



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2996

Introduced 2/3/2010, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

See Index

Amends the Office of Banks and Real Estate Act. Changes the title of the Act (and makes conforming changes in other Acts). Changes the powers of the Secretary of Financial and Professional Regulation with respect to jurisdiction over entities subject to the Act. Amends the Illinois Banking Act. Provides that the Secretary may (1) waive specified reciprocity requirements with respect to the establishment of branches and (2) prescribe the definition of "liabilities outstanding". Changes provisions concerning the powers and duties of the Secretary with respect to deposits, penalties, and the borrowing of funds under specified situations. Adds provisions concerning audits of banks subject to the Act. Changes provisions concerning capital impairment. Amends the Illinois Bank Holding Company Act of 1957. Changes provisions concerning the powers of the Secretary. Amends the Illinois Savings and Loan Act of 1985 and Savings Bank Act. Changes provisions concerning (1) the bonds of officers and employees, (2) personnel, records, files, actions, and duties, (3) the examination of associations, (4) reimbursement and powers of members of the Board of Savings Institutions. Adds provisions concerning the appointment of a receiver following taking of custody. Amends the Pawnbroker Regulation Act to make changes concerning (1) administration of the Act, (2) licensure, and (3) insurance requirements. Amends the Banking Emergencies Act, Corporate Fiduciary Act, and Foreign Banking Office Act to make changes concerning the powers of the Secretary. Repeals provisions in the Illinois Savings and Loan Act of 1985 and the Savings Bank Act. Repeals the Financial Institution Activity Reporting Act. Makes other changes. Effective immediately.

LRB096 16388 MJR 31653 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning financial regulation.

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

4 Section 5. The Office of Banks and Real Estate Act is
5 amended by changing Sections 0.1, 0.2, and 5 as follows:

6 (20 ILCS 3205/0.1)

7 Sec. 0.1. Short title. This Act may be cited as the
8 Division of Banking ~~Office of Banks and Real Estate Act.~~

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

10 (20 ILCS 3205/0.2)

11 Sec. 0.2. Definitions. For the purposes of this Act, unless
12 the context otherwise requires:

13 "Commissioner" means the Secretary of Financial and
14 Professional Regulation ~~Commissioner of Banks and Real Estate,~~
15 or a person authorized by the Secretary ~~Commissioner,~~ the
16 Division of Banking Act, or by this Act to act in the
17 Secretary's ~~Commissioner's~~ stead

18 "Division" means the Division of Banking within the
19 Department of Financial and Professional Regulation.

20 "Office" means the Division of Banking within the
21 Department of Financial and Professional Regulation ~~Office of~~
22 ~~Banks and Real Estate.~~

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

2 (20 ILCS 3205/5) (from Ch. 17, par. 455)

3 Sec. 5. Powers. In addition to all the other powers and
4 duties provided by law, the Commissioner shall have the
5 following powers:

6 (a) To exercise the rights, powers and duties formerly
7 vested by law in the Director of Financial Institutions under
8 the Illinois Banking Act.

9 (b) To exercise the rights, powers and duties formerly
10 vested by law in the Department of Financial Institutions under
11 "An act to provide for and regulate the administration of
12 trusts by trust companies", approved June 15, 1887, as amended.

13 (c) To exercise the rights, powers and duties formerly
14 vested by law in the Director of Financial Institutions under
15 "An act authorizing foreign corporations, including banks and
16 national banking associations domiciled in other states, to act
17 in a fiduciary capacity in this state upon certain conditions
18 herein set forth", approved July 13, 1953, as amended.

19 (c-5) To exercise all of the rights, powers, and duties
20 granted to the Director or Secretary under the Illinois Banking
21 Act, the Corporate Fiduciary Act, the Electronic Fund Transfer
22 Act, the Illinois Bank Holding Company Act of 1957, the Savings
23 Bank Act, the Illinois Savings and Loan Act of 1985, the
24 Savings and Loan Share and Account Act, the Residential
25 Mortgage License Act of 1987, and the Pawnbroker Regulation

1 Act.

2 (d) Whenever the Commissioner is authorized or required by
3 law to consider or to make findings regarding the character of
4 incorporators, directors, management personnel, or other
5 relevant individuals under the Illinois Banking Act, the
6 Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at
7 other times as the Commissioner deems necessary for the purpose
8 of carrying out the Commissioner's statutory powers and
9 responsibilities, the Commissioner shall consider criminal
10 history record information, including nonconviction
11 information, pursuant to the Criminal Identification Act. The
12 Commissioner shall, in the form and manner required by the
13 Department of State Police and the Federal Bureau of
14 Investigation, cause to be conducted a criminal history record
15 investigation to obtain information currently contained in the
16 files of the Department of State Police or the Federal Bureau
17 of Investigation, provided that the Commissioner need not cause
18 additional criminal history record investigations to be
19 conducted on individuals for whom the Commissioner, a federal
20 bank regulatory agency, or any other government agency has
21 caused such investigations to have been conducted previously
22 unless such additional investigations are otherwise required
23 by law or unless the Commissioner deems such additional
24 investigations to be necessary for the purposes of carrying out
25 the Commissioner's statutory powers and responsibilities. The
26 Department of State Police shall provide, on the Commissioner's

1 request, information concerning criminal charges and their
2 disposition currently on file with respect to a relevant
3 individual. Information obtained as a result of an
4 investigation under this Section shall be used in determining
5 eligibility to be an incorporator, director, management
6 personnel, or other relevant individual in relation to a
7 financial institution or other entity supervised by the
8 Commissioner. Upon request and payment of fees in conformance
9 with the requirements of Section 2605-400 of the Department of
10 State Police Law (20 ILCS 2605/2605-400), the Department of
11 State Police is authorized to furnish, pursuant to positive
12 identification, such information contained in State files as is
13 necessary to fulfill the request.

14 (e) When issuing charters, permits, licenses, or other
15 authorizations, the Commissioner may impose such terms and
16 conditions on the issuance as he deems necessary or
17 appropriate. Failure to abide by those terms and conditions may
18 result in the revocation of the issuance, the imposition of
19 corrective orders, or the imposition of civil money penalties.

20 (f) If the Commissioner has reasonable cause to believe
21 that any entity that has not submitted an application for
22 authorization or licensure is conducting any activity that
23 would otherwise require authorization or licensure by the
24 Commissioner, the Commissioner shall have the power to subpoena
25 witnesses, to compel their attendance, ~~and~~ to require the
26 production of any relevant books, papers, accounts, and

1 documents, and to conduct an examination of the entity in order
2 to determine whether the entity is subject to authorization or
3 licensure by the Commissioner or the Division ~~Office of Banks~~
4 ~~and Real Estate~~. If the Secretary determines that the entity is
5 subject to authorization or licensure by the Secretary, then
6 the Secretary shall have the power to issue orders against or
7 take any other action, including initiating a receivership
8 against the unauthorized or unlicensed entity.

9 (g) The Commissioner may, through the Attorney General,
10 request the circuit court of any county to issue an injunction
11 to restrain any person from violating the provisions of any Act
12 administered by the Commissioner.

13 (h) Whenever the Commissioner is authorized to take any
14 action or required by law to consider or make findings, the
15 Commissioner may delegate or appoint, in writing, an officer or
16 employee of the Division ~~Office of Banks and Real Estate~~ to
17 take that action or make that finding.

18 (i) Whenever the Secretary determines that it is in the
19 public's interest, he or she may publish any cease and desist
20 order or other enforcement action issued by the Division.

21 (Source: P.A. 91-239, eff. 1-1-00; 92-483, eff. 8-23-01.)

22 Section 10. The Illinois Bank Examiners' Education
23 Foundation Act is amended by changing Section 3.02 and by
24 adding Section 3.025 as follows:

1 (20 ILCS 3210/3.02) (from Ch. 17, par. 403.2)

2 Sec. 3.02. "Commissioner" means the Secretary of Financial
3 and Professional Regulation ~~Commissioner of Banks and Real~~
4 ~~Estate~~ or a person authorized by the Secretary ~~Commissioner~~,
5 the Division of Banking ~~Office of Banks and Real Estate~~ Act, or
6 this Act to act in the Secretary's ~~Commissioner's~~ stead.

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

8 (20 ILCS 3210/3.025 new)

9 Sec. 3.025. Division. "Division" means the Division of
10 Banking within the Department of Financial and Professional
11 Regulation

12 Section 15. The Illinois Banking Act is amended by changing
13 Sections 13, 21.4, 32, 40, 48, 51, and 52 and by adding Section
14 48.8 as follows:

15 (205 ILCS 5/13) (from Ch. 17, par. 320)

16 Sec. 13. Issuance of charter.

17 (a) When the directors have organized as provided in
18 Section 12 of this Act, and the capital stock and the preferred
19 stock, if any, together with a surplus of not less than 50% of
20 the capital, has been all fully paid in and a record of the
21 same filed with the Commissioner, the Commissioner or some
22 competent person of the Commissioner's appointment shall make a
23 thorough examination into the affairs of the proposed bank, and

1 if satisfied (i) that all the requirements of this Act have
2 been complied with, (ii) that no intervening circumstance has
3 occurred to change the Commissioner's findings made pursuant to
4 Section 10 of this Act, and (iii) that the prior involvement by
5 any stockholder who will own a sufficient amount of stock to
6 have control, as defined in Section 18 of this Act, of the
7 proposed bank with any other financial institution, whether as
8 stockholder, director, officer, or customer, was conducted in a
9 safe and sound manner, upon payment into the Commissioner's
10 office of the reasonable expenses of the examination, as
11 determined by the Commissioner, the Commissioner shall issue a
12 charter authorizing the bank to commence business as authorized
13 in this Act. All charters issued by the Commissioner or any
14 predecessor agency which chartered State banks, including any
15 charter outstanding as of September 1, 1989, shall be
16 perpetual. For the 2 years after the Commissioner has issued a
17 charter to a bank, the bank shall request and obtain from the
18 Commissioner prior written approval before it may change senior
19 management personnel or directors.

20 The original charter, duly certified by the Commissioner,
21 or a certified copy shall be evidence in all courts and places
22 of the existence and authority of the bank to do business. Upon
23 the issuance of the charter by the Commissioner, the bank shall
24 be deemed fully organized and may proceed to do business. The
25 Commissioner may, in the Commissioner's discretion, withhold
26 the issuing of the charter when the Commissioner has reason to

1 believe that the bank is organized for any purpose other than
2 that contemplated by this Act. The Commissioner shall revoke
3 the charter and order liquidation in the event that the bank
4 does not commence a general banking business within one year
5 from the date of the issuance of the charter, unless a request
6 has been submitted, in writing, to the Commissioner for an
7 extension and the request has been approved. After commencing a
8 general banking business, a bank may change its name by filing
9 written notice with the Commissioner at least 30 days prior to
10 the effective date of such change. A bank chartered under this
11 Act may change its main banking premises by filing written
12 application with the Commissioner, on forms prescribed by the
13 Commissioner, provided (i) the change shall not be a removal to
14 a new location without complying with the capital requirements
15 of Section 7 and of subsection (1) of Section 10 of this Act;
16 (ii) the Commissioner approves the relocation or change; and
17 (iii) the bank complies with any applicable federal law or
18 regulation. The application shall be deemed to be approved if
19 the Commissioner has not acted on the application within 30
20 days after receipt of the application, unless within the 30-day
21 time frame the Commissioner informs the bank that an extension
22 of time is necessary prior to the Commissioner's action on the
23 application.

24 (b) (1) The Commissioner may also issue a charter to a bank
25 that is owned exclusively by other depository institutions
26 or depository institution holding companies and is

1 organized to engage exclusively in providing services to or
2 for other financial institutions, their holding companies,
3 and the officers, directors, and employees of such
4 institutions and companies, and in providing services at
5 the request of other financial institutions or their
6 holding companies (also referred to as a "bankers' bank").
7 The bank may also provide products and services to its
8 officers, directors, and employees.

9 (2) A bank chartered pursuant to paragraph (1) shall,
10 except as otherwise specifically determined or limited by
11 the Commissioner in an order or pursuant to a rule, be
12 vested with the same rights and privileges and subject to
13 the same duties, restrictions, penalties, and liabilities
14 now or hereafter imposed under this Act.

15 (c) A bank chartered under this Act shall ~~after November 1,~~
16 ~~1985, and an out of state bank that merges with a State bank~~
17 ~~and establishes or maintains a branch in this State after May~~
18 ~~31, 1997, shall obtain from and, at all times while it accepts~~
19 ~~or retains deposits, maintain with the Federal Deposit~~
20 ~~Insurance Corporation, or such other instrumentality of or~~
21 ~~corporation chartered by the United States, deposit insurance~~
22 ~~as authorized under federal law.~~

23 (d) (i) A bank that has a banking charter issued by the
24 Commissioner under this Act may, pursuant to a written
25 purchase and assumption agreement, transfer substantially
26 all of its assets to another State bank or national bank in

1 consideration, in whole or in part, for the transferee
2 banks' assumption of any part or all of its liabilities.
3 Such a transfer shall in no way be deemed to impair the
4 charter of the transferor bank or cause the transferor bank
5 to forfeit any of its rights, powers, interests,
6 franchises, or privileges as a State bank, nor shall any
7 voluntary reduction in the transferor bank's activities
8 resulting from the transfer have any such effect; provided,
9 however, that a State bank that transfers substantially all
10 of its assets pursuant to this subsection (d) and following
11 the transfer does not accept deposits and make loans, shall
12 not have any rights, powers, interests, franchises, or
13 privileges under subsection (15) of Section 5 of this Act
14 until the bank has resumed accepting deposits and making
15 loans.

16 (ii) The fact that a State bank does not resume
17 accepting deposits and making loans for a period of 24
18 months commencing on September 11, 1989 or on a date of the
19 transfer of substantially all of a State bank's assets,
20 whichever is later, or such longer period as the
21 Commissioner may allow in writing, may be the basis for a
22 finding by the Commissioner under Section 51 of this Act
23 that the bank is unable to continue operations.

24 (iii) The authority provided by subdivision (i) of this
25 subsection (d) shall terminate on May 31, 1997, and no bank
26 that has transferred substantially all of its assets

1 pursuant to this subsection (d) shall continue in existence
2 after May 31, 1997.

3 (Source: P.A. 95-924, eff. 8-26-08.)

4 (205 ILCS 5/21.4)

5 Sec. 21.4. Out-of-state banks establishing branches.

6 (a) No out-of-state bank and no national bank whose main
7 banking premises is located in a state other than Illinois
8 shall establish a branch in this State, other than a branch
9 authorized pursuant to Section 21.1 of this Act, unless:

10 (1) the laws of the state in which such out-of-state
11 bank or national bank has its main banking premises permit
12 such out-of-state bank or national bank to establish a
13 branch in this State;

14 (2) such out-of-state bank or national bank has its
15 main banking premises in a state that permits a State bank
16 to establish a branch in that state pursuant to terms and
17 conditions that are deemed to be reciprocal with the
18 provisions of this Act; and

19 (3) such out-of-state bank obtains a certificate of
20 authority from, or provides notice to, the Commissioner as
21 provided in subsection (b) of this Section.

22 (b) Before such out-of-state bank may establish a branch in
23 this State, the out-of-state bank must obtain a certificate of
24 authority from the Commissioner. The out-of-state bank must
25 file an application for a certificate of authority on a form

1 prescribed by the Commissioner.

2 The application for a certificate of authority shall not be
3 required if the state in which the out-of-state bank is
4 chartered permits a state bank to establish a branch in that
5 state without filing an application. An out-of-state bank
6 chartered in such a state may establish a branch in this State
7 pursuant to this Section after providing the Commissioner with
8 written notice. The Commissioner may prescribe the form of such
9 notice and may accept a copy of a notice or application
10 provided by the out-of-state bank to its chartering authority
11 or to its appropriate federal banking agency.

