

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2011 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change
9 in the law. It reconciles conflicts that have arisen from
10 multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain
13 Sections that have been added or amended by more than one
14 Public Act. In certain cases in which a repealed Act or Section
15 has been replaced with a successor law, this Act may
16 incorporate amendments to the repealed Act or Section into the
17 successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended
20 Section indicates the sources in the Session Laws of Illinois
21 that were used in the preparation of the text of that Section.
22 The text of the Section included in this Act is intended to
23 include the different versions of the Section found in the
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 96-857 through 96-1479 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing
10 Section 4.31 as follows:

11 (5 ILCS 80/4.31)

12 Sec. 4.31. Acts ~~Act~~ repealed on January 1, 2021. The
13 following Acts are ~~Act is~~ repealed on January 1, 2021:

14 The Crematory Regulation Act.

15 The Cemetery Oversight Act.

16 The Illinois Health Information Exchange and Technology
17 Act.

18 The Radiation Protection Act of 1990.

19 (Source: P.A. 96-1041, eff. 7-14-10; 96-1331, eff. 7-27-10;
20 incorporates P.A. 96-863, eff. 3-1-10; revised 9-9-10.)

21 (5 ILCS 80/8.31 rep.)

22 Section 10. The Regulatory Sunset Act is amended by
23 repealing Section 8.31.

1 Section 15. The Open Meetings Act is amended by changing
2 Section 2 as follows:

3 (5 ILCS 120/2) (from Ch. 102, par. 42)

4 Sec. 2. Open meetings.

5 (a) Openness required. All meetings of public bodies shall
6 be open to the public unless excepted in subsection (c) and
7 closed in accordance with Section 2a.

8 (b) Construction of exceptions. The exceptions contained
9 in subsection (c) are in derogation of the requirement that
10 public bodies meet in the open, and therefore, the exceptions
11 are to be strictly construed, extending only to subjects
12 clearly within their scope. The exceptions authorize but do not
13 require the holding of a closed meeting to discuss a subject
14 included within an enumerated exception.

15 (c) Exceptions. A public body may hold closed meetings to
16 consider the following subjects:

17 (1) The appointment, employment, compensation,
18 discipline, performance, or dismissal of specific
19 employees of the public body or legal counsel for the
20 public body, including hearing testimony on a complaint
21 lodged against an employee of the public body or against
22 legal counsel for the public body to determine its
23 validity.

24 (2) Collective negotiating matters between the public

1 body and its employees or their representatives, or
2 deliberations concerning salary schedules for one or more
3 classes of employees.

4 (3) The selection of a person to fill a public office,
5 as defined in this Act, including a vacancy in a public
6 office, when the public body is given power to appoint
7 under law or ordinance, or the discipline, performance or
8 removal of the occupant of a public office, when the public
9 body is given power to remove the occupant under law or
10 ordinance.

11 (4) Evidence or testimony presented in open hearing, or
12 in closed hearing where specifically authorized by law, to
13 a quasi-adjudicative body, as defined in this Act, provided
14 that the body prepares and makes available for public
15 inspection a written decision setting forth its
16 determinative reasoning.

17 (5) The purchase or lease of real property for the use
18 of the public body, including meetings held for the purpose
19 of discussing whether a particular parcel should be
20 acquired.

21 (6) The setting of a price for sale or lease of
22 property owned by the public body.

23 (7) The sale or purchase of securities, investments, or
24 investment contracts.

25 (8) Security procedures and the use of personnel and
26 equipment to respond to an actual, a threatened, or a

1 reasonably potential danger to the safety of employees,
2 students, staff, the public, or public property.

3 (9) Student disciplinary cases.

4 (10) The placement of individual students in special
5 education programs and other matters relating to
6 individual students.

7 (11) Litigation, when an action against, affecting or
8 on behalf of the particular public body has been filed and
9 is pending before a court or administrative tribunal, or
10 when the public body finds that an action is probable or
11 imminent, in which case the basis for the finding shall be
12 recorded and entered into the minutes of the closed
13 meeting.

14 (12) The establishment of reserves or settlement of
15 claims as provided in the Local Governmental and
16 Governmental Employees Tort Immunity Act, if otherwise the
17 disposition of a claim or potential claim might be
18 prejudiced, or the review or discussion of claims, loss or
19 risk management information, records, data, advice or
20 communications from or with respect to any insurer of the
21 public body or any intergovernmental risk management
22 association or self insurance pool of which the public body
23 is a member.

24 (13) Conciliation of complaints of discrimination in
25 the sale or rental of housing, when closed meetings are
26 authorized by the law or ordinance prescribing fair housing

1 practices and creating a commission or administrative
2 agency for their enforcement.

3 (14) Informant sources, the hiring or assignment of
4 undercover personnel or equipment, or ongoing, prior or
5 future criminal investigations, when discussed by a public
6 body with criminal investigatory responsibilities.

7 (15) Professional ethics or performance when
8 considered by an advisory body appointed to advise a
9 licensing or regulatory agency on matters germane to the
10 advisory body's field of competence.

11 (16) Self evaluation, practices and procedures or
12 professional ethics, when meeting with a representative of
13 a statewide association of which the public body is a
14 member.

15 (17) The recruitment, credentialing, discipline or
16 formal peer review of physicians or other health care
17 professionals for a hospital, or other institution
18 providing medical care, that is operated by the public
19 body.

20 (18) Deliberations for decisions of the Prisoner
21 Review Board.

22 (19) Review or discussion of applications received
23 under the Experimental Organ Transplantation Procedures
24 Act.

25 (20) The classification and discussion of matters
26 classified as confidential or continued confidential by

1 the State Government Suggestion Award Board.

2 (21) Discussion of minutes of meetings lawfully closed
3 under this Act, whether for purposes of approval by the
4 body of the minutes or semi-annual review of the minutes as
5 mandated by Section 2.06.

6 (22) Deliberations for decisions of the State
7 Emergency Medical Services Disciplinary Review Board.

8 (23) The operation by a municipality of a municipal
9 utility or the operation of a municipal power agency or
10 municipal natural gas agency when the discussion involves
11 (i) contracts relating to the purchase, sale, or delivery
12 of electricity or natural gas or (ii) the results or
13 conclusions of load forecast studies.

14 (24) Meetings of a residential health care facility
15 resident sexual assault and death review team or the
16 Executive Council under the Abuse Prevention Review Team
17 Act.

18 (25) Meetings of an independent team of experts under
19 Brian's Law.

20 (26) ~~(25)~~ Meetings of a mortality review team appointed
21 under the Department of Juvenile Justice Mortality Review
22 Team Act.

23 (27) ~~(25)~~ Confidential information, when discussed by
24 one or more members of an elder abuse fatality review team,
25 designated under Section 15 of the Elder Abuse and Neglect
26 Act, while participating in a review conducted by that team

1 of the death of an elderly person in which abuse or neglect
2 is suspected, alleged, or substantiated; provided that
3 before the review team holds a closed meeting, or closes an
4 open meeting, to discuss the confidential information,
5 each participating review team member seeking to disclose
6 the confidential information in the closed meeting or
7 closed portion of the meeting must state on the record
8 during an open meeting or the open portion of a meeting the
9 nature of the information to be disclosed and the legal
10 basis for otherwise holding that information confidential.

11 (d) Definitions. For purposes of this Section:

12 "Employee" means a person employed by a public body whose
13 relationship with the public body constitutes an
14 employer-employee relationship under the usual common law
15 rules, and who is not an independent contractor.

16 "Public office" means a position created by or under the
17 Constitution or laws of this State, the occupant of which is
18 charged with the exercise of some portion of the sovereign
19 power of this State. The term "public office" shall include
20 members of the public body, but it shall not include
21 organizational positions filled by members thereof, whether
22 established by law or by a public body itself, that exist to
23 assist the body in the conduct of its business.

24 "Quasi-adjudicative body" means an administrative body
25 charged by law or ordinance with the responsibility to conduct
26 hearings, receive evidence or testimony and make

1 determinations based thereon, but does not include local
2 electoral boards when such bodies are considering petition
3 challenges.

4 (e) Final action. No final action may be taken at a closed
5 meeting. Final action shall be preceded by a public recital of
6 the nature of the matter being considered and other information
7 that will inform the public of the business being conducted.

8 (Source: P.A. 95-185, eff. 1-1-08; 96-1235, eff. 1-1-11;
9 96-1378, eff. 7-29-10; 96-1428, eff. 8-11-10; revised 9-2-10.)

10 Section 20. The Freedom of Information Act is amended by
11 changing Sections 7 and 7.5 as follows:

12 (5 ILCS 140/7) (from Ch. 116, par. 207)

13 Sec. 7. Exemptions.

14 (1) When a request is made to inspect or copy a public
15 record that contains information that is exempt from disclosure
16 under this Section, but also contains information that is not
17 exempt from disclosure, the public body may elect to redact the
18 information that is exempt. The public body shall make the
19 remaining information available for inspection and copying.
20 Subject to this requirement, the following shall be exempt from
21 inspection and copying:

22 (a) Information specifically prohibited from
23 disclosure by federal or State law or rules and regulations
24 implementing federal or State law.

1 (b) Private information, unless disclosure is required
2 by another provision of this Act, a State or federal law or
3 a court order.

4 (b-5) Files, documents, and other data or databases
5 maintained by one or more law enforcement agencies and
6 specifically designed to provide information to one or more
7 law enforcement agencies regarding the physical or mental
8 status of one or more individual subjects.

9 (c) Personal information contained within public
10 records, the disclosure of which would constitute a clearly
11 unwarranted invasion of personal privacy, unless the
12 disclosure is consented to in writing by the individual
13 subjects of the information. "Unwarranted invasion of
14 personal privacy" means the disclosure of information that
15 is highly personal or objectionable to a reasonable person
16 and in which the subject's right to privacy outweighs any
17 legitimate public interest in obtaining the information.
18 The disclosure of information that bears on the public
19 duties of public employees and officials shall not be
20 considered an invasion of personal privacy.

21 (d) Records in the possession of any public body
22 created in the course of administrative enforcement
23 proceedings, and any law enforcement or correctional
24 agency for law enforcement purposes, but only to the extent
25 that disclosure would:

26 (i) interfere with pending or actually and

1 reasonably contemplated law enforcement proceedings
2 conducted by any law enforcement or correctional
3 agency that is the recipient of the request;

4 (ii) interfere with active administrative
5 enforcement proceedings conducted by the public body
6 that is the recipient of the request;

7 (iii) create a substantial likelihood that a
8 person will be deprived of a fair trial or an impartial
9 hearing;

10 (iv) unavoidably disclose the identity of a
11 confidential source, confidential information
12 furnished only by the confidential source, or persons
13 who file complaints with or provide information to
14 administrative, investigative, law enforcement, or
15 penal agencies; except that the identities of
16 witnesses to traffic accidents, traffic accident
17 reports, and rescue reports shall be provided by
18 agencies of local government, except when disclosure
19 would interfere with an active criminal investigation
20 conducted by the agency that is the recipient of the
21 request;

22 (v) disclose unique or specialized investigative
23 techniques other than those generally used and known or
24 disclose internal documents of correctional agencies
25 related to detection, observation or investigation of
26 incidents of crime or misconduct, and disclosure would

1 result in demonstrable harm to the agency or public
2 body that is the recipient of the request;

3 (vi) endanger the life or physical safety of law
4 enforcement personnel or any other person; or

5 (vii) obstruct an ongoing criminal investigation
6 by the agency that is the recipient of the request.

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

9 (f) Preliminary drafts, notes, recommendations,
10 memoranda and other records in which opinions are
11 expressed, or policies or actions are formulated, except
12 that a specific record or relevant portion of a record
13 shall not be exempt when the record is publicly cited and
14 identified by the head of the public body. The exemption
15 provided in this paragraph (f) extends to all those records
16 of officers and agencies of the General Assembly that
17 pertain to the preparation of legislative documents.

