes 44 seconds West along the south line of said  
3 Lot 2, a distance of 38.09 feet; thence northerly 182.71 feet  
4 along a curve to the right having a radius of 11545.00 feet,  
5 the chord of said curve bears North 0 degrees 51 minutes 15  
6 seconds West, 182.71 feet to a point of tangency; thence North  
7 0 degrees 24 minutes 03 seconds West, a distance of 57.70 feet  
8 to the north line of said Lot 2; thence North 88 degrees 54  
9 minutes 00 seconds East along the north line of said Lot 2, a  
10 distance of 34.97 feet to the point of beginning.

11 Said parcel containing 0.204 acre, more or less.

12 \*\*\*

13 That part of Lot 2 in Eagle Commercial Center, being a  
14 resubdivision of Lot 3 in Kaper's West Subdivision, being a  
15 subdivision of part of the East Half of the Southeast Quarter  
16 of Section 30, Township 43 North, Range 8 East of the Third  
17 Principal Meridian, according to the plat of said Eagle  
18 Commercial Center recorded November 4, 1993 as document number  
19 93R067593, in McHenry County, Illinois, bearings and distances  
20 are based on the Illinois Coordinate System, NAD 83(2011) East  
21 Zone, with a combination factor of 0.9999373735, described as  
22 follows:

1 Commencing at the northeast corner of said Lot 2; thence on  
2 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
3 South 1 degree 29 minutes 18 seconds East along the east line  
4 of said Lot 2, a distance of 240.40 feet (240.45 feet,  
5 recorded) to the southeast corner of Lot 2; thence South 88  
6 degrees 53 minutes 44 seconds West along the south line of said  
7 Lot 2, a distance of 38.09 feet to the point of beginning;  
8 thence northerly 182.71 feet along a curve to the right having  
9 a radius of 11545.00 feet, the chord of said curve bears North  
10 0 degrees 51 minutes 15 seconds West, 182.71 feet to a point of  
11 tangency; thence North 0 degrees 24 minutes 03 seconds West, a  
12 distance of 57.70 feet to the north line of said Lot 2; thence  
13 South 88 degrees 54 minutes 00 seconds West along the north  
14 line of said Lot 2, a distance of 42.00 feet; thence South 0  
15 degrees 24 minutes 03 seconds East, a distance of 7.88 feet;  
16 thence North 89 degrees 35 minutes 57 seconds East, a distance  
17 of 17.56 feet; thence South 32 degrees 28 minutes 48 seconds  
18 East, a distance of 27.24 feet; thence southerly 209.06 feet  
19 along a curve to the left having a radius of 11555.00 feet, the  
20 chord of said curve bears South 0 degrees 47 minutes 21 seconds  
21 East, 209.05 feet to the south line of said Lot 2; thence North  
22 88 degrees 53 minutes 44 seconds East along the south line of  
23 said Lot 2, a distance of 10.00 feet to the point of beginning.

24 Said temporary easement containing 0.065 acre, more or  
25 less.



1 Said temporary easement to be used for grading purposes.

2 \*\*\*

3 That part of Lot 3 in Kaper's East Subdivision, being a  
4 subdivision of the West Half of the Southwest Quarter of  
5 Section 29, Township 43 North, Range 8 East of the Third  
6 Principal Meridian, according to the plat thereof recorded  
7 February 28, 1989 as document number 89R005770, in McHenry  
8 County, Illinois, bearings and distances are based on the  
9 Illinois Coordinate System, NAD83(2011) East Zone, with a  
10 combination factor of 0.9999373735, described as follows:

11 Beginning at the northwest corner of said Lot 3; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 North 88 degrees 54 minutes 45 seconds East along the north  
14 line of said Lot 3, a distance of 26.34 feet; thence South 0  
15 degrees 24 minutes 03 seconds East, a distance of 54.02 feet to  
16 a point of tangency; thence southerly 180.97 feet along a curve  
17 to the left having a radius of 11365.00 feet, the chord of said  
18 curve bears South 0 degrees 51 minutes 25 seconds East, 180.97  
19 feet to the south line of said Lot 3; thence South 88 degrees  
20 54 minutes 50 seconds West along the south line of said Lot 3,  
21 a distance of 25.00 feet to the southwest corner of Lot 3;  
22 thence North 1 degree 04 minutes 41 seconds West along the west

1 line of said Lot 3, a distance of 234.98 feet (235.00 feet,  
2 recorded) to the point of beginning.

3 Said parcel containing 0.137 acre, more or less.

4 \*\*\*

5 That part of Lot 3 in Kaper's East Subdivision, being a  
6 subdivision of the West Half of the Southwest Quarter of  
7 Section 29, Township 43 North, Range 8 East of the Third  
8 Principal Meridian, according to the plat thereof recorded  
9 February 28, 1989 as document number 89R005770, in McHenry  
10 County, Illinois, bearings and distances are based on the  
11 Illinois Coordinate System, NAD83(2011) East Zone, with a  
12 combination factor of 0.9999373735, described as follows:

13 Commencing at the northwest corner of said Lot 3; thence on  
14 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
15 North 88 degrees 54 minutes 45 seconds East along the north  
16 line of said Lot 3, a distance of 26.34 feet to the point of  
17 beginning; thence South 0 degrees 24 minutes 03 seconds East, a  
18 distance of 54.02 feet to a point of tangency; thence southerly  
19 180.97 feet along a curve to the left having a radius of  
20 11365.00 feet, the chord of said curve bears South 0 degrees 51  
21 minutes 25 seconds East, 180.97 feet to the south line of said  
22 Lot 3; thence North 88 degrees 54 minutes 50 seconds East along

1 the south line of said Lot 3, a distance of 10.00 feet; thence  
2 northerly 180.85 feet along a curve to the right having a  
3 radius of 11355.00 feet, the chord of said curve bears North 0  
4 degrees 51 minutes 26 seconds West, 180.85 feet to a point of  
5 tangency; thence North 0 degrees 24 minutes 03 seconds West, a  
6 distance of 54.14 feet to the north line of said Lot 3; thence  
7 South 88 degrees 54 minutes 45 seconds West along the north  
8 line of said Lot 3, a distance of 10.00 feet to the point of  
9 beginning.

10 Said temporary easement containing 0.054 acre, more or  
11 less.

12 Said temporary easement to be used for grading and driveway  
13 construction purposes.

14 \*\*\*

15 That part of Lot 1, except that part conveyed the County of  
16 McHenry, a body politic, by trustee's deed recorded April 7,  
17 2003 as document number 2003R0044153, in River Pointe  
18 Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's  
19 East Subdivision of the West Half of the Southwest Quarter of  
20 Section 29, Township 43 North, Range 8 East of the Third  
21 Principal Meridian, according to the plat of said River Pointe  
22 Subdivision recorded May 6, 1992 as document number 92R024749,

1 in McHenry County, Illinois, bearings and distances are based  
2 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
3 a combination factor of 0.9999373735, described as follows:

4 Beginning at the southwest corner of said Lot 1; thence on  
5 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
6 North 1 degree 04 minutes 41 seconds West along the west line  
7 of said Lot 1, a distance of 5.81 feet (5.86 feet, recorded) to  
8 an angle point on said west line of Lot 1; thence North 1  
9 degree 22 minutes 56 seconds West along the west line of said  
10 Lot 1, a distance of 60.19 feet (60.15 feet, recorded) to a  
11 north line of Lot 1; thence North 88 degrees 54 minutes 45  
12 seconds East along a north line of said Lot 1, a distance of  
13 32.44 feet; thence South 0 degrees 24 minutes 03 seconds East,  
14 a distance of 66.00 feet to the south line of said Lot 1;  
15 thence South 88 degrees 54 minutes 45 seconds West along the  
16 south line of said Lot 1, a distance of 31.34 feet to the point  
17 of beginning.

18 Said parcel containing 0.048 acre, more or less.

19 \*\*\*

20 That part of Lot 1, except that part conveyed the County of  
21 McHenry, a body politic, by trustee's deed recorded April 7,  
22 2003 as document number 2003R0044153, in River Pointe

1 Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's  
2 East Subdivision of the West Half of the Southwest Quarter of  
3 Section 29, Township 43 North, Range 8 East of the Third  
4 Principal Meridian, according to the plat of said River Pointe  
5 Subdivision recorded May 6, 1992 as document number 92R024749,  
6 in McHenry County, Illinois, bearings and distances are based  
7 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
8 a combination factor of 0.9999373735, described as follows:

9 Beginning at the northeast corner of said Lot 1; thence on  
10 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
11 South 1 degree 06 minutes 06 seconds East along the east line  
12 of said Lot 1, a distance of 37.18 feet; thence South 89  
13 degrees 56 minutes 44 seconds West, a distance of 702.82 feet;  
14 thence South 53 degrees 08 minutes 32 seconds West, a distance  
15 of 69.22 feet; thence South 0 degrees 24 minutes 03 seconds  
16 East, a distance of 188.86 feet to a south line of said Lot 1;  
17 thence South 88 degrees 55 minutes 17 seconds West along a  
18 south line of said Lot 1, a distance of 36.46 feet to the west  
19 line of Lot 1; thence North 1 degree 22 minutes 56 seconds West  
20 along the west line of said Lot 1, a distance of 169.25 feet to  
21 the easterly right of way line of Randall Road recorded April  
22 7, 2003 as document number 2003R0044153; thence North 11  
23 degrees 32 minutes 05 seconds East along the said easterly  
24 right of way line of Randall Road, a distance of 48.39 feet to  
25 the southeasterly right of way line of Algonquin Road recorded

1 April 7, 2003 as document number 2003R0044153; thence North 53  
2 degrees 08 minutes 32 seconds East along the said southeasterly  
3 right of way line of Algonquin Road, a distance of 54.21 feet  
4 to the south right of way line of said Algonquin Road; thence  
5 South 89 degrees 54 minutes 57 seconds East along the said  
6 south right of way line of Algonquin Road, a distance of 549.97  
7 feet to an angle point on said south right of way line; thence  
8 North 0 degrees 05 minutes 03 seconds East along said right of  
9 way line, a distance of 20.71 feet (20.00 feet, recorded) to  
10 the north line of said Lot 1; thence South 89 degrees 57  
11 minutes 40 seconds East along the north line of said Lot 1, a  
12 distance of 193.66 feet to the point of beginning.

13 Said parcel containing 0.609 acre, more or less.

14 \*\*\*

15 That part of Lot 1, except that part conveyed the County of  
16 McHenry, a body politic, by trustee's deed recorded April 7,  
17 2003 as document number 2003R0044153, in River Pointe  
18 Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's  
19 East Subdivision of the West Half of the Southwest Quarter of  
20 Section 29, Township 43 North, Range 8 East of the Third  
21 Principal Meridian, according to the plat of said River Pointe  
22 Subdivision recorded May 6, 1992 as document number 92R024749,  
23 in McHenry County, Illinois, bearings and distances are based

1 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
2 a combination factor of 0.9999373735, described as follows:

3 Commencing at the southwest corner of said Lot 1; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 North 1 degree 04 minutes 41 seconds West along the west line  
6 of said Lot 1, a distance of 5.81 feet (5.86 feet, recorded) to  
7 an angle point on said west line of Lot 1; thence North 1  
8 degree 22 minutes 56 seconds West along the west line of said  
9 Lot 1, a distance of 60.19 feet (60.15 feet, recorded) to a  
10 north line of Lot 1; thence North 88 degrees 54 minutes 45  
11 seconds East along a north line of said Lot 1, a distance of  
12 32.44 feet to the point of beginning; thence South 0 degrees 24  
13 minutes 03 seconds East, a distance of 66.00 feet to the south  
14 line of said Lot 1; thence North 88 degrees 54 minutes 45  
15 seconds East along the south line of said Lot 1, a distance of  
16 35.00 feet; thence North 0 degrees 24 minutes 03 seconds West,  
17 a distance of 66.00 feet to a north line of said Lot 1; thence  
18 South 88 degrees 54 minutes 45 seconds West along a north line  
19 of said Lot 1, a distance of 35.00 feet to the point of  
20 beginning.

21 Said temporary easement containing 0.053 acre, more or  
22 less.

23 Said temporary easement to be used for grading and driveway

1 construction purposes.

2 \*\*\*

3 That part of Lot 1, except that part conveyed the County of  
4 McHenry, a body politic, by trustee's deed recorded April 7,  
5 2003 as document number 2003R0044153, in River Pointe  
6 Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's  
7 East Subdivision of the West Half of the Southwest Quarter of  
8 Section 29, Township 43 North, Range 8 East of the Third  
9 Principal Meridian, according to the plat of said River Pointe  
10 Subdivision recorded May 6, 1992 as document number 92R024749,  
11 in McHenry County, Illinois, bearings and distances are based  
12 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
13 a combination factor of 0.9999373735, described as follows:

14 Commencing at the northeast corner of said Lot 1; thence on  
15 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16 South 1 degree 06 minutes 06 seconds East along the east line  
17 of said Lot 1, a distance of 37.18 feet; thence South 89  
18 degrees 56 minutes 44 seconds West, a distance of 702.82 feet;  
19 thence South 53 degrees 08 minutes 32 seconds West, a distance  
20 of 56.79 feet to the point of beginning; thence continuing  
21 South 53 degrees 08 minutes 32 seconds West, a distance of  
22 12.43 feet; thence South 0 degrees 24 minutes 03 seconds East,  
23 a distance of 188.86 feet to a south line of said Lot 1; thence



1 North 88 degrees 55 minutes 17 seconds East along a south line  
2 of said Lot 1, a distance of 10.00 feet; thence North 0 degrees  
3 24 minutes 03 seconds West, a distance of 196.12 feet to the  
4 point of beginning.

5 Said temporary easement containing 0.044 acre, more or  
6 less.

7 Said temporary easement to be used for grading purposes.

8 \*\*\*

9 That part of Lot 1, except that part conveyed the County of  
10 McHenry, a body politic, by trustee's deed recorded April 7,  
11 2003 as document number 2003R0044153, in River Pointe  
12 Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's  
13 East Subdivision of the West Half of the Southwest Quarter of  
14 Section 29, Township 43 North, Range 8 East of the Third  
15 Principal Meridian, according to the plat of said River Pointe  
16 Subdivision recorded May 6, 1992 as document number 92R024749,  
17 in McHenry County, Illinois, bearings and distances are based  
18 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
19 a combination factor of 0.9999373735, described as follows:

20 Commencing at the northeast corner of said Lot 1; thence on  
21 an Illinois Coordinate System NAD 83(2011) East Zone bearing of

1 South 1 degree 06 minutes 06 seconds East along the east line  
2 of said Lot 1, a distance of 37.18 feet to the point of  
3 beginning; thence South 89 degrees 56 minutes 44 seconds West,  
4 a distance of 702.82 feet; thence South 53 degrees 08 minutes  
5 32 seconds West, a distance of 33.38 feet; thence North 89  
6 degrees 56 minutes 44 seconds East, a distance of 92.13 feet;  
7 thence South 0 degrees 03 minutes 16 seconds East, a distance  
8 of 15.00 feet; thence North 89 degrees 56 minutes 44 seconds  
9 East, a distance of 106.31 feet; thence North 0 degrees 03  
10 minutes 16 seconds West, a distance of 25.00 feet; thence North  
11 89 degrees 56 minutes 44 seconds East, a distance of 174.66  
12 feet; thence South 0 degrees 00 minutes 00 seconds East, a  
13 distance of 15.00 feet; thence North 90 degrees 00 minutes 00  
14 seconds East, a distance of 98.61 feet; thence North 0 degrees  
15 00 minutes 00 seconds East, a distance of 15.09 feet; thence  
16 North 89 degrees 56 minutes 44 seconds East, a distance of  
17 184.92 feet; thence South 0 degrees 03 minutes 16 seconds East,  
18 a distance of 25.00 feet; thence North 89 degrees 56 minutes 44  
19 seconds East, a distance of 73.56 feet to the east line of said  
20 Lot 1; thence North 1 degree 06 minutes 06 seconds West along  
21 the east line of said Lot 1, a distance of 35.01 feet to the  
22 point of beginning.

23 Said temporary easement containing 0.320 acre, more or  
24 less.

1 Said temporary easement to be used for grading, parking lot  
2 and driveway construction purposes.

3 \*\*\*

4 That part of Lot 2 in Kaper's West Subdivision, being a  
5 subdivision of the East Half of the Southeast Quarter of  
6 Section 30, Township 43 North, Range 8 East of the Third  
7 Principal Meridian, according to the plat thereof recorded  
8 August 6, 1992 as document number 92R042897, in McHenry County,  
9 Illinois, bearings and distances are based on the Illinois  
10 Coordinate System, NAD83(2011) East Zone, with a combination  
11 factor of 0.9999373735, described as follows:

12 Beginning at the southeast corner of said Lot 2; thence on  
13 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
14 South 88 degrees 53 minutes 12 seconds West along the south  
15 line of said Lot 2, a distance of 33.84 feet; thence North 0  
16 degrees 24 minutes 03 seconds West, a distance of 287.36 feet  
17 to the north line of said Lot 2; thence South 89 degrees 59  
18 minutes 52 seconds East along the north line of said Lot 2, a  
19 distance of 28.39 feet to the northeast corner of Lot 2; thence  
20 South 1 degree 29 minutes 18 seconds East along the east line  
21 of said Lot 2, a distance of 286.79 feet (286.85 feet,  
22 recorded) to the point of beginning.

1 Said parcel containing 0.205 acre, more or less.

2 \*\*\*

3 That part of Lot 2 in Kaper's West Subdivision, being a  
4 subdivision of the East Half of the Southeast Quarter of  
5 Section 30, Township 43 North, Range 8 East of the Third  
6 Principal Meridian, according to the plat thereof recorded  
7 August 6, 1992 as document number 92R042897, in McHenry County,  
8 Illinois, bearings and distances are based on the Illinois  
9 Coordinate System, NAD83(2011) East Zone, with a combination  
10 factor of 0.9999373735, described as follows:

11 Commencing at the southeast corner of said Lot 2; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 South 88 degrees 53 minutes 12 seconds West along the south  
14 line of said Lot 2, a distance of 33.84 feet to the point of  
15 beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
16 distance of 287.36 feet to the north line of said Lot 2; thence  
17 North 89 degrees 59 minutes 52 seconds West along the north  
18 line of said Lot 2, a distance of 40.00 feet; thence South 0  
19 degrees 24 minutes 03 seconds East, a distance of 40.77 feet;  
20 thence North 89 degrees 56 minutes 44 seconds East, a distance  
21 of 30.00 feet; thence South 0 degrees 24 minutes 03 seconds  
22 East, a distance of 227.38 feet; thence South 89 degrees 56  
23 minutes 44 seconds West, a distance of 32.00 feet; thence South

1 0 degrees 24 minutes 03 seconds East, a distance of 20.03 feet  
2 to the south line of said Lot 2; thence North 88 degrees 53  
3 minutes 12 seconds East along the south line of said Lot 2, a  
4 distance of 42.00 feet to the point of beginning.

5 Said temporary easement containing 0.109 acre, more or  
6 less.

7 Said temporary easement to be used for grading and driveway  
8 construction purposes.

9 \*\*\*

10 That part of Lot 2 in Kaper's East Subdivision, being a  
11 subdivision of the West Half of the Southwest Quarter of  
12 Section 29, Township 43 North, Range 8 East of the Third  
13 Principal Meridian, according to the plat thereof recorded  
14 February 28, 1989 as document number 89R005770, in McHenry  
15 County, Illinois, bearings and distances are based on the  
16 Illinois Coordinate System, NAD83(2011) East Zone, with a  
17 combination factor of 0.9999373735, described as follows:

18 Beginning at the northwest corner of said Lot 2; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 North 88 degrees 55 minutes 17 seconds East along the north  
21 line of said Lot 2, a distance of 36.46 feet; thence South 0

1 degrees 24 minutes 03 seconds East, a distance of 235.02 feet  
2 to the south line of said Lot 2; thence South 88 degrees 54  
3 minutes 45 seconds West along the south line of said Lot 2, a  
4 distance of 32.44 feet to the southwest corner of Lot 2; thence  
5 North 1 degree 22 minutes 56 seconds West along the west line  
6 of said Lot 2, a distance of 235.01 feet to the point of  
7 beginning.

8 Said parcel containing 0.186 acre, more or less.

9 \*\*\*

10 That part of Lot 2 in Kaper's East Subdivision, being a  
11 subdivision of the West Half of the Southwest Quarter of  
12 Section 29, Township 43 North, Range 8 East of the Third  
13 Principal Meridian, according to the plat thereof recorded  
14 February 28, 1989 as document number 89R005770, in McHenry  
15 County, Illinois, bearings and distances are based on the  
16 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
17 combination factor of 0.9999373735, described as follows:

18 Commencing at the northwest corner of said Lot 2; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 North 88 degrees 55 minutes 17 seconds East along the north  
21 line of said Lot 2, a distance of 36.46 feet to the point of  
22 beginning; thence South 0 degrees 24 minutes 03 seconds East, a

1 distance of 235.02 feet to the south line of said Lot 2; thence  
2 North 88 degrees 54 minutes 45 seconds East along the south  
3 line of said Lot 2, a distance of 35.00 feet; thence North 0  
4 degrees 24 minutes 03 seconds West, a distance of 19.81 feet;  
5 thence South 89 degrees 35 minutes 57 seconds West, a distance  
6 of 25.00 feet; thence North 0 degrees 24 minutes 03 seconds  
7 West, a distance of 214.90 feet to the north line of said Lot  
8 2; thence South 88 degrees 55 minutes 17 seconds West along the  
9 north line of said Lot 2, a distance of 10.00 feet to the point  
10 of beginning.

11 Said temporary easement containing 0.065 acre, more or  
12 less.

13 Said temporary easement to be used for grading purposes.

14 \*\*\*

15 That part of Lot 1, except that part of Lot 1 conveyed to  
16 the County of McHenry by trustee's deed recorded July 24, 2000  
17 as document number 2000R0039474 and also except that part of  
18 Lot 1 conveyed to the County of McHenry by warranty deed  
19 recorded April 10, 2008 as document number 2008R0020772, in  
20 Montero's Subdivision, being a resubdivision of Lot 4 in Eagle  
21 Commercial Center, a subdivision of the East Half of the  
22 Southeast Quarter of Section 30, Township 43 North, Range 8

1 East of the Third Principal Meridian, according to the plat of  
2 said Montero's Subdivision recorded February 1, 1996 as  
3 document number 96R005406 and corrected by certificates of  
4 correction recorded February 27, 1996 as document number  
5 96R009437 and recorded March 20, 1996 as document number  
6 96R013391, in McHenry County, Illinois, bearings and distances  
7 are based on the Illinois Coordinate System, NAD83(2011) East  
8 Zone, with a combination factor of 0.9999373735, described as  
9 follows:

10 Commencing at the northeast corner of said Lot 1; thence on  
11 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
12 South 0 degrees 06 minutes 33 seconds East along the east line  
13 of said Lot 1, a distance of 18.40 feet to the southerly right  
14 of way line of Algonquin Road recorded July 24, 2000 as  
15 document number 2000R0039474 and the point of beginning; thence  
16 continuing South 0 degrees 06 minutes 33 seconds East along the  
17 east line of said Lot 1, a distance of 15.16 feet to the  
18 southerly right of way line of Algonquin Road recorded April  
19 10, 2008 as document number 2008R0020772; thence North 85  
20 degrees 46 minutes 02 seconds West along the said southerly  
21 right of way line of Algonquin Road recorded as document number  
22 2008R0020772, a distance of 161.94 feet (162.34 feet, recorded)  
23 to the west line of said Lot 1; thence North 0 degrees 06  
24 minutes 24 seconds West along the west line of said Lot 1, a  
25 distance of 16.64 feet to the said southerly right of way line



1 of Algonquin Road recorded as document number 2000R0039474;  
2 thence South 85 degrees 14 minutes 54 seconds East along the  
3 said southerly right of way line of Algonquin Road recorded as  
4 document number 2000R0039474, a distance of 162.06 feet (162.34  
5 feet, recorded) to the point of beginning.

6 Said parcel containing 0.059 acre, more or less.

7 \*\*\*

8 That part of Lot 1, except that part of Lot 1 conveyed to  
9 the County of McHenry by trustee's deed recorded July 24, 2000  
10 as document number 2000R0039474 and also except that part of  
11 Lot 1 conveyed to the County of McHenry by warranty deed  
12 recorded April 10, 2008 as document number 2008R0020772, in  
13 Montero's Subdivision, being a resubdivision of Lot 4 in Eagle  
14 Commercial Center, a subdivision of the East Half of the  
15 Southeast Quarter of Section 30, Township 43 North, Range 8  
16 East of the Third Principal Meridian, according to the plat of  
17 said Montero's Subdivision recorded February 1, 1996 as  
18 document number 96R005406 and corrected by certificates of  
19 correction recorded February 27, 1996 as document number  
20 96R009437 and recorded March 20, 1996 as document number  
21 96R013391, in McHenry County, Illinois, bearings and distances  
22 are based on the Illinois Coordinate System, NAD83(2011) East  
23 Zone, with a combination factor of 0.9999373735, described as

1 follows:

2 Commencing at the northeast corner of said Lot 1; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 South 0 degrees 06 minutes 33 seconds East along the east line  
5 of said Lot 1, a distance of 33.56 feet to the south right of  
6 way line of Algonquin Road recorded April 10, 2008 as document  
7 number 2008R0020772 and the point of beginning; thence  
8 continuing South 0 degrees 06 minutes 33 seconds East along the  
9 east line of said Lot 1, a distance of 8.97 feet; thence South  
10 89 degrees 56 minutes 44 seconds West, a distance of 161.48  
11 feet to the west line of said Lot 1; thence North 0 degrees 06  
12 minutes 24 seconds West along the west line of said Lot 1, a  
13 distance of 6.14 feet to the said south right of way line of  
14 Algonquin Road; thence North 88 degrees 56 minutes 36 seconds  
15 East along the said south right of way line of Algonquin Road,  
16 a distance of 161.50 feet (161.22 feet, recorded) to the point  
17 of beginning;

18 Said parcel containing 0.028 acre, more or less.

19 \*\*\*

20 That part of Lot 1, except that part of Lot 1 conveyed to  
21 the County of McHenry by trustee's deed recorded July 24, 2000  
22 as document number 2000R0039474 and also except that part of

1 Lot 1 conveyed to the County of McHenry by warranty deed  
2 recorded April 10, 2008 as document number 2008R0020772, in  
3 Montero's Subdivision, being a resubdivision of Lot 4 in Eagle  
4 Commercial Center, a subdivision of the East Half of the  
5 Southeast Quarter of Section 30, Township 43 North, Range 8  
6 East of the Third Principal Meridian, according to the plat of  
7 said Montero's Subdivision recorded February 1, 1996 as  
8 document number 96R005406 and corrected by certificates of  
9 correction recorded February 27, 1996 as document number  
10 96R009437 and recorded March 20, 1996 as document number  
11 96R013391, in McHenry County, Illinois, bearings and distances  
12 are based on the Illinois Coordinate System, NAD83(2011) East  
13 Zone, with a combination factor of 0.9999373735, described as  
14 follows:

15 Commencing at the northeast corner of said Lot 1; thence on  
16 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17 South 0 degrees 06 minutes 33 seconds East along the east line  
18 of said Lot 1, a distance of 33.56 feet to the south right of  
19 way line of Algonquin Road recorded April 10, 2008 as document  
20 number 2008R0020772; thence continuing South 0 degrees 06  
21 minutes 33 seconds East along the east line of said Lot 1, a  
22 distance of 8.97 feet to the point of beginning; thence South  
23 89 degrees 56 minutes 44 seconds West, a distance of 161.48  
24 feet to the west line of said Lot 1; thence South 0 degrees 06  
25 minutes 24 seconds East along the west line of said Lot 1, a

1 distance of 12.00 feet; thence North 89 degrees 56 minutes 44  
2 seconds East, a distance of 161.48 feet to the east line of  
3 said Lot 1; thence North 0 degrees 06 minutes 33 seconds West  
4 along the east line of said Lot 1, a distance of 12.00 feet to  
5 the point of beginning;

6 Said temporary easement containing 0.044 acre, more or  
7 less.

8 Said temporary easement to be used for grading and driveway  
9 construction purposes.

10 \*\*\*

11 That part of Lot 1 in Resubdivision of Lot 1 - Eagle  
12 Commercial Center, being a subdivision of part of the East Half  
13 of the Southeast Quarter of Section 30, Township 43 North,  
14 Range 8 East of the Third Principal Meridian, according to the  
15 plat thereof recorded November 30, 1995 as document number  
16 95R052639 and corrected by affidavits recorded July 11, 1996 as  
17 document number 96R035878 and recorded December 17, 1996 as  
18 document number 96R063597, in McHenry County, Illinois,  
19 bearings and distances are based on the Illinois Coordinate  
20 System, NAD83(2011) East Zone, with a combination factor of  
21 0.9999373735, described as follows:

1           Beginning at the northeast corner of said Lot 1; thence on  
2           an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
3           South 0 degrees 58 minutes 48 seconds East along the east line  
4           of said Lot 1, a distance of 28.90 feet; thence South 89  
5           degrees 56 minutes 44 seconds West, a distance of 94.33 feet;  
6           thence South 0 degrees 00 minutes 00 seconds East, a distance  
7           of 6.41 feet; thence North 90 degrees 00 minutes 00 seconds  
8           West, a distance of 69.42 feet; thence North 0 degrees 00  
9           minutes 00 seconds East, a distance of 15.17 feet; thence South  
10          89 degrees 11 minutes 30 seconds West, a distance 216.28 feet  
11          to the west line of said Lot 1; thence North 1 degree 30  
12          minutes 47 seconds West along the west line of said Lot 1, a  
13          distance of 23.35 feet to the northwest corner of Lot 1; thence  
14          South 89 degrees 59 minutes 28 seconds East along the north  
15          line of said Lot 1, a distance of 380.14 feet (380.19 feet,  
16          recorded) to the point of beginning.

17           Said parcel containing 0.227 acre, more or less.

18           \*\*\*

19           That part of Lot 1 in Resubdivision of Lot 1 - Eagle  
20          Commercial Center, being a subdivision of part of the East Half  
21          of the Southeast Quarter of Section 30, Township 43 North,  
22          Range 8 East of the Third Principal Meridian, according to the  
23          plat thereof recorded November 30, 1995 as document number

1 95R052639 and corrected by affidavits recorded July 11, 1996 as  
2 document number 96R035878 and recorded December 17, 1996 as  
3 document number 96R063597, in McHenry County, Illinois,  
4 bearings and distances are based on the Illinois Coordinate  
5 System, NAD83(2011) East Zone, with a combination factor of  
6 0.9999373735, described as follows:

7 Commencing at the northeast corner of said Lot 1; thence on  
8 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
9 South 0 degrees 58 minutes 48 seconds East along the east line  
10 of said Lot 1, a distance of 28.90 feet to the point of  
11 beginning; thence South 89 degrees 56 minutes 44 seconds West,  
12 a distance of 94.33 feet; thence South 0 degrees 00 minutes 00  
13 seconds East, a distance of 6.41 feet; thence North 90 degrees  
14 00 minutes 00 seconds West, a distance of 69.42 feet; thence  
15 North 0 degrees 00 minutes 00 seconds East, a distance of 15.17  
16 feet; thence South 89 degrees 11 minutes 30 seconds West, a  
17 distance 216.28 feet to the west line of said Lot 1; thence  
18 South 1 degree 30 minutes 47 seconds East along the west line  
19 of said Lot 1, a distance of 56.12 feet; thence North 90  
20 degrees 00 minutes 00 seconds East, a distance of 34.77 feet;  
21 thence North 0 degrees 03 minutes 16 seconds West, a distance  
22 of 30.16 feet; thence North 89 degrees 56 minutes 44 seconds  
23 East, a distance of 344.13 feet to the east line of said Lot 1;  
24 thence North 0 degrees 58 minutes 48 seconds West along the  
25 east line of said Lot 1, a distance of 20.00 feet to the point

1 of beginning.

2 Said temporary easement containing 0.225 acre, more or  
3 less.

4 Said temporary easement to be used for grading and parking  
5 lot construction purposes.

6 \*\*\*

7 That part of Lot 1, except that part of Lot 1 conveyed to  
8 the County of McHenry by special warranty deed recorded  
9 February 26, 2001 as document number 2001R0010880, in Kaper's  
10 West Subdivision, being a subdivision of the East Half of the  
11 Southeast Quarter of Section 30, Township 43 North, Range 8  
12 East of the Third Principal Meridian, according to the plat  
13 thereof recorded August 6, 1992 as document number 92R042897,  
14 in McHenry County, Illinois, bearings and distances are based  
15 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
16 a combination factor of 0.9999373735, described as follows:

17 Beginning at the southeast corner of said Lot 1; thence on  
18 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
19 North 89 degrees 59 minutes 52 seconds West along the south  
20 line of said Lot 1, a distance of 28.39 feet; thence North 0  
21 degrees 24 minutes 03 seconds West, a distance of 144.19 feet;

1       thence North 41 degrees 13 minutes 58 seconds West, a distance  
2       of 76.89 feet; thence South 89 degrees 56 minutes 44 seconds  
3       West, a distance of 133.22 feet to the west line of said Lot 1;  
4       thence North 1 degree 29 minutes 39 seconds West along the west  
5       line of said Lot 1, a distance of 8.05 feet to the south right  
6       of way line of Algonquin Road recorded February 26, 2001 as  
7       document number 2001R0010880; thence South 89 degrees 59  
8       minutes 28 seconds East along the said south right of way line  
9       of Algonquin Road, a distance of 152.35 feet (152.37 feet,  
10      recorded) to the northeasterly line of said Lot 1; thence South  
11      42 degrees 40 minutes 15 seconds East along the northeasterly  
12      line of said Lot 1, a distance of 84.56 feet to the east line of  
13      Lot 1; thence South 1 degree 29 minutes 18 seconds East along  
14      the east line of said Lot 1, a distance of 147.77 feet (147.80  
15      feet, recorded) to the point of beginning.

16                Said parcel containing 0.154 acre, more or less.

17                \*\*\*

18                That part of Lot 1, except that part of Lot 1 conveyed to  
19      the County of McHenry by special warranty deed recorded  
20      February 26, 2001 as document number 2001R0010880, in Kaper's  
21      West Subdivision, being a subdivision of the East Half of the  
22      Southeast Quarter of Section 30, Township 43 North, Range 8  
23      East of the Third Principal Meridian, according to the plat



1       thereof recorded August 6, 1992 as document number 92R042897,  
2       in McHenry County, Illinois, bearings and distances are based  
3       on the Illinois Coordinate System, NAD83(2011) East Zone, with  
4       a combination factor of 0.9999373735, described as follows:

5           Commencing at the southeast corner of said Lot 1; thence on  
6       an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
7       North 89 degrees 59 minutes 52 seconds West along the south  
8       line of said Lot 1, a distance of 28.39 feet; thence North 0  
9       degrees 24 minutes 03 seconds West, a distance of 144.19 feet;  
10      thence North 41 degrees 13 minutes 58 seconds West, a distance  
11      of 55.46 feet to the point of beginning; thence continuing  
12      North 41 degrees 13 minutes 58 seconds West, a distance of  
13      21.43 feet; thence South 89 degrees 56 minutes 44 seconds West,  
14      a distance of 133.22 feet to the west line of said Lot 1;  
15      thence South 1 degree 29 minutes 39 seconds East along the west  
16      line of said Lot 1, a distance of 12.56 feet; thence North 89  
17      degrees 56 minutes 44 seconds East, a distance of 125.35 feet  
18      to a point of curvature; thence easterly 10.22 feet along a  
19      curve to the right having a radius of 48.02 feet, the chord of  
20      said curve bears South 83 degrees 57 minutes 29 seconds East,  
21      10.20 feet to a point of tangency; thence South 77 degrees 51  
22      minutes 42 seconds East, a distance of 11.78 feet to the point  
23      of beginning.

24           Said permanent easement containing 0.041 acre, more or

1 less.

2 Said permanent easement to be used for highway purposes.

3 \*\*\*

4 That part of Lot 1, except that part of Lot 1 conveyed to  
5 the County of McHenry by special warranty deed recorded  
6 February 26, 2001 as document number 2001R0010880, in Kaper's  
7 West Subdivision, being a subdivision of the East Half of the  
8 Southeast Quarter of Section 30, Township 43 North, Range 8  
9 East of the Third Principal Meridian, according to the plat  
10 thereof recorded August 6, 1992 as document number 92R042897,  
11 in McHenry County, Illinois, bearings and distances are based  
12 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
13 a combination factor of 0.9999373735, described as follows:

14 Commencing at the southeast corner of said Lot 1; thence on  
15 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16 North 89 degrees 59 minutes 52 seconds West along the south  
17 line of said Lot 1, a distance of 28.39 feet to the point of  
18 beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
19 distance of 144.19 feet; thence North 41 degrees 13 minutes 58  
20 seconds West, a distance of 15.29 feet; thence South 0 degrees  
21 24 minutes 03 seconds East, a distance of 106.76 feet; thence  
22 South 89 degrees 56 minutes 44 seconds West, a distance of

1 30.00 feet; thence South 0 degrees 24 minutes 03 seconds East,  
2 a distance of 48.90 feet to the south line of said Lot 1;  
3 thence South 89 degrees 59 minutes 52 seconds East along the  
4 south line of said Lot 1, a distance of 40.00 feet to the point  
5 of beginning.

6 Said temporary easement containing 0.068 acre, more or  
7 less.

8 Said temporary easement to be used for grading and driveway  
9 construction purposes.

10 \*\*\*

11 That part of Lot 1, except that part of Lot 1 conveyed to  
12 the County of McHenry by special warranty deed recorded  
13 February 26, 2001 as document number 2001R0010880, in Kaper's  
14 West Subdivision, being a subdivision of the East Half of the  
15 Southeast Quarter of Section 30, Township 43 North, Range 8  
16 East of the Third Principal Meridian, according to the plat  
17 thereof recorded August 6, 1992 as document number 92R042897,  
18 in McHenry County, Illinois, bearings and distances are based  
19 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
20 a combination factor of 0.9999373735, described as follows:

21 Commencing at the southeast corner of said Lot 1; thence on

1 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
2 North 89 degrees 59 minutes 52 seconds West along the south  
3 line of said Lot 1, a distance of 28.39 feet; thence North 0  
4 degrees 24 minutes 03 seconds West, a distance of 144.19 feet;  
5 thence North 41 degrees 13 minutes 58 seconds West, a distance  
6 of 49.56 feet to the point of beginning; thence South 89  
7 degrees 56 minutes 44 seconds West, a distance of 150.69 feet  
8 to the west line of said Lot 1; thence North 1 degree 29  
9 minutes 39 seconds West along the west line of said Lot 1, a  
10 distance of 8.01 feet; thence North 89 degrees 56 minutes 44  
11 seconds East, a distance of 125.35 feet to a point of  
12 curvature; thence easterly 10.22 feet along a curve to the  
13 right having a radius of 48.02 feet, the chord of said curve  
14 bears South 83 degrees 57 minutes 29 seconds East, 10.20 feet  
15 to a point of tangency; thence South 77 degrees 51 minutes 42  
16 seconds East, a distance of 11.78 feet; thence South 41 degrees  
17 13 minutes 58 seconds East, a distance of 5.90 feet to the  
18 point of beginning.

19 Said temporary easement containing 0.027 acre, more or  
20 less.

21 Said temporary easement to be used for construction  
22 purposes.

23 \*\*\*

1           That part of Lot 1 in Oakridge Business Center, being a  
2           resubdivision of Lot 7 and that part of vacated Crystal Lake  
3           Road adjacent to said Lot 7 lying North of the south line  
4           extended East, in Kaper's East Subdivision, being a subdivision  
5           of the West Half of the Southwest Quarter of Section 29,  
6           Township 43 North, Range 8 East of the Third Principal  
7           Meridian, according to the plat of said Oakridge Business  
8           Center recorded September 15, 1998 as document number  
9           1998R0061102, in McHenry County, Illinois, bearings and  
10          distances are based on the Illinois Coordinate System,  
11          NAD83(2011) East Zone, with a combination factor of  
12          0.9999373735, described as follows:

13          Beginning at the northwest corner of said Lot 1; thence on  
14          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
15          South 89 degrees 57 minutes 40 seconds East along the north  
16          line of said Lot 1, a distance of 177.11 feet (177.13 feet,  
17          recorded) to the northeast corner of Lot 1; thence South 0  
18          degrees 01 minute 48 seconds West along the east line of said  
19          Lot 1, a distance of 21.88 feet; thence South 89 degrees 56  
20          minutes 44 seconds West, a distance of 176.67 feet to the west  
21          line of said Lot 1; thence North 1 degree 06 minutes 06 seconds  
22          West along the west line of said Lot 1, a distance of 22.18  
23          feet to the point of beginning.

1 Said parcel containing 0.089 acre, more or less.

2 \*\*\*

3 That part of Lot 1 in Oakridge Business Center, being a  
4 resubdivision of Lot 7 and that part of vacated Crystal Lake  
5 Road adjacent to said Lot 7 lying North of the south line  
6 extended East, in Kaper's East Subdivision, being a subdivision  
7 of the West Half of the Southwest Quarter of Section 29,  
8 Township 43 North, Range 8 East of the Third Principal  
9 Meridian, according to the plat of said Oakridge Business  
10 Center recorded September 15, 1998 as document number  
11 1998R0061102, in McHenry County, Illinois, bearings and  
12 distances are based on the Illinois Coordinate System,  
13 NAD83(2011) East Zone, with a combination factor of  
14 0.9999373735, described as follows:

15 Commencing at the northwest corner of said Lot 1; thence on  
16 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17 South 89 degrees 57 minutes 40 seconds East along the north  
18 line of said Lot 1, a distance of 177.11 feet (177.13 feet,  
19 recorded) to the northeast corner of Lot 1; thence South 0  
20 degrees 01 minute 48 seconds West along the east line of said  
21 Lot 1, a distance of 21.88 feet to the point of beginning;  
22 thence South 89 degrees 56 minutes 44 seconds West, a distance  
23 of 176.67 feet to the west line of said Lot 1; thence South 1

1 degree 06 minutes 06 seconds East along the west line of said  
2 Lot 1, a distance of 6.86 feet; thence North 90 degrees 00  
3 minutes 00 seconds East, a distance of 145.33 feet; thence  
4 South 0 degrees 00 minutes 00 seconds East, a distance of 25.00  
5 feet; thence North 90 degrees 00 minutes 00 seconds East, a  
6 distance of 31.19 feet to the east line of said Lot 1; thence  
7 North 0 degrees 01 minutes 48 seconds East along the east line  
8 of said Lot 1, a distance of 32.02 feet to the point of  
9 beginning.

10 Said temporary easement containing 0.046 acre, more or  
11 less.

12 Said temporary easement to be used for grading and parking  
13 lot construction purposes.

14 \*\*\*

15 That part of Lot 2 in Oakridge Business Center, being a  
16 resubdivision of Lot 7 and that part of vacated Crystal Lake  
17 Road adjacent to said Lot 7 lying North of the south line  
18 extended East, in Kaper's East Subdivision, being a subdivision  
19 of the West Half of the Southwest Quarter of Section 29,  
20 Township 43 North, Range 8 East of the Third Principal  
21 Meridian, according to the plat of said Oakridge Business  
22 Center recorded September 15, 1998 as document number

1 1998R0061102, in McHenry County, Illinois, bearings and  
2 distances are based on the Illinois Coordinate System,  
3 NAD83(2011) East Zone, with a combination factor of  
4 0.9999373735, described as follows:

5 Beginning at the northeast corner of said Lot 2; thence on  
6 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
7 South 0 degrees 01 minute 46 seconds West along the east line  
8 of said Lot 2, a distance of 21.65 feet; thence South 89  
9 degrees 56 minutes 44 seconds West, a distance of 140.68 feet  
10 to the west line of said Lot 2; thence North 0 degrees 01  
11 minute 48 seconds East along the west line of said Lot 2, a  
12 distance of 21.88 feet to the northwest corner of Lot 2; thence  
13 South 89 degrees 57 minutes 40 seconds East along the north  
14 line of said Lot 2, a distance of 140.68 feet (140.70 feet,  
15 recorded) to the point of beginning.

16 Said parcel containing 0.070 acre, more or less.

17 \*\*\*

18 That part of Lot 2 in Oakridge Business Center, being a  
19 resubdivision of Lot 7 and that part of vacated Crystal Lake  
20 Road adjacent to said Lot 7 lying North of the south line  
21 extended East, in Kaper's East Subdivision, being a subdivision  
22 of the West Half of the Southwest Quarter of Section 29,



1 Township 43 North, Range 8 East of the Third Principal  
2 Meridian, according to the plat of said Oakridge Business  
3 Center recorded September 15, 1998 as document number  
4 1998R0061102, in McHenry County, Illinois, bearings and  
5 distances are based on the Illinois Coordinate System,  
6 NAD83(2011) East Zone, with a combination factor of  
7 0.9999373735, described as follows:

8 Commencing at the northeast corner of said Lot 2; thence on  
9 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
10 South 0 degrees 01 minute 46 seconds West along the east line  
11 of said Lot 2, a distance of 21.65 feet; thence South 89  
12 degrees 56 minutes 44 seconds West, a distance of 67.72 feet to  
13 the point of beginning; thence South 0 degrees 00 minutes 00  
14 seconds East, a distance of 32.10 feet; thence North 90 degrees  
15 00 minutes 00 seconds West, a distance of 72.98 feet to the  
16 west line of said Lot 2; thence North 0 degrees 01 minute 48  
17 seconds East along the west line of said Lot 2, a distance of  
18 32.02 feet; thence North 89 degrees 56 minutes 44 seconds East,  
19 a distance of 72.96 feet to the point of beginning.

20 Said temporary easement containing 0.054 acre, more or  
21 less.

22 Said temporary easement to be used for grading, driveway  
23 and parking lot construction.

1           \*\*\*

2           That part of Lot 3 in Oakridge Business Center, being a  
3           resubdivision of Lot 7 and that part of vacated Crystal Lake  
4           Road adjacent to said Lot 7 lying North of the south line  
5           extended East, in Kaper's East Subdivision, being a subdivision  
6           of the West Half of the Southwest Quarter of Section 29,  
7           Township 43 North, Range 8 East of the Third Principal  
8           Meridian, according to the plat of said Oakridge Business  
9           Center recorded September 15, 1998 as document number  
10          1998R0061102, in McHenry County, Illinois, bearings and  
11          distances are based on the Illinois Coordinate System,  
12          NAD83(2011) East Zone, with a combination factor of  
13          0.9999373735, described as follows:

14          Beginning at the northeast corner of said Lot 3; thence on  
15          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16          South 1 degree 42 minutes 22 seconds West along the east line  
17          of said Lot 3, a distance of 21.36 feet; thence South 89  
18          degrees 56 minutes 44 seconds West, a distance of 183.76 feet  
19          to the west line of said Lot 3; thence North 0 degrees 01  
20          minute 46 seconds East along the west line of said Lot 3, a  
21          distance of 21.65 feet to the northwest corner of Lot 3; thence  
22          South 89 degrees 57 minutes 40 seconds East along the north  
23          line of said Lot 3, a distance of 184.38 feet (184.40 feet,

1 recorded) to the point of beginning.

2 Said parcel containing 0.091 acre, more or less.

3 \*\*\*

4 That part of Lot 3 in Oakridge Business Center, being a  
5 resubdivision of Lot 7 and that part of vacated Crystal Lake  
6 Road adjacent to said Lot 7 lying North of the south line  
7 extended East, in Kaper's East Subdivision, being a subdivision  
8 of the West Half of the Southwest Quarter of Section 29,  
9 Township 43 North, Range 8 East of the Third Principal  
10 Meridian, according to the plat of said Oakridge Business  
11 Center recorded September 15, 1998 as document number  
12 1998R0061102, in McHenry County, Illinois, bearings and  
13 distances are based on the Illinois Coordinate System, NAD  
14 83(2011) East Zone, with a combination factor of 0.9999373735,  
15 described as follows:

16 Commencing at the northeast corner of said Lot 3; thence on  
17 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
18 South 1 degree 42 minutes 22 seconds West along the east line  
19 of said Lot 3, a distance of 21.36 feet to the point of  
20 beginning; thence South 89 degrees 56 minutes 44 seconds West,  
21 a distance of 67.41 feet; thence South 0 degrees 03 minutes 16  
22 seconds East, a distance of 59.60 feet; thence North 89 degrees

1 56 minutes 44 seconds East, a distance of 24.76 feet; thence  
2 South 0 degrees 03 minutes 16 seconds East, a distance of  
3 143.35 feet; thence North 89 degrees 56 minutes 44 seconds  
4 East, a distance of 36.42 feet to the east line of said Lot 3;  
5 thence North 1 degree 42 minutes 22 seconds East along the east  
6 line of said Lot 3, a distance of 203.05 feet to the point of  
7 beginning.

8 Said temporary easement containing 0.218 acre, more or  
9 less.

10 Said temporary easement to be used for grading and driveway  
11 construction purposes.

12 \*\*\*

13 That part of the Southeast Quarter of the Northeast Quarter  
14 of Section 30, Township 43 North, Range 8 East of the Third  
15 Principal Meridian, in McHenry County, Illinois, bearings and  
16 distances are based on the Illinois Coordinate System,  
17 NAD83(2011) East Zone, with a combination factor of  
18 0.9999373735, described as follows:

19 Commencing at a point on the west right of way line of  
20 Randall Road recorded October 31, 1969 as document number  
21 516648, said point being 1979.91 feet (1980.02 feet, recorded)

1 South of the north line of the Northeast Quarter of said  
2 Section 30, being also the southeast corner of Lot 1 in Govnors  
3 Subdivision, according to the plat thereof recorded March 20,  
4 2001 as document number 2001R0016624; thence on an Illinois  
5 Coordinate System NAD 83(2011) East Zone bearing of South 89  
6 degrees 40 minutes 50 seconds West along the south line of Lot  
7 1 in said Govnors Subdivision, a distance of 502.96 feet to a  
8 point of intersection with the Northerly extension of the east  
9 line of a special warranty deed recorded October 16, 2001 as  
10 document 2001R0077343; thence South 0 degrees 15 minutes 16  
11 seconds East along the east line of said special warranty deed  
12 and along the Northerly extension thereof, a distance of 567.70  
13 feet to the point of beginning; thence continuing South 0  
14 degrees 15 minutes 16 seconds East along the east line of the  
15 grantor according to said special warranty deed, a distance of  
16 20.08 feet to the north right of way line of Algonquin Road  
17 recorded August 20, 1999 as document number 1999R0059231;  
18 thence South 89 degrees 38 minutes 26 seconds West along the  
19 said north right of way line of Algonquin Road, a distance of  
20 318.62 feet to the northerly right of way line of Algonquin  
21 Road recorded November 16, 2006 as document number  
22 2006R0084532; thence North 87 degrees 05 minutes 48 seconds  
23 West along the said northerly right of way line of Algonquin  
24 Road, a distance of 173.29 feet (172.76 feet, recorded) to the  
25 west line of the grantor according to said special warranty  
26 deed; thence North 0 degrees 07 minutes 52 seconds East along

1 the west line of the grantor according to said special warranty  
2 deed, a distance of 12.84 feet; thence North 89 degrees 56  
3 minutes 44 seconds East, a distance of 491.57 feet to the point  
4 of beginning.