12 (c) The determination of whether the laws of the state in
13 which such out-of-state bank or national bank has its main
14 banking premises are reciprocal with the provisions of this Act
15 shall be made in writing by the Commissioner. The Commissioner
16 shall not make a finding of reciprocity unless the Commissioner
17 determines that the laws of the other state permit a State bank
18 to establish a branch in such other state under terms and
19 conditions that are substantially similar to the provisions of
20 this Section. The Commissioner shall consider, at a minimum,
21 whether the laws of such other state discriminate in any way
22 against a State bank and whether the laws of such other state
23 impose administrative or regulatory burdens that are
24 substantially more restrictive than those imposed by this Act
25 on an out-of-state bank or national bank seeking to establish a
26 branch in this State.

1 (d) After such out-of-state bank or national bank lawfully
2 establishes a branch in this State pursuant to the provisions
3 of this Section, such out-of-state bank or national bank may
4 establish and maintain additional branches in this State to the
5 same extent as a State bank. An out-of-state bank shall provide
6 written notice to the Commissioner of its intent to establish
7 an additional branch or branches in this State within 30 days
8 after receiving approval from the appropriate federal banking
9 agency to establish the branch or branches. The form of the
10 notice shall be specified by the Commissioner.

11 (e) A branch of an out-of-state bank may not conduct any
12 activity that is not authorized for a State bank.

13 (f) The Secretary may waive the reciprocity requirements
14 provided for in subsection (a) of this Section if the
15 establishment of the branch is part of a transaction with
16 respect to which the Federal Deposit Insurance Corporation
17 provides assistance under Section 13(c) of the Federal Deposit
18 Insurance Act.

19 (Source: P.A. 93-965, eff. 8-20-04.)

20 (205 ILCS 5/32) (from Ch. 17, par. 339)

21 Sec. 32. Basic loaning limits. The liabilities outstanding
22 at one time to a state bank of a person for money borrowed,
23 including the liabilities of a partnership or joint venture in
24 the liabilities of the several members thereof, shall not
25 exceed 25% of the amount of the unimpaired capital and

1 unimpaired surplus of the bank. For purposes of this Section,
2 the Secretary may prescribe the definition of "liabilities
3 outstanding" by rule.

4 The liabilities to any state bank of a person may exceed
5 25% of the unimpaired capital and unimpaired surplus of the
6 bank, provided that (i) the excess amount from time to time
7 outstanding is fully secured by readily marketable collateral
8 having a market value, as determined by reliable and
9 continuously available quotations, at least equal to the excess
10 amount outstanding; and (ii) the total liabilities shall not
11 exceed 30% of the unimpaired capital and unimpaired surplus of
12 the bank.

13 The following shall not be considered as money borrowed
14 within the meaning of this Section:

15 (1) The purchase or discount of bills of exchange drawn
16 in good faith against actually existing values.

17 (2) The purchase or discount of commercial or business
18 paper actually owned by the person negotiating the same.

19 (3) The purchase of or loaning money in exchange for
20 evidences of indebtedness which shall be secured by
21 mortgage or trust deed upon productive real estate the
22 value of which, as ascertained by the oath of 2 qualified
23 appraisers, neither of whom shall be an officer, director,
24 or employee of the bank or of any subsidiary or affiliate
25 of the bank, is double the amount of the principal debt
26 secured at the time of the original purchase of evidence of

1 indebtedness or loan of money and which is still double the
2 amount of the principal debt secured at the time of any
3 renewal of the indebtedness or loan, and which mortgage or
4 trust deed is shown, either by a guaranty policy of a title
5 guaranty company approved by the Commissioner or by a
6 registrar's certificate of title in any county having
7 adopted the provisions of the Registered Titles (Torrens)
8 Act, or by the opinion of an attorney-at-law, to be a first
9 lien upon the real estate therein described, and real
10 estate shall not be deemed to be encumbered within the
11 meaning of this subsection (3) by reason of the existence
12 of instruments reserving rights-of-way, sewer rights and
13 rights in wells, building restrictions or other
14 restrictive covenants, nor by reason of the fact it is
15 subject to lease under which rents or profits are reserved
16 by the owners.

17 (4) The purchase of marketable investment securities.

18 (5) The liability to a state bank of a person who is an
19 accommodation party to, or guarantor of payment for, any
20 evidence of indebtedness of another person who obtains a
21 loan from or discounts paper with or sells paper to the
22 state bank; but the total liability to a state bank of a
23 person as an accommodation party or guarantor of payment in
24 respect of such evidences of indebtedness shall not exceed
25 25% of the amount of the unimpaired capital and unimpaired
26 surplus of the bank; provided however that the liability of

1 an accommodation party to paper excepted under subsection 2
2 of this Section shall not be included in the computation of
3 this limitation.

4 (6) The liability to a state bank of a person, who as a
5 guarantor, guarantees collection of the obligation or
6 indebtedness of another person.

7 The total liabilities of any one person, for money
8 borrowed, or otherwise, shall not exceed 25% of the deposits of
9 the bank, and those total liabilities shall at no time exceed
10 50% of the amount of the unimpaired capital and unimpaired
11 surplus of the bank. Absent an actual unremedied breach, the
12 obligation or responsibility for breach of warranties or
13 representations, express or implied, of a person transferring
14 negotiable or non-negotiable paper to a bank without recourse
15 and without guaranty of payment, shall not be included in
16 determining the amount of liabilities of the person to the bank
17 for borrowed money or otherwise; and in the event of and to the
18 extent of an unremedied breach, the amount remaining unpaid for
19 principal and interest on the paper in respect of which the
20 unremedied breach exists shall thereafter for the purpose of
21 determining whether subsequent transactions giving rise to
22 additional liability of the person to the state bank for
23 borrowed money or otherwise are within the limitations of
24 Sections 32 through 34 of this Act, be included in computing
25 the amount of liabilities of the person for borrowed money or
26 otherwise.

1 The liability of a person to a state bank on account of
2 acceptances made or issued by the state bank on behalf of the
3 person shall be included in the computation of the total
4 liabilities of the person for money borrowed except to the
5 extent the acceptances grow out of transactions of the
6 character described in subsection (6) of Section 34 of this Act
7 and are otherwise within the limitations of that subsection;
8 provided nevertheless that any such excepted acceptances
9 acquired by the state bank which accepted the same shall be
10 included in the computation of the liabilities of the person to
11 the state bank for money borrowed.

12 (Source: P.A. 92-336, eff. 8-10-01; 92-573, eff. 6-26-02.)

13 (205 ILCS 5/40) (from Ch. 17, par. 350)

14 Sec. 40. Prohibited activities. The Commissioner, deputy
15 commissioners, and employees of the Office of Banks and Real
16 Estate shall be subject to the restrictions provided in Section
17 2.5 of the Division of Banking ~~Office of Banks and Real Estate~~
18 Act including, without limitation, the restrictions on (i)
19 owning shares of stock or holding any other equity interest in
20 an entity regulated under this Act or in any corporation or
21 company that owns or controls an entity regulated under this
22 Act; (ii) being an officer, director, employee, or agent of an
23 entity regulated under this Act; and (iii) obtaining a loan or
24 accepting a gratuity from an entity regulated under this Act.

25 (Source: P.A. 89-208, eff. 9-29-95; 89-508, eff. 7-3-96.)

1 (205 ILCS 5/48) (from Ch. 17, par. 359)

2 Sec. 48. Secretary's powers; duties. The Secretary shall
3 have the powers and authority, and is charged with the duties
4 and responsibilities designated in this Act, and a State bank
5 shall not be subject to any other visitorial power other than
6 as authorized by this Act, except those vested in the courts,
7 or upon prior consultation with the Secretary, a foreign bank
8 regulator with an appropriate supervisory interest in the
9 parent or affiliate of a state bank. In the performance of the
10 Secretary's duties:

11 (1) The Commissioner shall call for statements from all
12 State banks as provided in Section 47 at least one time during
13 each calendar quarter.

14 (2) (a) The Commissioner, as often as the Commissioner
15 shall deem necessary or proper, and no less frequently than 18
16 months following the preceding examination, shall appoint a
17 suitable person or persons to make an examination of the
18 affairs of every State bank, except that for every eligible
19 State bank, as defined by regulation, the Commissioner in lieu
20 of the examination may accept on an alternating basis the
21 examination made by the eligible State bank's appropriate
22 federal banking agency pursuant to Section 111 of the Federal
23 Deposit Insurance Corporation Improvement Act of 1991,
24 provided the appropriate federal banking agency has made such
25 an examination. A person so appointed shall not be a

1 stockholder or officer or employee of any bank which that
2 person may be directed to examine, and shall have powers to
3 make a thorough examination into all the affairs of the bank
4 and in so doing to examine any of the officers or agents or
5 employees thereof on oath and shall make a full and detailed
6 report of the condition of the bank to the Commissioner. In
7 making the examination the examiners shall include an
8 examination of the affairs of all the affiliates of the bank,
9 as defined in subsection (b) of Section 35.2 of this Act, or
10 subsidiaries of the bank as shall be necessary to disclose
11 fully the conditions of the subsidiaries or affiliates, the
12 relations between the bank and the subsidiaries or affiliates
13 and the effect of those relations upon the affairs of the bank,
14 and in connection therewith shall have power to examine any of
15 the officers, directors, agents, or employees of the
16 subsidiaries or affiliates on oath. After May 31, 1997, the
17 Commissioner may enter into cooperative agreements with state
18 regulatory authorities of other states to provide for
19 examination of State bank branches in those states, and the
20 Commissioner may accept reports of examinations of State bank
21 branches from those state regulatory authorities. These
22 cooperative agreements may set forth the manner in which the
23 other state regulatory authorities may be compensated for
24 examinations prepared for and submitted to the Commissioner.

25 (b) After May 31, 1997, the Commissioner is authorized to
26 examine, as often as the Commissioner shall deem necessary or

1 proper, branches of out-of-state banks. The Commissioner may
2 establish and may assess fees to be paid to the Commissioner
3 for examinations under this subsection (b). The fees shall be
4 borne by the out-of-state bank, unless the fees are borne by
5 the state regulatory authority that chartered the out-of-state
6 bank, as determined by a cooperative agreement between the
7 Commissioner and the state regulatory authority that chartered
8 the out-of-state bank.

9 (2.5) Whenever any State bank, any subsidiary or affiliate
10 of a State bank, or after May 31, 1997, any branch of an
11 out-of-state bank causes to be performed, by contract or
12 otherwise, any bank services for itself, whether on or off its
13 premises:

14 (a) that performance shall be subject to examination by
15 the Commissioner to the same extent as if services were
16 being performed by the bank or, after May 31, 1997, branch
17 of the out-of-state bank itself on its own premises; and

18 (b) the bank or, after May 31, 1997, branch of the
19 out-of-state bank shall notify the Commissioner of the
20 existence of a service relationship. The notification
21 shall be submitted with the first statement of condition
22 (as required by Section 47 of this Act) due after the
23 making of the service contract or the performance of the
24 service, whichever occurs first. The Commissioner shall be
25 notified of each subsequent contract in the same manner.

26 For purposes of this subsection (2.5), the term "bank

1 services" means services such as sorting and posting of checks
2 and deposits, computation and posting of interest and other
3 credits and charges, preparation and mailing of checks,
4 statements, notices, and similar items, or any other clerical,
5 bookkeeping, accounting, statistical, or similar functions
6 performed for a State bank, including but not limited to
7 electronic data processing related to those bank services.

8 (3) The expense of administering this Act, including the
9 expense of the examinations of State banks as provided in this
10 Act, shall to the extent of the amounts resulting from the fees
11 provided for in paragraphs (a), (a-2), and (b) of this
12 subsection (3) be assessed against and borne by the State
13 banks:

14 (a) Each bank shall pay to the Secretary a Call Report
15 Fee which shall be paid in quarterly installments equal to
16 one-fourth of the sum of the annual fixed fee of \$800, plus
17 a variable fee based on the assets shown on the quarterly
18 statement of condition delivered to the Secretary in
19 accordance with Section 47 for the preceding quarter
20 according to the following schedule: 16¢ per \$1,000 of the
21 first \$5,000,000 of total assets, 15¢ per \$1,000 of the
22 next \$20,000,000 of total assets, 13¢ per \$1,000 of the
23 next \$75,000,000 of total assets, 9¢ per \$1,000 of the next
24 \$400,000,000 of total assets, 7¢ per \$1,000 of the next
25 \$500,000,000 of total assets, and 5¢ per \$1,000 of all
26 assets in excess of \$1,000,000,000, of the State bank. The

1 Call Report Fee shall be calculated by the Secretary and
2 billed to the banks for remittance at the time of the
3 quarterly statements of condition provided for in Section
4 47. The Secretary may require payment of the fees provided
5 in this Section by an electronic transfer of funds or an
6 automatic debit of an account of each of the State banks.
7 In case more than one examination of any bank is deemed by
8 the Secretary to be necessary in any examination frequency
9 cycle specified in subsection 2(a) of this Section, and is
10 performed at his direction, the Secretary may assess a
11 reasonable additional fee to recover the cost of the
12 additional examination; provided, however, that an
13 examination conducted at the request of the State Treasurer
14 pursuant to the Uniform Disposition of Unclaimed Property
15 Act shall not be deemed to be an additional examination
16 under this Section. In lieu of the method and amounts set
17 forth in this paragraph (a) for the calculation of the Call
18 Report Fee, the Secretary may specify by rule that the Call
19 Report Fees provided by this Section may be assessed
20 semiannually or some other period and may provide in the
21 rule the formula to be used for calculating and assessing
22 the periodic Call Report Fees to be paid by State banks.

23 (a-1) If in the opinion of the Commissioner an
24 emergency exists or appears likely, the Commissioner may
25 assign an examiner or examiners to monitor the affairs of a
26 State bank with whatever frequency he deems appropriate,

1 including but not limited to a daily basis. The reasonable
2 and necessary expenses of the Commissioner during the
3 period of the monitoring shall be borne by the subject
4 bank. The Commissioner shall furnish the State bank a
5 statement of time and expenses if requested to do so within
6 30 days of the conclusion of the monitoring period.

7 (a-2) On and after January 1, 1990, the reasonable and
8 necessary expenses of the Commissioner during examination
9 of the performance of electronic data processing services
10 under subsection (2.5) shall be borne by the banks for
11 which the services are provided. An amount, based upon a
12 fee structure prescribed by the Commissioner, shall be paid
13 by the banks or, after May 31, 1997, branches of
14 out-of-state banks receiving the electronic data
15 processing services along with the Call Report Fee assessed
16 under paragraph (a) of this subsection (3).

17 (a-3) After May 31, 1997, the reasonable and necessary
18 expenses of the Commissioner during examination of the
19 performance of electronic data processing services under
20 subsection (2.5) at or on behalf of branches of
21 out-of-state banks shall be borne by the out-of-state
22 banks, unless those expenses are borne by the state
23 regulatory authorities that chartered the out-of-state
24 banks, as determined by cooperative agreements between the
25 Commissioner and the state regulatory authorities that
26 chartered the out-of-state banks.

1 (b) "Fiscal year" for purposes of this Section 48 is
2 defined as a period beginning July 1 of any year and ending
3 June 30 of the next year. The Commissioner shall receive
4 for each fiscal year, commencing with the fiscal year
5 ending June 30, 1987, a contingent fee equal to the lesser
6 of the aggregate of the fees paid by all State banks under
7 paragraph (a) of subsection (3) for that year, or the
8 amount, if any, whereby the aggregate of the administration
9 expenses, as defined in paragraph (c), for that fiscal year
10 exceeds the sum of the aggregate of the fees payable by all
11 State banks for that year under paragraph (a) of subsection
12 (3), plus any amounts transferred into the Bank and Trust
13 Company Fund from the State Pensions Fund for that year,
14 plus all other amounts collected by the Commissioner for
15 that year under any other provision of this Act, plus the
16 aggregate of all fees collected for that year by the
17 Commissioner under the Corporate Fiduciary Act, excluding
18 the receivership fees provided for in Section 5-10 of the
19 Corporate Fiduciary Act, and the Foreign Banking Office
20 Act. The aggregate amount of the contingent fee thus
21 arrived at for any fiscal year shall be apportioned
22 amongst, assessed upon, and paid by the State banks and
23 foreign banking corporations, respectively, in the same
24 proportion that the fee of each under paragraph (a) of
25 subsection (3), respectively, for that year bears to the
26 aggregate for that year of the fees collected under

1 paragraph (a) of subsection (3). The aggregate amount of
2 the contingent fee, and the portion thereof to be assessed
3 upon each State bank and foreign banking corporation,
4 respectively, shall be determined by the Commissioner and
5 shall be paid by each, respectively, within 120 days of the
6 close of the period for which the contingent fee is
7 computed and is payable, and the Commissioner shall give 20
8 days advance notice of the amount of the contingent fee
9 payable by the State bank and of the date fixed by the
10 Commissioner for payment of the fee.