18 (g) Trade secrets and commercial or financial
19 information obtained from a person or business where the
20 trade secrets or commercial or financial information are
21 furnished under a claim that they are proprietary,
22 privileged or confidential, and that disclosure of the
23 trade secrets or commercial or financial information would
24 cause competitive harm to the person or business, and only
25 insofar as the claim directly applies to the records
26 requested.

1 The information included under this exemption includes
2 all trade secrets and commercial or financial information
3 obtained by a public body, including a public pension fund,
4 from a private equity fund or a privately held company
5 within the investment portfolio of a private equity fund as
6 a result of either investing or evaluating a potential
7 investment of public funds in a private equity fund. The
8 exemption contained in this item does not apply to the
9 aggregate financial performance information of a private
10 equity fund, nor to the identity of the fund's managers or
11 general partners. The exemption contained in this item does
12 not apply to the identity of a privately held company
13 within the investment portfolio of a private equity fund,
14 unless the disclosure of the identity of a privately held
15 company may cause competitive harm.

16 Nothing contained in this paragraph (g) shall be
17 construed to prevent a person or business from consenting
18 to disclosure.

19 (h) Proposals and bids for any contract, grant, or
20 agreement, including information which if it were
21 disclosed would frustrate procurement or give an advantage
22 to any person proposing to enter into a contractor
23 agreement with the body, until an award or final selection
24 is made. Information prepared by or for the body in
25 preparation of a bid solicitation shall be exempt until an
26 award or final selection is made.

1 (i) Valuable formulae, computer geographic systems,
2 designs, drawings and research data obtained or produced by
3 any public body when disclosure could reasonably be
4 expected to produce private gain or public loss. The
5 exemption for "computer geographic systems" provided in
6 this paragraph (i) does not extend to requests made by news
7 media as defined in Section 2 of this Act when the
8 requested information is not otherwise exempt and the only
9 purpose of the request is to access and disseminate
10 information regarding the health, safety, welfare, or
11 legal rights of the general public.

12 (j) The following information pertaining to
13 educational matters:

14 (i) test questions, scoring keys and other
15 examination data used to administer an academic
16 examination;

17 (ii) information received by a primary or
18 secondary school, college, or university under its
19 procedures for the evaluation of faculty members by
20 their academic peers;

21 (iii) information concerning a school or
22 university's adjudication of student disciplinary
23 cases, but only to the extent that disclosure would
24 unavoidably reveal the identity of the student; and

25 (iv) course materials or research materials used
26 by faculty members.

1 (k) Architects' plans, engineers' technical
2 submissions, and other construction related technical
3 documents for projects not constructed or developed in
4 whole or in part with public funds and the same for
5 projects constructed or developed with public funds,
6 including but not limited to power generating and
7 distribution stations and other transmission and
8 distribution facilities, water treatment facilities,
9 airport facilities, sport stadiums, convention centers,
10 and all government owned, operated, or occupied buildings,
11 but only to the extent that disclosure would compromise
12 security.

13 (1) Minutes of meetings of public bodies closed to the
14 public as provided in the Open Meetings Act until the
15 public body makes the minutes available to the public under
16 Section 2.06 of the Open Meetings Act.

17 (m) Communications between a public body and an
18 attorney or auditor representing the public body that would
19 not be subject to discovery in litigation, and materials
20 prepared or compiled by or for a public body in
21 anticipation of a criminal, civil or administrative
22 proceeding upon the request of an attorney advising the
23 public body, and materials prepared or compiled with
24 respect to internal audits of public bodies.

25 (n) Records relating to a public body's adjudication of
26 employee grievances or disciplinary cases; however, this

1 exemption shall not extend to the final outcome of cases in
2 which discipline is imposed.

3 (o) Administrative or technical information associated
4 with automated data processing operations, including but
5 not limited to software, operating protocols, computer
6 program abstracts, file layouts, source listings, object
7 modules, load modules, user guides, documentation
8 pertaining to all logical and physical design of
9 computerized systems, employee manuals, and any other
10 information that, if disclosed, would jeopardize the
11 security of the system or its data or the security of
12 materials exempt under this Section.

13 (p) Records relating to collective negotiating matters
14 between public bodies and their employees or
15 representatives, except that any final contract or
16 agreement shall be subject to inspection and copying.

17 (q) Test questions, scoring keys, and other
18 examination data used to determine the qualifications of an
19 applicant for a license or employment.

20 (r) The records, documents, and information relating
21 to real estate purchase negotiations until those
22 negotiations have been completed or otherwise terminated.
23 With regard to a parcel involved in a pending or actually
24 and reasonably contemplated eminent domain proceeding
25 under the Eminent Domain Act, records, documents and
26 information relating to that parcel shall be exempt except

1 as may be allowed under discovery rules adopted by the
2 Illinois Supreme Court. The records, documents and
3 information relating to a real estate sale shall be exempt
4 until a sale is consummated.

5 (s) Any and all proprietary information and records
6 related to the operation of an intergovernmental risk
7 management association or self-insurance pool or jointly
8 self-administered health and accident cooperative or pool.
9 Insurance or self insurance (including any
10 intergovernmental risk management association or self
11 insurance pool) claims, loss or risk management
12 information, records, data, advice or communications.

13 (t) Information contained in or related to
14 examination, operating, or condition reports prepared by,
15 on behalf of, or for the use of a public body responsible
16 for the regulation or supervision of financial
17 institutions or insurance companies, unless disclosure is
18 otherwise required by State law.

19 (u) Information that would disclose or might lead to
20 the disclosure of secret or confidential information,
21 codes, algorithms, programs, or private keys intended to be
22 used to create electronic or digital signatures under the
23 Electronic Commerce Security Act.

24 (v) Vulnerability assessments, security measures, and
25 response policies or plans that are designed to identify,
26 prevent, or respond to potential attacks upon a community's

1 population or systems, facilities, or installations, the
2 destruction or contamination of which would constitute a
3 clear and present danger to the health or safety of the
4 community, but only to the extent that disclosure could
5 reasonably be expected to jeopardize the effectiveness of
6 the measures or the safety of the personnel who implement
7 them or the public. Information exempt under this item may
8 include such things as details pertaining to the
9 mobilization or deployment of personnel or equipment, to
10 the operation of communication systems or protocols, or to
11 tactical operations.

12 (w) (Blank).

13 (x) Maps and other records regarding the location or
14 security of generation, transmission, distribution,
15 storage, gathering, treatment, or switching facilities
16 owned by a utility, by a power generator, or by the
17 Illinois Power Agency.

18 (y) Information contained in or related to proposals,
19 bids, or negotiations related to electric power
20 procurement under Section 1-75 of the Illinois Power Agency
21 Act and Section 16-111.5 of the Public Utilities Act that
22 is determined to be confidential and proprietary by the
23 Illinois Power Agency or by the Illinois Commerce
24 Commission.

25 (z) Information about students exempted from
26 disclosure under Sections 10-20.38 or 34-18.29 of the

1 School Code, and information about undergraduate students
2 enrolled at an institution of higher education exempted
3 from disclosure under Section 25 of the Illinois Credit
4 Card Marketing Act of 2009.

5 (aa) Information the disclosure of which is exempted
6 under the Viatical Settlements Act of 2009.

7 (bb) Records and information provided to a mortality
8 review team and records maintained by a mortality review
9 team appointed under the Department of Juvenile Justice
10 Mortality Review Team Act.

11 (cc) ~~(bb)~~ Information regarding interments,
12 entombments, or inurnments of human remains that are
13 submitted to the Cemetery Oversight Database under the
14 Cemetery Care Act or the Cemetery Oversight Act, whichever
15 is applicable.

16 (2) A public record that is not in the possession of a
17 public body but is in the possession of a party with whom the
18 agency has contracted to perform a governmental function on
19 behalf of the public body, and that directly relates to the
20 governmental function and is not otherwise exempt under this
21 Act, shall be considered a public record of the public body,
22 for purposes of this Act.

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

1 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
2 95-941, eff. 8-29-08; 95-988, eff. 6-1-09; 96-261, eff. 1-1-10;
3 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10;
4 96-736, eff. 7-1-10; 96-863, eff. 3-1-10; 96-1378, eff.
5 7-29-10; revised 9-2-10.)

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

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

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

25 (e) Information the disclosure of which is exempted under

1 Section 30 of the Radon Industry Licensing Act.

2 (f) Firm performance evaluations under Section 55 of the
3 Architectural, Engineering, and Land Surveying Qualifications
4 Based Selection Act.

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

7 (h) Information the disclosure of which is exempted under
8 the State Officials and Employees Ethics Act, and records of
9 any lawfully created State or local inspector general's office
10 that would be exempt if created or obtained by an Executive
11 Inspector General's office under that Act.

12 (i) Information contained in a local emergency energy plan
13 submitted to a municipality in accordance with a local
14 emergency energy plan ordinance that is adopted under Section
15 11-21.5-5 of the Illinois Municipal Code.

16 (j) Information and data concerning the distribution of
17 surcharge moneys collected and remitted by wireless carriers
18 under the Wireless Emergency Telephone Safety Act.

19 (k) Law enforcement officer identification information or
20 driver identification information compiled by a law
21 enforcement agency or the Department of Transportation under
22 Section 11-212 of the Illinois Vehicle Code.

23 (l) Records and information provided to a residential
24 health care facility resident sexual assault and death review
25 team or the Executive Council under the Abuse Prevention Review
26 Team Act.

1 (m) Information provided to the predatory lending database
2 created pursuant to Article 3 of the Residential Real Property
3 Disclosure Act, except to the extent authorized under that
4 Article.

5 (n) Defense budgets and petitions for certification of
6 compensation and expenses for court appointed trial counsel as
7 provided under Sections 10 and 15 of the Capital Crimes
8 Litigation Act. This subsection (n) shall apply until the
9 conclusion of the trial of the case, even if the prosecution
10 chooses not to pursue the death penalty prior to trial or
11 sentencing.

12 (o) Information that is prohibited from being disclosed
13 under Section 4 of the Illinois Health and Hazardous Substances
14 Registry Act.

15 (p) Security portions of system safety program plans,
16 investigation reports, surveys, schedules, lists, data, or
17 information compiled, collected, or prepared by or for the
18 Regional Transportation Authority under Section 2.11 of the
19 Regional Transportation Authority Act or the St. Clair County
20 Transit District under the Bi-State Transit Safety Act.

21 (q) Information prohibited from being disclosed by the
22 Personnel Records Review Act.

23 (r) Information prohibited from being disclosed by the
24 Illinois School Student Records Act.

25 (s) Information the disclosure of which is restricted under
26 Section 5-108 of the Public Utilities Act.

1 (t) All identified or deidentified health information in
2 the form of health data or medical records contained in, stored
3 in, submitted to, transferred by, or released from the Illinois
4 Health Information Exchange, and identified or deidentified
5 health information in the form of health data and medical
6 records of the Illinois Health Information Exchange in the
7 possession of the Illinois Health Information Exchange
8 Authority due to its administration of the Illinois Health
9 Information Exchange. The terms "identified" and
10 "deidentified" shall be given the same meaning as in the Health
11 Insurance Accountability and Portability Act of 1996, Public
12 Law 104-191, or any subsequent amendments thereto, and any
13 regulations promulgated thereunder.

14 (u) ~~(t)~~ Records and information provided to an independent
15 team of experts under Brian's Law.

16 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
17 96-1331, eff. 7-27-10; revised 9-2-10.)

18 Section 25. The Identity Protection Act is amended by
19 changing Section 10 as follows:

20 (5 ILCS 179/10)

21 Sec. 10. Prohibited Activities.

22 (a) Beginning July 1, 2010, no person or State or local
23 government agency may do any of the following:

24 (1) Publicly post or publicly display in any manner an

1 individual's social security number.

2 (2) Print an individual's social security number on any
3 card required for the individual to access products or
4 services provided by the person or entity.

5 (3) Require an individual to transmit his or her social
6 security number over the Internet, unless the connection is
7 secure or the social security number is encrypted.

