



Sen. Mike Jacobs

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1 AMENDMENT TO SENATE BILL 2144

2 AMENDMENT NO. _____. Amend Senate Bill 2144 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Collateral Recovery Act.

6 Section 5. Findings; purpose. The General Assembly finds
7 that collateral recovery practices affect public health,
8 safety, and welfare and declares that the purpose of this Act
9 is to regulate individuals and entities engaged in the business
10 of collateral recovery for the protection of the public.

11 Section 10. Definitions. In this Act:

12 "Assignment" means a written authorization by a legal
13 owner, lien holder, or lessor to locate or repossess any
14 collateral, including, but not limited to, collateral
15 registered under the Illinois Vehicle Code that is subject to a
16 security agreement that contains a repossession clause.
17 "Assignment" also means a written authorization by an employer
18 to recover any collateral entrusted to an employee or former
19 employee if the possessor is wrongfully in the possession of
20 the collateral. A photocopy, facsimile copy, or electronic copy
21 of an assignment shall have the same force and effect as an
22 original written assignment.

23 "Board" means the Illinois Repossession and Recovery

1 Board.

2 "Certified recovery manager" means a person who possesses a
3 valid certificate in accordance with the provisions of this Act
4 and is in active control or management of a repossession
5 agency.

6 "Collateral" means any vehicle, boat, recreational
7 vehicle, motor home, motorcycle, or other property that is
8 subject to a security agreement.

9 "Contingency" means contingent upon recovering collateral

10 "Debtor" means any person obligated under a security
11 agreement.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 "Legal owner" means a person holding (i) a security
15 interest in any collateral that is subject to a security
16 agreement, (ii) a lien against any collateral, or (iii) an
17 interest in any collateral that is subject to a lease
18 agreement.

19 "Licensee" means an individual, partnership, limited
20 liability company, or corporation licensed under this Act.

21 "Personal effects" means any property contained within
22 repossessed collateral that is not the property of the legal
23 owner.

24 "Repossession agency" means any person or entity that, for
25 any type of consideration, engages in the business of, accepts
26 employment to furnish, or agrees to provide property locating
27 services, property recovery, recovered property
28 transportation, recovered property storage, or all services
29 relevant to any of the following:

30 (1) The location, disposition, or recovery of property
31 as authorized by the self-help provisions of the Uniform
32 Commercial Code.

33 (2) Inventory of property contained in the collateral
34 or recovered property.

1 (3) The possession of collateral.

2 (4) The prevention or concealment of chattel,
3 vehicles, goods, or objects.

4 "Repossession agency" does not include any of the following:

5 (1) An attorney at law who is performing his or her
6 duties as an attorney at law.

7 (2) The legal owner of collateral that is subject to a
8 security agreement.

9 (3) An officer or employee of the United States of
10 America or of this State or a political subdivision of this
11 State, while the officer or employee is engaged in the
12 performance of his or her official duties.

13 (4) A qualified certificate holder or a registrant when
14 performing services for, or on behalf of, a licensee.

15 "Repossession agency employee" means a person who is hired
16 by a licensed repossession agency to recover property and who
17 holds a permanent employee registration card in accordance with
18 the provisions of this Act.

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 "Security agreement" means an obligation, pledge,
22 mortgage, chattel mortgage, lease agreement, deposit, or lien,
23 given by a debtor as security for payment or performance of his
24 or her debt, by furnishing the creditor with a recourse to be
25 used in case of failure in the principal obligation. "Security
26 agreement" includes a bailment where an employer-employee
27 relationship exists or existed between the bailor and the
28 bailee.

29 Section 15. Illinois Repossession and Recovery Board.

30 (a) There is established within the Department, the
31 Illinois Repossession and Recovery Board. The Board shall be
32 composed of 7 members appointed by the Governor who shall serve
33 in an advisory capacity to the Department. The Board shall

1 elect a chairperson and a vice chairperson.

2 (b) In appointing members of the Board, the Governor shall
3 give due consideration to recommendations by members of the
4 collateral recovery profession and by statewide organizations
5 solely representing the interests of repossession agencies and
6 collateral recovery managers.

7 (c) Board members shall be appointed for terms of 4 years,
8 except that any person appointed to fill a vacancy shall serve
9 only for the unexpired term and until a successor is appointed
10 and qualified. No member shall be reappointed to the Board for
11 a term that would result in the member serving for more than 8
12 consecutive years.

13 (d) The membership of the Board shall reasonably reflect
14 representation from various geographic areas of the State.

15 (e) A majority of the Board members currently appointed
16 shall constitute a quorum. A vacancy in the membership of the
17 Board shall not impair the right of a quorum to exercise all
18 the rights and perform all the duties of the Board, except in
19 cases of willful or wanton misconduct.

20 (f) Members of the Board shall be immune from suit in any
21 action based upon any disciplinary proceedings or other
22 activities performed in good faith as members of the Board.

23 (g) The Governor may remove any member of the Board for any
24 cause that, in the opinion of the Secretary, reasonably
25 justifies termination.

26 (h) The Department shall, in conformity with the Personnel
27 Code, employ all staff, clerical and otherwise, as are
28 necessary to carry out the duties of the Board.

29 (i) Board members shall not be compensated, but shall be
30 reimbursed for all legitimate, necessary, and authorized
31 expenses from funds appropriated for that purpose.

32 Section 20. Rulemaking; enforcement. The Board may adopt
33 any rules and procedures necessary to administer the provisions

1 of this Act and shall work in conjunction with the Secretary of
2 State Police in adopting any rules and procedures necessary to
3 enforce the provisions of this Act.

4 Section 25. Licensure, certification, or registration
5 required.

6 (a) Six months after the effective date of this Act, it
7 shall be unlawful for any person or entity to practice, attempt
8 to practice, or to hold himself, herself, or itself out to be a
9 repossession agency unless licensed under this Act.

10 (b) It shall be unlawful for any person to practice,
11 attempt to practice, or to hold himself or herself out to be a
12 certified recovery manager unless certified under this Act.

13 (c) It shall be unlawful for any person to practice,
14 attempt to practice, or hold himself or herself out to be a
15 repossession agency employee unless he or she holds a valid
16 permanent employee registration card issued by the Department
17 under the the provisions of this Act.

18 Section 30. Application for repossession agency licensure.

19 (a) Application for original licensure as a repossession
20 agency shall be made to the Department in writing on forms
21 prescribed by the Department and shall be accompanied by the
22 appropriate documentation and the required fee, which fee is
23 nonrefundable.