11 (c) The "administration expenses" for any fiscal year
12 shall mean the ordinary and contingent expenses for that
13 year incident to making the examinations provided for by,
14 and for otherwise administering, this Act, the Corporate
15 Fiduciary Act, excluding the expenses paid from the
16 Corporate Fiduciary Receivership account in the Bank and
17 Trust Company Fund, the Foreign Banking Office Act, the
18 Electronic Fund Transfer Act, and the Illinois Bank
19 Examiners' Education Foundation Act, including all
20 salaries and other compensation paid for personal services
21 rendered for the State by officers or employees of the
22 State, including the Commissioner and the Deputy
23 Commissioners, all expenditures for telephone and
24 telegraph charges, postage and postal charges, office
25 stationery, supplies and services, and office furniture
26 and equipment, including typewriters and copying and

1 duplicating machines and filing equipment, surety bond
2 premiums, and travel expenses of those officers and
3 employees, employees, expenditures or charges for the
4 acquisition, enlargement or improvement of, or for the use
5 of, any office space, building, or structure, or
6 expenditures for the maintenance thereof or for furnishing
7 heat, light, or power with respect thereto, all to the
8 extent that those expenditures are directly incidental to
9 such examinations or administration. The Commissioner
10 shall not be required by paragraphs (c) or (d-1) of this
11 subsection (3) to maintain in any fiscal year's budget
12 appropriated reserves for accrued vacation and accrued
13 sick leave that is required to be paid to employees of the
14 Commissioner upon termination of their service with the
15 Commissioner in an amount that is more than is reasonably
16 anticipated to be necessary for any anticipated turnover in
17 employees, whether due to normal attrition or due to
18 layoffs, terminations, or resignations.

19 (d) The aggregate of all fees collected by the
20 Secretary under this Act, the Corporate Fiduciary Act, or
21 the Foreign Banking Office Act on and after July 1, 1979,
22 shall be paid promptly after receipt of the same,
23 accompanied by a detailed statement thereof, into the State
24 treasury and shall be set apart in a special fund to be
25 known as the "Bank and Trust Company Fund", except as
26 provided in paragraph (c) of subsection (11) of this

1 Section. All earnings received from investments of funds in
2 the Bank and Trust Company Fund shall be deposited in the
3 Bank and Trust Company Fund and may be used for the same
4 purposes as fees deposited in that Fund. The amount from
5 time to time deposited into the Bank and Trust Company Fund
6 shall be used: (i) to offset the ordinary administrative
7 expenses of the Secretary as defined in this Section or
8 (ii) as a credit against fees under paragraph (d-1) of this
9 subsection (3). Nothing in this amendatory Act of 1979
10 shall prevent continuing the practice of paying expenses
11 involving salaries, retirement, social security, and
12 State-paid insurance premiums of State officers by
13 appropriations from the General Revenue Fund. However, the
14 General Revenue Fund shall be reimbursed for those payments
15 made on and after July 1, 1979, by an annual transfer of
16 funds from the Bank and Trust Company Fund. Moneys in the
17 Bank and Trust Company Fund may be transferred to the
18 Professions Indirect Cost Fund, as authorized under
19 Section 2105-300 of the Department of Professional
20 Regulation Law of the Civil Administrative Code of
21 Illinois.

22 Notwithstanding provisions in the State Finance Act,
23 as now or hereafter amended, or any other law to the
24 contrary, the sum of \$18,788,847 shall be transferred from
25 the Bank and Trust Company Fund to the Financial
26 Institutions Settlement of 2008 Fund on the effective date

1 of this amendatory Act of the 95th General Assembly, or as
2 soon thereafter as practical.

3 Notwithstanding provisions in the State Finance Act,
4 as now or hereafter amended, or any other law to the
5 contrary, the Governor may, during any fiscal year through
6 January 10, 2011, from time to time direct the State
7 Treasurer and Comptroller to transfer a specified sum not
8 exceeding 10% of the revenues to be deposited into the Bank
9 and Trust Company Fund during that fiscal year from that
10 Fund to the General Revenue Fund in order to help defray
11 the State's operating costs for the fiscal year.
12 Notwithstanding provisions in the State Finance Act, as now
13 or hereafter amended, or any other law to the contrary, the
14 total sum transferred during any fiscal year through
15 January 10, 2011, from the Bank and Trust Company Fund to
16 the General Revenue Fund pursuant to this provision shall
17 not exceed during any fiscal year 10% of the revenues to be
18 deposited into the Bank and Trust Company Fund during that
19 fiscal year. The State Treasurer and Comptroller shall
20 transfer the amounts designated under this Section as soon
21 as may be practicable after receiving the direction to
22 transfer from the Governor.

23 (d-1) Adequate funds shall be available in the Bank and
24 Trust Company Fund to permit the timely payment of
25 administration expenses. In each fiscal year the total
26 administration expenses shall be deducted from the total

1 fees collected by the Commissioner and the remainder
2 transferred into the Cash Flow Reserve Account, unless the
3 balance of the Cash Flow Reserve Account prior to the
4 transfer equals or exceeds one-fourth of the total initial
5 appropriations from the Bank and Trust Company Fund for the
6 subsequent year, in which case the remainder shall be
7 credited to State banks and foreign banking corporations
8 and applied against their fees for the subsequent year. The
9 amount credited to each State bank and foreign banking
10 corporation shall be in the same proportion as the Call
11 Report Fees paid by each for the year bear to the total
12 Call Report Fees collected for the year. If, after a
13 transfer to the Cash Flow Reserve Account is made or if no
14 remainder is available for transfer, the balance of the
15 Cash Flow Reserve Account is less than one-fourth of the
16 total initial appropriations for the subsequent year and
17 the amount transferred is less than 5% of the total Call
18 Report Fees for the year, additional amounts needed to make
19 the transfer equal to 5% of the total Call Report Fees for
20 the year shall be apportioned amongst, assessed upon, and
21 paid by the State banks and foreign banking corporations in
22 the same proportion that the Call Report Fees of each,
23 respectively, for the year bear to the total Call Report
24 Fees collected for the year. The additional amounts
25 assessed shall be transferred into the Cash Flow Reserve
26 Account. For purposes of this paragraph (d-1), the

1 calculation of the fees collected by the Commissioner shall
2 exclude the receivership fees provided for in Section 5-10
3 of the Corporate Fiduciary Act.

4 (e) The Commissioner may upon request certify to any
5 public record in his keeping and shall have authority to
6 levy a reasonable charge for issuing certifications of any
7 public record in his keeping.

8 (f) In addition to fees authorized elsewhere in this
9 Act, the Commissioner may, in connection with a review,
10 approval, or provision of a service, levy a reasonable
11 charge to recover the cost of the review, approval, or
12 service.

13 (4) Nothing contained in this Act shall be construed to
14 limit the obligation relative to examinations and reports of
15 any State bank, deposits in which are to any extent insured by
16 the United States or any agency thereof, nor to limit in any
17 way the powers of the Commissioner with reference to
18 examinations and reports of that bank.

19 (5) The nature and condition of the assets in or investment
20 of any bonus, pension, or profit sharing plan for officers or
21 employees of every State bank or, after May 31, 1997, branch of
22 an out-of-state bank shall be deemed to be included in the
23 affairs of that State bank or branch of an out-of-state bank
24 subject to examination by the Commissioner under the provisions
25 of subsection (2) of this Section, and if the Commissioner
26 shall find from an examination that the condition of or

1 operation of the investments or assets of the plan is unlawful,
2 fraudulent, or unsafe, or that any trustee has abused his
3 trust, the Commissioner shall, if the situation so found by the
4 Commissioner shall not be corrected to his satisfaction within
5 60 days after the Commissioner has given notice to the board of
6 directors of the State bank or out-of-state bank of his
7 findings, report the facts to the Attorney General who shall
8 thereupon institute proceedings against the State bank or
9 out-of-state bank, the board of directors thereof, or the
10 trustees under such plan as the nature of the case may require.

11 (6) The Commissioner shall have the power:

12 (a) To promulgate reasonable rules for the purpose of
13 administering the provisions of this Act.

14 (a-5) To impose conditions on any approval issued by
15 the Commissioner if he determines that the conditions are
16 necessary or appropriate. These conditions shall be
17 imposed in writing and shall continue in effect for the
18 period prescribed by the Commissioner.

19 (b) To issue orders against any person, if the
20 Commissioner has reasonable cause to believe that an unsafe
21 or unsound banking practice has occurred, is occurring, or
22 is about to occur, if any person has violated, is
23 violating, or is about to violate any law, rule, or written
24 agreement with the Commissioner, or for the purpose of
25 administering the provisions of this Act and any rule
26 promulgated in accordance with this Act.

1 (b-1) To enter into agreements with a bank establishing
2 a program to correct the condition of the bank or its
3 practices.

4 (b-2) To issue orders against a bank prohibiting the
5 knowing acceptance or solicitation of deposits exceeding
6 deposit insurance limits if the Secretary finds that it is
7 in the best interest of and offers the greatest protection
8 to the depositors of the bank.

9 (c) To appoint hearing officers to execute any of the
10 powers granted to the Commissioner under this Section for
11 the purpose of administering this Act and any rule
12 promulgated in accordance with this Act and otherwise to
13 authorize, in writing, an officer or employee of the Office
14 of Banks and Real Estate to exercise his powers under this
15 Act.

16 (d) To subpoena witnesses, to compel their attendance,
17 to administer an oath, to examine any person under oath,
18 and to require the production of any relevant books,
19 papers, accounts, and documents in the course of and
20 pursuant to any investigation being conducted, or any
21 action being taken, by the Commissioner in respect of any
22 matter relating to the duties imposed upon, or the powers
23 vested in, the Commissioner under the provisions of this
24 Act or any rule promulgated in accordance with this Act.

25 (e) To conduct hearings.

26 (7) Whenever, in the opinion of the Commissioner, any

1 director, officer, employee, or agent of a State bank or any
2 subsidiary or bank holding company of the bank or, after May
3 31, 1997, of any branch of an out-of-state bank or any
4 subsidiary or bank holding company of the bank shall have
5 violated any law, rule, or order relating to that bank or any
6 subsidiary or bank holding company of the bank, shall have
7 obstructed or impeded any examination or investigation by the
8 Commissioner, shall have engaged in an unsafe or unsound
9 practice in conducting the business of that bank or any
10 subsidiary or bank holding company of the bank, or shall have
11 violated any law or engaged or participated in any unsafe or
12 unsound practice in connection with any financial institution
13 or other business entity such that the character and fitness of
14 the director, officer, employee, or agent does not assure
15 reasonable promise of safe and sound operation of the State
16 bank, the Commissioner may issue an order of removal. If, in
17 the opinion of the Commissioner, any former director, officer,
18 employee, or agent of a State bank or any subsidiary or bank
19 holding company of the bank, prior to the termination of his or
20 her service with that bank or any subsidiary or bank holding
21 company of the bank, violated any law, rule, or order relating
22 to that State bank or any subsidiary or bank holding company of
23 the bank, obstructed or impeded any examination or
24 investigation by the Commissioner, engaged in an unsafe or
25 unsound practice in conducting the business of that bank or any
26 subsidiary or bank holding company of the bank, or violated any

1 law or engaged or participated in any unsafe or unsound
2 practice in connection with any financial institution or other
3 business entity such that the character and fitness of the
4 director, officer, employee, or agent would not have assured
5 reasonable promise of safe and sound operation of the State
6 bank, the Commissioner may issue an order prohibiting that
7 person from further service with a bank or any subsidiary or
8 bank holding company of the bank as a director, officer,
9 employee, or agent. An order issued pursuant to this subsection
10 shall be served upon the director, officer, employee, or agent.
11 A copy of the order shall be sent to each director of the bank
12 affected by registered mail. The person affected by the action
13 may request a hearing before the State Banking Board within 10
14 days after receipt of the order. The hearing shall be held by
15 the Board within 30 days after the request has been received by
16 the Board. The Board shall make a determination approving,
17 modifying, or disapproving the order of the Commissioner as its
18 final administrative decision. If a hearing is held by the
19 Board, the Board shall make its determination within 60 days
20 from the conclusion of the hearing. Any person affected by a
21 decision of the Board under this subsection (7) of Section 48
22 of this Act may have the decision reviewed only under and in
23 accordance with the Administrative Review Law and the rules
24 adopted pursuant thereto. A copy of the order shall also be
25 served upon the bank of which he is a director, officer,
26 employee, or agent, whereupon he shall cease to be a director,

1 officer, employee, or agent of that bank. The Commissioner may
2 institute a civil action against the director, officer, or
3 agent of the State bank or, after May 31, 1997, of the branch
4 of the out-of-state bank against whom any order provided for by
5 this subsection (7) of this Section 48 has been issued, and
6 against the State bank or, after May 31, 1997, out-of-state
7 bank, to enforce compliance with or to enjoin any violation of
8 the terms of the order. Any person who has been the subject of
9 an order of removal or an order of prohibition issued by the
10 Commissioner under this subsection or Section 5-6 of the
11 Corporate Fiduciary Act may not thereafter serve as director,
12 officer, employee, or agent of any State bank or of any branch
13 of any out-of-state bank, or of any corporate fiduciary, as
14 defined in Section 1-5.05 of the Corporate Fiduciary Act, or of
15 any other entity that is subject to licensure or regulation by
16 the Commissioner or the Office of Banks and Real Estate unless
17 the Commissioner has granted prior approval in writing.

18 For purposes of this paragraph (7), "bank holding company"
19 has the meaning prescribed in Section 2 of the Illinois Bank
20 Holding Company Act of 1957.

21 (8) The Commissioner may impose civil penalties in an
22 amount not to exceed the amount a federal banking regulatory
23 agency is authorized to charge under federal law ~~of up to~~
24 ~~\$10,000~~ against any person for each violation of any provision
25 of this Act, any rule promulgated in accordance with this Act,
26 any formal or informal enforcement action ~~order~~ of the

1 Commissioner, or any other action which in the Commissioner's
2 discretion is an unsafe or unsound banking practice.

3 (9) The Commissioner may impose civil penalties of up to
4 \$100 against any person for the first failure to comply with
5 reporting requirements set forth in the report of examination
6 of the bank and up to \$200 for the second and subsequent
7 failures to comply with those reporting requirements.

8 (10) All final administrative decisions of the
9 Commissioner hereunder shall be subject to judicial review
10 pursuant to the provisions of the Administrative Review Law.
11 For matters involving administrative review, venue shall be in
12 either Sangamon County or Cook County.

13 (11) The endowment fund for the Illinois Bank Examiners'
14 Education Foundation shall be administered as follows:

15 (a) (Blank).

16 (b) The Foundation is empowered to receive voluntary
17 contributions, gifts, grants, bequests, and donations on
18 behalf of the Illinois Bank Examiners' Education
19 Foundation from national banks and other persons for the
20 purpose of funding the endowment of the Illinois Bank
21 Examiners' Education Foundation.

