

1 AN ACT in relation to military personnel.

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

4 Section 5. The Deposit of State Moneys Act is amended by  
5 adding Section 7.5 and changing Section 15 as follows:

6 (15 ILCS 520/7.5 new)

7 Sec. 7.5. No deposit where fee imposed for terminal  
8 usage or for checking account.

9 (a) For purposes of this Section, "consumer" means a  
10 resident of Illinois who is on active duty in any reserve  
11 component of the armed forces, including, but not limited to,  
12 the Illinois Army National Guard, Illinois Air National  
13 Guard, United States Army Reserve, United States Marine Corps  
14 Reserve, United States Navy Reserve, United States Air Force  
15 Reserve, or United States Coast Guard Reserve.

16 (b) In addition to any other requirements of this Act,  
17 the State Treasurer may not deposit moneys in any financial  
18 institution that imposes a fee on a consumer for usage of a  
19 terminal, as defined in the Electronic Fund Transfer Act, or  
20 imposes a fee for the establishment or maintenance of a  
21 checking account.

22 (c) A bank or savings and loan association approved as a  
23 depository must waive fees for usage of a terminal, as  
24 defined in the Electronic Fund Transfer Act, and for the  
25 establishment or maintenance of a checking account if the  
26 consumer:

27 (1) shows proof of membership in any reserve  
28 component of the armed forces, including, but not limited  
29 to, the Illinois Army National Guard, Illinois Air  
30 National Guard, United States Army Reserve, United States  
31 Marine Corps Reserve, United States Navy Reserve, United

1 States Air Force Reserve, or United States Coast Guard  
2 Reserve;

3 (2) shows proof of residency in the State of  
4 Illinois; and

5 (3) shows proof of active duty status.

6 (15 ILCS 520/15) (from Ch. 130, par. 34)

7 Sec. 15. (a) A bank or savings and loan association  
8 approved as a depository shall cease to be an approved bank  
9 or savings and loan association, and shall be disqualified by  
10 the State Treasurer:

11 (1) Upon its failure to post a suitable bond or  
12 deposit securities with the State Treasurer;

13 (2) Upon its failure or refusal to pay over public  
14 moneys or any part thereof;

15 (3) Upon its becoming insolvent or bankrupt, or  
16 being placed in the hands of a receiver;

17 (4) Upon a showing of unsatisfactory financial  
18 condition through a report made to, or an examination  
19 made by, the Comptroller of the Currency, the  
20 Commissioner of Banks and Real Estate, or the Federal  
21 Home Loan Bank or its successors;

22 (5) Upon its failure to submit a pledge executed by  
23 its president or chief executive officer in the following  
24 form:

25 The (name of bank or savings and loan  
26 association) pledges not to impose fees on consumers  
27 who are on active duty in any reserve component of  
28 the armed forces, including, but not limited to, the  
29 Illinois Army National Guard, Illinois Air National  
30 Guard, United States Army Reserve, United States  
31 Marine Corps Reserve, United States Navy Reserve,  
32 United States Air Force Reserve, or United States  
33 Coast Guard Reserve, for usage of an automatic

1 teller machine or for establishing and maintaining a  
2 checking account;

3 (6) Upon its failure to comply with the  
4 requirements of Section 7.5 of this Act.

5 (b) No approved depository shall be disqualified by the  
6 State Treasurer solely by reason of its acquisition by  
7 another institution.

8 (Source: P.A. 89-508, eff. 7-3-96.)

9 Section 10. The State Treasurer's Bank Services Trust  
10 Fund Act is amended by adding Section 16 as follows:

11 (30 ILCS 212/16 new)

12 Sec. 16. No banking service agreement where fee imposed  
13 for terminal usage or for checking account.

14 (a) The State Treasurer may not enter into a banking  
15 service agreement with a financial institution that imposes a  
16 fee on a consumer who is on active duty in any reserve  
17 component of the armed forces, including, but not limited to,  
18 the Illinois Army National Guard, Illinois Air National  
19 Guard, United States Army Reserve, United States Marine Corps  
20 Reserve, United States Navy Reserve, United States Air Force  
21 Reserve, or United States Coast Guard Reserve, for usage of a  
22 terminal, as defined in the Electronic Fund Transfer Act, or  
23 for the establishment or maintenance of a checking account.

24 (b) The State Treasurer may not enter into a banking  
25 service agreement with a financial institution if it fails to  
26 submit a pledge executed by its president or chief executive  
27 officer in the following form:

28 The (name of the financial institution) pledges not  
29 to impose fees on consumers who are on active duty in any  
30 reserve component of the armed forces, including, but not  
31 limited to, the Illinois Army National Guard, Illinois  
32 Air National Guard, United States Army Reserve, United

1       States Marine Corps Reserve, United States Navy Reserve,  
 2       United States Air Force Reserve, or United States Coast  
 3       Guard Reserve, for usage of an automatic teller machine  
 4       or for establishing and maintaining a checking account.