8 (4) Print an individual's social security number on any
9 materials that are mailed to the individual, through the
10 U.S. Postal Service, any private mail service, electronic
11 mail, or any similar method of delivery, unless State or
12 federal law requires the social security number to be on
13 the document to be mailed. Notwithstanding any provision in
14 this Section to the contrary, social security numbers may
15 be included in applications and forms sent by mail,
16 including, but not limited to, any material mailed in
17 connection with the administration of the Unemployment
18 Insurance Act, any material mailed in connection with any
19 tax administered by the Department of Revenue, and
20 documents sent as part of an application or enrollment
21 process or to establish, amend, or terminate an account,
22 contract, or policy or to confirm the accuracy of the
23 social security number. A social security number that may
24 permissibly be mailed under this Section may not be
25 printed, in whole or in part, on a postcard or other mailer
26 that does not require an envelope or be visible on an

1 envelope without the envelope having been opened.

2 (b) Except as otherwise provided in this Act, beginning
3 July 1, 2010, no person or State or local government agency may
4 do any of the following:

5 (1) Collect, use, or disclose a social security number
6 from an individual, unless (i) required to do so under
7 State or federal law, rules, or regulations, or the
8 collection, use, or disclosure of the social security
9 number is otherwise necessary for the performance of that
10 agency's duties and responsibilities; (ii) the need and
11 purpose for the social security number is documented before
12 collection of the social security number; and (iii) the
13 social security number collected is relevant to the
14 documented need and purpose.

15 (2) Require an individual to use his or her social
16 security number to access an Internet website.

17 (3) Use the social security number for any purpose
18 other than the purpose for which it was collected.

19 (c) The prohibitions in subsection (b) do not apply in the
20 following circumstances:

21 (1) The disclosure of social security numbers to
22 agents, employees, contractors, or subcontractors of a
23 governmental entity or disclosure by a governmental entity
24 to another governmental entity or its agents, employees,
25 contractors, or subcontractors if disclosure is necessary
26 in order for the entity to perform its duties and

1 responsibilities; and, if disclosing to a contractor or
2 subcontractor, prior to such disclosure, the governmental
3 entity must first receive from the contractor or
4 subcontractor a copy of the contractor's or
5 subcontractor's policy that sets forth how the
6 requirements imposed under this Act on a governmental
7 entity to protect an individual's social security number
8 will be achieved.

9 (2) The disclosure of social security numbers pursuant
10 to a court order, warrant, or subpoena.

11 (3) The collection, use, or disclosure of social
12 security numbers in order to ensure the safety of: State
13 and local government employees; persons committed to
14 correctional facilities, local jails, and other
15 law-enforcement facilities or retention centers; wards of
16 the State; and all persons working in or visiting a State
17 or local government agency facility.

18 (4) The collection, use, or disclosure of social
19 security numbers for internal verification or
20 administrative purposes.

21 (5) The disclosure of social security numbers by a
22 State agency to any entity for the collection of delinquent
23 child support or of any State debt or to a governmental
24 agency to assist with an investigation or the prevention of
25 fraud.

26 (6) The collection or use of social security numbers to

1 investigate or prevent fraud, to conduct background
2 checks, to collect a debt, to obtain a credit report from a
3 consumer reporting agency under the federal Fair Credit
4 Reporting Act, to undertake any permissible purpose that is
5 enumerated under the federal Gramm-Leach-Bliley ~~Gramm~~
6 ~~Leach-Bliley~~ Act, or to locate a missing person, a lost
7 relative, or a person who is due a benefit, such as a
8 pension benefit or an unclaimed property benefit.

9 (d) If any State or local government agency has adopted
10 standards for the collection, use, or disclosure of social
11 security numbers that are stricter than the standards under
12 this Act with respect to the protection of those social
13 security numbers, then, in the event of any conflict with the
14 provisions of this Act, the stricter standards adopted by the
15 State or local government agency shall control.

16 (Source: P.A. 96-874, eff. 6-1-10; revised 10-4-10.)

17 Section 30. The State Commemorative Dates Act is amended by
18 setting forth and renumbering multiple versions of Section 155
19 as follows:

20 (5 ILCS 490/155)

21 Sec. 155. Day of Remembrance of the Victims of Slavery and
22 the Transatlantic Slave Trade. March 25 of each year is
23 designated as the Day of Remembrance of the Victims of Slavery
24 and the Transatlantic Slave Trade, a day for the people of the

1 State to commemorate and reflect upon the contributions of
2 African American slaves to Illinois and to the United States,
3 in concert with the United Nations' International Day of
4 Remembrance of the Victims of Slavery and the Transatlantic
5 Slave Trade.

6 (Source: P.A. 96-930, eff. 6-18-10.)

7 (5 ILCS 490/160)

8 Sec. 160 ~~155~~. Emancipation Proclamation Week. The first
9 full week of January of each year is designated as Emancipation
10 Proclamation Week, to be observed throughout the State as a
11 week for holding appropriate educational and celebratory
12 events and observances in the public schools and elsewhere to
13 honor and remember the work of Abraham Lincoln and others in
14 emancipating Americans from slavery and in leading to the end
15 of slavery in America.

16 (Source: P.A. 96-1238, eff. 1-1-11; revised 9-7-10.)

17 Section 35. The War on Terrorism Veterans Act is amended by
18 changing Section 5 as follows:

19 (5 ILCS 635/5)

20 Sec. 5. War on Terrorism Veterans Memorial. A memorial
21 honoring persons who earned (i) the Southwest Asia Service
22 Medal, (ii) the Afghanistan Campaign Medal for service in
23 Operation Enduring Freedom, (iii) the Iraq ~~Iraqi~~ Campaign Medal

1 for service in Operation Iraqi Freedom, or (iv) the Global War
2 on Terrorism Expeditionary Medal for service in either
3 Operation Enduring Freedom or Operation Iraqi Freedom may be
4 constructed by a private entity on a portion of the State
5 property in Oak Ridge Cemetery in Springfield, Illinois.

6 (Source: P.A. 95-797, eff. 8-11-08; revised 9-16-10.)

7 Section 40. The Election Code is amended by changing
8 Sections 7-52 and 8-17.1 as follows:

9 (10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

10 Sec. 7-52. Immediately upon closing the polls, the primary
11 judges shall proceed to canvass the votes in the manner
12 following:

13 (1) They shall separate and count the ballots of each
14 political party.

15 (2) They shall then proceed to ascertain the number of
16 names entered on the applications for ballot under each party
17 affiliation.

18 (3) If the primary ballots of any political party exceed
19 the number of applications for ballot by voters of such
20 political party, the primary ballots of such political party
21 shall be folded and replaced in the ballot box, the box closed,
22 well shaken and again opened and one of the primary judges, who
23 shall be blindfolded, shall draw out so many of the primary
24 ballots of such political party as shall be equal to such

1 excess. Such excess ballots shall be marked "Excess-Not
2 Counted" and signed by a majority of the judges and shall be
3 placed in the "After 6:00 p.m. Defective Ballots Envelope". The
4 number of excess ballots shall be noted in the remarks section
5 of the Certificate of Results. "Excess" ballots shall not be
6 counted in the total of "defective" ballots.

7 (4) The primary judges shall then proceed to count the
8 primary ballots of each political party separately; and as the
9 primary judges shall open and read the primary ballots, 3 of
10 the judges shall carefully and correctly mark upon separate
11 tally sheets the votes which each candidate of the party whose
12 name is written or printed on the primary ballot has received,
13 in a separate column for that purpose, with the name of such
14 candidate, the name of his political party and the name of the
15 office for which he is a candidate for nomination at the head
16 of such column. The same column, however, shall be used for
17 both names of the same team of candidates for Governor and
18 Lieutenant Governor.

19 Where voting machines or electronic voting systems are
20 used, the provisions of this section may be modified as
21 required or authorized by Article 24 or Article 24A, whichever
22 is applicable.

23 (Source: P.A. 96-1018, eff. 1-1-11; revised 9-16-10.)

24 (10 ILCS 5/8-17.1) (from Ch. 46, par. 8-17.1)

25 Sec. 8-17.1. Whenever a vacancy in the office of State

1 Senator is to be filled by election pursuant to Article IV,
2 Section 2(d) of the Constitution and Section 25-6 of this Code,
3 nominations shall be made and any vacancy in nomination shall
4 be filled pursuant to this Section:

5 (1) If the vacancy in office occurs before the first
6 date provided in Section 8-9 for filing nomination papers
7 for the primary in the next even-numbered year following
8 the commencement of the term, the nominations for the
9 election for filling such vacancy shall be made as
10 otherwise provided in Article 8.

11 (2) If the vacancy in office occurs during the time
12 provided in Section 8-9 for filing nomination papers for
13 the office of State Senator for the primary in the next
14 even-numbered year following commencement of the term of
15 office in which such vacancy occurs, the time for filing
16 nomination papers for such office for the primary shall be
17 not more than 105 days and not less than 99 days prior to
18 the date of the primary election.

19 (3) If the vacancy in office occurs after the last day
20 provided in Section 8-9 for filing nomination papers for
21 the office of State Senator, a vacancy in nomination shall
22 be deemed to have occurred and the legislative committee of
23 each established political party shall nominate, by
24 resolution, a candidate to fill such vacancy in nomination
25 for the election to such office at such general election.
26 In the proceedings to fill the vacancy in nomination the

1 voting strength of the members of the legislative committee
2 shall be as provided in Section 8-6. The name of the
3 candidate so nominated shall not appear on the ballot at
4 the general primary election. Such vacancy in nomination
5 shall be filled prior to the date of certification of
6 candidates for the general election.

7 (4) The resolution to fill the vacancy shall be duly
8 acknowledged before an officer qualified to take
9 acknowledgments of deeds and shall include, upon its face,
10 the following information: †

11 (a) the names of the original nominee and the
12 office vacated;

13 (b) the date on which the vacancy occurred;

14 (c) the name and address of the nominee selected to
15 fill the vacancy and the date of selection.

16 The resolution to fill the vacancy shall be accompanied
17 by a Statement of Candidacy, as prescribed in Section 7-10,
18 completed by the selected nominee and a receipt indicating
19 that such nominee has filed a statement of economic
20 interests as required by the Illinois Governmental Ethics
21 Act.

22 The provisions of Sections 10-8 through 10-10.1 relating to
23 objections to nomination papers, hearings on objections and
24 judicial review, shall also apply to and govern objections to
25 nomination papers and resolutions for filling vacancies in
26 nomination filed pursuant to this Section.

1 Unless otherwise specified herein, the nomination and
2 election provided for in this Section shall be governed by this
3 Code.

4 (Source: P.A. 96-1008, eff. 7-6-10; revised 9-16-10.)

5 Section 45. The Illinois Identification Card Act is amended
6 by changing Section 12 as follows:

7 (15 ILCS 335/12) (from Ch. 124, par. 32)

8 Sec. 12. Fees concerning Standard Illinois Identification
9 Cards. The fees required under this Act for standard Illinois
10 Identification Cards must accompany any application provided
11 for in this Act, and the Secretary shall collect such fees as
12 follows:

13	a. Original card issued on or before	
14	December 31, 2004	\$4
15	Original card issued on or after	
16	January 1, 2005	\$20
17	b. Renewal card issued on or before	
18	December 31, 2004	4
19	Renewal card issued on or after	
20	January 1, 2005	20
21	c. Corrected card issued on or before	
22	December 31, 2004	2
23	Corrected card issued on or after	
24	January 1, 2005	10

1	d. Duplicate card issued on or before	
2	December 31, 2004	4
3	Duplicate card issued on or after	
4	January 1, 2005	20
5	e. Certified copy with seal	5
6	f. Search	2
7	g. Applicant 65 years of age or over.....	No Fee
8	h. Disabled applicant	No Fee
9	i. Individual living in Veterans	
10	Home or Hospital	No Fee
11	j. Original card issued on or after July 1, 2007	
12	under 18 years of age	\$10
13	k. Renewal card issued on or after July 1, 2007	
14	under 18 years of age	\$10
15	l. Corrected card issued on or after July 1, 2007	
16	under 18 years of age	\$5
17	m. Duplicate card issued on or after July 1, 2007	
18	under 18 years of age	\$10
19	n. Homeless person	No Fee
20	n. (Blank).	
21	o. Duplicate card issued to an active-duty	
22	member of the United States Armed Forces, the	
23	member's spouse, or dependent children	
24	living with the member	No Fee

25 All fees collected under this Act shall be paid into the
 26 Road Fund of the State treasury, except that the following

1 amounts shall be paid into the General Revenue Fund: (i) 80% of
2 the fee for an original, renewal, or duplicate Illinois
3 Identification Card issued on or after January 1, 2005; and
4 (ii) 80% of the fee for a corrected Illinois Identification
5 Card issued on or after January 1, 2005.