22 (c) The aggregate of all special educational fees
23 collected by the Commissioner and property received by the
24 Commissioner on behalf of the Illinois Bank Examiners'
25 Education Foundation under this subsection (11) on or after
26 June 30, 1986, shall be either (i) promptly paid after

1 receipt of the same, accompanied by a detailed statement
2 thereof, into the State Treasury and shall be set apart in
3 a special fund to be known as "The Illinois Bank Examiners'
4 Education Fund" to be invested by either the Treasurer of
5 the State of Illinois in the Public Treasurers' Investment
6 Pool or in any other investment he is authorized to make or
7 by the Illinois State Board of Investment as the board of
8 trustees of the Illinois Bank Examiners' Education
9 Foundation may direct or (ii) deposited into an account
10 maintained in a commercial bank or corporate fiduciary in
11 the name of the Illinois Bank Examiners' Education
12 Foundation pursuant to the order and direction of the Board
13 of Trustees of the Illinois Bank Examiners' Education
14 Foundation.

15 (12) (Blank).

16 (13) The Secretary may borrow funds from the General
17 Revenue Fund on behalf of the Bank and Trust Company Fund if
18 the Director of Banking certifies to the Governor that there is
19 an economic emergency affecting banking that requires a
20 borrowing to provide additional funds to the Bank and Trust
21 Company Fund.

22 (Source: P.A. 94-91, eff. 7-1-05; 95-1047, eff. 4-6-09.)

23 (205 ILCS 5/48.8 new)

24 Sec. 48.8. Audits.

25 (a) The board of directors of a bank shall at least once

1 each year have an audit of the books and affairs of the bank
2 made by an independent certified public accountant. The
3 Secretary shall establish by rule minimum standards for audits
4 required under this Section.

5 (b) A report of the audit made under subsection (a) of this
6 Section shall be signed by the accountant who conducts the
7 audit. A signed copy of the report shall be submitted to the
8 board who shall acknowledge receipt and review the report. The
9 bank shall submit the audit to the Secretary in accordance with
10 the Secretary's rule.

11 (205 ILCS 5/51) (from Ch. 17, par. 363)

12 Sec. 51. Capital impairment, etc.; correction.

13 (a) If the Commissioner with respect to a State bank shall
14 find:

15 (1) its capital is impaired or it is otherwise in an
16 unsound condition; or

17 (2) its business is being conducted in an unlawful,
18 including, without limitation, in violation of any
19 provisions of State or federal law ~~this Act~~, or in a
20 fraudulent or unsafe manner; or

21 (3) it is unable to continue operations; or

22 (4) its examination has been obstructed or impeded; or

23 (5) that losses have occurred or are likely to occur
24 that have or will deplete all or substantially all of the
25 State bank's capital;

1 the Commissioner may give notice to the board of directors or
2 his finding or findings. If the situation so found by the
3 Commissioner shall not be corrected to his satisfaction within
4 a period of at least sixty but no more than one hundred and
5 eighty days after receipt of such notice, which period shall be
6 determined by the Commissioner and set forth in the notice, the
7 Commissioner at the termination of said period may ~~shall~~ take
8 possession and control of the bank and its assets as in this
9 Act provided for the purpose of examination, reorganization or
10 liquidation through receivership.

11 (b) If the Commissioner has given notice to the board of
12 directors of his findings, as provided in subsection (a), and
13 the time period prescribed in that notice has expired, the
14 Commissioner may extend the time period prescribed in that
15 notice for such period as the Commissioner deems appropriate.

16 (Source: P.A. 92-483, eff. 8-23-01.)

17 (205 ILCS 5/52) (from Ch. 17, par. 364)

18 Sec. 52. Capital impairment, etc.; emergency. If, in
19 addition to a finding as provided in Section 51, the
20 Commissioner shall be of the opinion and shall find that an
21 emergency exists which may result in the inability of the bank
22 to continue in its operations, meet the demands of its
23 depositors, or pay its obligations in the normal course of
24 business ~~serious losses to the depositors~~, he may, in his
25 discretion, without having given the notice provided for in

1 Section 51, and whether or not proceedings under Section 51
2 have been instituted or are then pending, forthwith take
3 possession and control of the bank and its assets for the
4 purpose of examination, reorganization or liquidation through
5 receivership. For purposes of this Section, an emergency
6 includes, but is not limited to, when the bank is in an unsafe
7 or unsound condition that precludes continued operations or
8 when the interests of the bank's depositors are prejudiced.

9 (Source: Laws 1965, p. 2020.)

10 Section 20. The Illinois Bank Holding Company Act of 1957
11 is amended by changing Sections 2 and 3.074 as follows:

12 (205 ILCS 10/2) (from Ch. 17, par. 2502)

13 Sec. 2. Unless the context requires otherwise:

14 (a) "Bank" means any national banking association or any
15 bank, banking association or savings bank, whether organized
16 under the laws of Illinois, another state, the United States,
17 the District of Columbia, any territory of the United States,
18 Puerto Rico, Guam, American Samoa or the Virgin Islands, which
19 (1) accepts deposits that the depositor has a legal right to
20 withdraw on demand by check or other negotiable order and (2)
21 engages in the business of making commercial loans. "Bank" does
22 not include any organization operating under Sections 25 or 25
23 (a) of the Federal Reserve Act, or any organization which does
24 not do business within the United States except as an incident

1 to its activities outside the United States or any foreign
2 bank.

3 (b) "Bank holding company" means any company that controls
4 or has control over any bank or over any company that is or
5 becomes a bank holding company by virtue of this Act.

6 (c) "Banking office" means the principal office of a bank,
7 any branch of a bank, or any other office at which a bank
8 accepts deposits, provided, however, that "banking office"
9 shall not mean:

10 (1) unmanned automatic teller machines, point of sale
11 terminals or other similar unmanned electronic banking
12 facilities at which deposits may be accepted; or

13 (2) offices located outside the United States.

14 (d) "Cause to be chartered", with respect to a specified
15 bank, means the acquisition of control of such bank prior to
16 the time it commences to engage in the banking business.

17 (e) "Commissioner" means the Secretary of Financial and
18 Professional Regulation ~~Commissioner of Banks and Real Estate~~
19 or a person authorized by the Secretary ~~Commissioner~~, the
20 Division of Banking ~~Office of Banks and Real Estate~~ Act, or
21 this Act to act in the Secretary's ~~Commissioner's~~ stead.

22 (f) "Community" means the contiguous area served by the
23 banking offices of a bank, but need not be limited or expanded
24 to conform to the geographic boundaries of units of local
25 government.

26 (g) "Company" means any corporation, business trust,

1 voting trust, association, partnership, joint venture, similar
2 organization or any other trust unless by its terms it must
3 terminate within 25 years or not later than 21 years and 10
4 months after the death of individuals living on the effective
5 date of the trust, but shall not include (1) an individual or
6 (2) any corporation the majority of the shares of which are
7 owned by the United States or by any state or any corporation
8 or community chest fund, organized and operated exclusively for
9 religious, charitable, scientific, literary or educational
10 purposes, no part of the net earnings of which inure to the
11 benefit of any private shareholder or individual and no
12 substantial part of the activities of which is carrying on
13 propaganda or otherwise attempting to influence legislation.

14 (h) A company "controls or has control over" a bank or
15 company if (1) it directly or indirectly owns or controls or
16 has the power to vote, 25% or more of the voting shares of any
17 class of voting securities of such bank or company or (2) it
18 controls in any manner the election of a majority of the
19 directors or trustees of such bank or company or (3) a trustee
20 holds for the benefit of its shareholders, members or
21 employees, 25% or more of the voting shares of such bank or
22 company or (4) it directly or indirectly exercises a
23 controlling influence over the management or policies of such
24 bank or company that is a bank holding company and the Board of
25 Governors of the Federal Reserve System has so determined under
26 the federal Bank Holding Company Act. In determining whether

1 any company controls or has control over a bank or company: (i)
2 shares owned or controlled by any subsidiary of a company shall
3 be deemed to be indirectly owned or controlled by such company;
4 (ii) shares held or controlled, directly or indirectly, by a
5 trustee or trustees for the benefit of a company, the
6 shareholders or members of a company or the employees (whether
7 exclusively or not) of a company, shall be deemed to be
8 controlled by such company; and (iii) shares transferred,
9 directly or indirectly, by any bank holding company (or by any
10 company which, but for such transfer, would be a bank holding
11 company) to any transferee that is indebted to the transferor
12 or that has one or more officers, directors, trustees or
13 beneficiaries in common with or subject to control by the
14 transferor, shall be deemed to be indirectly owned or
15 controlled by the transferor unless the Board of Governors of
16 the Federal Reserve System has determined, under the federal
17 Bank Holding Company Act, that the transferor is not in fact
18 capable of controlling the transferee. Notwithstanding the
19 foregoing, no company shall be deemed to have control of or
20 over a bank or bank holding company (A) by virtue of its
21 ownership or control of shares in a fiduciary capacity arising
22 in the ordinary course of its business; (B) by virtue of its
23 ownership or control of shares acquired by it in connection
24 with its underwriting of securities which are held only for
25 such period of time as will permit the sale thereof upon a
26 reasonable basis; (C) by virtue of its holding any shares as

1 collateral taken in the ordinary course of securing a debt or
2 other obligation; (D) by virtue of its ownership or control of
3 shares acquired in the ordinary course of collecting a debt or
4 other obligation previously contracted in good faith, until 5
5 years after the date acquired; or (E) by virtue of its voting
6 rights with respect to shares of any bank or bank holding
7 company acquired in the course of a proxy solicitation in the
8 case of a company formed and operated for the sole purpose of
9 participating in a proxy solicitation.

10 (h-5) "Division" means the Division of Banking within the
11 Department of Financial and Professional Regulation

12 (i) "Federal Bank Holding Company Act" means the federal
13 Bank Holding Company Act of 1956, as now or hereafter amended.

14 (j) "Foreign bank" means any company organized under the
15 laws of a foreign country which engages in the business of
16 banking or any subsidiary or affiliate of any such company,
17 organized under such laws. "Foreign bank" includes, without
18 limitation, foreign merchant banks and other foreign
19 institutions that engage in banking activities usual in
20 connection with the business of banking in the countries where
21 such foreign institutions are organized or operating.

22 (k) "Home state" means the home state of a foreign bank as
23 determined pursuant to the federal International Banking Act of
24 1978.

25 (l) "Illinois bank" means a bank:

26 (1) that is organized under the laws of this State or

1 of the United States; and

2 (2) whose main banking premises is located in Illinois.

3 (m) "Illinois bank holding company" means a bank holding
4 company:

5 (1) whose principal place of business is Illinois; and

6 (2) that is not directly or indirectly controlled by
7 another bank holding company whose principal place of
8 business is a state other than Illinois or by a foreign
9 bank whose Home State is a state other than Illinois.

10 An out of state bank holding company that acquires control
11 of one or more Illinois banks or Illinois bank holding
12 companies pursuant to Sections 3.061 or 3.071 shall not be
13 deemed an Illinois bank holding company.

14 (n) "Main banking premises" means the location that is
15 designated in a bank's charter as its main office and that is
16 within the state in which the total deposits held by all of the
17 banking offices of such bank are the largest, as shown in the
18 most recent reports of condition or similar reports filed by
19 such bank with state or federal regulatory authorities.

20 (o) "Out of state bank" means a bank:

21 (1) that is not an Illinois bank; and

22 (2) whose main banking premises is located in a state
23 other than Illinois.

24 (p) "Out of state bank holding company" means a bank
25 holding company:

26 (1) that is not an Illinois bank holding company;

1 (2) whose principal place of business is a state other
2 than Illinois the laws of which expressly authorize the
3 acquisition by an Illinois bank holding company of a bank
4 or bank holding company in that state under qualifications
5 and conditions which are not unduly restrictive, as
6 determined by the Commissioner, when compared to those
7 imposed by the laws of Illinois.

8 (q) "Principal place of business" means, with respect to a
9 bank holding company, the state in which the total deposits
10 held by all of the banking offices of all of the bank
11 subsidiaries of such bank holding company are the largest, as
12 shown in the most recent reports of condition or similar
13 reports filed by the bank holding company's bank subsidiaries
14 with state or federal regulatory authorities.

15 (r) "State" or "states" when used in this Act means any
16 State of the United States, the District of Columbia, any
17 territory of the United States, Puerto Rico, Guam, American
18 Samoa or the Virgin Islands.

19 (s) "Subsidiary", with respect to a specified bank holding
20 company, means any bank or company controlled by such bank
21 holding company.

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

23 (205 ILCS 10/3.074) (from Ch. 17, par. 2510.04)
24 Sec. 3.074. Powers; administrative review.

25 (a) The Commissioner shall have the power and authority:

1 (1) to promulgate reasonable ~~procedural~~ rules for the
2 purposes of administering the provisions of this Act. The
3 Commissioner shall specify the form of any application,
4 report or document that is required to be filed with the
5 Commissioner pursuant to this Act;

6 (2) to issue orders for the purpose of administering
7 the provisions of this Act and any rule promulgated in
8 accordance with this Act;

9 (3) to appoint hearing officers to execute any of the
10 powers granted to the Commissioner under this Section for
11 the purpose of administering this Act or any rule
12 promulgated in accordance with this Act; ~~and~~

13 (4) to subpoena witnesses, to compel their attendance,
14 to administer an oath, to examine any person under oath and
15 to require the production of any relevant books, papers,
16 accounts and documents in the course of and pursuant to any
17 investigation or hearing being conducted or any action
18 being taken by the Commissioner in respect to any matter
19 relating to the duties imposed upon or the powers vested in
20 the Commissioner under the provisions of this Act or any
21 rule promulgated in accordance with this Act; and

22 (5) to do any other act authorized to the Commissioner
23 under the Division of Banking Act.

24 (b) Whenever, in the opinion of the Commissioner, any
25 director, officer, employee, or agent of any bank holding
26 company or subsidiary or affiliate of that company shall have

1 violated any law, rule, or order relating to that bank holding
2 company or subsidiary or affiliate of that company, shall have
3 obstructed or impeded any examination or investigation by the
4 Commissioner, shall have engaged in an unsafe or unsound
5 practice in conducting the business of that bank holding
6 company or subsidiary or affiliate of that company, or shall
7 have violated any law or engaged or participated in any unsafe
8 or unsound practice in connection with any financial
9 institution or other business entity such that the character
10 and fitness of the director, officer, employee, or agent does
11 not assure reasonable promise of safe and sound operation of
12 the bank holding company, the Commissioner may issue an order
13 of removal. If, in the opinion of the Commissioner, any former
14 director, officer, employee, or agent of a bank holding company
15 or subsidiary or affiliate of that company, prior to the
16 termination of his or her service with that holding company or
17 subsidiary or affiliate of that company, violated any law,
18 rule, or order relating to that bank holding company or
19 subsidiary or affiliate of that company, obstructed or impeded
20 any examination or investigation by the Commissioner, engaged
21 in an unsafe or unsound practice in conducting the business of
22 that bank holding company or subsidiary or affiliate of that
23 company, or violated any law or engaged or participated in any
24 unsafe or unsound practice in connection with any financial
25 institution or other business entity such that the character
26 and fitness of the director, officer, employee, or agent would

1 not have assured reasonable promise of safe and sound operation
2 of the bank holding company, the Commissioner may issue an
3 order prohibiting that person from further service with a bank
4 holding company or subsidiary or affiliate of that company as a
5 director, officer, employee, or agent.

6 An order issued pursuant to this subsection shall be served
7 upon the director, officer, employee, or agent. A copy of the
8 order shall be sent to each director of the bank holding
9 company affected by registered mail. The person affected by the
10 action may request a hearing before the State Banking Board
11 within 10 days after receipt of the order. The hearing shall be
12 held by the State Banking Board within 30 days after the
13 request has been received by the State Banking Board. The State
14 Banking Board shall make a determination approving, modifying,
15 or disapproving the order of the Commissioner as its final
16 administrative decision. If a hearing is held by the State
17 Banking Board, the State Banking Board shall make its
18 determination within 60 days from the conclusion of the
19 hearing. Any person affected by a decision of the State Banking
20 Board under this subsection may have the decision reviewed only
21 under and in accordance with the Administrative Review Law and
22 the rules adopted pursuant thereto. A copy of the order shall
23 also be served upon the bank holding company of which he is a
24 director, officer, employee, or agent, whereupon he shall cease
25 to be a director, officer, employee, or agent of that bank
26 holding company.

