



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB2987

Introduced 1/5/2022, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

5 ILCS 810/5	
225 ILCS 735/2	from Ch. 111, par. 702
225 ILCS 735/3	from Ch. 111, par. 703
225 ILCS 735/4	from Ch. 111, par. 704
225 ILCS 735/5	from Ch. 111, par. 705
225 ILCS 735/7	from Ch. 111, par. 707
225 ILCS 735/8	from Ch. 111, par. 708
225 ILCS 735/9	from Ch. 111, par. 709
225 ILCS 735/9a	from Ch. 111, par. 709a
225 ILCS 735/9b new	
225 ILCS 735/11	from Ch. 111, par. 711
225 ILCS 735/13	from Ch. 111, par. 713
225 ILCS 735/16	from Ch. 111, par. 716

Amends the Timber Buyers Licensing Act. Provides that all timber buyers must possess a liability insurance policy in an appropriate amount pursuant to administrative rule prior to issuance of a timber buyers license and must keep the policy in force at all times while the license is in effect. Provides that every applicant for a timber buyers license shall submit, on a form provided by the Department of Natural Resources, a surety bond or letter of credit in a specified amount. Provides that all persons buying timber under the Act must possess a valid timber buyers license. Provides that when a timber buyer purchases timber in the State, the timber buyer shall submit a report to the Department of the purchase. Provides that the Department shall require timber growers who own 5 acres or more of timberland in any county to obtain a landowner timber number, or similar unique identifier from the Department, associated with their timberland before timber is cut for commercial purposes. Provides that landowner timber numbers will be dated and expire after 2 years unless extended by the Department by rule. Makes changes to provisions concerning definitions; application for licensure; bond; prohibited acts; license, issuance, validity, and certificate; application; records; penalties; license revocation; and seizure. Adds provisions concerning reporting a harvest fee. Amends the Seizure and Forfeiture Reporting Act. Provides that the Act applies to property seized or forfeited under the seizure provision of the Timber Buyers Licensing Act.

LRB102 22945 SPS 32099 b

1 AN ACT concerning regulation.

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

4 Section 5. The Seizure and Forfeiture Reporting Act is  
5 amended by changing Section 5 as follows:

6 (5 ILCS 810/5)

7 Sec. 5. Applicability. This Act is applicable to property  
8 seized or forfeited under the following provisions of law:

9 (1) Section 3.23 of the Illinois Food, Drug and  
10 Cosmetic Act;

11 (2) Section 44.1 of the Environmental Protection Act;

12 (3) Section 105-55 of the Herptiles-Herps Act;

13 (4) Section 1-215 of the Fish and Aquatic Life Code;

14 (5) Section 1.25 of the Wildlife Code;

15 (6) Section 17-10.6 of the Criminal Code of 2012  
16 (financial institution fraud);

17 (7) Section 28-5 of the Criminal Code of 2012  
18 (gambling);

19 (8) Article 29B of the Criminal Code of 2012 (money  
20 laundering);

21 (9) Article 33G of the Criminal Code of 2012 (Illinois  
22 Street Gang and Racketeer Influenced And Corrupt  
23 Organizations Law);

1 (10) Article 36 of the Criminal Code of 2012 (seizure  
2 and forfeiture of vessels, vehicles, and aircraft);

3 (11) Section 47-15 of the Criminal Code of 2012  
4 (dumping garbage upon real property);

5 (12) Article 124B of the Code of Criminal Procedure of  
6 1963 (forfeiture);

7 (13) the Drug Asset Forfeiture Procedure Act;

8 (14) the Narcotics Profit Forfeiture Act;

9 (15) the Illinois Streetgang Terrorism Omnibus  
10 Prevention Act; and

11 (16) the Illinois Securities Law of 1953.

12 (17) Section 16 of the Timber Buyers Licensing Act.

13 (Source: P.A. 102-558, eff. 8-20-21.)

14 Section 10. The Timber Buyers Licensing Act is amended by  
15 changing Sections 2, 3, 4, 5, 7, 8, 9, 9a, 11, 13, and 16 and  
16 by adding Section 9b as follows:

17 (225 ILCS 735/2) (from Ch. 111, par. 702)

18 Sec. 2. When used in this Act, unless the context  
19 otherwise requires, ~~the term~~:

20 "Buying timber" means to buy, barter, cut on shares, or  
21 offer to buy, barter, cut on shares, or take possession of  
22 timber, with or without the consent of the timber grower.

23 "Department" means the Department of Natural Resources.

24 "Director" means the Director of Natural Resources.

1       "Landowner timber number" means a unique number issued by  
2 the Department to identify a forest area that may be harvested  
3 and the timber grower's information.

4       "Liability insurance" means insurance against the  
5 liability of the insured for the death, injury, or disability  
6 of an employee or other person, and insurance against the  
7 liability of the insured for damage to or destruction of  
8 another person's property.

9       "Payment receipt" means a copy, duplicate, or facsimile of  
10 an original receipt of payment for timber to a timber grower or  
11 duplicate of electronic or direct payment verification of  
12 funds received by a timber grower.

13       "Person" means any person, partnership, firm, association,  
14 business trust or corporation.

15       "Personal use" means use of timber or timber products by  
16 the timber grower other than for resale or other commercial  
17 use.

