



Rep. Barbara Flynn Currie

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09400HB4050ham001

LRB094 11549 MKM 45791 a

1 AMENDMENT TO HOUSE BILL 4050

2 AMENDMENT NO. _____. Amend House Bill 4050 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

8 (1) The following shall be exempt from inspection and
9 copying:

10 (a) Information specifically prohibited from
11 disclosure by federal or State law or rules and regulations
12 adopted under federal or State law.

13 (b) Information that, if disclosed, would constitute a
14 clearly unwarranted invasion of personal privacy, unless
15 the disclosure is consented to in writing by the individual
16 subjects of the information. The disclosure of information
17 that bears on the public duties of public employees and
18 officials shall not be considered an invasion of personal
19 privacy. Information exempted under this subsection (b)
20 shall include but is not limited to:

21 (i) files and personal information maintained with
22 respect to clients, patients, residents, students or
23 other individuals receiving social, medical,
24 educational, vocational, financial, supervisory or

1 custodial care or services directly or indirectly from
2 federal agencies or public bodies;

3 (ii) personnel files and personal information
4 maintained with respect to employees, appointees or
5 elected officials of any public body or applicants for
6 those positions;

7 (iii) files and personal information maintained
8 with respect to any applicant, registrant or licensee
9 by any public body cooperating with or engaged in
10 professional or occupational registration, licensure
11 or discipline;

12 (iv) information required of any taxpayer in
13 connection with the assessment or collection of any tax
14 unless disclosure is otherwise required by State
15 statute;

16 (v) information revealing the identity of persons
17 who file complaints with or provide information to
18 administrative, investigative, law enforcement or
19 penal agencies; provided, however, that identification
20 of witnesses to traffic accidents, traffic accident
21 reports, and rescue reports may be provided by agencies
22 of local government, except in a case for which a
23 criminal investigation is ongoing, without
24 constituting a clearly unwarranted per se invasion of
25 personal privacy under this subsection; and

26 (vi) the names, addresses, or other personal
27 information of participants and registrants in park
28 district, forest preserve district, and conservation
29 district programs.

30 (c) Records compiled by any public body for
31 administrative enforcement proceedings and any law
32 enforcement or correctional agency for law enforcement
33 purposes or for internal matters of a public body, but only
34 to the extent that disclosure would:

1 (i) interfere with pending or actually and
2 reasonably contemplated law enforcement proceedings
3 conducted by any law enforcement or correctional
4 agency;

5 (ii) interfere with pending administrative
6 enforcement proceedings conducted by any public body;

7 (iii) deprive a person of a fair trial or an
8 impartial hearing;

9 (iv) unavoidably disclose the identity of a
10 confidential source or confidential information
11 furnished only by the confidential source;

12 (v) disclose unique or specialized investigative
13 techniques other than those generally used and known or
14 disclose internal documents of correctional agencies
15 related to detection, observation or investigation of
16 incidents of crime or misconduct;

17 (vi) constitute an invasion of personal privacy
18 under subsection (b) of this Section;

19 (vii) endanger the life or physical safety of law
20 enforcement personnel or any other person; or

21 (viii) obstruct an ongoing criminal investigation.

22 (d) Criminal history record information maintained by
23 State or local criminal justice agencies, except the
24 following which shall be open for public inspection and
25 copying:

26 (i) chronologically maintained arrest information,
27 such as traditional arrest logs or blotters;

28 (ii) the name of a person in the custody of a law
29 enforcement agency and the charges for which that
30 person is being held;

31 (iii) court records that are public;

32 (iv) records that are otherwise available under
33 State or local law; or

34 (v) records in which the requesting party is the

1 individual identified, except as provided under part
2 (vii) of paragraph (c) of subsection (1) of this
3 Section.

