



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1560

Introduced 2/8/2023, 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 735/10	from Ch. 111, par. 710
225 ILCS 735/11	from Ch. 111, par. 711
225 ILCS 735/12	from Ch. 111, par. 712
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 every application for licensure under the Act shall include a list of all employees of the timber buyer that are or will be engaged by the timber buyer as an agent, cutter, or transporter. Provides that all timber buyers and employees must be 18 years of age or older. Provides that every person licensed as a timber buyer shall file with the Department of Natural Resources a certificate of liability insurance (rather than a performance bond). Provides that the liability insurance shall be in the principal amount of \$1,000,000. Provides that an application for a resident license to operate as a timber buyer, or a renewal thereof, shall be accompanied by a non-refundable filing fee of \$125 (rather than \$25). Provides the application for a non-resident license to operate as a timber buyer, or renewal thereof, shall be accompanied by a non-refundable filing fee of \$300. Provides that property seized or forfeited is subject to reporting under the Seizure and Forfeiture Reporting Act. Makes changes to provisions concerning: what is unlawful and a violation of the Act; license, issuance, validity, and renewal; records and inspection; reporting a harvest fee; administrative rule; penalties and fines; and license revocation. Makes changes to the definitions. Makes other and corresponding changes in the Act and in the Seizure and Forfeiture Reporting Act.

LRB103 25313 AMQ 51658 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; ~~and~~ -

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, 10, 11, 12, 13, 14,
16 and 16 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 "Agent" means any person acting on behalf of a timber
21 buyer, employed by a timber buyer, or under an agreement,
22 whether oral or written, with a timber buyer who, with or
23 without the consent of the timber grower, buys timber,
24 attempts to buy timber, procures contracts for the purchase or

1 cutting of timber, or attempts to procure contracts for the
2 purchase or cutting of timber.

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

6 "Cutter" means any person acting on behalf of a timber
7 buyer, employed by a timber buyer, or under an agreement,
8 whether oral or written, with a timber buyer who cuts timber or
9 attempts to cut timber with or without the consent of the
10 timber grower.

11 "Department" means the Department of Natural Resources.

12 "Director" means the Director of Natural Resources.

13 "Employee" means any person in service or under contract
14 for hire, expressed or implied, oral or written, who is
15 engaged as an agent, cutter, or transporter while working for
16 or under the direction of a timber buyer at any time during the
17 license year. "Employee" does not include a transporter that
18 is operating a transporting business under contract to the
19 timber buyer and said transportation business is not wholly or
20 partially owned, managed, or operated by the timber grower or
21 any other employee or family member of the timber grower.

22 "Good standing" means any person who is not:

23 (1) currently serving a sentence of probation, or
24 conditional discharge, for a violation of this Act or
25 administrative rules adopted under this Act;

26 (2) owes any amount of money pursuant to a civil

1 judgment regarding the sale, cutting, or transportation of
2 timber;

3 (3) owes the Department any required fee, payment, or
4 money required under this Act; or

5 (4) is currently serving a suspension or revocation of
6 any privilege that is granted under this Act.

7 "Liability insurance" means \$1,000,000 in insurance
8 covering a timber buyer's business and employees that shall
9 insure against the liability of the insured for the death,
10 injury, or disability of an employee or other person and
11 insurance against the liability of the insured for damage to
12 or destruction of another person's property.

13 "Payment receipt" means copy or duplicate of an original
14 receipt of payment for timber to a timber grower or duplicate
15 of electronic or direct payment verification of funds received
16 by timber grower.

17 "Person" means any person, partnership, firm, association,
18 business trust, or corporation.

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

26 "Timber buyer" means any person licensed or unlicensed,

1 who is engaged in the business of buying timber from the timber
2 growers thereof for sawing into lumber, for processing or for
3 resale, but does not include any person who occasionally
4 purchases timber for sawing or processing for the person's ~~his~~
5 own use and not for resale.

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

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

14 "Transporter" means any person acting on behalf of a
15 timber buyer, employed by a timber buyer, or under an
16 agreement, whether oral or written, with a timber buyer who
17 takes or carries timber from one place to another by means of a
18 motor vehicle.