18       "Timber" means trees, standing or felled, and parts  
19 thereof which can be used for sawing or processing into lumber  
20 for building or structural purposes or for the manufacture of  
21 any article. "Timber" does not include firewood, Christmas  
22 trees, fruit or ornamental trees or wood products not used or  
23 to be used for building, structural, manufacturing or  
24 processing purposes.

25       "Timber buyer" means any person licensed or unlicensed,  
26 who is engaged in the business of buying timber from the timber

1 growers thereof for sawing into lumber, for processing or for  
2 resale, but excludes timber for personal use ~~does not include~~  
3 ~~any person who occasionally purchases timber for sawing or~~  
4 ~~processing for his own use and not for resale.~~

5 ~~"Buying timber" means to buy, barter, cut on shares, or~~  
6 ~~offer to buy, barter, cut on shares, or take possession of~~  
7 ~~timber, with or without the consent of the timber grower.~~

8 "Timber grower" means the owner, tenant or operator of  
9 land in this State who has an interest in, or is entitled to  
10 receive any part of the proceeds from the sale of timber grown  
11 in this State and includes persons exercising authority to  
12 sell timber.

13 ~~"Department" means the Department of Natural Resources.~~

14 ~~"Director" means the Director of Natural Resources.~~

15 ~~"Employee" means any person in service or under contract~~  
16 ~~for hire, expressed or implied, oral or written, who is~~  
17 ~~engaged in any phase of the enterprise or business at any time~~  
18 ~~during the license year.~~

19 (Source: P.A. 89-445, eff. 2-7-96.)

20 (225 ILCS 735/3) (from Ch. 111, par. 703)

21 Sec. 3. Application for licensure. Every person before  
22 engaging in the business of timber buyer shall obtain a  
23 license for such purpose from the Department. Application for  
24 such license shall be filed with the Department and shall set  
25 forth the name of the applicant, its principal officers if the

1 applicant is a corporation or the partners if the applicant is  
2 a partnership, the location of any principal office or place  
3 of business of the applicant, the counties in this State in  
4 which the applicant proposes to engage in the business of  
5 timber buyer and such additional information as the Department  
6 by regulation may require.

7 All timber buyers must possess a liability insurance  
8 policy in an appropriate amount pursuant to administrative  
9 rule prior to the issuance of a timber buyers license and must  
10 keep the policy in force at all times while the license is in  
11 effect.

12 The application shall set forth the aggregate dollar  
13 amount paid to timber growers for timber purchased in this  
14 State during the applicant's last completed 12-month period  
15 ~~fiscal or calendar year. In the event the applicant has been~~  
16 ~~engaged as a timber buyer for less than one year, his~~  
17 ~~application shall set forth the dollar amount paid to timber~~  
18 ~~growers for the number of completed months during which the~~  
19 ~~applicant has been so engaged. If the applicant has not been~~  
20 ~~previously engaged in buying timber in this State, the~~  
21 ~~application shall set forth the estimated aggregate dollar~~  
22 ~~amount to be paid by the applicant to timber growers for timber~~  
23 ~~to be purchased from them during the next succeeding 12 month~~  
24 ~~period.~~

25 (Source: P.A. 77-2796.)

1 (225 ILCS 735/4) (from Ch. 111, par. 704)

2 Sec. 4. Bond.

3 (a) Every applicant for a timber buyers license shall  
4 submit, on a form provided by the Department, a surety bond or  
5 letter of credit in an amount as outlined in this Section or a  
6 letter of credit in the same amount for work performed in  
7 accordance with this Act and the rules adopted under this Act.  
8 The surety bond or letter of credit is to secure payment to the  
9 timber growers and to insure the timber grower against all  
10 fraudulent or negligent acts of the licensee for actions under  
11 this Act as well as for payment to the Department for any  
12 moneys due under this Act. Unless otherwise required under  
13 this Act, the surety bond or letter of credit is required to be  
14 valid for the calendar year of the buyers license plus 60 days.  
15 ~~person licensed as a timber buyer shall file with the~~  
16 ~~Department, on a form prescribed and furnished by the~~  
17 ~~Department, a performance bond payable to the State of~~  
18 ~~Illinois by and through the Department and conditioned on the~~  
19 ~~faithful performance of and compliance with all requirements~~  
20 ~~of the license and this Act. The bond shall be a surety bond or~~  
21 letter of credit signed by the person to be licensed as  
22 principal and by a good and sufficient corporate surety  
23 authorized to engage in the business of executing surety bonds  
24 or letters of credit within the State of Illinois as surety  
25 ~~thereon. In lieu of a surety bond an applicant for a timber~~  
26 ~~buyers license may, with the approval of the Department,~~

1 ~~deposit with the Department as security a certificate of~~  
2 ~~deposit or irrevocable letter of credit of any bank organized~~  
3 ~~or transacting business in the United States in an amount~~  
4 ~~equal to or greater than the amount of the required bond. Such~~  
5 ~~deposits shall be made, held, and disposed of as provided in~~  
6 ~~this Act and by the Department by rule. A bond or certificate~~  
7 ~~of deposit shall be made payable upon demand to the Director,~~  
8 ~~subject to the provisions of this Act, and any rules adopted~~  
9 ~~under this Act, and shall be for the use and benefit of the~~  
10 ~~people of the State of Illinois, for the use and benefit of any~~  
11 ~~timber grower from whom the timber buyer applicant purchased~~  
12 ~~timber and who is not paid by the timber buyer, applicant or~~  
13 ~~for the use and benefit of any timber grower whose timber has~~  
14 ~~been cut by the timber buyer applicant or licensee or his or~~  
15 ~~her agents and who has not been paid therefor; and for the use~~  
16 ~~and benefit of any person aggrieved by the actions of the~~  
17 ~~timber buyer, including the Department.~~