24 (b) Every application shall state, in addition to any other
25 requirements, (i) the name of the applicant, (ii) the name
26 under which the applicant will do business, (iii) the proposed
27 location of the agency by number and street and city, and (iv)
28 the usual business hours that the agency will maintain. The
29 residential address and telephone number and the driver's
30 license number of each applicant, if requested, shall be
31 confidential and may not be released to the public.

32 (c) No license may be issued in (i) any fictitious name

1 that may be confused with or is similar to any federal, State,
2 county, or municipal government function or agency, (ii) any
3 name that may tend to describe any business function or
4 enterprise not actually engaged in by the applicant, (iii) any
5 name that is the same as or similar to any existing licensee as
6 would tend to deceive the public, or (iv) any name that would
7 tend to be deceptive or misleading.

8 (d) If the applicant for repossession agency licensure is
9 an individual, his or her application shall include (i) the
10 full residential address of the applicant and (ii) either the
11 sworn statement of the applicant declaring that he or she is
12 the certified recovery manager who shall be personally and
13 actively in charge of the agency for which the license is
14 sought or the name and sworn statement of the certified
15 recovery manager who shall be actively in charge of the agency.

16 (e) If the applicant for repossession agency licensure is a
17 partnership, the application shall include (i) a statement of
18 the names and full residential addresses of all partners in the
19 business and (ii) the sworn statement signed by each partner
20 verifying the name of the partner who is a certified recovery
21 manager and shall be actively in charge of the business or the
22 name of the certified recovery manager who is not a partner,
23 but shall be actively in charge of the agency. If a certified
24 recovery manager who is not a partner shall be actively in
25 charge of the agency, he or she must also sign the sworn
26 statement. The application shall also state whether any of the
27 partners has ever used an alias.

28 (f) If the applicant for repossession agency licensure is a
29 corporation, the application shall include (i) the names and
30 full residential addresses of all corporation officers and (ii)
31 a sworn statement signed by a duly authorized officer of the
32 corporation verifying the name of the officer who is a
33 certified recovery manager and shall be actively in charge of
34 the agency or the name of the certified recovery manager who is

1 not an officer, but shall be actively in charge of the agency.
2 If a certified recovery manager who is not an officer shall be
3 actively in charge of the agency, he or she must also sign the
4 sworn statement. The application shall also state whether any
5 of the officers has ever used an alias.

6 (g) If the applicant for repossession agency licensure is a
7 limited liability company, the application shall include (i)
8 the names and full residential addresses of all company owners
9 and (ii) a sworn statement signed by each owner verifying the
10 name of the owner who is a certified recovery manager and shall
11 be actively in charge of the agency or the name of the
12 certified recovery manager who is not an owner, but shall be
13 actively in charge of the agency. If a certified recovery
14 manager who is not an owner shall be actively in charge of the
15 agency, he or she must also sign the sworn statement. The
16 application shall also state whether any of the owners has ever
17 used an alias.

18 (h) Each individual, partner of a partnership, officer of a
19 corporation, or owner of a limited liability company shall
20 submit with the application, one form of personal
21 identification upon which shall appear a photograph taken
22 within one year immediately proceeding the date of the filing
23 of the application.

24 (i) No examination shall be required for licensure as a
25 repossession agency by the Department.

26 (j) The Department may require any additional information
27 that, in the judgment of the Department, shall enable the
28 Department to pass on the qualifications of the applicant for
29 licensure.

30 (k) Applicants have one year from the date of application
31 to complete the application process. If the application has not
32 been completed within one year, the application shall be
33 denied, the fee shall be forfeited, and the applicant must
34 reapply and meet the requirements in effect at the time of

1 reapplication.

2 (1) Nothing in this Section shall permit a domestic or
3 foreign liability company to be licensed as a repossession
4 agency.

5 Section 35. Qualifications for recovery manager;
6 identification card.

7 (a) An applicant is qualified for certification as a
8 recovery manager if that person meets all of the following
9 requirements:

10 (1) Is 21 years of age or older.

11 (2) Has not been convicted in any jurisdiction of any
12 felony or at least 10 years has passed from the time of
13 discharge from any sentence imposed for a felony.

14 (3) Is of good moral character, which is a continuing
15 requirement of licensure. Conviction of a crime not
16 included under item (2) of this Section may be used in
17 determining moral character, but may not operate as an
18 absolute bar from licensure.

19 (4) Has not been declared by any court of competent
20 jurisdiction to be incompetent by reason of mental or
21 physical defect or disease, unless a declaration of
22 competency has since occurred.

23 (5) Is not suffering from habitual drunkenness or
24 narcotic addiction or dependence.

25 (6) Has completed no less than 5,000 hours of actual
26 compensated collateral recovery work as an employee of a
27 repossession agency located in the State, a financial
28 institution, or a vehicle dealer in the 3 years immediately
29 preceding the filing of an application, acceptable proof of
30 which must be submitted to the Department.

31 (7) Has submitted to the Department 2 recent
32 photographs of himself or herself and 2 sets of
33 fingerprints, which shall be checked against the

1 fingerprint records on file with the Department of State
2 Police and the Federal Bureau of Investigation in the
3 manner set forth in Section 50 of this Act.

4 (8) Has successfully completed the Certified Asset
5 Recovery Specialist (C.A.R.S.) national certification
6 program.

7 (9) Has not been dishonorably discharged from the Armed
8 Services of the United States.

9 (10) Has paid the required application fee.

10 (b) Upon the issuance of a recovery manager certificate,
11 the Department shall issue the certificate holder a suitable
12 pocket identification card that shall include a photograph of
13 the certificate holder. The identification card must contain
14 the name of the certificate holder and that of the repossession
15 agency that employs the certificate holder, in addition to any
16 other information required by the Department.

17 Section 40. Repossession agency employee requirements.

18 (a) All employees of a licensed repossession agency whose
19 duties include the actual repossession of collateral shall
20 apply for a permanent employee registration card. The holder of
21 a repossession agency license issued under this Act, known in
22 this Section as "employer", may employ in the conduct of the
23 licensee's business employees under the following provisions:

24 (1) No person may be issued a permanent employee
25 registration card who meets any of the following criteria:

26 (A) Is younger than 21 years of age.

27 (B) Has been determined by the Department to be
28 unfit by reason of conviction of an offense in this or
29 another state, other than a minor traffic offense. The
30 Department shall adopt rules for making those
31 determinations that shall afford the applicant due
32 process of law.

33 (C) Has had a license or permanent employee

1 registration card denied, suspended, or revoked under
2 this Act.