6 Any disabled person making an application for a standard
7 Illinois Identification Card for no fee must, along with the
8 application, submit an affirmation by the applicant on a form
9 to be provided by the Secretary of State, attesting that such
10 person is a disabled person as defined in Section 4A of this
11 Act.

12 An individual, who resides in a veterans home or veterans
13 hospital operated by the state or federal government, who makes
14 an application for an Illinois Identification Card to be issued
15 at no fee, must submit, along with the application, an
16 affirmation by the applicant on a form provided by the
17 Secretary of State, that such person resides in a veterans home
18 or veterans hospital operated by the state or federal
19 government.

20 The application of a homeless individual for an Illinois
21 Identification Card to be issued at no fee must be accompanied
22 by an affirmation by a qualified person, as defined in Section
23 4C of this Act, on a form provided by the Secretary of State,
24 that the applicant is currently homeless as defined in Section
25 1A of this Act.

26 The fee for any duplicate identification card shall be

1 waived for any person who presents the Secretary of State's
2 Office with a police report showing that his or her
3 identification card was stolen.

4 The fee for any duplicate identification card shall be
5 waived for any person age 60 or older whose identification card
6 has been lost or stolen.

7 As used in this Section, "active-duty member of the United
8 States Armed Forces" means a member of the Armed Services or
9 Reserve Forces of the United States or a member of the Illinois
10 National Guard who is called to active duty pursuant to an
11 executive order of the President of the United States, an act
12 of the Congress of the United States, or an order of the
13 Governor.

14 (Source: P.A. 95-55, eff. 8-10-07; 96-183, eff. 7-1-10;
15 96-1231, eff. 7-23-10; revised 9-7-10.)

16 Section 50. The State Comptroller Act is amended by
17 changing Sections 16.1 and 21 as follows:

18 (15 ILCS 405/16.1) (from Ch. 15, par. 216.1)

19 Sec. 16.1. All reports filed by local governmental units
20 with the Comptroller together with any accompanying comment or
21 explanation immediately becomes part of his public records and
22 shall be open to public inspection. The Comptroller shall make
23 the information contained in such reports available to State
24 agencies and units of local government ~~governments~~ upon

1 request.

2 (Source: P.A. 83-395; revised 6-23-10.)

3 (15 ILCS 405/21) (from Ch. 15, par. 221)

4 Sec. 21. Rules and Regulations - Imprest accounts. The
5 Comptroller shall promulgate rules and regulations to
6 implement the exercise of his powers and performance of his
7 duties under this Act and to guide and assist State agencies in
8 complying with this Act. Any rule or regulation specifically
9 requiring the approval of the State Treasurer under this Act
10 for adoption by the Comptroller shall require the approval of
11 the State Treasurer for modification or repeal.

12 The Comptroller may provide in his rules and regulations
13 for periodic transfers, with the approval of the State
14 Treasurer, for use in accordance with the imprest system,
15 subject to the rules and regulations of the Comptroller as
16 respects vouchers, controls and reports, as follows:

17 (a) To the University of Illinois, Southern Illinois
18 University, Chicago State University, Eastern Illinois
19 University, Governors State University, Illinois State
20 University, Northeastern Illinois University, Northern
21 Illinois University, Western Illinois University, and
22 State Community College of East St. Louis under the
23 jurisdiction of the Illinois Community College Board
24 (abolished under Section 2-12.1 of the Public Community
25 College Act), not to exceed \$200,000 for each campus.

1 (b) To the Department of Agriculture and the Department
2 of Commerce and Economic Opportunity for the operation of
3 overseas offices, not to exceed \$200,000 for each
4 Department for each overseas office.

5 (c) To the Department of Agriculture for the purpose of
6 making change for activities at each State Fair, not to
7 exceed \$200,000, to be returned within 5 days of the
8 termination of such activity.

9 (d) To the Department of Agriculture to pay (i) State
10 Fair premiums and awards and State Fair entertainment
11 contracts at each State Fair, and (ii) ticket refunds for
12 cancelled events. The amount transferred from any fund
13 shall not exceed the appropriation for each specific
14 purpose. This authorization shall terminate each year
15 within 60 days of the close of each State Fair. The
16 Department shall be responsible for withholding State
17 income tax, where necessary, as required by Section 709 of
18 the Illinois Income Tax Act.

19 (e) To the State Treasurer to pay for securities'
20 safekeeping charges assessed by the Board of Governors of
21 the Federal Reserve System as a consequence of the
22 Treasurer's use of the government securities' book-entry
23 system. This account shall not exceed \$25,000.

24 (f) To the Illinois Mathematics and Science Academy,
25 not to exceed \$100,000.

26 (g) To the Department of Natural Resources to pay out

1 cash prizes associated with competitions held at the World
2 Shooting and Recreational Complex, to purchase awards
3 associated with competitions held at the World Shooting and
4 Recreational Complex, to pay State and national membership
5 dues associated with competitions held at the World
6 Shooting and Recreational Complex, and to pay State and
7 national membership target fees associated with
8 competitions held at the World Shooting and Recreational
9 Complex. The amount of funds advanced to the account
10 created by this subsection (g) must not exceed \$250,000 in
11 any fiscal year.

12 (Source: P.A. 95-220, eff. 8-16-07; 96-785, eff. 8-28-09;
13 96-1118, eff. 7-20-10; revised 9-16-10.)

14 Section 55. The Illinois Act on the Aging is amended by
15 changing Section 4.02 as follows:

16 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

17 Sec. 4.02. Community Care Program. The Department shall
18 establish a program of services to prevent unnecessary
19 institutionalization of persons age 60 and older in need of
20 long term care or who are established as persons who suffer
21 from Alzheimer's disease or a related disorder under the
22 Alzheimer's Disease Assistance Act, thereby enabling them to
23 remain in their own homes or in other living arrangements. Such
24 preventive services, which may be coordinated with other

1 programs for the aged and monitored by area agencies on aging
2 in cooperation with the Department, may include, but are not
3 limited to, any or all of the following:

4 (a) (blank);

5 (b) (blank);

6 (c) home care aide services;

7 (d) personal assistant services;

8 (e) adult day services;

9 (f) home-delivered meals;

10 (g) education in self-care;

11 (h) personal care services;

12 (i) adult day health services;

13 (j) habilitation services;

14 (k) respite care;

15 (k-5) community reintegration services;

16 (k-6) flexible senior services;

17 (k-7) medication management;

18 (k-8) emergency home response;

19 (l) other nonmedical social services that may enable
20 the person to become self-supporting; or

21 (m) clearinghouse for information provided by senior
22 citizen home owners who want to rent rooms to or share
23 living space with other senior citizens.

24 The Department shall establish eligibility standards for
25 such services. In determining the amount and nature of services
26 for which a person may qualify, consideration shall not be

1 given to the value of cash, property or other assets held in
2 the name of the person's spouse pursuant to a written agreement
3 dividing marital property into equal but separate shares or
4 pursuant to a transfer of the person's interest in a home to
5 his spouse, provided that the spouse's share of the marital
6 property is not made available to the person seeking such
7 services.

8 Beginning January 1, 2008, the Department shall require as
9 a condition of eligibility that all new financially eligible
10 applicants apply for and enroll in medical assistance under
11 Article V of the Illinois Public Aid Code in accordance with
12 rules promulgated by the Department.

13 The Department shall, in conjunction with the Department of
14 Public Aid (now Department of Healthcare and Family Services),
15 seek appropriate amendments under Sections 1915 and 1924 of the
16 Social Security Act. The purpose of the amendments shall be to
17 extend eligibility for home and community based services under
18 Sections 1915 and 1924 of the Social Security Act to persons
19 who transfer to or for the benefit of a spouse those amounts of
20 income and resources allowed under Section 1924 of the Social
21 Security Act. Subject to the approval of such amendments, the
22 Department shall extend the provisions of Section 5-4 of the
23 Illinois Public Aid Code to persons who, but for the provision
24 of home or community-based services, would require the level of
25 care provided in an institution, as is provided for in federal
26 law. Those persons no longer found to be eligible for receiving

1 noninstitutional services due to changes in the eligibility
2 criteria shall be given 45 days notice prior to actual
3 termination. Those persons receiving notice of termination may
4 contact the Department and request the determination be
5 appealed at any time during the 45 day notice period. The
6 target population identified for the purposes of this Section
7 are persons age 60 and older with an identified service need.
8 Priority shall be given to those who are at imminent risk of
9 institutionalization. The services shall be provided to
10 eligible persons age 60 and older to the extent that the cost
11 of the services together with the other personal maintenance
12 expenses of the persons are reasonably related to the standards
13 established for care in a group facility appropriate to the
14 person's condition. These non-institutional services, pilot
15 projects or experimental facilities may be provided as part of
16 or in addition to those authorized by federal law or those
17 funded and administered by the Department of Human Services.
18 The Departments of Human Services, Healthcare and Family
19 Services, Public Health, Veterans' Affairs, and Commerce and
20 Economic Opportunity and other appropriate agencies of State,
21 federal and local governments shall cooperate with the
22 Department on Aging in the establishment and development of the
23 non-institutional services. The Department shall require an
24 annual audit from all personal assistant and home care aide
25 vendors contracting with the Department under this Section. The
26 annual audit shall assure that each audited vendor's procedures

1 are in compliance with Department's financial reporting
2 guidelines requiring an administrative and employee wage and
3 benefits cost split as defined in administrative rules. The
4 audit is a public record under the Freedom of Information Act.
5 The Department shall execute, relative to the nursing home
6 prescreening project, written inter-agency agreements with the
7 Department of Human Services and the Department of Healthcare
8 and Family Services, to effect the following: (1) intake
9 procedures and common eligibility criteria for those persons
10 who are receiving non-institutional services; and (2) the
11 establishment and development of non-institutional services in
12 areas of the State where they are not currently available or
13 are undeveloped. On and after July 1, 1996, all nursing home
14 prescreenings for individuals 60 years of age or older shall be
15 conducted by the Department.

16 As part of the Department on Aging's routine training of
17 case managers and case manager supervisors, the Department may
18 include information on family futures planning for persons who
19 are age 60 or older and who are caregivers of their adult
20 children with developmental disabilities. The content of the
21 training shall be at the Department's discretion.

22 The Department is authorized to establish a system of
23 recipient copayment for services provided under this Section,
24 such copayment to be based upon the recipient's ability to pay
25 but in no case to exceed the actual cost of the services
26 provided. Additionally, any portion of a person's income which

1 is equal to or less than the federal poverty standard shall not
2 be considered by the Department in determining the copayment.
3 The level of such copayment shall be adjusted whenever
4 necessary to reflect any change in the officially designated
5 federal poverty standard.