18 (b) Except as otherwise provided, in this Section, such  
19 surety bond or letter of credit shall be 10% of the dollar  
20 amount in the principal amount of \$500 for an applicant who  
21 paid to timber growers for timber purchased during the  
22 preceding year, but shall at no time be less than \$5,000 or  
23 exceed \$150,000 or less for timber during the immediate  
24 preceding year, and an additional \$100 for each additional  
25 \$1,000 or fraction thereof paid to timber growers for timber  
26 purchased during the preceding year, but shall not be more



1 ~~than \$10,000.~~ In the case of an applicant not previously  
2 engaged in business as a timber buyer, the amount of such  
3 surety bond or letter of credit shall be 10% of ~~based on the~~  
4 estimated dollar amount to be paid by such timber buyer to  
5 timber growers for timber purchased during the next succeeding  
6 year, as set forth in the application. The surety, such bond or  
7 letter of credit shall, in no event, be in the principal amount  
8 of less than \$5,000 or exceed \$150,000 ~~\$500~~. In the case of a  
9 timber buyer whose surety bond or letter of credit has  
10 previously been forfeited in Illinois or in any other state,  
11 the Department shall double the applicable minimum bond  
12 amounts under this Section.

13 (c) A surety bond or letter of credit filed in accordance  
14 with this Act shall not be cancelled or altered during the  
15 period for which the timber buyer remains licensed by the  
16 Department except upon at least 60 days written notice ~~in~~  
17 ~~writing~~ to the Department and then only upon written approval  
18 of the Department, ~~in the event that the applicant has~~  
19 ~~deposited certificates of deposit in lieu of a corporate~~  
20 ~~surety the Department may retain possession of such~~  
21 ~~certificates of deposit for a period of 60 days following the~~  
22 ~~expiration or revocation of his or her license.~~

23 (d) At any such time as a licensee, without written  
24 approval of the Department, fails to have the necessary surety  
25 bond or letter of credit ~~bonds, certificates of deposit, or~~  
26 ~~irrevocable letters of credit~~ on deposit with the Department

1 in an amount equal or greater than 10% of a timber buyer's  
2 current total amount paid to timber growers as required by  
3 this Section, the Department shall notify the licensee by mail  
4 of the failure and the licensee shall have 30 days from the  
5 date that the notice is sent to bring the surety bond or letter  
6 of credit to the level required by this Act. If the licensee,  
7 after receiving notice, fails to bring the surety bond or  
8 letter of credit to the level required by this Act, the  
9 Department shall suspend the license of the licensee and shall  
10 not issue a new license to the licensee for a period of 2 years  
11 ~~as required herein, the Department may immediately, and~~  
12 ~~without notice, suspend the privileges of such licensee.~~ In  
13 the event of such suspension, the Department shall give  
14 immediate notice of the same to the licensee and shall further  
15 reinstate such license upon the posting of the required surety  
16 bond, ~~certificates of deposit,~~ or ~~irrevocable~~ letters of  
17 credit.

18 (e) A surety bond or letter of credit that is posted after  
19 a license has been suspended for failure to maintain the  
20 required level of surety bond or letter of credit pursuant to  
21 subsection (d) shall remain in effect for one year from the  
22 date of the posting of the bond or letter of credit. A failure  
23 to maintain a surety bond or letter of credit as required by  
24 this subsection shall result in the Department suspending any  
25 active license of the licensee, and the Department shall not  
26 issue a new license to the licensee for a period of 5 years

1 from the date the Department is made aware of a violation of  
2 this subsection.

3 (f) The timber grower or owner of timber cut may commence  
4 his or her own action for forfeiture of the licensee's surety  
5 bond or letter of credit in the circuit court where the cutting  
6 occurred.

7 (g) The Department may commence an action for forfeiture  
8 of the licensee's surety bond in the circuit court of Sangamon  
9 County.

10 ~~Bonds shall be in such form and contain such terms and~~  
11 ~~conditions as may be approved from time to time by the~~  
12 ~~Director, be conditioned to secure an honest cutting and~~  
13 ~~accounting for timber purchased by the licensee, secure~~  
14 ~~payment to the timber growers and to insure the timber growers~~  
15 ~~against all fraudulent acts of the licensee in the purchase~~  
16 ~~and cutting of the timber of this State.~~

17 ~~In the event the timber buyer fails to pay when owing any~~  
18 ~~amount due a timber grower for timber purchased, or fails to~~  
19 ~~pay judicially determined damages for timber wrongfully cut by~~  
20 ~~a timber buyer or his agent, whether such wrongful cutting has~~  
21 ~~occurred on or adjacent to the land which was the subject of~~  
22 ~~timber purchase from a timber grower, or commits any violation~~  
23 ~~of this Act, then an action on the bond or deposit for~~  
24 ~~forfeiture may be commenced. Such action is not exclusive and~~  
25 ~~is in addition to any other judicial remedies available.~~