5 Said parcel containing 0.222 acre, more or less.

6 \*\*\*

7 That part of the Southeast Quarter of the Northeast Quarter  
8 of Section 30, Township 43 North, Range 8 East of the Third  
9 Principal Meridian, in McHenry County, Illinois, bearings and  
10 distances are based on the Illinois Coordinate System,  
11 NAD83(2011) East Zone, with a combination factor of  
12 0.9999373735, described as follows:

13 Commencing at a point on the west right of way line of  
14 Randall Road recorded October 31, 1969 as document number  
15 516648, said point being 1979.91 feet (1980.02 feet, recorded)  
16 South of the north line of the Northeast Quarter of said  
17 Section 30, being also the southeast corner of Lot 1 in Govnors  
18 Subdivision, according to the plat thereof recorded March 20,  
19 2001 as document number 2001R0016624; thence on an Illinois  
20 Coordinate System NAD 83(2011) East Zone bearing of South 89  
21 degrees 40 minutes 50 seconds West along the south line of Lot  
22 1 in said Govnors Subdivision, a distance of 502.96 feet to a

1 point of intersection with the Northerly extension of the east  
2 line of a special warranty deed recorded October 16, 2001 as  
3 document 2001R0077343; thence South 0 degrees 15 minutes 16  
4 seconds East along the east line of said special warranty deed  
5 and along the Northerly extension thereof, a distance of 587.78  
6 feet to the north right of way line of Algonquin Road recorded  
7 August 20, 1999 as document number 1999R0059231; thence South  
8 89 degrees 38 minutes 26 seconds West along the said north  
9 right of way line of Algonquin Road, a distance of 318.62 feet  
10 to the northerly right of way line of Algonquin Road recorded  
11 November 16, 2006 as document number 2006R0084532; thence North  
12 87 degrees 05 minutes 48 seconds West along the said northerly  
13 right of way line of Algonquin Road, a distance of 173.29 feet  
14 (172.76 feet, recorded) to the west line of the grantor  
15 according to said special warranty deed; thence North 0 degrees  
16 07 minutes 52 seconds East along the west line of the grantor  
17 according to said special warranty deed, a distance of 12.84  
18 feet; thence North 89 degrees 56 minutes 44 seconds East, a  
19 distance of 335.39 feet to the point of beginning; thence  
20 continuing North 89 degrees 56 minutes 44 seconds East, a  
21 distance of 120.00 feet; thence North 0 degrees 03 minutes 16  
22 seconds West, a distance of 50.00 feet; thence South 89 degrees  
23 56 minutes 44 seconds West, a distance of 120.00 feet; thence  
24 South 0 degrees 03 minutes 16 seconds East, a distance of 50.00  
25 feet to the point of beginning.

1 Said temporary easement containing 0.138 acre, more or  
2 less.

3 Said temporary easement to be used for grading and driveway  
4 construction purposes.

5 \*\*\*

6 That part of the Southeast Quarter of the Northeast Quarter  
7 of Section 30, Township 43 North, Range 8 East of the Third  
8 Principal Meridian, in McHenry County, Illinois, bearings and  
9 distances are based on the Illinois Coordinate System, NAD  
10 83(2011) East Zone, with a combination factor of 0.9999373735,  
11 described as follows:

12 Beginning at a point on the west right of way line of  
13 Randall Road recorded October 31, 1969 as document number  
14 516648, said point being 1979.91 feet (1980.02 feet, recorded)  
15 South of the north line of the Northeast Quarter of said  
16 Section 30, being also the southeast corner of Lot 1 in Govnors  
17 Subdivision, according to the plat thereof recorded March 20,  
18 2001 as document number 2001R0016624 and the northeast corner  
19 of trustee's deed and deed in trust recorded October 17, 1994  
20 as document number 94R059510; thence on an Illinois Coordinate  
21 System NAD 83(2011) East Zone bearing of South 0 degrees 23  
22 minutes 56 seconds East along the said west right of way line



1 of Randall Road, a distance of 542.00 feet to the northwesterly  
2 right of way line of Algonquin Road according to Judgment  
3 Order, Case Number 00 ED 9, filed April 22, 2003 in the Circuit  
4 Court of the Nineteenth Judicial Circuit, McHenry County,  
5 Illinois; thence South 63 degrees 24 minutes 49 seconds West  
6 along the said northwesterly right of way line of Algonquin  
7 Road, a distance of 82.45 feet (82.05 feet, recorded) to the  
8 north right of way line of Algonquin Road; thence South 89  
9 degrees 38 minutes 26 seconds West along the north right of way  
10 line of Algonquin Road according to said Judgment Order, Case  
11 Number 00 ED 9, a distance of 161.98 feet to an angle point on  
12 said north right of way line; thence South 0 degrees 21 minutes  
13 34 seconds East, a distance of 9.00 feet to an angle point on  
14 the north right of way line of Algonquin Road; thence South 89  
15 degrees 38 minutes 26 seconds West along the north right of way  
16 line of Algonquin Road according to said Judgment Order, Case  
17 Number 00 ED 9, a distance of 268.47 feet to west line of the  
18 grantor according to said trustee's deed and deed in trust  
19 recorded October 17, 1994 as document number 94R059510; thence  
20 North 0 degrees 15 minutes 16 seconds West along the west line  
21 of the grantor according to said trustee's deed and deed in  
22 trust, a distance of 18.08 feet; thence North 89 degrees 56  
23 minutes 44 seconds East, a distance of 228.82 feet; thence  
24 North 0 degrees 03 minutes 16 seconds West, a distance of 3.00  
25 feet; thence North 89 degrees 56 minutes 44 seconds East, a  
26 distance of 191.00 feet; thence North 0 degrees 03 minutes 16

1 seconds West, a distance of 16.00 feet; thence North 89 degrees  
2 56 minutes 44 seconds East, a distance of 29.00 feet; thence  
3 North 42 degrees 08 minutes 13 seconds East, a distance of  
4 26.57 feet; thence North 0 degrees 24 minutes 03 seconds West,  
5 a distance of 395.00 feet; thence North 89 degrees 35 minutes  
6 57 seconds East, a distance of 17.00 feet; thence North 0  
7 degrees 24 minutes 03 seconds West, a distance of 138.15 feet  
8 to the north line of the grantor according to said trustee's  
9 deed and deed in trust; thence North 89 degrees 40 minutes 50  
10 seconds East along the north line of the grantor according to  
11 said trustee's deed and deed in trust, a distance of 20.53 feet  
12 to the point of beginning.

13 Said parcel containing 0.591 acre, more or less.

14 \*\*\*

15 That part of the Southeast Quarter of the Northeast Quarter  
16 of Section 30, Township 43 North, Range 8 East of the Third  
17 Principal Meridian, in McHenry County, Illinois, bearings and  
18 distances are based on the Illinois Coordinate System, NAD  
19 83(2011) East Zone, with a combination factor of 0.9999373735,  
20 described as follows:

21 Commencing at a point on the west right of way line of  
22 Randall Road recorded October 31, 1969 as document number

1 516648, said point being 1979.91 feet (1980.02 feet, recorded)  
2 South of the north line of the Northeast Quarter of said  
3 Section 30, being also the southeast corner of Lot 1 in Govnors  
4 Subdivision, according to the plat thereof recorded March 20,  
5 2001 as document number 2001R0016624 and the northeast corner  
6 of trustee's deed and deed in trust recorded October 17, 1994  
7 as document number 94R059510; thence on an Illinois Coordinate  
8 System NAD 83(2011) East Zone bearing of South 0 degrees 23  
9 minutes 56 seconds East along the said west right of way line  
10 of Randall Road, a distance of 542.00 feet to the northwesterly  
11 right of way line of Algonquin Road according to Judgment  
12 Order, Case Number 00 ED 9, filed April 22, 2003 in the Circuit  
13 Court of the Nineteenth Judicial Circuit, McHenry County,  
14 Illinois; thence South 63 degrees 24 minutes 49 seconds West  
15 along the said northwesterly right of way line of Algonquin  
16 Road, a distance of 82.45 feet (82.05 feet, recorded) to the  
17 north right of way line of Algonquin Road; thence South 89  
18 degrees 38 minutes 26 seconds West along the north right of way  
19 line of Algonquin Road according to said Judgment Order, Case  
20 Number 00 ED 9, a distance of 161.98 feet to an angle point on  
21 said north right of way line; thence South 0 degrees 21 minutes  
22 34 seconds East, a distance of 9.00 feet to an angle point on  
23 the north right of way line of Algonquin Road; thence South 89  
24 degrees 38 minutes 26 seconds West along the north right of way  
25 line of Algonquin Road according to said Judgment Order, Case  
26 Number 00 ED 9, a distance of 268.47 feet to west line of the

1 grantor according to said trustee's deed and deed in trust  
2 recorded October 17, 1994 as document number 94R059510; thence  
3 North 0 degrees 15 minutes 16 seconds West along the west line  
4 of the grantor according to said trustee's deed and deed in  
5 trust, a distance of 18.08 feet; thence North 89 degrees 56  
6 minutes 44 seconds East, a distance of 183.82 feet to the point  
7 of beginning; thence continuing North 89 degrees 56 minutes 44  
8 seconds East, a distance of 45.00 feet; thence North 0 degrees  
9 03 minutes 16 seconds West, a distance of 3.00 feet; thence  
10 North 89 degrees 56 minutes 44 seconds East, a distance of 9.00  
11 feet; thence North 0 degrees 03 minutes 16 seconds West, a  
12 distance of 19.00 feet; thence South 89 degrees 56 minutes 44  
13 seconds West, a distance of 54.00 feet; thence South 0 degrees  
14 03 minutes 16 seconds East, a distance of 22.00 feet to the  
15 point of beginning.

16 Said temporary easement containing 0.027 acre, more or  
17 less.

18 Said temporary easement to be used for driveway  
19 construction purposes.

20 \*\*\*

21 That part of the Southeast Quarter of the Northeast Quarter  
22 of Section 30, Township 43 North, Range 8 East of the Third

1 Principal Meridian, in McHenry County, Illinois, bearings and  
2 distances are based on the Illinois Coordinate System, NAD  
3 83(2011) East Zone, with a combination factor of 0.9999373735,  
4 described as follows:

5 Commencing at a point on the west right of way line of  
6 Randall Road recorded October 31, 1969 as document number  
7 516648, said point being 1979.91 feet (1980.02 feet, recorded)  
8 South of the north line of the Northeast Quarter of said  
9 Section 30, being also the southeast corner of Lot 1 in Govnors  
10 Subdivision, according to the plat thereof recorded March 20,  
11 2001 as document number 2001R0016624 and the northeast corner  
12 of trustee's deed and deed in trust recorded October 17, 1994  
13 as document number 94R059510; thence on an Illinois Coordinate  
14 System NAD 83(2011) East Zone bearing of South 0 degrees 23  
15 minutes 56 seconds East along the said west right of way line  
16 of Randall Road, a distance of 542.00 feet to the northwesterly  
17 right of way line of Algonquin Road according to Judgment  
18 Order, Case Number 00 ED 9, filed April 22, 2003 in the Circuit  
19 Court of the Nineteenth Judicial Circuit, McHenry County,  
20 Illinois; thence South 63 degrees 24 minutes 49 seconds West  
21 along the said northwesterly right of way line of Algonquin  
22 Road, a distance of 82.45 feet (82.05 feet, recorded) to the  
23 north right of way line of Algonquin Road; thence South 89  
24 degrees 38 minutes 26 seconds West along the north right of way  
25 line of Algonquin Road according to said Judgment Order, Case

1 Number 00 ED 9, a distance of 161.98 feet to an angle point on  
2 said north right of way line; thence South 0 degrees 21 minutes  
3 34 seconds East, a distance of 9.00 feet to an angle point on  
4 the north right of way line of Algonquin Road; thence South 89  
5 degrees 38 minutes 26 seconds West along the north right of way  
6 line of Algonquin Road according to said Judgment Order, Case  
7 Number 00 ED 9, a distance of 268.47 feet to west line of the  
8 grantor according to said trustee's deed and deed in trust  
9 recorded October 17, 1994 as document number 94R059510; thence  
10 North 0 degrees 15 minutes 16 seconds West along the west line  
11 of the grantor according to said trustee's deed and deed in  
12 trust, a distance of 18.08 feet; thence North 89 degrees 56  
13 minutes 44 seconds East, a distance of 228.82 feet; thence  
14 North 0 degrees 03 minutes 16 seconds West, a distance of 3.00  
15 feet; thence North 89 degrees 56 minutes 44 seconds East, a  
16 distance of 173.00 feet to the point of beginning; thence  
17 continuing North 89 degrees 56 minutes 44 seconds East, a  
18 distance of 18.00 feet; thence North 0 degrees 03 minutes 16  
19 seconds West, a distance of 16.00 feet; thence North 89 degrees  
20 56 minutes 44 seconds East, a distance of 29.00 feet; thence  
21 North 42 degrees 08 minutes 13 seconds East, a distance of  
22 26.57 feet; thence North 0 degrees 24 minutes 03 seconds West,  
23 a distance of 395.00 feet; thence North 89 degrees 35 minutes  
24 57 seconds East, a distance of 17.00 feet; thence North 0  
25 degrees 24 minutes 03 seconds West, a distance of 138.15 feet  
26 to the north line of the grantor according to said trustee's

1 deed and deed in trust; thence South 89 degrees 40 minutes 50  
2 seconds West along the north line of the grantor according to  
3 said trustee's deed and deed in trust, a distance of 20.00  
4 feet; thence South 0 degrees 24 minutes 03 seconds East, a  
5 distance of 63.01 feet; thence South 89 degrees 35 minutes 57  
6 seconds West, a distance of 18.00 feet; thence South 0 degrees  
7 24 minutes 03 seconds East, a distance of 86.84 feet; thence  
8 North 90 degrees 00 minutes 00 seconds East, a distance of  
9 11.00 feet; thence South 0 degrees 24 minutes 03 seconds East,  
10 a distance of 379.36 feet; thence South 42 degrees 08 minutes  
11 13 seconds West, a distance of 27.69 feet; thence South 89  
12 degrees 56 minutes 44 seconds West, a distance of 36.22 feet;  
13 thence South 0 degrees 03 minutes 16 seconds East, a distance  
14 of 19.00 feet to the point of beginning.

15 Said temporary easement containing 0.203 acre, more or  
16 less.

17 Said temporary easement to be used for grading, driveway  
18 and parking lot construction purposes.

19 \*\*\*

20 That part of the West Half of the Northwest Quarter of  
21 Section 29, Township 43 North, Range 8 East of the Third  
22 Principal Meridian, in McHenry County, Illinois, bearings and

1 distances are based on the Illinois Coordinate System, NAD  
2 83(2011) East Zone, with a combination factor of 0.9999373735,  
3 described as follows:

4 Commencing at the southwest corner of the Northwest Quarter  
5 of said Section 29; thence on an Illinois Coordinate System NAD  
6 83(2011) East Zone bearing of North 0 degrees 13 minutes 26  
7 seconds West along the west line of the Northwest Quarter of  
8 said Section 29, a distance of 82.82 feet to the northeasterly  
9 right of way line of Algonquin Road recorded October 17, 2002  
10 as document number 2002R0093574 and the point of beginning;  
11 thence continuing North 0 degrees 13 minutes 26 seconds West  
12 along the west line of the Northwest Quarter of said Section  
13 29, a distance of 152.17 feet to a point of intersection with  
14 the Westerly extension of the south line of Lot 5 in The Centre  
15 at Lake in the Hills, according to the plat thereof recorded  
16 November 8, 1996 as document number 96R057546, being also the  
17 northwest corner of the grantor; thence South 89 degrees 54  
18 minutes 57 seconds East along the south line of Lot 5 in said  
19 The Centre at Lake in the Hills and along the Westerly  
20 extension thereof, being also the north line of the grantor, a  
21 distance of 30.78 feet; thence South 0 degrees 24 minutes 03  
22 seconds East, a distance of 108.07 feet; thence South 21  
23 degrees 11 minutes 16 seconds East, a distance of 48.34 feet;  
24 thence North 89 degrees 56 minutes 44 seconds East, a distance  
25 of 151.58 feet to a west line of Lot 1 in said The Centre at



1 Lake in Hills, being also the east line of the grantor; thence  
2 South 0 degrees 13 minutes 26 seconds East along a west line of  
3 Lot 1 in said The Centre at Lake in the Hills, being also the  
4 east line of the grantor, a distance of 17.24 feet to the north  
5 right of way line of Algonquin Road recorded October 17, 2002  
6 as document number 2002R0093574; thence North 89 degrees 54  
7 minutes 57 seconds West along the said north right of way line  
8 of Algonquin Road, a distance of 181.86 feet (182.15 feet,  
9 recorded) to the said northeasterly right of way line of  
10 Algonquin Road; thence North 45 degrees 33 minutes 26 seconds  
11 West along the said northeasterly right of way line of  
12 Algonquin Road, a distance of 25.48 feet to the point of  
13 beginning.

14 Said parcel containing 0.192 acre, more or less.

15 \*\*\*

16 That part of the West Half of the Northwest Quarter of  
17 Section 29, Township 43 North, Range 8 East of the Third  
18 Principal Meridian, in McHenry County, Illinois, bearings and  
19 distances are based on the Illinois Coordinate System, NAD  
20 83(2011) East Zone, with a combination factor of 0.9999373735,  
21 described as follows:

22 Commencing at the southwest corner of the Northwest Quarter

1 of said Section 29; thence on an Illinois Coordinate System NAD  
2 83(2011) East Zone bearing of North 0 degrees 13 minutes 26  
3 seconds West along the west line of the Northwest Quarter of  
4 said Section 29, a distance of 82.82 feet to the northeasterly  
5 right of way line of Algonquin Road recorded October 17, 2002  
6 as document number 2002R0093574; thence continuing North 0  
7 degrees 13 minutes 26 seconds West along the west line of the  
8 Northwest Quarter of said Section 29, a distance of 152.17 feet  
9 to a point of intersection with the Westerly extension of the  
10 south line of Lot 5 in The Centre at Lake in the Hills,  
11 according to the plat thereof recorded November 8, 1996 as  
12 document number 96R057546, being also the northwest corner of  
13 the grantor; thence South 89 degrees 54 minutes 57 seconds East  
14 along the south line of Lot 5 in said The Centre at Lake in the  
15 Hills and along the Westerly extension thereof, being also the  
16 north line of the grantor, a distance of 30.78 feet to the  
17 point of beginning; thence South 0 degrees 24 minutes 03  
18 seconds East, a distance of 108.07 feet; thence South 21  
19 degrees 11 minutes 16 seconds East, a distance of 48.34 feet;  
20 thence North 89 degrees 56 minutes 44 seconds East, a distance  
21 of 151.58 feet to a west line of Lot 1 in said The Centre at  
22 Lake in Hills, being also the east line of the grantor; thence  
23 North 0 degrees 13 minutes 26 seconds West along a west line of  
24 Lot 1 in said The Centre at Lake in the Hills, being also the  
25 east line of the grantor, a distance of 120.00 feet; thence  
26 South 89 degrees 56 minutes 44 seconds West, a distance of 5.49

1 feet; thence South 0 degrees 13 minutes 26 seconds East, a  
2 distance of 110.00 feet; thence South 89 degrees 56 minutes 44  
3 seconds West, a distance of 143.27 feet; thence North 0 degrees  
4 24 minutes 03 seconds West, a distance of 133.97 feet; thence  
5 South 89 degrees 54 minutes 57 seconds East, a distance of  
6 15.00 feet; thence North 0 degrees 24 minutes 03 seconds West,  
7 a distance of 9.14 feet to the south line of Lot 5 in said The  
8 Centre at Lake in the Hills, being also the north line of the  
9 grantor; thence North 89 degrees 54 minutes 57 seconds West  
10 along the south line of Lot 5 in said The Centre at Lake in the  
11 Hills, being also the north line of the grantor, a distance of  
12 35.00 feet to the point of beginning.

13 Said temporary easement containing 0.113 acre, more or  
14 less.

15 Said temporary easement to be used for grading, driveway  
16 and parking lot construction purposes.

17 \*\*\*

18 That part of Lots 1 and 2, except that part of Lot 1  
19 conveyed to the County of McHenry by warranty deed recorded  
20 February 17, 2000 as document number 2000R0008642, in The  
21 Centre of Lake in the Hills, being a subdivision of part of the  
22 West Half of the Northwest Quarter of Section 29, Township 43

1 North, Range 8 East of the Third Principal Meridian, according  
2 to the plat thereof recorded November 8, 1996 as document  
3 number 96R057546, in McHenry County, Illinois, bearings and  
4 distances are based on the Illinois Coordinate System,  
5 NAD83(2011) East Zone, with a combination factor of  
6 0.9999373735, described as follows:

7 Beginning at the southeast corner of said Lot 1; thence on  
8 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
9 North 89 degrees 54 minutes 57 seconds West along the south  
10 line of said Lots 1 and 2, a distance of 523.09 feet to the east  
11 right of way line of Algonquin Road according to warranty deed  
12 recorded February 17, 2000 as document number 2000R0008642;  
13 thence North 0 degrees 04 minutes 53 seconds East along the  
14 said east right of way line of Algonquin Road, a distance of  
15 10.00 feet to the north right of way line of Algonquin Road  
16 according to said warranty deed; thence North 89 degrees 54  
17 minutes 57 seconds West along the said north right of way line  
18 of Algonquin Road, a distance of 191.44 feet (191.50 feet,  
19 recorded) to a west line of said Lot 1; thence North 0 degrees  
20 13 minutes 26 seconds West along a west line of said Lot 1, a  
21 distance of 7.24 feet; thence North 89 degrees 56 minutes 44  
22 seconds East, a distance of 608.74 feet; thence North 0 degrees  
23 01 minute 56 seconds East, a distance of 15.00 feet; thence  
24 North 89 degrees 56 minutes 44 seconds East, a distance of  
25 106.02 feet to the east line of said Lot 1; thence South 0

1 degrees 22 minutes 43 seconds West along the east line of said  
2 Lot 1, a distance of 33.97 feet to the point of beginning.

3 Said parcel containing 0.290 acre, more or less.

4 \*\*\*

5 That part of Lot 1, except that part of Lot 1 conveyed to  
6 the County of McHenry by warranty deed recorded February 17,  
7 2000 as document number 2000R0008642, in The Centre of Lake in  
8 the Hills, being a subdivision of part of the West Half of the  
9 Northwest Quarter of Section 29, Township 43 North, Range 8  
10 East of the Third Principal Meridian, according to the plat  
11 thereof recorded November 8, 1996 as document number 96R057546,  
12 in McHenry County, Illinois, bearings and distances are based  
13 on the Illinois Coordinate System, NAD 83(2011) East Zone, with  
14 a combination factor of 0.9999373735, described as follows:

15 Beginning at the most westerly corner of said Lot 1, being  
16 also the southwest corner of Lot 1 in The Centre Resubdivision,  
17 according to the plat thereof recorded January 14, 1998 as  
18 document number 98R002400; thence on an Illinois Coordinate  
19 System NAD 83(2011) East Zone bearing of North 89 degrees 46  
20 minutes 40 seconds East along a north line of said Lot 1, being  
21 also the south line of Lot 1 in said The Centre Resubdivision,  
22 a distance of 19.45 feet; thence South 0 degrees 24 minutes 03

1 seconds East, a distance of 35.00 feet to a south line of said  
2 Lot 1, being also the north line of Lot 4 in said The Centre of  
3 Lake in the Hills; thence South 89 degrees 46 minutes 40  
4 seconds West along a south line of said Lot 1, being also the  
5 north line of Lot 4 in said The Centre of Lake in the Hills, a  
6 distance of 19.56 feet to the west line of Lot 1; thence North  
7 0 degrees 13 minutes 26 seconds West along the west line of  
8 said Lot 1, a distance of 35.00 feet to the point of beginning.

9 Said parcel containing 0.016 acre, more or less.

10 \*\*\*

11 That part of Lots 1 and 2, except that part of Lot 1  
12 conveyed to the County of McHenry by warranty deed recorded  
13 February 17, 2000 as document number 2000R0008642, in The  
14 Centre of Lake in the Hills, being a subdivision of part of the  
15 West Half of the Northwest Quarter of Section 29, Township 43  
16 North, Range 8 East of the Third Principal Meridian, according  
17 to the plat thereof recorded November 8, 1996 as document  
18 number 96R057546, in McHenry County, Illinois, bearings and  
19 distances are based on the Illinois Coordinate System,  
20 NAD83(2011) East Zone, with a combination factor of  
21 0.9999373735, described as follows:

22 Commencing at the southeast corner of said Lot 1; thence on

1 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
2 North 89 degrees 54 minutes 57 seconds West along the south  
3 line of said Lots 1 and 2, a distance of 523.09 feet to the east  
4 right of way line of Algonquin Road according to warranty deed  
5 recorded February 17, 2000 as document number 2000R0008642;  
6 thence North 0 degrees 04 minutes 53 seconds East along the  
7 said east right of way line of Algonquin Road, a distance of  
8 10.00 feet to the north right of way line of Algonquin Road  
9 according to said warranty deed; thence North 89 degrees 54  
10 minutes 57 seconds West along the said north right of way line  
11 of Algonquin Road, a distance of 191.44 feet (191.50 feet,  
12 recorded) to a west line of said Lot 1; thence North 0 degrees  
13 13 minutes 26 seconds West along a west line of said Lot 1, a  
14 distance of 7.24 feet to the point of beginning; thence North  
15 89 degrees 56 minutes 44 seconds East, a distance of 608.74  
16 feet; thence North 0 degrees 01 minute 56 seconds East, a  
17 distance of 15.00 feet; thence North 89 degrees 56 minutes 44  
18 seconds East, a distance of 106.02 feet to the east line of  
19 said Lot 1; thence North 0 degrees 22 minutes 43 seconds East  
20 along the east line of said Lot 1, a distance of 15.00 feet;  
21 thence South 89 degrees 56 minutes 44 seconds West, a distance  
22 of 106.02 feet; thence South 0 degrees 39 minutes 20 seconds  
23 West, a distance of 10.00 feet; thence South 89 degrees 56  
24 minutes 44 seconds West, a distance of 259.52 feet; thence  
25 North 0 degrees 03 minutes 16 seconds West, a distance of  
26 115.00 feet; thence South 89 degrees 56 minutes 44 seconds

1 West, a distance of 95.00 feet; thence South 0 degrees 03  
2 minutes 16 seconds East, a distance of 115.00 feet; thence  
3 South 89 degrees 56 minutes 44 seconds West, a distance of  
4 175.00 feet; thence North 0 degrees 03 minutes 16 seconds West,  
5 a distance of 110.00 feet; thence South 89 degrees 56 minutes  
6 44 seconds West, a distance of 79.61 feet to a west line of  
7 said Lot 1; thence South 0 degrees 13 minutes 26 seconds East  
8 along a west line of said Lot 1, a distance of 130.00 feet to  
9 the point of beginning.

10 Said temporary easement containing 0.768 acre, more or  
11 less.

12 Said temporary easement to be used for grading, driveway  
13 and parking lot construction purposes.

14 \*\*\*

15 That part of Lot 1, except that part of Lot 1 conveyed to  
16 the County of McHenry by warranty deed recorded February 17,  
17 2000 as document number 2000R0008642, in The Centre of Lake in  
18 the Hills, being a subdivision of part of the West Half of the  
19 Northwest Quarter of Section 29, Township 43 North, Range 8  
20 East of the Third Principal Meridian, according to the plat  
21 thereof recorded November 8, 1996 as document number 96R057546,  
22 in McHenry County, Illinois, bearings and distances are based



1 on the Illinois Coordinate System, NAD 83(2011) East Zone, with  
2 a combination factor of 0.9999373735, described as follows:

3 Commencing at the most westerly corner of said Lot 1, being  
4 also the southwest corner of Lot 1 in The Centre Resubdivision,  
5 according to the plat thereof recorded January 14, 1998 as  
6 document number 98R002400; thence on an Illinois Coordinate  
7 System NAD 83(2011) East Zone bearing of North 89 degrees 46  
8 minutes 40 seconds East along a north line of said Lot 1, being  
9 also the south line of Lot 1 in said The Centre Resubdivision,  
10 a distance of 19.45 feet to the point of beginning; thence  
11 South 0 degrees 24 minutes 03 seconds East, a distance of 35.00  
12 feet to a south line of said Lot 1, being also the north line of  
13 Lot 4 in said The Centre of Lake in the Hills; thence North 89  
14 degrees 46 minutes 40 seconds West along a south line of said  
15 Lot 1, being also the north line of Lot 4 in said The Centre of  
16 Lake in the Hills, a distance of 45.00 feet; thence North 0  
17 degrees 24 minutes 03 seconds West, a distance of 35.00 feet to  
18 a north line of said Lot 1, being also the south line of Lot 1  
19 in said The Centre Resubdivision; thence South 89 degrees 46  
20 minutes 40 seconds West along a north line of said Lot 1, being  
21 also the south line of Lot 1 in said The Centre Resubdivision,  
22 a distance of 45.00 feet to the point of beginning.

23 Said temporary easement containing 0.036 acre, more or  
24 less.

1 Said temporary easement to be used for grading and driveway  
2 construction purposes.

3 \*\*\*

4 That part of Lot 3 in Algonquin Plaza, being a subdivision  
5 of part of the West Half of the Northwest Quarter of Section  
6 29, Township 43 North, Range 8 East of the Third Principal  
7 Meridian, according to the plat thereof recorded January 23,  
8 2006 as document number 2006R0005048, in McHenry County,  
9 Illinois, bearings and distances are based on the Illinois  
10 Coordinate System, NAD83(2011) East Zone, with a combination  
11 factor of 0.9999373735, described as follows:

12 Beginning at the southwest corner of said Lot 3; thence on  
13 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
14 North 0 degrees 22 minutes 43 seconds East along the west line  
15 of said Lot 3, a distance of 8.97 feet; thence North 89 degrees  
16 56 minutes 44 seconds East, a distance of 169.19 feet to the  
17 east line of said Lot 3; thence South 0 degrees 21 minutes 22  
18 seconds West along the east line of said Lot 3, a distance of  
19 9.38 feet to the southeast corner of Lot 3; thence North 89  
20 degrees 54 minutes 57 seconds West along the south line of said  
21 Lot 3, a distance of 169.19 feet (168.98 feet, recorded) to the  
22 point of beginning.

1 Said parcel containing 0.036 acre, more or less.

2 \*\*\*

3 That part of the Southeast Quarter of the Northwest Quarter  
4 of Section 29, Township 43 North, Range 8 East of the Third  
5 Principal Meridian, in McHenry County, Illinois, bearings and  
6 distances are based on the Illinois Coordinate System, NAD  
7 83(2011) East Zone, with a combination factor of 0.9999373735,  
8 described as follows:

9 Commencing at the southwest corner of the Northwest Quarter  
10 of said Section 29; thence on an Illinois Coordinate System NAD  
11 83(2011) East Zone bearing of South 89 degrees 54 minutes 57  
12 seconds East along the south line of the Northwest Quarter of  
13 said Section 29, a distance of 1304.08 feet to the southwest  
14 corner of the Southeast Quarter of the Northwest Quarter of  
15 said Section 29, as monumented and occupied, and the point of  
16 beginning; thence North 0 degrees 18 minutes 42 seconds East  
17 along the west line of the Southeast Quarter of the Northwest  
18 Quarter of said Section 29, as monumented and occupied, a  
19 distance of 96.95 feet; thence North 89 degrees 41 minutes 18  
20 seconds East, a distance of 20.36 feet to the east right of way  
21 line of Crystal Lake Road, as monumented and occupied; thence  
22 South 45 degrees 00 minutes 00 seconds East, a distance of

1 45.39 feet; thence easterly 259.39 feet along a curve to the  
2 right having a radius of 10060.00 feet, the chord of said curve  
3 bears South 89 degrees 21 minutes 42 seconds East, 259.38 feet  
4 to a point of reverse curvature; thence easterly 42.82 feet  
5 along a curve to the left having a radius of 9940.00 feet, the  
6 chord of said curve bears South 88 degrees 44 minutes 47  
7 seconds East, 42.82 feet to the west line of Lot 5 in First  
8 Addition to Cedar Ridge Subdivision, according to the plat  
9 thereof recorded January 11, 1980 as document number 788054;  
10 thence South 0 degrees 50 minutes 44 seconds West along the  
11 west line of Lot 5 in said First Addition to Cedar Ridge  
12 Subdivision, a distance of 61.66 feet to the south line of the  
13 Northwest Quarter of said Section 29; thence North 89 degrees  
14 54 minutes 57 seconds West along the south line of the  
15 Northwest Quarter of said Section 29, a distance of 354.25 feet  
16 to the point of beginning, except the parcel which is described  
17 as follows:

18 Commencing at the southwest corner of the Northwest Quarter  
19 of said Section 29; thence on an Illinois Coordinate System NAD  
20 83(2011) East Zone bearing of South 89 degrees 54 minutes 57  
21 seconds East along the south line of the Northwest Quarter of  
22 said Section 29, a distance of 1304.08 feet to the southwest  
23 corner of the Southeast Quarter of the Northwest Quarter of  
24 said Section 29, as monumented and occupied; thence North 0  
25 degrees 18 minutes 42 seconds East along the west line of the

1 Southeast Quarter of the Northwest Quarter of said Section 29,  
2 as monumented as occupied, a distance of 96.95 feet; thence  
3 North 89 degrees 41 minutes 18 seconds East, a distance of  
4 20.36 feet to the east right of way line of Crystal Lake Road,  
5 as monumented and occupied; thence South 0 degrees 23 minutes  
6 32 seconds West along the said east right of way line of  
7 Crystal Lake Road, as monumented and occupied, a distance of  
8 47.31 feet to the north right of way line of Algonquin Road  
9 recorded January 22, 1990 as document number 90R002714 and the  
10 point of beginning; thence South 89 degrees 32 minutes 00  
11 seconds East along the said north right of way line of  
12 Algonquin Road, a distance of 214.98 feet (214.19 feet,  
13 recorded) to an angle point on said north right of way line;  
14 thence South 0 degrees 38 minutes 00 seconds East, a distance  
15 of 15.00 feet to the former north right of way line of  
16 Algonquin Road recorded January 25, 1950 as document number  
17 227880; thence North 89 degrees 32 minutes 00 seconds West  
18 along the said former north right of way line of Algonquin  
19 Road, a distance of 214.92 feet (214.19 feet, recorded) to the  
20 east right of way line of Crystal Lake Road, as monumented and  
21 occupied; thence North 0 degrees 23 minutes 32 seconds East  
22 along the said east right of way line of Crystal Lake Road, a  
23 distance of 15.00 feet to the point of beginning.

24 Said parcel containing 0.475 acre, more or less, of which  
25 0.304 acre, more or less, was previously dedicated or used for

1 highway purposes.

2 \*\*\*

3 That part of the Southeast Quarter of the Northwest Quarter  
4 of Section 29, Township 43 North, Range 8 East of the Third  
5 Principal Meridian, in McHenry County, Illinois, bearings and  
6 distances are based on the Illinois Coordinate System, NAD  
7 83(2011) East Zone, with a combination factor of 0.9999373735,  
8 described as follows:

9 Commencing at the southwest corner of the Northwest Quarter  
10 of said Section 29; thence on an Illinois Coordinate System NAD  
11 83(2011) East Zone bearing of South 89 degrees 54 minutes 57  
12 seconds East along the south line of the Northwest Quarter of  
13 said Section 29, a distance of 1304.08 feet to the southwest  
14 corner of the Southeast Quarter of the Northwest Quarter of  
15 said Section 29, as monumented and occupied; thence North 0  
16 degrees 18 minutes 42 seconds East along the west line of the  
17 Southeast Quarter of the Northwest Quarter of said Section 29,  
18 as monumented and occupied, a distance of 96.95 feet; thence  
19 North 89 degrees 41 minutes 18 seconds East, a distance of  
20 20.36 feet to the east right of way line of Crystal Lake Road,  
21 as monumented and occupied; thence South 45 degrees 00 minutes  
22 00 seconds East, a distance of 45.39 feet; thence easterly  
23 117.93 feet along a curve to the right having a radius of

1 10060.00 feet, the chord of said curve bears South 89 degrees  
2 45 minutes 52 seconds East, 117.93 feet to the point of  
3 beginning; thence easterly 85.00 feet along a curve to the  
4 right having a radius of 10060.00 feet, the chord of said curve  
5 bears South 89 degrees 11 minutes 12 seconds East, 85.00 feet;  
6 thence North 0 degrees 56 minutes 29 seconds East, a distance  
7 of 40.00 feet; thence westerly 85.00 feet along a curve to the  
8 left having a radius of 10100.00 feet, the chord of said curve  
9 bears North 89 degrees 11 minutes 10 seconds West, 85.00 feet;  
10 thence South 0 degrees 56 minutes 29 seconds West, a distance  
11 of 40.00 feet to the point of beginning.

12 Said temporary easement containing 0.078 acre, more or  
13 less.

14 Said temporary easement to be used for driveway removal and  
15 parking lot construction.

16 \*\*\*

17 That part of Lot 5 in The Centre of Lake in the Hills,  
18 being a subdivision of part of the West Half of the Northwest  
19 Quarter of Section 29, Township 43 North, Range 8 East of the  
20 Third Principal Meridian, according to the plat thereof  
21 recorded November 8, 1996 as document number 96R057546, in  
22 McHenry County, Illinois, bearings and distances are based on

1 the Illinois Coordinate System, NAD83(2011) East Zone, with a  
2 combination factor of 0.9999373735, described as follows:

3 Beginning at the northwest corner of said Lot 5; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 North 89 degrees 46 minutes 33 seconds East along the north  
6 line of said Lot 5, a distance of 20.12 feet; thence South 0  
7 degrees 24 minutes 03 seconds East, a distance of 215.05 feet  
8 to the south line of said Lot 5; thence North 89 degrees 54  
9 minutes 57 seconds West along the south line of said Lot 5, a  
10 distance of 20.78 feet to the southwest corner of Lot 5; thence  
11 North 0 degrees 13 minutes 26 seconds West along the west line  
12 of said Lot 5, a distance of 214.93 feet (214.96 feet,  
13 recorded) to the point of beginning.

14 Said parcel containing 0.101 acre, more or less.

15 \*\*\*

16 That part of Lot 5 in The Centre of Lake in the Hills,  
17 being a subdivision of part of the West Half of the Northwest  
18 Quarter of Section 29, Township 43 North, Range 8 East of the  
19 Third Principal Meridian, according to the plat thereof  
20 recorded November 8, 1996 as document number 96R057546, in  
21 McHenry County, Illinois, bearings and distances are based on  
22 the Illinois Coordinate System, NAD83(2011) East Zone, with a



1 combination factor of 0.9999373735, described as follows:

2 Commencing at the northwest corner of said Lot 5; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 North 89 degrees 46 minutes 33 seconds East along the north  
5 line of said Lot 5, a distance of 20.12 feet; thence South 0  
6 degrees 24 minutes 03 seconds East, a distance of 153.42 feet  
7 to the point of beginning; thence continuing South 0 degrees 24  
8 minutes 03 seconds East, a distance of 61.63 feet to the south  
9 line of said Lot 5; thence South 89 degrees 54 minutes 57  
10 seconds East along the south line of said Lot 5, a distance of  
11 35.00 feet; thence North 0 degrees 24 minutes 03 seconds West,  
12 a distance of 61.68 feet; thence North 90 degrees 00 minutes 00  
13 seconds West, a distance of 35.00 feet to the point of  
14 beginning.

15 Said temporary easement containing 0.050 acre, more or  
16 less.

17 Said temporary easement to be used for driveway  
18 construction purposes.

19 \*\*\*

20 That part of Lot 4 in The Centre of Lake in the Hills,  
21 being a subdivision of part of the West Half of the Northwest

1 Quarter of Section 29, Township 43 North, Range 8 East of the  
2 Third Principal Meridian, according to the plat thereof  
3 recorded November 8, 1996 as document number 96R057546, in  
4 McHenry County, Illinois, bearings and distances are based on  
5 the Illinois Coordinate System, NAD83(2011) East Zone, with a  
6 combination factor of 0.9999373735, described as follows:

7 Beginning at the northwest corner of said Lot 4; thence on  
8 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
9 North 89 degrees 46 minutes 40 seconds East along the north  
10 line of said Lot 4, a distance of 19.56 feet; thence South 0  
11 degrees 24 minutes 03 seconds East, a distance of 179.98 feet  
12 to the south line of said Lot 4; thence South 89 degrees 46  
13 minutes 33 seconds West along the south line of said Lot 4, a  
14 distance of 20.12 feet to the southwest corner of Lot 4; thence  
15 North 0 degrees 13 minutes 26 seconds West along the west line  
16 of said Lot 4, a distance of 179.98 feet (180.00 feet,  
17 recorded) to the point of beginning.

18 Said parcel containing 0.082 acre, more or less.

19 \*\*\*

20 That part of Lot 4 in The Centre of Lake in the Hills,  
21 being a subdivision of part of the West Half of the Northwest  
22 Quarter of Section 29, Township 43 North, Range 8 East of the

1 Third Principal Meridian, according to the plat thereof  
2 recorded November 8, 1996 as document number 96R057546, in  
3 McHenry County, Illinois, bearings and distances are based on  
4 the Illinois Coordinate System, NAD83(2011) East Zone, with a  
5 combination factor of 0.9999373735, described as follows:

6 Commencing at the northwest corner of said Lot 4; thence on  
7 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
8 North 89 degrees 46 minutes 40 seconds East along the north  
9 line of said Lot 4, a distance of 19.56 feet to the point of  
10 beginning; thence continuing North 89 degrees 46 minutes 40  
11 seconds East along the north line of said Lot 4, a distance of  
12 45.00 feet; thence South 0 degrees 24 minutes 03 seconds East,  
13 a distance of 8.06 feet; thence South 89 degrees 35 minutes 57  
14 seconds West, a distance of 45.00 feet; thence North 0 degrees  
15 24 minutes 03 seconds West, a distance of 8.21 feet to the  
16 point of beginning.

17 Said temporary easement containing 0.008 acre, more or  
18 less, or 366 square feet, more or less.

19 Said temporary easement to be used for grading purposes.

20 \*\*\*

21 That part of Lot 1 in Govnors Subdivision, being a

1 subdivision of part of the East Half of the Northeast Quarter  
2 of Section 30, Township 43 North, Range 8 East of the Third  
3 Principal Meridian, according to the plat thereof recorded  
4 March 20, 2001 as document number 2001R0016624, in McHenry  
5 County, Illinois, bearings and distances are based on the  
6 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
7 combination factor of 0.9999373735, described as follows:

8 Beginning at the southeast corner of said Lot 1; thence on  
9 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
10 South 89 degrees 40 minutes 50 seconds West along the south  
11 line of said Lot 1, a distance of 23.53 feet; thence North 0  
12 degrees 24 minutes 03 seconds West, a distance of 305.15 feet  
13 to the north line of said Lot 1; thence North 89 degrees 40  
14 minutes 50 seconds East along the north line of said Lot 1, a  
15 distance of 23.54 feet to the northeast corner of Lot 1; thence  
16 South 0 degrees 23 minutes 56 seconds East along the east line  
17 of said Lot 1, a distance of 305.15 feet to the point of  
18 beginning.

19 Said parcel containing 0.165 acre, more or less.

20 \*\*\*

21 That part of Lot 1 in Govnors Subdivision, being a  
22 subdivision of part of the East Half of the Northeast Quarter

1 of Section 30, Township 43 North, Range 8 East of the Third  
2 Principal Meridian, according to the plat thereof recorded  
3 March 20, 2001 as document number 2001R0016624, in McHenry  
4 County, Illinois, bearings and distances are based on the  
5 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
6 combination factor of 0.9999373735, described as follows:

7 Commencing at the southeast corner of said Lot 1; thence on  
8 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
9 South 89 degrees 40 minutes 50 seconds West along the south  
10 line of said Lot 1, a distance of 23.53 feet to the point of  
11 beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
12 distance of 305.15 feet to the north line of said Lot 1; thence  
13 South 89 degrees 40 minutes 50 seconds West along the north  
14 line of said Lot 1, a distance of 30.00 feet; thence South 0  
15 degrees 24 minutes 03 seconds East, a distance of 180.06 feet;  
16 thence North 90 degrees 00 minutes 00 seconds East, a distance  
17 of 20.00 feet; thence South 0 degrees 24 minutes 03 seconds  
18 East, a distance of 124.98 feet to the south line of said Lot  
19 1; thence North 89 degrees 40 minutes 50 seconds East along the  
20 south line of said Lot 1, a distance of 10.00 feet to the point  
21 of beginning.

22 Said temporary easement containing 0.153 acre, more or  
23 less.

1 Said temporary easement to be used for grading and driveway  
2 construction purposes.

3 \*\*\*

4 That part of Lot 1 in The Centre Resubdivision, being a  
5 resubdivision of Lot 3 in The Centre at Lake in the Hills, a  
6 subdivision of part of the West Half of the Northwest Quarter  
7 of Section 29, Township 43 North, Range 8 East of the Third  
8 Principal Meridian, according to the plat of said The Centre  
9 Resubdivision recorded January 14, 1998 as document number  
10 98R002400, in McHenry County, Illinois, bearings and distances  
11 are based on the Illinois Coordinate System, NAD 83(2011) East  
12 Zone, with a combination factor of 0.9999373735, described as  
13 follows:

14 Beginning at the northwest corner of said Lot 1; thence on  
15 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16 North 89 degrees 46 minutes 42 seconds East along the north  
17 line of said Lot 1, a distance of 19.00 feet; thence South 0  
18 degrees 24 minutes 03 seconds East, a distance of 145.81 feet  
19 to the south line of said Lot 1; thence South 89 degrees 46  
20 minutes 40 seconds West along the south line of said Lot 1, a  
21 distance of 19.45 feet to the southwest corner of Lot 1; thence  
22 North 0 degrees 13 minutes 26 seconds West along the west line  
23 of said Lot 1, a distance of 145.81 feet (145.83 feet,

1 recorded) to the point of beginning.

2 Said parcel containing 0.064 acre, more or less.

3 \*\*\*

4 That part of Lot 1 in The Centre Resubdivision, being a  
5 resubdivision of Lot 3 in The Centre at Lake in the Hills, a  
6 subdivision of part of the West Half of the Northwest Quarter  
7 of Section 29, Township 43 North, Range 8 East of the Third  
8 Principal Meridian, according to the plat of said The Centre  
9 Resubdivision recorded January 14, 1998 as document number  
10 98R002400, in McHenry County, Illinois, bearings and distances  
11 are based on the Illinois Coordinate System, NAD 83(2011) East  
12 Zone, with a combination factor of 0.9999373735, described as  
13 follows:

14 Commencing at the northwest corner of said Lot 1; thence on  
15 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16 North 89 degrees 46 minutes 42 seconds East along the north  
17 line of said Lot 1, a distance of 19.00 feet to the point of  
18 beginning; thence South 0 degrees 24 minutes 03 seconds East, a  
19 distance of 145.81 feet to the south line of said Lot 1; thence  
20 North 89 degrees 46 minutes 40 seconds East along the south  
21 line of said Lot 1, a distance of 45.00 feet; thence North 0  
22 degrees 24 minutes 03 seconds West, a distance of 6.76 feet;

1 thence North 89 degrees 28 minutes 46 seconds West, a distance  
2 of 40.00 feet; thence North 0 degrees 24 minutes 03 seconds  
3 West, a distance of 138.53 feet to the north line of said Lot  
4 1; thence South 89 degrees 46 minutes 42 seconds West along the  
5 north line of said Lot 1, a distance of 5.00 feet to the point  
6 of beginning.

7 Said temporary easement containing 0.023 acre, more or  
8 less.

9 Said temporary easement to be used for grading and sidewalk  
10 removal purposes.

11 \*\*\*

12 That part of Lot 4 in The Meadows Commercial Subdivision,  
13 being a resubdivision of part Lot 8 in The Meadows, according  
14 to the plat thereof recorded October 23, 2001 as document  
15 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
16 according to the plat thereof recorded March 20, 2001 as  
17 document number 2001R0016624, in the Northeast Quarter of  
18 Section 30, Township 43 North, Range 8 East of the Third  
19 Principal Meridian, according to the plat of said The Meadows  
20 Commercial Subdivision recorded January 31, 2003 as document  
21 number 2003R0013439, in McHenry County, Illinois, bearings and  
22 distances are based on the Illinois Coordinate System, NAD



1 83(2011) East Zone, with a combination factor of 0.9999373735,  
2 described as follows:

3 Beginning at the southeast corner of said Lot 4; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 South 89 degrees 40 minutes 50 seconds West along the south  
6 line of said Lot 4, a distance of 18.54 feet; thence North 0  
7 degrees 24 minutes 03 seconds West, a distance of 251.68 feet;  
8 thence North 57 degrees 05 minutes 21 seconds West, a distance  
9 of 27.52 feet to the north line of said Lot 4; thence North 89  
10 degrees 36 minutes 04 seconds East along the north line of said  
11 Lot 4, a distance of 26.55 feet to the northeasterly line of  
12 Lot 4; thence South 45 degrees 23 minutes 56 seconds East along  
13 the northeasterly line of said Lot 4, a distance of 21.21 feet  
14 to the east line of Lot 4; thence South 0 degrees 23 minutes 56  
15 seconds East along the east line of said Lot 4, a distance of  
16 251.82 feet to the point of beginning.

17 Said parcel containing 0.115 acre, more or less.

18 \*\*\*

19 That part of Lot 4 in The Meadows Commercial Subdivision,  
20 being a resubdivision of part Lot 8 in The Meadows, according  
21 to the plat thereof recorded October 23, 2001 as document  
22 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,

1 according to the plat thereof recorded March 20, 2001 as  
2 document number 2001R0016624, in the Northeast Quarter of  
3 Section 30, Township 43 North, Range 8 East of the Third  
4 Principal Meridian, according to the plat of said The Meadows  
5 Commercial Subdivision recorded January 31, 2003 as document  
6 number 2003R0013439, in McHenry County, Illinois, bearings and  
7 distances are based on the Illinois Coordinate System, NAD  
8 83(2011) East Zone, with a combination factor of 0.9999373735,  
9 described as follows:

10 Commencing at the southeast corner of said Lot 4; thence on  
11 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
12 South 89 degrees 40 minutes 50 seconds West along the south  
13 line of said Lot 4, a distance of 18.54 feet; thence North 0  
14 degrees 24 minutes 03 seconds West, a distance of 251.68 feet;  
15 thence North 57 degrees 05 minutes 21 seconds West, a distance  
16 of 27.52 feet to the north line of said Lot 4; thence South 89  
17 degrees 36 minutes 04 seconds West along the north line of said  
18 Lot 4, a distance of 162.01 feet to the point of beginning;  
19 thence South 63 degrees 37 minutes 36 seconds West, a distance  
20 of 46.09 feet the west line of said Lot 4; thence North 0  
21 degrees 23 minutes 56 seconds West along the west line of said  
22 Lot 4, a distance of 5.19 feet to the northwesterly line of Lot  
23 4; thence North 44 degrees 36 minutes 04 seconds East along the  
24 northwesterly line of said Lot 4, a distance of 21.21 feet to  
25 the north line of Lot 4; thence North 89 degrees 36 minutes 04

1 seconds East along the north line of said Lot 4, a distance of  
2 26.43 feet to the point of beginning.