6 The Department, or the Department's authorized
7 representative, may recover the amount of moneys expended for
8 services provided to or in behalf of a person under this
9 Section by a claim against the person's estate or against the
10 estate of the person's surviving spouse, but no recovery may be
11 had until after the death of the surviving spouse, if any, and
12 then only at such time when there is no surviving child who is
13 under age 21, blind, or permanently and totally disabled. This
14 paragraph, however, shall not bar recovery, at the death of the
15 person, of moneys for services provided to the person or in
16 behalf of the person under this Section to which the person was
17 not entitled; provided that such recovery shall not be enforced
18 against any real estate while it is occupied as a homestead by
19 the surviving spouse or other dependent, if no claims by other
20 creditors have been filed against the estate, or, if such
21 claims have been filed, they remain dormant for failure of
22 prosecution or failure of the claimant to compel administration
23 of the estate for the purpose of payment. This paragraph shall
24 not bar recovery from the estate of a spouse, under Sections
25 1915 and 1924 of the Social Security Act and Section 5-4 of the
26 Illinois Public Aid Code, who precedes a person receiving

1 services under this Section in death. All moneys for services
2 paid to or in behalf of the person under this Section shall be
3 claimed for recovery from the deceased spouse's estate.
4 "Homestead", as used in this paragraph, means the dwelling
5 house and contiguous real estate occupied by a surviving spouse
6 or relative, as defined by the rules and regulations of the
7 Department of Healthcare and Family Services, regardless of the
8 value of the property.

9 The Department shall increase the effectiveness of the
10 existing Community Care Program by:

11 (1) ensuring that in-home services included in the care
12 plan are available on evenings and weekends;

13 (2) ensuring that care plans contain the services that
14 eligible participants need based on the number of days in a
15 month, not limited to specific blocks of time, as
16 identified by the comprehensive assessment tool selected
17 by the Department for use statewide, not to exceed the
18 total monthly service cost maximum allowed for each
19 service; the Department shall develop administrative rules
20 to implement this item (2);

21 (3) ensuring that the participants have the right to
22 choose the services contained in their care plan and to
23 direct how those services are provided, based on
24 administrative rules established by the Department;

25 (4) ensuring that the determination of need tool is
26 accurate in determining the participants' level of need; to

1 achieve this, the Department, in conjunction with the Older
2 Adult Services Advisory Committee, shall institute a study
3 of the relationship between the Determination of Need
4 scores, level of need, service cost maximums, and the
5 development and utilization of service plans no later than
6 May 1, 2008; findings and recommendations shall be
7 presented to the Governor and the General Assembly no later
8 than January 1, 2009; recommendations shall include all
9 needed changes to the service cost maximums schedule and
10 additional covered services;

11 (5) ensuring that homemakers can provide personal care
12 services that may or may not involve contact with clients,
13 including but not limited to:

- 14 (A) bathing;
- 15 (B) grooming;
- 16 (C) toileting;
- 17 (D) nail care;
- 18 (E) transferring;
- 19 (F) respiratory services;
- 20 (G) exercise; or
- 21 (H) positioning;

22 (6) ensuring that homemaker program vendors are not
23 restricted from hiring homemakers who are family members of
24 clients or recommended by clients; the Department may not,
25 by rule or policy, require homemakers who are family
26 members of clients or recommended by clients to accept

1 assignments in homes other than the client;

2 (7) ensuring that the State may access maximum federal
3 matching funds by seeking approval for the Centers for
4 Medicare and Medicaid Services for modifications to the
5 State's home and community based services waiver and
6 additional waiver opportunities in order to maximize
7 federal matching funds; this shall include, but not be
8 limited to, modification that reflects all changes in the
9 Community Care Program services and all increases in the
10 services cost maximum; and

11 (8) ensuring that the determination of need tool
12 accurately reflects the service needs of individuals with
13 Alzheimer's disease and related dementia disorders.

14 By January 1, 2009 or as soon after the end of the Cash and
15 Counseling Demonstration Project as is practicable, the
16 Department may, based on its evaluation of the demonstration
17 project, promulgate rules concerning personal assistant
18 services, to include, but need not be limited to,
19 qualifications, employment screening, rights under fair labor
20 standards, training, fiduciary agent, and supervision
21 requirements. All applicants shall be subject to the provisions
22 of the Health Care Worker Background Check Act.

23 The Department shall develop procedures to enhance
24 availability of services on evenings, weekends, and on an
25 emergency basis to meet the respite needs of caregivers.
26 Procedures shall be developed to permit the utilization of

1 services in successive blocks of 24 hours up to the monthly
2 maximum established by the Department. Workers providing these
3 services shall be appropriately trained.

4 Beginning on the effective date of this Amendatory Act of
5 1991, no person may perform chore/housekeeping and home care
6 aide services under a program authorized by this Section unless
7 that person has been issued a certificate of pre-service to do
8 so by his or her employing agency. Information gathered to
9 effect such certification shall include (i) the person's name,
10 (ii) the date the person was hired by his or her current
11 employer, and (iii) the training, including dates and levels.
12 Persons engaged in the program authorized by this Section
13 before the effective date of this amendatory Act of 1991 shall
14 be issued a certificate of all pre- and in-service training
15 from his or her employer upon submitting the necessary
16 information. The employing agency shall be required to retain
17 records of all staff pre- and in-service training, and shall
18 provide such records to the Department upon request and upon
19 termination of the employer's contract with the Department. In
20 addition, the employing agency is responsible for the issuance
21 of certifications of in-service training completed to their
22 employees.

23 The Department is required to develop a system to ensure
24 that persons working as home care aides and personal assistants
25 receive increases in their wages when the federal minimum wage
26 is increased by requiring vendors to certify that they are

1 meeting the federal minimum wage statute for home care aides
2 and personal assistants. An employer that cannot ensure that
3 the minimum wage increase is being given to home care aides and
4 personal assistants shall be denied any increase in
5 reimbursement costs.

6 The Community Care Program Advisory Committee is created in
7 the Department on Aging. The Director shall appoint individuals
8 to serve in the Committee, who shall serve at their own
9 expense. Members of the Committee must abide by all applicable
10 ethics laws. The Committee shall advise the Department on
11 issues related to the Department's program of services to
12 prevent unnecessary institutionalization. The Committee shall
13 meet on a bi-monthly basis and shall serve to identify and
14 advise the Department on present and potential issues affecting
15 the service delivery network, the program's clients, and the
16 Department and to recommend solution strategies. Persons
17 appointed to the Committee shall be appointed on, but not
18 limited to, their own and their agency's experience with the
19 program, geographic representation, and willingness to serve.
20 The Director shall appoint members to the Committee to
21 represent provider, advocacy, policy research, and other
22 constituencies committed to the delivery of high quality home
23 and community-based services to older adults. Representatives
24 shall be appointed to ensure representation from community care
25 providers including, but not limited to, adult day service
26 providers, homemaker providers, case coordination and case

1 management units, emergency home response providers, statewide
2 trade or labor unions that represent home care aides and direct
3 care staff, area agencies on aging, adults over age 60,
4 membership organizations representing older adults, and other
5 organizational entities, providers of care, or individuals
6 with demonstrated interest and expertise in the field of home
7 and community care as determined by the Director.

8 Nominations may be presented from any agency or State
9 association with interest in the program. The Director, or his
10 or her designee, shall serve as the permanent co-chair of the
11 advisory committee. One other co-chair shall be nominated and
12 approved by the members of the committee on an annual basis.
13 Committee members' terms of appointment shall be for 4 years
14 with one-quarter of the appointees' terms expiring each year. A
15 member shall continue to serve until his or her replacement is
16 named. The Department shall fill vacancies that have a
17 remaining term of over one year, and this replacement shall
18 occur through the annual replacement of expiring terms. The
19 Director shall designate Department staff to provide technical
20 assistance and staff support to the committee. Department
21 representation shall not constitute membership of the
22 committee. All Committee papers, issues, recommendations,
23 reports, and meeting memoranda are advisory only. The Director,
24 or his or her designee, shall make a written report, as
25 requested by the Committee, regarding issues before the
26 Committee.

1 The Department on Aging and the Department of Human
2 Services shall cooperate in the development and submission of
3 an annual report on programs and services provided under this
4 Section. Such joint report shall be filed with the Governor and
5 the General Assembly on or before September 30 each year.

6 The requirement for reporting to the General Assembly shall
7 be satisfied by filing copies of the report with the Speaker,
8 the Minority Leader and the Clerk of the House of
9 Representatives and the President, the Minority Leader and the
10 Secretary of the Senate and the Legislative Research Unit, as
11 required by Section 3.1 of the General Assembly Organization
12 Act and filing such additional copies with the State Government
13 Report Distribution Center for the General Assembly as is
14 required under paragraph (t) of Section 7 of the State Library
15 Act.

16 Those persons previously found eligible for receiving
17 non-institutional services whose services were discontinued
18 under the Emergency Budget Act of Fiscal Year 1992, and who do
19 not meet the eligibility standards in effect on or after July
20 1, 1992, shall remain ineligible on and after July 1, 1992.
21 Those persons previously not required to cost-share and who
22 were required to cost-share effective March 1, 1992, shall
23 continue to meet cost-share requirements on and after July 1,
24 1992. Beginning July 1, 1992, all clients will be required to
25 meet eligibility, cost-share, and other requirements and will
26 have services discontinued or altered when they fail to meet

1 these requirements.

2 For the purposes of this Section, "flexible senior
3 services" refers to services that require one-time or periodic
4 expenditures including, but not limited to, respite care, home
5 modification, assistive technology, housing assistance, and
6 transportation.

7 (Source: P.A. 95-298, eff. 8-20-07; 95-473, eff. 8-27-07;
8 95-565, eff. 6-1-08; 95-876, eff. 8-21-08; 96-918, eff. 6-9-10;
9 96-1129, eff. 7-20-10; revised 9-2-10.)

10 Section 60. The Department of Human Services Act is amended
11 by setting forth and renumbering multiple versions of Section
12 10-65 as follows:

13 (20 ILCS 1305/10-65)

14 Sec. 10-65. Hunger Relief Fund; grants.

15 (a) The Hunger Relief Fund is created as a special fund in
16 the State treasury. From appropriations to the Department from
17 the Fund, the Department shall make grants to food banks for
18 the purpose of purchasing food and related supplies. In this
19 Section, "food bank" means a public or charitable institution
20 that maintains an established operation involving the
21 provision of food or edible commodities, or the products of
22 food or edible commodities, to food pantries, soup kitchens,
23 hunger relief centers, or other food or feeding centers that,
24 as an integral part of their normal activities, provide meals

1 or food to feed needy persons on a regular basis.

2 (b) Moneys received for the purposes of this Section,
3 including, without limitation, appropriations, gifts,
4 donations, grants, and awards from any public or private entity
5 must be deposited into the Fund. Any interest earned on moneys
6 in the Fund must be deposited into the Fund.

7 (Source: P.A. 96-604, eff. 8-24-09.)

8 (20 ILCS 1305/10-70)

9 Sec. 10-70 ~~10-65~~. Gateways to Opportunity.

10 (a) Subject to the availability of funds, the Department of
11 Human Services shall operate a Gateways to Opportunity program,
12 a comprehensive professional development system. The goal of
13 Gateways to Opportunity is to support a diverse, stable, and
14 quality workforce for settings serving children and youth,
15 specifically to:

16 (1) enhance the quality of services;

17 (2) increase positive outcomes for children and youth;

18 and

19 (3) advance the availability of coursework and
20 training related to quality services for children and
21 youth.

22 (b) The Department shall award Gateways to Opportunity
23 credentials to early care and education, school-age, and youth
24 development practitioners. The credentials shall validate an
25 individual's qualifications and shall be issued based on a

1 variety of professional achievements in field experience,
2 knowledge and skills, educational attainment, and training
3 accomplishments. The Department shall adopt rules outlining
4 the framework for awarding credentials.

5 (c) The Gateways to Opportunity program shall identify
6 professional knowledge guidelines for practitioners serving
7 children and youth. The professional knowledge guidelines
8 shall define what all adults who work with children and youth
9 need to know, understand, and be able to demonstrate to support
10 children's and youth's development, school readiness, and
11 school success. The Department shall adopt rules to identify
12 content areas, alignment with other professional standards,
13 and competency levels.

14 (Source: P.A. 96-864, eff. 1-21-10; revised 1-25-10.)

15 Section 65. The Department of Insurance Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 1405-35 as follows:

18 (20 ILCS 1405/1405-35)

19 Sec. 1405-35. The Department of Insurance.

20 (a) Executive Order No. 2004-6 is hereby superseded by this
21 amendatory Act of the 96th General Assembly to the extent that
22 Executive Order No. 2004-6 transfers the powers, duties,
23 rights, and responsibilities of the Department of Insurance to
24 the Division of Insurance within the Department of Financial

1 and Professional Regulation.