3 (D) Has been declared incompetent by any court of
4 competent jurisdiction by reason of mental disease or
5 defect and has not been restored.

6 (E) Has not successfully completed the Certified
7 Asset Recovery Specialist (C.A.R.S.) national
8 certification program.

9 (F) Has been dishonorably discharged from the
10 armed services of the United States.

11 (2) No person may be employed by a repossession agency
12 under this Section until he or she has executed and
13 furnished to the employer, on forms furnished by the
14 Department, a verified statement to be known as an
15 "Employee's Statement" setting forth all of the following:

16 (A) The person's full name, age, and residence
17 address.

18 (B) The business or occupation engaged in for the 5
19 years immediately before the date of the execution of
20 the statement, the place where the business or
21 occupation was engaged in, and the names of employers,
22 if any.

23 (C) That the person has not had a license or
24 employee registration denied, revoked, or suspended
25 under this Act.

26 (D) Any conviction of a felony or misdemeanor
27 within the 10-year period immediately preceding his or
28 her application for employment.

29 (E) Any declaration of incompetence by a court of
30 competent jurisdiction that has not been restored.

31 (F) Any dishonorable discharge from the armed
32 services of the United States.

33 (G) Any other information as may be required by any
34 rule of the Department to show the good character,

1 competency, and integrity of the person executing the
2 statement.

3 (b) Each applicant for a permanent employee registration
4 card shall have his or her fingerprints submitted to the
5 Department of State Police in an electronic format that
6 complies with the form and manner for requesting and furnishing
7 criminal history record information as prescribed by the
8 Department of State Police. These fingerprints shall be checked
9 against the Department of State Police and Federal Bureau of
10 Investigation criminal history record databases now and
11 hereafter filed. The Department of State Police shall charge
12 applicants a fee for conducting the criminal history records
13 check, which shall be deposited in the State Police Services
14 Fund and shall not exceed the actual cost of the records check.
15 The Department of State Police shall furnish, pursuant to
16 positive identification, records of Illinois convictions to
17 the Department. The Department may require applicants to pay a
18 separate fingerprinting fee, either to the Department or
19 directly to a designated vendor. The Department, in its
20 discretion, may also use other procedures in performing or
21 obtaining criminal history records checks of applicants.
22 Instead of submitting his or her fingerprints, an individual
23 may submit proof that is satisfactory to the Department that an
24 equivalent security clearance has been conducted.

25 (c) Each applicant for a permanent employee registration
26 card must submit to the Department 2 recent photographs of
27 himself or herself.

28 (d) The Department shall issue a permanent employee
29 registration card, in a form the Department prescribes, to all
30 qualified applicants. The Department shall notify the
31 submitting licensee within 10 days after receipt of the
32 application of its intent to issue or deny the permanent
33 employee registration card. The holder of a permanent employee
34 registration card shall carry the card at all times while

1 actually engaged in the performance of the duties of his or her
2 employment. Expiration and requirements for renewal of
3 permanent employee registration cards shall be established by
4 rule of the Department. Possession of a permanent employee
5 registration card does not in any way imply that the holder of
6 the card is employed by an agency unless the permanent employee
7 registration card is accompanied by the employee
8 identification card required by subsection (f) of this Section.

9 (e) Each employer shall maintain a record of each employee
10 that is accessible to the duly authorized representatives of
11 the Department. The record shall contain all of the following
12 information:

13 (1) A photograph taken within 10 days after the date
14 that the employee begins employment with the employer. The
15 photograph shall be replaced with a current photograph
16 every 3 calendar years.

17 (2) The Employee's Statement specified in paragraph
18 (2) of subsection (a) of this Section.

19 (3) All correspondence or documents relating to the
20 character and integrity of the employee received by the
21 employer from any official source or law enforcement
22 agency.

23 (4) In the case of former employees, the employee
24 identification card of that person issued under subsection
25 (f) of this Section.

26 (f) Every employer shall furnish an employee
27 identification card to each of his or her employees. This
28 employee identification card shall contain a recent photograph
29 of the employee, the employee's name, the name and agency
30 license number of the employer, the employee's personal
31 description, the signature of the employer, the signature of
32 that employee, the date of issuance, and an employee
33 identification card number.

34 (g) No employer may issue an employee identification card

1 to any person who is not employed by the employer in accordance
2 with this Section or falsely state or represent that a person
3 is or has been in his or her employ. It is unlawful for an
4 applicant for registered employment to file with the Department
5 the fingerprints of a person other than himself or herself or
6 to fail to exercise due diligence in resubmitting replacement
7 fingerprints for those employees who have had original
8 fingerprint submissions returned as unclassifiable.

9 (h) Every employer shall obtain the identification card of
10 every employee who terminates employment with the employer.

11 (i) No agency may employ any person to perform a licensed
12 activity under this Act unless the person possesses a valid
13 permanent employee registration card or the person has a valid
14 license under this Act.

15 (j) Notwithstanding the provisions of subsection (i) of
16 this Section, an agency may employ a person in a temporary
17 capacity if all of the following conditions are met:

18 (1) The agency completes in its entirety and submits to
19 the Department an application for a permanent employee
20 registration card, including the required fingerprint
21 receipt and fees.

22 (2) The agency has verification from the Department
23 that the applicant has no record of any criminal conviction
24 pursuant to the criminal history records check conducted by
25 the Department of State Police. The agency shall maintain
26 the verification of the results of the Department of State
27 Police criminal history records check as part of the
28 employee record as required under subsection (e) of this
29 Section.

30 (3) The agency exercises due diligence to ensure that
31 the person is qualified under the requirements of the Act
32 to be issued a permanent employee registration card.

33 (4) The agency maintains a separate roster of the names
34 of all employees whose applications are currently pending

1 with the Department and submits the roster to the
2 Department on a monthly basis. Rosters are to be maintained
3 by the agency for a period of at least 24 months.

4 An agency may employ only a permanent employee applicant
5 for which it either submitted a permanent employee application
6 and all required forms and fees or it confirms with the
7 Department that a permanent employee application and all
8 required forms and fees have been submitted by another agency
9 and all other requirements of this Section are met.

10 The Department shall have the authority to revoke, without
11 a hearing, the temporary authority of an individual to work
12 upon receipt of Federal Bureau of Investigation fingerprint
13 data or a report of another official authority indicating a
14 criminal conviction. If the Department has not received a
15 temporary employee's Federal Bureau of Investigation
16 fingerprint data within 120 days after the date the Department
17 received the Department of State Police fingerprint data, the
18 Department may, at its discretion, revoke the employee's
19 temporary authority to work with 15 days written notice to the
20 individual and the employing agency.