4 "Criminal history record information" means data
5 identifiable to an individual and consisting of
6 descriptions or notations of arrests, detentions,
7 indictments, informations, pre-trial proceedings, trials,
8 or other formal events in the criminal justice system or
9 descriptions or notations of criminal charges (including
10 criminal violations of local municipal ordinances) and the
11 nature of any disposition arising therefrom, including
12 sentencing, court or correctional supervision,
13 rehabilitation and release. The term does not apply to
14 statistical records and reports in which individuals are
15 not identified and from which their identities are not
16 ascertainable, or to information that is for criminal
17 investigative or intelligence purposes.

18 (e) Records that relate to or affect the security of
19 correctional institutions and detention facilities.

20 (f) Preliminary drafts, notes, recommendations,
21 memoranda and other records in which opinions are
22 expressed, or policies or actions are formulated, except
23 that a specific record or relevant portion of a record
24 shall not be exempt when the record is publicly cited and
25 identified by the head of the public body. The exemption
26 provided in this paragraph (f) extends to all those records
27 of officers and agencies of the General Assembly that
28 pertain to the preparation of legislative documents.

29 (g) Trade secrets and commercial or financial
30 information obtained from a person or business where the
31 trade secrets or information are proprietary, privileged
32 or confidential, or where disclosure of the trade secrets
33 or information may cause competitive harm, including all
34 information determined to be confidential under Section

1 4002 of the Technology Advancement and Development Act.
2 Nothing contained in this paragraph (g) shall be construed
3 to prevent a person or business from consenting to
4 disclosure.

5 (h) Proposals and bids for any contract, grant, or
6 agreement, including information which if it were
7 disclosed would frustrate procurement or give an advantage
8 to any person proposing to enter into a contractor
9 agreement with the body, until an award or final selection
10 is made. Information prepared by or for the body in
11 preparation of a bid solicitation shall be exempt until an
12 award or final selection is made.

13 (i) Valuable formulae, computer geographic systems,
14 designs, drawings and research data obtained or produced by
15 any public body when disclosure could reasonably be
16 expected to produce private gain or public loss. The
17 exemption for "computer geographic systems" provided in
18 this paragraph (i) does not extend to requests made by news
19 media as defined in Section 2 of this Act when the
20 requested information is not otherwise exempt and the only
21 purpose of the request is to access and disseminate
22 information regarding the health, safety, welfare, or
23 legal rights of the general public.

24 (j) Test questions, scoring keys and other examination
25 data used to administer an academic examination or
26 determined the qualifications of an applicant for a license
27 or employment.

28 (k) Architects' plans, engineers' technical
29 submissions, and other construction related technical
30 documents for projects not constructed or developed in
31 whole or in part with public funds and the same for
32 projects constructed or developed with public funds, but
33 only to the extent that disclosure would compromise
34 security, including but not limited to water treatment

1 facilities, airport facilities, sport stadiums, convention
2 centers, and all government owned, operated, or occupied
3 buildings.

4 (l) Library circulation and order records identifying
5 library users with specific materials.

6 (m) Minutes of meetings of public bodies closed to the
7 public as provided in the Open Meetings Act until the
8 public body makes the minutes available to the public under
9 Section 2.06 of the Open Meetings Act.

10 (n) Communications between a public body and an
11 attorney or auditor representing the public body that would
12 not be subject to discovery in litigation, and materials
13 prepared or compiled by or for a public body in
14 anticipation of a criminal, civil or administrative
15 proceeding upon the request of an attorney advising the
16 public body, and materials prepared or compiled with
17 respect to internal audits of public bodies.

18 (o) Information received by a primary or secondary
19 school, college or university under its procedures for the
20 evaluation of faculty members by their academic peers.

21 (p) Administrative or technical information associated
22 with automated data processing operations, including but
23 not limited to software, operating protocols, computer
24 program abstracts, file layouts, source listings, object
25 modules, load modules, user guides, documentation
26 pertaining to all logical and physical design of
27 computerized systems, employee manuals, and any other
28 information that, if disclosed, would jeopardize the
29 security of the system or its data or the security of
30 materials exempt under this Section.