2 (b) The Division of Insurance within the Department of
3 Financial and Professional Regulation is hereby abolished and
4 the Department of Insurance is created as an independent
5 department. On July 1, 2009, all powers, duties, rights, and
6 responsibilities of the Division of Insurance within the
7 Department of Financial and Professional Regulation shall be
8 transferred to the Department of Insurance.

9 (c) The personnel of the Division of Insurance within the
10 Department of Financial and Professional Regulation shall be
11 transferred to the Department of Insurance. The status and
12 rights of such employees under the Personnel Code shall not be
13 affected by the transfer. The rights of the employees and the
14 State of Illinois and its agencies under the Personnel Code and
15 applicable collective bargaining agreements or under any
16 pension, retirement, or annuity plan shall not be affected by
17 this amendatory Act. To the extent that an employee performs
18 duties for the Division of Insurance within the Department of
19 Financial and Professional Regulation and the Department of
20 Financial and Professional Regulation itself or any other
21 division or agency within the Department of Financial and
22 Professional Regulation, that employee shall be transferred at
23 the Governor's discretion.

24 (d) All books, records, papers, documents, property (real
25 and personal), contracts, causes of action, and pending
26 business pertaining to the powers, duties, rights, and

1 responsibilities transferred by this amendatory Act from the
2 Division of Insurance within the Department of Financial and
3 Professional Regulation to the Department of Insurance,
4 including, but not limited to, material in electronic or
5 magnetic format and necessary computer hardware and software,
6 shall be transferred to the Department of Insurance.

7 (e) All unexpended appropriations and balances and other
8 funds available for use by the Division of Insurance within the
9 Department of Financial and Professional Regulation shall be
10 transferred for use by the Department of Insurance pursuant to
11 the direction of the Governor. Unexpended balances so
12 transferred shall be expended only for the purpose for which
13 the appropriations were originally made.

14 (f) The powers, duties, rights, and responsibilities
15 transferred from the Division of Insurance within the
16 Department of Financial and Professional Regulation by this
17 amendatory Act shall be vested in and shall be exercised by the
18 Department of Insurance.

19 (g) Whenever reports or notices are now required to be made
20 or given or papers or documents furnished or served by any
21 person to or upon the Division of Insurance within the
22 Department of Financial and Professional Regulation in
23 connection with any of the powers, duties, rights, and
24 responsibilities transferred by this amendatory Act, the same
25 shall be made, given, furnished, or served in the same manner
26 to or upon the Department of Insurance.

1 (h) This amendatory Act does not affect any act done,
2 ratified, or canceled or any right occurring or established or
3 any action or proceeding had or commenced in an administrative,
4 civil, or criminal cause by the Division of Insurance within
5 the Department of Financial and Professional Regulation before
6 this amendatory Act takes effect; such actions or proceedings
7 may be prosecuted and continued by the Department of Insurance.

8 (i) Any rules of the Division of Insurance within the
9 Department of Financial and Professional Regulation, including
10 any rules of its predecessor Department of Insurance, that
11 relate to its powers, duties, rights, and responsibilities and
12 are in full force on the effective date of this amendatory Act
13 shall become the rules of the recreated Department of
14 Insurance. This amendatory Act does not affect the legality of
15 any such rules in the Illinois Administrative Code.

16 Any proposed rules filed with the Secretary of State by the
17 Division of Insurance within the Department of Financial and
18 Professional Regulation that are pending in the rulemaking
19 process on the effective date of this amendatory Act and
20 pertain to the powers, duties, rights, and responsibilities
21 transferred, shall be deemed to have been filed by the
22 Department of Insurance. As soon as practicable hereafter, the
23 Department of Insurance shall revise and clarify the rules
24 transferred to it under this amendatory Act to reflect the
25 reorganization of powers, duties, rights, and responsibilities
26 affected by this amendatory Act, using the procedures for

1 recodification of rules available under the Illinois
2 Administrative Procedure ~~Procedures~~ Act, except that existing
3 title, part, and section numbering for the affected rules may
4 be retained. The Department of Insurance may propose and adopt
5 under the Illinois Administrative Procedure ~~Procedures~~ Act
6 such other rules of the Division of Insurance within the
7 Department of Financial and Professional Regulation that will
8 now be administered by the Department of Insurance.

9 To the extent that, prior to July 1, 2009, the Director of
10 the Division of Insurance within the Department of Financial
11 and Professional Regulation had been empowered to prescribe
12 rules or had other rulemaking authority jointly with the
13 Secretary of the Department of Financial and Professional
14 Regulation with regard to the powers, duties, rights, and
15 responsibilities of the Division of Insurance within the
16 Department of Financial and Professional Regulation, such
17 duties shall be exercised from and after July 1, 2009 solely by
18 the Director of the Department of Insurance.

19 (Source: P.A. 96-811, eff. 10-30-09; revised 9-16-10.)

20 Section 70. The Mental Health and Developmental
21 Disabilities Administrative Act is amended by changing Section
22 18.4 as follows:

23 (20 ILCS 1705/18.4)

24 (Text of Section before amendment by P.A. 96-868)

1 Sec. 18.4. Community Mental Health Medicaid Trust Fund;
2 reimbursement.

3 (a) The Community Mental Health Medicaid Trust Fund is
4 hereby created in the State Treasury.

5 (b) Amounts paid to the State during each State fiscal year
6 by the federal government under Title XIX or Title XXI of the
7 Social Security Act for services delivered by community mental
8 health providers, and any interest earned thereon, shall be
9 deposited as follows:

10 (1) The first \$75,000,000 shall be deposited directly
11 into the Community Mental Health Medicaid Trust Fund to be
12 used for the purchase of community mental health services;

13 (2) The next \$4,500,000 shall be deposited directly
14 into the Community Mental Health Medicaid Trust Fund to be
15 used by the Department of Human Services' Division of
16 Mental Health for the oversight and administration of
17 community mental health services and up to \$1,000,000 of
18 this amount may be used for support of community mental
19 health service initiatives;

20 (3) The next \$3,500,000 shall be deposited directly
21 into the General Revenue Fund;

22 (4) Any additional amounts shall be deposited into the
23 Community Mental Health Medicaid Trust Fund to be used for
24 the purchase of community mental health services.

25 (b-5) Whenever a State mental health facility operated by
26 the Department is closed and the real estate on which the

1 facility is located is sold by the State, the net proceeds of
2 the sale of the real estate shall be deposited into the
3 Community Mental Health Medicaid Trust Fund.

4 (c) The Department shall reimburse community mental health
5 providers for services provided to eligible individuals.
6 Moneys in the Community Mental Health Medicaid Trust Fund may
7 be used for that purpose.

8 (d) As used in this Section:

9 "Community mental health provider" means a community
10 agency that is funded by the Department to provide a service.

11 "Service" means a mental health service provided pursuant
12 to the provisions of administrative rules adopted by the
13 Department and funded by or claimed through the Department of
14 Human Services' Division of Mental Health.

15 (Source: P.A. 95-707, eff. 1-11-08; 96-660, eff. 8-25-09;
16 96-820, eff. 11-18-09.)

17 (Text of Section after amendment by P.A. 96-868)

18 Sec. 18.4. Community Mental Health Medicaid Trust Fund;
19 reimbursement.

20 (a) The Community Mental Health Medicaid Trust Fund is
21 hereby created in the State Treasury.

22 (b) Amounts paid to the State during each State fiscal year
23 by the federal government under Title XIX or Title XXI of the
24 Social Security Act for services delivered by community mental
25 health providers, and any interest earned thereon, shall be

1 deposited 100% into the Community Mental Health Medicaid Trust
2 Fund. Not more than \$4,500,000 of the Community Mental Health
3 Medicaid Trust Fund may be used by the Department of Human
4 Services' Division of Mental Health for oversight and
5 administration of community mental health services, and of that
6 amount no more than \$1,000,000 may be used for the support of
7 community mental health service initiatives. The remainder
8 shall be used for the purchase of community mental health
9 services.

10 (b-5) Whenever a State mental health facility operated by
11 the Department is closed and the real estate on which the
12 facility is located is sold by the State, the net proceeds of
13 the sale of the real estate shall be deposited into the
14 Community Mental Health Medicaid Trust Fund.

15 (c) The Department shall reimburse community mental health
16 providers for services provided to eligible individuals.
17 Moneys in the Trust Fund may be used for that purpose.

18 (c-5) The Community Mental Health Medicaid Trust Fund is
19 not subject to administrative charge-backs.

20 (c-10) The Department of Human Services shall annually
21 report to the Governor and the General Assembly, by September
22 1, on both the total revenue deposited into the Trust Fund and
23 the total expenditures made from the Trust Fund for the
24 previous fiscal year. This report shall include detailed
25 descriptions of both revenues and expenditures regarding the
26 Trust Fund from the previous fiscal year. This report shall be

1 presented by the Secretary of Human Services to the appropriate
2 Appropriations Committee in the House of Representatives, as
3 determined by the Speaker of the House, and in the Senate, as
4 determined by the President of the Senate. This report shall be
5 made available to the public and shall be published on the
6 Department of Human Services' website in an appropriate
7 location, a minimum of one week prior to presentation of the
8 report to the General Assembly.

9 (d) As used in this Section:

10 "Trust Fund" means the Community Mental Health Medicaid
11 Trust Fund.

12 "Community mental health provider" means a community
13 agency that is funded by the Department to provide a service.

14 "Service" means a mental health service provided pursuant
15 to the provisions of administrative rules adopted by the
16 Department and funded by or claimed through the Department of
17 Human Services' Division of Mental Health.

18 (Source: P.A. 95-707, eff. 1-11-08; 96-660, eff. 8-25-09;
19 96-820, eff. 11-18-09; 96-868, eff. 7-1-12; revised 1-25-10.)

20 Section 75. The Division of Banking Act is amended by
21 changing the title of the Act as follows:

22 (20 ILCS 3205/Act title)

23 An Act concerning State government ~~to provide for the~~
24 ~~administration of the Office of Banks and Real Estate.~~

1 Section 80. The Illinois Bank Examiners' Education
2 Foundation Act is amended by changing Sections 3.01, 4, and 5
3 as follows:

4 (20 ILCS 3210/3.01)

5 Sec. 3.01. "Board" means the State Banking Board of
6 Illinois as established under the provisions of the Illinois
7 Banking Act.

8 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
9 revised 9-16-10.)

10 (20 ILCS 3210/4) (from Ch. 17, par. 404)

11 Sec. 4. The Foundation shall establish an endowment fund
12 with the monies in the Illinois Bank Examiners' Education Fund.
13 The income from such Fund shall be used to pay for continuing
14 education and professional training activity for the
15 examination employees of the Division of Banking whose
16 responsibilities include the supervision and regulation of
17 commercial banks, foreign banking offices, trust companies,
18 and their information technology service providers and to pay
19 for reasonable expenses incurred by the Board in the course of
20 administering its official duties under this Act. The
21 continuing education and professional training activity to be
22 funded by the Foundation shall be a supplement to the education
23 and training expenditures regularly being made from the Bank &

1 Trust Company Fund for such purposes.

2 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
3 revised 9-16-10.)

4 (20 ILCS 3210/5)

5 Sec. 5. The Foundation shall be governed by the ~~State~~
6 ~~Banking~~ Board ~~of Illinois~~. ~~For carrying out their official~~
7 ~~duties under this Act, the Board members said~~

8 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
9 revised 9-16-10.)