1 The Commissioner may institute a civil action against the
2 director, officer, employee, or agent of the bank holding
3 company, against whom any order provided for by this subsection
4 has been issued, to enforce compliance with or to enjoin any
5 violation of the terms of the order.

6 Any person who has been the subject of an order of removal
7 or an order of prohibition issued by the Commissioner under
8 this subsection, subdivision (7) of Section 48 of the Illinois
9 Banking Act, or Section 5-6 of the Corporate Fiduciary Act may
10 not thereafter serve as director, officer, employee, or agent
11 of any holding company, State bank, or branch of any
12 out-of-state bank, of any corporate fiduciary, as defined in
13 Section 1-5.05 of the Corporate Fiduciary Act, or of any other
14 entity that is subject to licensure or regulation by the
15 Commissioner or the Office of Banks and Real Estate unless the
16 Commissioner has granted prior approval in writing.

17 (c) All final administrative decisions of the Commissioner
18 under this Act shall be subject to judicial review pursuant to
19 provisions of the Administrative Review Law. For matters
20 involving administrative review, venue shall be in either
21 Sangamon County or Cook County.

22 (Source: P.A. 92-483, eff. 8-23-01.)

23 Section 25. The Illinois Savings and Loan Act of 1985 is
24 amended by changing Sections 1-10.04, 3-7, 7-1, 7-3, 7-4, 7-5,
25 7-20, and 7-22 and by adding Sections 1-10.065 and 10-10 as

1 follows:

2 (205 ILCS 105/1-10.04) (from Ch. 17, par. 3301-10.04)

3 Sec. 1-10.04. "Commissioner": the Secretary of Financial
4 and Professional Regulation ~~Commissioner of Banks and Real~~
5 ~~Estate~~ or some person authorized by the Secretary ~~Commissioner~~,
6 the Division of Banking ~~Office of Banks and Real Estate~~ Act, or
7 this Act to act in the Secretary's ~~Commissioner's~~ stead.

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

9 (205 ILCS 105/1-10.065 new)

10 Sec. 1-10.065. Division. "Division" means the Division of
11 Banking within the Department of Financial and Professional
12 Regulation

13 (205 ILCS 105/3-7) (from Ch. 17, par. 3303-7)

14 Sec. 3-7. Bonds of officers and employees.

15 (a) Every person appointed or elected to any position
16 requiring the receipt, payment, management or use of money
17 belonging to an association, or whose duties permit him to have
18 access to or custody of any of its money or securities or whose
19 duties permit him regularly to make entries in the books or
20 other records of the association, before assuming his duties
21 shall become bonded in some trust or company authorized to
22 issue bonds in this state, or in a fidelity insurance company
23 licensed to do business in this State. Each such bond shall be

1 on a form or forms as the Commissioner shall require and in
2 such amount as the board of directors shall fix and approve.
3 Each such bond, payable to the association, shall be an
4 indemnity for any loss the association may sustain in money or
5 other property through any dishonest or criminal act or
6 omission by any person required to be bonded, committed either
7 alone or in concert with others. Such bond shall be in the form
8 and amount prescribed by the Commissioner, who may at any time
9 require one or more additional bonds. ~~A true copy of every~~
10 ~~bond, including all riders and endorsements executed~~
11 ~~subsequent to the effective date of the bond, shall be filed at~~
12 ~~all times with the Commissioner.~~ Each bond shall provide that a
13 cancellation thereof either by the surety or by the insured
14 shall not become effective unless and until 30 days notice in
15 writing first shall have been given to the Commissioner, unless
16 he shall have approved such cancellation earlier.

17 (b) Nothing contained herein shall preclude the
18 Commissioner from proceeding against an association as
19 provided in this Act should he believe that it is being
20 conducted in an unsafe manner in that the form or amount of
21 bonds so fixed and approved by the board of directors is
22 inadequate to give reasonable protection to the association.

23 (Source: P.A. 85-1271.)

24 (205 ILCS 105/7-1) (from Ch. 17, par. 3307-1)

25 Sec. 7-1. Office of the Commissioner of Savings and

1 Residential Finance abolished. The Office of the Commissioner
2 of Savings and Residential Finance is abolished and its
3 functions are transferred to the Office of Banks and Real
4 Estate as provided in the Division of Banking ~~Office of Banks
5 and Real Estate~~ Act.

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

7 (205 ILCS 105/7-3) (from Ch. 17, par. 3307-3)

8 Sec. 7-3. Personnel, records, files, actions and duties,
9 etc.

10 (a) The Secretary shall appoint, subject to applicable
11 provisions of the Personnel Code, a supervisor, such examiners,
12 employees, experts and special assistants as may be necessary
13 to carry out effectively this Act. ~~The Secretary shall require
14 each supervisor, examiner, expert and special assistant
15 employed or appointed by him to give bond, with security to be
16 approved by the Secretary, not less in any case than \$15,000,
17 conditioned for the faithful discharge of his duties. The
18 premium on such bond shall be paid by the Secretary from funds
19 appropriated for that purpose. The bond, along with
20 verification of payment of the premium on such bond, shall be
21 filed in the office of the Secretary of State.~~

22 (b) The Secretary shall have the following duties and
23 powers:

24 (1) To exercise the rights, powers and duties set forth
25 in this Act or in any other related Act;

1 (2) To establish such regulations as may be reasonable
2 or necessary to accomplish the purposes of this Act;

3 (3) To direct and supervise all the administrative and
4 technical activities of this office and create an Advisory
5 Committee which upon request will make recommendations to
6 him;

7 (4) To make an annual report regarding the work of his
8 office as he may consider desirable to the Governor, or as
9 the Governor may request;

10 (5) To cause a suit to be filed in his name to enforce
11 any law of this State that applies to an association,
12 subsidiary of an association, or holding company operating
13 under this Act and shall include the enforcement of any
14 obligation of the officers, directors or employees of any
15 association;

16 (6) To prescribe a uniform manner in which the books
17 and records of every association are to be maintained; and

18 (7) To establish reasonable and rationally based fee
19 structures for each association and holding company
20 operating under this Act and for their service corporations
21 and subsidiaries, which fees shall include but not be
22 limited to annual fees, application fees, regular and
23 special examination fees, and such other fees as the
24 Secretary establishes and demonstrates to be directly
25 resultant from his responsibilities under this Act and as
26 are directly attributable to individual entities operating

1 under this Act. The Secretary may require payment of the
2 fees under this Act by an electronic transfer of funds or
3 an automatic debit of an account of each of the
4 associations.

5 (Source: P.A. 95-1047, eff. 4-6-09.)

6 (205 ILCS 105/7-4) (from Ch. 17, par. 3307-4)

7 Sec. 7-4. Prohibited activities. The Commissioner, deputy
8 commissioners, and employees of the Office of Banks and Real
9 Estate shall be subject to the restrictions provided in Section
10 2.5 of the Division of Banking ~~Office of Banks and Real Estate~~
11 Act including, without limitation, the restrictions on (i)
12 owning shares of stock or holding any other equity interest in
13 an entity regulated under this Act or in any corporation or
14 company that owns or controls an entity regulated under this
15 Act; (ii) being an officer, director, employee, or agent of an
16 entity regulated under this Act; and (iii) obtaining a loan or
17 accepting a gratuity from an entity regulated under this Act.

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

19 (205 ILCS 105/7-5) (from Ch. 17, par. 3307-5)

20 Sec. 7-5. Examination.

21 (a) The Commissioner, at least once every 18 months, but
22 more often if he deems it necessary or expedient, with or
23 without previous notice, shall cause an examination to be made
24 of the affairs of every association, including any holding

1 company and subsidiary thereof. If an association or holding
2 company has not been audited at least once in the preceding 12
3 months in accordance with this Act, the examination shall
4 include an audit by licensed public accountants employed or
5 appointed by the Commissioner. Such examination shall be made
6 by competent examiners appointed for that purpose who are not
7 officers or agents of, or in any manner interested in, any
8 association or holding company which they examine, except that
9 they may be holders of withdrawable capital. Notwithstanding
10 any other provision of this Act, every eligible association, as
11 defined by regulation, or, if not so defined, to an equivalent
12 extent as would be permitted in the case of a State bank under
13 Section 48 of the Illinois Banking Act, the Secretary, in lieu
14 of the examination, may accept on an alternating basis the
15 examination made by the appropriate federal banking regulator,
16 or its successor, pursuant to the federal Home Owners' Loan
17 Act, provided the appropriate federal banking regulator, or its
18 successor, has made an examination.

19 (b) The officers, agents or directors of any such
20 association or holding company shall cause the books of the
21 association or holding company to be opened for inspection by
22 the Commissioner or his examiners and otherwise assist in such
23 examination when requested; and for the purpose of examination,
24 the examiner in charge thereof shall have power to administer
25 oaths and to examine under oath any officers, employees, agents
26 or directors of such association or holding company and such

1 other witnesses as he deems necessary relative to the business
2 of the association or holding company.

3 (c) The Commissioner shall make a report of each
4 examination to the board of directors of the association or
5 holding company examined, which report shall be read by each
6 director, who will then execute a signed affidavit to be filed
7 and preserved by the association or holding company
8 acknowledging that he has read the Commissioner's report. If
9 the affairs of the association or holding company are not being
10 conducted in accordance with this Act, the Commissioner shall
11 require the directors, officers or employees to take any
12 necessary corrective action. If the necessary corrective
13 action is not made, the Commissioner may issue a formal order
14 to the directors of the association or holding company
15 delivered either personally or by registered or certified mail,
16 specifying a date which may be immediate or may be at a later
17 date for the performance by the association or holding company
18 of the corrective action. Such order or any part thereof shall
19 be subject to Sections 7-24 through 7-27 of this Act. If the
20 formal order of the Commissioner in whole or in part contains a
21 finding that the business of the association or holding company
22 is being conducted in a fraudulent, illegal or unsafe manner,
23 or that the violation thereof or the continuance by the
24 association or holding company of the practice to be corrected
25 could cause insolvency or substantial dissipation of assets or
26 earnings or the impairment of its capital, such order or part

1 thereof shall be complied with promptly on and after the
2 effective date thereof until modified or withdrawn by the
3 Commissioner, the Board, or modified or terminated by a circuit
4 court. The Commissioner may apply to the circuit court of the
5 county in which the association or holding company is located
6 for enforcement of any such order requiring prompt compliance.
7 If no hearing has been requested within the time specified by
8 this Act, the Commissioner may, at any time within 90 days
9 after the effective date of the order, institute suit in the
10 Circuit Court of Sangamon County or the circuit court of the
11 county in which the association or holding company is located
12 to compel the directors, officers or employees to make the
13 required corrective action. Such court shall, after due process
14 of law, adjudicate the question and enter the proper order or
15 orders and enforce them. In the interests of the members of the
16 association or holding company, the Commissioner may prepare a
17 statement of the condition of the association or holding
18 company and may mail the statement to the members or may
19 require a single publication thereof.

20 (Source: P.A. 85-335.)

21 (205 ILCS 105/7-20) (from Ch. 17, par. 3307-20)

22 Sec. 7-20. Board of Savings Institutions; appointment. The
23 Savings and Loan Board is hereby redesignated the Board of
24 Savings Institutions. The Board shall be composed of 7 persons
25 appointed by the Governor. Four persons shall represent the

1 public interest. Three persons shall have been engaged actively
2 in savings and loan or savings bank management in this State
3 for at least 5 years immediately prior to appointment. Each
4 member of the Board shall be reimbursed for ordinary and
5 necessary expenses incurred in attending the meetings of the
6 Board ~~receive compensation of \$50 per day for each day actually~~
7 ~~and necessarily consumed in the performance of the duties of~~
8 ~~office, plus necessary expenses incurred in the performance of~~
9 ~~those duties.~~ The members of the Board serving immediately
10 before the effective date of this amendatory Act of 1996 shall
11 continue to serve for the balance of their respective terms.
12 Members shall be appointed for 4-year terms to expire on the
13 third Monday in January. Except as otherwise provided in this
14 Section, members of the Board shall serve until their
15 respective successors are appointed and qualified. A member who
16 tenders a written resignation shall serve only until the
17 resignation is accepted by the Chairman. A member who fails to
18 attend 3 consecutive Board meetings without an excused absence
19 shall no longer serve as a member. The Governor shall fill any
20 vacancy by the appointment of a member for the unexpired term
21 in the same manner as in the making of original appointments.

22 (Source: P.A. 89-508, eff. 7-3-96; 89-603, eff. 8-2-96.)

23 (205 ILCS 105/7-22) (from Ch. 17, par. 3307-22)

24 Sec. 7-22. Board of Savings Institutions; powers. The
25 Board shall have the following powers:

1 (a) To advise the Governor and Secretary on all matters
2 relating to the regulation of savings and loan associations and
3 savings banks; consider, hold public or private hearings and
4 act upon appeals from any order, decision or action of the
5 Commissioner by any aggrieved person except as otherwise
6 specifically provided in this Act or the Savings Bank Act;

7 (b) (Blank) ~~To advise the Governor and the Commissioner~~
8 ~~upon appointments and employment of personnel in connection~~
9 ~~with the supervision of savings and loan associations and~~
10 ~~savings banks; and~~

11 (c) To advise the Governor on legislation proposed to amend
12 this Act, the Savings Bank Act, or any related Act.

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

14 (205 ILCS 105/10-10 new)

15 Sec. 10-10. Appointment of a receiver following taking of
16 custody. If, following the taking of custody of an association,
17 the Secretary determines that the appointment of a receiver is
18 appropriate, the Secretary shall follow the provisions
19 regarding receivership outlined in the Illinois Banking Act.

20 Section 30. The Savings Bank Act is amended by changing
21 Sections 1003, 1007.30, 4009, 9001, 9002, 9003, and 9004 and by
22 adding Sections 1007.57 and 10009 as follows:

23 (205 ILCS 205/1003) (from Ch. 17, par. 7301-3)

1 Sec. 1003. Administration. This Act shall be administered
2 by the Commissioner of Banks and Real Estate as provided in the
3 Division of Banking ~~Office of Banks and Real Estate Act~~.

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

5 (205 ILCS 205/1007.30) (from Ch. 17, par. 7301-7.30)

6 Sec. 1007.30. "Commissioner" means the Secretary of
7 Financial and Professional Regulation ~~Commissioner of Banks~~
8 ~~and Real Estate~~ or a person authorized by the Secretary
9 ~~Commissioner~~, the Division of Banking ~~Office of Banks and Real~~
10 ~~Estate Act~~, or this Act to act in the Secretary's
11 ~~Commissioner's~~ stead.

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

13 (205 ILCS 205/1007.57 new)

14 Sec. 1007.57. Division. "Division" means the Division of
15 Banking within the Department of Financial and Professional
16 Regulation

17 (205 ILCS 205/4009) (from Ch. 17, par. 7304-9)

18 Sec. 4009. Bonds of officers and directors.

19 (a) Every person appointed or elected to any position
20 requiring the receipt, payment, management, or use of money
21 belonging to a savings bank or whose duties permit or require
22 access to or custody of any of the savings bank's money or
23 securities or whose duties permit the regular making of entries

1 in the books or other records of the savings bank shall become
2 bonded in some trust or company authorized to issue bonds in
3 this State or in a fidelity insurance company licensed to do
4 business in this State before assuming any duties. Each bond
5 shall be on a form or forms as the Commissioner shall require
6 and in the amount as the board of directors shall fix and
7 approve. Each bond, payable to the savings bank, shall be an
8 indemnity for any loss the savings bank may sustain in money or
9 other property through any dishonest or criminal act or
10 omission by any person required to be bonded, committed either
11 alone or in concert with others. The bond shall be in the form
12 and amount prescribed by the Commissioner, who may at any time
13 require one or more additional bonds. ~~A true copy of every~~
14 ~~bond, including all riders and endorsements executed~~
15 ~~subsequent to the effective date of the bond, shall be filed at~~
16 ~~all times with the Commissioner.~~ Each bond shall provide that a
17 cancellation thereof either by the surety or by the insured
18 shall not become effective unless and until 30 days notice in
19 writing first shall have been given to the Commissioner, unless
20 he shall have approved the cancellation earlier.