26 ~~In the event that the timber grower or owner of timber cut~~

1 ~~considers himself or herself aggrieved by a timber buyer, he~~  
2 ~~or she shall notify the Department in writing of such~~  
3 ~~grievance and thereafter the Department shall within 10 days~~  
4 ~~give written notice to the timber buyer of the alleged~~  
5 ~~violation of this Act or of any violation or noncompliance~~  
6 ~~with the regulations hereunder of which the timber grower or~~  
7 ~~owner of timber complains. The written notice to the timber~~  
8 ~~buyer shall be from the Department by registered or certified~~  
9 ~~mail to the licensee and his or her sureties stating in general~~  
10 ~~terms the nature of the violation and that an action seeking~~  
11 ~~forfeiture of the bond may be commenced at any time after the~~  
12 ~~10 days from the date of said notice if at the end of that~~  
13 ~~period the violation still remains. In the event the~~  
14 ~~Department shall fail to give notice to the timber buyer as~~  
15 ~~provided herein, the timber grower or owner of timber cut may~~  
16 ~~commence his or her own action for forfeiture of the~~  
17 ~~licensee's bond.~~

18 ~~The timber buyer, after receiving notice from the~~  
19 ~~Department as provided herein, may within 10 days from the~~  
20 ~~date of such notice, request in writing to appear and be heard~~  
21 ~~regarding the alleged violation.~~

22 ~~Upon such request from the timber buyer, the Department~~  
23 ~~shall schedule a hearing, designating the time and place~~  
24 ~~thereof. At such hearing the timber buyer may present for~~  
25 ~~consideration of the Department any evidence, statements,~~  
26 ~~documents or other information relevant to the alleged~~

1 ~~violation. The hearing shall be presided over by the Director~~  
2 ~~or by any hearing officer he or she may designate. The hearing~~  
3 ~~officer shall take evidence offered by the timber buyer or the~~  
4 ~~Department and shall, if requested by the Department, submit~~  
5 ~~his or her conclusions and findings which shall be advisory to~~  
6 ~~the Director. Any hearings provided for in this Section shall~~  
7 ~~be commenced within 30 days from the request therefor.~~

8 ~~Should the timber buyer fail to make timely request for a~~  
9 ~~hearing after receipt of the notice from the Department as~~  
10 ~~provided herein, or after a hearing is concluded, the~~  
11 ~~Department may either withdraw the notice of violation or~~  
12 ~~request the Attorney General to institute proceedings to have~~  
13 ~~the bond of the timber buyer forfeited. The Attorney General,~~  
14 ~~upon such request from the Department, shall institute~~  
15 ~~proceedings to have the bond of the timber buyer forfeited for~~  
16 ~~violation of any of the provisions of this Act or for~~  
17 ~~noncompliance with any Department regulation.~~

18 (h) In the event that the licensee's surety bond or letter  
19 of credit is forfeited, the proceeds ~~thereof~~ shall first be  
20 applied to any sums determined to be owed to the ~~timber~~ grower  
21 or owner of timber cut and then to any sums owed to the  
22 Department ~~to defray expenses incurred by the Department in~~  
23 ~~converting the security into money. Thereafter, the Department~~  
24 ~~shall pay such excess to the timber buyer who furnished such~~  
25 ~~security.~~

26 ~~In the event the Department realizes less than the amount~~

1 ~~of liability from the security, after deducting expenses~~  
2 ~~incurred by the Department in converting the security into~~  
3 ~~money, it shall be grounds for the revocation of the timber~~  
4 ~~buyer's license.~~

5 (i) If the surety bond or letter of credit does not cover  
6 the amount that is owed to the Department, the Department  
7 shall immediately suspend the licensee and shall not issue a  
8 new license to the licensee for a period of 5 years.

9 (Source: P.A. 92-805, eff. 8-21-02.)

10 (225 ILCS 735/5) (from Ch. 111, par. 705)

11 Sec. 5. Prohibited acts. It shall be unlawful and a  
12 violation of this Act:

13 (a) (blank); ~~For any timber buyer to knowingly and~~  
14 ~~willfully fail to pay, as agreed, for any timber purchased,~~

15 (b) for ~~For~~ any timber buyer to knowingly and willfully  
16 cut or cause to be cut or take ~~appropriate~~ any timber without  
17 the consent of the timber grower;~~;~~

18 (c) for ~~For~~ a timber buyer to knowingly and willfully make  
19 any false statement in connection with the application, surety  
20 bond or letter of credit, liability insurance, or other  
21 information required to be given to the Department ~~;~~ ~~or a~~  
22 ~~timber grower,~~

23 (d) to knowingly and willfully providing false information  
24 to ~~To fail to honestly account to the timber grower or the~~  
25 Department for timber purchased or cut; ~~if the buyer is under a~~

1 ~~duty to do so,~~

2 (d-5) to knowingly and willfully buy timber from a timber  
3 grower not possessing a landowner timber number issued by the  
4 Department;

5 (e) (blank); ~~For a timber buyer to commit any fraudulent~~  
6 ~~act in connection with the purchase or cutting of timber,~~

7 (f) (blank): ~~For a timber buyer or land owner or operator~~  
8 ~~to fail to file the report or pay the fees required in Section~~  
9 ~~9a of this Act, and~~

10 (g) for ~~For~~ any person to resist or obstruct any officer,  
11 employee, or agent of the Department or any member of a law  
12 enforcement agency in the discharge of that person's ~~his~~  
13 duties under the provisions of this Act; hereof.

14 (h) for any person to fail to maintain valid liability  
15 insurance in an amount required by this Act at any time during  
16 a period in which they hold a timber buyers license; and

17 (i) for any person to fail to allow inspection of required  
18 records by an authorized employee of the Department or by an  
19 authorized State or federal law enforcement officer during  
20 reasonable business hours.