3 Said parcel containing 0.007 acre, more or less, or 306  
4 square feet, more or less.

5 \*\*\*

6 That part of Lot 4 in The Meadows Commercial Subdivision,  
7 being a resubdivision of part Lot 8 in The Meadows, according  
8 to the plat thereof recorded October 23, 2001 as document  
9 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
10 according to the plat thereof recorded March 20, 2001 as  
11 document number 2001R0016624, in the Northeast Quarter of  
12 Section 30, Township 43 North, Range 8 East of the Third  
13 Principal Meridian, according to the plat of said The Meadows  
14 Commercial Subdivision recorded January 31, 2003 as document  
15 number 2003R0013439, in McHenry County, Illinois, bearings and  
16 distances are based on the Illinois Coordinate System, NAD  
17 83(2011) East Zone, with a combination factor of 0.9999373735,  
18 described as follows:

19 Commencing at the southeast corner of said Lot 4; thence on  
20 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
21 South 89 degrees 40 minutes 50 seconds West along the south  
22 line of said Lot 4, a distance of 18.54 feet to the point of

1 beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
2 distance of 251.68 feet; thence North 57 degrees 05 minutes 21  
3 seconds West, a distance of 27.52 feet to the north line of  
4 said Lot 4; thence South 89 degrees 36 minutes 04 seconds West  
5 along the north line of said Lot 4, a distance of 162.01 feet;  
6 thence South 63 degrees 37 minutes 36 seconds West, a distance  
7 of 46.09 feet to the west line of said Lot 4; thence North 89  
8 degrees 36 minutes 20 seconds East, a distance of 216.44 feet;  
9 thence South 0 degrees 24 minutes 03 seconds East, a distance  
10 of 246.58 feet to the south line of said Lot 4; thence North 89  
11 degrees 40 minutes 50 seconds East along the south line of said  
12 Lot 4, a distance of 10.00 feet to the point of beginning.

13 Said temporary easement containing 0.148 acre, more or  
14 less.

15 Said temporary easement to be used for grading purposes.

16 \*\*\*

17 That part of Lot 5 in Lake in the Hills Entertainment Park,  
18 being a subdivision of part of the West Half of the Northwest  
19 Quarter of Section 29, Township 43 North, Range 8 East of the  
20 Third Principal Meridian, according to the plat thereof  
21 recorded June 28, 1996 as document number 96R033436, in McHenry  
22 County, Illinois, bearings and distances are based on the

1 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
2 combination factor of 0.9999373735, described as follows:

3 Beginning at the northwest corner of said Lot 5; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 South 89 degrees 36 minutes 44 seconds East along the north  
6 line of said Lot 5, a distance of 17.74 feet; thence South 0  
7 degrees 24 minutes 03 seconds East, a distance of 259.98 feet  
8 to the south line of said Lot 5; thence North 89 degrees 36  
9 minutes 54 seconds West along the south line of said Lot 5, a  
10 distance of 18.54 feet to the southwest corner of Lot 5; thence  
11 North 0 degrees 13 minutes 26 seconds West along the west line  
12 of said Lot 5, a distance of 259.97 feet (260.00 feet,  
13 recorded) to the point of beginning.

14 Said parcel containing 0.108 acre, more or less.

15 \*\*\*

16 That part of Lot 5 in Lake in the Hills Entertainment Park,  
17 being a subdivision of part of the West Half of the Northwest  
18 Quarter of Section 29, Township 43 North, Range 8 East of the  
19 Third Principal Meridian, according to the plat thereof  
20 recorded June 28, 1996 as document number 96R033436, in McHenry  
21 County, Illinois, bearings and distances are based on the  
22 Illinois Coordinate System, NAD 83(2011) East Zone, with a

1 combination factor of 0.9999373735, described as follows:

2 Commencing at the northwest corner of said Lot 5; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 South 89 degrees 36 minutes 44 seconds East along the north  
5 line of said Lot 5, a distance of 17.74 feet to the point of  
6 beginning; thence continuing South 89 degrees 36 minutes 44  
7 seconds East along the north line of said Lot 5, a distance of  
8 40.00 feet; thence South 0 degrees 24 minutes 03 seconds East,  
9 a distance of 13.87 feet; thence South 89 degrees 35 minutes 57  
10 seconds West, a distance of 36.00 feet; thence South 0 degrees  
11 24 minutes 03 seconds East, a distance of 11.00 feet; thence  
12 South 89 degrees 35 minutes 57 seconds West, a distance of 4.00  
13 feet; thence North 0 degrees 24 minutes 03 seconds West, a  
14 distance of 25.42 feet to the point of beginning.

15 Said temporary easement containing 0.014 acre, more or  
16 less.

17 Said temporary easement to be used for grading purposes.

18 \*\*\*

19 That part of Lot 5 in The Meadows Commercial Subdivision,  
20 being a resubdivision of part Lot 8 in The Meadows, according  
21 to the plat thereof recorded October 23, 2001 as document

1 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
2 according to the plat thereof recorded March 20, 2001 as  
3 document number 2001R0016624, in the Northeast Quarter of  
4 Section 30, Township 43 North, Range 8 East of the Third  
5 Principal Meridian, according to the plat of said The Meadows  
6 Commercial Subdivision recorded January 31, 2003 as document  
7 number 2003R0013439, in McHenry County, Illinois, bearings and  
8 distances are based on the Illinois Coordinate System, NAD  
9 83(2011) East Zone, with a combination factor of 0.9999373735,  
10 described as follows:

11 Beginning at the northeast corner of said Lot 5; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 South 0 degrees 23 minutes 56 seconds East along the east line  
14 of said Lot 5, a distance of 203.14 feet to the southerly line  
15 of Lot 5; thence South 74 degrees 54 minutes 28 seconds West  
16 along the southerly line of said Lot 5, a distance of 19.18  
17 feet; thence North 0 degrees 24 minutes 03 seconds West, a  
18 distance of 38.64 feet; thence North 90 degrees 00 minutes 00  
19 seconds East, a distance of 10.00 feet; thence North 0 degrees  
20 24 minutes 03 seconds West, a distance of 169.43 feet to the  
21 north line of said Lot 5; thence North 89 degrees 36 minutes 04  
22 seconds East along the north line of said Lot 5, a distance of  
23 8.56 feet to the point of beginning.

24 Said parcel containing 0.049 acre, more or less.

1           \*\*\*

2           That part of Lot 5 in The Meadows Commercial Subdivision,  
3           being a resubdivision of part Lot 8 in The Meadows, according  
4           to the plat thereof recorded October 23, 2001 as document  
5           number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
6           according to the plat thereof recorded March 20, 2001 as  
7           document number 2001R0016624, in the Northeast Quarter of  
8           Section 30, Township 43 North, Range 8 East of the Third  
9           Principal Meridian, according to the plat of said The Meadows  
10          Commercial Subdivision recorded January 31, 2003 as document  
11          number 2003R0013439, in McHenry County, Illinois, bearings and  
12          distances are based on the Illinois Coordinate System, NAD  
13          83(2011) East Zone, with a combination factor of 0.9999373735,  
14          described as follows:

15          Commencing at the northeast corner of said Lot 5; thence on  
16          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17          South 0 degrees 23 minutes 56 seconds East along the east line  
18          of said Lot 5, a distance of 203.14 feet to the southerly line  
19          of Lot 5; thence South 74 degrees 54 minutes 28 seconds West  
20          along the southerly line of said Lot 5, a distance of 19.18  
21          feet to the point of beginning; thence North 0 degrees 24  
22          minutes 03 seconds West, a distance of 38.64 feet; thence South  
23          89 degrees 35 minutes 57 seconds West, a distance of 70.00



1 feet; thence South 0 degrees 24 minutes 03 seconds East, a  
2 distance of 39.89 feet to the south line of said Lot 5; thence  
3 North 89 degrees 36 minutes 04 seconds East along the south  
4 line of said Lot 5, a distance of 65.24 feet to the southerly  
5 line of Lot 5; thence North 74 degrees 54 minutes 28 seconds  
6 East along the southerly line of said Lot 5, a distance of 4.92  
7 feet to the point of beginning.

8 Said temporary easement containing 0.064 acre, more or  
9 less.

10 Said temporary easement to be used for grading and driveway  
11 construction purposes.

12 \*\*\*

13 That part of Lot 5 in The Meadows Commercial Subdivision,  
14 being a resubdivision of part Lot 8 in The Meadows, according  
15 to the plat thereof recorded October 23, 2001 as document  
16 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
17 according to the plat thereof recorded March 20, 2001 as  
18 document number 2001R0016624, in the Northeast Quarter of  
19 Section 30, Township 43 North, Range 8 East of the Third  
20 Principal Meridian, according to the plat of said The Meadows  
21 Commercial Subdivision recorded January 31, 2003 as document  
22 number 2003R0013439, in McHenry County, Illinois, bearings and

1 distances are based on the Illinois Coordinate System, NAD  
2 83(2011) East Zone, with a combination factor of 0.9999373735,  
3 described as follows:

4 Commencing at the northeast corner of said Lot 5; thence on  
5 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
6 South 0 degrees 23 minutes 56 seconds East along the east line  
7 of said Lot 5, a distance of 203.14 feet to the southerly line  
8 of Lot 5; thence South 74 degrees 54 minutes 28 seconds West  
9 along the southerly line of said Lot 5, a distance of 19.18  
10 feet; thence North 0 degrees 24 minutes 03 seconds West, a  
11 distance of 38.64 feet to the point of beginning; thence North  
12 90 degrees 00 minutes 00 seconds East, a distance of 10.00  
13 feet; thence North 0 degrees 24 minutes 03 seconds West, a  
14 distance of 169.43 feet to the north line of said Lot 5; thence  
15 South 89 degrees 36 minutes 04 seconds West along the north  
16 line of said Lot 5, a distance of 10.00 feet; thence South 0  
17 degrees 24 minutes 03 seconds East, a distance of 169.36 feet  
18 to the point of beginning.

19 Said temporary easement containing 0.039 acre, more or  
20 less.

21 Said temporary easement to be used for grading purposes.

22 \*\*\*

1           That part of Lots 3 and 4 in Lake in the Hills  
2 Entertainment Park, being a subdivision of part of the West  
3 Half of the Northwest Quarter of Section 29, Township 43 North,  
4 Range 8 East of the Third Principal Meridian, according to the  
5 plat thereof recorded June 28, 1996 as document number  
6 96R033436, in McHenry County, Illinois, bearings and distances  
7 are based on the Illinois Coordinate System, NAD 83(2011) East  
8 Zone, with a combination factor of 0.9999373735, described as  
9 follows:

10           Beginning at the northwest corner of said Lot 3; thence on  
11 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
12 South 89 degrees 37 minutes 01 second East along the north line  
13 of said Lot 3, a distance of 16.57 feet; thence South 0 degrees  
14 24 minutes 03 seconds East, a distance of 164.99 feet to the  
15 south line of said Lot 3; thence North 89 degrees 36 minutes 47  
16 seconds West along the south line of said Lot 3, a distance of  
17 4.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a  
18 distance of 149.45 feet; thence North 89 degrees 35 minutes 57  
19 seconds East, a distance of 4.00 feet; thence South 0 degrees  
20 24 minutes 03 seconds East, a distance of 15.59 feet to the  
21 south line of said Lot 4; thence North 89 degrees 36 minutes 44  
22 seconds West along the south line of said Lot 4, a distance of  
23 17.59 feet to the southwest corner of Lot 4; thence North 0  
24 degrees 13 minutes 26 seconds West along the west line of said

1 Lots 3 and 4, a distance of 329.96 feet to the point of  
2 beginning.

3 Said parcel containing 0.116 acre, more or less.

4 \*\*\*

5 That part of Lots 3 and 4 in Lake in the Hills  
6 Entertainment Park, being a subdivision of part of the West  
7 Half of the Northwest Quarter of Section 29, Township 43 North,  
8 Range 8 East of the Third Principal Meridian, according to the  
9 plat thereof recorded June 28, 1996 as document number  
10 96R033436, in McHenry County, Illinois, bearings and distances  
11 are based on the Illinois Coordinate System, NAD 83(2011) East  
12 Zone, with a combination factor of 0.9999373735, described as  
13 follows:

14 Commencing at the northwest corner of said Lot 3; thence on  
15 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16 South 89 degrees 37 minutes 01 second East along the north line  
17 of said Lot 3, a distance of 16.57 feet to the point of  
18 beginning; thence South 0 degrees 24 minutes 03 seconds East, a  
19 distance of 164.99 feet to the south line of said Lot 3; thence  
20 North 89 degrees 36 minutes 47 seconds West along the south  
21 line of said Lot 3, a distance of 4.00 feet; thence South 0  
22 degrees 24 minutes 03 seconds East, a distance of 149.45 feet;

1       thence North 89 degrees 35 minutes 57 seconds East, a distance  
2       of 4.00 feet; thence South 0 degrees 24 minutes 03 seconds  
3       East, a distance of 15.59 feet to the south line of said Lot 4;  
4       thence South 89 degrees 36 minutes 44 seconds East along the  
5       south line of said Lot 4, a distance of 40.00 feet; thence  
6       North 0 degrees 24 minutes 03 seconds West, a distance of 26.13  
7       feet; thence South 89 degrees 35 minutes 57 seconds West, a  
8       distance of 25.00 feet; thence North 0 degrees 24 minutes 03  
9       seconds West, distance of 160.00 feet; thence South 89 degrees  
10      35 minutes 57 seconds West, a distance of 6.00 feet; thence  
11      North 0 degrees 24 minutes 03 seconds West, a distance of  
12      144.26 feet to the north line of said Lot 3; thence North 89  
13      degrees 37 minutes 01 second West along the north line of said  
14      Lot 3, a distance of 9.00 feet to the point of beginning.

15                Said temporary easement containing 0.122 acre, more or  
16      less.

17                Said temporary easement to be used for grading and parking  
18      lot construction purposes.

19                \*\*\*

20                That part of Lot 6 in The Meadows Commercial Subdivision,  
21      being a resubdivision of part Lot 8 in The Meadows, according  
22      to the plat thereof recorded October 23, 2001 as document

1 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
2 according to the plat thereof recorded March 20, 2001 as  
3 document number 2001R0016624, in the Northeast Quarter of  
4 Section 30, Township 43 North, Range 8 East of the Third  
5 Principal Meridian, according to the plat of said The Meadows  
6 Commercial Subdivision recorded January 31, 2003 as document  
7 number 2003R0013439, in McHenry County, Illinois, bearings and  
8 distances are based on the Illinois Coordinate System, NAD  
9 83(2011) East Zone, with a combination factor of 0.9999373735,  
10 described as follows:

11 Beginning at the southeast corner of said Lot 6; thence on  
12 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
13 South 89 degrees 36 minutes 04 seconds West along the south  
14 line of said Lot 6, a distance of 8.56 feet; thence North 0  
15 degrees 24 minutes 03 seconds West, a distance of 218.99 feet  
16 to the north line of said Lot 6; thence North 89 degrees 36  
17 minutes 04 seconds East along the north line of said Lot 6, a  
18 distance of 8.56 feet to the northeast corner of Lot 6; thence  
19 South 0 degrees 23 minutes 56 seconds East along the east line  
20 of said Lot 6, a distance of 218.99 feet to the point of  
21 beginning.

22 Said parcel containing 0.043 acre, more or less.

23 \*\*\*

1           That part of Lot 6 in The Meadows Commercial Subdivision,  
2           being a resubdivision of part Lot 8 in The Meadows, according  
3           to the plat thereof recorded October 23, 2001 as document  
4           number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
5           according to the plat thereof recorded March 20, 2001 as  
6           document number 2001R0016624, in the Northeast Quarter of  
7           Section 30, Township 43 North, Range 8 East of the Third  
8           Principal Meridian, according to the plat of said The Meadows  
9           Commercial Subdivision recorded January 31, 2003 as document  
10          number 2003R0013439, in McHenry County, Illinois, bearings and  
11          distances are based on the Illinois Coordinate System, NAD  
12          83(2011) East Zone, with a combination factor of 0.9999373735,  
13          described as follows:

14          Commencing at the southeast corner of said Lot 6; thence on  
15          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
16          South 89 degrees 36 minutes 04 seconds West along the south  
17          line of said Lot 6, a distance of 8.56 feet to the point of  
18          beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
19          distance of 218.99 feet to the north line of said Lot 6; thence  
20          South 89 degrees 36 minutes 04 seconds West along the north  
21          line of said Lot 6, a distance of 10.00 feet; thence South 0  
22          degrees 24 minutes 03 seconds East, a distance of 218.99 feet  
23          to the south line of said Lot 6; thence North 89 degrees 36  
24          minutes 04 seconds East along the south line of said Lot 6, a

1 distance of 10.00 feet to the point of beginning.

2 Said temporary easement containing 0.050 acre, more or  
3 less.

4 Said temporary easement to be used for grading purposes.

5 \*\*\*

6 That part of Lot 2 in The Meadows Commercial Subdivision,  
7 being a resubdivision of part Lot 8 in The Meadows, according  
8 to the plat thereof recorded October 23, 2001 as document  
9 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
10 according to the plat thereof recorded March 20, 2001 as  
11 document number 2001R0016624, in the Northeast Quarter of  
12 Section 30, Township 43 North, Range 8 East of the Third  
13 Principal Meridian, according to the plat of said The Meadows  
14 Commercial Subdivision recorded January 31, 2003 as document  
15 number 2003R0013439, in McHenry County, Illinois, bearings and  
16 distances are based on the Illinois Coordinate System, NAD  
17 83(2011) East Zone, with a combination factor of 0.9999373735,  
18 described as follows:

19 Beginning at an easterly corner of said Lot 2, being also  
20 the northwest corner of Outlot A in said The Meadows Commercial  
21 Subdivision; thence on an Illinois Coordinate System NAD



1 83(2011) East Zone bearing of South 0 degrees 23 minutes 56  
2 seconds East along an east line of said Lot 2, a distance of  
3 56.28 feet to the easterly line of Lot 2; thence South 7  
4 degrees 12 minutes 42 seconds East along the easterly line of  
5 said Lot 2, a distance of 12.32 feet; thence North 90 degrees  
6 00 minutes 00 seconds West, a distance of 11.46 feet; thence  
7 North 0 degrees 23 minutes 56 seconds West, a distance of 71.90  
8 feet to the northeasterly line of said Lot 2; thence  
9 southeasterly 10.59 feet along the northeasterly line of said  
10 Lot 2 on a curve to the left having a radius of 264.98 feet, the  
11 chord of said curve bears South 71 degrees 15 minutes 44  
12 seconds East, 10.59 feet to the point of beginning.

13 Said temporary easement containing 0.016 acre, more or  
14 less.

15 Said temporary easement to be used for grading purposes.

16 \*\*\*

17 That part of Lot 2 in Lake in the Hills Entertainment Park,  
18 being a subdivision of part of the West Half of the Northwest  
19 Quarter of Section 29, Township 43 North, Range 8 East of the  
20 Third Principal Meridian, according to the plat thereof  
21 recorded June 28, 1996 as document number 96R033436, in McHenry  
22 County, Illinois, bearings and distances are based on the

1 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
2 combination factor of 0.9999373735, described as follows:

3 Beginning at the northwest corner of said Lot 2; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 South 89 degrees 37 minutes 15 seconds East along the north  
6 line of said Lot 2, a distance of 15.72 feet; thence South 0  
7 degrees 24 minutes 03 seconds East, a distance of 275.76 feet  
8 to the south line of said Lot 2; thence North 89 degrees 37  
9 minutes 01 second West along the south line of said Lot 2, a  
10 distance of 16.57 feet to the southwest corner of Lot 2; thence  
11 North 0 degrees 13 minutes 26 seconds West along the west line  
12 of said Lot 2, a distance of 275.74 feet (275.78 feet,  
13 recorded) to the point of beginning.

14 Said parcel containing 0.102 acre, more or less.

15 \*\*\*

16 That part of Lot 2 in Lake in the Hills Entertainment Park,  
17 being a subdivision of part of the West Half of the Northwest  
18 Quarter of Section 29, Township 43 North, Range 8 East of the  
19 Third Principal Meridian, according to the plat thereof  
20 recorded June 28, 1996 as document number 96R033436, in McHenry  
21 County, Illinois, bearings and distances are based on the  
22 Illinois Coordinate System, NAD 83(2011) East Zone, with a

1 combination factor of 0.9999373735, described as follows:

2 Commencing at the northwest corner of said Lot 2; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 South 89 degrees 37 minutes 15 seconds East along the north  
5 line of said Lot 2, a distance of 15.72 feet to the point of  
6 beginning; thence South 0 degrees 24 minutes 03 seconds East, a  
7 distance of 275.76 feet to the south line of said Lot 2; thence  
8 South 89 degrees 37 minutes 01 second East along the south line  
9 of said Lot 2, a distance of 9.00 feet; thence North 0 degrees  
10 24 minutes 03 seconds West, a distance of 12.74 feet; thence  
11 South 89 degrees 35 minutes 57 seconds West, a distance of 6.50  
12 feet; thence North 0 degrees 24 minutes 03 seconds West, a  
13 distance of 263.11 feet to the north line of said Lot 2; thence  
14 North 89 degrees 37 minutes 15 seconds West along the north  
15 line of said Lot 2, a distance of 2.50 feet to the point of  
16 beginning.

17 Said temporary easement containing 0.018 acre, more or  
18 less.

19 Said temporary easement to be used for grading purposes.

20 \*\*\*

21 That part of Lot 7 in The Meadows Commercial Subdivision,

1 being a resubdivision of part Lot 8 in The Meadows, according  
2 to the plat thereof recorded October 23, 2001 as document  
3 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
4 according to the plat thereof recorded March 20, 2001 as  
5 document number 2001R0016624, in the Northeast Quarter of  
6 Section 30, Township 43 North, Range 8 East of the Third  
7 Principal Meridian, according to the plat of said The Meadows  
8 Commercial Subdivision recorded January 31, 2003 as document  
9 number 2003R0013439, in McHenry County, Illinois, bearings and  
10 distances are based on the Illinois Coordinate System, NAD  
11 83(2011) East Zone, with a combination factor of 0.9999373735,  
12 described as follows:

13 Beginning at the southeast corner of said Lot 7; thence on  
14 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
15 South 89 degrees 36 minutes 04 seconds West along the south  
16 line of said Lot 7, a distance of 18.56 feet; thence North 0  
17 degrees 24 minutes 03 seconds West, a distance of 218.99 feet  
18 to the north line of said Lot 7; thence North 89 degrees 36  
19 minutes 04 seconds East along the north line of said Lot 7, a  
20 distance of 18.57 feet to the northeast corner of Lot 7; thence  
21 South 0 degrees 23 minutes 56 seconds East along the east line  
22 of said Lot 7, a distance of 218.99 feet to the point of  
23 beginning.

24 Said parcel containing 0.093 acre, more or less.

1           \*\*\*

2           That part of Lot 8 in The Meadows Commercial Subdivision,  
3           being a resubdivision of part Lot 8 in The Meadows, according  
4           to the plat thereof recorded October 23, 2001 as document  
5           number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
6           according to the plat thereof recorded March 20, 2001 as  
7           document number 2001R0016624, in the Northeast Quarter of  
8           Section 30, Township 43 North, Range 8 East of the Third  
9           Principal Meridian, according to the plat of said The Meadows  
10          Commercial Subdivision recorded January 31, 2003 as document  
11          number 2003R0013439, in McHenry County, Illinois, bearings and  
12          distances are based on the Illinois Coordinate System, NAD  
13          83(2011) East Zone, with a combination factor of 0.9999373735,  
14          described as follows:

15          Beginning at the southeast corner of said Lot 8; thence on  
16          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17          South 89 degrees 36 minutes 04 seconds West along the south  
18          line of said Lot 8, a distance of 18.57 feet; thence North 0  
19          degrees 24 minutes 03 seconds West, a distance of 194.87 feet;  
20          thence North 49 degrees 42 minutes 55 seconds West, a distance  
21          of 38.28 feet; thence South 89 degrees 36 minutes 04 seconds  
22          West, a distance of 181.35 feet to the northwesterly line of  
23          said Lot 8; thence North 44 degrees 38 minutes 16 seconds East

1 along the northwesterly line of said Lot 8, a distance of 9.91  
2 feet to the north line of Lot 8; thence North 89 degrees 36  
3 minutes 04 seconds East along the north line of said Lot 8, a  
4 distance of 194.58 feet to the northeasterly line of Lot 8;  
5 thence South 49 degrees 42 minutes 10 seconds East along the  
6 northeasterly line of said Lot 8, a distance of 36.11 feet to  
7 the east line of Lot 8; thence South 0 degrees 23 minutes 56  
8 seconds East along the east line of said Lot 8, a distance of  
9 203.28 feet to the point of beginning.

10 Said parcel containing 0.131 acre, more or less.

11 \*\*\*

12 That part of Lot 8 in The Meadows Commercial Subdivision,  
13 being a resubdivision of part Lot 8 in The Meadows, according  
14 to the plat thereof recorded October 23, 2001 as document  
15 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
16 according to the plat thereof recorded March 20, 2001 as  
17 document number 2001R0016624, in the Northeast Quarter of  
18 Section 30, Township 43 North, Range 8 East of the Third  
19 Principal Meridian, according to the plat of said The Meadows  
20 Commercial Subdivision recorded January 31, 2003 as document  
21 number 2003R0013439, in McHenry County, Illinois, bearings and  
22 distances are based on the Illinois Coordinate System, NAD  
23 83(2011) East Zone, with a combination factor of 0.9999373735,

1 described as follows:

2 Commencing at the southeast corner of said Lot 8; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 South 89 degrees 36 minutes 04 seconds West along the south  
5 line of said Lot 8, a distance of 18.57 feet; thence North 0  
6 degrees 24 minutes 03 seconds West, a distance of 194.87 feet;  
7 thence North 49 degrees 42 minutes 55 seconds West, a distance  
8 of 21.46 feet to the point of beginning; thence continuing  
9 North 49 degrees 42 minutes 55 seconds West, a distance of  
10 16.82 feet; thence South 89 degrees 36 minutes 04 seconds West,  
11 a distance of 181.35 feet to the northwesterly line of said Lot  
12 8; thence South 44 degrees 38 minutes 16 seconds West along the  
13 northwesterly line of said Lot 8, a distance of 22.64 feet to  
14 the west line of Lot 8; thence South 0 degrees 23 minutes 56  
15 seconds East along the west line of said Lot 8, a distance of  
16 7.07 feet; thence North 44 degrees 38 minutes 16 seconds East,  
17 a distance of 17.12 feet; thence North 89 degrees 35 minutes 57  
18 seconds East, a distance of 198.02 feet to the point of  
19 beginning.

20 Said temporary easement containing 0.050 acre, more or  
21 less.

22 Said temporary easement to be used for grading purposes.

1           \*\*\*

2           That part of Lot 9 in The Meadows Commercial Subdivision,  
3           being a resubdivision of part Lot 8 in The Meadows, according  
4           to the plat thereof recorded October 23, 2001 as document  
5           number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
6           according to the plat thereof recorded March 20, 2001 as  
7           document number 2001R0016624, in the Northeast Quarter of  
8           Section 30, Township 43 North, Range 8 East of the Third  
9           Principal Meridian, according to the plat of said The Meadows  
10          Commercial Subdivision recorded January 31, 2003 as document  
11          number 2003R0013439, in McHenry County, Illinois, bearings and  
12          distances are based on the Illinois Coordinate System, NAD  
13          83(2011) East Zone, with a combination factor of 0.9999373735,  
14          described as follows:

15          Beginning at the northeast corner of said Lot 9; thence on  
16          an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17          South 0 degrees 23 minutes 56 seconds East along the east line  
18          of said Lot 9, a distance of 167.70 feet to the southeasterly  
19          line of Lot 9; thence South 53 degrees 36 minutes 38 seconds  
20          West along the southeasterly line of said Lot 9, a distance of  
21          10.61 feet; thence North 0 degrees 24 minutes 03 seconds West,  
22          a distance of 173.94 feet to the north line of said Lot 9;  
23          thence North 89 degrees 36 minutes 04 seconds East along the  
24          north line of said Lot 9, a distance of 8.59 feet to the point



1 of beginning.

2 Said parcel containing 0.034 acre, more or less.

3 \*\*\*

4 That part of Lot 9 in The Meadows Commercial Subdivision,  
5 being a resubdivision of part Lot 8 in The Meadows, according  
6 to the plat thereof recorded October 23, 2001 as document  
7 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
8 according to the plat thereof recorded March 20, 2001 as  
9 document number 2001R0016624, in the Northeast Quarter of  
10 Section 30, Township 43 North, Range 8 East of the Third  
11 Principal Meridian, according to the plat of said The Meadows  
12 Commercial Subdivision recorded January 31, 2003 as document  
13 number 2003R0013439, in McHenry County, Illinois, bearings and  
14 distances are based on the Illinois Coordinate System, NAD  
15 83(2011) East Zone, with a combination factor of 0.9999373735,  
16 described as follows:

17 Beginning at the southwest corner of said Lot 9; thence  
18 easterly 15.04 feet (15.06 feet, recorded) along the southerly  
19 line of said Lot 9 on a curve to the left having a radius of  
20 169.99 feet, the chord of said curve bears on an Illinois  
21 Coordinate System NAD 83(2011) East Zone bearing of South 87  
22 degrees 51 minutes 52 seconds East, 15.03 feet to a point of

1 tangency on the south line of Lot 9; thence North 89 degrees 36  
2 minutes 04 seconds East along the south line of said Lot 9, a  
3 distance of 13.19 feet; thence North 0 degrees 00 minutes 00  
4 seconds East, a distance of 38.80 feet; thence North 90 degrees  
5 00 minutes 00 seconds West, a distance of 28.48 feet to the  
6 west line of said Lot 9; thence South 0 degrees 23 minutes 56  
7 seconds East along the west line of said Lot 9, a distance of  
8 38.34 feet to the point of beginning.

9 Said temporary easement containing 0.025 acre, more or  
10 less.

11 Said temporary easement to be used for driveway  
12 construction purposes.

13 \*\*\*

14 That part of Lot 9 in The Meadows Commercial Subdivision,  
15 being a resubdivision of part Lot 8 in The Meadows, according  
16 to the plat thereof recorded October 23, 2001 as document  
17 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
18 according to the plat thereof recorded March 20, 2001 as  
19 document number 2001R0016624, in the Northeast Quarter of  
20 Section 30, Township 43 North, Range 8 East of the Third  
21 Principal Meridian, according to the plat of said The Meadows  
22 Commercial Subdivision recorded January 31, 2003 as document

1 number 2003R0013439, in McHenry County, Illinois, bearings and  
2 distances are based on the Illinois Coordinate System, NAD  
3 83(2011) East Zone, with a combination factor of 0.9999373735,  
4 described as follows:

5 Commencing at the northeast corner of said Lot 9; thence on  
6 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
7 South 0 degrees 23 minutes 56 seconds East along the east line  
8 of said Lot 9, a distance of 167.70 feet to the southeasterly  
9 line of Lot 9; thence South 53 degrees 36 minutes 38 seconds  
10 West along the southeasterly line of said Lot 9, a distance of  
11 10.61 feet to the point of beginning; thence North 0 degrees 24  
12 minutes 03 seconds West, a distance of 173.94 feet to the north  
13 line of said Lot 9; thence South 89 degrees 36 minutes 04  
14 seconds West along the north line of said Lot 9, a distance of  
15 20.00 feet; thence South 0 degrees 24 minutes 03 seconds East,  
16 a distance of 186.36 feet to the southerly line of said Lot 9;  
17 thence North 81 degrees 26 minutes 28 seconds East along the  
18 southerly line of said Lot 9, a distance of 3.65 feet to the  
19 southeasterly line of Lot 9; thence North 53 degrees 36 minutes  
20 38 seconds East along the southeasterly line of said Lot 9, a  
21 distance of 20.26 feet to the point of beginning.

22 Said temporary easement containing 0.083 acre, more or  
23 less.

1 Said temporary easement to be used for grading purposes.

2 \*\*\*

3 That part of Lot 3 in Acorn Lane Commercial Center Unit 3,  
4 being a subdivision of part of the West Half of the Northwest  
5 Quarter of Section 29 and the Southwest Quarter of the  
6 Southwest Quarter of Section 20, Township 43 North, Range 8  
7 East of the Third Principal Meridian, according to the plat  
8 thereof recorded March 21, 1997 as document number 97R012763,  
9 in McHenry County, Illinois, bearings and distances are based  
10 on the Illinois Coordinate System, NAD 83(2011) East Zone, with  
11 a combination factor of 0.9999373735, described as follows:

12 Beginning at the southwest corner of said Lot 3; thence on  
13 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
14 North 0 degrees 13 minutes 26 seconds West along the west line  
15 of said Lot 3, a distance of 10.50 feet; thence North 89  
16 degrees 35 minutes 57 seconds East, a distance of 181.96 feet  
17 to the east line of said Lot 3; thence South 0 degrees 08  
18 minutes 34 seconds East along the east line of said Lot 3, a  
19 distance of 12.98 feet to the southeast corner of Lot 3; thence  
20 North 89 degrees 37 minutes 15 seconds West along the south  
21 line of said Lot 3, a distance of 181.95 feet to the point of  
22 beginning.

1 Said parcel containing 0.049 acre, more or less.

2 \*\*\*

3 That part of Lot 3 in Acorn Lane Commercial Center Unit 3,  
4 being a subdivision of part of the West Half of the Northwest  
5 Quarter of Section 29 and the Southwest Quarter of the  
6 Southwest Quarter of Section 20, Township 43 North, Range 8  
7 East of the Third Principal Meridian, according to the plat  
8 thereof recorded March 21, 1997 as document number 97R012763,  
9 in McHenry County, Illinois, bearings and distances are based  
10 on the Illinois Coordinate System, NAD 83(2011) East Zone, with  
11 a combination factor of 0.9999373735, described as follows:

12 Commencing at the southwest corner of said Lot 3; thence on  
13 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
14 North 0 degrees 13 minutes 26 seconds West along the west line  
15 of said Lot 3, a distance of 10.50 feet to the point of  
16 beginning; thence North 89 degrees 35 minutes 57 seconds East,  
17 a distance of 85.99 feet; thence North 0 degrees 24 minutes 03  
18 seconds West, a distance of 10.00 feet; thence South 89 degrees  
19 35 minutes 57 seconds West, a distance of 85.96 feet to the  
20 west line of said Lot 3; thence South 0 degrees 13 minutes 26  
21 seconds East along the west line of said Lot 3, a distance of  
22 10.00 feet to the point of beginning.

1 Said temporary easement containing 0.020 acre, more or  
2 less.

3 Said temporary easement to be used for grading and driveway  
4 construction purposes.

5 \*\*\*

6 That part of Lot 10 in The Meadows Commercial Subdivision,  
7 being a resubdivision of part Lot 8 in The Meadows, according  
8 to the plat thereof recorded October 23, 2001 as document  
9 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
10 according to the plat thereof recorded March 20, 2001 as  
11 document number 2001R0016624, in the Northeast Quarter of  
12 Section 30, Township 43 North, Range 8 East of the Third  
13 Principal Meridian, according to the plat of said The Meadows  
14 Commercial Subdivision recorded January 31, 2003 as document  
15 number 2003R0013439, in McHenry County, Illinois, bearings and  
16 distances are based on the Illinois Coordinate System, NAD  
17 83(2011) East Zone, with a combination factor of 0.9999373735,  
18 described as follows:

19 Beginning at the southeast corner of said Lot 10; thence on  
20 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
21 South 89 degrees 36 minutes 04 seconds West along the south  
22 line of said Lot 10, a distance of 8.59 feet; thence North 0

1 degrees 24 minutes 03 seconds West, a distance of 175.93 feet  
2 to the north line of said Lot 10; thence North 89 degrees 27  
3 minutes 07 seconds East along the north line of said Lot 10, a  
4 distance of 8.60 feet to the northeast corner of Lot 10; thence  
5 South 0 degrees 23 minutes 56 seconds East along the east line  
6 of said Lot 10, a distance of 175.95 feet to the point of  
7 beginning.

8 Said parcel containing 0.035 acre, more or less.

9 \*\*\*

10 That part of Lot 10 in The Meadows Commercial Subdivision,  
11 being a resubdivision of part Lot 8 in The Meadows, according  
12 to the plat thereof recorded October 23, 2001 as document  
13 number 2001R0079191 and part of Lot 2 in Govnors Subdivision,  
14 according to the plat thereof recorded March 20, 2001 as  
15 document number 2001R0016624, in the Northeast Quarter of  
16 Section 30, Township 43 North, Range 8 East of the Third  
17 Principal Meridian, according to the plat of said The Meadows  
18 Commercial Subdivision recorded January 31, 2003 as document  
19 number 2003R0013439, in McHenry County, Illinois, bearings and  
20 distances are based on the Illinois Coordinate System, NAD  
21 83(2011) East Zone, with a combination factor of 0.9999373735,  
22 described as follows:

1 Commencing at the southeast corner of said Lot 10; thence  
2 on an Illinois Coordinate System NAD 83(2011) East Zone bearing  
3 of South 89 degrees 36 minutes 04 seconds West along the south  
4 line of said Lot 10, a distance of 8.59 feet to the point of  
5 beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
6 distance of 175.93 feet to the north line of said Lot 10;  
7 thence South 89 degrees 27 minutes 07 seconds West along the  
8 north line of said Lot 10, a distance of 20.00 feet; thence  
9 South 0 degrees 24 minutes 03 seconds East, a distance of  
10 175.88 feet to the south line of said Lot 10; thence North 89  
11 degrees 36 minutes 04 seconds East along the south line of said  
12 Lot 10, a distance of 20.00 feet to the point of beginning.

13 Said temporary easement containing 0.081 acre, more or  
14 less.

15 Said temporary easement to be used for grading purposes.

16 \*\*\*

17 That part of Lot 25 in Northstar Phase 1, being a  
18 subdivision of part of the Southeast Quarter of Section 19 and  
19 the Northeast Quarter of Section 30, Township 43 North, Range 8  
20 East of the Third Principal Meridian, according to the plat  
21 thereof recorded July 27, 1994 as document number 94R044959, in  
22 McHenry County, Illinois, bearings and distances are based on



1 the Illinois Coordinate System, NAD 83(2011) East Zone, with a  
2 combination factor of 0.9999373735, described as follows:

3 Beginning at the southeast corner of said Lot 25; thence on  
4 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
5 South 89 degrees 27 minutes 07 seconds West along the south  
6 line of said Lot 25, a distance of 18.60 feet; thence North 0  
7 degrees 24 minutes 03 seconds West, a distance of 120.63 feet  
8 to the north line of said Lot 25; thence North 89 degrees 27  
9 minutes 07 seconds East along the north line of said Lot 25, a  
10 distance of 18.40 feet to the northeast corner of Lot 25;  
11 thence South 0 degrees 29 minutes 48 seconds East along the  
12 east line of said Lot 25, a distance of 120.63 feet to the  
13 point of beginning.

14 Said parcel containing 0.051 acre, more or less.

15 \*\*\*

16 That part of Lot 25 in Northstar Phase 1, being a  
17 subdivision of part of the Southeast Quarter of Section 19 and  
18 the Northeast Quarter of Section 30, Township 43 North, Range 8  
19 East of the Third Principal Meridian, according to the plat  
20 thereof recorded July 27, 1994 as document number 94R044959, in  
21 McHenry County, Illinois, bearings and distances are based on  
22 the Illinois Coordinate System, NAD 83(2011) East Zone, with a

1 combination factor of 0.9999373735, described as follows:

2 Commencing at the southeast corner of said Lot 25; thence  
3 on an Illinois Coordinate System NAD 83(2011) East Zone bearing  
4 of South 89 degrees 27 minutes 07 seconds West along the south  
5 line of said Lot 25, a distance of 18.60 feet to the point of  
6 beginning; thence North 0 degrees 24 minutes 03 seconds West, a  
7 distance of 120.63 feet to the north line of said Lot 25;  
8 thence South 89 degrees 27 minutes 07 seconds West along the  
9 north line of said Lot 25, a distance of 1.45 feet to the  
10 northwesterly line of Lot 25; thence southwesterly 48.64 feet  
11 along the northwesterly line of said Lot 25 on a curve to the  
12 right having a radius of 60.00 feet, the chord of said curve  
13 bears South 22 degrees 40 minutes 38 seconds West, 47.32 feet;  
14 thence South 0 degrees 24 minutes 03 seconds East, a distance  
15 of 77.15 feet to the south line of said Lot 25; thence North 89  
16 degrees 27 minutes 07 seconds East, along the south line of  
17 said Lot 25, a distance of 20.00 feet to the point of  
18 beginning.

19 Said temporary easement containing 0.043 acre, more or  
20 less.

21 Said temporary easement to be used for grading purposes.

22 \*\*\*

1           That part of Lot 1 in Winding Creek Center, being a  
2 subdivision of part of the Southeast Quarter of Section 30,  
3 Township 43 North, Range 8 East of the Third Principal  
4 Meridian, according to the plat thereof recorded December 6,  
5 2004 as document number 2004R0107449, in McHenry County,  
6 Illinois, bearings and distances are based on the Illinois  
7 Coordinate System, NAD83(2011) East Zone, with a combination  
8 factor of 0.9999373735, described as follows:

9           Beginning at the northeast corner of said Lot 1; thence on  
10 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
11 South 0 degrees 06 minutes 24 seconds East along the east line  
12 of said Lot 1, a distance of 24.90 feet; thence South 89  
13 degrees 56 minutes 44 seconds West, a distance of 73.44 feet;  
14 thence North 0 degrees 01 minute 01 second East, a distance of  
15 24.98 feet to the north line of said Lot 1; thence South 89  
16 degrees 59 minutes 08 seconds East along the north line of said  
17 Lot 1, a distance of 73.38 feet to the point of beginning.

18           Said temporary easement containing 0.042 acre, more or  
19 less.

20           Said temporary easement to be used for grading and  
21 construction purposes.

1           \*\*\*

2           That part of Lot 1 in Re-Subdivision of Outlot A, Acorn  
3 Lane Commercial Center Unit 3, being a subdivision of part of  
4 the West Half of the Northwest Quarter of Section 29 and the  
5 Southwest Quarter of the Southwest Quarter of Section 20,  
6 Township 43 North, Range 8 East of the Third Principal  
7 Meridian, according to the plat thereof recorded January 31,  
8 2007 as document number 2007R007482, in McHenry County,  
9 Illinois, bearings and distances are based on the Illinois  
10 Coordinate System, NAD 83(2011) East Zone, with a combination  
11 factor of 0.9999373735, described as follows:

12           Beginning at the most westerly southwest corner of said Lot  
13 1; thence on an Illinois Coordinate System NAD 83(2011) East  
14 Zone bearing of North 0 degrees 24 minutes 36 seconds West  
15 along the west line of said Lot 1, a distance of 289.95 feet;  
16 thence North 89 degrees 28 minutes 33 seconds East, a distance  
17 of 310.00 feet; thence North 0 degrees 24 minutes 36 seconds  
18 West, a distance of 60.47 feet; thence North 89 degrees 28  
19 minutes 33 seconds East, a distance of 165.45 feet to the  
20 easterly line of said Lot 1; thence along the easterly line of  
21 said Lot 1 the next 19 courses, South 35 degrees 39 minutes 50  
22 seconds West, a distance of 31.19 feet; thence South 60 degrees  
23 44 minutes 41 seconds West, a distance of 32.20 feet; thence  
24 South 45 degrees 25 minutes 01 second West, a distance of 21.19

1 feet; thence South 23 degrees 30 minutes 06 seconds West, a  
2 distance of 27.80 feet; thence South 6 degrees 47 minutes 17  
3 seconds West, a distance of 30.19 feet; thence South 10 degrees  
4 43 minutes 36 seconds West, a distance of 35.95 feet; thence  
5 South 21 degrees 27 minutes 52 seconds West, a distance of  
6 41.40 feet; thence South 19 degrees 59 minutes 44 seconds West,  
7 a distance of 41.41 feet; thence South 16 degrees 10 minutes 56  
8 seconds West, a distance of 54.07 feet; thence South 10 degrees  
9 50 minutes 54 seconds West, a distance of 35.58 feet; thence  
10 South 23 degrees 47 minutes 21 seconds East, a distance of  
11 29.22 feet; thence South 15 degrees 55 minutes 24 seconds West,  
12 a distance of 9.86 feet; thence South 35 degrees 43 minutes 39  
13 seconds West, a distance of 44.87 feet; thence South 42 degrees  
14 01 minute 14 seconds West, a distance of 45.34 feet; thence  
15 South 21 degrees 37 minutes 25 seconds West, a distance of  
16 13.18 feet; thence South 21 degrees 51 minutes 34 seconds East,  
17 a distance of 15.04 feet; thence South 39 degrees 49 minutes 41  
18 seconds East, a distance of 27.58 feet; thence South 5 degrees  
19 34 minutes 09 seconds West, a distance of 5.75 feet; thence  
20 South 15 degrees 26 minutes 48 seconds West, a distance of  
21 37.61 feet (37.60 feet, recorded) to the southeast corner of  
22 said Lot 1; thence North 89 degrees 37 minutes 15 seconds West  
23 along the most southerly line of said Lot 1, a distance of  
24 50.98 feet to a west line of Lot 1; thence North 0 degrees 13  
25 minutes 26 seconds West along a west line of said Lot 1, a  
26 distance of 149.98 feet to a south line of Lot 1; thence North

1 89 degrees 37 minutes 15 seconds West along a south line of  
2 said Lot 1, a distance of 247.95 feet to the point of  
3 beginning.

4 Said parcel containing 2.881 acres, more or less.

5 \*\*\*

6 That part of Lot 1 in Oakridge Harnish Resubdivision, being  
7 a resubdivision of Lot 2 in Rosen Rosen Rosen Subdivision of  
8 part of the Northwest Quarter of Section 32, Township 43 North,  
9 Range 8 East of the Third Principal Meridian, according to the  
10 plat of said Oakridge Harnish Resubdivision recorded October  
11 20, 2005 as document number 2005R0089188, in McHenry County,  
12 Illinois, bearings and distances are based on the Illinois  
13 Coordinate System, NAD 83(2011) East Zone, with a combination  
14 factor of 0.9999373735, described as follows:

15 Beginning at the northwest corner of said Lot 1; thence on  
16 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
17 South 87 degrees 20 minutes 06 seconds East along the north  
18 line of said Lot 1, a distance of 15.76 feet; thence South 2  
19 degrees 17 minutes 50 seconds West, a distance of 191.30 feet  
20 to the south line of said Lot 1; thence North 87 degrees 20  
21 minutes 06 seconds West along the south line of said Lot 1, a  
22 distance of 16.99 feet to the southwest corner of Lot 1; thence

1 North 2 degrees 40 minutes 02 seconds East along the west line  
2 of said Lot 1, a distance of 191.29 feet (191.32 feet,  
3 recorded) to the point of beginning.

4 Said temporary easement containing 0.072 acre, more or  
5 less.

6 Said temporary easement to be used for grading purposes.

7 \*\*\*

8 That part of Lot 7, except the West 10.0 feet thereof  
9 conveyed to McHenry County, Illinois, by quit claim deed  
10 recorded July 30, 2008 as document number 2008R0041806, in  
11 Rosen Rosen Rosen Subdivision, being a subdivision of part of  
12 the Northwest Quarter of Section 32, Township 43 North, Range 8  
13 East of the Third Principal Meridian, according to the plat  
14 thereof recorded July 26, 2001 as document number 2001R0052702,  
15 in McHenry County, Illinois, bearings and distances are based  
16 on the Illinois Coordinate System, NAD83(2011) East Zone, with  
17 a combination factor of 0.9999373735, described as follows:

18 Commencing at the northwest corner of said Lot 7; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 North 64 degrees 39 minutes 47 seconds East along a northerly  
21 line of said Lot 7, a distance of 11.33 feet to the east right

1 of way line of Randall Road recorded July 30, 2008 as document  
2 number 2008R0041806 and the point of beginning; thence  
3 continuing North 64 degrees 39 minutes 47 seconds East along a  
4 northerly line of said Lot 7, a distance of 4.03 feet; thence  
5 South 2 degrees 47 minutes 42 seconds West, a distance of 43.98  
6 feet to a southerly line of said Lot 7; thence South 81 degrees  
7 39 minutes 50 seconds West along a southerly line of said Lot  
8 7, a distance of 3.52 feet to the said east right of way line of  
9 Randall Road; thence North 2 degrees 40 minutes 02 seconds East  
10 along the said east right of way line of Randall Road, a  
11 distance of 42.76 feet to the point of beginning.

12 Said parcel containing 0.003 acre, more or less, or 152  
13 square feet, more or less.

14 \*\*\*

15 That part of Lot 7, except the West 10.0 feet thereof  
16 conveyed to McHenry County, Illinois, by quit claim deed  
17 recorded July 30, 2008 as document number 2008R0041806, in  
18 Rosen Rosen Rosen Subdivision, being a subdivision of part of  
19 the Northwest Quarter of Section 32, Township 43 North, Range 8  
20 East of the Third Principal Meridian, according to the plat  
21 thereof recorded July 26, 2001 as document number 2001R0052702,  
22 in McHenry County, Illinois, bearings and distances are based  
23 on the Illinois Coordinate System, NAD83(2011) East Zone, with



1 a combination factor of 0.9999373735, described as follows:

2 Commencing at the northwest corner of said Lot 7; thence on  
3 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
4 North 64 degrees 39 minutes 47 seconds East along a northerly  
5 line of said Lot 7, a distance of 11.33 feet to the east right  
6 of way line of Randall Road recorded July 30, 2008 as document  
7 number 2008R0041806; thence continuing North 64 degrees 39  
8 minutes 47 seconds East along a northerly line of said Lot 7, a  
9 distance of 4.03 feet to the point of beginning; thence South 2  
10 degrees 47 minutes 42 seconds West, a distance of 43.98 feet to  
11 a southerly line of said Lot 7; thence North 81 degrees 39  
12 minutes 50 seconds East along a southerly line of said Lot 7, a  
13 distance of 8.15 feet; thence North 2 degrees 47 minutes 42  
14 seconds East, a distance of 46.68 feet to a northerly line of  
15 said Lot 7; thence South 64 degrees 39 minutes 47 seconds West  
16 along a northerly line of said Lot 7, a distance of 9.07 feet  
17 to the point of beginning.