21 An agency may not employ a person in a temporary capacity
22 if it knows or reasonably should have known that the person has
23 been convicted of a crime under the laws of this State, has
24 been convicted in another state of any crime that is a crime
25 under the laws of this State, has been convicted of any crime
26 in a federal court, or has been posted as an unapproved
27 applicant by the Department. Notice by the Department to the
28 agency, via certified mail, personal delivery, electronic
29 mail, or posting on an internet site accessible to the agency
30 that the person has been convicted of a crime shall be deemed
31 constructive knowledge of the conviction on the part of the
32 agency. The Department may adopt rules to implement this
33 subsection (j).

34 (k) No person may be employed under this Section in any

1 capacity if the person while so employed is being paid by the
2 United States or any political subdivision for the time so
3 employed in addition to any payments he or she may receive from
4 the employer.

5 (l) If information is discovered affecting the
6 registration of a person whose fingerprints were submitted
7 under this Section, the Department shall so notify the agency
8 that submitted the fingerprints on behalf of that person.

9 (m) A person employed under this Section shall have 15
10 business days within which to notify the Department of any
11 change in employers. Upon notification and payment of the
12 required fee, the Department shall issue that person a new
13 permanent employee registration card, provided that the
14 person's current employer is a licensed repossession agency.

15 (n) This Section applies only to those employees of
16 licensed repossession agencies whose duties include actual
17 repossession of collateral.

18 Section 45. SSN or FEIN on application. In addition to any
19 other information required by the Department to be contained in
20 the application, every application for an original, renewal, or
21 restored license shall include the applicant's Social Security
22 Number (SSN) if an individual or Federal Employer
23 Identification Number (FEIN) if not an individual. The
24 Department shall not disclose an individual's SSN and must keep
25 that SSN confidential unless disclosure is required by law.

26 Section 50. Criminal background check. The Board shall
27 require that each individual, partner of a partnership, officer
28 of a corporation, or owner of a limited liability company, as
29 part of the application process, authorize a criminal history
30 records check to determine if such applicant has ever been
31 charged with a crime and if so, the disposition of those
32 charges. Upon this authorization, each individual, partner of a

1 partnership, officer of a corporation, or owner of a limited
2 liability company shall submit his or her fingerprints to the
3 Department of State Police in the form and manner prescribed by
4 the Department of State Police. These fingerprints shall be
5 checked against the fingerprint records now and hereafter filed
6 in the Department of State Police and Federal Bureau of
7 Investigation criminal history records databases. The
8 Department of State Police shall charge a fee for conducting
9 the criminal history records check, which shall be deposited in
10 the State Police Services Fund and shall not exceed the actual
11 cost of the records check. The Department of State Police shall
12 provide information concerning any criminal charges, and their
13 disposition, now or hereafter filed, against an applicant upon
14 request of the Board when the request is made in the form and
15 manner required by the Department of State Police.

16 Section 55. Certified recovery manager in charge of
17 repossession agency.

18 (a) As a condition of licensure, a certified recovery
19 manager must, at all times, be actively in charge of a
20 repossession agency.

21 (b) A certified recovery manager may only be actively in
22 charge of one repossession agency at one time. Upon written
23 request by a representative of an agency within 10 days after
24 the loss of the certified recovery manager actively in charge
25 due to the death of the certificate holder or because of an
26 unanticipated termination of his or her employment, the
27 Department shall issue a temporary permit allowing the
28 continuing operation of a previously licensed agency. The
29 temporary permit shall be valid for no more than 90 days. Upon
30 written request by the representative of the agency, an
31 extension of an additional 90 days may be granted by the
32 Department for good cause shown. No more than 2 extensions may
33 be granted to any repossession agency. A temporary permit may

1 not be issued for loss of the certified recovery manager
2 actively in charge if that loss is due to disciplinary action
3 taken by the Department.

4 (c) Whenever a certified recovery manager actively in
5 charge of a repossession agency ceases to be in charge, the
6 licensed agency shall file within notice with the Department
7 within 30 days after the cessation. If the licensee fails to
8 give written notice at the end of the 30-day period, the
9 agency's license shall automatically be suspended. If the
10 notice is filed, the license shall remain in force for a period
11 of 90 days after the filing of the notice. At the end of the
12 90-day period or an additional period, not to exceed one year,
13 as specified by the Department, if written notice is not given
14 that a certified recovery manager is then actively in charge of
15 the agency, the agency's license shall automatically be
16 suspended. A license suspended under this Section may be
17 reinstated upon payment of the reinstatement fee and submission
18 of a reinstatement application.

19 (d) Except as otherwise provided in this Act, no person may
20 serve as the certified recovery manager actively in charge of a
21 licensed repossession agency if that person has ever had a
22 repossession agency license revoked or suspended or if the
23 person was a partner, managing employee, owner, or officer of a
24 repossession agency the license of which has been revoked for
25 cause.

26 (e) The certified recovery manager actively in charge must
27 spend over 51% of the usual business hours conducting business
28 related to collateral recovery at the licensed location.

29 (f) The certificate of the recovery manager actively in
30 charge of a licensed repossession agency, together with the
31 agency's license, shall be conspicuously displayed at the
32 agency location of which the recovery manager is actively in
33 charge.

34 (g) A license extended under this Section is subject to all

1 other provisions of this Act.

2 Section 60. License extension in cases of death or
3 disassociation.

4 (a) In the case of the death of a person who is licensed
5 individually as a repossession agency, a member of the deceased
6 licensee's immediate family shall be entitled to continue
7 operating the agency under the same license for up to 120 days
8 following the licensee's date of death, provided that written
9 notice is given to the Department within 30 days following the
10 licensee's date of death. At the end of the 120-day period, the
11 license shall automatically be revoked.

12 (b) In the case of the death or disassociation of a partner
13 of a partnership licensed as a repossession agency, the
14 licensee shall notify the Department, in writing, within 30
15 days from the death or disassociation of the partner. If the
16 licensee fails to notify the Department within the 30-day
17 period, the license shall automatically be revoked at the end
18 of that period. If proper notice is given, the license shall
19 remain in force for 90 days following the date of death or
20 disassociation of the partner. At the end of the 90-day period,
21 the licensee shall automatically be revoked.

22 (c) A license extended under this Section is subject to all
23 other provisions of this Act.