21 (b) Nothing contained in this Section shall preclude the
22 Commissioner from proceeding against a savings bank as provided
23 in this Act should he believe that it is being conducted in an
24 unsafe manner in that the form or amount of bonds so fixed and
25 approved by the board of directors is inadequate to give
26 reasonable protection to the savings bank.

1 (Source: P.A. 86-1213.)

2 (205 ILCS 205/9001) (from Ch. 17, par. 7309-1)

3 Sec. 9001. Personnel, records, files, actions, and duties.

4 The Commissioner shall appoint, subject to applicable
5 provisions of the Personnel Code, a supervisor, examiners,
6 employees, experts, and special assistants as may be necessary
7 to effectively carry out this Act. ~~The Commissioner shall~~
8 ~~require each supervisor, examiner, expert, and special~~
9 ~~assistant employed or appointed by him to give bond, with~~
10 ~~security to be approved by the Commissioner, not in any case~~
11 ~~less than \$15,000, conditioned upon the faithful discharge of~~
12 ~~their duties. The premium on the bond shall be paid by the~~
13 ~~Commissioner from funds appropriated for that purpose. The~~
14 ~~bond, along with verification of payment of the premium on the~~
15 ~~bond, shall be filed in the office of the Secretary of State.~~

16 (Source: P.A. 86-1213.)

17 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

18 Sec. 9002. Powers of Secretary. The Secretary shall have
19 the following powers and duties:

20 (1) To exercise the rights, powers, and duties set forth in
21 this Act or in any related Act.

22 (2) To establish regulations as may be reasonable or
23 necessary to accomplish the purposes of this Act.

24 (3) To make an annual report regarding the work of his

1 office under this Act as he may consider desirable to the
2 Governor, or as the Governor may request.

3 (4) To cause a suit to be filed in his name to enforce any
4 law of this State that applies to savings banks, their service
5 corporations, subsidiaries, affiliates, or holding companies
6 operating under this Act, including the enforcement of any
7 obligation of the officers, directors, agents, or employees of
8 any savings bank.

9 (5) To prescribe a uniform manner in which the books and
10 records of every savings bank are to be maintained.

11 (6) To establish a reasonable fee structure for savings
12 banks and holding companies operating under this Act and for
13 their service corporations and subsidiaries. The fees shall
14 include, but not be limited to, annual fees, application fees,
15 regular and special examination fees, and other fees as the
16 Secretary establishes and demonstrates to be directly
17 resultant from the Secretary's responsibilities under this Act
18 and as are directly attributable to individual entities
19 operating under this Act. The aggregate of all fees collected
20 by the Secretary on and after the effective date of this Act
21 shall be paid promptly after receipt of the same, accompanied
22 by a detailed statement thereof, into the Savings and
23 Residential Finance Regulatory Fund subject to the provisions
24 of Section 7-19.1 of the Illinois Savings and Loan Act of 1985
25 including without limitation the provision for credits against
26 regulatory fees. The amounts deposited into the Fund shall be

1 used for the ordinary and contingent expenses of the Office of
2 Banks and Real Estate. Nothing in this Act shall prevent
3 continuing the practice of paying expenses involving salaries,
4 retirement, social security, and State-paid insurance of State
5 officers by appropriation from the General Revenue Fund. The
6 Secretary may require payment of the fees under this Act by an
7 electronic transfer of funds or an automatic debit of an
8 account of each of the savings banks.

9 (Source: P.A. 95-1047, eff. 4-6-09.)

10 (205 ILCS 205/9003) (from Ch. 17, par. 7309-3)

11 Sec. 9003. Prohibited activities. The Commissioner, deputy
12 commissioners, and employees of the Office of Banks and Real
13 Estate shall be subject to the restrictions provided in Section
14 2.5 of the Division of Banking ~~Office of Banks and Real Estate~~
15 Act including, without limitation, the restrictions on (i)
16 owning shares of stock or holding any other equity interest in
17 an entity regulated under this Act or in any corporation or
18 company that owns or controls an entity regulated under this
19 Act; (ii) being an officer, director, employee, or agent of an
20 entity regulated under this Act; and (iii) obtaining a loan or
21 accepting a gratuity from an entity regulated under this Act.

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

23 (205 ILCS 205/9004) (from Ch. 17, par. 7309-4)

24 Sec. 9004. Examination.

1 (a) At least once every 18 months or more often if it is
2 deemed necessary or expedient, the Commissioner shall examine
3 the books, records, operations, and affairs of each savings
4 bank operating under this Act. In the course of the
5 examination, the Commissioner shall also examine in the same
6 manner all entities, companies, and individuals which or whom
7 the Commissioner determines may have a relationship with the
8 savings bank or any subsidiary or entity affiliated with it, if
9 the relationship may adversely affect the affairs, activities,
10 and safety and soundness of the savings bank, including: (i)
11 companies controlled by the savings bank; (ii) entities,
12 including companies controlled by the company, individual, or
13 individuals that control the savings bank; and (iii) the
14 company or other entity which controls or owns the savings
15 bank. For purposes of this subsection, the Commissioner shall
16 deem it necessary or expedient to conduct an examination more
17 often than every 18 months if a required report from a savings
18 bank indicates a material change in financial condition or a
19 material violation of a law or regulation. In that event, the
20 Commissioner shall initiate an examination within 30 days of
21 receipt of that information. In the event that the condition is
22 grounds for taking custody of the savings bank under Section
23 10001 of this Act, the examination shall be initiated
24 immediately. Notwithstanding any other provision of this Act,
25 every savings bank, as defined by rule, or, if not defined, to
26 the same extent as would be permitted in the case of a State

1 bank under Section 48 of the Illinois Banking Act, the
2 Secretary, in lieu of the examination may accept on an
3 alternating basis the examination made by the eligible savings
4 bank's appropriate federal banking agency pursuant to Section
5 111 of the Federal Deposit Insurance Corporation Improvement
6 Act of 1991, provided the appropriate federal banking agency
7 has made that an examination.

8 (b) The Commissioner shall examine to determine:

9 (1) Quality of financial condition, including safety
10 and soundness and investment and loan quality.

11 (2) Compliance with this Act and other applicable
12 statutes and regulations.

13 (3) Quality of management policies.

14 (4) Overall safety and soundness of the savings bank,
15 its parent, subsidiaries, and affiliates.

16 (5) Remedial actions required to correct and to restore
17 compliance with applicable statutes, regulations, and
18 proper business policies.

19 (c) The Commissioner shall promulgate regulations to
20 implement and administer this Section.

21 (d) If a savings bank, its holding company, or any of its
22 corporate subsidiaries has not been audited at least once in
23 the 12 months prior to the Commissioner's examination, the
24 Commissioner shall cause an audit of the savings bank's books
25 and records to be made by an independent licensed public
26 accountant selected by the Commissioner from a list composed of

1 certified public accountants who have experience in savings
2 bank audits. The cost of the audit shall be paid for by the
3 entity being audited.

4 (e) The Commissioner or the Commissioner's examiners or
5 other formally designated agents are authorized to administer
6 oaths and to examine and to take and preserve testimony under
7 oath as to anything in the affairs or ownership of any savings
8 bank or institution or affiliate thereof.

9 (Source: P.A. 86-1213.)

10 (205 ILCS 205/10009 new)

11 Sec. 10009. Appointment of a receiver following taking of
12 custody. If, following the taking of custody of a savings bank,
13 the Secretary determines that the appointment of a receiver is
14 appropriate, then the Secretary shall follow the provisions
15 regarding receivership outlined in the Illinois Banking Act.

16 Section 35. The Pawnbroker Regulation Act is amended by
17 changing Sections 0.05 and 1 and by adding Section 5.5 as
18 follows:

19 (205 ILCS 510/0.05)

20 Sec. 0.05. Administration of Act.

21 (a) This Act shall be administered by the Commissioner of
22 Banks and Real Estate, except that beginning on the effective
23 date of this amendatory Act of the 96th General Assembly, all

1 references in this Act to the Commissioner of Banks and Real
2 Estate are deemed, in appropriate contexts, to be references to
3 the Secretary of Financial and Professional Regulation, who
4 shall have all of the following powers and duties in
5 administering this Act:

6 (1) To promulgate reasonable rules for the purpose of
7 administering the provisions of this Act.

8 (2) To issue orders for the purpose of administering
9 the provisions of this Act and any rule promulgated in
10 accordance with this Act.

11 (3) To appoint hearing officers and to hire employees
12 or to contract with appropriate persons to execute any of
13 the powers granted to the Commissioner under this Section
14 for the purpose of administering this Act and any rule
15 promulgated in accordance with this Act.

16 (4) To subpoena witnesses, to compel their attendance,
17 to administer an oath, to examine any person under oath,
18 and to require the production of any relevant books,
19 papers, accounts, and documents in the course of and
20 pursuant to any investigation being conducted, or any
21 action being taken, by the Commissioner in respect of any
22 matter relating to the duties imposed upon, or the powers
23 vested in, the Commissioner under the provisions of this
24 Act or any rule promulgated in accordance with this Act.

25 (5) To conduct hearings.

26 (6) To impose civil penalties graduated up to \$1,000

1 against any person for each violation of any provision of
2 this Act, any rule promulgated in accordance with this Act,
3 or any order of the Commissioner based upon the seriousness
4 of the violation.

5 (6.5) To initiate, through the Attorney General,
6 injunction proceedings whenever it appears to the
7 Commissioner that any person, whether licensed under this
8 Act or not, is engaged or about to engage in an act or
9 practice that constitutes or will constitute a violation of
10 this Act or any rule prescribed under the authority of this
11 Act. The Commissioner may, in his or her discretion,
12 through the Attorney General, apply for an injunction, and
13 upon a proper showing, any circuit court may enter a
14 permanent or preliminary injunction or a temporary
15 restraining order without bond to enforce this Act in
16 addition to the penalties and other remedies provided for
17 in this Act.

18 (7) To issue a cease and desist order and, for
19 violations of this Act, any order issued by the
20 Commissioner pursuant to this Act, any rule promulgated in
21 accordance with this Act, or any other applicable law in
22 connection with the operation of a pawnshop, to suspend a
23 license issued under this Act for up to 30 days.

24 (8) To determine compliance with applicable law and
25 rules related to the operation of pawnshops and to verify
26 the accuracy of reports filed with the Commissioner, the

1 Commissioner, not more than one time every 2 years, may,
2 but is not required to, conduct a routine examination of a
3 pawnshop, and in addition, the Commissioner may examine the
4 affairs of any pawnshop at any time if the Commissioner has
5 reasonable cause to believe that unlawful or fraudulent
6 activity is occurring, or has occurred, therein.

7 (9) In response to a complaint, to address any
8 inquiries to any pawnshop in relation to its affairs, and
9 it shall be the duty of the pawnshop to promptly reply in
10 writing to such inquiries. The Commissioner may also
11 require reports or information from any pawnshop at any
12 time the Commissioner may deem desirable.

13 (10) To revoke a license issued under this Act if the
14 Commissioner determines that (a) a licensee has been
15 convicted of a felony in connection with the operations of
16 a pawnshop; (b) a licensee knowingly, recklessly, or
17 continuously violated this Act or State or federal law or
18 regulation, a rule promulgated in accordance with this Act,
19 or any order of the Commissioner; (c) a fact or condition
20 exists that, if it had existed or had been known at the
21 time of the original application, would have justified
22 license refusal; ~~or~~ (d) the licensee knowingly submits
23 materially false or misleading documents with the intent to
24 deceive the Commissioner or any other party; or (e) the
25 licensee is unable or ceases to continue to operate the
26 pawnshop.

1 (10.2) To remove or prohibit the employment of any
2 officer, director, or employee who engages or who has
3 engaged in unsafe, unsound, or unlawful activities.

4 (10.7) To prohibit the hiring of employees who have
5 been convicted of a felony or of any criminal offense
6 relating to dishonesty or breach of trust.

7 (11) Following license revocation, to take possession
8 and control of a pawnshop for the purpose of examination,
9 reorganization, or liquidation through receivership and to
10 appoint a receiver, which may be the Commissioner, a
11 pawnshop, or another suitable person.

12 (b) After consultation with local law enforcement
13 officers, the Attorney General, and the industry, the
14 Commissioner may by rule require that pawnbrokers operate video
15 camera surveillance systems to record photographic
16 representations of customers and retain the tapes produced for
17 up to 30 days.

18 (c) Pursuant to rule, the Commissioner shall issue licenses
19 on an annual or multi-year basis for operating a pawnshop. Any
20 person currently operating or who has operated a pawnshop in
21 this State during the 2 years preceding the effective date of
22 this amendatory Act of 1997 shall be issued a license upon
23 payment of the fee required under this Act. New applicants
24 shall meet standards for a license as established by the
25 Commissioner. Except with the prior written consent of the
26 Commissioner, no individual, either a new applicant or a person

1 currently operating a pawnshop, may be issued a license to
2 operate a pawnshop if the individual has been convicted of a
3 felony or of any criminal offense relating to dishonesty or
4 breach of trust in connection with the operations of a
5 pawnshop. The Commissioner shall establish license fees. The
6 fees shall not exceed the amount reasonably required for
7 administration of this Act. It shall be unlawful to operate a
8 pawnshop without a license issued by the Commissioner.

9 (d) In addition to license fees, the Commissioner may, by
10 rule, establish fees in connection with a review, approval, or
11 provision of a service, and levy a reasonable charge to recover
12 the cost of the review, approval, or service (such as a change
13 in control, change in location, or renewal of a license). The
14 Commissioner may also levy a reasonable charge to recover the
15 cost of an examination if the Commissioner determines that
16 unlawful or fraudulent activity has occurred. The Commissioner
17 may require payment of the fees and charges provided in this
18 Act by certified check, money order, an electronic transfer of
19 funds, or an automatic debit of an account.

20 (e) The Pawnbroker Regulation Fund is established as a
21 special fund in the State treasury. Moneys collected under this
22 Act shall be deposited into the Fund and used for the
23 administration of this Act. In the event that General Revenue
24 Funds are appropriated to the Office of the Commissioner of
25 Banks and Real Estate for the initial implementation of this
26 Act, the Governor may direct the repayment from the Pawnbroker

1 Regulation Fund to the General Revenue Fund of such advance in
2 an amount not to exceed \$30,000. The Governor may direct this
3 interfund transfer at such time as he deems appropriate by
4 giving appropriate written notice. Moneys in the Pawnbroker
5 Regulation Fund may be transferred to the Professions Indirect
6 Cost Fund, as authorized under Section 2105-300 of the
7 Department of Professional Regulation Law of the Civil
8 Administrative Code of Illinois.

9 (f) The Commissioner may, by rule, require all pawnshops to
10 provide for the expenses that would arise from the
11 administration of the receivership of a pawnshop under this Act
12 through the assessment of fees, the requirement to pledge
13 surety bonds, or such other methods as determined by the
14 Commissioner.

15 (g) All final administrative decisions of the Commissioner
16 under this Act shall be subject to judicial review pursuant to
17 the provisions of the Administrative Review Law. For matters
18 involving administrative review, venue shall be in either
19 Sangamon County or Cook County.

20 (Source: P.A. 94-91, eff. 7-1-05.)