21 (Source: P.A. 86-208.)

22 (225 ILCS 735/7) (from Ch. 111, par. 707)

23 Sec. 7. License; issuance, validity, and ~~renewal;~~  
24 certificate. All persons buying timber under this Act must  
25 possess a valid timber buyers license. Licenses authorized

1 under this Act shall be prepared by the Department and be in a  
2 form as prescribed by the Department. The information required  
3 on each license shall be completed by the issuing agent at the  
4 time of issuance and each license shall be signed by the  
5 licensee. All licenses shall be supplied by the Department,  
6 subject to rules as the Department may prescribe. Any license  
7 that is not properly prepared, obtained, and signed as  
8 required by this Act shall be void.

9 If the Department is satisfied that the timber buyer  
10 ~~applicant~~ has fulfilled the requirements set forth in the  
11 timber buyer's application and if the bond and sureties ~~or~~  
12 ~~bank certificate of deposit~~ filed by the applicant is  
13 approved, the Department may issue a license to the applicant.  
14 The licenses issued shall be valid for a calendar year ~~and may~~  
15 ~~be renewed annually~~. A copy of the license certificate issued  
16 by the Department shall be posted in the principal office of  
17 the licensee in this State. The timber buyer identification  
18 card issued by the Department shall be carried upon the person  
19 of the timber buyer when conducting activities covered under  
20 this Act for immediate presentation for inspection to the  
21 officers and authorized employees of the Department, any  
22 sheriff, deputy sheriff, or any other peace officer making  
23 demand for it. No person charged with violating this Section,  
24 however, shall be convicted if he or she produces in court  
25 satisfactory evidence that a timber buyer identification card  
26 that was valid at the time of the offense had been issued to



1 the timber buyer.

2 Upon request for a license and payment of the fee, the  
3 Department shall issue to the timber buyer licensee a  
4 certificate that a license has been granted and a bond filed as  
5 required by this Act.

6 (Source: P.A. 92-805, eff. 8-21-02.)

7 (225 ILCS 735/8) (from Ch. 111, par. 708)

8 Sec. 8. Application. The application for a license for an  
9 Illinois resident or company to operate as an Illinois a  
10 timber buyer, ~~or a renewal thereof,~~ shall be accompanied by a  
11 filing fee of \$230 ~~\$25~~. The application for a license for an  
12 out-of-state individual or company to operate as an Illinois  
13 timber buyer shall be accompanied by a filing fee of \$480. The  
14 fee to be paid for a certificate that a license has been issued  
15 and security filed is \$20 ~~\$5~~.

16 The fees required by this Section shall be deposited in  
17 the Illinois Forestry Development Fund for the purposes of the  
18 "Illinois Forestry Development Act".

19 (Source: P.A. 85-287.)

20 (225 ILCS 735/9) (from Ch. 111, par. 709)

21 Sec. 9. Records. The Department may inspect the premises  
22 used by any timber buyer in the conduct of his or her business  
23 at any reasonable time and the books, accounts, records, and  
24 papers of every such timber buyer shall at all times during

1 business hours be subject to inspection by the Department. Any  
2 person licensed as a timber buyer as defined in this Act, or  
3 any person who has purchased, bartered, or attempted to  
4 purchase or barter timber, or any person having possession or  
5 who has had possession of timber as defined in this Act shall  
6 prima facie be considered a timber buyer. A timber buyer shall  
7 retain the books, accounts, records, and papers used in the  
8 conduct of his or her business, or other documentation  
9 required under this Act, for a period of 7 3 years after any  
10 purchase of timber made by the timber buyer.

11 (Source: P.A. 85-287.)

12 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

13 Sec. 9a. Reporting a harvest fee.

14 (a) When a timber buyer purchases timber in this State,  
15 the timber buyer and timber grower shall determine the amount  
16 to be paid for such timber, or the value of items to be  
17 bartered for such timber, and the timber buyer shall deduct  
18 from the payment to the timber grower an amount which equals 4%  
19 of the purchase price or 4% of the minimum fair market value  
20 when the purchase price cannot otherwise be determined  
21 pursuant to administrative rule and shall forward such amount  
22 to the Department of Natural Resources, ~~along with a report of~~  
23 ~~the purchase on forms provided by the Department.~~

24 (b) When a timber buyer purchases timber in this State,  
25 the timber buyer shall submit a report to the Department of the

1 purchase on a report form provided by the Department. The  
2 information provided on the report form shall include the  
3 amount paid for the timber and the 4% that is due to the  
4 Department. A timber buyer shall provide the timber grower  
5 with a written or electronic payment receipt for each  
6 transaction of timber purchased from the timber grower and  
7 keep a duplicate or copy of payment receipt in his or her  
8 records. The timber buyer shall provide a written receipt upon  
9 request of the Department.