18 Said temporary easement containing 0.008 acre, more or  
19 less, or 363 square feet, more or less.

20 Said temporary easement to be used for grading purposes.

21 \*\*\*

1           That part of Lot 1, except that part conveyed to McHenry  
2 County, Illinois, by quit claim deed recorded July 30, 2008 as  
3 document number 2008R0041808, in Rubloff Oakridge Second  
4 Resubdivision, being a resubdivision of Lot 4 in Rubloff  
5 Oakridge Resubdivision in the Northeast Quarter of Section 31,  
6 Township 43 North, Range 8 East of the Third Principal  
7 Meridian, according to the plat of said Rubloff Oakridge Second  
8 Resubdivision recorded November 1, 2002 as document number  
9 2002R0100966, in McHenry County, Illinois, bearings and  
10 distances are based on the Illinois Coordinate System, NAD  
11 83(2011) East Zone, with a combination factor of 0.9999373735,  
12 described as follows:

13           Beginning at the southwest corner of said Lot 1; thence on  
14 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
15 North 40 degrees 57 minutes 32 seconds East, a distance of  
16 23.34 feet; thence North 2 degrees 09 minutes 13 seconds East,  
17 a distance of 7.31 feet to the north line of said Lot 1; thence  
18 South 89 degrees 47 minutes 46 seconds East along the north  
19 line of said Lot 1, a distance of 5.06 feet to the west right of  
20 way line of Randall Road recorded July 30, 2008 as document  
21 number 2008R0041810; thence South 1 degree 27 minutes 52  
22 seconds West along the said west right of way line of Randall  
23 Road, a distance of 7.32 feet to a point of curvature on said  
24 west right of way line; thence southwesterly 19.87 feet (19.88  
25 feet, recorded) along the westerly right of way line of said

1 Randall Road on a curve to the right having a radius of 25.00  
2 feet, the chord of said curve bears South 24 degrees 14 minutes  
3 10 seconds West, 19.35 feet to the south line of said Lot 1;  
4 thence North 89 degrees 47 minutes 46 seconds West along the  
5 south line of said Lot 1, a distance of 12.50 feet to the point  
6 of beginning.

7 Said parcel containing 0.005 acre, more or less, or 219  
8 square feet, more or less.

9 \*\*\*

10 That part of Lot 1 in Rosen Rosen Rosen Subdivision, being  
11 a subdivision of part of the Northwest Quarter of Section 32,  
12 Township 43 North, Range 8 East of the Third Principal  
13 Meridian, according to the plat thereof recorded July 26, 2001  
14 as document number 2001R0052702, in McHenry County, Illinois,  
15 bearings and distances are based on the Illinois Coordinate  
16 System, NAD 83(2011) East Zone, with a combination factor of  
17 0.9999373735, described as follows:

18 Commencing at the northwest corner of said Lot 1; thence on  
19 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
20 South 1 degree 27 minutes 52 seconds West along the west line  
21 of said Lot 1, a distance of 159.55 feet to the point of  
22 beginning; thence South 43 degrees 09 minutes 55 seconds East,

1 a distance of 70.65 feet; thence South 0 degrees 44 minutes 15  
2 seconds West, a distance of 9.66 feet to the north right of way  
3 line of Harnish Drive recorded July 30, 2008 as document number  
4 2008R0041817; thence North 89 degrees 20 minutes 21 seconds  
5 West along the said north right of way line of Harnish Drive, a  
6 distance of 14.88 feet to the northeasterly right of way line  
7 of Harnish Drive recorded July 30, 2008 as document number  
8 2008R0041807; thence North 43 degrees 41 minutes 30 seconds  
9 West along the said northeasterly right of way line of Harnish  
10 Drive, a distance of 49.19 feet to the west line of said Lot 1;  
11 thence North 1 degree 27 minutes 52 seconds East along the west  
12 line of said Lot 1, a distance of 25.46 feet to the point of  
13 beginning.

14 Said parcel containing 0.026 acre, more or less.

15 \*\*\*

16 That part of Lot 1 in Rosen Rosen Rosen Subdivision, being  
17 a subdivision of part of the Northwest Quarter of Section 32,  
18 Township 43 North, Range 8 East of the Third Principal  
19 Meridian, according to the plat thereof recorded July 26, 2001  
20 as document number 2001R0052702, in McHenry County, Illinois,  
21 bearings and distances are based on the Illinois Coordinate  
22 System, NAD 83(2011) East Zone, with a combination factor of  
23 0.9999373735, described as follows:

1           Beginning at the northwest corner of said Lot 1; thence on  
2           an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
3           South 1 degree 27 minutes 52 seconds West along the west line  
4           of said Lot 1, a distance of 159.55 feet; thence South 43  
5           degrees 09 minutes 55 seconds East, a distance of 70.65 feet;  
6           thence South 0 degrees 44 minutes 15 seconds West, a distance  
7           of 9.66 feet to the north right of way line of Harnish Drive  
8           recorded July 30, 2008 as document number 2008R0041817; thence  
9           South 89 degrees 20 minutes 21 seconds East along the said  
10          north right of way line of Harnish Drive, a distance of 4.13  
11          feet; thence North 0 degrees 44 minutes 15 seconds East, a  
12          distance of 15.29 feet; thence North 43 degrees 41 minutes 30  
13          seconds West, a distance of 68.41 feet; thence northerly 115.11  
14          feet along a curve to the right having a radius of 24915.00  
15          feet, the chord of said curve bears North 1 degree 49 minutes  
16          12 seconds East, 115.11 feet; thence South 87 degrees 35  
17          minutes 16 seconds East, a distance of 10.00 feet; thence North  
18          2 degrees 17 minutes 50 seconds East, a distance of 40.96 feet  
19          to the north line of said Lot 1; thence North 88 degrees 32  
20          minutes 23 seconds West along the north line of said Lot 1, a  
21          distance of 16.50 feet to the point of beginning.

22                Said temporary easement containing 0.042 acre, more or  
23                less.

1 Said temporary easement to be used for construction  
2 purposes.

3 \*\*\*

4 That part of Lot 2 in Oakridge Harnish Resubdivision, being  
5 a resubdivision of Lot 2 in Rosen Rosen Rosen Subdivision of  
6 part of the Northwest Quarter of Section 32, Township 43 North,  
7 Range 8 East of the Third Principal Meridian, according to the  
8 plat of said Oakridge Harnish Resubdivision recorded October  
9 20, 2005 as document number 2005R0089188, in McHenry County,  
10 Illinois, bearings and distances are based on the Illinois  
11 Coordinate System, NAD 83(2011) East Zone, with a combination  
12 factor of 0.9999373735, described as follows:

13 Beginning at the northwest corner of said Lot 2; thence on  
14 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
15 South 2 degrees 40 minutes 02 seconds West along the west line  
16 of said Lot 2, a distance of 45.92 feet (45.49 feet, recorded)  
17 to an angle point on the west line of Lot 2; thence South 1  
18 degree 27 minutes 52 seconds West along the west line of said  
19 Lot 2, a distance of 54.11 feet (54.52 feet, recorded) to the  
20 southwest corner of Lot 2; thence South 88 degrees 32 minutes  
21 23 seconds East along the south line of said Lot 2, a distance  
22 of 16.50 feet; thence North 2 degrees 17 minutes 50 seconds  
23 East, a distance of 99.67 feet to the north line of said Lot 2;

1 thence North 87 degrees 20 minutes 06 seconds West along the  
2 north line of said Lot 2, a distance of 16.99 feet to the point  
3 of beginning.

4 Said temporary easement containing 0.039 acre, more or  
5 less.

6 Said temporary easement to be used for grading purposes.

7 \*\*\*

8 That part of Lot 11 in Kaper's Business Center Unit 1,  
9 being a subdivision of part of the West Half of the Southwest  
10 Quarter of Section 29, Township 43 North, Range 8 East of the  
11 Third Principal Meridian, according to the plat thereof  
12 recorded June 4, 1997 as document number 97R025826, in McHenry  
13 County, Illinois, bearings and distances are based on the  
14 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
15 combination factor of 0.9999373735, described as follows:

16 Beginning at the northwest corner of said Lot 11; thence on  
17 an Illinois Coordinate System NAD 83(2011) East Zone bearing of  
18 South 0 degrees 04 minutes 06 seconds East along the west line  
19 of said Lot 11, a distance of 118.49 feet to the southwest  
20 corner of the grantor according to special warranty deed  
21 recorded December 28, 2015 as document number 2015R0047895;

1 thence South 89 degrees 47 minutes 46 seconds East along the  
2 south line of the grantor according to said special warranty  
3 deed, a distance of 33.20 feet; thence North 0 degrees 01  
4 minute 47 seconds East, a distance of 118.49 feet to the north  
5 line of said Lot 11; thence North 89 degrees 47 minutes 46  
6 seconds West along the north line of said Lot 11, a distance of  
7 33.28 feet to the point of beginning.

8 Said parcel containing 0.091 acre, more or less.

9 \*\*\*

10 That part of Lot 11 in Kaper's Business Center Unit 1,  
11 being a subdivision of part of the West Half of the Southwest  
12 Quarter of Section 29, Township 43 North, Range 8 East of the  
13 Third Principal Meridian, according to the plat thereof  
14 recorded June 4, 1997 as document number 97R025826, in McHenry  
15 County, Illinois, bearings and distances are based on the  
16 Illinois Coordinate System, NAD 83(2011) East Zone, with a  
17 combination factor of 0.9999373735, described as follows:

18 Commencing at the northwest corner of said Lot 11; thence  
19 on an Illinois Coordinate System NAD 83(2011) East Zone bearing  
20 of South 0 degrees 04 minutes 06 seconds East along the west  
21 line of said Lot 11, a distance of 118.49 feet to the southwest  
22 corner of the grantor according to special warranty deed



1 recorded December 28, 2015 as document number 2015R0047895;  
2 thence South 89 degrees 47 minutes 46 seconds East along the  
3 south line of the grantor according to said special warranty  
4 deed, a distance of 33.20 feet to the point of beginning;  
5 thence North 0 degrees 01 minute 47 seconds West, a distance of  
6 118.49 feet to the north line of said Lot 11; thence South 89  
7 degrees 47 minutes 46 seconds East along the north line of said  
8 Lot 11, a distance of 10.00 feet; thence South 0 degrees 01  
9 minute 47 seconds East, a distance of 118.49 feet to the south  
10 line of the grantor according to said special warranty deed;  
11 thence North 89 degrees 47 minutes 46 seconds West along the  
12 south line of the grantor according to said special warranty  
13 deed, a distance of 10.00 feet to the point of beginning.

14 Said temporary easement containing 0.027 acre, more or  
15 less.

16 Said temporary easement to be used for grading purposes.  
17 (Source: P.A. 100-446, eff. 8-25-17; revised 11-6-17.)

18 Section 600. The Illinois Antitrust Act is amended by  
19 changing Section 5 as follows:

20 (740 ILCS 10/5) (from Ch. 38, par. 60-5)

21 Sec. 5. No provisions of this Act shall be construed to  
22 make illegal:

1           (1) the activities of any labor organization or of  
2 individual members thereof which are directed solely to  
3 labor objectives which are legitimate under the laws of  
4 either the State of Illinois or the United States;

5           (2) the activities of any agricultural or  
6 horticultural cooperative organization, whether  
7 incorporated or unincorporated, or of individual members  
8 thereof, which are directed solely to objectives of such  
9 cooperative organizations which are legitimate under the  
10 laws of either the State of Illinois or the United States;

11           (3) the activities of any public utility, as defined in  
12 Section 3-105 of the Public Utilities Act to the extent  
13 that such activities are subject to a clearly articulated  
14 and affirmatively expressed State policy to replace  
15 competition with regulation, where the conduct to be  
16 exempted is actively supervised by the State itself;

17           (4) the ~~The~~ activities of a telecommunications  
18 carrier, as defined in Section 13-202 of the Public  
19 Utilities Act, to the extent those activities relate to the  
20 provision of noncompetitive telecommunications services  
21 under the Public Utilities Act and are subject to the  
22 jurisdiction of the Illinois Commerce Commission or to the  
23 activities of telephone mutual concerns referred to in  
24 Section 13-202 of the Public Utilities Act to the extent  
25 those activities relate to the provision and maintenance of  
26 telephone service to owners and customers;

1           (5) the activities (including, but not limited to, the  
2 making of or participating in joint underwriting or joint  
3 reinsurance arrangement) of any insurer, insurance agent,  
4 insurance broker, independent insurance adjuster or rating  
5 organization to the extent that such activities are subject  
6 to regulation by the Director of Insurance of this State  
7 under, or are permitted or are authorized by, the Illinois  
8 Insurance Code or any other law of this State;

9           (6) the religious and charitable activities of any  
10 not-for-profit corporation, trust or organization  
11 established exclusively for religious or charitable  
12 purposes, or for both purposes;

13           (7) the activities of any not-for-profit corporation  
14 organized to provide telephone service on a mutual or  
15 co-operative basis or electrification on a co-operative  
16 basis, to the extent such activities relate to the  
17 marketing and distribution of telephone or electrical  
18 service to owners and customers;

19           (8) the activities engaged in by securities dealers who  
20 are (i) licensed by the State of Illinois or (ii) members  
21 of the National Association of Securities Dealers or (iii)  
22 members of any National Securities Exchange registered  
23 with the Securities and Exchange Commission under the  
24 Securities Exchange Act of 1934, as amended, in the course  
25 of their business of offering, selling, buying and selling,  
26 or otherwise trading in or underwriting securities, as

1 agent, broker, or principal, and activities of any National  
2 Securities Exchange so registered, including the  
3 establishment of commission rates and schedules of  
4 charges;

5 (9) the activities of any board of trade designated as  
6 a "contract market" by the Secretary of Agriculture of the  
7 United States pursuant to Section 5 of the Commodity  
8 Exchange Act, as amended;

9 (10) the activities of any motor carrier, rail carrier,  
10 or common carrier by pipeline, as defined in the Common  
11 Carrier by Pipeline Law of the Public Utilities Act, to the  
12 extent that such activities are permitted or authorized by  
13 the Act or are subject to regulation by the Illinois  
14 Commerce Commission;

15 (11) the activities of any state or national bank to  
16 the extent that such activities are regulated or supervised  
17 by officers of the state or federal government under the  
18 banking laws of this State or the United States;

19 (12) the activities of any state or federal savings and  
20 loan association to the extent that such activities are  
21 regulated or supervised by officers of the state or federal  
22 government under the savings and loan laws of this State or  
23 the United States;

24 (13) the activities of any bona fide not-for-profit  
25 association, society or board, of attorneys, practitioners  
26 of medicine, architects, engineers, land surveyors or real

1 estate brokers licensed and regulated by an agency of the  
2 State of Illinois, in recommending schedules of suggested  
3 fees, rates or commissions for use solely as guidelines in  
4 determining charges for professional and technical  
5 services;

6 (14) conduct ~~Conduct~~ involving trade or commerce  
7 (other than import trade or import commerce) with foreign  
8 nations unless:

9 (a) such conduct has a direct, substantial, and  
10 reasonably foreseeable effect:

11 (i) on trade or commerce which is not trade or  
12 commerce with foreign nations, or on import trade  
13 or import commerce with foreign nations; or

14 (ii) on export trade or export commerce with  
15 foreign nations of a person engaged in such trade  
16 or commerce in the United States; and

17 (b) such effect gives rise to a claim under the  
18 provisions of this Act, other than this subsection  
19 (14).

20 ~~(e)~~ If this Act applies to conduct referred to in this  
21 subsection (14) only because of the provisions of paragraph  
22 (a)(ii), then this Act shall apply to such conduct only for  
23 injury to export business in the United States which  
24 affects this State; or

25 (15) the activities of a unit of local government or  
26 school district and the activities of the employees, agents

1 and officers of a unit of local government or school  
2 district.

3 (Source: P.A. 90-185, eff. 7-23-97; 90-561, eff. 12-16-97;  
4 revised 10-6-17.)

5 Section 605. The Premises Liability Act is amended by  
6 changing Section 4 as follows:

7 (740 ILCS 130/4) (from Ch. 80, par. 304)

8 Sec. 4. Notwithstanding this Act, the liability of any  
9 owner or occupier of a premises to anyone who enters or uses  
10 those premises for a recreational purpose, as defined by the  
11 Recreational Use of Land and Water Areas Act ~~"An Act to limit~~  
12 ~~the liability of landowners who make their land and water area~~  
13 ~~available to the public for recreational purposes", approved~~  
14 ~~August 2, 1965, as now or hereafter amended~~, is governed by  
15 that Act.

16 (Source: P.A. 83-1398; revised 10-6-17.)

17 Section 610. The Illinois Marriage and Dissolution of  
18 Marriage Act is amended by changing Section 505 as follows:

19 (750 ILCS 5/505) (from Ch. 40, par. 505)

20 Sec. 505. Child support; contempt; penalties.

21 (a) In a proceeding for dissolution of marriage, legal  
22 separation, declaration of invalidity of marriage, dissolution

1 of a civil union, a proceeding for child support following  
2 dissolution of the marriage or civil union by a court that  
3 lacked personal jurisdiction over the absent spouse, a  
4 proceeding for modification of a previous order for child  
5 support under Section 510 of this Act, or any proceeding  
6 authorized under Section 501 or 601 of this Act, the court may  
7 order either or both parents owing a duty of support to a child  
8 of the marriage or civil union to pay an amount reasonable and  
9 necessary for support. The duty of support owed to a child  
10 includes the obligation to provide for the reasonable and  
11 necessary physical, mental and emotional health needs of the  
12 child. For purposes of this Section, the term "child" shall  
13 include any child under age 18 and any child age 19 or younger  
14 who is still attending high school. For purposes of this  
15 Section, the term "obligor" means the parent obligated to pay  
16 support to the other parent.

17 (1) Child support guidelines. The Illinois Department  
18 of Healthcare and Family Services shall adopt rules  
19 establishing child support guidelines which include  
20 worksheets to aid in the calculation of the child support  
21 obligations and a schedule of basic child support  
22 obligations that reflects the percentage of combined net  
23 income that parents living in the same household in this  
24 State ordinarily spend on their child. The child support  
25 guidelines have the following purposes:

26 (A) to establish as State policy an adequate

1 standard of support for a child, subject to the ability  
2 of parents to pay;

3 (B) to make child support obligations more  
4 equitable by ensuring more consistent treatment of  
5 parents in similar circumstances;

6 (C) to improve the efficiency of the court process  
7 by promoting settlements and giving courts and the  
8 parties guidance in establishing levels of child  
9 support;

10 (D) to calculate child support based upon the  
11 parents' combined net income estimated to have been  
12 allocated for the support of the child if the parents  
13 and child were living in an intact household;

14 (E) to adjust child support based upon the needs of  
15 the child; and

16 (F) to allocate the amount of child support to be  
17 paid by each parent based upon a parent's net income  
18 and the child's physical care arrangements.

19 (1.5) Computation of basic child support obligation.  
20 The court shall compute the basic child support obligation  
21 by taking the following steps:

22 (A) determine each parent's monthly net income;

23 (B) add the parents' monthly net incomes together  
24 to determine the combined monthly net income of the  
25 parents;

26 (C) select the corresponding appropriate amount



1 from the schedule of basic child support obligations  
2 based on the parties' combined monthly net income and  
3 number of children of the parties; and

4 (D) calculate each parent's percentage share of  
5 the basic child support obligation.

6 Although a monetary obligation is computed for each  
7 parent as child support, the receiving parent's share is  
8 not payable to the other parent and is presumed to be spent  
9 directly on the child.

10 (2) Duty of support. The court shall determine child  
11 support in each case by applying the child support  
12 guidelines unless the court makes a finding that  
13 application of the guidelines would be inappropriate,  
14 after considering the best interests of the child and  
15 evidence which shows relevant factors including, but not  
16 limited to, one or more of the following:

17 (A) the financial resources and needs of the child;

18 (B) the financial resources and needs of the  
19 parents;

20 (C) the standard of living the child would have  
21 enjoyed had the marriage or civil union not been  
22 dissolved; and

23 (D) the physical and emotional condition of the  
24 child and his or her educational needs.

25 (3) Income.

26 (A) As used in this Section, "gross income" means

1 the total of all income from all sources, except "gross  
2 income" does not include (i) benefits received by the  
3 parent from means-tested public assistance programs,  
4 including, but not limited to, Temporary Assistance  
5 for ~~to~~ Needy Families, Supplemental Security Income,  
6 and the Supplemental Nutrition Assistance Program or  
7 (ii) benefits and income received by the parent for  
8 other children in the household, including, but not  
9 limited to, child support, survivor benefits, and  
10 foster care payments. Social security disability and  
11 retirement benefits paid for the benefit of the subject  
12 child must be included in the disabled or retired  
13 parent's gross income for purposes of calculating the  
14 parent's child support obligation, but the parent is  
15 entitled to a child support credit for the amount of  
16 benefits paid to the other party for the child. "Gross  
17 income" also includes spousal maintenance received  
18 pursuant to a court order in the pending proceedings or  
19 any other proceedings that must be included in the  
20 recipient's gross income for purposes of calculating  
21 the parent's child support obligation.

22 (B) As used in this Section, "net income" means  
23 gross income minus either the standardized tax amount  
24 calculated pursuant to subparagraph (C) of this  
25 paragraph (3) or the individualized tax amount  
26 calculated pursuant to subparagraph (D) of this

1 paragraph (3), and minus any adjustments pursuant to  
2 subparagraph (F) of this paragraph (3). The  
3 standardized tax amount shall be used unless the  
4 requirements for an individualized tax amount set  
5 forth in subparagraph (E) of this paragraph (3) are  
6 met.

7 (C) As used in this Section, "standardized tax  
8 amount" means the total of federal and state income  
9 taxes for a single person claiming the standard tax  
10 deduction, one personal exemption, and the applicable  
11 number of dependency exemptions for the minor child or  
12 children of the parties, and Social Security and  
13 Medicare tax calculated at the Federal Insurance  
14 Contributions Act rate.

15 (I) Unless a court has determined otherwise or  
16 the parties otherwise agree, the party with the  
17 majority of parenting time shall be deemed  
18 entitled to claim the dependency exemption for the  
19 parties' minor child.

20 (II) The Illinois Department of Healthcare and  
21 Family Services shall promulgate a standardized  
22 net income conversion table that computes net  
23 income by deducting the standardized tax amount  
24 from gross income.

25 (D) As used in this Section, "individualized tax  
26 amount" means the aggregate of the following taxes:

1 (I) federal income tax (properly calculated  
2 withholding or estimated payments);

3 (II) State income tax (properly calculated  
4 withholding or estimated payments); and

5 (III) Social Security or self-employment tax,  
6 if applicable (or, if none, mandatory retirement  
7 contributions required by law or as a condition of  
8 employment) and Medicare tax calculated at the  
9 Federal Insurance Contributions Act rate.

10 (E) In lieu of a standardized tax amount, a  
11 determination of an individualized tax amount may be  
12 made under items (I), (II), or (III) below. If an  
13 individualized tax amount determination is made under  
14 this subparagraph (E), all relevant tax attributes  
15 (including filing status, allocation of dependency  
16 exemptions, and whether a party is to claim the  
17 standard deduction or itemized deductions for federal  
18 income tax purposes) shall be as the parties agree or  
19 as the court determines. To determine a party's  
20 reported income, the court may order the party to  
21 complete an Internal Revenue Service Form 4506-T,  
22 Request for Tax Transcript.

23 (I) Agreement. Irrespective of whether the  
24 parties agree on any other issue before the court,  
25 if they jointly stipulate for the record their  
26 concurrence on a computation method for the

1 individualized tax amount that is different from  
2 the method set forth under subparagraph (D), the  
3 stipulated method shall be used by the court unless  
4 the court rejects the proposed stipulated method  
5 for good cause.

6 (II) Summary hearing. If the court determines  
7 child support in a summary hearing under Section  
8 501 and an eligible party opts in to the  
9 individualized tax amount method under this item  
10 (II), the individualized tax amount shall be  
11 determined by the court on the basis of information  
12 contained in one or both parties' Supreme Court  
13 approved Financial Affidavit (Family & Divorce  
14 Cases) and relevant supporting documents under  
15 applicable court rules. No party, however, is  
16 eligible to opt in unless the party, under  
17 applicable court rules, has served the other party  
18 with the required Supreme Court approved Financial  
19 Affidavit (Family & Divorce Cases) and has  
20 substantially produced supporting documents  
21 required by the applicable court rules.

22 (III) Evidentiary hearing. If the court  
23 determines child support in an evidentiary  
24 hearing, whether for purposes of a temporary order  
25 or at the conclusion of a proceeding, item (II) of  
26 this subparagraph (E) does not apply. In each such

1 case (unless item (I) governs), the individualized  
2 tax amount shall be as determined by the court on  
3 the basis of the record established.

4 (F) Adjustments to income.

5 (I) Multi-family adjustment. If a parent is  
6 also legally responsible for support of a child not  
7 shared with the other parent and not subject to the  
8 present proceeding, there shall be an adjustment  
9 to net income as follows:

10 (i) Multi-family adjustment with court  
11 order. The court shall deduct from the parent's  
12 net income the amount of child support actually  
13 paid by the parent pursuant to a support order  
14 unless the court makes a finding that it would  
15 cause economic hardship to the child.

16 (ii) Multi-family adjustment without court  
17 order. Upon the request or application of a  
18 parent actually supporting a presumed,  
19 acknowledged, or adjudicated child living in  
20 or outside of that parent's household, there  
21 shall be an adjustment to child support. The  
22 court shall deduct from the parent's net income  
23 the amount of financial support actually paid  
24 by the parent for the child or 75% of the  
25 support the parent should pay under the child  
26 support guidelines (before this adjustment),

1           whichever is less, unless the court makes a  
2           finding that it would cause economic hardship  
3           to the child. The adjustment shall be  
4           calculated using that parent's income alone.

5           (II)       Spousal       Maintenance       adjustment.

6           Obligations pursuant to a court order for spousal  
7           maintenance in the pending proceeding actually  
8           paid or payable to the same party to whom child  
9           support is to be payable or actually paid to a  
10          former spouse pursuant to a court order shall be  
11          deducted from the parent's gross income.

12          (3.1) Business income. For purposes of calculating  
13          child support, net business income from the operation of a  
14          business means gross receipts minus ordinary and necessary  
15          expenses required to carry on the trade or business. As  
16          used in this paragraph, "business" includes, but is not  
17          limited to, sole proprietorships, closely held  
18          corporations, partnerships, other flow-through business  
19          entities, and self-employment. The court shall apply the  
20          following:

21               (A) The accelerated component of depreciation and  
22               any business expenses determined either judicially or  
23               administratively to be inappropriate or excessive  
24               shall be excluded from the total of ordinary and  
25               necessary business expenses to be deducted in the  
26               determination of net business income from gross

1 business income.

2 (B) Any item of reimbursement or in-kind payment  
3 received by a parent from a business, including, but  
4 not limited to, a company car, reimbursed meals, free  
5 housing, or a housing allowance, shall be counted as  
6 income if not otherwise included in the recipient's  
7 gross income, if the item is significant in amount and  
8 reduces personal expenses.

9 (3.2) Unemployment or underemployment. If a parent is  
10 voluntarily unemployed or underemployed, child support  
11 shall be calculated based on a determination of potential  
12 income. A determination of potential income shall be made  
13 by determining employment potential and probable earnings  
14 level based on the obligor's work history, occupational  
15 qualifications, prevailing job opportunities, the  
16 ownership by a parent of a substantial non-income producing  
17 asset, and earnings levels in the community. If there is  
18 insufficient work history to determine employment  
19 potential and probable earnings level, there shall be a  
20 rebuttable presumption that the parent's potential income  
21 is 75% of the most recent United States Department of  
22 Health and Human Services Federal Poverty Guidelines for a  
23 family of one person.

24 (3.3) Rebuttable presumption in favor of guidelines.  
25 There is a rebuttable presumption in any judicial or  
26 administrative proceeding for child support that the



1 amount of the child support obligation that would result  
2 from the application of the child support guidelines is the  
3 correct amount of child support.

4 (3.3a) Minimum child support obligation. There is a  
5 rebuttable presumption that a minimum child support  
6 obligation of \$40 per month, per child, will be entered for  
7 an obligor who has actual or imputed gross income at or  
8 less than 75% of the most recent United States Department  
9 of Health and Human Services Federal Poverty Guidelines for  
10 a family of one person, with a maximum total child support  
11 obligation for that obligor of \$120 per month to be divided  
12 equally among all of the obligor's children.

13 (3.3b) Zero dollar child support order. For parents  
14 with no gross income, who receive only means-tested  
15 assistance, or who cannot work due to a medically proven  
16 disability, incarceration, or institutionalization, there  
17 is a rebuttable presumption that the \$40 per month minimum  
18 support order is inapplicable and a zero dollar order shall  
19 be entered.

20 (3.4) Deviation factors. In any action to establish or  
21 modify child support, whether pursuant to a temporary or  
22 final administrative or court order, the child support  
23 guidelines shall be used as a rebuttable presumption for  
24 the establishment or modification of the amount of child  
25 support. The court may deviate from the child support  
26 guidelines if the application would be inequitable,

1 unjust, or inappropriate. Any deviation from the  
2 guidelines shall be accompanied by written findings by the  
3 court specifying the reasons for the deviation and the  
4 presumed amount under the child support guidelines without  
5 a deviation. These reasons may include:

6 (A) extraordinary medical expenditures necessary  
7 to preserve the life or health of a party or a child of  
8 either or both of the parties;

9 (B) additional expenses incurred for a child  
10 subject to the child support order who has special  
11 medical, physical, or developmental needs; and

12 (C) any other factor the court determines should be  
13 applied upon a finding that the application of the  
14 child support guidelines would be inappropriate, after  
15 considering the best interest of the child.

16 (3.5) Income in excess of the schedule of basic child  
17 support obligation. A court may use its discretion to  
18 determine child support if the combined adjusted net income  
19 of the parties exceeds the highest level of the schedule of  
20 basic child support obligation, except that the basic child  
21 support obligation shall not be less than the highest level  
22 of combined net income set forth in the schedule of basic  
23 child support obligation.

24 (3.6) Extracurricular activities and school expenses.  
25 The court, in its discretion, in addition to the basic  
26 child support obligation, may order either or both parents

1           owing a duty of support to the child to contribute to the  
2           reasonable school and extracurricular activity expenses  
3           incurred which are intended to enhance the educational,  
4           athletic, social, or cultural development of the child.

5           (3.7) Child care expenses. The court, in its  
6           discretion, in addition to the basic child support  
7           obligation, may order either or both parents owing a duty  
8           of support to the child to contribute to the reasonable  
9           child care expenses of the child. The child care expenses  
10          shall be made payable directly to a party or directly to  
11          the child care provider at the time of child care services.

12           (A) "Child care expenses" means actual expenses  
13          reasonably necessary to enable a parent or non-parent  
14          custodian to be employed, to attend educational or  
15          vocational training programs to improve employment  
16          opportunities, or to search for employment. "Child  
17          care expenses" also includes deposits for securing  
18          placement in a child care program, the cost of before  
19          and after school care, and camps when school is not in  
20          session. A child's special needs shall be a  
21          consideration in determining reasonable child care  
22          expenses.

23           (B) Child care expenses shall be prorated in  
24          proportion to each parent's percentage share of  
25          combined net income, and may be added to the basic  
26          child support obligation if not paid directly by each

1 parent to the provider of child care services. The  
2 obligor's and obligee's portion of actual child care  
3 expenses shall appear in the support order. If allowed,  
4 the value of the federal income tax credit for child  
5 care shall be subtracted from the actual cost to  
6 determine the net child care costs.

7 (C) The amount of child care expenses shall be  
8 adequate to obtain reasonable and necessary child  
9 care. The actual child care expenses shall be used to  
10 calculate the child care expenses, if available. When  
11 actual child care expenses vary, the actual child care  
12 expenses may be averaged over the most recent 12-month  
13 period. When a parent is temporarily unemployed or  
14 temporarily not attending educational or vocational  
15 training programs, future child care expenses shall be  
16 based upon prospective expenses to be incurred upon  
17 return to employment or educational or vocational  
18 training programs.

19 (D) An order for child care expenses may be  
20 modified upon a showing of a substantial change in  
21 circumstances. The party incurring child care expenses  
22 shall notify the other party within 14 days of any  
23 change in the amount of child care expenses that would  
24 affect the annualized child care amount as determined  
25 in the support order.

26 (3.8) Shared physical care. If each parent exercises

1           146 or more overnights per year with the child, the basic  
2           child support obligation is multiplied by 1.5 to calculate  
3           the shared care child support obligation. The court shall  
4           determine each parent's share of the shared care child  
5           support obligation based on the parent's percentage share  
6           of combined net income. The child support obligation is  
7           then computed for each parent by multiplying that parent's  
8           portion of the shared care support obligation by the  
9           percentage of time the child spends with the other parent.  
10          The respective child support obligations are then offset,  
11          with the parent owing more child support paying the  
12          difference between the child support amounts. The Illinois  
13          Department of Healthcare and Family Services shall  
14          promulgate a worksheet to calculate child support in cases  
15          in which the parents have shared physical care and use the  
16          standardized tax amount to determine net income.

17               (3.9) Split physical care. When there is more than one  
18               child and each parent has physical care of at least one but  
19               not all of the children, the support is calculated by using  
20               2 child support worksheets to determine the support each  
21               parent owes the other. The support shall be calculated as  
22               follows:

23                       (A) compute the support the first parent would owe  
24                       to other parent as if the child in his or her care was  
25                       the only child of the parties; then

26                       (B) compute the support the other parent would owe

1 to the first parent as if the child in his or her care  
2 were the only child of the parties; then

3 (C) subtract the lesser support obligation from  
4 the greater.

5 The parent who owes the greater obligation shall be  
6 ordered to pay the difference in support to the other  
7 parent, unless the court determines, pursuant to other  
8 provisions of this Section, that it should deviate from the  
9 guidelines.

10 (4) Health care.

11 (A) A portion of the basic child support obligation  
12 is intended to cover basic ordinary out-of-pocket  
13 medical expenses. The court, in its discretion, in  
14 addition to the basic child support obligation, shall  
15 also provide for the child's current and future medical  
16 needs by ordering either or both parents to initiate  
17 health insurance coverage for the child through  
18 currently effective health insurance policies held by  
19 the parent or parents, purchase one or more or all  
20 health, dental, or vision insurance policies for the  
21 child, or provide for the child's current and future  
22 medical needs through some other manner.

23 (B) The court, in its discretion, may order either  
24 or both parents to contribute to the reasonable health  
25 care needs of the child not covered by insurance,  
26 including, but not limited to, unreimbursed medical,

1 dental, orthodontic, or vision expenses and any  
2 prescription medication for the child not covered  
3 under the child's health insurance.

4 (C) If neither parent has access to appropriate  
5 private health insurance coverage, the court may  
6 order:

7 (I) one or both parents to provide health  
8 insurance coverage at any time it becomes  
9 available at a reasonable cost; or

10 (II) the parent or non-parent custodian with  
11 primary physical responsibility for the child to  
12 apply for public health insurance coverage for the  
13 child and require either or both parents to pay a  
14 reasonable amount of the cost of health insurance  
15 for the child.

16 The order may also provide that any time private  
17 health insurance coverage is available at a reasonable  
18 cost to that party it will be provided instead of cash  
19 medical support. As used in this Section, "cash medical  
20 support" means an amount ordered to be paid toward the  
21 cost of health insurance provided by a public entity or  
22 by another person through employment or otherwise or  
23 for other medical costs not covered by insurance.

24 (D) The amount to be added to the basic child  
25 support obligation shall be the actual amount of the  
26 total health insurance premium that is attributable to

1           the child who is the subject of the order. If this  
2           amount is not available or cannot be verified, the  
3           total cost of the health insurance premium shall be  
4           divided by the total number of persons covered by the  
5           policy. The cost per person derived from this  
6           calculation shall be multiplied by the number of  
7           children who are the subject of the order and who are  
8           covered under the health insurance policy. This amount  
9           shall be added to the basic child support obligation  
10          and shall be allocated between the parents in  
11          proportion to their respective net incomes.

12           (E) After the health insurance premium for the  
13          child is added to the basic child support obligation  
14          and allocated between the parents in proportion to  
15          their respective incomes for child support purposes,  
16          if the obligor is paying the premium, the amount  
17          calculated for the obligee's share of the health  
18          insurance premium for the child shall be deducted from  
19          the obligor's share of the total child support  
20          obligation. If the obligee is paying for private health  
21          insurance for the child, the child support obligation  
22          shall be increased by the obligor's share of the  
23          premium payment. The obligor's and obligee's portion  
24          of health insurance costs shall appear in the support  
25          order.

26           (F) Prior to allowing the health insurance



1 adjustment, the parent requesting the adjustment must  
2 submit proof that the child has been enrolled in a  
3 health insurance plan and must submit proof of the cost  
4 of the premium. The court shall require the parent  
5 receiving the adjustment to annually submit proof of  
6 continued coverage of the child to the other parent, or  
7 as designated by the court.

8 (G) A reasonable cost for providing health  
9 insurance coverage for the child may not exceed 5% of  
10 the providing parent's gross income. Parents with a net  
11 income below 133% of the most recent United States  
12 Department of Health and Human Services Federal  
13 Poverty Guidelines or whose child is covered by  
14 Medicaid based on that parent's income may not be  
15 ordered to contribute toward or provide private  
16 coverage, unless private coverage is obtainable  
17 without any financial contribution by that parent.

18 (H) If dental or vision insurance is included as  
19 part of the employer's medical plan, the coverage shall  
20 be maintained for the child. If not included in the  
21 employer's medical plan, adding the dental or vision  
22 insurance for the child is at the discretion of the  
23 court.

24 (I) If a parent has been directed to provide health  
25 insurance pursuant to this paragraph and that parent's  
26 spouse or legally recognized partner provides the

1 insurance for the benefit of the child either directly  
2 or through employment, a credit on the child support  
3 worksheet shall be given to that parent in the same  
4 manner as if the premium were paid by that parent.

5 (4.5) In a proceeding for child support following  
6 dissolution of the marriage or civil union by a court that  
7 lacked personal jurisdiction over the absent spouse, and in  
8 which the court is requiring payment of support for the  
9 period before the date an order for current support is  
10 entered, there is a rebuttable presumption that the  
11 obligor's net income for the prior period was the same as  
12 his or her net income at the time the order for current  
13 support is entered.

14 (5) If the net income cannot be determined because of  
15 default or any other reason, the court shall order support  
16 in an amount considered reasonable in the particular case.  
17 The final order in all cases shall state the support level  
18 in dollar amounts. However, if the court finds that the  
19 child support amount cannot be expressed exclusively as a  
20 dollar amount because all or a portion of the obligor's net  
21 income is uncertain as to source, time of payment, or  
22 amount, the court may order a percentage amount of support  
23 in addition to a specific dollar amount and enter such  
24 other orders as may be necessary to determine and enforce,  
25 on a timely basis, the applicable support ordered.

26 (6) If (i) the obligor was properly served with a

1 request for discovery of financial information relating to  
2 the obligor's ability to provide child support, (ii) the  
3 obligor failed to comply with the request, despite having  
4 been ordered to do so by the court, and (iii) the obligor  
5 is not present at the hearing to determine support despite  
6 having received proper notice, then any relevant financial  
7 information concerning the obligor's ability to provide  
8 child support that was obtained pursuant to subpoena and  
9 proper notice shall be admitted into evidence without the  
10 need to establish any further foundation for its admission.

11 (a-5) In an action to enforce an order for child support  
12 based on the obligor's failure to make support payments as  
13 required by the order, notice of proceedings to hold the  
14 obligor in contempt for that failure may be served on the  
15 obligor by personal service or by regular mail addressed to the  
16 last known address of the obligor. The last known address of  
17 the obligor may be determined from records of the clerk of the  
18 court, from the Federal Case Registry of Child Support Orders,  
19 or by any other reasonable means.

20 (b) Failure of either parent to comply with an order to pay  
21 support shall be punishable as in other cases of contempt. In  
22 addition to other penalties provided by law the court may,  
23 after finding the parent guilty of contempt, order that the  
24 parent be:

25 (1) placed on probation with such conditions of  
26 probation as the court deems advisable;

1           (2) sentenced to periodic imprisonment for a period not  
2           to exceed 6 months; provided, however, that the court may  
3           permit the parent to be released for periods of time during  
4           the day or night to:

5                     (A) work; or

6                     (B) conduct a business or other self-employed  
7           occupation.

8           The court may further order any part or all of the earnings  
9           of a parent during a sentence of periodic imprisonment paid to  
10          the Clerk of the Circuit Court or to the parent having physical  
11          possession of the child or to the non-parent custodian having  
12          custody of the child of the sentenced parent for the support of  
13          the child until further order of the court.

14          If a parent who is found guilty of contempt for failure to  
15          comply with an order to pay support is a person who conducts a  
16          business or who is self-employed, the court in addition to  
17          other penalties provided by law may order that the parent do  
18          one or more of the following: (i) provide to the court monthly  
19          financial statements showing income and expenses from the  
20          business or the self-employment; (ii) seek employment and  
21          report periodically to the court with a diary, listing, or  
22          other memorandum of his or her employment search efforts; or  
23          (iii) report to the Department of Employment Security for job  
24          search services to find employment that will be subject to  
25          withholding for child support.

26          If there is a unity of interest and ownership sufficient to

1 render no financial separation between an obligor and another  
2 person or persons or business entity, the court may pierce the  
3 ownership veil of the person, persons, or business entity to  
4 discover assets of the obligor held in the name of that person,  
5 those persons, or that business entity. The following  
6 circumstances are sufficient to authorize a court to order  
7 discovery of the assets of a person, persons, or business  
8 entity and to compel the application of any discovered assets  
9 toward payment on the judgment for support:

10 (1) the obligor and the person, persons, or business  
11 entity maintain records together.

12 (2) the obligor and the person, persons, or business  
13 entity fail to maintain an arm's length relationship  
14 between themselves with regard to any assets.

15 (3) the obligor transfers assets to the person,  
16 persons, or business entity with the intent to perpetrate a  
17 fraud on the obligee.

18 With respect to assets which are real property, no order  
19 entered under this paragraph shall affect the rights of bona  
20 fide purchasers, mortgagees, judgment creditors, or other lien  
21 holders who acquire their interests in the property prior to  
22 the time a notice of lis pendens pursuant to the Code of Civil  
23 Procedure or a copy of the order is placed of record in the  
24 office of the recorder of deeds for the county in which the  
25 real property is located.

26 The court may also order in cases where the parent is 90

1 days or more delinquent in payment of support or has been  
2 adjudicated in arrears in an amount equal to 90 days obligation  
3 or more, that the parent's Illinois driving privileges be  
4 suspended until the court determines that the parent is in  
5 compliance with the order of support. The court may also order  
6 that the parent be issued a family financial responsibility  
7 driving permit that would allow limited driving privileges for  
8 employment and medical purposes in accordance with Section  
9 7-702.1 of the Illinois Vehicle Code. The Clerk of the Circuit  
10 Court shall certify the order suspending the driving privileges  
11 of the parent or granting the issuance of a family financial  
12 responsibility driving permit to the Secretary of State on  
13 forms prescribed by the Secretary of State. Upon receipt of the  
14 authenticated documents, the Secretary of State shall suspend  
15 the parent's driving privileges until further order of the  
16 court and shall, if ordered by the court, subject to the  
17 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
18 issue a family financial responsibility driving permit to the  
19 parent.

20 In addition to the penalties or punishment that may be  
21 imposed under this Section, any person whose conduct  
22 constitutes a violation of Section 15 of the Non-Support  
23 Punishment Act may be prosecuted under that Act, and a person  
24 convicted under that Act may be sentenced in accordance with  
25 that Act. The sentence may include but need not be limited to a  
26 requirement that the person perform community service under

1 Section 50 of that Act or participate in a work alternative  
2 program under Section 50 of that Act. A person may not be  
3 required to participate in a work alternative program under  
4 Section 50 of that Act if the person is currently participating  
5 in a work program pursuant to Section 505.1 of this Act.

6 A support obligation, or any portion of a support  
7 obligation, which becomes due and remains unpaid as of the end  
8 of each month, excluding the child support that was due for  
9 that month to the extent that it was not paid in that month,  
10 shall accrue simple interest as set forth in Section 12-109 of  
11 the Code of Civil Procedure. An order for support entered or  
12 modified on or after January 1, 2006 shall contain a statement  
13 that a support obligation required under the order, or any  
14 portion of a support obligation required under the order, that  
15 becomes due and remains unpaid as of the end of each month,  
16 excluding the child support that was due for that month to the  
17 extent that it was not paid in that month, shall accrue simple  
18 interest as set forth in Section 12-109 of the Code of Civil  
19 Procedure. Failure to include the statement in the order for  
20 support does not affect the validity of the order or the  
21 accrual of interest as provided in this Section.

22 (c) A one-time charge of 20% is imposable upon the amount  
23 of past-due child support owed on July 1, 1988 which has  
24 accrued under a support order entered by the court. The charge  
25 shall be imposed in accordance with the provisions of Section  
26 10-21 of the Illinois Public Aid Code and shall be enforced by

1 the court upon petition.

2 (d) Any new or existing support order entered by the court  
3 under this Section shall be deemed to be a series of judgments  
4 against the person obligated to pay support thereunder, each  
5 such judgment to be in the amount of each payment or  
6 installment of support and each such judgment to be deemed  
7 entered as of the date the corresponding payment or installment  
8 becomes due under the terms of the support order. Each such  
9 judgment shall have the full force, effect and attributes of  
10 any other judgment of this State, including the ability to be  
11 enforced. Notwithstanding any other State or local law to the  
12 contrary, a lien arises by operation of law against the real  
13 and personal property of the obligor for each installment of  
14 overdue support owed by the obligor.

15 (e) When child support is to be paid through the Clerk of  
16 the Court in a county of 1,000,000 inhabitants or less, the  
17 order shall direct the obligor to pay to the Clerk, in addition  
18 to the child support payments, all fees imposed by the county  
19 board under paragraph (3) of subsection (u) of Section 27.1 of  
20 the Clerks of Courts Act. Unless paid pursuant to an Income  
21 Withholding Order/Notice for Support, the payment of the fee  
22 shall be by payment acceptable to the clerk and shall be made  
23 to the order of the Clerk.

24 (f) All orders for support, when entered or modified, shall  
25 include a provision requiring the obligor to notify the court  
26 and, in cases in which a party is receiving child and spouse



1 services under Article X of the Illinois Public Aid Code, the  
2 Department of Healthcare and Family Services, within 7 days,  
3 (i) of the name and address of any new employer of the obligor,  
4 (ii) whether the obligor has access to health insurance  
5 coverage through the employer or other group coverage and, if  
6 so, the policy name and number and the names of persons covered  
7 under the policy, except only the initials of any covered  
8 minors shall be included, and (iii) of any new residential or  
9 mailing address or telephone number of the obligor. In any  
10 subsequent action to enforce a support order, upon a sufficient  
11 showing that a diligent effort has been made to ascertain the  
12 location of the obligor, service of process or provision of  
13 notice necessary in the case may be made at the last known  
14 address of the obligor in any manner expressly provided by the  
15 Code of Civil Procedure or this Act, which service shall be  
16 sufficient for purposes of due process.

17 (g) An order for support shall include a date on which the  
18 current support obligation terminates. The termination date  
19 shall be no earlier than the date on which the child covered by  
20 the order will attain the age of 18. However, if the child will  
21 not graduate from high school until after attaining the age of  
22 18, then the termination date shall be no earlier than the  
23 earlier of the date on which the child's high school graduation  
24 will occur or the date on which the child will attain the age  
25 of 19. The order for support shall state that the termination  
26 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to  
2 prevent the court from modifying the order or terminating the  
3 order in the event the child is otherwise emancipated.

4 (g-5) If there is an unpaid arrearage or delinquency (as  
5 those terms are defined in the Income Withholding for Support  
6 Act) equal to at least one month's support obligation on the  
7 termination date stated in the order for support or, if there  
8 is no termination date stated in the order, on the date the  
9 child attains the age of majority or is otherwise emancipated,  
10 the periodic amount required to be paid for current support of  
11 that child immediately prior to that date shall automatically  
12 continue to be an obligation, not as current support but as  
13 periodic payment toward satisfaction of the unpaid arrearage or  
14 delinquency. That periodic payment shall be in addition to any  
15 periodic payment previously required for satisfaction of the  
16 arrearage or delinquency. The total periodic amount to be paid  
17 toward satisfaction of the arrearage or delinquency may be  
18 enforced and collected by any method provided by law for  
19 enforcement and collection of child support, including but not  
20 limited to income withholding under the Income Withholding for  
21 Support Act. Each order for support entered or modified on or  
22 after January 1, 2005 (the effective date of Public Act  
23 93-1061) ~~this amendatory Act of the 93rd General Assembly~~ must  
24 contain a statement notifying the parties of the requirements  
25 of this subsection. Failure to include the statement in the  
26 order for support does not affect the validity of the order or

1 the operation of the provisions of this subsection with regard  
2 to the order. This subsection shall not be construed to prevent  
3 or affect the establishment or modification of an order for  
4 support of a minor child or the establishment or modification  
5 of an order for support of a non-minor child or educational  
6 expenses under Section 513 of this Act.

7 (h) An order entered under this Section shall include a  
8 provision requiring either parent to report to the other parent  
9 and to the Clerk of Court within 10 days each time either  
10 parent obtains new employment, and each time either parent's  
11 employment is terminated for any reason. The report shall be in  
12 writing and shall, in the case of new employment, include the  
13 name and address of the new employer. Failure to report new  
14 employment or the termination of current employment, if coupled  
15 with nonpayment of support for a period in excess of 60 days,  
16 is indirect criminal contempt. For either parent arrested for  
17 failure to report new employment bond shall be set in the  
18 amount of the child support that should have been paid during  
19 the period of unreported employment. An order entered under  
20 this Section shall also include a provision requiring either  
21 obligor and obligee to advise the other of a change in  
22 residence within 5 days of the change except when the court  
23 finds that the physical, mental, or emotional health of a party  
24 or that of a child, or both, would be seriously endangered by  
25 disclosure of the party's address.

26 (i) The court does not lose the powers of contempt,

1 driver's license suspension, or other child support  
2 enforcement mechanisms, including, but not limited to,  
3 criminal prosecution as set forth in this Act, upon the  
4 emancipation of the minor child.

5 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764,  
6 eff. 7-1-17; 100-15, eff. 7-1-17; revised 10-6-17.)

7 Section 615. The Adoption Act is amended by changing  
8 Sections 4.1 and 18.5 as follows:

9 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

10 Sec. 4.1. Adoption between multiple jurisdictions. It is  
11 the public policy of this State to promote child welfare in  
12 adoption between multiple jurisdictions by implementing  
13 standards that foster permanency for children in an expeditious  
14 manner while considering the best interests of the child as  
15 paramount. Ensuring that standards for interjurisdictional  
16 adoption are clear and applied consistently, efficiently, and  
17 reasonably will promote the best interests of the child in  
18 finding a permanent home.