21 (205 ILCS 510/1) (from Ch. 17, par. 4651)

22 Sec. 1. (a) Every individual or business entity which lends
23 money on the deposit or pledge of physically delivered personal
24 property, other than property the ownership of which is subject
25 to a legal dispute, securities, printed evidence of

1 indebtedness or printed evidence of ownership of the personal
2 property, or who deals in the purchase of such property on the
3 condition of selling the property back again at a stipulated
4 price, shall be held and is hereby declared and defined to be a
5 pawnbroker. The business of a pawnbroker does not include the
6 lending of money on deposit or pledge of title to property.

7 (b) The Secretary may require employees of pawnshops to
8 obtain a license. The Secretary may establish which employees
9 may require a license and the requirements for such a license
10 by rule.

11 (Source: P.A. 90-602, eff. 7-1-98.)

12 (205 ILCS 510/5.5 new)

13 Sec. 5.5. Insurance requirements. At all times a pawnbroker
14 is engaged in the business thereof, insurance for the purpose
15 of safeguarding pledged collateral shall be carried. The
16 Secretary may prescribe the dollar amount of such coverage by
17 rule.

18 Section 40. The Banking Emergencies Act is amended by
19 changing Sections 1 and 2 as follows:

20 (205 ILCS 610/1) (from Ch. 17, par. 1001)

21 Sec. 1. Definitions. As used in this Act, unless the
22 context otherwise requires:

23 (1) "Commissioner" means the officer of this State

1 designated by law to exercise supervision over banks and trust
2 companies, and any other person lawfully exercising such
3 powers, except that beginning on the effective date of this
4 amendatory Act of the 96th General Assembly, all references in
5 this Act to the Commissioner of Banks and Real Estate are
6 deemed, in appropriate contexts, to be references to the
7 Secretary of Financial and Professional Regulation.

8 (2) "Bank" includes commercial banks, savings banks,
9 savings and loan associations, trust companies, and any branch
10 thereof lawfully carrying on the business of banking and, to
11 the extent that the provisions hereof are not inconsistent with
12 and do not infringe upon paramount Federal law, also includes
13 national banks and federal savings banks.

14 (3) "Officers" means the person or persons designated by
15 the board of directors, to act for the bank in carrying out the
16 provisions of this Act or, in the absence of any such
17 designation or of the officer or officers so designated, the
18 president or any other officer currently in charge of the bank
19 or of the office or offices in question.

20 (4) "Office" means any place at which a bank transacts its
21 business or conducts operations related to its business.

22 (5) "Emergency" means any condition or occurrence which may
23 interfere physically with the conduct of normal business
24 operations at one or more or all of the offices of a bank, or
25 which poses an imminent or existing threat to the safety or
26 security of persons or property, or both at one or more or all

1 of the offices of a bank. Without limiting the generality of
2 the foregoing, an emergency may arise as a result of any one or
3 more of the following: natural disasters; civil strife; power
4 failures; computer failures; interruption of communication
5 facilities; robbery or attempted robbery.

6 (6) "Division" means the Division of Banking within the
7 Department of Financial and Professional Regulation

8 (Source: P.A. 92-483, eff. 8-23-01; 92-651, eff. 7-11-02.)

9 (205 ILCS 610/2) (from Ch. 17, par. 1002)

10 Sec. 2. Power of Commissioner.

11 (a) Whenever the Commissioner is notified by any officer of
12 a bank or by any other means becomes aware that an emergency
13 exists, or is impending, he may, by proclamation, authorize all
14 banks in the State of Illinois to close or alter the hours at
15 any or all of their offices, or if only a bank or banks, or
16 offices thereof, in a particular area or areas of the State of
17 Illinois are affected by the emergency or impending emergency,
18 the Commissioner may authorize only the affected bank, banks,
19 or offices thereof, to close. The office or offices so closed
20 may remain closed until the Commissioner declares, by further
21 proclamation, that the emergency or impending emergency has
22 ended. The Commissioner during an emergency or while an
23 impending emergency exists, which affects, or may affect, a
24 particular bank or banks, or a particular office or offices
25 thereof, but not banks located in the area generally of the

1 said county or municipality, may authorize the particular bank
2 or banks, or office or offices so affected, to close. The
3 office or offices so closed shall remain closed until the
4 Commissioner is notified by a bank officer of the closed bank
5 that the emergency has ended. The Commissioner shall notify, at
6 such time, the officers of the bank that one or more offices,
7 heretofore closed because of the emergency, should reopen and,
8 in either event, for such further time thereafter as may
9 reasonably be required to reopen.

10 (b) Whenever the Secretary ~~Commissioner~~ becomes aware that
11 an emergency exists, or is impending, he or she may, by
12 proclamation, waive any requirements to the notices,
13 applications, or reports required to be filed and authorize any
14 bank organized under the laws of this State, of another state,
15 or of the United States, to open and operate offices in this
16 State, notwithstanding any other laws of this State to the
17 contrary. Any office or offices opened in accordance with this
18 subsection may remain open until the Commissioner declares, by
19 further proclamation, that the emergency or impending
20 emergency has ended. The Department of Financial and
21 Professional Regulation shall adopt rules to implement this
22 subsection (b).

23 (Source: P.A. 95-77, eff. 8-13-07.)

24 Section 45. The Electronic Fund Transfer Act is amended by
25 changing Section 10 as follows:

1 (205 ILCS 616/10)

2 Sec. 10. Definitions. For purposes of this Act, the words
3 and phrases defined in this Section shall have the meanings
4 ascribed to them unless the context requires otherwise.
5 Whenever the terms "network" and "switch" are used, they shall
6 be deemed interchangeable unless, from the context and facts,
7 the intention is plain to apply only to one type of entity.

8 "Access device" means a card, code, or other means of
9 access to an account, or any combination thereof, that may be
10 used by a customer to initiate an electronic fund transfer at a
11 terminal.

12 "Account" means a demand deposit, savings deposit, share,
13 member, or other customer asset account held by a financial
14 institution.

15 An "affiliate" of, or a person "affiliated" with, a
16 specified person, means a person that directly, or indirectly
17 through one or more intermediaries, controls, is controlled by,
18 or is under common control with, the person specified.

19 "Commissioner" means the Secretary of Financial and
20 Professional Regulation ~~Commissioner of Banks and Real Estate~~
21 or a person authorized by the Secretary ~~Commissioner~~, the
22 Division of Banking ~~Office of Banks and Real Estate~~ Act, or
23 this Act to act in the Secretary's ~~Commissioner's~~ stead.

24 "Division" means the Division of Banking within the
25 Department of Financial and Professional Regulation

1 "Electronic fund transfer" means a transfer of funds, other
2 than a transaction originated by check, draft, or similar paper
3 instrument, that is initiated through a terminal for the
4 purpose of ordering, instructing, or authorizing a financial
5 institution to debit or credit an account.

6 "Financial institution" means a bank established under the
7 laws of this or any other state or established under the laws
8 of the United States, a savings and loan association or savings
9 bank established under the laws of this or any other state or
10 established under the laws of the United States, a credit union
11 established under the laws of this or any other state or
12 established under the laws of the United States, or a licensee
13 under the Consumer Installment Loan Act or the Sales Finance
14 Agency Act.

15 "Interchange transaction" means an electronic fund
16 transfer that results in exchange of data and settlement of
17 funds between 2 or more unaffiliated financial institutions.

18 "Network" means an electronic information communication
19 and processing system that processes interchange transactions.

20 "Person" means a natural person, corporation, unit of
21 government or governmental subdivision or agency, trust,
22 estate, partnership, cooperative, or association.

23 "Seller of goods and services" means a business entity
24 other than a financial institution.

25 "Switch" means an electronic information and communication
26 processing facility that processes interchange transactions on

1 behalf of a network. This term does not include an electronic
2 information and communication processing company (1) that is
3 owned by a bank holding company or an affiliate of a bank
4 holding company and used solely for transmissions among
5 affiliates of the bank holding company or (2) to the extent
6 that the facility, by virtue of a contractual relationship, is
7 used solely for transmissions among affiliates of a bank
8 holding company, regardless of whether the facility is an
9 affiliate of the bank holding company or operates as a switch
10 with respect to one or more networks under an independent
11 contractual relationship.

12 "Terminal" means an electronic device through which a
13 consumer may initiate an interchange transaction. This term
14 does not include (1) a telephone, (2) an electronic device
15 located in a personal residence, (3) a personal computer or
16 other electronic device used primarily for personal, family, or
17 household purposes, (4) an electronic device owned or operated
18 by a seller of goods and services unless the device is
19 connected either directly or indirectly to a financial
20 institution and is operated in a manner that provides access to
21 an account by means of a personal and confidential code or
22 other security mechanism (other than signature), (5) an
23 electronic device that is not accessible to persons other than
24 employees of a financial institution or affiliate of a
25 financial institution, or (6) an electronic device that is
26 established by a financial institution on a proprietary basis

1 that is identified as such and that cannot be accessed by
2 customers of other financial institutions. The Commissioner
3 may issue a written rule that excludes additional electronic
4 devices from the definition of the term "terminal".

5 (Source: P.A. 89-310, eff. 1-1-96; 89-508, eff. 7-3-96.)

6 Section 50. The Corporate Fiduciary Act is amended by
7 changing Sections 1-5.03, 5-1, and 5-10 and by adding Section
8 1-5.075 as follows:

9 (205 ILCS 620/1-5.03) (from Ch. 17, par. 1551-5.03)

10 Sec. 1-5.03. "Commissioner" means the Secretary of
11 Financial and Professional Regulation ~~Commissioner of Banks~~
12 ~~and Real Estate~~ or a person authorized by the Secretary
13 ~~Commissioner~~, the Division of Banking ~~Office of Banks and Real~~
14 ~~Estate~~ Act, or this Act to act in the Secretary's
15 ~~Commissioner's~~ stead.

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

17 (205 ILCS 620/1-5.075 new)

18 Sec. 1-5.075. Division. "Division" means the Division of
19 Banking within the Department of Financial and Professional
20 Regulation

21 (205 ILCS 620/5-1) (from Ch. 17, par. 1555-1)

22 Sec. 5-1. Commissioner's powers. The Commissioner of Banks

1 and Real Estate shall have the following powers and authority
2 and is charged with the duties and responsibilities designated
3 in this Act:

4 (a) To promulgate, in accordance with the Illinois
5 Administrative Procedure Act, reasonable rules for the purpose
6 of administering the provisions of this Act and for the purpose
7 of incorporating by reference rules promulgated by the Federal
8 Deposit Insurance Corporation, the Board of Governors of the
9 Federal Reserve System, the Office of the Comptroller of the
10 Currency, the Office of Thrift Supervision, or their successors
11 that pertain to corporate fiduciaries, including, but not
12 limited to, standards for the operation and conduct of the
13 affairs of corporate fiduciaries;

14 (b) To issue orders for the purpose of administering the
15 provisions of this Act and any rule promulgated in accordance
16 with this Act;

17 (c) To appoint hearing officers to conduct hearings held
18 pursuant to any of the powers granted to the Commissioner under
19 this Section for the purpose of administering this Act and any
20 rule promulgated in accordance with this Act;

21 (d) To subpoena witnesses, to compel their attendance, to
22 administer an oath, to examine any person under oath and to
23 require the production of any relevant books, papers, accounts
24 and documents in the course of and pursuant to any
25 investigation being conducted, or any action being taken, by
26 the Commissioner in respect of any matter relating to the

1 duties imposed upon, or the powers vested in, the Commissioner
2 under the provisions of this Act, or any rule or regulation
3 promulgated in accordance with this Act;

4 (e) To conduct hearings;

5 (f) To promulgate the form and content of any applications
6 required under this Act;

7 (g) To impose civil penalties in an amount not to exceed
8 the amount a federal regulatory agency is authorized to charge
9 under federal law ~~of up to \$10,000~~ against any person or
10 corporate fiduciary for each violation of any provision of this
11 Act, any rule promulgated in accordance with this Act, any
12 order of the Commissioner or any other action which, in the
13 Commissioner's discretion, is a detriment or impediment to
14 accepting or executing trusts; and

15 (h) To address any inquiries to any corporate fiduciary, or
16 the officers thereof, in relation to its doings and conditions,
17 or any other matter connected with its affairs, and it shall be
18 the duty of any corporate fiduciary or person so addressed, to
19 promptly reply in writing to such inquiries. The Commissioner
20 may also require reports from any corporate fiduciary at any
21 time he may deem desirable.

22 (Source: P.A. 89-364, eff. 8-18-95; 89-508, eff. 7-3-96.)

23 (205 ILCS 620/5-10) (from Ch. 17, par. 1555-10)

24 Sec. 5-10. Fees; receivership account.

25 (a) There shall be paid to the Commissioner by every

1 corporate fiduciary including each trust company, bank,
2 savings and loan association, and savings bank to which this
3 Act shall apply, reasonable fees that the Commissioner shall
4 assess to recover the costs of administration, certification,
5 examination and supervision of trusts authorized under this
6 Act.

7 (b) In addition to the fees authorized in subsection (a) of
8 this Section the Commissioner shall assess reasonable
9 receivership fees and establish a Non-insured Institutions
10 Receivership ~~Corporate Fiduciary Receivership~~ account in the
11 Bank and Trust Company Fund to provide for the expenses that
12 arise from the administration of the receivership of a
13 corporate fiduciary under this Act. The aggregate of such
14 assessments shall be paid into the Non-insured Institutions
15 Receivership ~~Corporate Fiduciary Receivership~~ account in the
16 Bank and Trust Company Fund. The assessments for this account
17 shall be levied until the sum of \$4,000,000 has been deposited
18 into the account from assessments authorized herein, whereupon
19 the Non-insured Institutions Receivership ~~Corporate Fiduciary~~
20 ~~Receivership~~ account assessment shall be abated. If a
21 receivership of a corporate fiduciary under this Act requires
22 expenditures from this account, assessments may be
23 reinstated until the balance in the Non-insured Institutions
24 Receivership ~~Corporate Fiduciary Receivership~~ account arising
25 from assessments is restored to \$4,000,000.

26 (c) The Commissioner may, by rule, establish a reasonable

1 manner of assessing the receivership assessments under this
2 Section.

3 (Source: P.A. 92-485, eff. 8-23-01.)

4 Section 55. The Residential Mortgage License Act of 1987 is
5 amended by changing Section 4-2 as follows:

6 (205 ILCS 635/4-2) (from Ch. 17, par. 2324-2)

7 Sec. 4-2. Examination; prohibited activities.

8 (a) The business affairs of a licensee under this Act shall
9 be examined for compliance with this Act as often as the
10 Commissioner deems necessary and proper. The Commissioner
11 shall promulgate rules with respect to the frequency and manner
12 of examination. The Commissioner shall appoint a suitable
13 person to perform such examination. The Commissioner and his
14 appointees may examine the entire books, records, documents,
15 and operations of each licensee and its subsidiary, affiliate,
16 or agent, and may examine any of the licensee's or its
17 subsidiary's, affiliate's, or agent's officers, directors,
18 employees and agents under oath. For purposes of this Section,
19 "agent" includes service providers such as accountants,
20 closing services providers, providers of outsourced services
21 such as call centers, marketing consultants, and loan
22 processors, even if exempt from licensure under this Act. This
23 Section does not apply to an attorney's privileged work product
24 or communications.

1 (b) The Commissioner shall prepare a sufficiently detailed
2 report of each licensee's examination, shall issue a copy of
3 such report to each licensee's principals, officers, or
4 directors and shall take appropriate steps to ensure correction
5 of violations of this Act.

6 (c) Affiliates of a licensee shall be subject to
7 examination by the Commissioner on the same terms as the
8 licensee, but only when reports from, or examination of a
9 licensee provides for documented evidence of unlawful activity
10 between a licensee and affiliate benefiting, affecting or
11 deriving from the activities regulated by this Act.

12 (d) The expenses of any examination of the licensee and
13 affiliates shall be borne by the licensee and assessed by the
14 Commissioner as established by regulation.