5       (c) The State Treasurer may not enter into a banking  
 6       service agreement with any financial institution that fails  
 7       to waive fees for usage of a terminal, as defined in the  
 8       Electronic Fund Transfer Act, or for the establishment or  
 9       maintenance of a checking account if the consumer:

10       (1) shows proof of membership in any reserve  
 11       component of the armed forces, including, but not limited  
 12       to, the Illinois Army National Guard, Illinois Air  
 13       National Guard, United States Army Reserve, United States  
 14       Marine Corps Reserve, United States Navy Reserve, United  
 15       States Air Force Reserve, or United States Coast Guard  
 16       Reserve;

17       (2) shows proof of residency in the State of  
 18       Illinois; and

19       (3) shows proof of active duty status.

20       Section 15. The Electronic Fund Transfer Act is amended  
 21       by changing Section 50 as follows:

22       (205 ILCS 616/50)

23       Sec. 50. Terminal requirements.

24       (a) To assure maximum safety and security against  
 25       malfunction, fraud, theft, and other accidents or abuses and  
 26       to assure that all access devices will have the capability of  
 27       activating all terminals established in this State, no  
 28       terminal shall accept an access device that does not conform  
 29       to specifications that are generally accepted. In the case  
 30       of a dispute concerning the specifications, the Commissioner,  
 31       in accordance with the provisions of Section 20 of this Act,  
 32       shall have the authority to determine the specifications.

1 (b) No terminal that does not accept an access device  
2 that conforms with those specifications shall be established  
3 or operated.

4 (c) A terminal shall bear a logotype or other  
5 identification symbol designed to advise customers which  
6 access devices may activate the terminal.

7 (d) When used to perform an interchange transaction, a  
8 terminal shall not bear any form of proprietary advertising  
9 of products and services not offered at the terminal;  
10 provided, however, that a terminal screen may bear  
11 proprietary advertising of products or services offered by a  
12 financial institution when a person uses an access device  
13 issued by that financial institution.

14 (e) No person operating a terminal in this State shall  
15 impose any surcharge on a consumer for the usage of that  
16 terminal, whether or not the consumer is using an access  
17 device issued by that person, unless that surcharge is  
18 clearly disclosed to the consumer both (i) by a sign that is  
19 clearly visible to the consumer on or at the terminal being  
20 used and (ii) electronically on the terminal screen.  
21 Following presentation of the electronic disclosure on the  
22 terminal screen, the consumer shall be provided an  
23 opportunity to cancel that transaction without incurring any  
24 surcharge or other obligation. If a surcharge is imposed on  
25 a consumer using an access device not issued by the person  
26 operating the terminal, that person shall disclose on the  
27 sign and on the terminal screen that the surcharge is in  
28 addition to any fee that may be assessed by the consumer's  
29 own institution. As used in this subsection, "surcharge"  
30 means any charge imposed by the person operating the terminal  
31 solely for the use of the terminal. This subsection does not  
32 apply to a point-of-sale purchase transaction at a terminal.

33 (f) A receipt given at a terminal to a person who  
34 initiates an electronic fund transfer shall include a number

1 or code that identifies the consumer initiating the transfer,  
2 the consumer's account or accounts, or the access device used  
3 to initiate the transfer. If the number or code shown on the  
4 receipt is a number that identifies the access device, the  
5 number must be truncated as printed on the receipt so that  
6 fewer than all of the digits of the number or code are  
7 printed on the receipt. The Commissioner may, however,  
8 modify or waive the requirements imposed by this subsection  
9 (f) if the Commissioner determines that the modifications or  
10 waivers are necessary to alleviate any undue compliance  
11 burden.

12 (g) No terminal shall operate in this State unless, with  
13 respect to each interchange transaction initiated at the  
14 terminal, the access code entered by the consumer to  
15 authorize the transaction is encrypted by the device into  
16 which the access code is manually entered by the consumer and  
17 is transmitted from the terminal only in encrypted form. Any  
18 terminal that cannot meet the foregoing encryption  
19 requirements shall immediately cease forwarding information  
20 with respect to any interchange transaction or attempted  
21 interchange transaction.

22 (h) No person that directly or indirectly provides data  
23 processing support to any terminal in this State shall  
24 authorize or forward for authorization any interchange  
25 transaction unless the access code intended to authorize the  
26 interchange transaction is encrypted when received by that  
27 person and is encrypted when forwarded to any other person.

28 (i) A person operating a terminal in this State must  
29 disclose, in any application to serve as a depositary under  
30 the Deposit of State Moneys Act or to provide services under  
31 the State Treasurer's Bank Services Trust Fund Act, to  
32 process payments of taxes, fees, and other moneys due the  
33 State, to provide transactional charges related to the  
34 investment or safekeeping of funds under the Treasurer's

1 control, or to pay bondholders under the State general  
2 obligation bond program, its schedule of fees for consumers  
3 for usage of the terminal, including those fees for consumers  
4 who are residents of Illinois who are on active duty in any  
5 reserve component of the armed forces, including, but not  
6 limited to, the Illinois Army National Guard, Illinois Air  
7 National Guard, United States Army Reserve, United States  
8 Marine Corps Reserve, United States Navy Reserve, United  
9 States Air Force Reserve, or United States Coast Guard  
10 Reserve.