19 (a) The Department of Children and Family Services shall  
20 promulgate rules regarding the approval and regulation of  
21 agencies providing, in this State, adoption services, as  
22 defined in Section 2.24 of the Child Care Act of 1969, which  
23 shall include, but not be limited to, a requirement that any  
24 agency shall be licensed in this State as a child welfare

1 agency as defined in Section 2.08 of the Child Care Act of  
2 1969. Any out-of-state agency, if not licensed in this State as  
3 a child welfare agency, must obtain the approval of the  
4 Department in order to act as a sending agency, as defined in  
5 Section 1 of the Interstate Compact on Placement of Children  
6 Act, seeking to place a child into this State through a  
7 placement subject to the Interstate Compact on the Placement of  
8 Children. An out-of-state agency, if not licensed in this State  
9 as a child welfare agency, is prohibited from providing in this  
10 State adoption services, as defined by Section 2.24 of the  
11 Child Care Act of 1969; shall comply with Section 12C-70 of the  
12 Criminal Code of 2012; and shall provide all of the following  
13 to the Department:

14 (1) A copy of the agency's current license or other  
15 form of authorization from the approving authority in the  
16 agency's state. If no license or authorization is issued,  
17 the agency must provide a reference statement, from the  
18 approving authority, stating that the agency is authorized  
19 to place children in foster care or adoption or both in its  
20 jurisdiction.

21 (2) A description of the program, including home  
22 studies, placements, and supervisions, that the child  
23 placing agency conducts within its geographical area, and,  
24 if applicable, adoptive placements and the finalization of  
25 adoptions. The child placing agency must accept continued  
26 responsibility for placement planning and replacement if

1 the placement fails.

2 (3) Notification to the Department of any significant  
3 child placing agency changes after approval.

4 (4) Any other information the Department may require.

5 The rules shall also provide that any agency that places  
6 children for adoption in this State may not, in any policy or  
7 practice relating to the placement of children for adoption,  
8 discriminate against any child or prospective adoptive parent  
9 on the basis of race.

10 (a-5) (Blank).

11 (b) Interstate adoptions.

12 (1) All interstate adoption placements under this Act  
13 shall comply with the Child Care Act of 1969 and the  
14 Interstate Compact on the Placement of Children. The  
15 placement of children with relatives by the Department of  
16 Children and Family Services shall also comply with  
17 subsection (b) of Section 7 of the Children and Family  
18 Services Act. The Department may promulgate rules to  
19 implement interstate adoption placements, including those  
20 requirements set forth in this Section.

21 (2) If an adoption is finalized prior to bringing or  
22 sending a child to this State, compliance with the  
23 Interstate Compact on the Placement of Children is not  
24 required.

25 (3) Approval requirements. The Department shall  
26 promulgate procedures for interstate adoption placements

1 of children under this Act. No later than September 24,  
2 2017 (30 days after the effective date of Public Act  
3 100-344) ~~this amendatory Act of the 100th General Assembly,~~  
4 the Department shall distribute a written list of all  
5 preadoption ~~pre-adoption~~ approval requirements to all  
6 Illinois licensed child welfare agencies performing  
7 adoption services, and all out-of-state agencies approved  
8 under this Section, and shall post the requirements on the  
9 Department's website. The Department may not require any  
10 further preadoption ~~pre-adoption~~ requirements other than  
11 those set forth in the procedures required under this  
12 paragraph. The procedures shall reflect the standard of  
13 review as stated in the Interstate Compact on the Placement  
14 of Children and approval shall be given by the Department  
15 if the placement appears not to be contrary to the best  
16 interests of the child.

17 (4) Time for review and decision. In all cases where  
18 the child to be placed is not a youth in care in Illinois  
19 or any other state, a provisional or final approval for  
20 placement shall be provided in writing from the Department  
21 in accordance with the Interstate Compact on the Placement  
22 of Children. Approval or denial of the placement must be  
23 given by the Department as soon as practicable, but in no  
24 event more than 3 business days of the receipt of the  
25 completed referral packet by the Department's Interstate  
26 Compact Administrator. Receipt of the packet shall be

1 evidenced by the packet's arrival at the address designated  
2 by the Department to receive such referrals. The written  
3 decision to approve or deny the placement shall be  
4 communicated in an expeditious manner, including, but not  
5 limited to, electronic means referenced in paragraph  
6 (b)(7) of this Section, and shall be provided to all  
7 Illinois licensed child welfare agencies involved in the  
8 placement, all out-of-state child placing agencies  
9 involved in the placement, and all attorneys representing  
10 the prospective adoptive parent or biological parent. If,  
11 during its initial review of the packet, the Department  
12 believes there are any incomplete or missing documents, or  
13 missing information, as required in paragraph (b)(3), the  
14 Department shall, as soon as practicable, but in no event  
15 more than 2 business days of receipt of the packet,  
16 communicate a list of any incomplete or missing documents  
17 and information to all Illinois licensed child welfare  
18 agencies involved in the placement, all out-of-state child  
19 placing agencies involved in the placement, and all  
20 attorneys representing the adoptive parent or biological  
21 parent. This list shall be communicated in an expeditious  
22 manner, including, but not limited to, electronic means  
23 referenced in paragraph (b)(7) of this Section.

24 (5) Denial of approval. In all cases where the child to  
25 be placed is not a youth in the care of any state, if the  
26 Department denies approval of an interstate placement, the



1 written decision referenced in paragraph (b)(4) of this  
2 Section shall set forth the reason or reasons why the  
3 placement was not approved and shall reference which  
4 requirements under paragraph (b)(3) of this Section were  
5 not met. The written decision shall be communicated in an  
6 expeditious manner, including, but not limited to,  
7 electronic means referenced in paragraph (b)(7) of this  
8 Section, to all Illinois licensed child welfare agencies  
9 involved in the placement, all out-of-state child placing  
10 agencies involved in the placement, and all attorneys  
11 representing the prospective adoptive parent or biological  
12 parent.

13 (6) Provisional approval. Nothing in paragraphs (b)(3)  
14 through (b)(5) of this Section shall preclude the  
15 Department from issuing provisional approval of the  
16 placement pending receipt of any missing or incomplete  
17 documents or information.

18 (7) Electronic communication. All communications  
19 concerning an interstate placement made between the  
20 Department and an Illinois licensed child welfare agency,  
21 an out-of-state child placing agency, and attorneys  
22 representing the prospective adoptive parent or biological  
23 parent, including the written communications referenced in  
24 this Section, may be made through any type of electronic  
25 means, including, but not limited to, electronic mail.

26 (c) Intercountry adoptions. The adoption of a child, if the

1 child is a habitual resident of a country other than the United  
2 States and the petitioner is a habitual resident of the United  
3 States, or, if the child is a habitual resident of the United  
4 States and the petitioner is a habitual resident of a country  
5 other than the United States, shall comply with the  
6 Inter-country Adoption Act of 2000, as amended, and the  
7 Immigration and Nationality Act, as amended. In the case of an  
8 inter-country adoption that requires oversight by the adoption  
9 services governed by the Inter-country Adoption Universal  
10 Accreditation Act of 2012, this State shall not impose any  
11 additional pre-adoption requirements.

12 (d) (Blank).

13 (e) Re-adoption after an inter-country adoption.

14 (1) Any time after a minor child has been adopted in a  
15 foreign country and has immigrated to the United States,  
16 the adoptive parent or parents of the child may petition  
17 the court for a judgment of adoption to re-adopt the child  
18 and confirm the foreign adoption decree.

19 (2) The petitioner must submit to the court one or more  
20 of the following to verify the foreign adoption:

21 (i) an immigrant visa for the child issued by  
22 United States Citizenship and Immigration Services of  
23 the U.S. Department of Homeland Security that was valid  
24 at the time of the child's immigration;

25 (ii) a decree, judgment, certificate of adoption,  
26 adoption registration, or equivalent court order,

1 entered or issued by a court of competent jurisdiction  
2 or administrative body outside the United States,  
3 establishing the relationship of parent and child by  
4 adoption; or

5 (iii) such other evidence deemed satisfactory by  
6 the court.

7 (3) The child's immigrant visa shall be prima facie  
8 proof that the adoption was established in accordance with  
9 the laws of the foreign jurisdiction and met United States  
10 requirements for immigration.

11 (4) If the petitioner submits documentation that  
12 satisfies the requirements of paragraph (2), the court  
13 shall not appoint a guardian ad litem for the minor who is  
14 the subject of the proceeding, shall not require any  
15 further termination of parental rights of the child's  
16 biological parents, nor shall it require any home study,  
17 investigation, post-placement visit, or background check  
18 of the petitioner.

19 (5) The petition may include a request for change of  
20 the child's name and any other request for specific relief  
21 that is in the best interests of the child. The relief may  
22 include a request for a revised birth date for the child if  
23 supported by evidence from a medical or dental professional  
24 attesting to the appropriate age of the child or other  
25 collateral evidence.

26 (6) Two adoptive parents who adopted a minor child

1 together in a foreign country while married to one another  
2 may file a petition for adoption to re-adopt the child  
3 jointly, regardless of whether their marriage has been  
4 dissolved. If either parent whose marriage was dissolved  
5 has subsequently remarried or entered into a civil union  
6 with another person, the new spouse or civil union partner  
7 shall not join in the petition to re-adopt the child,  
8 unless the new spouse or civil union partner is seeking to  
9 adopt the child. If either adoptive parent does not join in  
10 the petition, he or she must be joined as a party  
11 defendant. The defendant parent's failure to participate  
12 in the re-adoption proceeding shall not affect the existing  
13 parental rights or obligations of the parent as they relate  
14 to the minor child, and the parent's name shall be placed  
15 on any subsequent birth record issued for the child as a  
16 result of the re-adoption proceeding.

17 (7) An adoptive parent who adopted a minor child in a  
18 foreign country as an unmarried person may file a petition  
19 for adoption to re-adopt the child as a sole petitioner,  
20 even if the adoptive parent has subsequently married or  
21 entered into a civil union.

22 (8) If one of the adoptive parents who adopted a minor  
23 child dies prior to a re-adoption proceeding, the deceased  
24 parent's name shall be placed on any subsequent birth  
25 record issued for the child as a result of the re-adoption  
26 proceeding.

1 (Source: P.A. 99-49, eff. 7-15-15; 100-344, eff. 8-25-17;  
2 revised 10-6-17.)

3 (750 ILCS 50/18.5) (from Ch. 40, par. 1522.5)

4 Sec. 18.5. Liability. No liability shall attach to the  
5 State, any agency thereof, any licensed agency, any judge, any  
6 officer or employee of the court, or any party or employee  
7 thereof involved in the surrender of a child for adoption or in  
8 an adoption proceeding for acts or efforts made within the  
9 scope of Sections 18.05 through ~~thru~~ 18.5, inclusive, of this  
10 Act and under its provisions, except for subsection (n) of  
11 Section 18.1.

12 (Source: P.A. 96-895, eff. 5-21-10; revised 10-3-17.)

13 Section 620. The Illinois Domestic Violence Act of 1986 is  
14 amended by changing Section 214 as follows:

15 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

16 Sec. 214. Order of protection; remedies.

17 (a) Issuance of order. If the court finds that petitioner  
18 has been abused by a family or household member or that  
19 petitioner is a high-risk adult who has been abused, neglected,  
20 or exploited, as defined in this Act, an order of protection  
21 prohibiting the abuse, neglect, or exploitation shall issue;  
22 provided that petitioner must also satisfy the requirements of  
23 one of the following Sections, as appropriate: Section 217 on

1 emergency orders, Section 218 on interim orders, or Section 219  
2 on plenary orders. Petitioner shall not be denied an order of  
3 protection because petitioner or respondent is a minor. The  
4 court, when determining whether or not to issue an order of  
5 protection, shall not require physical manifestations of abuse  
6 on the person of the victim. Modification and extension of  
7 prior orders of protection shall be in accordance with this  
8 Act.

9 (b) Remedies and standards. The remedies to be included in  
10 an order of protection shall be determined in accordance with  
11 this Section and one of the following Sections, as appropriate:  
12 Section 217 on emergency orders, Section 218 on interim orders,  
13 and Section 219 on plenary orders. The remedies listed in this  
14 subsection shall be in addition to other civil or criminal  
15 remedies available to petitioner.

16 (1) Prohibition of abuse, neglect, or exploitation.  
17 Prohibit respondent's harassment, interference with  
18 personal liberty, intimidation of a dependent, physical  
19 abuse, or willful deprivation, neglect or exploitation, as  
20 defined in this Act, or stalking of the petitioner, as  
21 defined in Section 12-7.3 of the Criminal Code of 2012, if  
22 such abuse, neglect, exploitation, or stalking has  
23 occurred or otherwise appears likely to occur if not  
24 prohibited.

25 (2) Grant of exclusive possession of residence.  
26 Prohibit respondent from entering or remaining in any

1 residence, household, or premises of the petitioner,  
2 including one owned or leased by respondent, if petitioner  
3 has a right to occupancy thereof. The grant of exclusive  
4 possession of the residence, household, or premises shall  
5 not affect title to real property, nor shall the court be  
6 limited by the standard set forth in Section 701 of the  
7 Illinois Marriage and Dissolution of Marriage Act.

8 (A) Right to occupancy. A party has a right to  
9 occupancy of a residence or household if it is solely  
10 or jointly owned or leased by that party, that party's  
11 spouse, a person with a legal duty to support that  
12 party or a minor child in that party's care, or by any  
13 person or entity other than the opposing party that  
14 authorizes that party's occupancy (e.g., a domestic  
15 violence shelter). Standards set forth in subparagraph  
16 (B) shall not preclude equitable relief.

17 (B) Presumption of hardships. If petitioner and  
18 respondent each has the right to occupancy of a  
19 residence or household, the court shall balance (i) the  
20 hardships to respondent and any minor child or  
21 dependent adult in respondent's care resulting from  
22 entry of this remedy with (ii) the hardships to  
23 petitioner and any minor child or dependent adult in  
24 petitioner's care resulting from continued exposure to  
25 the risk of abuse (should petitioner remain at the  
26 residence or household) or from loss of possession of

1           the residence or household (should petitioner leave to  
2           avoid the risk of abuse). When determining the balance  
3           of hardships, the court shall also take into account  
4           the accessibility of the residence or household.  
5           Hardships need not be balanced if respondent does not  
6           have a right to occupancy.

7           The balance of hardships is presumed to favor  
8           possession by petitioner unless the presumption is  
9           rebutted by a preponderance of the evidence, showing  
10          that the hardships to respondent substantially  
11          outweigh the hardships to petitioner and any minor  
12          child or dependent adult in petitioner's care. The  
13          court, on the request of petitioner or on its own  
14          motion, may order respondent to provide suitable,  
15          accessible, alternate housing for petitioner instead  
16          of excluding respondent from a mutual residence or  
17          household.

18          (3) Stay away order and additional prohibitions. Order  
19          respondent to stay away from petitioner or any other person  
20          protected by the order of protection, or prohibit  
21          respondent from entering or remaining present at  
22          petitioner's school, place of employment, or other  
23          specified places at times when petitioner is present, or  
24          both, if reasonable, given the balance of hardships.  
25          Hardships need not be balanced for the court to enter a  
26          stay away order or prohibit entry if respondent has no



1 right to enter the premises.

2 (A) If an order of protection grants petitioner  
3 exclusive possession of the residence, or prohibits  
4 respondent from entering the residence, or orders  
5 respondent to stay away from petitioner or other  
6 protected persons, then the court may allow respondent  
7 access to the residence to remove items of clothing and  
8 personal adornment used exclusively by respondent,  
9 medications, and other items as the court directs. The  
10 right to access shall be exercised on only one occasion  
11 as the court directs and in the presence of an  
12 agreed-upon adult third party or law enforcement  
13 officer.

14 (B) When the petitioner and the respondent attend  
15 the same public, private, or non-public elementary,  
16 middle, or high school, the court when issuing an order  
17 of protection and providing relief shall consider the  
18 severity of the act, any continuing physical danger or  
19 emotional distress to the petitioner, the educational  
20 rights guaranteed to the petitioner and respondent  
21 under federal and State law, the availability of a  
22 transfer of the respondent to another school, a change  
23 of placement or a change of program of the respondent,  
24 the expense, difficulty, and educational disruption  
25 that would be caused by a transfer of the respondent to  
26 another school, and any other relevant facts of the

1 case. The court may order that the respondent not  
2 attend the public, private, or non-public elementary,  
3 middle, or high school attended by the petitioner,  
4 order that the respondent accept a change of placement  
5 or change of program, as determined by the school  
6 district or private or non-public school, or place  
7 restrictions on the respondent's movements within the  
8 school attended by the petitioner. The respondent  
9 bears the burden of proving by a preponderance of the  
10 evidence that a transfer, change of placement, or  
11 change of program of the respondent is not available.  
12 The respondent also bears the burden of production with  
13 respect to the expense, difficulty, and educational  
14 disruption that would be caused by a transfer of the  
15 respondent to another school. A transfer, change of  
16 placement, or change of program is not unavailable to  
17 the respondent solely on the ground that the respondent  
18 does not agree with the school district's or private or  
19 non-public school's transfer, change of placement, or  
20 change of program or solely on the ground that the  
21 respondent fails or refuses to consent or otherwise  
22 does not take an action required to effectuate a  
23 transfer, change of placement, or change of program.  
24 When a court orders a respondent to stay away from the  
25 public, private, or non-public school attended by the  
26 petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's  
2 school district or private or non-public school, the  
3 school district or private or non-public school shall  
4 have sole discretion to determine the attendance  
5 center to which the respondent is transferred. In the  
6 event the court order results in a transfer of the  
7 minor respondent to another attendance center, a  
8 change in the respondent's placement, or a change of  
9 the respondent's program, the parents, guardian, or  
10 legal custodian of the respondent is responsible for  
11 transportation and other costs associated with the  
12 transfer or change.

13 (C) The court may order the parents, guardian, or  
14 legal custodian of a minor respondent to take certain  
15 actions or to refrain from taking certain actions to  
16 ensure that the respondent complies with the order. In  
17 the event the court orders a transfer of the respondent  
18 to another school, the parents, guardian, or legal  
19 custodian of the respondent is responsible for  
20 transportation and other costs associated with the  
21 change of school by the respondent.

22 (4) Counseling. Require or recommend the respondent to  
23 undergo counseling for a specified duration with a social  
24 worker, psychologist, clinical psychologist, psychiatrist,  
25 family service agency, alcohol or substance abuse program,  
26 mental health center guidance counselor, agency providing

1 services to elders, program designed for domestic violence  
2 abusers or any other guidance service the court deems  
3 appropriate. The Court may order the respondent in any  
4 intimate partner relationship to report to an Illinois  
5 Department of Human Services protocol approved partner  
6 abuse intervention program for an assessment and to follow  
7 all recommended treatment.

8 (5) Physical care and possession of the minor child. In  
9 order to protect the minor child from abuse, neglect, or  
10 unwarranted separation from the person who has been the  
11 minor child's primary caretaker, or to otherwise protect  
12 the well-being of the minor child, the court may do either  
13 or both of the following: (i) grant petitioner physical  
14 care or possession of the minor child, or both, or (ii)  
15 order respondent to return a minor child to, or not remove  
16 a minor child from, the physical care of a parent or person  
17 in loco parentis.

18 If a court finds, after a hearing, that respondent has  
19 committed abuse (as defined in Section 103) of a minor  
20 child, there shall be a rebuttable presumption that  
21 awarding physical care to respondent would not be in the  
22 minor child's best interest.

23 (6) Temporary allocation of parental responsibilities:  
24 significant decision-making. Award temporary  
25 decision-making responsibility to petitioner in accordance  
26 with this Section, the Illinois Marriage and Dissolution of

1 Marriage Act, the Illinois Parentage Act of 2015, and this  
2 State's Uniform Child-Custody Jurisdiction and Enforcement  
3 Act.

4 If a court finds, after a hearing, that respondent has  
5 committed abuse (as defined in Section 103) of a minor  
6 child, there shall be a rebuttable presumption that  
7 awarding temporary significant decision-making  
8 responsibility to respondent would not be in the child's  
9 best interest.

10 (7) Parenting time. Determine the parenting time, if  
11 any, of respondent in any case in which the court awards  
12 physical care or allocates temporary significant  
13 decision-making responsibility of a minor child to  
14 petitioner. The court shall restrict or deny respondent's  
15 parenting time with a minor child if the court finds that  
16 respondent has done or is likely to do any of the  
17 following: (i) abuse or endanger the minor child during  
18 parenting time; (ii) use the parenting time as an  
19 opportunity to abuse or harass petitioner or petitioner's  
20 family or household members; (iii) improperly conceal or  
21 detain the minor child; or (iv) otherwise act in a manner  
22 that is not in the best interests of the minor child. The  
23 court shall not be limited by the standards set forth in  
24 Section 603.10 of the Illinois Marriage and Dissolution of  
25 Marriage Act. If the court grants parenting time, the order  
26 shall specify dates and times for the parenting time to

1 take place or other specific parameters or conditions that  
2 are appropriate. No order for parenting time shall refer  
3 merely to the term "reasonable parenting time".

4 Petitioner may deny respondent access to the minor  
5 child if, when respondent arrives for parenting time,  
6 respondent is under the influence of drugs or alcohol and  
7 constitutes a threat to the safety and well-being of  
8 petitioner or petitioner's minor children or is behaving in  
9 a violent or abusive manner.

10 If necessary to protect any member of petitioner's  
11 family or household from future abuse, respondent shall be  
12 prohibited from coming to petitioner's residence to meet  
13 the minor child for parenting time, and the parties shall  
14 submit to the court their recommendations for reasonable  
15 alternative arrangements for parenting time. A person may  
16 be approved to supervise parenting time only after filing  
17 an affidavit accepting that responsibility and  
18 acknowledging accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit  
20 respondent from removing a minor child from the State or  
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in  
23 court, alone or with a minor child, to prevent abuse,  
24 neglect, removal or concealment of the child, to return the  
25 child to the custody or care of the petitioner or to permit  
26 any court-ordered interview or examination of the child or

1 the respondent.

2 (10) Possession of personal property. Grant petitioner  
3 exclusive possession of personal property and, if  
4 respondent has possession or control, direct respondent to  
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the  
7 property; or

8 (ii) the parties own the property jointly; sharing  
9 it would risk abuse of petitioner by respondent or is  
10 impracticable; and the balance of hardships favors  
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the property  
13 is that it is marital property, the court may award  
14 petitioner temporary possession thereof under the  
15 standards of subparagraph (ii) of this paragraph only if a  
16 proper proceeding has been filed under the Illinois  
17 Marriage and Dissolution of Marriage Act, as now or  
18 hereafter amended.

19 No order under this provision shall affect title to  
20 property.

21 (11) Protection of property. Forbid the respondent  
22 from taking, transferring, encumbering, concealing,  
23 damaging or otherwise disposing of any real or personal  
24 property, except as explicitly authorized by the court, if:

25 (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly, and the  
2           balance of hardships favors granting this remedy.

3           If petitioner's sole claim to ownership of the property  
4           is that it is marital property, the court may grant  
5           petitioner relief under subparagraph (ii) of this  
6           paragraph only if a proper proceeding has been filed under  
7           the Illinois Marriage and Dissolution of Marriage Act, as  
8           now or hereafter amended.

9           The court may further prohibit respondent from  
10          improperly using the financial or other resources of an  
11          aged member of the family or household for the profit or  
12          advantage of respondent or of any other person.

13          (11.5) Protection of animals. Grant the petitioner the  
14          exclusive care, custody, or control of any animal owned,  
15          possessed, leased, kept, or held by either the petitioner  
16          or the respondent or a minor child residing in the  
17          residence or household of either the petitioner or the  
18          respondent and order the respondent to stay away from the  
19          animal and forbid the respondent from taking,  
20          transferring, encumbering, concealing, harming, or  
21          otherwise disposing of the animal.

22          (12) Order for payment of support. Order respondent to  
23          pay temporary support for the petitioner or any child in  
24          the petitioner's care or over whom the petitioner has been  
25          allocated parental responsibility, when the respondent has  
26          a legal obligation to support that person, in accordance



1 with the Illinois Marriage and Dissolution of Marriage Act,  
2 which shall govern, among other matters, the amount of  
3 support, payment through the clerk and withholding of  
4 income to secure payment. An order for child support may be  
5 granted to a petitioner with lawful physical care of a  
6 child, or an order or agreement for physical care of a  
7 child, prior to entry of an order allocating significant  
8 decision-making responsibility. Such a support order shall  
9 expire upon entry of a valid order allocating parental  
10 responsibility differently and vacating the petitioner's  
11 significant decision-making authority, unless otherwise  
12 provided in the order.

13 (13) Order for payment of losses. Order respondent to  
14 pay petitioner for losses suffered as a direct result of  
15 the abuse, neglect, or exploitation. Such losses shall  
16 include, but not be limited to, medical expenses, lost  
17 earnings or other support, repair or replacement of  
18 property damaged or taken, reasonable attorney's fees,  
19 court costs and moving or other travel expenses, including  
20 additional reasonable expenses for temporary shelter and  
21 restaurant meals.

22 (i) Losses affecting family needs. If a party is  
23 entitled to seek maintenance, child support or  
24 property distribution from the other party under the  
25 Illinois Marriage and Dissolution of Marriage Act, as  
26 now or hereafter amended, the court may order

1           respondent to reimburse petitioner's actual losses, to  
2           the extent that such reimbursement would be  
3           "appropriate temporary relief", as authorized by  
4           subsection (a) (3) of Section 501 of that Act.

5           (ii) Recovery of expenses. In the case of an  
6           improper concealment or removal of a minor child, the  
7           court may order respondent to pay the reasonable  
8           expenses incurred or to be incurred in the search for  
9           and recovery of the minor child, including but not  
10          limited to legal fees, court costs, private  
11          investigator fees, and travel costs.

12          (14) Prohibition of entry. Prohibit the respondent  
13          from entering or remaining in the residence or household  
14          while the respondent is under the influence of alcohol or  
15          drugs and constitutes a threat to the safety and well-being  
16          of the petitioner or the petitioner's children.

17          (14.5) Prohibition of firearm possession.

18          (a) Prohibit a respondent against whom an order of  
19          protection was issued from possessing any firearms  
20          during the duration of the order if the order:

21                  (1) was issued after a hearing of which such  
22                  person received actual notice, and at which such  
23                  person had an opportunity to participate;

24                  (2) restrains such person from harassing,  
25                  stalking, or threatening an intimate partner of  
26                  such person or child of such intimate partner or

1 person, or engaging in other conduct that would  
2 place an intimate partner in reasonable fear of  
3 bodily injury to the partner or child; and

4 (3)(i) includes a finding that such person  
5 represents a credible threat to the physical  
6 safety of such intimate partner or child; or (ii)  
7 by its terms explicitly prohibits the use,  
8 attempted use, or threatened use of physical force  
9 against such intimate partner or child that would  
10 reasonably be expected to cause bodily injury.

11 Any Firearm Owner's Identification Card in the  
12 possession of the respondent, except as provided in  
13 subsection (b), shall be ordered by the court to be  
14 turned over to the local law enforcement agency. The  
15 local law enforcement agency shall immediately mail  
16 the card to the Department of State Police Firearm  
17 Owner's Identification Card Office for safekeeping.  
18 The court shall issue a warrant for seizure of any  
19 firearm in the possession of the respondent, to be kept  
20 by the local law enforcement agency for safekeeping,  
21 except as provided in subsection (b). The period of  
22 safekeeping shall be for the duration of the order of  
23 protection. The firearm or firearms and Firearm  
24 Owner's Identification Card, if unexpired, shall at  
25 the respondent's request, be returned to the  
26 respondent at the end of the order of protection. It is

1 the respondent's responsibility to notify the  
2 Department of State Police Firearm Owner's  
3 Identification Card Office.

4 (b) If the respondent is a peace officer as defined  
5 in Section 2-13 of the Criminal Code of 2012, the court  
6 shall order that any firearms used by the respondent in  
7 the performance of his or her duties as a peace officer  
8 be surrendered to the chief law enforcement executive  
9 of the agency in which the respondent is employed, who  
10 shall retain the firearms for safekeeping for the  
11 duration of the order of protection.

12 (c) Upon expiration of the period of safekeeping,  
13 if the firearms or Firearm Owner's Identification Card  
14 cannot be returned to respondent because respondent  
15 cannot be located, fails to respond to requests to  
16 retrieve the firearms, or is not lawfully eligible to  
17 possess a firearm, upon petition from the local law  
18 enforcement agency, the court may order the local law  
19 enforcement agency to destroy the firearms, use the  
20 firearms for training purposes, or for any other  
21 application as deemed appropriate by the local law  
22 enforcement agency; or that the firearms be turned over  
23 to a third party who is lawfully eligible to possess  
24 firearms, and who does not reside with respondent.

25 (15) Prohibition of access to records. If an order of  
26 protection prohibits respondent from having contact with

1 the minor child, or if petitioner's address is omitted  
2 under subsection (b) of Section 203, or if necessary to  
3 prevent abuse or wrongful removal or concealment of a minor  
4 child, the order shall deny respondent access to, and  
5 prohibit respondent from inspecting, obtaining, or  
6 attempting to inspect or obtain, school or any other  
7 records of the minor child who is in the care of  
8 petitioner.

9 (16) Order for payment of shelter services. Order  
10 respondent to reimburse a shelter providing temporary  
11 housing and counseling services to the petitioner for the  
12 cost of the services, as certified by the shelter and  
13 deemed reasonable by the court.

14 (17) Order for injunctive relief. Enter injunctive  
15 relief necessary or appropriate to prevent further abuse of  
16 a family or household member or further abuse, neglect, or  
17 exploitation of a high-risk adult with disabilities or to  
18 effectuate one of the granted remedies, if supported by the  
19 balance of hardships. If the harm to be prevented by the  
20 injunction is abuse or any other harm that one of the  
21 remedies listed in paragraphs (1) through (16) of this  
22 subsection is designed to prevent, no further evidence is  
23 necessary that the harm is an irreparable injury.

24 (18) Telephone services.

25 (A) Unless a condition described in subparagraph

26 (B) of this paragraph exists, the court may, upon

1 request by the petitioner, order a wireless telephone  
2 service provider to transfer to the petitioner the  
3 right to continue to use a telephone number or numbers  
4 indicated by the petitioner and the financial  
5 responsibility associated with the number or numbers,  
6 as set forth in subparagraph (C) of this paragraph. For  
7 purposes of this paragraph (18), the term "wireless  
8 telephone service provider" means a provider of  
9 commercial mobile service as defined in 47 U.S.C. 332.  
10 The petitioner may request the transfer of each  
11 telephone number that the petitioner, or a minor child  
12 in his or her custody, uses. The clerk of the court  
13 shall serve the order on the wireless telephone service  
14 provider's agent for service of process provided to the  
15 Illinois Commerce Commission. The order shall contain  
16 all of the following:

17 (i) The name and billing telephone number of  
18 the account holder including the name of the  
19 wireless telephone service provider that serves  
20 the account.

21 (ii) Each telephone number that will be  
22 transferred.

23 (iii) A statement that the provider transfers  
24 to the petitioner all financial responsibility for  
25 and right to the use of any telephone number  
26 transferred under this paragraph.

1           (B) A wireless telephone service provider shall  
2 terminate the respondent's use of, and shall transfer  
3 to the petitioner use of, the telephone number or  
4 numbers indicated in subparagraph (A) of this  
5 paragraph unless it notifies the petitioner, within 72  
6 hours after it receives the order, that one of the  
7 following applies:

8           (i) The account holder named in the order has  
9 terminated the account.

10           (ii) A difference in network technology would  
11 prevent or impair the functionality of a device on  
12 a network if the transfer occurs.

13           (iii) The transfer would cause a geographic or  
14 other limitation on network or service provision  
15 to the petitioner.

16           (iv) Another technological or operational  
17 issue would prevent or impair the use of the  
18 telephone number if the transfer occurs.

19           (C) The petitioner assumes all financial  
20 responsibility for and right to the use of any  
21 telephone number transferred under this paragraph. In  
22 this paragraph, "financial responsibility" includes  
23 monthly service costs and costs associated with any  
24 mobile device associated with the number.

25           (D) A wireless telephone service provider may  
26 apply to the petitioner its routine and customary

1 requirements for establishing an account or  
2 transferring a number, including requiring the  
3 petitioner to provide proof of identification,  
4 financial information, and customer preferences.

5 (E) Except for willful or wanton misconduct, a  
6 wireless telephone service provider is immune from  
7 civil liability for its actions taken in compliance  
8 with a court order issued under this paragraph.

9 (F) All wireless service providers that provide  
10 services to residential customers shall provide to the  
11 Illinois Commerce Commission the name and address of an  
12 agent for service of orders entered under this  
13 paragraph (18). Any change in status of the registered  
14 agent must be reported to the Illinois Commerce  
15 Commission within 30 days of such change.

16 (G) The Illinois Commerce Commission shall  
17 maintain the list of registered agents for service for  
18 each wireless telephone service provider on the  
19 Commission's website. The Commission may consult with  
20 wireless telephone service providers and the Circuit  
21 Court Clerks on the manner in which this information is  
22 provided and displayed.

23 (c) Relevant factors; findings.

24 (1) In determining whether to grant a specific remedy,  
25 other than payment of support, the court shall consider  
26 relevant factors, including but not limited to the



1 following:

2 (i) the nature, frequency, severity, pattern and  
3 consequences of the respondent's past abuse, neglect  
4 or exploitation of the petitioner or any family or  
5 household member, including the concealment of his or  
6 her location in order to evade service of process or  
7 notice, and the likelihood of danger of future abuse,  
8 neglect, or exploitation to petitioner or any member of  
9 petitioner's or respondent's family or household; and

10 (ii) the danger that any minor child will be abused  
11 or neglected or improperly relocated from the  
12 jurisdiction, improperly concealed within the State or  
13 improperly separated from the child's primary  
14 caretaker.

15 (2) In comparing relative hardships resulting to the  
16 parties from loss of possession of the family home, the  
17 court shall consider relevant factors, including but not  
18 limited to the following:

19 (i) availability, accessibility, cost, safety,  
20 adequacy, location and other characteristics of  
21 alternate housing for each party and any minor child or  
22 dependent adult in the party's care;

23 (ii) the effect on the party's employment; and

24 (iii) the effect on the relationship of the party,  
25 and any minor child or dependent adult in the party's  
26 care, to family, school, church and community.

1           (3) Subject to the exceptions set forth in paragraph  
2           (4) of this subsection, the court shall make its findings  
3           in an official record or in writing, and shall at a minimum  
4           set forth the following:

5                   (i) That the court has considered the applicable  
6                   relevant factors described in paragraphs (1) and (2) of  
7                   this subsection.

8                   (ii) Whether the conduct or actions of respondent,  
9                   unless prohibited, will likely cause irreparable harm  
10                  or continued abuse.

11                  (iii) Whether it is necessary to grant the  
12                  requested relief in order to protect petitioner or  
13                  other alleged abused persons.

14           (4) For purposes of issuing an ex parte emergency order  
15           of protection, the court, as an alternative to or as a  
16           supplement to making the findings described in paragraphs  
17           (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
18           the following procedure:

19                   When a verified petition for an emergency order of  
20                   protection in accordance with the requirements of Sections  
21                   203 and 217 is presented to the court, the court shall  
22                   examine petitioner on oath or affirmation. An emergency  
23                   order of protection shall be issued by the court if it  
24                   appears from the contents of the petition and the  
25                   examination of petitioner that the averments are  
26                   sufficient to indicate abuse by respondent and to support

1 the granting of relief under the issuance of the emergency  
2 order of protection.

3 (5) Never married parties. No rights or  
4 responsibilities for a minor child born outside of marriage  
5 attach to a putative father until a father and child  
6 relationship has been established under the Illinois  
7 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
8 the Illinois Public Aid Code, Section 12 of the Vital  
9 Records Act, the Juvenile Court Act of 1987, the Probate  
10 Act of 1975 ~~1985~~, the Revised Uniform Reciprocal  
11 Enforcement of Support Act, the Uniform Interstate Family  
12 Support Act, the Expedited Child Support Act of 1990, any  
13 judicial, administrative, or other act of another state or  
14 territory, any other Illinois statute, or by any foreign  
15 nation establishing the father and child relationship, any  
16 other proceeding substantially in conformity with the  
17 Personal Responsibility and Work Opportunity  
18 Reconciliation Act of 1996 (Pub. L. 104-193), or where both  
19 parties appeared in open court or at an administrative  
20 hearing acknowledging under oath or admitting by  
21 affirmation the existence of a father and child  
22 relationship. Absent such an adjudication, finding, or  
23 acknowledgment ~~acknowledgement~~, no putative father shall  
24 be granted temporary allocation of parental  
25 responsibilities, including parenting time with the minor  
26 child, or physical care and possession of the minor child,

1 nor shall an order of payment for support of the minor  
2 child be entered.

3 (d) Balance of hardships; findings. If the court finds that  
4 the balance of hardships does not support the granting of a  
5 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
6 subsection (b) of this Section, which may require such  
7 balancing, the court's findings shall so indicate and shall  
8 include a finding as to whether granting the remedy will result  
9 in hardship to respondent that would substantially outweigh the  
10 hardship to petitioner from denial of the remedy. The findings  
11 shall be an official record or in writing.

12 (e) Denial of remedies. Denial of any remedy shall not be  
13 based, in whole or in part, on evidence that:

14 (1) Respondent has cause for any use of force, unless  
15 that cause satisfies the standards for justifiable use of  
16 force provided by Article 7 of the Criminal Code of 2012;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of  
19 another, provided that, if petitioner utilized force, such  
20 force was justifiable under Article 7 of the Criminal Code  
21 of 2012;

22 (4) Petitioner did not act in self-defense or defense  
23 of another;

24 (5) Petitioner left the residence or household to avoid  
25 further abuse, neglect, or exploitation by respondent;

26 (6) Petitioner did not leave the residence or household

1 to avoid further abuse, neglect, or exploitation by  
2 respondent;

3 (7) Conduct by any family or household member excused  
4 the abuse, neglect, or exploitation by respondent, unless  
5 that same conduct would have excused such abuse, neglect,  
6 or exploitation if the parties had not been family or  
7 household members.

8 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
9 eff. 7-28-16; 100-388, eff. 1-1-18; revised 10-6-17.)

10 Section 625. The Collaborative Process Act is amended by  
11 changing Section 5 as follows:

12 (750 ILCS 90/5)

13 Sec. 5. Definitions. In this Act:

14 (1) "Collaborative process communication" means a  
15 statement, whether oral or in a record, or verbal or nonverbal,  
16 that:

17 (A) is made to conduct, participate in, continue, or  
18 reconvene a collaborative process; and

19 (B) occurs after the parties sign a collaborative  
20 process participation agreement and before the  
21 collaborative process is concluded.

22 (2) "Collaborative process participation agreement" means  
23 a written agreement by persons acting with informed consent to  
24 participate in a collaborative process, in which the persons

1 agree to discharge their collaborative process lawyer and law  
2 firm if the collaborative process fails.

3 (3) "Collaborative process" means a procedure intended to  
4 resolve a collaborative process matter without intervention by  
5 a court in which persons:

6 (A) sign a collaborative process participation  
7 agreement; and

8 (B) are represented by collaborative process lawyers.

9 (4) "Collaborative process lawyer" means a lawyer who  
10 represents a party in a collaborative process and helps carry  
11 out the process of the agreement, but is not a party to the  
12 agreement.

13 (5) "Collaborative process matter" means a dispute,  
14 transaction, claim, problem, or issue for resolution,  
15 including a dispute, claim, or issue in a proceeding, which is  
16 described in a collaborative process participation agreement  
17 and arises under the family or domestic relations law of this  
18 State, including:

19 (A) marriage, divorce, dissolution, annulment, legal  
20 separation, and property distribution;

21 (B) significant decision-making ~~decision-making~~ and  
22 parenting time of children;

23 (C) maintenance and child support;

24 (D) adoption;

25 (E) parentage; and

26 (F) premarital, marital, and post-marital agreements.

1 "Collaborative process matter" does not include any  
2 dispute, transaction, claim, problem, or issue that: (i) is the  
3 subject of a pending action under the Juvenile Court Act of  
4 1987; (ii) is under investigation by the Illinois Department of  
5 Children and Family Services pursuant to the Abused and  
6 Neglected Child Reporting Act; or (iii) resulted in a currently  
7 open case with the Illinois Department of Children and Family  
8 Services.

9 (6) "Law firm" means:

10 (A) lawyers who practice law together in a partnership,  
11 professional corporation, sole proprietorship, limited  
12 liability company, or association; and

13 (B) lawyers employed in a legal services organization,  
14 law school or the legal department of a corporation or  
15 other organization.

16 (7) "Nonparty participant" means a person, other than a  
17 party and the party's collaborative process lawyer, that  
18 participates in a collaborative process.

19 (8) "Party" means a person other than a collaborative  
20 process lawyer that signs a collaborative process  
21 participation agreement and whose consent is necessary to  
22 resolve a collaborative process matter.

23 (9) "Person" means an individual, corporation, business  
24 trust, estate, trust, partnership, limited liability company,  
25 association, joint venture, public corporation, government or  
26 governmental subdivision, agency, or instrumentality, or any

1 other legal or commercial entity.

2 (10) "Proceeding" means a judicial or other adjudicative  
3 process before a court, including related prehearing and  
4 post-hearing motions, conferences, and discovery.

5 (11) "Prospective party" means a person that discusses with  
6 a prospective collaborative process lawyer the possibility of  
7 signing a collaborative process participation agreement.

8 (12) "Record" means information that is inscribed on a  
9 tangible medium or that is stored in an electronic or other  
10 medium and is retrievable in perceivable form.

11 (13) "Related to a collaborative process matter" means  
12 involving the same parties, transaction or occurrence, nucleus  
13 of operative fact, dispute, claim, or issue as the  
14 collaborative process matter.

15 (14) "Sign" means, with present intent to authenticate or  
16 adopt a record:

17 (A) to execute or adopt a tangible symbol; or

18 (B) to attach to or logically associate with the record  
19 an electronic symbol, sound, or process.

20 (Source: P.A. 100-205, eff. 1-1-18; revised 10-6-17.)

21 Section 630. The Installment Sales Contract Act is amended  
22 by changing Sections 10 and 75 as follows:

23 (765 ILCS 67/10)

24 Sec. 10. Terms and conditions of installment sales



1 contracts.

2 (a) The seller of residential real estate by installment  
3 sales contract shall provide the buyer with a written contract  
4 that complies with the requirements set forth in this Section.

5 (b) Until both parties have a copy of the executed contract  
6 signed by the buyer and the seller with the signatures  
7 notarized, either party has the right to rescind the contract,  
8 in addition to all other remedies provided by this Act. Upon  
9 rescission, pursuant to this Section, the seller shall refund  
10 to the buyer all money paid to the seller as of the date of  
11 rescission.

12 (c) An installment sales contract for the sale of any  
13 residential real estate subject to the contract shall clearly  
14 and conspicuously disclose the following:

15 (1) The address, permanent index number, and legal  
16 description of the residential real estate subject to the  
17 contract.

18 (2) The price of the residential real estate subject to  
19 the contract.

20 (3) The amount, if any, of any down payment applied to  
21 the price of the residential real estate subject to the  
22 contract and the resulting principal on the loan.

23 (4) The amount of the periodic payment, any grace  
24 periods for late payments, late payment fees, and to whom,  
25 where, and how the buyer should deliver each payment.

26 (5) The interest rate being charged, if any, expressed

1           only as an annual percentage rate.

2           (6) The term of the loan expressed in years and months  
3           and the total number of periodic payments due.

4           (7) The amount, if any, of any balloon payments and  
5           when each balloon payment is due.

6           (8) A statement outlining whether the seller or the  
7           buyer is responsible for paying real estate taxes and  
8           insurance and how responsibilities of the buyer and seller  
9           change based on the time period the residential real estate  
10          subject to the contract is occupied by the buyer and what  
11          percentage of the principal is paid down. In all  
12          circumstances not defined in the disclosure required by  
13          this subsection, the seller has the responsibility for  
14          paying real estate taxes and insurance.

15          (9) The amount that will be charged periodically, if  
16          any, for the first year to pay real estate taxes.

17          (10) The amount that will be charged periodically, if  
18          any, for the first year to pay insurance.

19          (11) A statement that the amounts listed in items (9)  
20          and (10) of this subsection are subject to change each  
21          year.

22          (12) The fair cash value as defined in the Property Tax  
23          Code and set forth on the real estate tax bill for the year  
24          immediately prior to the sale, and the assessed value of  
25          the property as set forth on the real estate tax bill for  
26          the year immediately prior to the sale.

1           (13) The amount of real estate taxes for the year  
2 immediately prior to the sale.

3           (14) Any unpaid amounts owing on prior real estate  
4 taxes.

5           (15) The amount of the annual insurance payment for the  
6 year immediately prior to the sale.

7           (16) The type of insurance coverage, including, but not  
8 limited to, property insurance and title insurance, for the  
9 buyer and seller that will be required or provided.

10           (17) The seller's interest in the structure being sold.

11           (18) Any known liens or mortgages or other title  
12 limitations existing on the property.

13           (19) An explanation as to when the buyer will obtain  
14 the title.

15           (20) A statement defining what repairs the buyer is  
16 financially responsible for making to the residential real  
17 estate subject to the contract, if any, and how  
18 responsibilities of the buyer and seller to repair the  
19 property change based on the time period the residential  
20 real estate subject to the contract is occupied by the  
21 buyer and what percentage of the principal is paid down by  
22 any repairs made by the buyer. In all circumstances not  
23 defined in the disclosure required by this subsection, the  
24 seller has the financial responsibility for all repairs  
25 required to be made pursuant to the installment sales  
26 contract.

1           (21) A statement defining what, if any, alterations of  
2 the property must be approved by both the buyer and the  
3 seller prior to the alterations being made, including  
4 requirements to provide evidence of proper permits,  
5 insurance, and lien waiver agreements.

6           (22) Any additional charges or fees due at the time of  
7 the date of sale or at a later date.

8           (23) An amortization schedule, as defined in Section 5.

9           (24) A certificate of compliance with applicable  
10 dwelling codes, or in the absence of such a certificate:

11           (i) an express written warranty that no notice from any  
12 municipality or other governmental authority of a dwelling  
13 code violation that existed with respect to the residential  
14 real estate subject to the contract before the installment  
15 sales contract was executed had been received by the  
16 seller, his or her principal, or his or her agent within 10  
17 years of the date of execution of the installment sales  
18 contract; or (ii) if any notice of a violation had been  
19 received, a list of all such notices with a detailed  
20 statement of all violations referred to in the notice.

21           (25) A statement, in large bold font stating in  
22 substantially similar form: "NOTE TO BUYER: BEFORE SIGNING  
23 THE CONTRACT THE BUYER HAS THE OPTION OF OBTAINING AN  
24 INDEPENDENT THIRD PARTY INSPECTION AND/OR APPRAISAL SO  
25 THAT THE BUYER CAN DETERMINE THE CONDITION AND ESTIMATED  
26 MARKET VALUE OF THE RESIDENTIAL REAL ESTATE AND DECIDE

1           WHETHER TO SIGN THE CONTRACT.".

2           (26) If the residential real estate or any dwelling  
3           structure thereon that is subject to the contract has been  
4           condemned by the unit of government having jurisdiction,  
5           the contract shall include a statement, in large bold font  
6           stating in substantially similar form: "NOTE TO BUYER: THE  
7           RESIDENTIAL REAL ESTATE BEING SOLD THROUGH THIS CONTRACT  
8           HAS BEEN CONDEMNED BY THE UNIT OF GOVERNMENT HAVING  
9           JURISDICTION."

10          (27) A statement that the seller provided the buyer the  
11          installment sales contract disclosure prepared by the  
12          Office of the Attorney General as required under Illinois  
13          State law. The statement shall include the date on which  
14          the buyer was provided with the disclosure, which must be  
15          at least 3 full business days before the contract was  
16          executed.

17          (28) A statement that: (i) if the buyer defaults in  
18          payment, any action brought against the buyer under the  
19          contract shall be initiated only after the expiration of 90  
20          days from the date of the default; and (ii) a buyer in  
21          default may, prior to the expiration of the 90-day period,  
22          make all payments, fees and charges currently due under the  
23          contract to cure the default.

24          (d) The requirements of this Section cannot be waived by  
25          the buyer or seller.

26          (Source: P.A. 100-416, eff. 1-1-18; revised 10-6-17.)

1 (765 ILCS 67/75)

2 Sec. 75. Installment sales contract disclosures.

3 (a) The Office of the Attorney General shall develop the  
4 content and format of an educational document providing  
5 independent consumer information regarding installment sales  
6 contracts and the availability of independent housing  
7 counseling services, including services provided by nonprofit  
8 agencies certified by the federal government to provide housing  
9 counseling. The document shall be updated and revised as often  
10 as deemed necessary by the Office of the Attorney General.

11 (b) The document described in subsection (a) of this  
12 Section shall include the following statement: "IMPORTANT  
13 NOTICE REGARDING THE COOLING-OFF PERIOD: Illinois State law  
14 requires a 3-day cooling-off period for installment sales  
15 contracts, during which time a potential buyer cannot be  
16 required to close or proceed with the contract. The purpose of  
17 this requirement is to provide a potential buyer with 3  
18 business days to consider his or her decision whether to sign  
19 an installment sales contract. Potential buyers may want to  
20 seek additional information from a HUD-approved housing  
21 counselor during this 3-day period. The 3-day cooling-off  
22 period cannot be waived.".

23 (Source: P.A. 100-416, eff. 1-1-18; revised 10-6-17.)

24 Section 635. The Statute Concerning Perpetuities is

1 amended by changing Section 6 as follows:

2 (765 ILCS 305/6) (from Ch. 30, par. 196)

3 Sec. 6. Application of Act ~~Effective date~~. This Act shall  
4 apply only to instruments, including instruments which  
5 exercise a power of appointment, which become effective after  
6 the effective date of this Act.

7 (Source: P.A. 76-1428; revised 10-6-17.)