31 (q) Documents or materials relating to collective
32 negotiating matters between public bodies and their
33 employees or representatives, except that any final
34 contract or agreement shall be subject to inspection and

1 copying.

2 (r) Drafts, notes, recommendations and memoranda
3 pertaining to the financing and marketing transactions of
4 the public body. The records of ownership, registration,
5 transfer, and exchange of municipal debt obligations, and
6 of persons to whom payment with respect to these
7 obligations is made.

8 (s) The records, documents and information relating to
9 real estate purchase negotiations until those negotiations
10 have been completed or otherwise terminated. With regard to
11 a parcel involved in a pending or actually and reasonably
12 contemplated eminent domain proceeding under Article VII
13 of the Code of Civil Procedure, records, documents and
14 information relating to that parcel shall be exempt except
15 as may be allowed under discovery rules adopted by the
16 Illinois Supreme Court. The records, documents and
17 information relating to a real estate sale shall be exempt
18 until a sale is consummated.

19 (t) Any and all proprietary information and records
20 related to the operation of an intergovernmental risk
21 management association or self-insurance pool or jointly
22 self-administered health and accident cooperative or pool.

23 (u) Information concerning a university's adjudication
24 of student or employee grievance or disciplinary cases, to
25 the extent that disclosure would reveal the identity of the
26 student or employee and information concerning any public
27 body's adjudication of student or employee grievances or
28 disciplinary cases, except for the final outcome of the
29 cases.

30 (v) Course materials or research materials used by
31 faculty members.

32 (w) Information related solely to the internal
33 personnel rules and practices of a public body.

34 (x) Information contained in or related to

1 examination, operating, or condition reports prepared by,
2 on behalf of, or for the use of a public body responsible
3 for the regulation or supervision of financial
4 institutions or insurance companies, unless disclosure is
5 otherwise required by State law.

6 (y) Information the disclosure of which is restricted
7 under Section 5-108 of the Public Utilities Act.

8 (z) Manuals or instruction to staff that relate to
9 establishment or collection of liability for any State tax
10 or that relate to investigations by a public body to
11 determine violation of any criminal law.

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

18 (bb) Insurance or self insurance (including any
19 intergovernmental risk management association or self
20 insurance pool) claims, loss or risk management
21 information, records, data, advice or communications.

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

28 (dd) Information the disclosure of which is exempted
29 under Section 30 of the Radon Industry Licensing Act.

30 (ee) Firm performance evaluations under Section 55 of
31 the Architectural, Engineering, and Land Surveying
32 Qualifications Based Selection Act.

33 (ff) Security portions of system safety program plans,
34 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of
3 the Regional Transportation Authority Act or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

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

9 (hh) Information the disclosure of which is exempted
10 under the State Officials and Employees Ethics Act.

11 (ii) Beginning July 1, 1999, information that would
12 disclose or might lead to the disclosure of secret or
13 confidential information, codes, algorithms, programs, or
14 private keys intended to be used to create electronic or
15 digital signatures under the Electronic Commerce Security
16 Act.

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

21 (kk) Information and data concerning the distribution
22 of surcharge moneys collected and remitted by wireless
23 carriers under the Wireless Emergency Telephone Safety
24 Act.

25 (ll) Vulnerability assessments, security measures, and
26 response policies or plans that are designed to identify,
27 prevent, or respond to potential attacks upon a community's
28 population or systems, facilities, or installations, the
29 destruction or contamination of which would constitute a
30 clear and present danger to the health or safety of the
31 community, but only to the extent that disclosure could
32 reasonably be expected to jeopardize the effectiveness of
33 the measures or the safety of the personnel who implement
34 them or the public. Information exempt under this item may

1 include such things as details pertaining to the
2 mobilization or deployment of personnel or equipment, to
3 the operation of communication systems or protocols, or to
4 tactical operations.

5 (mm) Maps and other records regarding the location or
6 security of a utility's generation, transmission,
7 distribution, storage, gathering, treatment, or switching
8 facilities.