10 (c) Every timber grower who utilizes timber produced on  
11 land he owns or operates for sawing into lumber, for  
12 processing, or for resale, ~~except a person who occasionally~~  
13 ~~uses his own timber for sawing or processing for his own use~~  
14 ~~and not for resale, shall report periodically, as required by~~  
15 ~~regulation of the Department, the quantity of timber produced~~  
16 ~~and utilized by the owner or operator during the reporting~~  
17 ~~period. Such timber grower shall pay to the Department, when~~  
18 the periodic report is submitted, an amount equal to 4% of the  
19 minimum fair market ~~gross~~ value of the timber utilized during  
20 the period. The value of such timber shall be determined  
21 pursuant to rule of the Department. ~~Such rules shall include a~~  
22 ~~voluntary arbitration program for use in situations in which a~~  
23 ~~dispute arises as to the gross value of the timber.~~

24 (d) Every timber grower who utilizes timber produced on  
25 land he or she owns or operates for sawing into lumber, for  
26 processing, or for resale shall report periodically, as

1 required by rule of the Department, the quantity of timber  
2 produced and utilized by the owner or operator during the  
3 reporting period.

4 (e) Subsections (c) and (d) shall not apply to a person who  
5 uses his or her own timber for sawing or processing for  
6 personal use and not for resale.

7 (f) It shall be a violation of this Act for a timber buyer  
8 to knowingly and willfully:

9 (1) fail to file the report with the Department as  
10 required under subsection (a) or (c) of this Section; or

11 (2) fail to pay to the Department the timber grower's  
12 fees required under subsection (b) or (d) of this Section.

13 (g) The fees required by this Section shall be deposited  
14 in the Illinois Forestry Development Fund, a special fund in  
15 the State Treasury, for the purposes of the "Illinois Forestry  
16 Development Act".

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 (225 ILCS 735/9b new)

19 Sec. 9b. Landowner timber number. The Department, in order  
20 to monitor and conserve Illinois forests, shall require timber  
21 growers who own 5 acres or more of timberland in any county to  
22 obtain a landowner timber number, or similar unique identifier  
23 from the Department, associated with their timberland in that  
24 county before timber is cut for commercial purposes. Landowner  
25 timber numbers shall be issued to timber growers at no cost to

1 timber growers. Issuance of landowner timber numbers may be  
2 accompanied by information and resources about forests,  
3 forestry, and timber harvesting.

4 Timber buyers shall enter the landowner timber number on  
5 each applicable reporting form when submitting the 4% fee.  
6 Landowner timber numbers shall be dated and expire after 2  
7 years, unless extended by the Department by rule.

8 (225 ILCS 735/11) (from Ch. 111, par. 711)

9 Sec. 11. Penalties.

10 (a) Except as otherwise provided in this Act ~~Section~~ any  
11 person in violation of any of the provisions of this Act, or  
12 administrative rules thereunder, shall be guilty of a Class C  
13 ~~A~~ misdemeanor.

14 (a-5) Any person convicted of violating Section 3 of this  
15 Act shall be guilty of a Class A misdemeanor and fined at least  
16 \$500 for a first offense and guilty of a Class 4 felony and  
17 fined at least \$1,000 for a second or subsequent offense.

18 (a-10) Any person convicted of violating subsection (b) of  
19 Section 5 of this Act is guilty of a Class A misdemeanor if the  
20 aggregate value of the timber cut, caused to be cut, or  
21 appropriated is equal to or less than \$500.

22 (b) Any person convicted of violating subsection  
23 ~~subsections (a) or~~ (b) of Section 5 of this Act is guilty of a  
24 Class 4 felony if the aggregate value of the timber ~~purchased,~~  
25 cut, caused to be cut or appropriated is over \$500 ~~\$300~~ but not

1 more than \$2,500.

2 (b-5) Any person convicted of violating subsection ~~(a) or~~  
3 (b) of Section 5 of this Act is guilty of a Class 3 felony if  
4 the aggregate value of the timber ~~purchased,~~ cut, caused to be  
5 cut, or appropriated is over \$2,500 but not more than \$10,000.

6 (b-10) Any person convicted of violating subsection ~~(a) or~~  
7 (b) of Section 5 of this Act is guilty of a Class 2 felony if  
8 the aggregate value of the timber ~~purchased,~~ cut, caused to be  
9 cut, or appropriated is over \$10,000.

10 (b-15) The aggregate value of the timber ~~purchased,~~ cut,  
11 caused to be cut, or appropriated shall be determined as  
12 provided by administrative rule.

13 (c) A person convicted of violating subsection (c) ~~(f)~~ of  
14 Section 5 of this Act is guilty of a Class A misdemeanor. A  
15 person convicted of a second or subsequent violation is guilty  
16 of a Class 4 felony.

17 (c-5) A person convicted of violating subsection (d) of  
18 Section 5 of this Act is guilty of a Class A misdemeanor.

19 (c-10) A person convicted of violating subsection (d-5) of  
20 Section 5 of this Act is guilty of a Class A misdemeanor and  
21 shall be assessed a fine of not less than \$1,000. A person  
22 convicted of a second or subsequent violation is guilty of a  
23 Class 4 felony and shall be assessed a fine of not less than  
24 \$2,000.

25 (c-15) A person convicted of violating subsection (g) of  
26 Section 5 of this Act is guilty of a Class A misdemeanor.

1       (c-20) A person convicted of violating subsection (h) of  
2       Section 5 of this Act is guilty of a Class B misdemeanor.

3       (c-25) A person convicted of violating subsection (i) of  
4       Section 5 of this Act is guilty of a Class C misdemeanor.

5       (d) All amounts collected as fines imposed as penalties  
6       for violation of this Act shall be deposited in the Illinois  
7       Forestry Development Fund for the purposes of the "Illinois  
8       Forestry Development Act".