11 (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)

12 Section 20. The Illinois Human Rights Act is amended by  
13 changing Section 1-103 as follows:

14 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

15 Sec. 1-103. General Definitions. When used in this Act,  
16 unless the context requires otherwise, the term:

17 (A) Age. "Age" means the chronological age of a person  
18 who is at least 40 years old, except with regard to any  
19 practice described in Section 2-102, insofar as that practice  
20 concerns training or apprenticeship programs. In the case of  
21 training or apprenticeship programs, for the purposes of  
22 Section 2-102, "age" means the chronological age of a person  
23 who is 18 but not yet 40 years old.

24 (B) Aggrieved Party. "Aggrieved party" means a person  
25 who is alleged or proved to have been injured by a civil  
26 rights violation or believes he or she will be injured by a  
27 civil rights violation under Article 3 that is about to  
28 occur.

29 (C) Charge. "Charge" means an allegation filed with the  
30 Department by an aggrieved party or initiated by the  
31 Department under its authority.

32 (D) Civil Rights Violation. "Civil rights violation"

1 includes and shall be limited to only those specific acts set  
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
3 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
4 Act.

5 (E) Commission. "Commission" means the Human Rights  
6 Commission created by this Act.

7 (F) Complaint. "Complaint" means the formal pleading  
8 filed by the Department with the Commission following an  
9 investigation and finding of substantial evidence of a civil  
10 rights violation.

11 (G) Complainant. "Complainant" means a person including  
12 the Department who files a charge of civil rights violation  
13 with the Department or the Commission.

14 (H) Department. "Department" means the Department of  
15 Human Rights created by this Act.

16 (I) Handicap. "Handicap" means a determinable physical  
17 or mental characteristic of a person, including, but not  
18 limited to, a determinable physical characteristic which  
19 necessitates the person's use of a guide, hearing or support  
20 dog, the history of such characteristic, or the perception of  
21 such characteristic by the person complained against, which  
22 may result from disease, injury, congenital condition of  
23 birth or functional disorder and which characteristic:

24 (1) For purposes of Article 2 is unrelated to the  
25 person's ability to perform the duties of a particular  
26 job or position and, pursuant to Section 2-104 of this  
27 Act, a person's illegal use of drugs or alcohol is not a  
28 handicap;

29 (2) For purposes of Article 3, is unrelated to the  
30 person's ability to acquire, rent or maintain a housing  
31 accommodation;

32 (3) For purposes of Article 4, is unrelated to a  
33 person's ability to repay;

34 (4) For purposes of Article 5, is unrelated to a



1 person's ability to utilize and benefit from a place of  
2 public accommodation.

3 (J) Marital Status. "Marital status" means the legal  
4 status of being married, single, separated, divorced or  
5 widowed.

6 (J-1) Military Status. "Military status" means a  
7 person's status on active duty in the armed forces of the  
8 United States or status as a member in any reserve component  
9 of the armed forces, including, but not limited to, the  
10 Illinois Army National Guard, Illinois Air National Guard,  
11 United States Army Reserve, United States Marine Corps  
12 Reserve, United States Navy Reserve, United States Air Force  
13 Reserve, or United States Coast Guard Reserve.

14 (K) National Origin. "National origin" means the place  
15 in which a person or one of his or her ancestors was born.

16 (L) Person. "Person" includes one or more individuals,  
17 partnerships, associations or organizations, labor  
18 organizations, labor unions, joint apprenticeship committees,  
19 or union labor associations, corporations, the State of  
20 Illinois and its instrumentalities, political subdivisions,  
21 units of local government, legal representatives, trustees in  
22 bankruptcy or receivers.

23 (M) Public Contract. "Public contract" includes every  
24 contract to which the State, any of its political  
25 subdivisions or any municipal corporation is a party.

26 (N) Religion. "Religion" includes all aspects of  
27 religious observance and practice, as well as belief, except  
28 that with respect to employers, for the purposes of Article  
29 2, "religion" has the meaning ascribed to it in paragraph (F)  
30 of Section 2-101.

31 (O) Sex. "Sex" means the status of being male or female.

32 (P) Unfavorable Military Discharge. "Unfavorable  
33 military discharge" includes discharges from the Armed Forces  
34 of the United States, their Reserve components or any

1 National Guard or Naval Militia which are classified as RE-3  
2 or the equivalent thereof, but does not include those  
3 characterized as RE-4 or "Dishonorable".

4 (Q) Unlawful Discrimination. "Unlawful discrimination"  
5 means discrimination against a person because of his or her  
6 race, color, religion, national origin, ancestry, age, sex,  
7 marital status, handicap, military status, or unfavorable  
8 discharge from military service as those terms are defined in  
9 this Section.

10 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.