9 (nn) Law enforcement officer identification
10 information or driver identification information compiled
11 by a law enforcement agency or the Department of
12 Transportation under Section 11-212 of the Illinois
13 Vehicle Code.

14 (oo) Records and information provided to a residential
15 health care facility resident sexual assault and death
16 review team or the Residential Health Care Facility
17 Resident Sexual Assault and Death Review Teams Executive
18 Council under the Residential Health Care Facility
19 Resident Sexual Assault and Death Review Team Act.

20 (pp) Information provided to the predatory lending
21 database created pursuant to Article 3 of the Residential
22 Real Property Disclosure Act, except to the extent
23 authorized under that Article.

24 (2) This Section does not authorize withholding of
25 information or limit the availability of records to the public,
26 except as stated in this Section or otherwise provided in this
27 Act.

28 (Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281,
29 eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43,
30 eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03;
31 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff.
32 8-21-03; 93-617, eff. 12-9-03.)

33 Section 10. The Residential Real Property Disclosure Act

1 is amended by adding an Article caption immediately before
2 Section 1 as follows:

3 ARTICLE 1

4 SHORT TITLE

5 Section 15. The Residential Real Property Disclosure Act is
6 amended by adding an Article caption immediately before Section
7 5 as follows:

8 ARTICLE 2

9 DISCLOSURES

10 Section 20. The Residential Real Property Disclosure Act is
11 amended by adding an Article caption and by adding Sections 70,
12 72, 74, and 76 immediately after Section 65 as follows:

13 ARTICLE 3

14 PREDATORY LENDING DATABASE

15 (765 ILCS 77/70 new)

16 Sec. 70. Predatory lending database pilot program.

17 (a) As used in this Article:

18 "Borrower" means a person seeking a mortgage loan.

19 "Broker" means a "broker" or "loan broker", as defined in
20 subsection (p) of Section 1-4 of the Residential Mortgage
21 License Act of 1987.

22 "Closing agent" means an individual assigned by a title
23 insurance company or a broker or originator to ensure that the
24 execution of documents related to the closing of a real estate
25 sale or the refinancing of a real estate loan and the
26 disbursement of closing funds are in conformity with the
27 instructions of the entity financing the transaction.

28 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Exempt person" means that term as it is defined in
3 subsections (d)(1) and (d)(1.5) of Section 1-4 of the
4 Residential Mortgage License Act of 1987.

5 "Lender" means that term as it is defined in subsection (g)
6 of Section 1-4 of the Residential Mortgage License Act.

7 "Licensee" means that term as it is defined in subsection
8 (e) of Section 1-4 of the Residential Mortgage License Act of
9 1987.

10 "Mortgage loan" means that term as it is defined in
11 subsection (f) of Section 1-4 of the Residential Mortgage
12 License Act of 1987.

13 "Originator" means a "loan originator" as defined in
14 subsection (hh) of Section 1-4 of the Residential Mortgage
15 License Act of 1987, except an exempt person.

16 "Pilot program area" means the area included within the
17 following zip codes: 60623, 60629, 60632, 60638, and 60652.

18 "Title insurance company" means any domestic company
19 organized under the laws of this State for the purpose of
20 conducting the business of guaranteeing or insuring titles to
21 real estate and any title insurance company organized under the
22 laws of another State, the District of Columbia, or a foreign
23 government and authorized to transact the business of
24 guaranteeing or insuring titles to real estate in this State.

25 (b) A predatory lending database pilot program is
26 established within the pilot program area. The pilot program
27 shall continue for 4 years after its creation and shall be
28 administered in accordance with Article 3 of this Act. The
29 database created under this program shall be maintained and
30 administered by the Department. The database shall be designed
31 to allow brokers, originators, credit counselors, title
32 insurance companies, and closing agents to submit information
33 to the database online. The database shall not be designed to
34 allow those entities to retrieve information from the database,

1 except as otherwise provided in this Article. Information
2 submitted by the broker or originator to the Department may be
3 used to populate the online form submitted by a credit
4 counselor, title insurance company, or closing agent.