8 Section 640. The Condominium Property Act is amended by  
9 changing Sections 18, 19, and 27 as follows:

10 (765 ILCS 605/18) (from Ch. 30, par. 318)

11 Sec. 18. Contents of bylaws. The bylaws shall provide for  
12 at least the following:

13 (a) (1) The election from among the unit owners of a  
14 board of managers, the number of persons constituting such  
15 board, and that the terms of at least one-third of the  
16 members of the board shall expire annually and that all  
17 members of the board shall be elected at large; if there  
18 are multiple owners of a single unit, only one of the  
19 multiple owners shall be eligible to serve as a member of  
20 the board at any one time;

21 (2) the powers and duties of the board;

22 (3) the compensation, if any, of the members of the  
23 board;

1           (4) the method of removal from office of members of the  
2 board;

3           (5) that the board may engage the services of a manager  
4 or managing agent;

5           (6) that each unit owner shall receive, at least 25  
6 days prior to the adoption thereof by the board of  
7 managers, a copy of the proposed annual budget together  
8 with an indication of which portions are intended for  
9 reserves, capital expenditures or repairs or payment of  
10 real estate taxes;

11           (7) that the board of managers shall annually supply to  
12 all unit owners an itemized accounting of the common  
13 expenses for the preceding year actually incurred or paid,  
14 together with an indication of which portions were for  
15 reserves, capital expenditures or repairs or payment of  
16 real estate taxes and with a tabulation of the amounts  
17 collected pursuant to the budget or assessment, and showing  
18 the net excess or deficit of income over expenditures plus  
19 reserves;

20           (8) (i) that each unit owner shall receive notice, in  
21 the same manner as is provided in this Act for membership  
22 meetings, of any meeting of the board of managers  
23 concerning the adoption of the proposed annual budget and  
24 regular assessments pursuant thereto or to adopt a separate  
25 (special) assessment, (ii) that except as provided in  
26 subsection (iv) below, if an adopted budget or any separate



1 assessment adopted by the board would result in the sum of  
2 all regular and separate assessments payable in the current  
3 fiscal year exceeding 115% of the sum of all regular and  
4 separate assessments payable during the preceding fiscal  
5 year, the board of managers, upon written petition by unit  
6 owners with 20 percent of the votes of the association  
7 delivered to the board within 21 days of the board action,  
8 shall call a meeting of the unit owners within 30 days of  
9 the date of delivery of the petition to consider the budget  
10 or separate assessment; unless a majority of the total  
11 votes of the unit owners are cast at the meeting to reject  
12 the budget or separate assessment, it is ratified, (iii)  
13 that any common expense not set forth in the budget or any  
14 increase in assessments over the amount adopted in the  
15 budget shall be separately assessed against all unit  
16 owners, (iv) that separate assessments for expenditures  
17 relating to emergencies or mandated by law may be adopted  
18 by the board of managers without being subject to unit  
19 owner approval or the provisions of item (ii) above or item  
20 (v) below. As used herein, "emergency" means an immediate  
21 danger to the structural integrity of the common elements  
22 or to the life, health, safety or property of the unit  
23 owners, (v) that assessments for additions and alterations  
24 to the common elements or to association-owned property not  
25 included in the adopted annual budget, shall be separately  
26 assessed and are subject to approval of two-thirds of the

1 total votes of all unit owners, (vi) that the board of  
2 managers may adopt separate assessments payable over more  
3 than one fiscal year. With respect to multi-year  
4 assessments not governed by items (iv) and (v), the entire  
5 amount of the multi-year assessment shall be deemed  
6 considered and authorized in the first fiscal year in which  
7 the assessment is approved;

8 (9) (A) that every meeting of the board of managers  
9 shall be open to any unit owner, except that the board may  
10 close any portion of a noticed meeting or meet separately  
11 from a noticed meeting to: (i) discuss litigation when an  
12 action against or on behalf of the particular association  
13 has been filed and is pending in a court or administrative  
14 tribunal, or when the board of managers finds that such an  
15 action is probable or imminent, (ii) discuss the  
16 appointment, employment, engagement, or dismissal of an  
17 employee, independent contractor, agent, or other provider  
18 of goods and services, (iii) interview a potential  
19 employee, independent contractor, agent, or other provider  
20 of goods and services, (iv) discuss violations of rules and  
21 regulations of the association, (v) discuss a unit owner's  
22 unpaid share of common expenses, or (vi) consult with the  
23 association's legal counsel; that any vote on these matters  
24 shall take place at a meeting of the board of managers or  
25 portion thereof open to any unit owner;

26 (B) that board members may participate in and act at

1 any meeting of the board of managers in person, by  
2 telephonic means, or by use of any acceptable technological  
3 means whereby all persons participating in the meeting can  
4 communicate with each other; that participation  
5 constitutes attendance and presence in person at the  
6 meeting;

7 (C) that any unit owner may record the proceedings at  
8 meetings of the board of managers or portions thereof  
9 required to be open by this Act by tape, film or other  
10 means, and that the board may prescribe reasonable rules  
11 and regulations to govern the right to make such  
12 recordings;

13 (D) that notice of every meeting of the board of  
14 managers shall be given to every board member at least 48  
15 hours prior thereto, unless the board member waives notice  
16 of the meeting pursuant to subsection (a) of Section 18.8;  
17 and

18 (E) that notice of every meeting of the board of  
19 managers shall be posted in entranceways, elevators, or  
20 other conspicuous places in the condominium at least 48  
21 hours prior to the meeting of the board of managers except  
22 where there is no common entranceway for 7 or more units,  
23 the board of managers may designate one or more locations  
24 in the proximity of these units where the notices of  
25 meetings shall be posted; that notice of every meeting of  
26 the board of managers shall also be given at least 48 hours

1 prior to the meeting, or such longer notice as this Act may  
2 separately require, to: (i) each unit owner who has  
3 provided the association with written authorization to  
4 conduct business by acceptable technological means, and  
5 (ii) to the extent that the condominium instruments of an  
6 association require, to each other unit owner, as required  
7 by subsection (f) of Section 18.8, by mail or delivery, and  
8 that no other notice of a meeting of the board of managers  
9 need be given to any unit owner;

10 (10) that the board shall meet at least 4 times  
11 annually;

12 (11) that no member of the board or officer shall be  
13 elected for a term of more than 2 years, but that officers  
14 and board members may succeed themselves;

15 (12) the designation of an officer to mail and receive  
16 all notices and execute amendments to condominium  
17 instruments as provided for in this Act and in the  
18 condominium instruments;

19 (13) the method of filling vacancies on the board which  
20 shall include authority for the remaining members of the  
21 board to fill the vacancy by two-thirds vote until the next  
22 annual meeting of unit owners or for a period terminating  
23 no later than 30 days following the filing of a petition  
24 signed by unit owners holding 20% of the votes of the  
25 association requesting a meeting of the unit owners to fill  
26 the vacancy for the balance of the term, and that a meeting

1 of the unit owners shall be called for purposes of filling  
2 a vacancy on the board no later than 30 days following the  
3 filing of a petition signed by unit owners holding 20% of  
4 the votes of the association requesting such a meeting, and  
5 the method of filling vacancies among the officers that  
6 shall include the authority for the members of the board to  
7 fill the vacancy for the unexpired portion of the term;

8 (14) what percentage of the board of managers, if other  
9 than a majority, shall constitute a quorum;

10 (15) provisions concerning notice of board meetings to  
11 members of the board;

12 (16) the board of managers may not enter into a  
13 contract with a current board member or with a corporation  
14 or partnership in which a board member or a member of the  
15 board member's immediate family has 25% or more interest,  
16 unless notice of intent to enter the contract is given to  
17 unit owners within 20 days after a decision is made to  
18 enter into the contract and the unit owners are afforded an  
19 opportunity by filing a petition, signed by 20% of the unit  
20 owners, for an election to approve or disapprove the  
21 contract; such petition shall be filed within 30 days after  
22 such notice and such election shall be held within 30 days  
23 after filing the petition; for purposes of this subsection,  
24 a board member's immediate family means the board member's  
25 spouse, parents, and children;

26 (17) that the board of managers may disseminate to unit

1 owners biographical and background information about  
2 candidates for election to the board if (i) reasonable  
3 efforts to identify all candidates are made and all  
4 candidates are given an opportunity to include  
5 biographical and background information in the information  
6 to be disseminated; and (ii) the board does not express a  
7 preference in favor of any candidate;

8 (18) any proxy distributed for board elections by the  
9 board of managers gives unit owners the opportunity to  
10 designate any person as the proxy holder, and gives the  
11 unit owner the opportunity to express a preference for any  
12 of the known candidates for the board or to write in a  
13 name;

14 (19) that special meetings of the board of managers can  
15 be called by the president or 25% of the members of the  
16 board;

17 (20) that the board of managers may establish and  
18 maintain a system of master metering of public utility  
19 services and collect payments in connection therewith,  
20 subject to the requirements of the Tenant Utility Payment  
21 Disclosure Act; and

22 (21) that the board may ratify and confirm actions of  
23 the members of the board taken in response to an emergency,  
24 as that term is defined in subdivision (a) (8) (iv) of this  
25 Section; that the board shall give notice to the unit  
26 owners of: (i) the occurrence of the emergency event within

1           7 business days after the emergency event, and (ii) the  
2           general description of the actions taken to address the  
3           event within 7 days after the emergency event.

4           The intent of the provisions of Public Act 99-472  
5           adding this paragraph (21) is to empower and support boards  
6           to act in emergencies.

7           (b) (1) What percentage of the unit owners, if other  
8           than 20%, shall constitute a quorum provided that, for  
9           condominiums with 20 or more units, the percentage of unit  
10          owners constituting a quorum shall be 20% unless the unit  
11          owners holding a majority of the percentage interest in the  
12          association provide for a higher percentage, provided that  
13          in voting on amendments to the association's bylaws, a unit  
14          owner who is in arrears on the unit owner's regular or  
15          separate assessments for 60 days or more, shall not be  
16          counted for purposes of determining if a quorum is present,  
17          but that unit owner retains the right to vote on amendments  
18          to the association's bylaws;

19          (2) that the association shall have one class of  
20          membership;

21          (3) that the members shall hold an annual meeting, one  
22          of the purposes of which shall be to elect members of the  
23          board of managers;

24          (4) the method of calling meetings of the unit owners;

25          (5) that special meetings of the members can be called  
26          by the president, board of managers, or by 20% of unit

1 owners;

2 (6) that written notice of any membership meeting shall  
3 be mailed or delivered giving members no less than 10 and  
4 no more than 30 days notice of the time, place and purpose  
5 of such meeting except that notice may be sent, to the  
6 extent the condominium instruments or rules adopted  
7 thereunder expressly so provide, by electronic  
8 transmission consented to by the unit owner to whom the  
9 notice is given, provided the director and officer or his  
10 agent certifies in writing to the delivery by electronic  
11 transmission;

12 (7) that voting shall be on a percentage basis, and  
13 that the percentage vote to which each unit is entitled is  
14 the percentage interest of the undivided ownership of the  
15 common elements appurtenant thereto, provided that the  
16 bylaws may provide for approval by unit owners in  
17 connection with matters where the requisite approval on a  
18 percentage basis is not specified in this Act, on the basis  
19 of one vote per unit;

20 (8) that, where there is more than one owner of a unit,  
21 if only one of the multiple owners is present at a meeting  
22 of the association, he is entitled to cast all the votes  
23 allocated to that unit, if more than one of the multiple  
24 owners are present, the votes allocated to that unit may be  
25 cast only in accordance with the agreement of a majority in  
26 interest of the multiple owners, unless the declaration



1 expressly provides otherwise, that there is majority  
2 agreement if any one of the multiple owners cast the votes  
3 allocated to that unit without protest being made promptly  
4 to the person presiding over the meeting by any of the  
5 other owners of the unit;

6 (9) (A) except as provided in subparagraph (B) of this  
7 paragraph (9) in connection with board elections, that a  
8 unit owner may vote by proxy executed in writing by the  
9 unit owner or by his duly authorized attorney in fact; that  
10 the proxy must bear the date of execution and, unless the  
11 condominium instruments or the written proxy itself  
12 provide otherwise, is invalid after 11 months from the date  
13 of its execution; to the extent the condominium instruments  
14 or rules adopted thereunder expressly so provide, a vote or  
15 proxy may be submitted by electronic transmission,  
16 provided that any such electronic transmission shall  
17 either set forth or be submitted with information from  
18 which it can be determined that the electronic transmission  
19 was authorized by the unit owner or the unit owner's proxy;

20 (B) that if a rule adopted at least 120 days before a  
21 board election or the declaration or bylaws provide for  
22 balloting as set forth in this subsection, unit owners may  
23 not vote by proxy in board elections, but may vote only (i)  
24 by submitting an association-issued ballot in person at the  
25 election meeting or (ii) by submitting an  
26 association-issued ballot to the association or its

1 designated agent by mail or other means of delivery  
2 specified in the declaration, bylaws, or rule; that the  
3 ballots shall be mailed or otherwise distributed to unit  
4 owners not less than 10 and not more than 30 days before  
5 the election meeting, and the board shall give unit owners  
6 not less than 21 days' prior written notice of the deadline  
7 for inclusion of a candidate's name on the ballots; that  
8 the deadline shall be no more than 7 days before the  
9 ballots are mailed or otherwise distributed to unit owners;  
10 that every such ballot must include the names of all  
11 candidates who have given the board or its authorized agent  
12 timely written notice of their candidacy and must give the  
13 person casting the ballot the opportunity to cast votes for  
14 candidates whose names do not appear on the ballot; that a  
15 ballot received by the association or its designated agent  
16 after the close of voting shall not be counted; that a unit  
17 owner who submits a ballot by mail or other means of  
18 delivery specified in the declaration, bylaws, or rule may  
19 request and cast a ballot in person at the election  
20 meeting, and thereby void any ballot previously submitted  
21 by that unit owner;

22 (B-5) that if a rule adopted at least 120 days before a  
23 board election or the declaration or bylaws provide for  
24 balloting as set forth in this subparagraph, unit owners  
25 may not vote by proxy in board elections, but may vote only  
26 (i) by submitting an association-issued ballot in person at

1 the election meeting; or (ii) by any acceptable  
2 technological means as defined in Section 2 of this Act;  
3 instructions regarding the use of electronic means for  
4 voting shall be distributed to all unit owners not less  
5 than 10 and not more than 30 days before the election  
6 meeting, and the board shall give unit owners not less than  
7 21 days' prior written notice of the deadline for inclusion  
8 of a candidate's name on the ballots; the deadline shall be  
9 no more than 7 days before the instructions for voting  
10 using electronic or acceptable technological means is  
11 distributed to unit owners; every instruction notice must  
12 include the names of all candidates who have given the  
13 board or its authorized agent timely written notice of  
14 their candidacy and must give the person voting through  
15 electronic or acceptable technological means the  
16 opportunity to cast votes for candidates whose names do not  
17 appear on the ballot; a unit owner who submits a vote using  
18 electronic or acceptable technological means may request  
19 and cast a ballot in person at the election meeting,  
20 thereby voiding any vote previously submitted by that unit  
21 owner;

22 (C) that if a written petition by unit owners with at  
23 least 20% of the votes of the association is delivered to  
24 the board within 30 days after the board's approval of a  
25 rule adopted pursuant to subparagraph (B) or subparagraph  
26 (B-5) of this paragraph (9), the board shall call a meeting

1 of the unit owners within 30 days after the date of  
2 delivery of the petition; that unless a majority of the  
3 total votes of the unit owners are cast at the meeting to  
4 reject the rule, the rule is ratified;

5 (D) that votes cast by ballot under subparagraph (B) or  
6 electronic or acceptable technological means under  
7 subparagraph (B-5) of this paragraph (9) are valid for the  
8 purpose of establishing a quorum;

9 (10) that the association may, upon adoption of the  
10 appropriate rules by the board of managers, conduct  
11 elections by secret ballot whereby the voting ballot is  
12 marked only with the percentage interest for the unit and  
13 the vote itself, provided that the board further adopt  
14 rules to verify the status of the unit owner issuing a  
15 proxy or casting a ballot; and further, that a candidate  
16 for election to the board of managers or such candidate's  
17 representative shall have the right to be present at the  
18 counting of ballots at such election;

19 (11) that in the event of a resale of a condominium  
20 unit the purchaser of a unit from a seller other than the  
21 developer pursuant to an installment sales contract for  
22 purchase shall during such times as he or she resides in  
23 the unit be counted toward a quorum for purposes of  
24 election of members of the board of managers at any meeting  
25 of the unit owners called for purposes of electing members  
26 of the board, shall have the right to vote for the election

1 of members of the board of managers and to be elected to  
2 and serve on the board of managers unless the seller  
3 expressly retains in writing any or all of such rights. In  
4 no event may the seller and purchaser both be counted  
5 toward a quorum, be permitted to vote for a particular  
6 office or be elected and serve on the board. Satisfactory  
7 evidence of the installment sales contract shall be made  
8 available to the association or its agents. For purposes of  
9 this subsection, "installment sales contract" shall have  
10 the same meaning as set forth in Section 5 of the  
11 Installment Sales Contract Act and Section 1(e) of the  
12 Dwelling Unit Installment Contract Act;

13 (12) the method by which matters subject to the  
14 approval of unit owners set forth in this Act, or in the  
15 condominium instruments, will be submitted to the unit  
16 owners at special membership meetings called for such  
17 purposes; and

18 (13) that matters subject to the affirmative vote of  
19 not less than 2/3 of the votes of unit owners at a meeting  
20 duly called for that purpose, shall include, but not be  
21 limited to:

22 (i) merger or consolidation of the association;

23 (ii) sale, lease, exchange, or other disposition  
24 (excluding the mortgage or pledge) of all, or  
25 substantially all of the property and assets of the  
26 association; and

1           (iii) the purchase or sale of land or of units on  
2           behalf of all unit owners.

3           (c) Election of a president from among the board of  
4           managers, who shall preside over the meetings of the board  
5           of managers and of the unit owners.

6           (d) Election of a secretary from among the board of  
7           managers, who shall keep the minutes of all meetings of the  
8           board of managers and of the unit owners and who shall, in  
9           general, perform all the duties incident to the office of  
10          secretary.

11          (e) Election of a treasurer from among the board of  
12          managers, who shall keep the financial records and books of  
13          account.

14          (f) Maintenance, repair and replacement of the common  
15          elements and payments therefor, including the method of  
16          approving payment vouchers.

17          (g) An association with 30 or more units shall obtain  
18          and maintain fidelity insurance covering persons who  
19          control or disburse funds of the association for the  
20          maximum amount of coverage available to protect funds in  
21          the custody or control of the association plus the  
22          association reserve fund. All management companies which  
23          are responsible for the funds held or administered by the  
24          association shall maintain and furnish to the association a  
25          fidelity bond for the maximum amount of coverage available  
26          to protect funds in the custody of the management company

1 at any time. The association shall bear the cost of the  
2 fidelity insurance and fidelity bond, unless otherwise  
3 provided by contract between the association and a  
4 management company. The association shall be the direct  
5 obligee of any such fidelity bond. A management company  
6 holding reserve funds of an association shall at all times  
7 maintain a separate account for each association,  
8 provided, however, that for investment purposes, the Board  
9 of Managers of an association may authorize a management  
10 company to maintain the association's reserve funds in a  
11 single interest bearing account with similar funds of other  
12 associations. The management company shall at all times  
13 maintain records identifying all moneys of each  
14 association in such investment account. The management  
15 company may hold all operating funds of associations which  
16 it manages in a single operating account but shall at all  
17 times maintain records identifying all moneys of each  
18 association in such operating account. Such operating and  
19 reserve funds held by the management company for the  
20 association shall not be subject to attachment by any  
21 creditor of the management company.

22 For the purpose of this subsection, a management  
23 company shall be defined as a person, partnership,  
24 corporation, or other legal entity entitled to transact  
25 business on behalf of others, acting on behalf of or as an  
26 agent for a unit owner, unit owners or association of unit

1 owners for the purpose of carrying out the duties,  
2 responsibilities, and other obligations necessary for the  
3 day to day operation and management of any property subject  
4 to this Act. For purposes of this subsection, the term  
5 "fiduciary insurance coverage" shall be defined as both a  
6 fidelity bond and directors and officers liability  
7 coverage, the fidelity bond in the full amount of  
8 association funds and association reserves that will be in  
9 the custody of the association, and the directors and  
10 officers liability coverage at a level as shall be  
11 determined to be reasonable by the board of managers, if  
12 not otherwise established by the declaration or by laws.

13 Until one year after September 21, 1985 (the effective  
14 date of Public Act 84-722), if a condominium association  
15 has reserves plus assessments in excess of \$250,000 and  
16 cannot reasonably obtain 100% fidelity bond coverage for  
17 such amount, then it must obtain a fidelity bond coverage  
18 of \$250,000.

19 (h) Method of estimating the amount of the annual  
20 budget, and the manner of assessing and collecting from the  
21 unit owners their respective shares of such estimated  
22 expenses, and of any other expenses lawfully agreed upon.

23 (i) That upon 10 days notice to the manager or board of  
24 managers and payment of a reasonable fee, any unit owner  
25 shall be furnished a statement of his account setting forth  
26 the amount of any unpaid assessments or other charges due



1 and owing from such owner.

2 (j) Designation and removal of personnel necessary for  
3 the maintenance, repair and replacement of the common  
4 elements.

5 (k) Such restrictions on and requirements respecting  
6 the use and maintenance of the units and the use of the  
7 common elements, not set forth in the declaration, as are  
8 designed to prevent unreasonable interference with the use  
9 of their respective units and of the common elements by the  
10 several unit owners.

11 (l) Method of adopting and of amending administrative  
12 rules and regulations governing the operation and use of  
13 the common elements.

14 (m) The percentage of votes required to modify or amend  
15 the bylaws, but each one of the particulars set forth in  
16 this section shall always be embodied in the bylaws.

17 (n) (i) The provisions of this Act, the declaration,  
18 bylaws, other condominium instruments, and rules and  
19 regulations that relate to the use of the individual unit  
20 or the common elements shall be applicable to any person  
21 leasing a unit and shall be deemed to be incorporated in  
22 any lease executed or renewed on or after August 30, 1984  
23 (the effective date of Public Act 83-1271).

24 (ii) With regard to any lease entered into subsequent  
25 to July 1, 1990 (the effective date of Public Act 86-991),  
26 the unit owner leasing the unit shall deliver a copy of the

1 signed lease to the board or if the lease is oral, a  
2 memorandum of the lease, not later than the date of  
3 occupancy or 10 days after the lease is signed, whichever  
4 occurs first. In addition to any other remedies, by filing  
5 an action jointly against the tenant and the unit owner, an  
6 association may seek to enjoin a tenant from occupying a  
7 unit or seek to evict a tenant under the provisions of  
8 Article IX of the Code of Civil Procedure for failure of  
9 the lessor-owner to comply with the leasing requirements  
10 prescribed by this Section or by the declaration, bylaws,  
11 and rules and regulations. The board of managers may  
12 proceed directly against a tenant, at law or in equity, or  
13 under the provisions of Article IX of the Code of Civil  
14 Procedure, for any other breach by tenant of any covenants,  
15 rules, regulations or bylaws.

16 (o) The association shall have no authority to forbear  
17 the payment of assessments by any unit owner.

18 (p) That when 30% or fewer of the units, by number,  
19 possess over 50% in the aggregate of the votes in the  
20 association, any percentage vote of members specified  
21 herein or in the condominium instruments shall require the  
22 specified percentage by number of units rather than by  
23 percentage of interest in the common elements allocated to  
24 units that would otherwise be applicable and garage units  
25 or storage units, or both, shall have, in total, no more  
26 votes than their aggregate percentage of ownership in the

1 common elements; this shall mean that if garage units or  
2 storage units, or both, are to be given a vote, or portion  
3 of a vote, that the association must add the total number  
4 of votes cast of garage units, storage units, or both, and  
5 divide the total by the number of garage units, storage  
6 units, or both, and multiply by the aggregate percentage of  
7 ownership of garage units and storage units to determine  
8 the vote, or portion of a vote, that garage units or  
9 storage units, or both, have. For purposes of this  
10 subsection (p), when making a determination of whether 30%  
11 or fewer of the units, by number, possess over 50% in the  
12 aggregate of the votes in the association, a unit shall not  
13 include a garage unit or a storage unit.

14 (q) That a unit owner may not assign, delegate,  
15 transfer, surrender, or avoid the duties,  
16 responsibilities, and liabilities of a unit owner under  
17 this Act, the condominium instruments, or the rules and  
18 regulations of the Association; and that such an attempted  
19 assignment, delegation, transfer, surrender, or avoidance  
20 shall be deemed void.

21 The provisions of this Section are applicable to all  
22 condominium instruments recorded under this Act. Any portion of  
23 a condominium instrument which contains provisions contrary to  
24 these provisions shall be void as against public policy and  
25 ineffective. Any such instrument which fails to contain the  
26 provisions required by this Section shall be deemed to

1 incorporate such provisions by operation of law.

2 (Source: P.A. 99-472, eff. 6-1-16; 99-567, eff. 1-1-17; 99-642,  
3 eff. 7-28-16; 100-292, eff. 1-1-18; 100-416, eff. 1-1-18;  
4 revised 10-6-17.)

5 (765 ILCS 605/19) (from Ch. 30, par. 319)

6 Sec. 19. Records of the association; availability for  
7 examination.

8 (a) The board of managers of every association shall keep  
9 and maintain the following records, or true and complete copies  
10 of these records, at the association's principal office:

11 (1) the association's declaration, bylaws, and plats  
12 of survey, and all amendments of these;

13 (2) the rules and regulations of the association, if  
14 any;

15 (3) if the association is incorporated as a  
16 corporation, the articles of incorporation of the  
17 association and all amendments to the articles of  
18 incorporation;

19 (4) minutes of all meetings of the association and its  
20 board of managers for the immediately preceding 7 years;

21 (5) all current policies of insurance of the  
22 association;

23 (6) all contracts, leases, and other agreements then in  
24 effect to which the association is a party or under which  
25 the association or the unit owners have obligations or

1 liabilities;

2 (7) a current listing of the names, addresses, email  
3 addresses, telephone numbers, and weighted vote of all  
4 members entitled to vote;

5 (8) ballots and proxies related to ballots for all  
6 matters voted on by the members of the association during  
7 the immediately preceding 12 months, including, but not  
8 limited to, the election of members of the board of  
9 managers; and

10 (9) the books and records for the association's current  
11 and 10 immediately preceding fiscal years, including, but  
12 not limited to, itemized and detailed records of all  
13 receipts, expenditures, and accounts.

14 (b) Any member of an association shall have the right to  
15 inspect, examine, and make copies of the records described in  
16 subdivisions (1), (2), (3), (4), (5), (6), and (9) of  
17 subsection (a) of this Section, in person or by agent, at any  
18 reasonable time or times, at the association's principal  
19 office. In order to exercise this right, a member must submit a  
20 written request to the association's board of managers or its  
21 authorized agent, stating with particularity the records  
22 sought to be examined. Failure of an association's board of  
23 managers to make available all records so requested within 10  
24 business days of receipt of the member's written request shall  
25 be deemed a denial.

26 Any member who prevails in an enforcement action to compel

1 examination of records described in subdivisions (1), (2), (3),  
2 (4), (5), (6), and (9) of subsection (a) of this Section shall  
3 be entitled to recover reasonable attorney's fees and costs  
4 from the association.

5 (c) (Blank).

6 (d) (Blank).

7 (d-5) As used in this Section, "commercial purpose" means  
8 the use of any part of a record or records described in  
9 subdivisions (7) and (8) of subsection (a) of this Section, or  
10 information derived from such records, in any form for sale,  
11 resale, or solicitation or advertisement for sales or services.

12 (e) Except as otherwise provided in subsection (g) of this  
13 Section, any member of an association shall have the right to  
14 inspect, examine, and make copies of the records described in  
15 subdivisions (7) and (8) of subsection (a) of this Section, in  
16 person or by agent, at any reasonable time or times but only  
17 for a purpose that relates to the association, at the  
18 association's principal office. In order to exercise this  
19 right, a member must submit a written request, to the  
20 association's board of managers or its authorized agent,  
21 stating with particularity the records sought to be examined.  
22 As a condition for exercising this right, the board of managers  
23 or authorized agent of the association may require the member  
24 to certify in writing that the information contained in the  
25 records obtained by the member will not be used by the member  
26 for any commercial purpose or for any purpose that does not

1 relate to the association. The board of managers of the  
2 association may impose a fine in accordance with item (1) of  
3 Section 18.4 upon any person who makes a false certification.  
4 Subject to the provisions of subsection (g) of this Section,  
5 failure of an association's board of managers to make available  
6 all records so requested within 10 business days of receipt of  
7 the member's written request shall be deemed a denial;  
8 provided, however, that the board of managers of an association  
9 that has adopted a secret ballot election process as provided  
10 in Section 18 of this Act shall not be deemed to have denied a  
11 member's request for records described in subdivision (8) of  
12 subsection (a) of this Section if voting ballots, without  
13 identifying unit numbers, are made available to the requesting  
14 member within 10 business days of receipt of the member's  
15 written request.

16 Any member who prevails in an enforcement action to compel  
17 examination of records described in subdivision ~~subdivisions~~  
18 (7) or (8) of subsection (a) of this Section shall be entitled  
19 to recover reasonable attorney's fees and costs from the  
20 association only if the court finds that the board of directors  
21 acted in bad faith in denying the member's request.

22 (f) The actual cost to the association of retrieving and  
23 making requested records available for inspection and  
24 examination under this Section may be charged by the  
25 association to the requesting member. If a member requests  
26 copies of records requested under this Section, the actual

1 costs to the association of reproducing the records may also be  
2 charged by the association to the requesting member.

3 (g) Notwithstanding the provisions of subsection (e) of  
4 this Section, unless otherwise directed by court order, an  
5 association need not make the following records available for  
6 inspection, examination, or copying by its members:

7 (1) documents relating to appointment, employment,  
8 discipline, or dismissal of association employees;

9 (2) documents relating to actions pending against or on  
10 behalf of the association or its board of managers in a  
11 court or administrative tribunal;

12 (3) documents relating to actions threatened against,  
13 or likely to be asserted on behalf of, the association or  
14 its board of managers in a court or administrative  
15 tribunal;

16 (4) documents relating to common expenses or other  
17 charges owed by a member other than the requesting member;  
18 and

19 (5) documents provided to an association in connection  
20 with the lease, sale, or other transfer of a unit by a  
21 member other than the requesting member.

22 (h) The provisions of this Section are applicable to all  
23 condominium instruments recorded under this Act. Any portion of  
24 a condominium instrument that contains provisions contrary to  
25 these provisions shall be void as against public policy and  
26 ineffective. Any condominium instrument that fails to contain



1 the provisions required by this Section shall be deemed to  
2 incorporate the provisions by operation of law.

3 (Source: P.A. 100-292, eff. 1-1-18; revised 10-6-17.)

4 (765 ILCS 605/27) (from Ch. 30, par. 327)

5 Sec. 27. Amendments.

6 (a) If there is any unit owner other than the developer,  
7 and unless otherwise provided in this Act, the condominium  
8 instruments shall be amended only as follows:

9 (i) upon the affirmative vote of 2/3 of those voting or  
10 upon the majority specified by the condominium  
11 instruments, provided that in no event shall the  
12 condominium instruments require more than a three-quarters  
13 vote of all unit owners; and

14 (ii) with the approval of, or notice to, any mortgagees  
15 or other lienholders of record, if required under the  
16 provisions of the condominium instruments. If the  
17 condominium instruments require approval of any mortgagee  
18 or lienholder of record and the mortgagee or lienholder of  
19 record receives a request to approve or consent to the  
20 amendment to the condominium instruments, the mortgagee or  
21 lienholder of record is deemed to have approved or  
22 consented to the request unless the mortgagee or lienholder  
23 of record delivers a negative response to the requesting  
24 party within 60 days after the mailing of the request. A  
25 request to approve or consent to an amendment to the

1           condominium instruments that is required to be sent to a  
2           mortgagee or lienholder of record shall be sent by  
3           certified mail.

4           (b)(1) If there is an omission, error, or inconsistency in  
5           a condominium instrument, such that a provision of a  
6           condominium instrument does not conform to this Act or to  
7           another applicable statute, the association may correct the  
8           omission, error, or inconsistency to conform the condominium  
9           instrument to this Act or to another applicable statute by an  
10          amendment adopted by vote of two-thirds of the Board of  
11          Managers, without a unit owner vote. A provision in a  
12          condominium instrument requiring or allowing unit owners,  
13          mortgagees, or other lienholders of record to vote to approve  
14          an amendment to a condominium instrument, or for the mortgagees  
15          or other lienholders of record to be given notice of an  
16          amendment to a condominium instrument, is not applicable to an  
17          amendment to the extent that the amendment corrects an  
18          omission, error, or inconsistency to conform the condominium  
19          instrument to this Act or to another applicable statute.

20          (2) If through a scrivener's error, a unit has not been  
21          designated as owning an appropriate undivided share of the  
22          common elements or does not bear an appropriate share of the  
23          common expenses or that all the common expenses or all of the  
24          common elements in the condominium have not been distributed in  
25          the declaration, so that the sum total of the shares of common  
26          elements which have been distributed or the sum total of the

1 shares of the common expenses fail to equal 100%, or if it  
2 appears that more than 100% of the common elements or common  
3 expenses have been distributed, the error may be corrected by  
4 operation of law by filing an amendment to the declaration  
5 approved by vote of two-thirds of the members of the Board of  
6 Managers or a majority vote of the unit owners at a meeting  
7 called for this purpose which proportionately adjusts all  
8 percentage interests so that the total is equal to 100% unless  
9 the condominium instruments specifically provide for a  
10 different procedure or different percentage vote by the owners  
11 of the units and the owners of mortgages thereon affected by  
12 modification being made in the undivided interest in the common  
13 elements, the number of votes in the unit owners association or  
14 the liability for common expenses appertaining to the unit.

15 (3) If an omission or error or a scrivener's error in the  
16 declaration, bylaws or other condominium instrument is  
17 corrected by vote of two-thirds of the members of the Board of  
18 Managers pursuant to the authority established in paragraph  
19 ~~paragraphs~~ (1) or (2) of this subsection (b) ~~this~~, the Board  
20 upon written petition by unit owners with 20 percent of the  
21 votes of the association filed within 30 days of the Board  
22 action shall call a meeting of the unit owners within 30 days  
23 of the filing of the petition to consider the Board action.  
24 Unless a majority of the votes of the unit owners of the  
25 association are cast at the meeting to reject the action, it is  
26 ratified whether or not a quorum is present.

1           (4) The procedures for amendments set forth in this  
2 subsection (b) cannot be used if such an amendment would  
3 materially or adversely affect property rights of the unit  
4 owners unless the affected unit owners consent in writing. This  
5 Section does not restrict the powers of the association to  
6 otherwise amend the declaration, bylaws, or other condominium  
7 instruments, but authorizes a simple process of amendment  
8 requiring a lesser vote for the purpose of correcting defects,  
9 errors, or omissions when the property rights of the unit  
10 owners are not materially or adversely affected.

11           (5) If there is an omission or error in the declaration,  
12 bylaws, or other condominium instruments, which may not be  
13 corrected by an amendment procedure set forth in paragraphs (1)  
14 and (2) of this subsection (b) in the declaration then the  
15 Circuit Court in the County in which the condominium is located  
16 shall have jurisdiction to hear a petition of one or more of  
17 the unit owners thereon or of the association, to correct the  
18 error or omission, and the action may be a class action. The  
19 court may require that one or more methods of correcting the  
20 error or omission be submitted to the unit owners to determine  
21 the most acceptable correction. All unit owners in the  
22 association must be joined as parties to the action. Service of  
23 process on owners may be by publication, but the plaintiff  
24 shall furnish all unit owners not personally served with  
25 process with copies of the petition and final judgment of the  
26 court by certified mail return receipt requested, at their last

1 known address.

2 (6) Nothing contained in this Section shall be construed to  
3 invalidate any provision of a condominium instrument  
4 authorizing the developer to amend a condominium instrument  
5 prior to the latest date on which the initial membership  
6 meeting of the unit owners must be held, whether or not it has  
7 actually been held, to bring the instrument into compliance  
8 with the legal requirements of the Federal National Mortgage  
9 Association, the Federal Home Loan Mortgage Corporation, the  
10 Federal Housing Administration, the United States Veterans  
11 Administration or their respective successors and assigns.

12 (Source: P.A. 99-472, eff. 6-1-16; 100-201, eff. 8-18-17;  
13 100-292, eff. 1-1-18; revised 10-6-17.)

14 Section 645. The Illinois Human Rights Act is amended by  
15 changing Section 5-101 as follows:

16 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

17 Sec. 5-101. Definitions. ~~→~~ The following definitions are  
18 applicable strictly in the context of this Article:

19 (A) Place of Public Accommodation. "Place of public  
20 accommodation" includes, but is not limited to:

21 (1) an inn, hotel, motel, or other place of lodging,  
22 except for an establishment located within a building that  
23 contains not more than 5 units for rent or hire and that is  
24 actually occupied by the proprietor of such establishment

1 as the residence of such proprietor;

2 (2) a restaurant, bar, or other establishment serving  
3 food or drink;

4 (3) a motion picture house, theater, concert hall,  
5 stadium, or other place of exhibition or entertainment;

6 (4) an auditorium, convention center, lecture hall, or  
7 other place of public gathering;

8 (5) a bakery, grocery store, clothing store, hardware  
9 store, shopping center, or other sales or rental  
10 establishment;

11 (6) a laundromat, dry-cleaner, bank, barber shop,  
12 beauty shop, travel service, shoe repair service, funeral  
13 parlor, gas station, office of an accountant or lawyer,  
14 pharmacy, insurance office, professional office of a  
15 health care provider, hospital, or other service  
16 establishment;

17 (7) public conveyances on air, water, or land;

18 (8) a terminal, depot, or other station used for  
19 specified public transportation;

20 (9) a museum, library, gallery, or other place of  
21 public display or collection;

22 (10) a park, zoo, amusement park, or other place of  
23 recreation;

24 (11) a non-sectarian nursery, day care center,  
25 elementary, secondary, undergraduate, or postgraduate  
26 school, or other place of education;

1           (12) a senior citizen center, homeless shelter, food  
2           bank, non-sectarian adoption agency, or other social  
3           service center establishment; and

4           (13) a gymnasium, health spa, bowling alley, golf  
5           course, or other place of exercise or recreation.

6           (B) Operator. "Operator" means any owner, lessee,  
7           proprietor, manager, superintendent, agent, or occupant of a  
8           place of public accommodation or an employee of any such person  
9           or persons.

10          (C) Public Official. "Public official" means any officer or  
11          employee of the state or any agency thereof, including state  
12          political subdivisions, municipal corporations, park  
13          districts, forest preserve districts, educational  
14          institutions, and schools.

15          (Source: P.A. 95-668, eff. 10-10-07; 96-814, eff. 1-1-10;  
16          revised 10-6-17.)

17          Section 650. The Business Corporation Act of 1983 is  
18          amended by changing Sections 14.05 and 15.85 as follows:

19                 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

20                 Sec. 14.05. Annual report of domestic or foreign  
21                 corporation. Each domestic corporation organized under any  
22                 general law or special act of this State authorizing the  
23                 corporation to issue shares, other than homestead  
24                 associations, building and loan associations, banks and

1 insurance companies (which includes a syndicate or limited  
2 syndicate regulated under Article V 1/2 of the Illinois  
3 Insurance Code or member of a group of underwriters regulated  
4 under Article V of that Code), and each foreign corporation  
5 (except members of a group of underwriters regulated under  
6 Article V of the Illinois Insurance Code) authorized to  
7 transact business in this State, shall file, within the time  
8 prescribed by this Act, an annual report setting forth:

9 (a) The name of the corporation.

10 (b) The address, including street and number, or rural  
11 route number, of its registered office in this State, and  
12 the name of its registered agent at that address.

13 (c) The address, including street and number, or rural  
14 route number, of its principal office.

15 (d) The names and respective addresses, including  
16 street and number, or rural route number, of its directors  
17 and officers.

18 (e) A statement of the aggregate number of shares which  
19 the corporation has authority to issue, itemized by classes  
20 and series, if any, within a class.

21 (f) A statement of the aggregate number of issued  
22 shares, itemized by classes, and series, if any, within a  
23 class.

24 (g) A statement, expressed in dollars, of the amount of  
25 paid-in capital of the corporation as defined in this Act.

26 (h) Either a statement that (1) all the property of the



1 corporation is located in this State and all of its  
2 business is transacted at or from places of business in  
3 this State, or the corporation elects to pay the annual  
4 franchise tax on the basis of its entire paid-in capital,  
5 or (2) a statement, expressed in dollars, of the value of  
6 all the property owned by the corporation, wherever  
7 located, and the value of the property located within this  
8 State, and a statement, expressed in dollars, of the gross  
9 amount of business transacted by the corporation and the  
10 gross amount thereof transacted by the corporation at or  
11 from places of business in this State as of the close of  
12 its fiscal year on or immediately preceding the last day of  
13 the third month prior to the anniversary month or in the  
14 case of a corporation which has established an extended  
15 filing month, as of the close of its fiscal year on or  
16 immediately preceding the last day of the third month prior  
17 to the extended filing month; however, in the case of a  
18 domestic corporation that has not completed its first  
19 fiscal year, the statement with respect to property owned  
20 shall be as of the last day of the third month preceding  
21 the anniversary month and the statement with respect to  
22 business transacted shall be furnished for the period  
23 between the date of incorporation and the last day of the  
24 third month preceding the anniversary month. In the case of  
25 a foreign corporation that has not been authorized to  
26 transact business in this State for a period of 12 months

1 and has not commenced transacting business prior to  
2 obtaining authority, the statement with respect to  
3 property owned shall be as of the last day of the third  
4 month preceding the anniversary month and the statement  
5 with respect to business transacted shall be furnished for  
6 the period between the date of its authorization to  
7 transact business in this State and the last day of the  
8 third month preceding the anniversary month. If the data  
9 referenced in item (2) of this subsection is not completed,  
10 the franchise tax provided for in this Act shall be  
11 computed on the basis of the entire paid-in capital.

12 (i) A statement, including the basis therefor, of  
13 status as a "minority-owned business" or as a "women-owned  
14 business" as those terms are defined in the Business  
15 Enterprise for Minorities, Women, and Persons with  
16 Disabilities Act.

17 (j) Additional information as may be necessary or  
18 appropriate in order to enable the Secretary of State to  
19 administer this Act and to verify the proper amount of fees  
20 and franchise taxes payable by the corporation.

21 The annual report shall be made on forms prescribed and  
22 furnished by the Secretary of State, and the information  
23 therein required by paragraphs (a) through (d), both inclusive,  
24 of this Section, shall be given as of the date of the execution  
25 of the annual report and the information therein required by  
26 paragraphs (e), (f), and (g) of this Section shall be given as

1 of the last day of the third month preceding the anniversary  
2 month, except that the information required by paragraphs (e),  
3 (f), and (g) shall, in the case of a corporation which has  
4 established an extended filing month, be given in its final  
5 transition annual report and each subsequent annual report as  
6 of the close of its fiscal year on or immediately preceding the  
7 last day of the third month prior to its extended filing month.  
8 It shall be executed by the corporation by its president, a  
9 vice-president, secretary, assistant secretary, treasurer or  
10 other officer duly authorized by the board of directors of the  
11 corporation to execute those reports, and verified by him or  
12 her, or, if the corporation is in the hands of a receiver or  
13 trustee, it shall be executed on behalf of the corporation and  
14 verified by the receiver or trustee.

15 (Source: P.A. 100-391, eff. 8-25-17; 100-486, eff. 1-1-18;  
16 revised 10-6-17.)

17 (805 ILCS 5/15.85) (from Ch. 32, par. 15.85)

18 Sec. 15.85. Effect of nonpayment of fees or taxes.

19 (a) The Secretary of State shall not file any articles,  
20 statements, certificates, reports, applications, notices, or  
21 other papers relating to any corporation, domestic or foreign,  
22 organized under or subject to the provisions of this Act until  
23 all fees, franchise taxes, and charges provided to be paid in  
24 connection therewith shall have been paid to him or her, or  
25 while the corporation is in default in the payment of any fees,

1 franchise taxes, charges, penalties, or interest herein  
2 provided to be paid by or assessed against it, or when the  
3 Illinois Department of Revenue has given notice that the  
4 corporation is in default in the filing of a return or the  
5 payment of any final assessment of tax, penalty or interest as  
6 required by any tax Act administered by the Department.

7 (b) The Secretary of State shall not file, with respect to  
8 any domestic or foreign corporation, any document required or  
9 permitted to be filed by this Act, which has an effective date  
10 other than the date of filing until there has been paid by such  
11 corporation to the Secretary of State all fees, taxes and  
12 charges due and payable on or before said effective date.

13 (c) No corporation required to pay a franchise tax, license  
14 fee, penalty, or interest under this Act shall maintain any  
15 civil action until all such franchise taxes, license fees,  
16 penalties, and interest have been paid in full.

17 (d) The Secretary of State shall, from information received  
18 from the Illinois Commerce Commission, compile and keep a list  
19 of all domestic and foreign corporations which are regulated  
20 pursuant to the provisions of the Public Utilities Act ~~"An Act~~  
21 ~~concerning public utilities", approved June 29, 1921,~~ and  
22 Chapter 18 of the "The Illinois Vehicle Code", ~~approved~~  
23 ~~September 29, 1969,~~ and which hold, as a prerequisite for doing  
24 business in this State, any franchise, license, permit, or  
25 right to engage in any business regulated by such Acts.

26 (e) Within 10 days after any such corporation fails to pay

1 a franchise tax, license fee, penalty, or interest required  
2 under this Act, the Secretary shall, by written notice, so  
3 advise the Secretary of the Illinois Commerce Commission.

4 (Source: P.A. 91-464, eff. 1-1-00; revised 10-5-17.)

5 Section 660. The Uniform Partnership Act (1997) is amended  
6 by changing Section 108 as follows:

7 (805 ILCS 206/108)

8 (Text of Section before amendment by P.A. 100-186)

9 Sec. 108. Fees.

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

13 (1) fees for filing documents;

14 (2) miscellaneous charges; and

15 (3) fees for the sale of lists of filings and for  
16 copies of any documents.

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

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

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

23 (3) for filing a statement of partnership authority,  
24 \$25;

- 1 (4) for filing a statement of denial, \$25;
- 2 (5) for filing a statement of dissociation, \$25;
- 3 (6) for filing a statement of dissolution, \$100;
- 4 (7) for filing a statement of merger, \$100;
- 5 (8) for filing a statement of qualification for a
- 6 limited liability partnership organized under the laws of
- 7 this State, \$100 for each partner, but in no event shall
- 8 the fee be less than \$200 or exceed \$5,000;
- 9 (9) for filing a statement of foreign qualification,
- 10 \$500;
- 11 (10) for filing a renewal statement for a limited
- 12 liability partnership organized under the laws of this
- 13 State, \$100 for each partner, but in no event shall the fee
- 14 be less than \$200 or exceed \$5,000;
- 15 (11) for filing a renewal statement for a foreign
- 16 limited liability partnership, \$300;
- 17 (12) for filing an amendment or cancellation of a
- 18 statement, \$25;
- 19 (13) for filing a statement of withdrawal, \$100;
- 20 (14) for the purposes of changing the registered agent
- 21 name or registered office, or both, \$25;
- 22 (15) for filing an application for reinstatement,
- 23 \$200;
- 24 (16) for filing any other document, \$25.
- 25 (c) All fees collected pursuant to this Act shall be
- 26 deposited into the Division of Corporations Registered Limited

1 Liability Partnership Fund.

2 (d) There is hereby continued in the State treasury a  
3 special fund to be known as the Division of Corporations  
4 Registered Limited Liability Partnership Fund. Moneys  
5 deposited into the Fund shall, subject to appropriation, be  
6 used by the Business Services Division of the Office of the  
7 Secretary of State to administer the responsibilities of the  
8 Secretary of State under this Act. On or before August 31 of  
9 each year, the balance in the Fund in excess of \$600,000 shall  
10 be transferred to the General Revenue Fund.

11 (Source: P.A. 99-620, eff. 1-1-17; 99-933, eff. 1-27-17;  
12 100-486, eff. 1-1-18.)

13 (Text of Section after amendment by P.A. 100-186)

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16 accordance with the provisions of this Act and rules  
17 promulgated under its authority:

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21 copies of any documents.

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24 document, instrument, or paper relating to a registered  
25 limited liability partnership, \$25;

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

3           (3) for filing a statement of partnership authority,  
4 \$25;

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

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

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

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

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

13           (9) for filing a statement of foreign qualification,  
14 \$500;

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

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

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

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

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

26           (15) for filing an application for reinstatement,



1           \$200;

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

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

6           (d) There is hereby continued in the State treasury a  
7 special fund to be known as the Division of Corporations  
8 Registered Limited Liability Partnership Fund. Moneys  
9 deposited into the Fund shall, subject to appropriation, be  
10 used by the Business Services Division of the Office of the  
11 Secretary of State to administer the responsibilities of the  
12 Secretary of State under this Act. On or before August 31 of  
13 each year, the balance in the Fund in excess of \$600,000 shall  
14 be transferred to the General Revenue Fund.

15           (e) Filings, including annual reports, made by electronic  
16 means shall be treated as if submitted in person and may not be  
17 charged excess fees as expedited services solely because of  
18 submission by electronic means.

19           (Source: P.A. 99-620, eff. 1-1-17; 99-933, eff. 1-27-17;  
20 100-186, eff. 7-1-18; 100-486, eff. 1-1-18; revised 10-12-17.)

21           Section 665. The Illinois Pre-Need Cemetery Sales Act is  
22 amended by changing Section 17 as follows:

23           (815 ILCS 390/17) (from Ch. 21, par. 217)

24           Sec. 17. ~~(a)~~ The principal and undistributed income of the

1 trust created pursuant to Section 15 of this Act shall be paid  
2 to the seller if:

3 (1) the seller certifies by sworn affidavit to the  
4 trustee that the purchaser or the beneficiary named in the  
5 pre-need contract has deceased and that seller has fully  
6 delivered or installed all items included in the pre-need  
7 contract and fully performed all pre-need cemetery  
8 services he is required to perform under the pre-need  
9 contract; or

10 (2) the seller certifies by sworn affidavit to the  
11 trustee that seller has made full delivery, as defined  
12 herein.

13 (Source: P.A. 84-239; revised 11-8-17.)

14 Section 670. The Retail Installment Sales Act is amended by  
15 changing Section 3 as follows:

16 (815 ILCS 405/3) (from Ch. 121 1/2, par. 503)

17 Sec. 3. (a) Every retail installment contract must be in  
18 writing, dated, signed by both the buyer and the seller, and,  
19 except as otherwise provided in this Act, completed as to all  
20 essential provisions, before it is signed by the buyer.

21 (b) The printed or typed portion of the contract, other  
22 than instructions for completion, must be in size equal to at  
23 least 8-point ~~8-point~~ type.

24 (c) The contract must contain printed or written in a size

1 equal to at least 10-point ~~10-point~~ bold type:

2 (1) Both at the top of the contract and directly above  
3 the space reserved for the signature of the buyer, the  
4 words "RETAIL INSTALLMENT CONTRACT";

5 (2) A notice as follows:

6 "Notice to the buyer.

7 1. Do not sign this agreement before you read it or if  
8 it contains any blank spaces.

9 2. You are entitled to an exact copy of the agreement  
10 you sign.

11 3. Under the law you have the right, among others, to  
12 pay in advance the full amount due and to obtain under  
13 certain conditions a partial refund of the finance  
14 charge.".

15 (Source: P.A. 76-1780; revised 10-10-17.)

16 Section 675. The Consumer Fraud and Deceptive Business  
17 Practices Act is amended by changing Sections 2L, 2Z, and 2AA  
18 and by setting forth and renumbering multiple versions of  
19 Section 2TTT as follows:

20 (815 ILCS 505/2L)

21 (Text of Section before amendment by P.A. 100-512)

22 Sec. 2L. Used motor vehicles; modification or disclaimer of  
23 implied warranty of merchantability limited.

24 (a) Any retail sale of a used motor vehicle made after July

1 1, 2017 (the effective date of Public Act 99-768) ~~this~~  
2 ~~amendatory Act of the 99th General Assembly~~ to a consumer by a  
3 licensed vehicle dealer within the meaning of Chapter 5 of the  
4 Illinois Vehicle Code or by an auction company at an auction  
5 that is open to the general public is made subject to this  
6 Section.