15 (e) Upon completion of the examination, the Commissioner
16 shall issue a report to the licensee. All confidential
17 supervisory information, including the examination report and
18 the work papers of the report, shall belong to the
19 Commissioner's office and may not be disclosed to anyone other
20 than the licensee, law enforcement officials or other
21 regulatory agencies that have an appropriate regulatory
22 interest as determined by the Commissioner, or to a party
23 presenting a lawful subpoena to the Office of the Commissioner.
24 The Commissioner may immediately appeal to the court of
25 jurisdiction the disclosure of such confidential supervisory
26 information and seek a stay of the subpoena pending the outcome

1 of the appeal. Reports required of licensees by the
2 Commissioner under this Act and results of examinations
3 performed by the Commissioner under this Act shall be the
4 property of only the Commissioner, but may be shared with the
5 licensee. Access under this Act to the books and records of
6 each licensee shall be limited to the Commissioner and his
7 agents as provided in this Act and to the licensee and its
8 authorized agents and designees. No other person shall have
9 access to the books and records of a licensee under this Act.
10 Any person upon whom a demand for production of confidential
11 supervisory information is made, whether by subpoena, order, or
12 other judicial or administrative process, must withhold
13 production of the confidential supervisory information and
14 must notify the Commissioner of the demand, at which time the
15 Commissioner is authorized to intervene for the purpose of
16 enforcing the limitations of this Section or seeking the
17 withdrawal or termination of the attempt to compel production
18 of the confidential supervisory information. The Commissioner
19 may impose any conditions and limitations on the disclosure of
20 confidential supervisory information that are necessary to
21 protect the confidentiality of such information. Except as
22 authorized by the Commissioner, no person obtaining access to
23 confidential supervisory information may make a copy of the
24 confidential supervisory information. The Commissioner may
25 condition a decision to disclose confidential supervisory
26 information on entry of a protective order by the court or

1 administrative tribunal presiding in the particular case or on
2 a written agreement of confidentiality. In a case in which a
3 protective order or agreement has already been entered between
4 parties other than the Commissioner, the Commissioner may
5 nevertheless condition approval for release of confidential
6 supervisory information upon the inclusion of additional or
7 amended provisions in the protective order. The Commissioner
8 may authorize a party who obtained the records for use in one
9 case to provide them to another party in another case, subject
10 to any conditions that the Commissioner may impose on either or
11 both parties. The requestor shall promptly notify other parties
12 to a case of the release of confidential supervisory
13 information obtained and, upon entry of a protective order,
14 shall provide copies of confidential supervisory information
15 to the other parties.

16 (f) The Commissioner, deputy commissioners, and employees
17 of the Office of Banks and Real Estate shall be subject to the
18 restrictions provided in Section 2.5 of the Division of Banking
19 ~~Office of Banks and Real Estate~~ Act including, without
20 limitation, the restrictions on (i) owning shares of stock or
21 holding any other equity interest in an entity regulated under
22 this Act or in any corporation or company that owns or controls
23 an entity regulated under this Act; (ii) being an officer,
24 director, employee, or agent of an entity regulated under this
25 Act; and (iii) obtaining a loan or accepting a gratuity from an
26 entity regulated under this Act.

1 (g) After the initial examination for those licensees whose
2 only mortgage activity is servicing fewer than 1,000 Illinois
3 residential loans, the examination required in subsection (a)
4 may be waived upon submission of a letter from the licensee's
5 independent certified auditor that the licensee serviced fewer
6 than 1,000 Illinois residential loans during the year in which
7 the audit was performed.

8 (Source: P.A. 96-112, eff. 7-31-09.)

9 Section 60. The Foreign Banking Office Act is amended by
10 changing Sections 2.01 and 17 and by adding Section 2.08 as
11 follows:

12 (205 ILCS 645/2.01) (from Ch. 17, par. 2703)

13 Sec. 2.01. "Commissioner" means the Secretary of Financial
14 and Professional Regulation ~~Commissioner of Banks and Real~~
15 ~~Estate~~ or a person authorized by the Secretary ~~Commissioner~~,
16 the Division of Banking ~~Office of Banks and Real Estate~~ Act, or
17 this Act to act in the Secretary's ~~Commissioner's~~ stead.

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

19 (205 ILCS 645/2.08 new)

20 Sec. 2.08. Division. "Division" means the Division of
21 Banking within the Department of Financial and Professional
22 Regulation

1 (205 ILCS 645/17) (from Ch. 17, par. 2724)

2 Sec. 17. Fees; examination; receivership. Upon applying
3 for a certificate of authority to open and maintain a banking
4 office, a foreign banking corporation shall pay to the
5 Commissioner an application fee equivalent to the reasonable
6 expenses of examination for a charter payable by a State bank
7 under Section 13 of the Illinois Banking Act.

8 In addition, a foreign banking corporation holding a
9 certificate of authority and maintaining a banking office shall
10 be subject to examination and other fees (comparable to those
11 payable by a State bank) imposed by the Commissioner pursuant
12 to Section 48 of the Illinois Banking Act based on the assets
13 of such foreign banking corporation located in the State of
14 Illinois.

15 (b) In addition to the fees authorized in subsection (a) of
16 this Section the Secretary shall assess reasonable
17 receivership fees and establish a Non-insured Institutions
18 Receivership account in the Bank and Trust Company Fund to
19 provide for the expenses that arise from the administration of
20 the receivership of a foreign banking corporation under this
21 Act. The aggregate of such assessments shall be paid into the
22 Non-insured Institutions Receivership account in the Bank and
23 Trust Company Fund. The assessments for this account shall be
24 levied until the sum of \$4,000,000 has been deposited into the
25 account from assessments authorized herein, whereupon the
26 Non-insured Institutions Receivership account assessment shall

1 be abated. If a receivership of a non-insured institution under
2 this Act requires expenditures from this account, then
3 assessments may be reinstated until the balance in the
4 Non-insured Institutions Receivership account arising from
5 assessments is restored to \$4,000,000.

6 (c) The Secretary may by rule establish a reasonable manner
7 of assessing the receivership assessments under this Section.

8 (Source: P.A. 88-271; 89-208, eff. 6-1-97.)

9 Section 65. The Foreign Bank Representative Office Act is
10 amended by changing Section 2 as follows:

11 (205 ILCS 650/2) (from Ch. 17, par. 2852)

12 Sec. 2. Definitions. As used in this Act, unless the
13 context requires otherwise:

14 (a) "Commissioner" means the Secretary of Financial and
15 Professional Regulation ~~Commissioner of Banks and Real Estate~~
16 or a person authorized by the Secretary ~~Commissioner~~, the
17 Division of Banking ~~Office of Banks and Real Estate Act~~, or
18 this Act to act in the Secretary's ~~Commissioner's~~ stead.

19 (b) "Foreign bank" means (1) a bank or trust company which
20 is organized under the laws of any state or territory of the
21 United States, including the District of Columbia, other than
22 the State of Illinois; (2) a national bank having its principal
23 place of business in any state or territory of the United
24 States, including the District of Columbia, other than the

1 State of Illinois; or (3) a bank or trust company organized and
2 operating under the laws of a country other than the United
3 States of America.

4 (c) "Representative office" means an office in the State of
5 Illinois at which a foreign bank engages in representational
6 functions but does not conduct a commercial banking business.

7 (d) "Division" means the Division of Banking within the
8 Department of Financial and Professional Regulation

9 (Source: P.A. 89-364, eff. 8-18-95; 89-508, eff. 7-3-96.)

10 Section 70. The Financial Institution Activity Reporting
11 Act is amended by changing Section 10.25 and by adding Section
12 10.33 as follows:

13 (205 ILCS 680/10.25) (from Ch. 17, par. 7401-10.25)

14 Sec. 10.25. Commissioner. "Commissioner" means the
15 Secretary of Financial and Professional Regulation
16 ~~Commissioner of Banks and Real Estate~~ or a person authorized by
17 the Secretary ~~Commissioner~~, the Division of Banking ~~Office of~~
18 ~~Banks and Real Estate~~ Act, or this Act to act in the
19 Secretary's ~~Commissioner's~~ stead.

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

21 (205 ILCS 680/10.33 new)

22 Sec. 10.33. Division. "Division" means the Division of
23 Banking within the Department of Financial and Professional

1 Regulation

2 Section 75. The Real Estate Regulation Transfer Act is
3 amended by changing Sections 5, 10, and 15 as follows:

4 (225 ILCS 456/5)

5 Sec. 5. Transfer of powers.

6 (a) On July 1, 1995, All the rights, powers, and duties
7 vested by the Real Estate License Act of 1983, the Land Sales
8 Registration Act of 1989, and the Illinois Real Estate
9 Time-Share Act in the Department of Professional Regulation
10 shall be transferred to the Office of the Commissioner of
11 Savings and Residential Finance to be hereafter known as the
12 Office of the Commissioner of Savings, Real Estate Professions,
13 and Mortgage Finance. Wherever, in the Real Estate License Act
14 of 1983, the Land Sales Registration Act of 1989, or the
15 Illinois Real Estate Time-Share Act, there is a reference to
16 the Department of Professional Regulation or to an officer,
17 employee, or agent of the Illinois Department of Professional
18 Regulation, that reference, beginning July 1, 1995, means the
19 Office of the Commissioner of Savings, Real Estate Professions,
20 and Mortgage Finance or an officer, employee, or agent of the
21 Office of the Commissioner of Savings, Real Estate Professions,
22 and Mortgage Finance.

23 (b) All books, records, property (real and personal),
24 pending business, and funds pertaining to the rights, powers,

1 and duties transferred from the Department of Professional
2 Regulation under this Act and in the custody of the Department
3 of Professional Regulation on July 1, 1995 shall be delivered
4 and transferred to the Office of the Commissioner of Savings,
5 Real Estate Professions, and Mortgage Finance. All officers and
6 employees of the Department of Professional Regulation on July
7 1, 1995 who devoted substantially all of their time to tasks
8 performed in connection with the Real Estate License Act of
9 1983, the Land Sales Registration Act of 1989, or the Illinois
10 Real Estate Time-Share Act shall on that date become officers
11 and employees of the Office of the Commissioner of Savings,
12 Real Estate Professions, and Mortgage Finance. Notwithstanding
13 the preceding sentence, no rights of State employees under the
14 Personnel Code, the Illinois Pension Code or any pension,
15 retirement, or annuity plan, or any collective bargaining
16 agreement or other contract or agreement are affected by the
17 transfer of rights, powers, and duties under this Act.

18 (c) The provisions of subsections (a) and (b) of this
19 Section are superseded by the applicable transfer and savings
20 provisions of the Division of Banking ~~Office of Banks and Real~~
21 ~~Estate~~ Act.

22 (Source: P.A. 89-23, eff. 7-1-95; 89-508, eff. 7-3-96.)

23 (225 ILCS 456/10)

24 Sec. 10. Savings provisions.

25 (a) Beginning July 1, 1995, the rights, powers, and duties

1 transferred by this Act to the Office of the Commissioner of
2 Savings, Real Estate Professions, and Mortgage Finance shall be
3 vested in and shall be exercised by the Office of the
4 Commissioner of Savings, Real Estate Professions, and Mortgage
5 Finance subject to the provisions of this Act. Each act done in
6 exercise of those rights, powers, and the duties shall have the
7 same legal effect as if done by the Department of Professional
8 Regulation.

9 (b) Beginning July 1, 1995, every person, corporation, or
10 other entity shall be subject to the same obligations and
11 duties and any penalties, civil or criminal, arising from those
12 obligations and duties, and shall have the same rights arising
13 from the exercise of rights, powers, and duties by the Office
14 of the Commissioner of Savings, Real Estate Professions, and
15 Mortgage Finance as if those rights, powers, and duties have
16 been exercised by the Department of Professional Regulation or
17 an officer, employee, or agent of the Department of
18 Professional Regulation.

19 (c) Beginning July 1, 1995, every officer and employee of
20 the Office of the Commissioner of Savings, Real Estate
21 Professions, and Mortgage Finance shall, for any offense, be
22 subject to the same penalty or penalties, civil or criminal, as
23 are prescribed by existing law for the same offense by any
24 officer or employee of the Department of Professional
25 Regulation whose powers or duties were transferred under this
26 Act.

1 (d) Whenever reports or notices are now required to be made
2 or given or papers or documents furnished or served by any
3 person to or upon the Department of Professional Regulation in
4 relation to the powers or duties transferred by this Act, those
5 reports or notices shall, on and after July 1, 1995, be made,
6 given, furnished, or served in the same manner to or upon the
7 Office of the Commissioner of Savings, Real Estate Professions,
8 and Mortgage Finance.

9 (e) This Act does not affect any act done, ratified, or
10 cancelled, or any right occurring or established, or any action
11 or proceeding had or commenced in an administrative, civil, or
12 criminal cause before July 1, 1995, by the Department of
13 Professional Regulation under the Real Estate License Act of
14 1983, the Land Sales Registration Act of 1989, or the Illinois
15 Real Estate Time-Share Act, and those actions or proceedings
16 may be prosecuted and continued by the Office of the
17 Commissioner of Savings, Real Estate Professions, and Mortgage
18 Finance.

19 (f) This Act does affect any license, certificate, permit,
20 or other form of licensure or authorization issued by the
21 Department of Professional Regulation in the exercise of a
22 right, power, or duty that has been transferred to the Office
23 of the Commissioner of Savings, Real Estate Professions, and
24 Mortgage Finance under this Act and all such licenses,
25 certificates, permits, or other form of licensure or
26 authorization shall continue to be valid under the terms and

1 conditions of the Acts under which they were issued or granted
2 and shall become those of the Office of the Commissioner of
3 Savings, Real Estate Professions, and Mortgage Finance.

4 (g) The rules adopted by the Department of Professional
5 Regulation relating to the powers and or duties transferred to
6 the Office of the Commissioner of Savings, Real Estate
7 Professions, and Mortgage Finance under this Act are not
8 affected by this Act, except that on July 1, 1995, those rules
9 become the rules of the Office of the Commissioner of Savings,
10 Real Estate Professions, and Mortgage Finance.

11 (h) The provisions of subsections (a) through (g) of this
12 Section are superseded by the applicable transfer and savings
13 provisions of the Division of Banking ~~Office of Banks and Real~~
14 ~~Estate~~ Act.

15 (Source: P.A. 89-23, eff. 7-1-95; 89-508, eff. 7-3-96.)

16 (225 ILCS 456/15)

17 Sec. 15. Transfer of appropriations. Appropriations to the
18 Department of Professional Regulation from the Real Estate
19 License Administration Fund and the Real Estate Appraisal
20 Administration Fund for State fiscal year 1996 for the purpose
21 of administering and enforcing the Real Estate License Act of
22 1983, the Land Sales Registration Act of 1989, and the Illinois
23 Real Estate Time-Share Act shall be transferred to the Office
24 of the Commissioner of Savings, Real Estate Professions, and
25 Mortgage Finance to be used to conduct those same activities

1 for that fiscal year.

2 The other provisions of this Section are superseded by the
3 applicable transfer provisions of the Division of Banking
4 ~~Office of Banks and Real Estate Act.~~

5 (Source: P.A. 89-23, eff. 7-1-95; 89-508, eff. 7-3-96.)

6 (205 ILCS 105/10-1 rep.)

7 (205 ILCS 105/10-2 rep.)

8 (205 ILCS 105/10-3 rep.)

9 (205 ILCS 105/10-4 rep.)

10 (205 ILCS 105/10-5 rep.)

11 (205 ILCS 105/10-6 rep.)

12 (205 ILCS 105/10-7 rep.)

13 Section 90. The Illinois Savings and Loan Act of 1985 is
14 amended by repealing Sections 10-1, 10-2, 10-3, 10-4, 10-5,
15 10-6, and 10-7.

16 (205 ILCS 205/9005 rep.)

17 (205 ILCS 205/9007 rep.)

18 Section 95. The Savings Bank Act is amended by repealing
19 Sections 9005 and 9007.

20 (205 ILCS 680/Act rep.)

21 Section 100. The Financial Institution Activity Reporting
22 Act is repealed.

23 Section 999. Effective date. This Act takes effect upon

1 becoming law.

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