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

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

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

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

1 (225 ILCS 735/3) (from Ch. 111, par. 703)

2 Sec. 3. Every person before engaging in the business of a
3 timber buyer shall obtain a license for such purpose from the
4 Department. Application for such license shall be filed with
5 the Department and shall set forth the name of the applicant,
6 its principal officers if the applicant is a corporation or
7 the partners if the applicant is a partnership, the location
8 of any principal office or place of business of the applicant,
9 the counties in this State in which the applicant proposes to
10 engage in the business of timber buyer, a list of all employees
11 of the timber buyer that are or will be engaged by the timber
12 buyer as an agent, cutter, or transporter, and such additional
13 information as the Department by rule ~~regulation~~ may require.
14 All timber buyers and employees must be 18 years of age or
15 older.

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

1 them during the next succeeding 12 month period.

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

3 (225 ILCS 735/4) (from Ch. 111, par. 704)

4 Sec. 4. Liability insurance ~~Bond~~. Every person licensed as
5 a timber buyer shall file with the Department a certificate of
6 liability insurance, ~~on a form prescribed and furnished by the~~
7 ~~Department, a performance bond payable to the State of~~
8 ~~Illinois by and through the Department and conditioned on the~~
9 ~~faithful performance of and compliance with all requirements~~
10 ~~of the license and this Act. No such liability insurance~~
11 ~~policy shall be effective under this Section unless issued by~~
12 ~~an insurance company or surety company authorized to do~~
13 ~~business in this State. The bond shall be a surety bond signed~~
14 ~~by the person to be licensed as principal and by a good and~~
15 ~~sufficient corporate surety authorized to engage in the~~
16 ~~business of executing surety bonds within the State of~~
17 ~~Illinois as surety thereon. In lieu of a surety bond an~~
18 ~~applicant for a timber buyers license may, with the approval~~
19 ~~of the Department, deposit with the Department as security a~~
20 ~~certificate of deposit or irrevocable letter of credit of any~~
21 ~~bank organized or transacting business in the United States in~~
22 ~~an amount equal to or greater than the amount of the required~~
23 ~~bond. Such deposits shall be made, held, and disposed of as~~
24 ~~provided in this Act and by the Department by rule. A bond or~~
25 ~~certificate of deposit shall be made payable upon demand to~~

1 ~~the Director, subject to the provisions of this Act, and any~~
2 ~~rules adopted under this Act, and shall be for the use and~~
3 ~~benefit of the people of the State of Illinois, for the use and~~
4 ~~benefit of any timber grower from whom the applicant purchased~~
5 ~~timber and who is not paid by the applicant or for the use and~~
6 ~~benefit of any timber grower whose timber has been cut by the~~
7 ~~applicant or licensee or his or her agents and who has not been~~
8 ~~paid therefor; and for the use and benefit of any person~~
9 ~~aggrieved by the actions of the timber buyer.~~

10 Except as otherwise provided~~7~~ in this Section, such
11 liability insurance bond shall be in the principal amount of
12 \$1,000,000 ~~\$ 500 for an applicant who paid timber growers~~
13 ~~\$5,000 or less for timber during the immediate preceding year,~~
14 ~~and an additional \$100 for each additional \$1,000 or fraction~~
15 ~~thereof paid to timber growers for timber purchased during the~~
16 ~~preceding year, but shall not be more than \$10,000. In the case~~
17 ~~of an applicant not previously engaged in business as a timber~~
18 ~~buyer, the amount of such bond shall be based on the estimated~~
19 ~~dollar amount to be paid by such timber buyer to timber growers~~
20 ~~for timber purchased during the next succeeding year, as set~~
21 ~~forth in the application; such bond shall, in no event, be in~~
22 ~~the principal amount of less than \$500. In the case of a timber~~
23 ~~buyer whose bond has previously been forfeited in Illinois or~~
24 ~~in any other state, the Department shall double the applicable~~
25 ~~minimum bond amounts under this Section.~~

26 A liability insurance policy bond filed in accordance with

1 this Act shall not be cancelled or altered during the period
2 for which the timber buyer remains licensed by the Department
3 without written notification to the Department. At all times,
4 a licensee must have a liability insurance policy that is in
5 conformity with this Act while licensed by the Department
6 ~~except upon at least 60 days notice in writing to the~~
7 ~~Department; in the event that the applicant has deposited~~
8 ~~certificates of deposit in lieu of a corporate surety the~~
9 ~~Department may retain possession of such certificates of~~
10 ~~deposit for a period of 60 days following the expiration or~~
11 ~~revocation of his or her license.~~