7 (b) This Section does not apply to any of the following:

8 (1) a vehicle with more than 150,000 miles at the time  
9 of sale;

10 (2) a vehicle with a title that has been branded  
11 "rebuilt" or "flood";

12 (3) a vehicle with a gross vehicle weight rating of  
13 8,000 pounds or more; or

14 (4) a vehicle that is an antique vehicle, as defined in  
15 the Illinois Vehicle Code, or that is a collector motor  
16 vehicle.

17 (b-5) This Section does not apply to the sale of any  
18 vehicle for which the dealer offers an express warranty that  
19 provides coverage that is equal to or greater than the limited  
20 implied warranty of merchantability required under this  
21 Section 2L.

22 (c) Except as otherwise provided in this Section 2L, any  
23 sale of a used motor vehicle as described in subsection (a) may  
24 not exclude, modify, or disclaim the implied warranty of  
25 merchantability created under this Section 2L or limit the  
26 remedies for a breach of the warranty hereunder before midnight

1 of the 15th calendar day after delivery of a used motor vehicle  
2 or until a used motor vehicle is driven 500 miles after  
3 delivery, whichever is earlier. In calculating time under this  
4 Section, a day on which the warranty is breached and all  
5 subsequent days in which the used motor vehicle fails to  
6 conform with the implied warranty of merchantability are  
7 excluded. In calculating distance under this Section, the miles  
8 driven to obtain or in connection with the repair, servicing,  
9 or testing of a used motor vehicle that fails to conform with  
10 the implied warranty of merchantability are excluded. An  
11 attempt to exclude, modify, or disclaim the implied warranty of  
12 merchantability or to limit the remedies for a breach of the  
13 warranty in violation of this Section renders a purchase  
14 agreement voidable at the option of the purchaser.

15 (d) An implied warranty of merchantability is met if a used  
16 motor vehicle functions for the purpose of ordinary  
17 transportation on the public highway and substantially free of  
18 a defect in a power train component. As used in this Section,  
19 "power train component" means the engine block, head, all  
20 internal engine parts, oil pan and gaskets, water pump, intake  
21 manifold, transmission, and all internal transmission parts,  
22 torque converter, drive shaft, universal joints, rear axle and  
23 all rear axle internal parts, and rear wheel bearings.

24 (e) The implied warranty of merchantability expires at  
25 midnight of the 15th calendar day after delivery of a used  
26 motor vehicle or when a used motor vehicle is driven 500 miles

1 after delivery, whichever is earlier. In calculating time, a  
2 day on which the implied warranty of merchantability is  
3 breached is excluded and all subsequent days in which the used  
4 motor vehicle fails to conform with the warranty are also  
5 excluded. In calculating distance, the miles driven to or by  
6 the seller to obtain or in connection with the repair,  
7 servicing, or testing of a used motor vehicle that fails to  
8 conform with the implied warranty of merchantability are  
9 excluded. An implied warranty of merchantability does not  
10 extend to damage that occurs after the sale of the used motor  
11 vehicle that results from:

- 12 (1) off-road use;
- 13 (2) racing;
- 14 (3) towing;
- 15 (4) abuse;
- 16 (5) misuse;
- 17 (6) neglect;
- 18 (7) failure to perform regular maintenance; and
- 19 (8) failure to maintain adequate oil, coolant, and  
20 other required fluids or lubricants.

21 (f) If the implied warranty of merchantability described in  
22 this Section is breached, the consumer shall give reasonable  
23 notice to the seller no later than 2 business days after the  
24 end of the statutory warranty period. Before the consumer  
25 exercises another remedy pursuant to Article 2 of the Uniform  
26 Commercial Code, the seller shall have a reasonable opportunity

1 to repair the used motor vehicle. The consumer shall pay  
2 one-half of the cost of the first 2 repairs necessary to bring  
3 the used motor vehicle into compliance with the warranty. The  
4 payments by the consumer are limited to a maximum payment of  
5 \$100 for each repair; however, the consumer shall only be  
6 responsible for a maximum payment of \$100 if the consumer  
7 brings in the vehicle for a second repair for the same defect.  
8 Reasonable notice as defined in this Section shall include, but  
9 not be limited to:

10 (1) text, provided the seller has provided the consumer  
11 with a cell phone number;

12 (2) phone call or message to the seller's business  
13 phone number provided on the seller's bill of sale for the  
14 purchase of the motor vehicle;

15 (3) in writing to the seller's address provided on the  
16 seller's bill of sale for the purchase of the motor  
17 vehicle;

18 (4) in person at the seller's address provided on the  
19 seller's bill of sale for the purchase of the motor  
20 vehicle.

21 (g) The maximum liability of a seller for repairs pursuant  
22 to this Section is limited to the purchase price paid for the  
23 used motor vehicle, to be refunded to the consumer or lender,  
24 as applicable, in exchange for return of the vehicle.

25 (h) An agreement for the sale of a used motor vehicle  
26 subject to this Section is voidable at the option of the

1 consumer, unless it contains on its face or in a separate  
2 document the following conspicuous statement printed in  
3 boldface 10-point or larger type set off from the body of the  
4 agreement:

5 "Illinois law requires that this vehicle will be free of a  
6 defect in a power train component for 15 days or 500 miles  
7 after delivery, whichever is earlier, except with regard to  
8 particular defects disclosed on the first page of this  
9 agreement. "Power train component" means the engine block,  
10 head, all internal engine parts, oil pan and gaskets, water  
11 pump, intake manifold, transmission, and all internal  
12 transmission parts, torque converter, drive shaft, universal  
13 joints, rear axle and all rear axle internal parts, and rear  
14 wheel bearings. You (the consumer) will have to pay up to \$100  
15 for each of the first 2 repairs if the warranty is violated."

16 (i) The inclusion in the agreement of the statement  
17 prescribed in subsection (h) of this Section does not create an  
18 express warranty.

19 (j) A consumer of a used motor vehicle may waive the  
20 implied warranty of merchantability only for a particular  
21 defect in the vehicle, including, but not limited to, a rebuilt  
22 or flood-branded title and only if all of the following  
23 conditions are satisfied:

24 (1) the seller subject to this Section fully and  
25 accurately discloses to the consumer that because of  
26 circumstances unusual to the business, the used motor



1 vehicle has a particular defect;

2 (2) the consumer agrees to buy the used motor vehicle  
3 after disclosure of the defect; and

4 (3) before the sale, the consumer indicates agreement  
5 to the waiver by signing and dating the following  
6 conspicuous statement that is printed on the first page of  
7 the sales agreement or on a separate document in boldface  
8 10-point or larger type and that is written in the language  
9 in which the presentation was made:

10 "Attention consumer: sign here only if the seller has  
11 told you that this vehicle has the following problem or  
12 problems and you agree to buy the vehicle on those terms:

- 13 1. ....
- 14 2. ....
- 15 3. .... "

16 (k) It shall be an affirmative defense to any claim under  
17 this Section that:

18 (1) an alleged nonconformity does not substantially  
19 impair the use and market value of the motor vehicle;

20 (2) a nonconformity is the result of abuse, neglect, or  
21 unauthorized modifications or alterations of the motor  
22 vehicle;

23 (3) a claim by a consumer was not filed in good faith;  
24 or

25 (4) any other affirmative defense allowed by law.

26 (1) Other than the 15-day, 500-mile implied warranty of

1 merchantability identified herein, a seller subject to this  
2 Section is not required to provide any further express or  
3 implied warranties to a purchasing consumer unless:

4 (1) the seller is required by federal or State law to  
5 provide a further express or implied warranty; or

6 (2) the seller fails to fully inform and disclose to  
7 the consumer that the vehicle is being sold without any  
8 further express or implied warranties, other than the 15  
9 day, 500 mile implied warranty of merchantability  
10 identified in this Section.

11 (m) Any person who violates this Section commits an  
12 unlawful practice within the meaning of this Act.

13 (Source: P.A. 99-768, eff. 7-1-17; 100-4, eff. 7-1-17; revised  
14 10-12-17.)

15 (Text of Section after amendment by P.A. 100-512)

16 Sec. 2L. Used motor vehicles; modification or disclaimer of  
17 implied warranty of merchantability limited.

18 (a) Any retail sale of a used motor vehicle made after July  
19 1, 2017 (the effective date of Public Act 99-768) ~~this~~  
20 ~~amendatory Act of the 99th General Assembly~~ to a consumer by a  
21 licensed vehicle dealer within the meaning of Chapter 5 of the  
22 Illinois Vehicle Code or by an auction company at an auction  
23 that is open to the general public is made subject to this  
24 Section.

25 (b) This Section does not apply to any of the following:

1 (1) a vehicle with more than 150,000 miles at the time  
2 of sale;

3 (2) a vehicle with a title that has been branded  
4 "rebuilt" or "flood";

5 (3) a vehicle with a gross vehicle weight rating of  
6 8,000 pounds or more; or

7 (4) a vehicle that is an antique vehicle, as defined in  
8 the Illinois Vehicle Code, or that is a collector motor  
9 vehicle.

10 (b-5) This Section does not apply to the sale of any  
11 vehicle for which the dealer offers an express warranty that  
12 provides coverage that is equal to or greater than the limited  
13 implied warranty of merchantability required under this  
14 Section 2L.

15 (b-6) ~~(b-5)~~ This Section does not apply to forfeited  
16 vehicles sold at auction by or on behalf of the Department of  
17 State Police.

18 (c) Except as otherwise provided in this Section 2L, any  
19 sale of a used motor vehicle as described in subsection (a) may  
20 not exclude, modify, or disclaim the implied warranty of  
21 merchantability created under this Section 2L or limit the  
22 remedies for a breach of the warranty hereunder before midnight  
23 of the 15th calendar day after delivery of a used motor vehicle  
24 or until a used motor vehicle is driven 500 miles after  
25 delivery, whichever is earlier. In calculating time under this  
26 Section, a day on which the warranty is breached and all

1 subsequent days in which the used motor vehicle fails to  
2 conform with the implied warranty of merchantability are  
3 excluded. In calculating distance under this Section, the miles  
4 driven to obtain or in connection with the repair, servicing,  
5 or testing of a used motor vehicle that fails to conform with  
6 the implied warranty of merchantability are excluded. An  
7 attempt to exclude, modify, or disclaim the implied warranty of  
8 merchantability or to limit the remedies for a breach of the  
9 warranty in violation of this Section renders a purchase  
10 agreement voidable at the option of the purchaser.

11 (d) An implied warranty of merchantability is met if a used  
12 motor vehicle functions for the purpose of ordinary  
13 transportation on the public highway and substantially free of  
14 a defect in a power train component. As used in this Section,  
15 "power train component" means the engine block, head, all  
16 internal engine parts, oil pan and gaskets, water pump, intake  
17 manifold, transmission, and all internal transmission parts,  
18 torque converter, drive shaft, universal joints, rear axle and  
19 all rear axle internal parts, and rear wheel bearings.

20 (e) The implied warranty of merchantability expires at  
21 midnight of the 15th calendar day after delivery of a used  
22 motor vehicle or when a used motor vehicle is driven 500 miles  
23 after delivery, whichever is earlier. In calculating time, a  
24 day on which the implied warranty of merchantability is  
25 breached is excluded and all subsequent days in which the used  
26 motor vehicle fails to conform with the warranty are also

1 excluded. In calculating distance, the miles driven to or by  
2 the seller to obtain or in connection with the repair,  
3 servicing, or testing of a used motor vehicle that fails to  
4 conform with the implied warranty of merchantability are  
5 excluded. An implied warranty of merchantability does not  
6 extend to damage that occurs after the sale of the used motor  
7 vehicle that results from:

8 (1) off-road use;

9 (2) racing;

10 (3) towing;

11 (4) abuse;

12 (5) misuse;

13 (6) neglect;

14 (7) failure to perform regular maintenance; and

15 (8) failure to maintain adequate oil, coolant, and  
16 other required fluids or lubricants.

17 (f) If the implied warranty of merchantability described in  
18 this Section is breached, the consumer shall give reasonable  
19 notice to the seller no later than 2 business days after the  
20 end of the statutory warranty period. Before the consumer  
21 exercises another remedy pursuant to Article 2 of the Uniform  
22 Commercial Code, the seller shall have a reasonable opportunity  
23 to repair the used motor vehicle. The consumer shall pay  
24 one-half of the cost of the first 2 repairs necessary to bring  
25 the used motor vehicle into compliance with the warranty. The  
26 payments by the consumer are limited to a maximum payment of

1 \$100 for each repair; however, the consumer shall only be  
2 responsible for a maximum payment of \$100 if the consumer  
3 brings in the vehicle for a second repair for the same defect.  
4 Reasonable notice as defined in this Section shall include, but  
5 not be limited to:

6 (1) text, provided the seller has provided the consumer  
7 with a cell phone number;

8 (2) phone call or message to the seller's business  
9 phone number provided on the seller's bill of sale for the  
10 purchase of the motor vehicle;

11 (3) in writing to the seller's address provided on the  
12 seller's bill of sale for the purchase of the motor  
13 vehicle;

14 (4) in person at the seller's address provided on the  
15 seller's bill of sale for the purchase of the motor  
16 vehicle.

17 (g) The maximum liability of a seller for repairs pursuant  
18 to this Section is limited to the purchase price paid for the  
19 used motor vehicle, to be refunded to the consumer or lender,  
20 as applicable, in exchange for return of the vehicle.

21 (h) An agreement for the sale of a used motor vehicle  
22 subject to this Section is voidable at the option of the  
23 consumer, unless it contains on its face or in a separate  
24 document the following conspicuous statement printed in  
25 boldface 10-point or larger type set off from the body of the  
26 agreement:

1 "Illinois law requires that this vehicle will be free of a  
2 defect in a power train component for 15 days or 500 miles  
3 after delivery, whichever is earlier, except with regard to  
4 particular defects disclosed on the first page of this  
5 agreement. "Power train component" means the engine block,  
6 head, all internal engine parts, oil pan and gaskets, water  
7 pump, intake manifold, transmission, and all internal  
8 transmission parts, torque converter, drive shaft, universal  
9 joints, rear axle and all rear axle internal parts, and rear  
10 wheel bearings. You (the consumer) will have to pay up to \$100  
11 for each of the first 2 repairs if the warranty is violated."

12 (i) The inclusion in the agreement of the statement  
13 prescribed in subsection (h) of this Section does not create an  
14 express warranty.

15 (j) A consumer of a used motor vehicle may waive the  
16 implied warranty of merchantability only for a particular  
17 defect in the vehicle, including, but not limited to, a rebuilt  
18 or flood-branded title and only if all of the following  
19 conditions are satisfied:

20 (1) the seller subject to this Section fully and  
21 accurately discloses to the consumer that because of  
22 circumstances unusual to the business, the used motor  
23 vehicle has a particular defect;

24 (2) the consumer agrees to buy the used motor vehicle  
25 after disclosure of the defect; and

26 (3) before the sale, the consumer indicates agreement

1 to the waiver by signing and dating the following  
 2 conspicuous statement that is printed on the first page of  
 3 the sales agreement or on a separate document in boldface  
 4 10-point or larger type and that is written in the language  
 5 in which the presentation was made:

6 "Attention consumer: sign here only if the seller has  
 7 told you that this vehicle has the following problem or  
 8 problems and you agree to buy the vehicle on those terms:

- 9 1. ....
- 10 2. ....
- 11 3. .... "

12 (k) It shall be an affirmative defense to any claim under  
 13 this Section that:

14 (1) an alleged nonconformity does not substantially  
 15 impair the use and market value of the motor vehicle;

16 (2) a nonconformity is the result of abuse, neglect, or  
 17 unauthorized modifications or alterations of the motor  
 18 vehicle;

19 (3) a claim by a consumer was not filed in good faith;  
 20 or

21 (4) any other affirmative defense allowed by law.

22 (l) Other than the 15-day, 500-mile implied warranty of  
 23 merchantability identified herein, a seller subject to this  
 24 Section is not required to provide any further express or  
 25 implied warranties to a purchasing consumer unless:

26 (1) the seller is required by federal or State law to



1 provide a further express or implied warranty; or

2 (2) the seller fails to fully inform and disclose to  
3 the consumer that the vehicle is being sold without any  
4 further express or implied warranties, other than the 15  
5 day, 500 mile implied warranty of merchantability  
6 identified in this Section.

7 (m) Any person who violates this Section commits an  
8 unlawful practice within the meaning of this Act.

9 (Source: P.A. 99-768, eff. 7-1-17; 100-4, eff. 7-1-17; 100-512,  
10 eff. 7-1-18; revised 10-12-17.)

11 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

12 Sec. 2Z. Violations of other Acts. Any person who knowingly  
13 violates the Automotive Repair Act, the Automotive Collision  
14 Repair Act, the Home Repair and Remodeling Act, the Dance  
15 Studio Act, the Physical Fitness Services Act, the Hearing  
16 Instrument Consumer Protection Act, the Illinois Union Label  
17 Act, the Installment Sales Contract Act, the Job Referral and  
18 Job Listing Services Consumer Protection Act, the Travel  
19 Promotion Consumer Protection Act, the Credit Services  
20 Organizations Act, the Automatic Telephone Dialers Act, the  
21 Pay-Per-Call Services Consumer Protection Act, the Telephone  
22 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
23 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and  
24 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the  
25 High Risk Home Loan Act, the Payday Loan Reform Act, the

1 Mortgage Rescue Fraud Act, subsection (a) or (b) of Section  
2 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section  
3 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the  
4 Internet Caller Identification Act, paragraph (6) of  
5 subsection (k) of Section 6-305 of the Illinois Vehicle Code,  
6 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,  
7 or 18d-153 of the Illinois Vehicle Code, Article 3 of the  
8 Residential Real Property Disclosure Act, the Automatic  
9 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of  
10 the Youth Mental Health Protection Act, the Personal  
11 Information Protection Act, or the Student Online Personal  
12 Protection Act commits an unlawful practice within the meaning  
13 of this Act.

14 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
15 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;  
16 revised 10-6-17.)

17 (815 ILCS 505/2AA)

18 Sec. 2AA. Immigration services.

19 (a) "Immigration matter" means any proceeding, filing, or  
20 action affecting the nonimmigrant, immigrant or citizenship  
21 status of any person that arises under immigration and  
22 naturalization law, executive order or presidential  
23 proclamation of the United States or any foreign country, or  
24 that arises under action of the United States Citizenship and  
25 Immigration Services, the United States Department of Labor, or

1 the United States Department of State.

2 "Immigration assistance service" means any information or  
3 action provided or offered to customers or prospective  
4 customers related to immigration matters, excluding legal  
5 advice, recommending a specific course of legal action, or  
6 providing any other assistance that requires legal analysis,  
7 legal judgment, or interpretation of the law.

8 "Compensation" means money, property, services, promise of  
9 payment, or anything else of value.

10 "Employed by" means that a person is on the payroll of the  
11 employer and the employer deducts from the employee's paycheck  
12 social security and withholding taxes, or receives  
13 compensation from the employer on a commission basis or as an  
14 independent contractor.

15 "Reasonable costs" means actual costs or, if actual costs  
16 cannot be calculated, reasonably estimated costs of such things  
17 as photocopying, telephone calls, document requests, and  
18 filing fees for immigration forms, and other nominal costs  
19 incidental to assistance in an immigration matter.

20 (a-1) The General Assembly finds and declares that private  
21 individuals who assist persons with immigration matters have a  
22 significant impact on the ability of their clients to reside  
23 and work within the United States and to establish and maintain  
24 stable families and business relationships. The General  
25 Assembly further finds that that assistance and its impact also  
26 have a significant effect on the cultural, social, and economic

1 life of the State of Illinois and thereby substantially affect  
2 the public interest. It is the intent of the General Assembly  
3 to establish rules of practice and conduct for those  
4 individuals to promote honesty and fair dealing with residents  
5 and to preserve public confidence.

6 (a-5) The following persons are exempt from this Section,  
7 provided they prove the exemption by a preponderance of the  
8 evidence:

9 (1) An attorney licensed to practice law in any state  
10 or territory of the United States, or of any foreign  
11 country when authorized by the Illinois Supreme Court, to  
12 the extent the attorney renders immigration assistance  
13 service in the course of his or her practice as an  
14 attorney.

15 (2) A legal intern, as described by the rules of the  
16 Illinois Supreme Court, employed by and under the direct  
17 supervision of a licensed attorney and rendering  
18 immigration assistance service in the course of the  
19 intern's employment.

20 (3) A not-for-profit organization recognized by the  
21 Board of Immigration Appeals under 8 CFR ~~C.F.R.~~ 292.2(a)  
22 and employees of those organizations accredited under 8 CFR  
23 ~~C.F.R.~~ 292.2(d).

24 (4) Any organization employing or desiring to employ a  
25 documented or undocumented immigrant or nonimmigrant  
26 alien, where the organization, its employees or its agents

1 provide advice or assistance in immigration matters to  
2 documented or undocumented immigrant or nonimmigrant alien  
3 employees or potential employees without compensation from  
4 the individuals to whom such advice or assistance is  
5 provided.

6 Nothing in this Section shall regulate any business to the  
7 extent that such regulation is prohibited or preempted by State  
8 or federal law.

9 All other persons providing or offering to provide  
10 immigration assistance service shall be subject to this  
11 Section.

12 (b) Any person who provides or offers to provide  
13 immigration assistance service may perform only the following  
14 services:

15 (1) Completing a government agency form, requested by  
16 the customer and appropriate to the customer's needs, only  
17 if the completion of that form does not involve a legal  
18 judgment for that particular matter.

19 (2) Transcribing responses to a government agency form  
20 which is related to an immigration matter, but not advising  
21 a customer as to his or her answers on those forms.

22 (3) Translating information on forms to a customer and  
23 translating the customer's answers to questions posed on  
24 those forms.

25 (4) Securing for the customer supporting documents  
26 currently in existence, such as birth and marriage

1 certificates, which may be needed to be submitted with  
2 government agency forms.

3 (5) Translating documents from a foreign language into  
4 English.

5 (6) Notarizing signatures on government agency forms,  
6 if the person performing the service is a notary public of  
7 the State of Illinois.

8 (7) Making referrals, without fee, to attorneys who  
9 could undertake legal representation for a person in an  
10 immigration matter.

11 (8) Preparing or arranging for the preparation of  
12 photographs and fingerprints.

13 (9) Arranging for the performance of medical testing  
14 (including X-rays and AIDS tests) and the obtaining of  
15 reports of such test results.

16 (10) Conducting English language and civics courses.

17 (11) Other services that the Attorney General  
18 determines by rule may be appropriately performed by such  
19 persons in light of the purposes of this Section.

20 Fees for a notary public, agency, or any other person who  
21 is not an attorney or an accredited representative filling out  
22 immigration forms shall be limited to the maximum fees set  
23 forth in subsections (a) and (b) of Section 3-104 of the  
24 Illinois Notary Public Act (5 ILCS 312/3-104). The maximum fee  
25 schedule set forth in subsections (a) and (b) of Section 3-104  
26 of the Illinois Notary Public Act shall apply to any person

1 that provides or offers to provide immigration assistance  
2 service performing the services described therein. The  
3 Attorney General may promulgate rules establishing maximum  
4 fees that may be charged for any services not described in that  
5 subsection. The maximum fees must be reasonable in light of the  
6 costs of providing those services and the degree of  
7 professional skill required to provide the services.

8 No person subject to this Act shall charge fees directly or  
9 indirectly for referring an individual to an attorney or for  
10 any immigration matter not authorized by this Article, provided  
11 that a person may charge a fee for notarizing documents as  
12 permitted by the Illinois Notary Public Act.

13 (c) Any person performing such services shall register with  
14 the Illinois Attorney General and submit verification of  
15 malpractice insurance or of a surety bond.

16 (d) Except as provided otherwise in this subsection, before  
17 providing any assistance in an immigration matter a person  
18 shall provide the customer with a written contract that  
19 includes the following:

20 (1) An explanation of the services to be performed.

21 (2) Identification of all compensation and costs to be  
22 charged to the customer for the services to be performed.

23 (3) A statement that documents submitted in support of  
24 an application for nonimmigrant, immigrant, or  
25 naturalization status may not be retained by the person for  
26 any purpose, including payment of compensation or costs.

1           This subsection does not apply to a not-for-profit  
2 organization that provides advice or assistance in immigration  
3 matters to clients without charge beyond a reasonable fee to  
4 reimburse the organization's or clinic's reasonable costs  
5 relating to providing immigration services to that client.

6           (e) Any person who provides or offers immigration  
7 assistance service and is not exempted from this Section, shall  
8 post signs at his or her place of business, setting forth  
9 information in English and in every other language in which the  
10 person provides or offers to provide immigration assistance  
11 service. Each language shall be on a separate sign. Signs shall  
12 be posted in a location where the signs will be visible to  
13 customers. Each sign shall be at least 11 inches by 17 inches,  
14 and shall contain the following:

15           (1) The statement "I AM NOT AN ATTORNEY LICENSED TO  
16 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES  
17 FOR LEGAL ADVICE."  

18           (2) The statement "I AM NOT ACCREDITED TO REPRESENT YOU  
19 BEFORE THE UNITED STATES IMMIGRATION AND NATURALIZATION  
20 SERVICE AND THE IMMIGRATION BOARD OF APPEALS."  

21           (3) The fee schedule.

22           (4) The statement that "You may cancel any contract  
23 within 3 working days and get your money back for services  
24 not performed."  

25           (5) Additional information the Attorney General may  
26 require by rule.



1           Every person engaged in immigration assistance service who  
2 is not an attorney who advertises immigration assistance  
3 service in a language other than English, whether by radio,  
4 television, signs, pamphlets, newspapers, or other written  
5 communication, with the exception of a single desk plaque,  
6 shall include in the document, advertisement, stationery,  
7 letterhead, business card, or other comparable written  
8 material the following notice in English and the language in  
9 which the written communication appears. This notice shall be  
10 of a conspicuous size, if in writing, and shall state: "I AM  
11 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY  
12 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If  
13 such advertisement is by radio or television, the statement may  
14 be modified but must include substantially the same message.

15           Any person who provides or offers immigration assistance  
16 service and is not exempted from this Section shall not, in any  
17 document, advertisement, stationery, letterhead, business  
18 card, or other comparable written material, literally  
19 translate from English into another language terms or titles  
20 including, but not limited to, notary public, notary, licensed,  
21 attorney, lawyer, or any other term that implies the person is  
22 an attorney. To illustrate, the words "notario" and "poder  
23 notarial" are prohibited under this provision.

24           If not subject to penalties under subsection (a) of Section  
25 3-103 of the Illinois Notary Public Act (5 ILCS 312/3-103),  
26 violations of this subsection shall result in a fine of \$1,000.

1 Violations shall not preempt or preclude additional  
2 appropriate civil or criminal penalties.

3 (f) The written contract shall be in both English and in  
4 the language of the customer.

5 (g) A copy of the contract shall be provided to the  
6 customer upon the customer's execution of the contract.

7 (h) A customer has the right to rescind a contract within  
8 72 hours after his or her signing of the contract.

9 (i) Any documents identified in paragraph (3) of subsection  
10 (c) shall be returned upon demand of the customer.

11 (j) No person engaged in providing immigration services who  
12 is not exempted under this Section shall do any of the  
13 following:

14 (1) Make any statement that the person can or will  
15 obtain special favors from or has special influence with  
16 the United States Immigration and Naturalization Service  
17 or any other government agency.

18 (2) Retain any compensation for service not performed.

19 (2.5) Accept payment in exchange for providing legal  
20 advice or any other assistance that requires legal  
21 analysis, legal judgment, or interpretation of the law.

22 (3) Refuse to return documents supplied by, prepared on  
23 behalf of, or paid for by the customer upon the request of  
24 the customer. These documents must be returned upon request  
25 even if there is a fee dispute between the immigration  
26 assistant and the customer.

1           (4) Represent or advertise, in connection with the  
2 provision of assistance in immigration matters, other  
3 titles of credentials, including but not limited to "notary  
4 public" or "immigration consultant," that could cause a  
5 customer to believe that the person possesses special  
6 professional skills or is authorized to provide advice on  
7 an immigration matter; provided that a notary public  
8 appointed by the Illinois Secretary of State may use the  
9 term "notary public" if the use is accompanied by the  
10 statement that the person is not an attorney; the term  
11 "notary public" may not be translated to another language;  
12 for example "notario" is prohibited.

13           (5) Provide legal advice, recommend a specific course  
14 of legal action, or provide any other assistance that  
15 requires legal analysis, legal judgment, or interpretation  
16 of the law.

17           (6) Make any misrepresentation of false statement,  
18 directly or indirectly, to influence, persuade, or induce  
19 patronage.

20           (k) (Blank) .

21           (l) (Blank) .

22           (m) Any person who violates any provision of this Section,  
23 or the rules and regulations issued under this Section, shall  
24 be guilty of a Class A misdemeanor for a first offense and a  
25 Class 3 felony for a second or subsequent offense committed  
26 within 5 years of a previous conviction for the same offense.

1           Upon his own information or upon the complaint of any  
2 person, the Attorney General or any State's Attorney, or a  
3 municipality with a population of more than 1,000,000, may  
4 maintain an action for injunctive relief and also seek a civil  
5 penalty not exceeding \$50,000 in the circuit court against any  
6 person who violates any provision of this Section. These  
7 remedies are in addition to, and not in substitution for, other  
8 available remedies.

9           If the Attorney General or any State's Attorney or a  
10 municipality with a population of more than 1,000,000 fails to  
11 bring an action as provided under this Section any person may  
12 file a civil action to enforce the provisions of this Article  
13 and maintain an action for injunctive relief, for compensatory  
14 damages to recover prohibited fees, or for such additional  
15 relief as may be appropriate to deter, prevent, or compensate  
16 for the violation. In order to deter violations of this  
17 Section, courts shall not require a showing of the traditional  
18 elements for equitable relief. A prevailing plaintiff may be  
19 awarded 3 times the prohibited fees or a minimum of \$1,000 in  
20 punitive damages, attorney's fees, and costs of bringing an  
21 action under this Section. It is the express intention of the  
22 General Assembly that remedies for violation of this Section be  
23 cumulative.

24           (n) No unit of local government, including any home rule  
25 unit, shall have the authority to regulate immigration  
26 assistance services unless such regulations are at least as

1 stringent as those contained in Public Act 87-1211 ~~this~~  
2 ~~amendatory Act of 1992~~. It is declared to be the law of this  
3 State, pursuant to paragraph (i) of Section 6 of Article VII of  
4 the Illinois Constitution of 1970, that Public Act 87-1211 ~~this~~  
5 ~~amendatory Act of 1992~~ is a limitation on the authority of a  
6 home rule unit to exercise powers concurrently with the State.  
7 The limitations of this Section do not apply to a home rule  
8 unit that has, prior to January 1, 1993 (the effective date of  
9 Public Act 87-1211) ~~this amendatory Act~~, adopted an ordinance  
10 regulating immigration assistance services.

11 (o) This Section is severable under Section 1.31 of the  
12 Statute on Statutes.

13 (p) The Attorney General shall issue rules not inconsistent  
14 with this Section for the implementation, administration, and  
15 enforcement of this Section. The rules may provide for the  
16 following:

17 (1) The content, print size, and print style of the  
18 signs required under subsection (e). Print sizes and styles  
19 may vary from language to language.

20 (2) Standard forms for use in the administration of  
21 this Section.

22 (3) Any additional requirements deemed necessary.

23 (Source: P.A. 99-679, eff. 1-1-17; revised 10-5-17.)

24 (815 ILCS 505/2TTT)

25 Sec. 2TTT. Standard services.

1           (a) It is not a fraudulent, unfair, or deceptive act or  
2 practice under this Act to differentiate prices for services  
3 based upon factors that include, but are not limited to, amount  
4 of time, difficulty, cost of providing the services, methods,  
5 procedure, or equipment used to accomplish the service, upon  
6 the qualifications, experience, or expertise of the individual  
7 or business providing the services, market conditions specific  
8 to the service or the business, or geographic region where the  
9 services are completed or the business is located.

10           (b) The following sellers shall provide the consumer with a  
11 standard services price list upon request:

12                 (1) Tailors or businesses providing aftermarket  
13 clothing alterations.

14                 (2) Barbershops or hair salons.

15                 (3) Dry cleaners and laundries providing services to  
16 individuals.

17           The price list may be provided in any format and may be  
18 based on customary industry pricing practices.

19           As used in this subsection, "standard service" means the 10  
20 most frequently requested services provided by the seller.

21           (c) If a seller identified in subsection (b) is found to be  
22 in violation of this Section, the seller shall have 30 days to  
23 remedy the violation. Upon a second or subsequent violation  
24 within 2 years after the 30-day remediation period, the seller  
25 shall be liable for penalties pursuant to Section 7 of this  
26 Act.

1 (Source: P.A. 100-207, eff. 1-1-18.)

2 (815 ILCS 505/2UUU)

3 Sec. 2UUU ~~2TTT~~. Non-disparagement clauses in consumer  
4 contracts.

5 (a) A contract or a proposed contract for the sale or lease  
6 of consumer merchandise or services may not include a provision  
7 waiving the consumer's right to make any statement regarding  
8 the seller or lessor or the employees or agents of the seller  
9 or lessor or concerning the merchandise or services.

10 (b) It is an unlawful practice to threaten or to seek to  
11 enforce a provision made unlawful under this Section or to  
12 otherwise penalize a consumer for making any statement  
13 protected under this Section.

14 (c) Any waiver of the provisions of this Section is  
15 contrary to public policy and is void and unenforceable.

16 (d) This Section may not be construed to prohibit or limit  
17 a person or business that hosts online consumer reviews or  
18 comments from removing a statement that is otherwise lawful to  
19 remove.

20 (Source: P.A. 100-240, eff. 1-1-18; revised 11-6-17.)

21 Section 680. The Motor Vehicle Franchise Act is amended by  
22 changing Sections 4 and 10.1 as follows:

23 (815 ILCS 710/4) (from Ch. 121 1/2, par. 754)

1           Sec. 4. Unfair competition and practices.

2           (a) The unfair methods of competition and unfair and  
3 deceptive acts or practices listed in this Section are hereby  
4 declared to be unlawful. In construing the provisions of this  
5 Section, the courts may be guided by the interpretations of the  
6 Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from  
7 time to time amended.

8           (b) It shall be deemed a violation for any manufacturer,  
9 factory branch, factory representative, distributor or  
10 wholesaler, distributor branch, distributor representative or  
11 motor vehicle dealer to engage in any action with respect to a  
12 franchise which is arbitrary, in bad faith or unconscionable  
13 and which causes damage to any of the parties or to the public.

14           (c) It shall be deemed a violation for a manufacturer, a  
15 distributor, a wholesaler, a distributor branch or division, a  
16 factory branch or division, or a wholesale branch or division,  
17 or officer, agent or other representative thereof, to coerce,  
18 or attempt to coerce, any motor vehicle dealer:

19           (1) to accept, buy or order any motor vehicle or  
20 vehicles, appliances, equipment, parts or accessories  
21 therefor, or any other commodity or commodities or service  
22 or services which such motor vehicle dealer has not  
23 voluntarily ordered or requested except items required by  
24 applicable local, state or federal law; or to require a  
25 motor vehicle dealer to accept, buy, order or purchase such  
26 items in order to obtain any motor vehicle or vehicles or



1 any other commodity or commodities which have been ordered  
2 or requested by such motor vehicle dealer;

3 (2) to order or accept delivery of any motor vehicle  
4 with special features, appliances, accessories or  
5 equipment not included in the list price of the motor  
6 vehicles as publicly advertised by the manufacturer  
7 thereof, except items required by applicable law; or

8 (3) to order for anyone any parts, accessories,  
9 equipment, machinery, tools, appliances or any commodity  
10 whatsoever, except items required by applicable law.

11 (d) It shall be deemed a violation for a manufacturer, a  
12 distributor, a wholesaler, a distributor branch or division, or  
13 officer, agent or other representative thereof:

14 (1) to adopt, change, establish or implement a plan or  
15 system for the allocation and distribution of new motor  
16 vehicles to motor vehicle dealers which is arbitrary or  
17 capricious or to modify an existing plan so as to cause the  
18 same to be arbitrary or capricious;

19 (2) to fail or refuse to advise or disclose to any  
20 motor vehicle dealer having a franchise or selling  
21 agreement, upon written request therefor, the basis upon  
22 which new motor vehicles of the same line make are  
23 allocated or distributed to motor vehicle dealers in the  
24 State and the basis upon which the current allocation or  
25 distribution is being made or will be made to such motor  
26 vehicle dealer;

1           (3) to refuse to deliver in reasonable quantities and  
2           within a reasonable time after receipt of dealer's order,  
3           to any motor vehicle dealer having a franchise or selling  
4           agreement for the retail sale of new motor vehicles sold or  
5           distributed by such manufacturer, distributor, wholesaler,  
6           distributor branch or division, factory branch or division  
7           or wholesale branch or division, any such motor vehicles as  
8           are covered by such franchise or selling agreement  
9           specifically publicly advertised in the State by such  
10          manufacturer, distributor, wholesaler, distributor branch  
11          or division, factory branch or division, or wholesale  
12          branch or division to be available for immediate delivery.  
13          However, the failure to deliver any motor vehicle shall not  
14          be considered a violation of this Act if such failure is  
15          due to an act of God, a work stoppage or delay due to a  
16          strike or labor difficulty, a shortage of materials, a lack  
17          of manufacturing capacity, a freight embargo or other cause  
18          over which the manufacturer, distributor, or wholesaler,  
19          or any agent thereof has no control;

20          (4) to coerce, or attempt to coerce, any motor vehicle  
21          dealer to enter into any agreement with such manufacturer,  
22          distributor, wholesaler, distributor branch or division,  
23          factory branch or division, or wholesale branch or  
24          division, or officer, agent or other representative  
25          thereof, or to do any other act prejudicial to the dealer  
26          by threatening to reduce his allocation of motor vehicles

1 or cancel any franchise or any selling agreement existing  
2 between such manufacturer, distributor, wholesaler,  
3 distributor branch or division, or factory branch or  
4 division, or wholesale branch or division, and the dealer.  
5 However, notice in good faith to any motor vehicle dealer  
6 of the dealer's violation of any terms or provisions of  
7 such franchise or selling agreement or of any law or  
8 regulation applicable to the conduct of a motor vehicle  
9 dealer shall not constitute a violation of this Act;

10 (5) to require a franchisee to participate in an  
11 advertising campaign or contest or any promotional  
12 campaign, or to purchase or lease any promotional  
13 materials, training materials, show room or other display  
14 decorations or materials at the expense of the franchisee;

15 (6) to cancel or terminate the franchise or selling  
16 agreement of a motor vehicle dealer without good cause and  
17 without giving notice as hereinafter provided; to fail or  
18 refuse to extend the franchise or selling agreement of a  
19 motor vehicle dealer upon its expiration without good cause  
20 and without giving notice as hereinafter provided; or, to  
21 offer a renewal, replacement or succeeding franchise or  
22 selling agreement containing terms and provisions the  
23 effect of which is to substantially change or modify the  
24 sales and service obligations or capital requirements of  
25 the motor vehicle dealer arbitrarily and without good cause  
26 and without giving notice as hereinafter provided

1           notwithstanding any term or provision of a franchise or  
2           selling agreement.

3           (A) If a manufacturer, distributor, wholesaler,  
4           distributor branch or division, factory branch or  
5           division or wholesale branch or division intends to  
6           cancel or terminate a franchise or selling agreement or  
7           intends not to extend or renew a franchise or selling  
8           agreement on its expiration, it shall send a letter by  
9           certified mail, return receipt requested, to the  
10          affected franchisee at least 60 days before the  
11          effective date of the proposed action, or not later  
12          than 10 days before the proposed action when the reason  
13          for the action is based upon either of the following:

14                 (i) the business operations of the franchisee  
15                 have been abandoned or the franchisee has failed to  
16                 conduct customary sales and service operations  
17                 during customary business hours for at least 7  
18                 consecutive business days unless such closing is  
19                 due to an act of God, strike or labor difficulty or  
20                 other cause over which the franchisee has no  
21                 control; or

22                 (ii) the conviction of or plea of nolo  
23                 contendere by the motor vehicle dealer or any  
24                 operator thereof in a court of competent  
25                 jurisdiction to an offense punishable by  
26                 imprisonment for more than two years.

1           Each notice of proposed action shall include a  
2 detailed statement setting forth the specific grounds  
3 for the proposed cancellation, termination, or refusal  
4 to extend or renew and shall state that the dealer has  
5 only 30 days from receipt of the notice to file with  
6 the Motor Vehicle Review Board a written protest  
7 against the proposed action.

8           (B) If a manufacturer, distributor, wholesaler,  
9 distributor branch or division, factory branch or  
10 division or wholesale branch or division intends to  
11 change substantially or modify the sales and service  
12 obligations or capital requirements of a motor vehicle  
13 dealer as a condition to extending or renewing the  
14 existing franchise or selling agreement of such motor  
15 vehicle dealer, it shall send a letter by certified  
16 mail, return receipt requested, to the affected  
17 franchisee at least 60 days before the date of  
18 expiration of the franchise or selling agreement. Each  
19 notice of proposed action shall include a detailed  
20 statement setting forth the specific grounds for the  
21 proposed action and shall state that the dealer has  
22 only 30 days from receipt of the notice to file with  
23 the Motor Vehicle Review Board a written protest  
24 against the proposed action.

25           (C) Within 30 days from receipt of the notice under  
26 subparagraphs (A) and (B), the franchisee may file with

1           the Board a written protest against the proposed  
2           action.

3           When the protest has been timely filed, the Board  
4           shall enter an order, fixing a date (within 60 days of  
5           the date of the order), time, and place of a hearing on  
6           the protest required under Sections 12 and 29 of this  
7           Act, and send by certified mail, return receipt  
8           requested, a copy of the order to the manufacturer that  
9           filed the notice of intention of the proposed action  
10          and to the protesting dealer or franchisee.

11          The manufacturer shall have the burden of proof to  
12          establish that good cause exists to cancel or  
13          terminate, or fail to extend or renew the franchise or  
14          selling agreement of a motor vehicle dealer or  
15          franchisee, and to change substantially or modify the  
16          sales and service obligations or capital requirements  
17          of a motor vehicle dealer as a condition to extending  
18          or renewing the existing franchise or selling  
19          agreement. The determination whether good cause exists  
20          to cancel, terminate, or refuse to renew or extend the  
21          franchise or selling agreement, or to change or modify  
22          the obligations of the dealer as a condition to offer  
23          renewal, replacement, or succession shall be made by  
24          the Board under subsection (d) of Section 12 of this  
25          Act.

26          (D) Notwithstanding the terms, conditions, or

1 provisions of a franchise or selling agreement, the  
2 following shall not constitute good cause for  
3 cancelling or terminating or failing to extend or renew  
4 the franchise or selling agreement: (i) the change of  
5 ownership or executive management of the franchisee's  
6 dealership; or (ii) the fact that the franchisee or  
7 owner of an interest in the franchise owns, has an  
8 investment in, participates in the management of, or  
9 holds a license for the sale of the same or any other  
10 line make of new motor vehicles.

11 (E) The manufacturer may not cancel or terminate,  
12 or fail to extend or renew a franchise or selling  
13 agreement or change or modify the obligations of the  
14 franchisee as a condition to offering a renewal,  
15 replacement, or succeeding franchise or selling  
16 agreement before the hearing process is concluded as  
17 prescribed by this Act, and thereafter, if the Board  
18 determines that the manufacturer has failed to meet its  
19 burden of proof and that good cause does not exist to  
20 allow the proposed action;

21 (7) notwithstanding the terms of any franchise  
22 agreement, to fail to indemnify and hold harmless its  
23 franchised dealers against any judgment or settlement for  
24 damages, including, but not limited to, court costs, expert  
25 witness fees, reasonable attorneys' fees of the new motor  
26 vehicle dealer, and other expenses incurred in the

1 litigation, so long as such fees and costs are reasonable,  
2 arising out of complaints, claims, or lawsuits, including,  
3 but not limited to, strict liability, negligence,  
4 misrepresentation, warranty (express or implied), or  
5 rescission of the sale as defined in Section 2-608 of the  
6 Uniform Commercial Code, to the extent that the judgment or  
7 settlement relates to the alleged defective or negligent  
8 manufacture, assembly or design of new motor vehicles,  
9 parts or accessories or other functions by the  
10 manufacturer, beyond the control of the dealer; provided  
11 that, in order to provide an adequate defense, the  
12 manufacturer receives notice of the filing of a complaint,  
13 claim, or lawsuit within 60 days after the filing;

14 (8) to require or otherwise coerce a motor vehicle  
15 dealer to underutilize the motor vehicle dealer's  
16 facilities by requiring or otherwise coercing the motor  
17 vehicle dealer to exclude or remove from the motor vehicle  
18 dealer's facilities operations for selling or servicing of  
19 any vehicles for which the motor vehicle dealer has a  
20 franchise agreement with another manufacturer,  
21 distributor, wholesaler, distribution branch or division,  
22 or officer, agent, or other representative thereof;  
23 provided, however, that, in light of all existing  
24 circumstances, (i) the motor vehicle dealer maintains a  
25 reasonable line of credit for each make or line of new  
26 motor vehicle, (ii) the new motor vehicle dealer remains in



1 compliance with any reasonable facilities requirements of  
2 the manufacturer, (iii) no change is made in the principal  
3 management of the new motor vehicle dealer, and (iv) the  
4 addition of the make or line of new motor vehicles would be  
5 reasonable. The reasonable facilities requirement set  
6 forth in item (ii) of subsection (d)(8) shall not include  
7 any requirement that a franchisee establish or maintain  
8 exclusive facilities, personnel, or display space. Any  
9 decision by a motor vehicle dealer to sell additional makes  
10 or lines at the motor vehicle dealer's facility shall be  
11 presumed to be reasonable, and the manufacturer shall have  
12 the burden to overcome that presumption. A motor vehicle  
13 dealer must provide a written notification of its intent to  
14 add a make or line of new motor vehicles to the  
15 manufacturer. If the manufacturer does not respond to the  
16 motor vehicle dealer, in writing, objecting to the addition  
17 of the make or line within 60 days after the date that the  
18 motor vehicle dealer sends the written notification, then  
19 the manufacturer shall be deemed to have approved the  
20 addition of the make or line;

21 (9) to use or consider the performance of a motor  
22 vehicle dealer relating to the sale of the manufacturer's,  
23 distributor's, or wholesaler's vehicles or the motor  
24 vehicle dealer's ability to satisfy any minimum sales or  
25 market share quota or responsibility relating to the sale  
26 of the manufacturer's, distributor's, or wholesaler's new

1 vehicles in determining:

2 (A) the motor vehicle dealer's eligibility to  
3 purchase program, certified, or other used motor  
4 vehicles from the manufacturer, distributor, or  
5 wholesaler;

6 (B) the volume, type, or model of program,  
7 certified, or other used motor vehicles that a motor  
8 vehicle dealer is eligible to purchase from the  
9 manufacturer, distributor, or wholesaler;

10 (C) the price of any program, certified, or other  
11 used motor vehicle that the dealer is eligible to  
12 purchase from the manufacturer, distributor, or  
13 wholesaler; or

14 (D) the availability or amount of any discount,  
15 credit, rebate, or sales incentive that the dealer is  
16 eligible to receive from the manufacturer,  
17 distributor, or wholesaler for the purchase of any  
18 program, certified, or other used motor vehicle  
19 offered for sale by the manufacturer, distributor, or  
20 wholesaler;

21 (10) to take any adverse action against a dealer  
22 pursuant to an export or sale-for-resale prohibition  
23 because the dealer sold or leased a vehicle to a customer  
24 who either exported the vehicle to a foreign country or  
25 resold the vehicle in violation of the prohibition, unless  
26 the export or sale-for-resale prohibition policy was

1 provided to the dealer in writing either electronically or  
2 on paper, prior to the sale or lease, and the dealer knew  
3 or reasonably should have known of the customer's intent to  
4 export or resell the vehicle in violation of the  
5 prohibition at the time of the sale or lease. If the dealer  
6 causes the vehicle to be registered and titled in this or  
7 any other state, and collects or causes to be collected any  
8 applicable sales or use tax to this State, a rebuttable  
9 presumption is established that the dealer did not have  
10 reason to know of the customer's intent to resell the  
11 vehicle;

12 (11) to coerce or require any dealer to construct  
13 improvements to his or her facilities or to install new  
14 signs or other franchiser image elements that replace or  
15 substantially alter those improvements, signs, or  
16 franchiser image elements completed within the past 10  
17 years that were required and approved by the manufacturer  
18 or one of its affiliates. The 10-year period under this  
19 paragraph (11) begins to run for a dealer, including that  
20 dealer's successors and assigns, on the date that the  
21 manufacturer gives final written approval of the facility  
22 improvements or installation of signs or other franchiser  
23 image elements or the date that the dealer receives a  
24 certificate of occupancy, whichever is later. For the  
25 purpose of this paragraph (11), the term "substantially  
26 alter" does not include routine maintenance, including,

1 but not limited to, interior painting, that is reasonably  
2 necessary to keep a dealer facility in attractive  
3 condition; or

4 (12) to require a dealer to purchase goods or services  
5 to make improvements to the dealer's facilities from a  
6 vendor selected, identified, or designated by a  
7 manufacturer or one of its affiliates by agreement,  
8 program, incentive provision, or otherwise without making  
9 available to the dealer the option to obtain the goods or  
10 services of substantially similar quality and overall  
11 design from a vendor chosen by the dealer and approved by  
12 the manufacturer; however, approval by the manufacturer  
13 shall not be unreasonably withheld, and the dealer's option  
14 to select a vendor shall not be available if the  
15 manufacturer provides substantial reimbursement for the  
16 goods or services offered. "Substantial reimbursement"  
17 means an amount equal to or greater than the cost savings  
18 that would result if the dealer were to utilize a vendor of  
19 the dealer's own selection instead of using the vendor  
20 identified by the manufacturer. For the purpose of this  
21 paragraph (12), the term "goods" does not include movable  
22 displays, brochures, and promotional materials containing  
23 material subject to the intellectual property rights of a  
24 manufacturer. If signs, other than signs containing the  
25 manufacturer's brand or logo or free-standing signs that  
26 are not directly attached to a building, or other

1 franchiser image or design elements or trade dress are to  
2 be leased to the dealer by a vendor selected, identified,  
3 or designated by the manufacturer, the dealer has the right  
4 to purchase the signs or other franchiser image or design  
5 elements or trade dress of substantially similar quality  
6 and design from a vendor selected by the dealer if the  
7 signs, franchiser image or design elements, or trade dress  
8 are approved by the manufacturer. Approval by the  
9 manufacturer shall not be unreasonably withheld. This  
10 paragraph (12) shall not be construed to allow a dealer or  
11 vendor to impair, infringe upon, or eliminate, directly or  
12 indirectly, the intellectual property rights of the  
13 manufacturer, including, but not limited to, the  
14 manufacturer's intellectual property rights in any  
15 trademarks or trade dress, or other intellectual property  
16 interests owned or controlled by the manufacturer. This  
17 paragraph (12) shall not be construed to permit a dealer to  
18 erect or maintain signs that do not conform to the  
19 manufacturer's intellectual property rights or trademark  
20 or trade dress usage guidelines.