5 (c) A broker or originator shall provide each borrower with
6 a notice disclosing the names of at least 3 lenders and
7 comparing the rates and terms of those lenders. The comparison
8 in the notice shall include whether the terms contain: a
9 prepayment penalty, negative amortization, a balloon payment,
10 an adjustable rate, or a fixed rate. The notice shall also
11 state separately for each lender: the amortization period, the
12 monthly principal and interest payable, any yield spread
13 premium (YSP), and any other compensation payable to the broker
14 or originator for the specific rate quoted to the borrower.
15 This notice shall be provided within 10 days after the broker
16 or originator takes a mortgage application from a borrower.

17 (d) Within 10 days after taking a mortgage application, the
18 broker or originator for any mortgage on residential property
19 within the pilot program area must submit to the predatory
20 lending database all of the information required under Section
21 72 and any other information required by the Department by
22 rule. Within 7 days after receipt of the information, the
23 Department shall compare that information to credit counseling
24 standards developed by the Department by rule and issue to the
25 borrower and the broker or originator a determination of
26 whether credit counseling is recommended for the borrower. The
27 borrower may not waive credit counseling. If at any time after
28 submitting the information required under Section 72 the broker
29 or originator (i) changes the terms of the loan or (ii) issues
30 a new commitment to the borrower, then, within 5 days
31 thereafter, the broker or originator shall re-submit all of the
32 information required under Section 72 and, within 4 days after
33 receipt of the information re-submitted by the broker or
34 originator, the Department shall compare that information to

1 credit counseling standards developed by the Department by rule
2 and shall issue to the borrower and the broker or originator a
3 new determination of whether credit counseling is recommended
4 for the borrower based on the information re-submitted by the
5 broker or originator.

6 (e) If the Department recommends credit counseling for the
7 borrower under subsection (d), then the Department shall notify
8 the borrower of all HUD-certified counseling agencies located
9 within the State and direct the borrower to interview with a
10 counselor associated with one of those agencies. Within 10 days
11 after receipt of the notice of HUD-certified counseling
12 agencies, the borrower shall select one of those agencies and
13 shall engage in an interview with a counselor associated with
14 that agency. Within 7 days after interviewing the borrower, the
15 credit counselor must submit to the predatory lending database
16 all of the information required under Section 74 and any other
17 information required by the Department by rule. Any costs
18 associated with credit counseling provided under the pilot
19 program shall be paid by the broker or originator.

20 (f) The broker or originator and the borrower may not take
21 any legally binding action concerning the loan transaction
22 until the later of the following:

23 (1) the Department issues a determination not to
24 recommend credit counseling for the borrower in accordance
25 with subsection (d); or

26 (2) the Department issues a determination that credit
27 counseling is recommended for the borrower and the credit
28 counselor submits all required information to the database
29 in accordance with subsection (e).

30 (g) Within 10 days after closing, the title insurance
31 company or closing agent must submit to the predatory lending
32 database all of the information required under Section 76 and
33 any other information required by the Department by rule.

34 (h) Upon recording the mortgage, the title insurance

1 company or closing agent must simultaneously file with the
2 recorder a certificate of its compliance with the requirements
3 of this Article, as generated by the database. If the title
4 insurance company or closing agent fails to file the
5 certificate of compliance, then the mortgage is not recordable.
6 In addition, if any lis pendens for a residential mortgage
7 foreclosure is recorded on the property within the pilot
8 program area, a certificate of service must be simultaneously
9 recorded that affirms that a copy of the lis pendens was filed
10 with the Department. If the certificate of service is not
11 recorded, then the lis pendens pertaining to the residential
12 mortgage foreclosure in question is not recordable and is of no
13 force and effect.