12 At any such time as a licensee fails to have the necessary
13 liability insurance, ~~surety bonds, certificates of deposit, or~~
14 ~~irrevocable letters of credit on deposit with the Department~~
15 as required herein, the Department may immediately, and
16 without notice, suspend the privileges of such licensee. In
17 the event of such suspension, the Department shall give
18 immediate notice of the same to the licensee and shall further
19 reinstate such license upon filing with the Department a
20 certificate of liability insurance that conforms to the
21 requirements of this Act ~~the posting of the required surety~~
22 ~~bond, certificates of deposit, or irrevocable letters of~~
23 ~~credit.~~

24 ~~Bonds shall be in such form and contain such terms and~~
25 ~~conditions as may be approved from time to time by the~~
26 ~~Director, be conditioned to secure an honest cutting and~~

1 ~~accounting for timber purchased by the licensee, secure~~
2 ~~payment to the timber growers and to insure the timber growers~~
3 ~~against all fraudulent acts of the licensee in the purchase~~
4 ~~and cutting of the timber of this State.~~

5 ~~In the event the timber buyer fails to pay when owing any~~
6 ~~amount due a timber grower for timber purchased, or fails to~~
7 ~~pay judicially determined damages for timber wrongfully cut by~~
8 ~~a timber buyer or his agent, whether such wrongful cutting has~~
9 ~~occurred on or adjacent to the land which was the subject of~~
10 ~~timber purchase from a timber grower, or commits any violation~~
11 ~~of this Act, then an action on the bond or deposit for~~
12 ~~forfeiture may be commenced. Such action is not exclusive and~~
13 ~~is in addition to any other judicial remedies available.~~

14 ~~In the event that the timber grower or owner of timber cut~~
15 ~~considers himself or herself aggrieved by a timber buyer, he~~
16 ~~or she shall notify the Department in writing of such~~
17 ~~grievance and thereafter the Department shall within 10 days~~
18 ~~give written notice to the timber buyer of the alleged~~
19 ~~violation of this Act or of any violation or noncompliance~~
20 ~~with the regulations hereunder of which the timber grower or~~
21 ~~owner of timber complains. The written notice to the timber~~
22 ~~buyer shall be from the Department by registered or certified~~
23 ~~mail to the licensee and his or her sureties stating in general~~
24 ~~terms the nature of the violation and that an action seeking~~
25 ~~forfeiture of the bond may be commenced at any time after the~~
26 ~~10 days from the date of said notice if at the end of that~~

1 ~~period the violation still remains. In the event the~~
2 ~~Department shall fail to give notice to the timber buyer as~~
3 ~~provided herein, the timber grower or owner of timber cut may~~
4 ~~commence his or her own action for forfeiture of the~~
5 ~~licensee's bond.~~

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

10 ~~Upon such request from the timber buyer, the Department~~
11 ~~shall schedule a hearing, designating the time and place~~
12 ~~thereof. At such hearing the timber buyer may present for~~
13 ~~consideration of the Department any evidence, statements,~~
14 ~~documents or other information relevant to the alleged~~
15 ~~violation. The hearing shall be presided over by the Director~~
16 ~~or by any hearing officer he or she may designate. The hearing~~
17 ~~officer shall take evidence offered by the timber buyer or the~~
18 ~~Department and shall, if requested by the Department, submit~~
19 ~~his or her conclusions and findings which shall be advisory to~~
20 ~~the Director. Any hearings provided for in this Section shall~~
21 ~~be commenced within 30 days from the request therefor.~~

22 ~~Should the timber buyer fail to make timely request for a~~
23 ~~hearing after receipt of the notice from the Department as~~
24 ~~provided herein, or after a hearing is concluded, the~~
25 ~~Department may either withdraw the notice of violation or~~
26 ~~request the Attorney General to institute proceedings to have~~

1 ~~the bond of the timber buyer forfeited. The Attorney General,~~
2 ~~upon such request from the Department, shall institute~~
3 ~~proceedings to have the bond of the timber buyer forfeited for~~
4 ~~violation of any of the provisions of this Act or for~~
5 ~~noncompliance with any Department regulation.~~

6 ~~In the event that the licensee's bond is forfeited, the~~
7 ~~proceeds thereof shall first be applied to any sums determined~~
8 ~~to be owed to the timber grower or owner of timber cut and then~~
9 ~~to the Department to defray expenses incurred by the~~
10 ~~Department in converting the security into money. Thereafter,~~
11 ~~the Department shall pay such excess to the timber buyer who~~
12 ~~furnished such security.~~