24 Section 65. Licenses, certificates, and registration
25 cards; renewals; restoration; person in military service.

26 (a) An original repossession agency license, recovery
27 manager certificate, and permanent employee registration card
28 shall expire one year after the date of issuance.

29 (b) A renewal repossession agency license or recovery
30 manager certificate shall expire 2 years after the date of
31 renewal.

32 (c) A renewal permanent employee registration card shall

1 expire one year after the date of renewal.

2 (d) At least 90 days prior to the expiration of a license,
3 certificate, or registration card, the Department shall mail to
4 the licensee, certificate holder, or registration card holder a
5 renewal form in the form and manner prescribed by the
6 Department. The licensee, certificate holder, or registration
7 card holder must complete and mail the renewal form to the
8 Department, pay any fines assessed, and pay any renewal fee
9 required by the Department.

10 (e) Any person or entity that has permitted a license,
11 certificate, or registration card to expire may have that
12 license, certificate, or registration card restored by making
13 application to the Department within one year after the
14 expiration of a repossession agency license or a qualified
15 manager certificate or within 30 days after the expiration of a
16 permanent employee registration card, filing proof acceptable
17 to the Department of fitness to have the license, certificate,
18 or registration card restored, and paying the required
19 restoration fee. However, any person whose license,
20 certificate, or registration card expired while (i) in federal
21 service on active duty with the Armed Forces of the United
22 States or called into service or training with the State
23 militia or (ii) in training or education under the supervision
24 of the United States preliminary to induction into military
25 service may have his or her license, certificate, or
26 registration card renewed or restored without paying any lapsed
27 renewal fees if, within 2 years after honorable termination of
28 the service, training, or education, except under condition
29 other than honorable, he or she furnishes the Department with
30 satisfactory evidence to the effect that he or she has been so
31 engaged and that the service, training, or education has been
32 so terminated.

33 (f) A suspended repossession agency license, recovery
34 manager certificate, or permanent employee registration card

1 is subject to expiration as set forth in this Section; however,
2 renewal of the license, certificate, or registration card does
3 not entitle the licensee, certificate holder, or registration
4 card holder, while the license, certificate, or registration
5 card remains suspended and until it is reinstated, to engage in
6 the licensed, certified, or registered activity.

7 (g) A revoked repossession agency license, recovery
8 manager certificate, or permanent employee registration card
9 is subject to expiration as set forth in this Section; however,
10 it may not be renewed. If a revoked license, certificate, or
11 registration card is reinstated after its expiration, the
12 licensee, certificate holder, or registration card holder, as a
13 condition of reinstatement, shall pay a reinstatement fee in an
14 amount equal to the renewal fee in effect on the last regular
15 renewal date prior to the date on which the license,
16 certificate, or registration card is reinstated and any
17 additional delinquency fee required by the Department.

18 (h) Any person or entity that notifies the Department, in
19 writing on forms prescribed by the Department, may place a
20 license, certificate, or registration card on inactive status
21 and shall be excused from the payment of renewal fees until the
22 person or entity notifies the Department in writing of the
23 intention to resume active practice. Any person or entity
24 requesting that a license, certificate, or registration card be
25 changed from inactive to active status shall be required to pay
26 the current renewal fee.

27 (i) Any repossession agency licensee, recovery manager
28 certificate holder, or permanent employee registration card
29 holder whose license, certificate, or registration card is
30 nonrenewed or on inactive status shall not engage in the
31 practice of recovery in the State or use the title or advertise
32 that he, she, or it performs the services of a "licensed
33 repossession agency", "certified recovery manager", or
34 "repossession agency employee".

1 (j) Any person violating subsection (i) of this Section
2 shall be considered to be operating a repossession agency
3 without a license, acting as a recovery manager without a
4 certificate, or acting as a repossession agency employee
5 without a permanent employee registration card and is subject
6 to the disciplinary provisions of this Act.

7 (k) A repossession agency license, recovery manager
8 certificate, or permanent employee registration card that is
9 not renewed within 3 years after its expiration may not be
10 renewed, restored, reinstated, or reissued thereafter. The
11 holder of the license, certificate, or registration card may
12 obtain a new license, certificate, or registration card only
13 upon compliance with all of the provisions of this Act
14 concerning the issuance of an original license, certificate, or
15 registration card.

16 Section 70. Refusal, revocation, or suspension.

17 (a) The Department may refuse to issue or renew or may
18 revoke a license, certificate, or registration card or may
19 suspend, place on probation, fine, or take any disciplinary
20 action as the Department may deem proper, including fines not
21 to exceed \$2,500 for each violation, with regard to any
22 licensee, certificate holder, or registration card holder for
23 any one or combination of the following causes:

24 (1) Knowingly making any misrepresentation for the
25 purpose of obtaining a license, certificate, or
26 registration card.

27 (2) Violations of this Act or its rules.

28 (3) Conviction of any crime under the laws of the
29 United States or any state or territory thereof that is (i)
30 a felony, (ii) a misdemeanor, an essential element of which
31 is dishonesty, or (iii) a crime that is related to the
32 practice of the profession.

33 (4) Aiding or assisting another person in violating any

1 provision of this Act or its rules.

2 (5) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public as defined by the rules of the
5 Department, or violating the rules adopted by the Board.

6 (6) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to engage in the practice of
9 recovery with reasonable judgment, skill, or safety.

10 (7) Violation of any court order from any State or
11 public agency engaged in the enforcement of repayment of
12 child support or arrearages or for noncompliance with
13 certain processes relating to paternity or support
14 proceedings.

15 (8) Solicitation of professional services by using
16 false or misleading advertising.

17 (9) A finding that licensure, certification, or
18 registration has been applied for or obtained by fraudulent
19 means.

20 (10) Practicing or attempting to practice under a name
21 other than the full name as shown on the license,
22 certificate, or registration card or any other legally
23 authorized name.

24 (b) The entry of an order by a circuit court establishing
25 that any person holding a license, certificate, or registration
26 card under Department rule is subject to involuntary admission
27 or judicial admission as provided for in the Mental Health and
28 Developmental Disabilities Code operates as an automatic
29 suspension of that license, certificate, or registration card.
30 That person may have his or her license, certificate, or
31 registration card restored only upon the determination by a
32 circuit court that the patient is no longer subject to
33 involuntary admission or judicial admission and the issuance of
34 an order so finding and discharging the patient or at the

1 discretion of the Department. Where the circumstances so
2 indicate, the Department may require an examination prior to
3 restoring a suspended license, certificate, or registration
4 card.