14 (i) All information provided to the predatory lending
15 database under the program is confidential and is not subject
16 to disclosure under the Freedom of Information Act, except as
17 otherwise provided in this Article. Any borrower may authorize
18 in writing the release of database information. The Department
19 may use the information in the database without the consent of
20 the borrower: (i) for the purposes of administering and
21 enforcing the pilot program; (ii) to provide relevant
22 information to a credit counselor providing credit counseling
23 to a borrower under the pilot program; or (iii) to the
24 appropriate law enforcement agency or the applicable
25 administrative agency if the database information demonstrates
26 criminal, fraudulent, or otherwise illegal activity.

27 (j) Any person who violates any provision of this Article
28 commits an unlawful practice within the meaning of the Consumer
29 Fraud and Deceptive Business Practices Act.

30 (765 ILCS 77/72 new)

31 Sec. 72. Originator; required information. As part of the
32 predatory lending database pilot program, the broker or
33 originator must submit all of the following information for

1 inclusion in the predatory lending database for each loan for
2 which the originator takes an application:

3 (1) The borrower's name, address, social security
4 number or taxpayer identification number, date of birth,
5 and income and expense information contained in the
6 mortgage application.

7 (2) The address, permanent index number, and a
8 description of the collateral and information about the
9 loan or loans being applied for and the loan terms,
10 including the amount of the loan, the rate and whether the
11 rate is fixed or adjustable, amortization or loan period
12 terms, and any other material terms.

13 (3) The borrower's credit score at the time of
14 application.

15 (4) Information about the originator and the company
16 the originator works for, including the originator's
17 license number and address, fees being charged, whether the
18 fees are being charged as points up front, the yield spread
19 premium payable outside closing, and other charges made or
20 remuneration required by the broker or originator or its
21 affiliates or the broker's or originator's employer or its
22 affiliates for the mortgage loans.

23 (5) Information about affiliated or third party
24 service providers, including the names and addresses of
25 appraisers, title insurance companies, closing agents,
26 attorneys, and realtors who are involved with the
27 transaction and the broker or originator and any moneys
28 received from the broker or originator in connection with
29 the transaction.

30 (6) All information indicated on the Good Faith
31 Estimate and Truth in Lending statement disclosures given
32 to the borrower by the broker or originator.

33 (7) Annual real estate taxes for the property, together
34 with any assessments payable in connection with the

1 property to be secured by the collateral and the proposed
2 monthly principal and interest charge of all loans to be
3 taken by the borrower and secured by the property of
4 borrower.

5 (8) The information disclosed by the broker or
6 originator pursuant to subsection (c) of Section 70.

7 (9) Information concerning how the broker or
8 originator obtained the client and the name of its referral
9 source, if any.

10 (10) Information concerning the notices provided by
11 the broker or originator to the borrower as required by law
12 and the date those notices were given.

13 (11) Information concerning whether a sale and
14 leaseback is contemplated and the names of the lessor and
15 lessee, seller, and purchaser.

16 (765 ILCS 77/74 new)

17 Sec. 74. Credit counselor; required information. As part of
18 the predatory lending database pilot program, a credit
19 counselor must submit all of the following information for
20 inclusion in the predatory lending database:

21 (1) The information called for in Section 72.

22 (2) Any information from the borrower that confirms or
23 contradicts the information called for under item (1) of
24 this Section.

25 (3) The name and address of the credit counselor.

26 (4) Information pertaining to the borrower's monthly
27 expenses that assists the credit counselor in determining
28 whether the borrower can afford the loans or loans for
29 which the borrower is applying.

30 (5) A list of the disclosures furnished to the
31 borrower, as seen and reviewed by the credit counselor, and
32 a comparison of that list to all disclosures required by
33 law.

1 (6) Whether the borrower provided tax returns to the
2 broker or originator or to the credit counselor, and, if
3 so, who prepared the tax returns.

4 (7) The date the loan commitment expires and whether a
5 written commitment has been given, together with the
6 proposed date of closing.

7 (8) A statement of the recommendations of the credit
8 counselor that indicates the counselor's response to each
9 of the following statements:

10 (A) The loan should not be approved due to indicia
11 of fraud.