13 ~~In the event the Department realizes less than the amount~~
14 ~~of liability from the security, after deducting expenses~~
15 ~~incurred by the Department in converting the security into~~
16 ~~money, it shall be grounds for the revocation of the timber~~
17 ~~buyer's license.~~

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

19 (225 ILCS 735/5) (from Ch. 111, par. 705)

20 Sec. 5. It shall be unlawful and a violation of this Act:

21 (a) For any timber buyer to knowingly: ~~and willfully fail~~
22 ~~to pay, as agreed, for any timber purchased,~~

23 (1) cut, cause to be cut, take, or caused to be taken,
24 any timber without the consent of the timber grower; or

25 (2) enter into an agreement or contract with a timber

1 grower for the cutting of timber and:

2 (A) misrepresenting a material fact relating to
3 the terms of the contract or agreement, creating or
4 confirming another's impression which is false and the
5 buyer does not believe to be true, or promising
6 performance which the buyer does not intend to perform
7 or knows will not be performed; or

8 (B) using or employing any deception, false
9 pretense, or false promise in order to induce,
10 encourage, or solicit such person to enter into any
11 contract or agreement;

12 (b) For a timber buyer to conduct business under this Act
13 without maintaining a liability insurance policy as required
14 under this Act; ~~For any timber buyer to knowingly and~~
15 ~~willfully cut or cause to be cut or appropriate any timber~~
16 ~~without the consent of the timber grower,~~

17 (c) For a timber buyer to knowingly ~~willfully~~ make any
18 false statement or knowingly provide false information in
19 connection with the application, liability insurance
20 certification, or other information or reports required to be
21 provided to the Department pursuant to this Act or
22 administrative rule; ~~bond or other information required to be~~
23 ~~given to the Department or a timber grower,~~

24 (d) For any person to act or engage in the business of a
25 timber buyer or act or engage in the business of timber buying
26 as an employee of a timber buyer while not in good standing

1 with the Department or, if required by this Act, while
2 licensed by the Department; ~~To fail to honestly account to the~~
3 ~~timber grower or the Department for timber purchased or cut if~~
4 ~~the buyer is under a duty to do so,~~

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

7 (f) For a timber buyer ~~or land owner or operator~~ to fail to
8 file any ~~the~~ report or provided any documentation as ~~or pay the~~
9 ~~fees~~ required in ~~Section 9a~~ of this Act or administrative
10 rule; and

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

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

17 (225 ILCS 735/7) (from Ch. 111, par. 707)

18 Sec. 7. License; issuance, validity, and renewal;
19 certificate. All persons buying timber under this Act must
20 possess a valid timber buyer's license. Licenses authorized
21 under this Act shall be prepared by the Department and be in
22 such form as prescribed by the Department. The information
23 required on each license shall be completed thereon by the
24 Department at the time of issuance, and each license shall be
25 signed by the licensee. All such licenses shall be supplied by

1 the Department, subject to such rules as the Department may
2 prescribe. Any license that is not properly prepared,
3 obtained, and signed as required by this Act shall be void. If
4 the Department is satisfied that the applicant has fulfilled
5 the requirements of this Act, the applicant and all listed
6 employees in the application are in good standing, and if the
7 liability insurance ~~bond and sureties or bank certificate of~~
8 deposit filed by the applicant is approved, the Department
9 shall ~~may~~ issue a license to the applicant. The licenses
10 issued shall be valid for a calendar year and may be renewed
11 annually. A copy of the license certificate issued by the
12 Department shall be posted in the principal office of the
13 licensee in this State. A license from the Department shall
14 include a list of all employees that are required to be
15 reported to the Department in a timber buyer application for
16 license. A timber buyer shall update the Department, in
17 writing, within 14 days, of a change in employment for any
18 employee of the timber buyer that is required to be disclosed
19 to the Department. The Department shall then reissue a
20 certificate of license with the updated list of employees as
21 well as any new timber buyer identification cards. The timber
22 buyer identification card issued by the Department shall be
23 carried upon the person of the timber buyer and any employee of
24 the timber buyer when conducting activities covered under this
25 Act for immediate presentation for inspection to the officers
26 and authorized employees of the Department, any sheriff,

1 deputy sheriff, or any other peace officer making demand for
2 it. No person charged with violating this Section, however,
3 shall be convicted if the person ~~he or she~~ produces in court
4 satisfactory evidence that a timber buyer identification card
5 that was valid at the time of the offense had been issued to
6 the timber buyer. All timber buyer identification cards shall
7 be issued by the Department. Any timber identification card
8 that is issued to a timber buyer or timber buyer employee shall
9 be returned to the Department or, if a digital license or
10 digital identification card, shall be canceled by the
11 Department within 5 days of the Department obtaining
12 information of the termination of employment, suspension, or
13 revocation of license, the employee or timber buyer is no
14 longer in good standing, or expiration of a license if the
15 license is not renewed.