5 (c) The Department may refuse to issue or may suspend the
6 license, certificate, or registration card of any person or
7 entity who fails to file a return, pay the tax, penalty, or
8 interest shown in a filed return or pay any final assessment of
9 tax, penalty, or interest, as required by any tax Act
10 administered by the Department of Revenue, until the time the
11 requirements of the tax Act are satisfied.

12 Section 75. Information to appropriate law enforcement
13 agency. Prior to performing a self-help repossession, a
14 repossession agency or repossession agency employee must
15 inform the appropriate law enforcement agency of the
16 jurisdiction in which the agency or employee plans to perform
17 the repossession of the agency's or employee's intent to
18 perform the repossession. Failure to provide this information
19 to the appropriate law enforcement agency constitutes a
20 violation of this Act.

21 Section 80. Consideration of past crimes.

22 (a) Notwithstanding the prohibitions set forth in Sections
23 35 and 40 of this Act, when considering the denial of a
24 license, certificate, or registration card on the grounds of
25 conviction of a crime, the Department, in evaluating the
26 rehabilitation of the applicant and the applicant's present
27 eligibility for a license, certificate, or registration card,
28 shall consider each of the following criteria:

29 (1) the nature and severity of the act or crime under
30 consideration as grounds for denial;

31 (2) evidence of any act committed subsequent to the act
32 or crime under consideration as grounds for denial, which

1 also could be considered as grounds for disciplinary action
2 under this Act;

3 (3) the amount of time that has lapsed since the
4 commission of the act or crime referred to in item (1) or
5 (2) of this subsection (a);

6 (4) the extent to which the applicant has complied with
7 any terms of parole, probation, restitution, or any other
8 sanctions lawfully imposed against the applicant; and

9 (5) evidence, if any, of rehabilitation submitted by
10 the applicant.

11 (b) When considering the suspension or revocation of a
12 license, certificate, or registration card on the grounds of
13 conviction of a crime, the Department, in evaluating the
14 rehabilitation of the applicant and the applicant's present
15 eligibility for a license, certificate, or registration card,
16 shall consider each of the following criteria:

17 (1) the nature and severity of the act or offense;

18 (2) the licensee's, certificate holder's, or
19 registration card holder's criminal record in its
20 entirety;

21 (3) the amount of time that has lapsed since the
22 commission of the act or offense;

23 (4) whether the licensee, certificate holder, or
24 registration card holder has complied with any terms of
25 parole, probation, restitution, or any other sanctions
26 lawfully imposed against him or her;

27 (5) if applicable, evidence of expungement
28 proceedings; and

29 (6) evidence, if any, of rehabilitation submitted by
30 the licensee, certificate holder, or registration card
31 holder.

32 Section 85. Assignment of repossession agency license.

33 (a) Except as provided in subsection (b) of this Section, a

1 repossession agency license is not assignable.

2 (b) A repossession agency may apply to the Department for
3 consent and, upon receipt of such consent and payment of any
4 fee required by the Department, may assign a license to another
5 entity, provided that all owners of the assignor agency shall
6 subsequently own the assignee agency in its entirety.

7 Section 90. Insurance required. No repossession agency
8 license shall be issued unless the applicant first files with
9 the Department a certification of insurance evidencing
10 coverage in the required amount. The coverage shall provide the
11 Department as an additional insured for the purpose of
12 receiving all notices of modifications or cancellation of such
13 insurance. Coverage shall be written by an insurance company
14 that is lawfully engaged to provide insurance coverage in
15 Illinois. Coverage shall provide for a combined single limit
16 policy in the amount of at least \$1,000,000, which policy shall
17 include commercial general liability for wrongful
18 repossession, garage keepers, on hook, and drive-away and shall
19 provide for \$1,000,000 dishonesty bond and \$1,000,000
20 automobile liability. Coverage shall insure for the liability
21 of all employees certified by the Department while acting in
22 the course of their employment.

23 The agency shall notify the Department of any claim against
24 the insurance policy and shall notify the Department
25 immediately upon cancellation of the insurance policy, whether
26 the cancellation was initiated by the insurance company or the
27 insured agency. The agency's license shall automatically be
28 suspended on the date of cancellation of the policy, unless
29 evidence of insurance is provided to the Department prior to
30 the effective date of the cancellation.

31 Section 95. Contingency work prohibited. No person or
32 entity licensed, certified, or registered under this Act shall

1 work on a contingency basis. Any assignment received from a
2 financial institution or financier requesting repossession
3 work within the State must be issued and accepted on a
4 non-contingent basis.

5 Section 100. Display of license required. At all times, a
6 repossession agency license shall be conspicuously displayed
7 at the agency location on record with the Department.

8 Section 105. Local filing. Nothing in this Act shall
9 prevent local authorities in any city, county, or city and
10 county, by ordinance and within the exercise of the police
11 power of the city or county from requiring repossession agency
12 licensees and recovery manager certificate holders to register
13 their names and file a copy of their State identification cards
14 with the city, county, or city and county. No fee may be
15 charged nor may any application be required by the city or
16 county for this registration.

17 Section 110. Repossession of vehicles.

18 (a) With regard to collateral subject to registration under
19 the Illinois Vehicle Code, repossession occurs when the
20 reposessor gains entry into the collateral or when the
21 collateral becomes connected to a tow truck.

22 (b) If personal effects or other property not covered by a
23 security agreement are contained in or on a recovered vehicle
24 at the time it is recovered, the personal effects and other
25 property must be handled in the manner set forth in Article II
26 of Chapter 4 of the Illinois Vehicle Code.

27 Section 115. Deposit of fees and fines. All of the fees and
28 fines collected under this Act shall be deposited into the
29 General Professions Dedicated Fund.

1 Section 120. Payments; penalty for insufficient funds. Any
2 person or entity who delivers a check or other payment to the
3 Department that is returned to the Department unpaid by the
4 financial institution upon which it is drawn shall pay to the
5 Department, in addition to the amount already owed to the
6 Department, a fine of \$50. The fines imposed by this Section
7 are in addition to any other discipline provided under this Act
8 prohibiting unlicensed, uncertified, or unregistered practice
9 or practice on a nonrenewed license, certificate, or
10 registration card. The Department shall notify the person or
11 entity that payment of fees and fines shall be paid to the
12 Department by certified check or money order within 30 calendar
13 days after notification. If, after the expiration of 30 days
14 from the date of the notification, the person or entity has
15 failed to submit the necessary remittance, the Department shall
16 automatically terminate the license, certificate, or
17 registration card or deny the application, without hearing. If,
18 after termination or denial, the person seeks a license,
19 certificate, or registration card, the person or entity shall
20 apply to the Department for restoration or issuance of the
21 license, certificate, or registration card and pay all fees and
22 fines due to the Department. The Department may establish a fee
23 for the processing of an application for restoration of a
24 license, certificate, or registration card to pay all expenses
25 of processing this application. The Secretary may waive the
26 fines due under this Section in individual cases where the
27 Secretary finds that the fines would be unreasonable or
28 unnecessarily burdensome.