21 (e) It shall be deemed a violation for a manufacturer, a  
22 distributor, a wholesaler, a distributor branch or division or  
23 officer, agent or other representative thereof:

24 (1) to resort to or use any false or misleading  
25 advertisement in connection with his business as such  
26 manufacturer, distributor, wholesaler, distributor branch

1 or division or officer, agent or other representative  
2 thereof;

3 (2) to offer to sell or lease, or to sell or lease, any  
4 new motor vehicle to any motor vehicle dealer at a lower  
5 actual price therefor than the actual price offered to any  
6 other motor vehicle dealer for the same model vehicle  
7 similarly equipped or to utilize any device including, but  
8 not limited to, sales promotion plans or programs which  
9 result in such lesser actual price or fail to make  
10 available to any motor vehicle dealer any preferential  
11 pricing, incentive, rebate, finance rate, or low interest  
12 loan program offered to competing motor vehicle dealers in  
13 other contiguous states. However, the provisions of this  
14 paragraph shall not apply to sales to a motor vehicle  
15 dealer for resale to any unit of the United States  
16 Government, the State or any of its political subdivisions;

17 (3) to offer to sell or lease, or to sell or lease, any  
18 new motor vehicle to any person, except a wholesaler,  
19 distributor or manufacturer's employees at a lower actual  
20 price therefor than the actual price offered and charged to  
21 a motor vehicle dealer for the same model vehicle similarly  
22 equipped or to utilize any device which results in such  
23 lesser actual price. However, the provisions of this  
24 paragraph shall not apply to sales to a motor vehicle  
25 dealer for resale to any unit of the United States  
26 Government, the State or any of its political subdivisions;

1           (4) to prevent or attempt to prevent by contract or  
2 otherwise any motor vehicle dealer or franchisee from  
3 changing the executive management control of the motor  
4 vehicle dealer or franchisee unless the franchiser, having  
5 the burden of proof, proves that such change of executive  
6 management will result in executive management control by a  
7 person or persons who are not of good moral character or  
8 who do not meet the franchiser's existing and, with  
9 consideration given to the volume of sales and service of  
10 the dealership, uniformly applied minimum business  
11 experience standards in the market area. However, where the  
12 manufacturer rejects a proposed change in executive  
13 management control, the manufacturer shall give written  
14 notice of his reasons to the dealer within 60 days of  
15 notice to the manufacturer by the dealer of the proposed  
16 change. If the manufacturer does not send a letter to the  
17 franchisee by certified mail, return receipt requested,  
18 within 60 days from receipt by the manufacturer of the  
19 proposed change, then the change of the executive  
20 management control of the franchisee shall be deemed  
21 accepted as proposed by the franchisee, and the  
22 manufacturer shall give immediate effect to such change;

23           (5) to prevent or attempt to prevent by contract or  
24 otherwise any motor vehicle dealer from establishing or  
25 changing the capital structure of his dealership or the  
26 means by or through which he finances the operation

1           thereof; provided the dealer meets any reasonable capital  
2           standards agreed to between the dealer and the  
3           manufacturer, distributor or wholesaler, who may require  
4           that the sources, method and manner by which the dealer  
5           finances or intends to finance its operation, equipment or  
6           facilities be fully disclosed;

7           (6) to refuse to give effect to or prevent or attempt  
8           to prevent by contract or otherwise any motor vehicle  
9           dealer or any officer, partner or stockholder of any motor  
10          vehicle dealer from selling or transferring any part of the  
11          interest of any of them to any other person or persons or  
12          party or parties unless such sale or transfer is to a  
13          transferee who would not otherwise qualify for a new motor  
14          vehicle dealers license under the Illinois Vehicle Code or  
15          unless the franchiser, having the burden of proof, proves  
16          that such sale or transfer is to a person or party who is  
17          not of good moral character or does not meet the  
18          franchiser's existing and reasonable capital standards  
19          and, with consideration given to the volume of sales and  
20          service of the dealership, uniformly applied minimum  
21          business experience standards in the market area. However,  
22          nothing herein shall be construed to prevent a franchiser  
23          from implementing affirmative action programs providing  
24          business opportunities for minorities or from complying  
25          with applicable federal, State or local law:

26                 (A) If the manufacturer intends to refuse to



1           approve the sale or transfer of all or a part of the  
2           interest, then it shall, within 60 days from receipt of  
3           the completed application forms generally utilized by  
4           a manufacturer to conduct its review and a copy of all  
5           agreements regarding the proposed transfer, send a  
6           letter by certified mail, return receipt requested,  
7           advising the franchisee of any refusal to approve the  
8           sale or transfer of all or part of the interest and  
9           shall state that the dealer only has 30 days from the  
10          receipt of the notice to file with the Motor Vehicle  
11          Review Board a written protest against the proposed  
12          action. The notice shall set forth specific criteria  
13          used to evaluate the prospective transferee and the  
14          grounds for refusing to approve the sale or transfer to  
15          that transferee. Within 30 days from the franchisee's  
16          receipt of the manufacturer's notice, the franchisee  
17          may file with the Board a written protest against the  
18          proposed action.

19                 When a protest has been timely filed, the Board  
20                 shall enter an order, fixing the date (within 60 days  
21                 of the date of such order), time, and place of a  
22                 hearing on the protest, required under Sections 12 and  
23                 29 of this Act, and send by certified mail, return  
24                 receipt requested, a copy of the order to the  
25                 manufacturer that filed notice of intention of the  
26                 proposed action and to the protesting franchisee.

1           The manufacturer shall have the burden of proof to  
2           establish that good cause exists to refuse to approve  
3           the sale or transfer to the transferee. The  
4           determination whether good cause exists to refuse to  
5           approve the sale or transfer shall be made by the Board  
6           under subdivisions (6) (B). The manufacturer shall not  
7           refuse to approve the sale or transfer by a dealer or  
8           an officer, partner, or stockholder of a franchise or  
9           any part of the interest to any person or persons  
10          before the hearing process is concluded as prescribed  
11          by this Act, and thereafter if the Board determines  
12          that the manufacturer has failed to meet its burden of  
13          proof and that good cause does not exist to refuse to  
14          approve the sale or transfer to the transferee.

15           (B) Good cause to refuse to approve such sale or  
16          transfer under this Section is established when such  
17          sale or transfer is to a transferee who would not  
18          otherwise qualify for a new motor vehicle dealers  
19          license under the Illinois Vehicle Code or such sale or  
20          transfer is to a person or party who is not of good  
21          moral character or does not meet the franchiser's  
22          existing and reasonable capital standards and, with  
23          consideration given to the volume of sales and service  
24          of the dealership, uniformly applied minimum business  
25          experience standards in the market area.

26          (7) to obtain money, goods, services, anything of

1 value, or any other benefit from any other person with whom  
2 the motor vehicle dealer does business, on account of or in  
3 relation to the transactions between the dealer and the  
4 other person as compensation, except for services actually  
5 rendered, unless such benefit is promptly accounted for and  
6 transmitted to the motor vehicle dealer;

7 (8) to grant an additional franchise in the relevant  
8 market area of an existing franchise of the same line make  
9 or to relocate an existing motor vehicle dealership within  
10 or into a relevant market area of an existing franchise of  
11 the same line make. However, if the manufacturer wishes to  
12 grant such an additional franchise to an independent person  
13 in a bona fide relationship in which such person is  
14 prepared to make a significant investment subject to loss  
15 in such a dealership, or if the manufacturer wishes to  
16 relocate an existing motor vehicle dealership, then the  
17 manufacturer shall send a letter by certified mail, return  
18 receipt requested, to each existing dealer or dealers of  
19 the same line make whose relevant market area includes the  
20 proposed location of the additional or relocated franchise  
21 at least 60 days before the manufacturer grants an  
22 additional franchise or relocates an existing franchise of  
23 the same line make within or into the relevant market area  
24 of an existing franchisee of the same line make. Each  
25 notice shall set forth the specific grounds for the  
26 proposed grant of an additional or relocation of an

1 existing franchise and shall state that the dealer has only  
2 30 days from the date of receipt of the notice to file with  
3 the Motor Vehicle Review Board a written protest against  
4 the proposed action. Unless the parties agree upon the  
5 grant or establishment of the additional or relocated  
6 franchise within 30 days from the date the notice was  
7 received by the existing franchisee of the same line make  
8 or any person entitled to receive such notice, the  
9 franchisee or other person may file with the Board a  
10 written protest against the grant or establishment of the  
11 proposed additional or relocated franchise.

12 When a protest has been timely filed, the Board shall  
13 enter an order fixing a date (within 60 days of the date of  
14 the order), time, and place of a hearing on the protest,  
15 required under Sections 12 and 29 of this Act, and send by  
16 certified or registered mail, return receipt requested, a  
17 copy of the order to the manufacturer that filed the notice  
18 of intention to grant or establish the proposed additional  
19 or relocated franchise and to the protesting dealer or  
20 dealers of the same line make whose relevant market area  
21 includes the proposed location of the additional or  
22 relocated franchise.

23 When more than one protest is filed against the grant  
24 or establishment of the additional or relocated franchise  
25 of the same line make, the Board may consolidate the  
26 hearings to expedite disposition of the matter. The

1 manufacturer shall have the burden of proof to establish  
2 that good cause exists to allow the grant or establishment  
3 of the additional or relocated franchise. The manufacturer  
4 may not grant or establish the additional franchise or  
5 relocate the existing franchise before the hearing process  
6 is concluded as prescribed by this Act, and thereafter if  
7 the Board determines that the manufacturer has failed to  
8 meet its burden of proof and that good cause does not exist  
9 to allow the grant or establishment of the additional  
10 franchise or relocation of the existing franchise.

11 The determination whether good cause exists for  
12 allowing the grant or establishment of an additional  
13 franchise or relocated existing franchise, shall be made by  
14 the Board under subsection (c) of Section 12 of this Act.  
15 If the manufacturer seeks to enter into a contract,  
16 agreement or other arrangement with any person,  
17 establishing any additional motor vehicle dealership or  
18 other facility, limited to the sale of factory repurchase  
19 vehicles or late model vehicles, then the manufacturer  
20 shall follow the notice procedures set forth in this  
21 Section and the determination whether good cause exists for  
22 allowing the proposed agreement shall be made by the Board  
23 under subsection (c) of Section 12, with the manufacturer  
24 having the burden of proof.

25 A. (Blank).

26 B. For the purposes of this Section, appointment of

1 a successor motor vehicle dealer at the same location  
2 as its predecessor, or within 2 miles of such location,  
3 or the relocation of an existing dealer or franchise  
4 within 2 miles of the relocating dealer's or  
5 franchisee's existing location, shall not be construed  
6 as a grant, establishment or the entering into of an  
7 additional franchise or selling agreement, or a  
8 relocation of an existing franchise. The reopening of a  
9 motor vehicle dealership that has not been in operation  
10 for 18 months or more shall be deemed the grant of an  
11 additional franchise or selling agreement.

12 C. This Section does not apply to the relocation of  
13 an existing dealership or franchise in a county having  
14 a population of more than 300,000 persons when the new  
15 location is within the dealer's current relevant  
16 market area, provided the new location is more than 7  
17 miles from the nearest dealer of the same line make.  
18 This Section does not apply to the relocation of an  
19 existing dealership or franchise in a county having a  
20 population of less than 300,000 persons when the new  
21 location is within the dealer's current relevant  
22 market area, provided the new location is more than 12  
23 miles from the nearest dealer of the same line make. A  
24 dealer that would be farther away from the new location  
25 of an existing dealership or franchise of the same line  
26 make after a relocation may not file a written protest

1           against the relocation with the Motor Vehicle Review  
2           Board.

3           D. Nothing in this Section shall be construed to  
4           prevent a franchiser from implementing affirmative  
5           action programs providing business opportunities for  
6           minorities or from complying with applicable federal,  
7           State or local law;

8           (9) to require a motor vehicle dealer to assent to a  
9           release, assignment, novation, waiver or estoppel which  
10          would relieve any person from liability imposed by this  
11          Act;

12          (10) to prevent or refuse to give effect to the  
13          succession to the ownership or management control of a  
14          dealership by any legatee under the will of a dealer or to  
15          an heir under the laws of descent and distribution of this  
16          State unless the franchisee has designated a successor to  
17          the ownership or management control under the succession  
18          provisions of the franchise. Unless the franchiser, having  
19          the burden of proof, proves that the successor is a person  
20          who is not of good moral character or does not meet the  
21          franchiser's existing and reasonable capital standards  
22          and, with consideration given to the volume of sales and  
23          service of the dealership, uniformly applied minimum  
24          business experience standards in the market area, any  
25          designated successor of a dealer or franchisee may succeed  
26          to the ownership or management control of a dealership

1 under the existing franchise if:

2 (i) The designated successor gives the  
3 franchiser written notice by certified mail,  
4 return receipt requested, of his or her intention  
5 to succeed to the ownership of the dealer within 60  
6 days of the dealer's death or incapacity; and

7 (ii) The designated successor agrees to be  
8 bound by all the terms and conditions of the  
9 existing franchise.

10 Notwithstanding the foregoing, in the event the motor  
11 vehicle dealer or franchisee and manufacturer have duly  
12 executed an agreement concerning succession rights prior  
13 to the dealer's death or incapacitation, the agreement  
14 shall be observed.

15 (A) If the franchiser intends to refuse to honor  
16 the successor to the ownership of a deceased or  
17 incapacitated dealer or franchisee under an existing  
18 franchise agreement, the franchiser shall send a  
19 letter by certified mail, return receipt requested, to  
20 the designated successor within 60 days from receipt of  
21 a proposal advising of its intent to refuse to honor  
22 the succession and to discontinue the existing  
23 franchise agreement and shall state that the  
24 designated successor only has 30 days from the receipt  
25 of the notice to file with the Motor Vehicle Review  
26 Board a written protest against the proposed action.



1           The notice shall set forth the specific grounds for the  
2           refusal to honor the succession and discontinue the  
3           existing franchise agreement.

4           If notice of refusal is not timely served upon the  
5           designated successor, the franchise agreement shall  
6           continue in effect subject to termination only as  
7           otherwise permitted by paragraph (6) of subsection (d)  
8           of Section 4 of this Act.

9           Within 30 days from the date the notice was  
10          received by the designated successor or any other  
11          person entitled to notice, the designee or other person  
12          may file with the Board a written protest against the  
13          proposed action.

14          When a protest has been timely filed, the Board  
15          shall enter an order, fixing a date (within 60 days of  
16          the date of the order), time, and place of a hearing on  
17          the protest, required under Sections 12 and 29 of this  
18          Act, and send by certified mail, return receipt  
19          requested, a copy of the order to the franchiser that  
20          filed the notice of intention of the proposed action  
21          and to the protesting designee or such other person.

22          The manufacturer shall have the burden of proof to  
23          establish that good cause exists to refuse to honor the  
24          succession and discontinue the existing franchise  
25          agreement. The determination whether good cause exists  
26          to refuse to honor the succession shall be made by the

1 Board under subdivision (B) of this paragraph (10). The  
2 manufacturer shall not refuse to honor the succession  
3 or discontinue the existing franchise agreement before  
4 the hearing process is concluded as prescribed by this  
5 Act, and thereafter if the Board determines that it has  
6 failed to meet its burden of proof and that good cause  
7 does not exist to refuse to honor the succession and  
8 discontinue the existing franchise agreement.

9 (B) No manufacturer shall impose any conditions  
10 upon honoring the succession and continuing the  
11 existing franchise agreement with the designated  
12 successor other than that the franchisee has  
13 designated a successor to the ownership or management  
14 control under the succession provisions of the  
15 franchise, or that the designated successor is of good  
16 moral character or meets the reasonable capital  
17 standards and, with consideration given to the volume  
18 of sales and service of the dealership, uniformly  
19 applied minimum business experience standards in the  
20 market area;

21 (11) to prevent or refuse to approve a proposal to  
22 establish a successor franchise at a location previously  
23 approved by the franchiser when submitted with the  
24 voluntary termination by the existing franchisee unless  
25 the successor franchisee would not otherwise qualify for a  
26 new motor vehicle dealer's license under the Illinois

1 Vehicle Code or unless the franchiser, having the burden of  
2 proof, proves that such proposed successor is not of good  
3 moral character or does not meet the franchiser's existing  
4 and reasonable capital standards and, with consideration  
5 given to the volume of sales and service of the dealership,  
6 uniformly applied minimum business experience standards in  
7 the market area. However, when such a rejection of a  
8 proposal is made, the manufacturer shall give written  
9 notice of its reasons to the franchisee within 60 days of  
10 receipt by the manufacturer of the proposal. However,  
11 nothing herein shall be construed to prevent a franchiser  
12 from implementing affirmative action programs providing  
13 business opportunities for minorities, or from complying  
14 with applicable federal, State or local law;

15 (12) to prevent or refuse to grant a franchise to a  
16 person because such person owns, has investment in or  
17 participates in the management of or holds a franchise for  
18 the sale of another make or line of motor vehicles within 7  
19 miles of the proposed franchise location in a county having  
20 a population of more than 300,000 persons, or within 12  
21 miles of the proposed franchise location in a county having  
22 a population of less than 300,000 persons;

23 (13) to prevent or attempt to prevent any new motor  
24 vehicle dealer from establishing any additional motor  
25 vehicle dealership or other facility limited to the sale of  
26 factory repurchase vehicles or late model vehicles or

1 otherwise offering for sale factory repurchase vehicles of  
2 the same line make at an existing franchise by failing to  
3 make available any contract, agreement or other  
4 arrangement which is made available or otherwise offered to  
5 any person; or

6 (14) to exercise a right of first refusal or other  
7 right to acquire a franchise from a dealer, unless the  
8 manufacturer:

9 (A) notifies the dealer in writing that it intends  
10 to exercise its right to acquire the franchise not  
11 later than 60 days after the manufacturer's or  
12 distributor's receipt of a notice of the proposed  
13 transfer from the dealer and all information and  
14 documents reasonably and customarily required by the  
15 manufacturer or distributor supporting the proposed  
16 transfer;

17 (B) pays to the dealer the same or greater  
18 consideration as the dealer has contracted to receive  
19 in connection with the proposed transfer or sale of all  
20 or substantially all of the dealership assets, stock,  
21 or other ownership interest, including the purchase or  
22 lease of all real property, leasehold, or improvements  
23 related to the transfer or sale of the dealership. Upon  
24 exercise of the right of first refusal or such other  
25 right, the manufacturer or distributor shall have the  
26 right to assign the lease or to convey the real

1 property;

2 (C) assumes all of the duties, obligations, and  
3 liabilities contained in the agreements that were to be  
4 assumed by the proposed transferee and with respect to  
5 which the manufacturer or distributor exercised the  
6 right of first refusal or other right to acquire the  
7 franchise;

8 (D) reimburses the proposed transferee for all  
9 reasonable expenses incurred in evaluating,  
10 investigating, and negotiating the transfer of the  
11 dealership prior to the manufacturer's or  
12 distributor's exercise of its right of first refusal or  
13 other right to acquire the dealership. For purposes of  
14 this paragraph, "reasonable expenses" includes the  
15 usual and customary legal and accounting fees charged  
16 for similar work, as well as expenses associated with  
17 the evaluation and investigation of any real property  
18 on which the dealership is operated. The proposed  
19 transferee shall submit an itemized list of its  
20 expenses to the manufacturer or distributor not later  
21 than 30 days after the manufacturer's or distributor's  
22 exercise of the right of first refusal or other right  
23 to acquire the motor vehicle franchise. The  
24 manufacturer or distributor shall reimburse the  
25 proposed transferee for its expenses not later than 90  
26 days after receipt of the itemized list. A manufacturer

1           or distributor may request to be provided with the  
2           itemized list of expenses before exercising the  
3           manufacturer's or distributor's right of first  
4           refusal.

5           Except as provided in this paragraph (14), neither the  
6           selling dealer nor the manufacturer or distributor shall  
7           have any liability to any person as a result of a  
8           manufacturer or distributor exercising its right of first  
9           refusal.

10          For the purpose of this paragraph, "proposed  
11          transferee" means the person to whom the franchise would  
12          have been transferred to, or was proposed to be transferred  
13          to, had the right of first refusal or other right to  
14          acquire the franchise not been exercised by the  
15          manufacturer or distributor.

16          (f) It is deemed a violation for a manufacturer, a  
17          distributor, a wholesaler, a distributor branch or division, a  
18          factory branch or division, or a wholesale branch or division,  
19          or officer, agent, broker, shareholder, except a shareholder of  
20          1% or less of the outstanding shares of any class of securities  
21          of a manufacturer, distributor, or wholesaler which is a  
22          publicly traded corporation, or other representative, directly  
23          or indirectly, to own or operate a place of business as a motor  
24          vehicle franchisee or motor vehicle financing affiliate,  
25          except that, this subsection shall not prohibit:

26                 (1) the ownership or operation of a place of business

1 by a manufacturer, distributor, or wholesaler for a period,  
2 not to exceed 18 months, during the transition from one  
3 motor vehicle franchisee to another;

4 (2) the investment in a motor vehicle franchisee by a  
5 manufacturer, distributor, or wholesaler if the investment  
6 is for the sole purpose of enabling a partner or  
7 shareholder in that motor vehicle franchisee to acquire an  
8 interest in that motor vehicle franchisee and that partner  
9 or shareholder is not otherwise employed by or associated  
10 with the manufacturer, distributor, or wholesaler and  
11 would not otherwise have the requisite capital investment  
12 funds to invest in the motor vehicle franchisee, and has  
13 the right to purchase the entire equity interest of the  
14 manufacturer, distributor, or wholesaler in the motor  
15 vehicle franchisee within a reasonable period of time not  
16 to exceed 5 years; or

17 (3) the ownership or operation of a place of business  
18 by a manufacturer that manufactures only diesel engines for  
19 installation in trucks having a gross vehicle weight rating  
20 of more than 16,000 pounds that are required to be  
21 registered under the Illinois Vehicle Code, provided that:

22 (A) the manufacturer does not otherwise  
23 manufacture, distribute, or sell motor vehicles as  
24 defined under Section 1-217 of the Illinois Vehicle  
25 Code;

26 (B) the manufacturer owned a place of business and

1           it was in operation as of January 1, 2016;

2           (C) the manufacturer complies with all obligations  
3           owed to dealers that are not owned, operated, or  
4           controlled by the manufacturer, including, but not  
5           limited to those obligations arising pursuant to  
6           Section 6;

7           (D) to further avoid any acts or practices, the  
8           effect of which may be to lessen or eliminate  
9           competition, the manufacturer provides to dealers on  
10          substantially equal terms access to all support for  
11          completing repairs, including, but not limited to,  
12          parts and assemblies, training, and technical service  
13          bulletins, and other information concerning repairs  
14          that the manufacturer provides to facilities that are  
15          owned, operated, or controlled by the manufacturer;  
16          and

17          (E) the manufacturer does not require that  
18          warranty repair work be performed by a  
19          manufacturer-owned repair facility and the  
20          manufacturer provides any dealer that has an agreement  
21          with the manufacturer to sell and perform warranty  
22          repairs on the manufacturer's engines the opportunity  
23          to perform warranty repairs on those engines,  
24          regardless of whether the dealer sold the truck into  
25          which the engine was installed.

26          (g) Notwithstanding the terms, provisions, or conditions



1 of any agreement or waiver, it shall be deemed a violation for  
2 a manufacturer, a distributor, a wholesaler, a distributor  
3 branch or division, a factory branch or division, or a  
4 wholesale branch or division, or officer, agent or other  
5 representative thereof, to directly or indirectly condition  
6 the awarding of a franchise to a prospective new motor vehicle  
7 dealer, the addition of a line make or franchise to an existing  
8 dealer, the renewal of a franchise of an existing dealer, the  
9 approval of the relocation of an existing dealer's facility, or  
10 the approval of the sale or transfer of the ownership of a  
11 franchise on the willingness of a dealer, proposed new dealer,  
12 or owner of an interest in the dealership facility to enter  
13 into a site control agreement or exclusive use agreement unless  
14 separate and reasonable consideration was offered and accepted  
15 for that agreement.

16 For purposes of this subsection (g), the terms "site  
17 control agreement" and "exclusive use agreement" include any  
18 agreement that has the effect of either (i) requiring that the  
19 dealer establish or maintain exclusive dealership facilities;  
20 or (ii) restricting the ability of the dealer, or the ability  
21 of the dealer's lessor in the event the dealership facility is  
22 being leased, to transfer, sell, lease, or change the use of  
23 the dealership premises, whether by sublease, lease,  
24 collateral pledge of lease, or other similar agreement. "Site  
25 control agreement" and "exclusive use agreement" also include a  
26 manufacturer restricting the ability of a dealer to transfer,

1 sell, or lease the dealership premises by right of first  
2 refusal to purchase or lease, option to purchase, or option to  
3 lease if the transfer, sale, or lease of the dealership  
4 premises is to a person who is an immediate family member of  
5 the dealer. For the purposes of this subsection (g), "immediate  
6 family member" means a spouse, parent, son, daughter,  
7 son-in-law, daughter-in-law, brother, and sister.

8 If a manufacturer exercises any right of first refusal to  
9 purchase or lease or option to purchase or lease with regard to  
10 a transfer, sale, or lease of the dealership premises to a  
11 person who is not an immediate family member of the dealer,  
12 then (1) within 60 days from the receipt of the completed  
13 application forms generally utilized by a manufacturer to  
14 conduct its review and a copy of all agreements regarding the  
15 proposed transfer, the manufacturer must notify the dealer of  
16 its intent to exercise the right of first refusal to purchase  
17 or lease or option to purchase or lease and (2) the exercise of  
18 the right of first refusal to purchase or lease or option to  
19 purchase or lease must result in the dealer receiving  
20 consideration, terms, and conditions that either are the same  
21 as or greater than that which they have contracted to receive  
22 in connection with the proposed transfer, sale, or lease of the  
23 dealership premises.

24 Any provision contained in any agreement entered into on or  
25 after November 25, 2009 (the effective date of Public Act  
26 96-824) that is inconsistent with the provisions of this

1 subsection (g) shall be voidable at the election of the  
2 affected dealer, prospective dealer, or owner of an interest in  
3 the dealership facility.

4 (h) For purposes of this subsection:

5 "Successor manufacturer" means any motor vehicle  
6 manufacturer that, on or after January 1, 2009, acquires,  
7 succeeds to, or assumes any part of the business of another  
8 manufacturer, referred to as the "predecessor manufacturer",  
9 as the result of any of the following:

10 (i) A change in ownership, operation, or control of the  
11 predecessor manufacturer by sale or transfer of assets,  
12 corporate stock or other equity interest, assignment,  
13 merger, consolidation, combination, joint venture,  
14 redemption, court-approved sale, operation of law or  
15 otherwise.

16 (ii) The termination, suspension, or cessation of a  
17 part or all of the business operations of the predecessor  
18 manufacturer.

19 (iii) The discontinuance of the sale of the product  
20 line.

21 (iv) A change in distribution system by the predecessor  
22 manufacturer, whether through a change in distributor or  
23 the predecessor manufacturer's decision to cease  
24 conducting business through a distributor altogether.

25 "Former Franchisee" means a new motor vehicle dealer that  
26 has entered into a franchise with a predecessor manufacturer

1 and that has either:

2 (i) entered into a termination agreement or deferred  
3 termination agreement with a predecessor or successor  
4 manufacturer related to such franchise; or

5 (ii) has had such franchise canceled, terminated,  
6 nonrenewed, noncontinued, rejected, nonassumed, or  
7 otherwise ended.

8 For a period of 3 years from: (i) the date that a successor  
9 manufacturer acquires, succeeds to, or assumes any part of the  
10 business of a predecessor manufacturer; (ii) the last day that  
11 a former franchisee is authorized to remain in business as a  
12 franchised dealer with respect to a particular franchise under  
13 a termination agreement or deferred termination agreement with  
14 a predecessor or successor manufacturer; (iii) the last day  
15 that a former franchisee that was cancelled, terminated,  
16 nonrenewed, noncontinued, rejected, nonassumed, or otherwise  
17 ended by a predecessor or successor manufacturer is authorized  
18 to remain in business as a franchised dealer with respect to a  
19 particular franchise; or (iv) November 25, 2009 (the effective  
20 date of Public Act 96-824), whichever is latest, it shall be  
21 unlawful for such successor manufacturer to enter into a same  
22 line make franchise with any person or to permit the relocation  
23 of any existing same line make franchise, for a line make of  
24 the predecessor manufacturer that would be located or relocated  
25 within the relevant market area of a former franchisee who  
26 owned or leased a dealership facility in that relevant market

1 area without first offering the additional or relocated  
2 franchise to the former franchisee, or the designated successor  
3 of such former franchisee in the event the former franchisee is  
4 deceased or a person with a disability, at no cost and without  
5 any requirements or restrictions other than those imposed  
6 generally on the manufacturer's other franchisees at that time,  
7 unless one of the following applies:

8 (1) As a result of the former franchisee's  
9 cancellation, termination, noncontinuance, or nonrenewal  
10 of the franchise, the predecessor manufacturer had  
11 consolidated the line make with another of its line makes  
12 for which the predecessor manufacturer had a franchisee  
13 with a then-existing dealership facility located within  
14 that relevant market area.

15 (2) The successor manufacturer has paid the former  
16 franchisee, or the designated successor of such former  
17 franchisee in the event the former franchisee is deceased  
18 or a person with a disability, the fair market value of the  
19 former franchisee's franchise on (i) the date the  
20 franchiser ~~franchiser~~ announces the action which results  
21 in the termination, cancellation, or nonrenewal; or (ii)  
22 the date the action which results in termination,  
23 cancellation, or nonrenewal first became general  
24 knowledge; or (iii) the day 12 months prior to the date on  
25 which the notice of termination, cancellation, or  
26 nonrenewal is issued, whichever amount is higher. Payment

1 is due within 90 days of the effective date of the  
2 termination, cancellation, or nonrenewal. If the  
3 termination, cancellation, or nonrenewal is due to a  
4 manufacturer's change in distributors, the manufacturer  
5 may avoid paying fair market value to the dealer if the new  
6 distributor or the manufacturer offers the dealer a  
7 franchise agreement with terms acceptable to the dealer.

8 (3) The successor manufacturer proves that it would  
9 have had good cause to terminate the franchise agreement of  
10 the former franchisee, or the successor of the former  
11 franchisee under item (e)(10) in the event that the former  
12 franchisee is deceased or a person with a disability. The  
13 determination of whether the successor manufacturer would  
14 have had good cause to terminate the franchise agreement of  
15 the former franchisee, or the successor of the former  
16 franchisee, shall be made by the Board under subsection (d)  
17 of Section 12. A successor manufacturer that seeks to  
18 assert that it would have had good cause to terminate a  
19 former franchisee, or the successor of the former  
20 franchisee, must file a petition seeking a hearing on this  
21 issue before the Board and shall have the burden of proving  
22 that it would have had good cause to terminate the former  
23 franchisee or the successor of the former franchisee. No  
24 successor dealer, other than the former franchisee, may be  
25 appointed or franchised by the successor manufacturer  
26 within the relevant market area of the former franchisee

1           until the Board has held a hearing and rendered a  
2           determination on the issue of whether the successor  
3           manufacturer would have had good cause to terminate the  
4           former franchisee.

5           In the event that a successor manufacturer attempts to  
6           enter into a same line make franchise with any person or to  
7           permit the relocation of any existing line make franchise under  
8           this subsection (h) at a location that is within the relevant  
9           market area of 2 or more former franchisees, then the successor  
10          manufacturer may not offer it to any person other than one of  
11          those former franchisees unless the successor manufacturer can  
12          prove that at least one of the 3 exceptions in items (1), (2),  
13          and (3) of this subsection (h) applies to each of those former  
14          franchisees.

15          (Source: P.A. 99-143, eff. 7-27-15; 99-844, eff. 8-19-16;  
16          100-201, eff. 8-18-17; 100-308, eff. 8-24-17; revised  
17          1-29-18.)

18                 (815 ILCS 710/10.1) (from Ch. 121 1/2, par. 760.1)

19           Sec. 10.1. (a) As used in this Section, "motorcycle" means  
20           every motor vehicle having a seat or saddle for the use of the  
21           rider and designed to travel with 3 or less wheels in contact  
22           with the ground, excluding farm, garden, and lawn equipment,  
23           and including off-highway vehicles.

24           (b) It shall be deemed a violation for a manufacturer, a  
25           distributor, a wholesaler, a distributor branch or division, or

1 officer, agent, or other representative thereof:

2 (1) To require a motorcycle franchisee to participate  
3 in a retail financing plan or retail leasing plan or to  
4 participate in any retail consumer insurance plan.

5 (2) To own, to operate or to control any motorcycle  
6 dealership in this State for a period longer than 2 years.

7 (3) (Blank). ~~Whenever any motorcycle dealer enters  
8 into a franchise agreement, evidenced by a contract, with a  
9 wholesaler, manufacturer or distributor wherein the  
10 franchisee agrees to maintain an inventory and the contract  
11 is terminated by the wholesaler, manufacturer,  
12 distributor, or franchisee, then the franchisee may  
13 require the repurchase of the inventory as provided for in  
14 this Act. If the franchisee has any outstanding debts to  
15 the wholesaler, manufacturer or distributor then the  
16 repurchase amount may be credited to the franchisee's  
17 account. The franchise agreement shall either expressly or  
18 by operation of law have as part of its terms a security  
19 agreement whereby the wholesaler, manufacturer, or  
20 distributor agrees to and does grant a security interest to  
21 the motorcycle dealer in the repurchased inventory to  
22 secure payment of the repurchase amount to the dealer. The  
23 perfection, priority, and other matters relating to the  
24 security interest shall be governed by Article 9 of the  
25 Uniform Commercial Code. The provisions of this Section  
26 shall not be construed to affect in any way any security~~



1 ~~interest that any financial institution, person,~~  
2 ~~wholesaler, manufacturer, or distributor may have in the~~  
3 ~~inventory of the motorcycle dealer.~~

4 (4) To require a motorcycle dealer to utilize  
5 manufacturer approved floor fixtures for the display of any  
6 product that is not a product of the manufacturer.

7 (5) To require a motorcycle dealer to purchase lighting  
8 fixtures that are to be installed in the dealership only  
9 from the manufacturer's approved vendors.

10 (6) To require a motorcycle dealer to relocate to a new  
11 or alternate facility.

12 Whenever any motorcycle dealer enters into a franchise  
13 agreement, evidenced by a contract, with a wholesaler,  
14 manufacturer, or distributor wherein the franchisee agrees to  
15 maintain an inventory and the contract is terminated by the  
16 wholesaler, manufacturer, distributor, or franchisee, then the  
17 franchisee may require the repurchase of the inventory as  
18 provided for in this Act. If the franchisee has any outstanding  
19 debts to the wholesaler, manufacturer, or distributor, then the  
20 repurchase amount may be credited to the franchisee's account.  
21 The franchise agreement shall either expressly or by operation  
22 of law have as part of its terms a security agreement whereby  
23 the wholesaler, manufacturer, or distributor agrees to and does  
24 grant a security interest to the motorcycle dealer in the  
25 repurchased inventory to secure payment of the repurchase  
26 amount to the dealer. The perfection, priority, and other

1 matters relating to the security interest shall be governed by  
2 Article 9 of the Uniform Commercial Code. The provisions of  
3 this Section shall not be construed to affect in any way any  
4 security interest that any financial institution, person,  
5 wholesaler, manufacturer, or distributor may have in the  
6 inventory of the motorcycle dealer.

7 (c) The provisions of this Section 10.1 are applicable to  
8 all new or existing motorcycle franchisees and franchisers  
9 ~~franchisers~~ and are in addition to the other rights and  
10 remedies provided in this Act, and, in the case of a conflict  
11 with other provisions contained in this Act, with respect to  
12 motorcycle franchises, this Section shall be controlling.

13 (d) The filing of a timely protest by a motorcycle  
14 franchise before the Motor Vehicle Review Board as prescribed  
15 by Sections 12 and 29 of this Act, shall stay the effective  
16 date of a proposed additional franchise or selling agreement,  
17 or the effective date of a proposed motorcycle dealership  
18 relocation, or the effective date of a cancellation,  
19 termination, or modification, or extend the expiration date of  
20 a franchise or selling agreement by refusal to honor succession  
21 to ownership or refusal to approve a sale or transfer pending a  
22 final determination of the issues in the hearing.

23 (Source: P.A. 98-424, eff. 1-1-14; revised 10-6-17.)

24 Section 685. The Illinois Secure Choice Savings Program Act  
25 is amended by changing Section 60 as follows:

1 (820 ILCS 80/60)

2 Sec. 60. Program implementation and enrollment. Except as  
3 otherwise provided in Section 93 of this Act, the Program shall  
4 be implemented, and enrollment of employees shall begin in  
5 2018. The Board shall establish an implementation timeline  
6 under which employers shall enroll their employees in ~~into~~ the  
7 Program. The timeline shall include the date by which an  
8 employer must begin enrollment of its employees in ~~into~~ the  
9 Program and the date by which enrollment must be complete. The  
10 Board shall adopt the implementation timeline at a public  
11 meeting of the Board and shall publicize the implementation  
12 timeline. The Board shall provide advance notice to employers  
13 of their enrollment date and the amount of time to complete  
14 enrollment. The Board's implementation timeline shall ensure  
15 that all employees are required to be enrolled in ~~into~~ the  
16 Program by December 31, 2020. The provisions of this Section  
17 shall be in force after the Board opens the Program for  
18 enrollment.

19 (a) Each employer shall establish a payroll deposit  
20 retirement savings arrangement to allow each employee to  
21 participate in the Program within the timeline set by the Board  
22 after the Program opens for enrollment.

23 (b) Employers shall automatically enroll in the Program  
24 each of their employees who has not opted out of participation  
25 in the Program using the form described in subsection (c) of

1 Section 55 of this Act and shall provide payroll deduction  
2 retirement savings arrangements for such employees and  
3 deposit, on behalf of such employees, these funds into the  
4 Program. Small employers may, but are not required to, provide  
5 payroll deduction retirement savings arrangements for each  
6 employee who elects to participate in the Program. Small  
7 employers' use of automatic enrollment for employees is subject  
8 to final rules from the United States Department of Labor.  
9 Utilization of automatic enrollment by small employers may be  
10 allowed only if it does not create employer liability under the  
11 federal Employee Retirement Income Security Act.

12 (c) Enrollees shall have the ability to select a  
13 contribution level into the Fund. This level may be expressed  
14 as a percentage of wages or as a dollar amount up to the  
15 deductible amount for the enrollee's taxable year under Section  
16 219(b) (1) (A) of the Internal Revenue Code. Enrollees may change  
17 their contribution level at any time, subject to rules  
18 promulgated by the Board. If an enrollee fails to select a  
19 contribution level using the form described in subsection (c)  
20 of Section 55 of this Act, then he or she shall contribute the  
21 default contribution rate of his or her wages to the Program,  
22 provided that such contributions shall not cause the enrollee's  
23 total contributions to IRAs for the year to exceed the  
24 deductible amount for the enrollee's taxable year under Section  
25 219(b) (1) (A) of the Internal Revenue Code.

26 (d) Enrollees may select an investment option from the

1 permitted investment options listed in Section 45 of this Act.  
2 Enrollees may change their investment option at any time,  
3 subject to rules promulgated by the Board. In the event that an  
4 enrollee fails to select an investment option, that enrollee  
5 shall be placed in the investment option selected by the Board  
6 as the default under subsection (c) of Section 45 of this Act.  
7 If the Board has not selected a default investment option under  
8 subsection (c) of Section 45 of this Act, then an enrollee who  
9 fails to select an investment option shall be placed in the  
10 life-cycle fund investment option.

11 (e) Following initial implementation of the Program  
12 pursuant to this Section, at least once every year,  
13 participating employers shall designate an open enrollment  
14 period during which employees who previously opted out of the  
15 Program may enroll in the Program.

16 (f) An employee who opts out of the Program who  
17 subsequently wants to participate through the participating  
18 employer's payroll deposit retirement savings arrangement may  
19 only enroll during the participating employer's designated  
20 open enrollment period or if permitted by the participating  
21 employer at an earlier time.

22 (g) Employers shall retain the option at all times to set  
23 up any type of employer-sponsored retirement plan, such as a  
24 defined benefit plan or a 401(k), Simplified Employee Pension  
25 (SEP) plan, or Savings Incentive Match Plan for Employees  
26 (SIMPLE) plan, or to offer an automatic enrollment payroll

1 deduction IRA, instead of having a payroll deposit retirement  
2 savings arrangement to allow employee participation in the  
3 Program.

4 (h) An employee may terminate his or her participation in  
5 the Program at any time in a manner prescribed by the Board.

6 (i) The Board shall establish and maintain an Internet  
7 website designed to assist employers in identifying private  
8 sector providers of retirement arrangements that can be set up  
9 by the employer rather than allowing employee participation in  
10 the Program under this Act; however, the Board shall only  
11 establish and maintain an Internet website under this  
12 subsection if there is sufficient interest in such an Internet  
13 website by private sector providers and if the private sector  
14 providers furnish the funding necessary to establish and  
15 maintain the Internet website. The Board must provide public  
16 notice of the availability of and the process for inclusion on  
17 the Internet website before it becomes publicly available. This  
18 Internet website must be available to the public before the  
19 Board opens the Program for enrollment, and the Internet  
20 website address must be included on any Internet website  
21 posting or other materials regarding the Program offered to the  
22 public by the Board.

23 (Source: P.A. 99-571, eff. 7-15-16; 100-6, eff. 6-30-17;  
24 revised 10-5-17.)

25 Section 690. The Prevailing Wage Act is amended by changing

1 Section 9 as follows:

2 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

3 Sec. 9. To effectuate the purpose and policy of this Act  
4 each public body shall, during the month of June of each  
5 calendar year, investigate and ascertain the prevailing rate of  
6 wages as defined in this Act and publicly post or keep  
7 available for inspection by any interested party in the main  
8 office of such public body its determination of such prevailing  
9 rate of wage and shall promptly file, no later than July 15 of  
10 each year, a certified copy thereof in the office of the  
11 Illinois Department of Labor.

12 The Department of Labor shall during the month of June of  
13 each calendar year, investigate and ascertain the prevailing  
14 rate of wages for each county in the State. If a public body  
15 does not investigate and ascertain the prevailing rate of wages  
16 during the month of June as required by the previous paragraph,  
17 then the prevailing rate of wages for that public body shall be  
18 the rate as determined by the Department under this paragraph  
19 for the county in which such public body is located. The  
20 Department shall publish on its official website a prevailing  
21 wage schedule for each county in the State, no later than  
22 August 15 of each year, based on the prevailing rate of wages  
23 investigated and ascertained by the Department during the month  
24 of June. Nothing prohibits the Department from publishing  
25 prevailing wage rates more than once per year.

1           Where the Department of Labor ascertains the prevailing  
2 rate of wages, it is the duty of the Department of Labor within  
3 30 days after receiving a notice from the public body  
4 authorizing the proposed work, to conduct an investigation to  
5 ascertain the prevailing rate of wages as defined in this Act  
6 and such investigation shall be conducted in the locality in  
7 which the work is to be performed. The Department of Labor  
8 shall send a certified copy of its findings to the public body  
9 authorizing the work and keep a record of its findings  
10 available for inspection by any interested party in the office  
11 of the Department of Labor at Springfield.

12           The public body except for the Department of Transportation  
13 with respect to highway contracts shall within 30 days after  
14 filing with the Department of Labor, or the Department of Labor  
15 shall within 30 days after filing with such public body,  
16 publish in a newspaper of general circulation within the area  
17 that the determination is effective, a notice of its  
18 determination and shall promptly mail a copy of its  
19 determination to any employer, and to any association of  
20 employers and to any person or association of employees who  
21 have filed their names and addresses, requesting copies of any  
22 determination stating the particular rates and the particular  
23 class of workers whose wages will be affected by such rates. If  
24 the Department of Labor ascertains the prevailing rate of wages  
25 for a public body, the public body may satisfy the newspaper  
26 publication requirement in this paragraph by posting on the



1 public body's website a notice of its determination with a  
2 hyperlink to the prevailing wage schedule for that locality  
3 that is published on the official website of the Department of  
4 Labor.

5 At any time within 30 days after the Department of Labor  
6 has published on its official web site a prevailing wage  
7 schedule, any person affected thereby may object in writing to  
8 the determination or such part thereof as they may deem  
9 objectionable by filing a written notice with the public body  
10 or Department of Labor, whichever has made such determination,  
11 stating the specified grounds of the objection. It shall  
12 thereafter be the duty of the public body or Department of  
13 Labor to set a date for a hearing on the objection after giving  
14 written notice to the objectors at least 10 days before the  
15 date of the hearing and said notice shall state the time and  
16 place of such hearing. Such hearing by a public body shall be  
17 held within 45 days after the objection is filed, and shall not  
18 be postponed or reset for a later date except upon the consent,  
19 in writing, of all the objectors and the public body. If such  
20 hearing is not held by the public body within the time herein  
21 specified, the Department of Labor may, upon request of the  
22 objectors, conduct the hearing on behalf of the public body.

23 The public body or Department of Labor, whichever has made  
24 such determination, is authorized in its discretion to hear  
25 each written objection filed separately or consolidate for  
26 hearing any one or more written objections filed with them. At

1 such hearing, the public body or Department of Labor shall  
2 introduce in evidence the investigation it instituted which  
3 formed the basis of its determination, and the public body or  
4 Department of Labor, or any interested objectors may thereafter  
5 introduce such evidence as is material to the issue.  
6 Thereafter, the public body or Department of Labor, must rule  
7 upon the written objection and make such final determination as  
8 it believes the evidence warrants, and promptly file a  
9 certified copy of its final determination with such public  
10 body, and serve a copy by personal service or registered mail  
11 on all parties to the proceedings. The final determination by  
12 the Department of Labor or a public body shall be rendered  
13 within 30 days after the conclusion of the hearing.

14 If proceedings to review judicially the final  
15 determination of the public body or Department of Labor are not  
16 instituted as hereafter provided, such determination shall be  
17 final and binding.

18 The provisions of the Administrative Review Law, and all  
19 amendments and modifications thereof, and the rules adopted  
20 pursuant thereto, shall apply to and govern all proceedings for  
21 the judicial review of final administrative decisions of any  
22 public body or the Department of Labor hereunder. The term  
23 "administrative decision" is defined as in Section 3-101 of the  
24 Code of Civil Procedure.

25 Appeals from all final orders and judgments entered by the  
26 court in review of the final administrative decision of the

1 public body or Department of Labor, may be taken by any party  
2 to the action.

3 Any proceeding in any court affecting a determination of  
4 the Department of Labor or public body shall have priority in  
5 hearing and determination over all other civil proceedings  
6 pending in said court, except election contests.

7 In all reviews or appeals under this Act, it shall be the  
8 duty of the Attorney General to represent the Department of  
9 Labor, and defend its determination. The Attorney General shall  
10 not represent any public body, except the State, in any such  
11 review or appeal.

12 (Source: P.A. 100-2, eff. 6-16-17; 100-154, eff. 8-18-17;  
13 revised 10-6-17.)

14 Section 695. The Workplace Violence Prevention Act is  
15 amended by changing Section 95 as follows:

16 (820 ILCS 275/95)

17 Sec. 95. Notice of orders. ~~(a)~~ Upon issuance of a workplace  
18 protection restraining order, the clerk shall immediately, or  
19 on the next court day if an emergency order is issued in  
20 accordance with subsection (c) of Section 70 of this Act:

21 (1) enter the order on the record and file it in  
22 accordance with the circuit court procedures; and

23 (2) provide a file stamped copy of the order to the  
24 respondent, if present, and to the petitioner.

1 (Source: P.A. 98-766, eff. 7-16-14; revised 11-8-17.)

2 Section 700. "An Act concerning revenue", veto overridden  
3 July 6, 2017, Public Act 100-22, is amended by changing the  
4 headings of Article 1 (STATE TAX LIEN REGISTRATION ACT),  
5 Article 15 (REVISED UNIFORM UNCLAIMED PROPERTY ACT), Article 17  
6 (AMENDATORY PROVISIONS; UNCLAIMED PROPERTY), Article 20  
7 (AMENDATORY PROVISIONS; INCOME TAX), Article 25 (AMENDATORY  
8 PROVISIONS; STATE TAX LIEN REGISTRY), Article 30 (GASOHOL;  
9 ETHANOL FUEL), Article 35 (GRAPHIC ARTS), and Article 99  
10 (EFFECTIVE DATE) as follows:

11 (P.A. 100-22, Tit. 1 heading)

12 TITLE ~~ARTICLE~~ 1. STATE TAX LIEN REGISTRATION ACT

13 (Source: P.A. 100-22, eff. 1-1-18.)

14 (P.A. 100-22, Tit. 15 heading)

15 TITLE ~~ARTICLE~~ 15. REVISED UNIFORM UNCLAIMED PROPERTY ACT

16 (Source: P.A. 100-22, eff. 1-1-18.)

17 (P.A. 100-22, Tit. 17 heading)

18 TITLE ~~ARTICLE~~ 17. AMENDATORY PROVISIONS; UNCLAIMED PROPERTY

19 (Source: P.A. 100-22, eff. 1-1-18.)

20 (P.A. 100-22, Tit. 20 heading)

21 TITLE ~~ARTICLE~~ 20. AMENDATORY PROVISIONS; INCOME TAX

1 (Source: P.A. 100-22, eff. 7-6-17.)

2 (P.A. 100-22, Tit. 25 heading)

3 TITLE ~~ARTICLE~~ 25. AMENDATORY PROVISIONS; STATE TAX LIEN

4 REGISTRY

5 (Source: P.A. 100-22, eff. 1-1-18.)

6 (P.A. 100-22, Tit. 30 heading)

7 TITLE ~~ARTICLE~~ 30. GASOHOL; ETHANOL FUEL

8 (Source: P.A. 100-22, eff. 7-6-17.)

9 (P.A. 100-22, Tit. 35 heading)

10 TITLE ~~ARTICLE~~ 35. GRAPHIC ARTS

11 (Source: P.A. 100-22, eff. 7-6-17.)

12 (P.A. 100-22, Tit. 99 heading)

13 TITLE ~~ARTICLE~~ 99. EFFECTIVE DATE

14 (Source: P.A. 100-22, eff. 7-6-17.)

15 Section 705. The Revised Uniform Unclaimed Property Act is  
16 amended by changing Section 15-101 as follows:

17 (765 ILCS 1026/15-101)

18 Sec. 15-101. Short title. This Act may be cited as the  
19 Revised Uniform Unclaimed Property Act. References in this  
20 Title ~~Article~~ 15 (the Revised Uniform Unclaimed Property Act)

1 to "this Act" mean this Title ~~Article~~ 15 (the Revised Uniform  
2 Unclaimed Property Act).

3 (Source: P.A. 100-22, eff. 1-1-18.)

4 Section 995. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

11 Section 996. No revival or extension. This Act does not  
12 revive or extend any Section or Act otherwise repealed.

13 Section 999. Effective date. This Act takes effect upon  
14 becoming law.

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