16 Upon request for a license and payment of the fee, the
17 Department shall issue to the licensee a certificate that a
18 license has been granted and ~~a bond filed~~ as required by this
19 Act as well as timber buyer identification cards for all
20 listed employees on the timber buyer application that are in
21 good standing.

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

23 (225 ILCS 735/8) (from Ch. 111, par. 708)

24 Sec. 8. The application for a resident license to operate
25 as a timber buyer, or a renewal thereof, shall be accompanied

1 by a non-refundable filing fee of \$125 ~~\$25~~. The application
2 for a non-resident license to operate as a timber buyer, or a
3 renewal thereof, shall be accompanied by a non-refundable
4 filing fee of \$300. ~~The fee to be paid for a certificate that a~~
5 ~~license has been issued and security filed is \$5.~~

6 The fees required by this Section shall be deposited in
7 the Illinois Forestry Development Fund for the purposes of the
8 "Illinois Forestry Development Act".

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

10 (225 ILCS 735/9) (from Ch. 111, par. 709)

11 Sec. 9. Records and inspection. The Department or any law
12 enforcement agency may inspect any ~~the~~ premises used by any
13 timber buyer in the conduct of the buyer's ~~his or her~~ business
14 during normal business hours, ~~at any reasonable time~~ and such
15 inspection may include, but is not limited to, the inventory,
16 timber, ~~the~~ books, accounts, records, transport logs, ~~and or~~
17 other documentation required under this Act or administrative
18 rule papers of every such timber buyer that operates or does
19 business in the State ~~shall at all times during business hours~~
20 ~~be subject to inspection by the~~ Department. Any person
21 licensed as a timber buyer as defined in this Act, or any
22 person who has purchased, bartered, or attempted to purchase
23 or barter timber, or any person having possession or who has
24 had possession of timber as defined in this Act shall be prima
25 facie evidence that the person is ~~be considered~~ a timber

1 buyer, excluding transporters. A timber buyer shall retain the
2 books, accounts, records, transport logs, or other
3 documentation required under this Act or administrative rule
4 ~~and papers~~ used in the conduct of the buyer's ~~his or her~~
5 business for a period of 3 years after any purchase, cutting,
6 or transportation of timber made by the timber buyer or the
7 buyer's employee. All timber buyers shall provide to a
8 transporter and a transporter shall have immediately available
9 transportation records, on forms provided by the Department,
10 for all timber that is currently being transported by the
11 transporter..

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

13 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

14 Sec. 9a. Reporting a harvest fee.

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

25 (b) When a timber buyer buys timber in this State, the

1 buyer shall file a report to the Department on a report form
2 provided by the Department. The information provided on the
3 report form shall include the amount paid for the timber and
4 the 4% that is due to the Department. The report shall also
5 include copies of receipts for all timber that was listed on
6 the report. A timber buyer shall provide the timber grower a
7 written or electronic payment receipt for each transaction of
8 timber bought from the timber grower and keep a duplicate or
9 copy of the payment receipt in the timber buyer's records. All
10 timber buyers shall provide a written receipt upon request of
11 the Department.

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

1 (d) Every timber grower who utilizes timber produced on
2 land the timber grower owns or operates for sawing into lumber
3 for processing or for resale, shall report periodically, as
4 required by this Act or administrative rule of the Department,
5 the quantity, value, and species of timber produced and
6 utilized by the owner or operator during the reporting period.

7 (e) Subsections (c) and (d) shall not apply to a person who
8 uses the person's own timber for sawing or processing for
9 personal use and not for resale.

10 (f) The fees required by this Section shall be deposited
11 in the Illinois Forestry Development Fund, a special fund in
12 the State Treasury, for the purposes of the "Illinois Forestry
13 Development Act".