9       (e) ~~Failure~~ ~~In case of a failure~~ to pay any purchase  
10       harvest fee required under Section 9a of this Act on the date  
11       as required by regulation of the Department, there shall be  
12       added as a penalty an amount equal to 7.5% of the harvest fee  
13       due the Department for each month or fraction thereof during  
14       which such failure continues, not to exceed 37.5% in the  
15       aggregate. This penalty shall be in addition to any other  
16       penalty determined under this Act or by the circuit court.

17       (e-5) Any person convicted of violating subsection (a) or  
18       (c) of Section 9a of this Act is guilty of a Class A  
19       misdemeanor if the aggregate value of the timber cut, caused  
20       to be cut, or sold is equal to or less than \$500.

21       (e-10) Any person convicted of violating subsection (a) or  
22       (c) of Section 9a of this Act is guilty of a Class 4 felony if  
23       the aggregate value of the timber cut, caused to be cut, or  
24       sold is over \$500 but not more than \$2,500.

25       (e-15) Any person convicted of violating subsection (a) or  
26       (c) of Section 9a of this Act is guilty of a Class 3 felony if

1 the aggregate value of the timber cut, caused to be cut, or  
2 sold is over \$2,500 but not more than \$10,000.

3 (e-20) Any person convicted of violating subsection (a) or  
4 (c) of Section 9a of this Act is guilty of a Class 2 felony if  
5 the aggregate value of the timber cut, caused to be cut, or  
6 appropriated is over \$10,000.

7 (f) A person convicted of violating subsection (b) or (d)  
8 of ~~In case of failure to file the appropriate report of the~~  
9 ~~purchase harvest fee form stipulated under~~ Section 9a of this  
10 Act shall be guilty of a Class C misdemeanor and shall be  
11 assessed ~~on the date prescribed therefore,~~ a penalty in the  
12 amount of \$25 for each individual report shall be added to the  
13 amount due the Department.

14 (g) All fines required by this Section ~~This penalty~~ shall  
15 be in addition to any other penalty authorized ~~determined~~  
16 under this Act or the Unified Code of Corrections or imposed by  
17 the circuit court.

18 (Source: P.A. 92-805, eff. 8-21-02.)

19 (225 ILCS 735/13) (from Ch. 111, par. 713)

20 Sec. 13. License revocation.

21 (a) Unless otherwise specified in this Act, the ~~The~~  
22 Department may revoke the license of any person who violates  
23 the provisions of this Act or administrative rules, and may  
24 refuse to issue any permit or license to such person for a  
25 period not to exceed 5 years following such revocation.



1 License revocation or suspension or refusal to issue any  
2 permit or license under this Act ~~procedures~~ shall be  
3 established by administrative rule.

4 (b) Whenever the holder of a license issued under this Act  
5 is found guilty of any misrepresentation in obtaining his or  
6 her license or of a violation of any of the provisions of this  
7 Act or rules adopted pursuant to this Act, the Department may:

8 (1) revoke his or her license;

9 (2) refuse to issue a license to that person; and

10 (3) suspend the person from engaging in the activity  
11 requiring the license for up to 5 years following the  
12 revocation.

13 (c) Whenever the holder of a license issued under this Act  
14 is found guilty of any misrepresentation in obtaining his or  
15 her license or of a violation of any of the provisions of this  
16 Act or rules adopted pursuant to this Act, and his or her  
17 license has been previously revoked or his or her ability to  
18 engage in the activity requiring the license has been  
19 previously suspended, the Department may:

20 (1) revoke his or her license;

21 (2) refuse to issue any license to that person; and

22 (3) suspend the person from engaging in the activity  
23 requiring the license for at least 5 years but not more  
24 than 10 years following the revocation or suspension.

25 (d) Whenever the holder of a license issued under this Act  
26 is found guilty of any misrepresentation in obtaining that

1 license or of a violation of any of the provisions of this Act  
2 or rules adopted under this Act, and his or her license has  
3 been previously revoked or his or her ability to engage in the  
4 activity requiring the license has been suspended on 2 or more  
5 occasions, the Department may:

6 (1) revoke his or her license;

7 (2) refuse to issue any license to that person; and

8 (3) suspend the person from engaging in the activity  
9 requiring the license for at least 10 years but not more  
10 than 20 ~~75~~ years following the revocation or suspension.

11 Department revocation procedures shall be established by  
12 administrative rule.

13 ~~If the holder of a license is found negligent with respect~~  
14 ~~to any duty required under this Act, the Department may~~  
15 ~~suspend or revoke his or her privilege to engage in the~~  
16 ~~activity for which the license is required, his or her~~  
17 ~~license, or both.~~

18 (e) Whenever a person who has not been issued a license  
19 under this Act is found guilty of a violation of the provisions  
20 of this Act or rules adopted under this Act, the Department  
21 may:

22 (1) refuse to issue any license to that person; and

23 (2) suspend that person from engaging in the activity  
24 requiring the license for up to 5 years following the  
25 revocation.

26 (f) Whenever a person who has not been issued a license

1 under this Act is found guilty of a violation of this Act or  
2 rules adopted under this Act and his or her license has been  
3 previously revoked or his or her ability to engage in the  
4 activity requiring the license has been previously suspended,  
5 the Department may:

6 (1) refuse to issue any license to that person; and

7 (2) suspend that person from engaging in the activity  
8 requiring the license for at least 5 years but not more  
9 than 10 years following the revocation or suspension.