12 (B) The loan should be approved; no material
13 problems noted.

14 (C) The borrower cannot afford the loan.

15 (D) The borrower does not understand the
16 transaction.

17 (E) The borrower does not understand the costs
18 associated with the transaction.

19 (F) The borrower's monthly income and expenses
20 have been reviewed and disclosed.

21 (G) The rate of the loan is above market rate.

22 (H) The borrower should seek a competitive bid from
23 another broker or originator.

24 (I) There are discrepancies between the borrower's
25 verbal understanding and the originator's completed
26 form.

27 (J) The borrower is precipitously close to not
28 being able to afford the loan.

29 (K) The borrower understands the true cost of debt
30 consolidation and the need for credit card discipline.

31 (L) The information that the borrower provided the
32 originator has been amended by the originator.

1 Sec. 76. Title insurance company or closing agent; required
2 information. As part of the predatory lending database pilot
3 program, a title insurance company or closing agent must submit
4 all of the following information for inclusion in the predatory
5 lending database:

6 (1) The borrower's name, address, social security
7 number or taxpayer identification number, date of birth,
8 and income and expense information contained in the
9 mortgage application.

10 (2) The address, permanent index number, and a
11 description of the collateral and information about the
12 loan or loans being applied for and the loan terms,
13 including the amount of the loan, the rate and whether the
14 rate is fixed or adjustable, amortization or loan period
15 terms, and any other material terms.

16 (3) Annual real estate taxes for the property, together
17 with any assessments payable in connection with the
18 property to be secured by the collateral and the proposed
19 monthly principal and interest charge of all loans to be
20 taken by the borrower and secured by the property of the
21 borrower as well as any required escrows and the amounts
22 paid monthly for those escrows.

23 (4) All itemizations and descriptions set forth in the
24 RESPA settlement statement including items to be
25 disbursed, payable outside closing "POC" items noted on the
26 statement, and a list of payees and the amounts of their
27 checks.

28 (5) The name and license number of the title insurance
29 company or closing agent together with the name of the
30 agent actually conducting the closing.

31 (6) The names and addresses of all originators,
32 brokers, appraisers, sales persons, attorneys, and
33 surveyors that are present at the closing.

34 (7) The date of closing, a detailed list of all notices

1 provided to the borrower at closing and the date of those
2 notices, and all information indicated on the Truth in
3 Lending statement and Good Faith Estimate disclosures.

4 Section 25. The Residential Real Property Disclosure Act is
5 amended by adding an Article caption immediately before Section
6 99 as follows:

7 ARTICLE 4
8 EFFECTIVE DATE

9 Section 30. The Consumer Fraud and Deceptive Practices Act
10 is amended by changing Section 2Z as follows:

11 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

12 Sec. 2Z. Violations of other Acts. Any person who knowingly
13 violates the Automotive Repair Act, the Home Repair and
14 Remodeling Act, the Dance Studio Act, the Physical Fitness
15 Services Act, the Hearing Instrument Consumer Protection Act,
16 the Illinois Union Label Act, the Job Referral and Job Listing
17 Services Consumer Protection Act, the Travel Promotion
18 Consumer Protection Act, the Credit Services Organizations
19 Act, the Automatic Telephone Dialers Act, the Pay-Per-Call
20 Services Consumer Protection Act, the Telephone Solicitations
21 Act, the Illinois Funeral or Burial Funds Act, the Cemetery
22 Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery
23 Sales Act, the High Risk Home Loan Act, subsection (a) or (b)
24 of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b)
25 of Section 3-10 of the Cigarette Use Tax Act, the Electronic
26 Mail Act, paragraph (6) of subsection (k) of Section 6-305 of
27 the Illinois Vehicle Code, Article 3 of the Residential Real
28 Property Disclosure Act, or the Automatic Contract Renewal Act
29 commits an unlawful practice within the meaning of this Act.

30 (Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950,

1 eff. 1-1-05.)".