10 Section 85. The Illinois Finance Authority Act is amended
11 by changing Sections 805-20 and 820-5 and by setting forth and
12 renumbering multiple versions of Section 825-105 as follows:

13 (20 ILCS 3501/805-20)

14 Sec. 805-20. Powers and Duties; Industrial Project
15 Insurance Program. The Authority has the power:

16 (a) to insure and make advance commitments to insure all or
17 any part of the payments required on the bonds issued or a loan
18 made to finance any environmental facility under the Illinois
19 Environmental Facilities Financing Act or for any industrial
20 project upon such terms and conditions as the Authority may
21 prescribe in accordance with this Article. The insurance
22 provided by the Authority shall be payable solely from the Fund
23 created by Section 805-15 and shall not constitute a debt or

1 pledge of the full faith and credit of the State, the
2 Authority, or any political subdivision thereof;

3 (b) to enter into insurance contracts, letters of credit or
4 any other agreements or contracts with financial institutions
5 with respect to the Fund and any bonds or loans insured
6 thereunder. Any such agreement or contract may contain terms
7 and provisions necessary or desirable in connection with the
8 program, subject to the requirements established by this Act,
9 including without limitation terms and provisions relating to
10 loan documentation, review and approval procedures,
11 origination and servicing rights and responsibilities, default
12 conditions, procedures and obligations with respect to
13 insurance contracts made under this Act. The agreements or
14 contracts may be executed on an individual, group or master
15 contract basis with financial institutions;

16 (c) to charge reasonable fees to defray the cost of
17 obtaining letters of credit or other similar documents, other
18 than insurance contracts under paragraph (b). Any such fees
19 shall be payable by such person, in such amounts and at such
20 times as the Authority shall determine, and the amount of the
21 fees need not be uniform among the various bonds or loans
22 insured;

23 (d) to fix insurance premiums for the insurance of payments
24 under the provisions of this Article. Such premiums shall be
25 computed as determined by the Authority. Any premiums for the
26 insurance of loan payments under the provisions of this Act

1 shall be payable by such person, in such amounts and at such
2 times as the Authority shall determine, and the amount of the
3 premiums need not be uniform among the various bonds or loans
4 insured;

5 (e) to establish application fees and prescribe
6 application, notification, contract and insurance forms, rules
7 and regulations it deems necessary or appropriate;

8 (f) to make loans and to issue bonds secured by insurance
9 or other agreements authorized by paragraphs (a) and (b) of
10 this Section 805-20 and to issue bonds secured by loans that
11 are guaranteed by the federal government or agencies thereof;

12 (g) to issue a single bond issue, or a series of bond
13 issues, for a group of industrial projects, a group of
14 corporations, or a group of business entities or any
15 combination thereof insured by insurance or backed by any other
16 agreement authorized by paragraphs (a) and (b) of this Section
17 or secured by loans that are guaranteed by the federal
18 government or agencies thereof;

19 (h) to enter into trust agreements for the management of
20 the Fund created under Section 805-15 of this Act; ~~and~~

21 (i) to exercise such other powers as are necessary or
22 incidental to the powers granted in this Section and to the
23 issuance of State Guarantees under Article 830 of this Act; and
24 -

25 (j) at the discretion of the Authority, to insure and make
26 advance commitments to insure, and issue State Guarantees for,

1 all or any part of the payments required on the bonds issued or
2 loans made to finance any agricultural facility, project,
3 farmer, producer, agribusiness, or program under Article 830 of
4 this Act upon such terms and conditions as the Authority may
5 prescribe in accordance with this Article. The insurance and
6 State Guarantees provided by the Authority may be payable from
7 the Fund created by Section 805-15 and is in addition to and
8 not in replacement of the Illinois Agricultural Loan Guarantee
9 Fund and the Illinois Farmer and Agribusiness Loan Guarantee
10 Fund created under Article 830 of this Act.

11 (Source: P.A. 96-897, eff. 5-24-10; revised 6-23-10.)

12 (20 ILCS 3501/820-5)

13 Sec. 820-5. Findings and Declaration of Policy. It is
14 hereby found and declared that there exists an urgent need to
15 upgrade and expand the capital facilities, infrastructure and
16 public purpose projects of units of local government and to
17 promote other public purposes to be carried out by units of
18 local government; that federal funding reductions combined
19 with shifting economic conditions have impeded efforts by units
20 of local government ~~governments~~ to provide the necessary
21 improvements to their capital facilities, infrastructure
22 systems and public purpose projects and to accomplish other
23 public purposes in recent years; that adequate and
24 well-maintained capital facilities, infrastructure systems and
25 public purpose projects throughout this State and the

1 performance of other public purposes by units of local
2 government throughout this State can offer significant
3 economic benefits and an improved quality of life for all
4 citizens of this State; that the exercise by the Authority of
5 the powers granted in this Article will promote economic
6 development by enhancing the capital stock of units of local
7 government ~~governments~~ and will facilitate the accomplishment
8 of other public purposes by units of local government; that
9 authorizing the Authority to borrow money in the public and
10 private capital markets in order to provide money to purchase
11 or otherwise acquire obligations of units of local government
12 will assist such units of local government in borrowing money
13 to finance and refinance the public purpose projects, capital
14 facilities and infrastructure of the units and to finance other
15 public purposes of such units of local government, in providing
16 access to adequate capital markets and facilities for borrowing
17 money by such units of local government, in encouraging
18 continued investor interest in the obligations of such units of
19 local government, in providing for the orderly marketing of the
20 obligations of such units of local government, and in achieving
21 lower overall borrowing cost and more favorable terms for such
22 borrowing; and that the provisions of this Article are hereby
23 declared to be in the public interest and for the public
24 benefit.

25 (Source: P.A. 93-205, eff. 1-1-04; revised 6-24-10.)

1 (20 ILCS 3501/825-105)

2 Sec. 825-105. Illiana Expressway financing. For the
3 purpose of financing the Illiana Expressway under the Public
4 Private Agreements for the Illiana Expressway Act, the
5 Authority is authorized to apply for an allocation of
6 tax-exempt bond financing authorization provided by Section
7 142(m) of the United States Internal Revenue Code, as well as
8 financing available under any other federal law or program.

9 (Source: P.A. 96-913, eff. 6-9-10.)

10 (20 ILCS 3501/825-107)

11 Sec. 825-107 ~~825-105~~. Implementation of ARRA provisions
12 regarding recovery zone bonds.

13 (a) Findings.

14 Recovery zone bonds authorized by the American Recovery and
15 Reinvestment Act of 2009 are an important economic development
16 tool for the State. All counties in the State and
17 municipalities in the State with a population of 100,000 or
18 more have received an allocation of recovery zone bond
19 authorization. Under federal law, those allocations must be
20 used on or before December 31, 2010. The State strongly
21 encourages counties and municipalities to issue recovery zone
22 bonds to spur economic development in the State. Under federal
23 law, the allocations may be voluntarily waived to the State for
24 reallocation by the State to other jurisdictions and other

1 projects in the State. This Section sets forth the process by
2 which the Authority, on behalf of the State, will receive
3 otherwise unused allocations and ensure that this valuable
4 economic development incentive will be used to the fullest
5 extent feasible for the benefit of the citizens of the State of
6 Illinois.

7 (b) Definitions.

8 (i) "Affected local government" means either any
9 county in the State or a municipality within the State if
10 the municipality has a population of 100,000 or more.

11 (ii) "Allocation amount" means the \$666,972,000 amount
12 of recovery zone economic development bonds and
13 \$1,000,457,000 amount of recovery zone facility bonds
14 authorized under ARRA for the financing of qualifying
15 projects located within the State and the sub-allocation of
16 those amounts among each affected local government.

17 (iii) "ARRA" means, collectively, the American
18 Recovery and Reinvestment Act of 2009, including, without
19 limitation, Sections 1400U-1, 1400U-2, and 1400U-3 of the
20 Code; the guidance provided by the Internal Revenue Service
21 applicable to recovery zone bonds; and any legislation
22 subsequently adopted by the United States Congress to
23 extend or expand the economic development bond financing
24 incentives authorized by ARRA.

25 (iv) "ARRA implementing regulations" means the

1 regulations promulgated by the Authority as further
2 described in subdivision (d)(iv) of this Section to
3 implement the provisions of this Section.

4 (v) "Code" means the Internal Revenue Code of 1986, as
5 amended.

6 (vi) "Recovery zone" means any area designated
7 pursuant to Section 1400U-1 of the Code.

8 (vii) "Recovery zone bond" means any recovery zone
9 economic development bond or recovery zone facility bond
10 issued pursuant to Sections 1400U-2 and 1400U-3,
11 respectively, of the Code.

12 (viii) "Recovery zone bond allocation" means an
13 allocation of authority to issue recovery zone bonds
14 granted pursuant to Section 1400U-1 of the Code.

15 (ix) "Regional authority" means the Central Illinois
16 Economic Development Authority, Eastern Illinois Economic
17 Development Authority, Joliet Arsenal Development
18 Authority, Quad Cities Regional Economic Development
19 Authority, Riverdale Development Authority, Southeastern
20 Illinois Economic Development Authority, Southern Illinois
21 Development Authority, Southwestern Illinois Development
22 Authority, Tri-County River Valley Development Authority,
23 Upper Illinois River Valley Development Authority,
24 Illinois Urban Development Authority, Western Illinois
25 Economic Development Authority, or Will-Kankakee Regional
26 Development Authority.

1 (x) "Sub-allocation" means the portion of the
2 allocation amount allocated to each affected local
3 government.

4 (xi) "Waived recovery zone bond allocation" means the
5 amount of the recovery zone bond allocation voluntarily
6 waived by an affected local government.

7 (xii) "Waiver agreement" means an agreement between
8 the Authority and an affected local government providing
9 for the voluntary waiver, in whole or in part, of that
10 affected local government's sub-allocation to the
11 Authority. The waiver agreement may provide for the payment
12 of an affected local government's reasonable fees and costs
13 as determined by the Authority in connection with the
14 affected local government's voluntary waiver of its
15 sub-allocation.

16 (c) Additional findings.

17 It is found and declared that:

18 (i) it is in the public interest and for the benefit of
19 the State to maximize the use of economic development
20 incentives authorized by ARRA;

21 (ii) those incentives include the maximum use of the
22 allocation amount for the issuance of recovery zone bonds
23 to promote job creation and economic development in any
24 area that has been designated as a recovery zone by an
25 affected local government under the applicable provisions

1 of ARRA;

2 (iii) those incentives also include the issuance by the
3 Authority of recovery zone bonds for the purposes of
4 financing qualifying projects to be financed with proceeds
5 of recovery zone bonds; and

6 (iv) the provisions of this Section reflect the State's
7 determination in good faith and in its discretion of the
8 reasonable manner in which waived recovery zone bond
9 allocations should be reallocated by the Authority.

10 (d) Powers of Authority.

11 (i) In order to carry out the provisions of ARRA and
12 further the purposes of this Section, the Authority has:

13 (A) the power to receive from any affected local
14 government its sub-allocation that it voluntarily
15 waives to the Authority, in whole or in part, for
16 reallocation by the Authority to a regional authority
17 specifically designated by that affected local
18 government, and the Authority shall reallocate that
19 waived recovery zone bond allocation to the regional
20 authority specifically designated by that affected
21 local government; provided that (1) the affected local
22 government must take official action by resolution or
23 ordinance, as applicable, to waive the sub-allocation
24 to the Authority and specifically designate that its
25 waived recovery zone bond allocation should be

1 reallocated to a regional authority; (2) the regional
2 authority must use the sub-allocation to issue
3 recovery zone bonds on or before August 16, 2010 and,
4 if recovery zone bonds are not issued on or before
5 August 16, 2010, the sub-allocation shall be deemed
6 waived to the Authority for reallocation by the
7 Authority to qualifying projects; and (3) the proceeds
8 of the recovery zone bonds must be used for qualified
9 projects within the jurisdiction of the applicable
10 regional authority;

11 (B) at the Authority's sole discretion, the power
12 to reallocate any sub-allocation deemed waived to the
13 Authority pursuant to subsection (d)(i)(A)(2) back to
14 the regional authority that had the sub-allocation;

15 (C) the power to enter into waiver agreements with
16 affected local governments to provide for their
17 voluntary waivers, in whole or in part, of their
18 sub-allocations, to receive waived recovery zone bond
19 allocations from those affected local governments, and
20 to use those waived recovery zone bond allocations, in
21 whole or in part, to issue recovery zone bonds of the
22 Authority for qualifying projects or to reallocate
23 those waived recovery zone bond allocations, in whole
24 or in part, to a county or municipality to issue its
25 own recovery zone bonds for qualifying projects;

26 (D) the power to designate areas within the State

1 as recovery zones or all of the State as a recovery
2 zone; and

3 (E) the power to issue recovery zone bonds for any
4 project authorized to be financed with proceeds
5 thereof under the applicable provisions of ARRA.