10 (g) Whenever a person who has not been issued a license  
11 under this Act is found guilty of a violation of this Act or  
12 rules adopted under this Act and his or her license has been  
13 previously revoked or his or her ability to engage in the  
14 activity requiring the license has been suspended on 2 or more  
15 occasions, the Department may:

16 (1) refuse to issue any license to that person; and

17 (2) suspend that person from engaging in the activity  
18 requiring the license for at least 10 years but not more  
19 than 20 ~~75~~ years following the revocation or suspension.

20 (h) (Blank). ~~Licenses authorized under this Act shall be~~  
21 ~~prepared by the Department and be in such form as prescribed by~~  
22 ~~the Department. The information required on each license shall~~  
23 ~~be completed thereon by the issuing agent at the time of~~  
24 ~~issuance and each license shall be signed by the licensee. All~~  
25 ~~such licenses shall be supplied by the Department, subject to~~  
26 ~~such rules as the Department may prescribe. Any license that~~

1 ~~is not properly prepared, obtained, and signed as required by~~  
2 ~~this Act shall be void.~~

3 (i) Any person whose license to engage in an activity  
4 regulated by this Act has been revoked or whose ability to  
5 engage in the activity requiring the license has been  
6 suspended may not, during the period of suspension or  
7 revocation:

8 (1) hold any license authorized by this Act;

9 (2) perform directly or indirectly any privileges  
10 authorized by any license issued in accordance with this  
11 Act; or

12 (3) buy, sell, barter, trade, or take possession of  
13 any timber as defined in this Act, regardless of any  
14 contractual agreements entered into prior to the  
15 revocation or suspension.

16 (j) No person may be issued a license or engage in any  
17 activity regulated by this Act for which a license is required  
18 during the time that the person's privilege to engage in the  
19 same or similar activities is suspended or revoked by another  
20 state, by a federal agency, or by a province of Canada.

21 Any person who knowingly or intentionally violates any of  
22 the provisions of this Act, or administrative rules  
23 thereunder, when his or her license has been revoked or denied  
24 or his or her ability to engage in the activity requiring the  
25 license has been suspended under this Section, is guilty of a  
26 Class 4 felony.

1 (Source: P.A. 92-805, eff. 8-21-02.)

2 (225 ILCS 735/16) (from Ch. 111, par. 716)

3 Sec. 16. Seizure. Any timber, forestry or wood cutting  
4 device or equipment, including vehicles and conveyances used  
5 or operated in violation of this Act, including administrative  
6 rules, or attempted to be used in violation of this Act or  
7 administrative rules shall be deemed a public nuisance and  
8 subject to the seizure and confiscation by any authorized  
9 employee of the Department; upon the seizure of such item the  
10 Department shall take and hold the same until disposed of as  
11 hereinafter provided.

12 Upon the seizure of any property as herein provided, the  
13 authorized employee of the Department making such seizure  
14 shall forthwith cause a complaint to be filed before the  
15 Circuit Court and a summons to be issued requiring the person  
16 who illegally used or operated or attempted to use or operate  
17 such property and the owner and person in possession of such  
18 property to appear in court and show cause why the property  
19 seized should not be forfeited to the State. Upon the return of  
20 the summons duly served or other notice as herein provided,  
21 the court shall proceed to determine the question of the  
22 illegality of the use of the seized property and upon judgment  
23 being entered to the effect that such property was illegally  
24 used, an order may be entered providing for the forfeiture of  
25 such seized property to the Department and shall thereupon

1 become the property of the Department; but the owner of such  
2 property may have a jury determine the illegality of its use,  
3 and shall have the right of an appeal, as in other cases. Such  
4 confiscation or forfeiture shall not preclude or mitigate  
5 against prosecution and assessment of penalties otherwise  
6 provided in this Act.

7       Upon seizure of any property under circumstances  
8 supporting a reasonable belief that such property was  
9 abandoned, lost or stolen or otherwise illegally possessed or  
10 used contrary to the provisions of this Act, except property  
11 seized during a search or arrest, and ultimately returned,  
12 destroyed, or otherwise disposed of pursuant to order of a  
13 court in accordance with this Act, the authorized employee of  
14 the Department shall make reasonable inquiry and efforts to  
15 identify and notify the owner or other person entitled to  
16 possession thereof, and shall return the property after such  
17 person provides reasonable and satisfactory proof of his  
18 ownership or right to possession and reimburses the Department  
19 for all reasonable expenses of such custody. If the identity  
20 or location of the owner or other person entitled to  
21 possession of the property has not been ascertained within 6  
22 months after the Department obtains such possession, the  
23 Department shall effectuate the sale of the property for cash  
24 to the highest bidder at a public auction. The owner or other  
25 person entitled to possession of such property may claim and  
26 recover possession of the property at any time before its sale

1 at public auction, upon providing reasonable and satisfactory  
2 proof of ownership or right of possession and reimbursing the  
3 Department for all reasonable expenses of custody thereof.

4 Any property forfeited to the State by court order  
5 pursuant to this Section may be disposed of by public auction,  
6 except that any property which is the subject of such a court  
7 order shall not be disposed of pending appeal of the order. The  
8 proceeds of the sales at auction shall be deposited in the  
9 Illinois Forestry Development Fund.

10 The Department shall pay all costs of notices required by  
11 this Section.

12 Property seized or forfeited under this Section is subject  
13 to reporting under the Seizure and Forfeiture Reporting Act.

14 (Source: P.A. 86-208.)