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

15 (225 ILCS 735/10) (from Ch. 111, par. 710)

16 Sec. 10. The Department may make such administrative rules
17 and regulations as may be necessary to carry out the
18 provisions of this Act in accordance with the Illinois
19 Administrative Procedure Act.

20 (Source: P.A. 76-1307.)

21 (225 ILCS 735/11) (from Ch. 111, par. 711)

22 Sec. 11. Penalties and fines. All fines and penalties
23 associated with violations of this Act or administrative rules
24 thereunder, except as otherwise provided in this Act, are

1 payable 50% to the Department's Conservation Police Operations
2 Assistance Fund and 50% to the Department's Illinois Forestry
3 Development Fund.

4 (a) Except as otherwise provided in this Act ~~Section~~ any
5 person in violation of any of the provisions of this Act, or
6 administrative rules thereunder, shall be guilty of a Class A
7 misdemeanor.

8 (a-5) Any person convicted of violating Section 3 of this
9 Act shall be guilty of a Class A misdemeanor and fined at least
10 \$500 for a first offense and guilty of a Class 4 felony and
11 fined at least \$1,000 for a second or subsequent offense.

12 (a-10) Any person convicted of violating subsection (a) of
13 Section 5 or subsection (a) or (c) of Section 9a is guilty of a
14 Class A misdemeanor if the aggregate value of the timber cut,
15 caused to be cut, or appropriated is equal to or less than
16 \$500.

17 (b) Any person convicted of violating subsections (a) ~~or~~
18 ~~(b)~~ of Section 5 or subsection (a) or (c) of Section 9a of this
19 Act is guilty of a Class 4 felony if the aggregate value of the
20 timber ~~purchased,~~ cut, caused to be cut or appropriated is
21 over \$500 ~~\$ 300~~ but not more than \$2,500.

22 (b-5) Any person convicted of violating subsection (a) ~~or~~
23 ~~(b)~~ of Section 5 or subsection (a) or (c) of Section 9a of this
24 Act is guilty of a Class 3 felony if the aggregate value of the
25 timber ~~purchased,~~ cut, caused to be cut, or appropriated is
26 over \$2,500 but not more than \$10,000.

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

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

9 (c) A person convicted of violating subsection (b) ~~(f)~~ of
10 Section 5 of this Act is guilty of a Class A misdemeanor. A
11 person convicted of a second or subsequent violation is guilty
12 of a Class 4 felony.

13 (c-5) A person convicted of violating subsection (c) of
14 Section 5 is guilty of a Class A misdemeanor.

15 (c-10) A person convicted of violating subsection (d) of
16 Section 5 is guilty of a Class A misdemeanor and shall be
17 assessed a fine of not less than \$1,000. A person convicted of
18 a second or subsequent violation is guilty of a Class 4 felony
19 and shall be assessed a fine of not less than \$2,000.

20 (c-15) A person convicted of violating subsection (f) of
21 Section 5 is guilty of a Class B misdemeanor.

22 (c-20) A person convicted of violating subsection (g) of
23 Section 5 is guilty of a Class C misdemeanor.

24 (d) All penalties issued pursuant to subsections (e) and
25 (f) amounts collected as fines imposed as penalties for
26 violation of this Act shall be deposited in the Illinois

1 Forestry Development Fund for the purposes of the "Illinois
2 Forestry Development Act".

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

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

19 (g) All fines required in this Section ~~This penalty~~ shall
20 be in addition to any other penalty authorized ~~determined~~
21 under this Act, the Unified Code of Corrections, or imposed by
22 by the circuit court..

23 (h) Any person who knowingly or intentionally violates any
24 of the provisions of this Act, or administrative rules
25 thereunder, when the person's license has been revoked or
26 denied or the person's ability to engage in the activity

1 requiring the license has been suspended under Section 13 is
2 guilty of:

3 (1) a Class 4 felony if the underlying offense that
4 was committed during a period of revocation or suspension
5 is a misdemeanor; or

6 (2) one classification higher if the underlying
7 offense that was committed during a period of revocation
8 or suspension is a felony.

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

10 (225 ILCS 735/12) (from Ch. 111, par. 712)

11 Sec. 12. No certificate of license or timber buyer
12 identification card shall be issued to any person who is in
13 default to the people of the State ~~of Illinois~~ for moneys due
14 under this Act.

15 (Source: P.A. 76-1307.)