29 Section 125. Roster. The Department shall maintain a roster
30 of names and addresses of all persons who hold valid licenses,
31 certificates, and registration cards and all persons whose
32 licenses, certificates, or registration cards have been
33 suspended or revoked within the previous year. This roster

1 shall be available upon request and payment of the required
2 fee.

3 Section 130. Exemptions.

4 (a) This Act does not apply to any private detective or
5 private detective agency licensed under the Private Detective,
6 Private Alarm, Private Security, and Locksmith Act of 2004.

7 (b) This Act does not apply to any bank, savings bank,
8 savings and loan association, credit union, sales finance
9 agency, or insurance company or any subsidiary of such entity
10 that is organized, chartered, or holding a certificate of
11 authority to do business under the laws of this State or any
12 other state or under federal law.

13 Section 135. Violations; injunctions; cease and desist
14 order.

15 (a) If any person or entity violates a provision of this
16 Act, the Secretary may, in the name of the People of the State
17 of Illinois, through the Attorney General of the State of
18 Illinois, petition for an order enjoining the violation or for
19 an order enforcing compliance with this Act. Upon the filing of
20 a verified petition in court, the court may issue a temporary
21 restraining order, without notice or bond, and may
22 preliminarily and permanently enjoin the violation. If it is
23 established that the person or entity has violated or is
24 violating the injunction, the Court may punish the offender for
25 contempt of court. Proceedings under this Section are in
26 addition to, and not in lieu of, all other remedies and
27 penalties provided by this Act.

28 (b) If any person or entity practices as a repossession
29 agency or a recovery manager or holds himself, herself, or
30 itself out as such without having a valid license, certificate,
31 or registration card under this Act, then any licensee,
32 certificate holder, or registration card holder, any person

1 injured thereby, or any resident of or legal entity within the
2 State may, in addition to the Secretary, petition for relief as
3 provided in subsection (a) of this Section.

4 (c) Whenever, in the opinion of the Department or the
5 Board, any person or entity violates any provision of this Act,
6 the Department may issue a rule to show cause why an order to
7 cease and desist should not be entered against that person or
8 entity. The rule shall clearly set forth the grounds relied
9 upon by the Department and shall provide a period of 7 days
10 from the date of the rule to file an answer to the satisfaction
11 of the Department. Failure to answer to the satisfaction of the
12 Department shall cause an order to cease and desist to be
13 issued immediately.

14 Section 140. Investigation; notice and hearing. The
15 Department may investigate the actions or qualifications of any
16 person or entity holding or claiming to hold a license,
17 certificate, or registration card. Before suspending,
18 revoking, placing on probationary status, or taking any other
19 disciplinary action as the Department may deem proper with
20 regard to any license, certificate, or registration card, at
21 least 30 days before the date set for the hearing, the
22 Department shall (i) notify the accused in writing of any
23 charges made and the time and place for a hearing on the
24 charges before the Board, (ii) direct the accused to file a
25 written answer to the charges with the Board under oath within
26 20 days after the service on the person or entity of such
27 notice, and (iii) inform the accused that failure to file an
28 answer shall result in a default judgment against the person or
29 entity and the person's or entity's license, certificate, or
30 registration card may be suspended, revoked, placed on
31 probationary status, or other disciplinary action taken with
32 regard to the license, as the Department may deem proper. In
33 case the person or entity, after receiving notice, fails to

1 file an answer, the person's or entity's license may, in the
2 discretion of the Department, be suspended, revoked, placed on
3 probationary status, or the Department may take whatever
4 disciplinary action deemed proper, including the imposition of
5 a fine, without a hearing, if the act or acts charged
6 constitute sufficient grounds for such action under this Act.
7 This written notice and any notice in the subsequent
8 proceedings may be served by personal delivery to the accused,
9 or by registered or certified mail to the address last
10 specified by the accused in the last notification to the
11 Department. In case the person or entity fails to file an
12 answer after receiving notice, the person's or entity's license
13 may, in the discretion of the Department, be suspended,
14 revoked, or placed on probationary status, or the Department
15 may take whatever disciplinary action deemed proper, including
16 the imposition of a fine, without a hearing, if the act or acts
17 charged constitute sufficient grounds for such action under
18 this Act. The written answer shall be served by personal
19 delivery, certified delivery, or certified or registered mail
20 to the Department. At the time and place fixed in the notice,
21 the Department shall proceed to hear the charges and the
22 parties or their counsel shall be accorded ample opportunity to
23 present such statements, testimony, evidence, and argument as
24 may be pertinent to the charges or to the defense thereto. The
25 Department may continue such hearing from time to time. At the
26 discretion of the Secretary after having first received the
27 recommendation of the Board, the accused person's or entity's
28 license, certificate, or registration card may be suspended or
29 revoked, if the evidence constitutes sufficient grounds for
30 such action under this Act.

31 Section 145. Record of proceeding. The Department, at its
32 expense, shall preserve a record of all proceedings at the
33 formal hearing of any case. The notice of hearing, complaint

1 and all other documents in the nature of pleadings and written
2 motions filed in the proceedings, the transcript of testimony,
3 the report of the Board and orders of the Department shall be
4 in the record of the proceedings. The Department shall furnish
5 a transcript of the record to any person interested in the
6 hearing upon payment of the fee required under Section 2105-115
7 of the Department of Professional Regulation Law.

8 Section 150. Subpoenas; oaths; attendance of witnesses.
9 The Department has the power to subpoena and to bring before it
10 any person and to take testimony either orally or by
11 deposition, or both, with the same fees and mileage and in the
12 same manner as prescribed in civil cases in the courts of this
13 State. The Secretary, the designated hearing officer, and every
14 member of the Board has power to administer oaths to witnesses
15 at any hearing that the Department is authorized to conduct and
16 any other oaths authorized in any Act administered by the
17 Department. Any circuit court may, upon application of the
18 Department or its designee or of the applicant, licensee,
19 certificate holder, or registration card holder against whom
20 proceedings under this Act are pending, enter an order
21 requiring the attendance of witnesses and their testimony, and
22 the production of documents, papers, files, books and records
23 in connection with any hearing or investigation. The court may
24 compel obedience to its order by proceedings for contempt.