16 (225 ILCS 735/13) (from Ch. 111, par. 713)

17 Sec. 13. License revocation.

18 (a) The Department may revoke the license of any person
19 who violates the provisions of this Act~~7~~ and may refuse to
20 issue any permit or license to any ~~such~~ person who is in
21 violation of this Act for a period of time as established by
22 administrative rule ~~not to exceed 5 years following such~~
23 ~~revocation.~~

24 (a-5) License revocation, suspension, or refusal by the

1 Department to issue or reissue any permit or license, and the
2 procedures for such action by the Department or appeals to
3 such action that was taken by the Department shall be
4 established by administrative rule and in accordance with the
5 Illinois Administrative Procedure Act.

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

11 ~~(1) revoke his or her license;~~

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

13 ~~(3) suspend the person from engaging in the activity~~
14 ~~requiring the license for up to 5 years following the~~
15 ~~revocation.~~

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

23 ~~(1) revoke his or her license;~~

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

25 ~~(3) suspend the person from engaging in the activity~~
26 ~~requiring the license for at least 5 years but not more~~

1 ~~than 10 years following the revocation or suspension.~~

2 (d) (Blank). ~~Whenever the holder of a license issued under~~
3 ~~this Act is found guilty of any misrepresentation in obtaining~~
4 ~~that license or of a violation of any of the provisions of this~~
5 ~~Act or rules adopted under this Act, and his or her license has~~
6 ~~been previously revoked or his or her ability to engage in the~~
7 ~~activity requiring the license has been suspended on 2 or more~~
8 ~~occasions, the Department may:~~

9 ~~(1) revoke his or her license;~~

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

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

14 ~~Department revocation procedures shall be established by~~
15 ~~administrative rule.~~

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

21 (e) (Blank). ~~Whenever a person who has not been issued a~~
22 ~~license under this Act is found guilty of a violation of the~~
23 ~~provisions of this Act or rules adopted under this Act, the~~
24 ~~Department may:~~

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

26 ~~(2) suspend that person from engaging in the activity~~

1 ~~requiring the license for up to 5 years following the~~
2 ~~revocation.~~

3 (f) (Blank). ~~Whenever a person who has not been issued a~~
4 ~~license under this Act is found guilty of a violation of this~~
5 ~~Act or rules adopted under this Act and his or her license has~~
6 ~~been previously revoked or his or her ability to engage in the~~
7 ~~activity requiring the license has been previously suspended,~~
8 ~~the Department may:~~

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

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

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

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

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

23 (h) (Blank). ~~Licenses authorized under this Act shall be~~
24 ~~prepared by the Department and be in such form as prescribed by~~
25 ~~the Department. The information required on each license shall~~
26 ~~be completed thereon by the issuing agent at the time of~~

1 ~~issuance and each license shall be signed by the licensee. All~~
2 ~~such licenses shall be supplied by the Department, subject to~~
3 ~~such rules as the Department may prescribe. Any license that~~
4 ~~is not properly prepared, obtained, and signed as required by~~
5 ~~this Act shall be void.~~

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

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

12 (2) perform directly or indirectly any privileges
13 authorized by any license issued in accordance with this
14 Act; or

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

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

24 ~~Any person who knowingly or intentionally violates any of~~
25 ~~the provisions of this Act, or administrative rules~~
26 ~~thereunder, when his or her license has been revoked or denied~~

1 ~~or his or her ability to engage in the activity requiring the~~
2 ~~license has been suspended under this Section, is guilty of a~~
3 ~~Class 4 felony.~~

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

5 (225 ILCS 735/16) (from Ch. 111, par. 716)

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

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

1 being entered to the effect that such property was illegally
2 used, an order may be entered providing for the forfeiture of
3 such seized property to the Department and shall thereupon
4 become the property of the Department; but the owner of such
5 property may have a jury determine the illegality of its use,
6 and shall have the right of an appeal, as in other cases. Such
7 confiscation or forfeiture shall not preclude or mitigate
8 against prosecution and assessment of penalties otherwise
9 provided in this Act.

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

1 to the highest bidder at a public auction. The owner or other
2 person entitled to possession of such property may claim and
3 recover possession of the property at any time before its sale
4 at public auction, upon providing reasonable and satisfactory
5 proof of ownership or right of possession and reimbursing the
6 Department for all reasonable expenses of custody thereof.

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

13 The Department shall pay all costs of notices required by
14 this Section. Property seized or forfeited under this Section
15 is subject to reporting under Section 5 of the Seizure and
16 Forfeiture Reporting Act.

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