25 Section 155. Recommendations for disciplinary action. At
26 the conclusion of the hearing, the Board shall present to the
27 Secretary a written report of its findings and recommendations.
28 The report shall contain a finding whether or not the accused
29 person or entity violated this Act or failed to comply with the
30 conditions required in this Act. The Board shall specify the
31 nature of the violation or failure to comply, and shall make
32 its recommendations to the Secretary. The report of findings

1 and recommendations of the Board shall be the basis for the
2 Department's order for refusal or for the granting of a
3 license, certificate, or registration card, or for any
4 disciplinary action, unless the Secretary shall determine that
5 the Board's report is contrary to the manifest weight of the
6 evidence, in which case the Secretary may issue an order in
7 contravention of the Board's report. The finding is not
8 admissible in evidence against the person in a criminal
9 prosecution brought for the violation of this Act, but the
10 hearing and finding are not a bar to a criminal prosecution
11 brought for the violation of this Act.

12 Section 160. Rehearing. In any hearing involving
13 disciplinary action against a licensee, certificate holder, or
14 registration card holder, a copy of the Board's report shall be
15 served upon the respondent by the Department, either personally
16 or as provided in this Act for the service of the notice of
17 hearing. Within 20 calendar days after service, the respondent
18 may present to the Department a motion in writing for a
19 rehearing that shall specify the particular grounds for
20 rehearing. If no motion for rehearing is filed, then upon the
21 expiration of the time specified for filing a motion, or if a
22 motion for rehearing is denied, then upon denial, the Secretary
23 may enter an order in accordance with recommendations of the
24 Board, except as provided in this Act. If the respondent orders
25 from the reporting service, and pays for, a transcript of the
26 record within the time for filing a motion for rehearing, the
27 20 calendar day period within which a motion may be filed shall
28 commence upon the delivery of the transcript to the respondent.

29 Section 165. Appointment of a hearing officer. The
30 Secretary has the authority to appoint any attorney duly
31 licensed to practice law in the State of Illinois to serve as
32 the hearing officer in any action for refusal to issue or renew

1 a license, certificate, or registration card or to discipline a
2 licensee, certificate holder, or registration card holder. The
3 hearing officer has full authority to conduct the hearing. The
4 hearing officer shall report his findings and recommendations
5 to the Board and the Secretary. The Board has 60 calendar days
6 from receipt of the report to review the report of the hearing
7 officer and present its findings of fact, conclusions of law
8 and recommendations to the Secretary. If the Board fails to
9 present its report within the 60 calendar day period, the
10 Secretary may issue an order based on the report of the hearing
11 officer. If the Secretary disagrees with the recommendation of
12 the Board or the hearing officer, the Secretary may issue an
13 order in contravention of the recommendation.

14 Section 170. Hearing by other examiner. Whenever the
15 Secretary is not satisfied that substantial justice has been
16 done in the revocation, suspension or refusal to issue or renew
17 a license, certificate, or registration card, the Secretary may
18 order a rehearing by the same or other examiners.

19 Section 175. Order; certified copy. An order or a
20 certified copy thereof, over the seal of the Department and
21 purporting to be signed by the Secretary, shall be prima facie
22 proof:

23 (a) that the signature is the genuine signature of the
24 Secretary;

25 (b) that the Secretary is duly appointed and qualified; and

26 (c) that the Board and its members are qualified to act.

27 Section 180. Restoration. At any time after the suspension
28 or revocation of any license, certificate, or registration
29 card, the Department may restore the license, certificate, or
30 registration card to the accused person, upon the written
31 recommendation of the Board, unless after an investigation and

1 a hearing the Board determines that restoration is not in the
2 public interest.

3 Section 185. License, certificate, and registration card
4 surrender. Upon the revocation or suspension of any license,
5 certificate, or registration card, the licensee, certificate
6 holder, or registration card holder shall immediately
7 surrender the license, certificate, or registration card to the
8 Department. If the licensee, certificate holder, or
9 registration card holder fails to do so, the Department has the
10 right to seize the license, certificate, or registration card.

11 Section 190. Summary suspension. The Secretary may
12 summarily suspend the license of a repossession agency, the
13 certificate of a recovery manager, or the registration card of
14 an employee without a hearing, simultaneously with the
15 institution of proceedings for a hearing provided for in this
16 Act, if the Secretary finds that evidence in his or her
17 possession indicates that a repossession agency's, recovery
18 manager's, or employee's continuation in the business of
19 collateral recovery would constitute an imminent danger to the
20 public. In the event that the Secretary summarily suspends a
21 license, certificate, or registration card without a hearing, a
22 hearing by the Board must be held within 30 calendar days after
23 the suspension has occurred.

24 Section 195. Judicial review. All final administrative
25 decisions of the Department are subject to judicial review
26 under the Administrative Review Law and its rules. The term
27 "administrative decision" is defined as in Section 3-101 of the
28 Code of Civil Procedure.

29 Proceedings for judicial review shall be commenced in the
30 circuit court of the county in which the party applying for
31 review resides; but if the party is not a resident of this

1 State, the venue shall be in Sangamon County.

2 Section 200. Certification of records. The Department
3 shall not be required to certify any record to the Court or
4 file any answer in court or otherwise appear in any court in a
5 judicial review proceeding, unless there is filed in the court,
6 with the complaint, a receipt from the Department acknowledging
7 payment of the costs of furnishing and certifying the record.
8 Failure on the part of the plaintiff to file such receipt in
9 Court shall be grounds for dismissal of the action.

10 Section 205. Violations; criminal penalties. Any person
11 who is found to have violated any provision of this Act is
12 guilty of a Class A misdemeanor for the first offense, and a
13 Class 4 felony for second and subsequent offenses.

14 Section 210. Illinois Administrative Procedure Act. The
15 Illinois Administrative Procedure Act is expressly adopted and
16 incorporated in this Act as if all of the provisions of that
17 Act were included in this Act, except that the provision of
18 paragraph (d) of Section 10-65 of the Illinois Administrative
19 Procedure Act, which provides that at hearings the license
20 holder has the right to show compliance with all lawful
21 requirements for retention, continuation, or renewal of the
22 certificate, is specifically excluded. For the purpose of this
23 Act, the notice required under Section 10-25 of the Illinois
24 Administrative Procedure Act is deemed sufficient when mailed
25 to the last known address of a party."