6 (ii) In addition to the powers set forth in item (i),
7 the Authority shall be the sole recipient, on behalf of the
8 State, of any waived recovery zone bond allocations.
9 Recovery zone bond allocations can be waived to the
10 Authority only by voluntary waiver as provided in this
11 Section.

12 (iii) In addition to the powers set forth in items (i)
13 and (ii), the Authority has any powers otherwise enjoyed by
14 the Authority in connection with the issuance of its bonds
15 if those powers are not in conflict with any provisions
16 with respect to recovery zone bonds set forth in ARRA.

17 (iv) The Authority has the power to adopt regulations
18 providing for the implementation of any of the provisions
19 contained in this Section, including provisions regarding
20 waiver agreements and the reallocation of all or any
21 portion of the allocation amount and sub-allocations and
22 the issuance of recovery zone bonds; except that those
23 regulations shall not (1) apply to or affect any
24 designation of a recovery zone by a county or municipality,
25 (2) provide for any waiver or reallocation of an affected
26 local government's sub-allocation other than a voluntary

1 waiver as described in subsection (d), or (3) be
2 inconsistent with the provisions of subsection (d)(i).
3 Regulations adopted by the Authority for determining
4 reallocation of all or any portion of a waived recovery
5 zone bond allocation may include, but are not limited to,
6 (1) the ability of the county or municipality to issue
7 recovery zone bonds on or before December 31, 2010, (2) the
8 amount of jobs that will be retained or created, or both,
9 by the qualifying project to be financed by recovery zone
10 bonds, and (3) the geographical proximity of the qualifying
11 project to be financed by recovery zone bonds to a county
12 or municipality that voluntarily waived its sub-allocation
13 to the Authority.

14 (v) Unless extended by an act of the United States
15 Congress, no recovery zone bonds may be issued after
16 December 31, 2010.

17 (e) Established dates for notice.

18 Any affected local government or any regional authority
19 that has issued recovery zone bonds on or before the effective
20 date of this Section must report its issuance of recovery zone
21 bonds to the Authority within 30 days after the effective date
22 of this Section. After the effective date of this Section, any
23 affected local government or any regional authority must report
24 its issuance of recovery zone bonds to the Authority not less
25 than 30 days after those bonds are issued.

1 (f) Reports to the General Assembly.

2 Starting 60 days after the effective date of this Section
3 and ending on January 15, 2011, the Authority shall file a
4 report before the 15th day of each month with the General
5 Assembly detailing its implementation of this Section,
6 including but not limited to the dollar amount of the
7 allocation amount that has been reallocated by the Authority
8 pursuant to this Section, the recovery zone bonds issued in the
9 State as of the date of the report, and descriptions of the
10 qualifying projects financed by those recovery zone bonds.

11 (Source: P.A. 96-1020, eff. 7-12-10; revised 8-16-10.)

12 Section 90. The State Finance Act is amended by setting
13 forth and renumbering multiple versions of Sections 5.719,
14 5.755, 5.756, 5.777, 5.778, and 6z-82 and by changing Sections
15 6z-18, 6z-20, 12-1, and 25 as follows:

16 (30 ILCS 105/5.719)

17 Sec. 5.719. The Private College Academic Quality Assurance
18 Fund.

19 (Source: P.A. 95-1046, eff. 3-27-09; 96-1000, eff. 7-2-10.)

20 (30 ILCS 105/5.753)

21 Sec. 5.753 ~~5.719~~. The Pre-need Funeral Consumer Protection
22 Fund.

1 (Source: P.A. 96-879, eff. 2-2-10; revised 2-3-10.)

2 (30 ILCS 105/5.754)

3 Sec. 5.754 ~~5.755~~. The Illiana Expressway Proceeds Fund.

4 (Source: P.A. 96-913, eff. 6-9-10; revised 9-23-10.)

5 (30 ILCS 105/5.755)

6 Sec. 5.755. The Healthcare Provider Relief Fund.

7 (Source: P.A. 96-820, eff. 11-18-09.)

8 (30 ILCS 105/5.756)

9 Sec. 5.756. The STAR Bonds Revenue Fund.

10 (Source: P.A. 96-939, eff. 6-24-10.)

11 (30 ILCS 105/5.757)

12 Sec. 5.757 ~~5.755~~. The Employment of Illinois Workers on
13 Public Works Projects Fund.

14 (Source: P.A. 96-929, eff. 6-16-10; revised 9-23-10.)

15 (30 ILCS 105/5.759)

16 Sec. 5.759 ~~5.755~~. The Court of Claims Federal Recovery
17 Victim Compensation Grant Fund.

18 (Source: P.A. 96-959, eff. 7-1-10; revised 9-23-10.)

19 (30 ILCS 105/5.760)

20 Sec. 5.760 ~~5.755~~. The Share the Road Fund.

1 (Source: P.A. 96-1006, eff. 1-1-11; revised 9-23-10.)

2 (30 ILCS 105/5.761)

3 Sec. 5.761 ~~5.755~~. The State's Attorneys Appellate
4 Prosecutor Anti-Corruption Fund.

5 (Source: P.A. 96-1019, eff. 1-1-11; revised 9-23-10.)

6 (30 ILCS 105/5.762)

7 Sec. 5.762 ~~5.755~~. The Farmers' Market Technology
8 Improvement Fund.

9 (Source: P.A. 96-1088, eff. 7-19-10; revised 9-23-10.)

10 (30 ILCS 105/5.763)

11 Sec. 5.763 ~~5.755~~. The Attorney General Sex Offender
12 Awareness, Training, and Education Fund.

13 (Source: P.A. 96-1096, eff. 1-1-11; revised 9-23-10.)

14 (30 ILCS 105/5.764)

15 Sec. 5.764 ~~5.755~~. The Fraternal Order of Police Fund.

16 (Source: P.A. 96-1240, eff. 7-23-10; revised 9-23-10.)

17 (30 ILCS 105/5.765)

18 Sec. 5.765 ~~5.755~~. The Soil and Water Conservation District
19 Fund.

20 (Source: P.A. 96-1377, eff. 1-1-11; revised 9-23-10.)

1 (30 ILCS 105/5.766)

2 Sec. 5.766 ~~5.755~~. The Wage Theft Enforcement Fund.

3 (Source: P.A. 96-1407, eff. 1-1-11; revised 9-23-10.)

4 (30 ILCS 105/5.767)

5 Sec. 5.767 ~~5.755~~. The Green Manufacturing Grant Fund.

6 (Source: P.A. 96-1413, eff. 1-1-11; revised 9-23-10.)

7 (30 ILCS 105/5.768)

8 Sec. 5.768 ~~5.755~~. The Foreclosure Prevention Program Fund.

9 (Source: P.A. 96-1419, eff. 10-1-10; revised 9-23-10.)

10 (30 ILCS 105/5.769)

11 Sec. 5.769 ~~5.755~~. The Debt Management Service Consumer
12 Protection Fund.

13 (Source: P.A. 96-1420, eff. 8-3-10; revised 9-23-10.)

14 (30 ILCS 105/5.770)

15 Sec. 5.770 ~~5.755~~. The 4-H Fund.

16 (Source: P.A. 96-1449, eff. 1-1-11; revised 9-23-10.)

17 (30 ILCS 105/5.771)

18 Sec. 5.771 ~~5.756~~. The Money Laundering Asset Recovery Fund.

19 (Source: P.A. 96-1234, eff. 7-23-10; revised 9-23-10.)

20 (30 ILCS 105/5.772)

1 Sec. 5.772 ~~5.756~~. The St. Jude Children's Research Fund.

2 (Source: P.A. 96-1377, eff. 1-1-11; revised 9-23-10.)

3 (30 ILCS 105/5.773)

4 Sec. 5.773 ~~5.756~~. The Attorney General's State Projects and
5 Court Ordered Distribution Fund.

6 (Source: P.A. 96-1379, eff. 7-29-10; revised 9-23-10.)

7 (30 ILCS 105/5.774)

8 Sec. 5.774 ~~5.756~~. The Reciprocal Tax Collection Fund.

9 (Source: P.A. 96-1383, eff. 1-1-11; revised 9-23-10.)

10 (30 ILCS 105/5.777)

11 Sec. 5.777. The Convention Center Support Fund.

12 (Source: P.A. 96-898, eff. 5-27-10.)

13 (30 ILCS 105/5.778)

14 Sec. 5.778. The State Police Operations Assistance Fund.

15 (Source: P.A. 96-1029, eff. 7-13-10.)

16 (30 ILCS 105/5.780)

17 Sec. 5.780 ~~5.756~~. The Abandoned Residential Property
18 Municipality Relief Fund.

19 (Source: P.A. 96-1419, eff. 10-1-10; revised 9-23-10.)

20 (30 ILCS 105/5.781)

1 Sec. 5.781 ~~5.756~~. The Debt Settlement Consumer Protection
2 Fund.

3 (Source: P.A. 96-1420, eff. 8-3-10; revised 9-23-10.)

4 (30 ILCS 105/5.782)

5 Sec. 5.782 ~~5.756~~. The Ducks Unlimited Fund.

6 (Source: P.A. 96-1449, eff. 1-1-11; revised 9-23-10.)

7 (30 ILCS 105/5.783)

8 Sec. 5.783 ~~5.777~~. The State Police Streetgang-Related
9 Crime Fund.

10 (Source: P.A. 96-1029, eff. 7-13-10; revised 9-23-10.)

11 (30 ILCS 105/5.784)

12 Sec. 5.784 ~~5.777~~. The Illinois Route 66 Fund.

13 (Source: P.A. 96-1424, eff. 8-3-10; revised 9-23-10.)

14 (30 ILCS 105/5.785)

15 Sec. 5.785 ~~5.778~~. The Habitat for Humanity Fund.

16 (Source: P.A. 96-1424, eff. 8-3-10; revised 9-23-10.)

17 (30 ILCS 105/6z-18) (from Ch. 127, par. 142z-18)

18 Sec. 6z-18. A portion of the money paid into the Local
19 Government Tax Fund from sales of food for human consumption
20 which is to be consumed off the premises where it is sold
21 (other than alcoholic beverages, soft drinks and food which has

1 been prepared for immediate consumption) and prescription and
2 nonprescription medicines, drugs, medical appliances and
3 insulin, urine testing materials, syringes and needles used by
4 diabetics, which occurred in municipalities, shall be
5 distributed to each municipality based upon the sales which
6 occurred in that municipality. The remainder shall be
7 distributed to each county based upon the sales which occurred
8 in the unincorporated area of that county.

9 A portion of the money paid into the Local Government Tax
10 Fund from the 6.25% general use tax rate on the selling price
11 of tangible personal property which is purchased outside
12 Illinois at retail from a retailer and which is titled or
13 registered by any agency of this State's government shall be
14 distributed to municipalities as provided in this paragraph.
15 Each municipality shall receive the amount attributable to
16 sales for which Illinois addresses for titling or registration
17 purposes are given as being in such municipality. The remainder
18 of the money paid into the Local Government Tax Fund from such
19 sales shall be distributed to counties. Each county shall
20 receive the amount attributable to sales for which Illinois
21 addresses for titling or registration purposes are given as
22 being located in the unincorporated area of such county.

23 A portion of the money paid into the Local Government Tax
24 Fund from the 6.25% general rate (and, beginning July 1, 2000
25 and through December 31, 2000, the 1.25% rate on motor fuel and
26 gasohol, and beginning on August 6, 2010 through August 15,

1 2010, the 1.25% rate on sales tax holiday items) on sales
2 subject to taxation under the Retailers' Occupation Tax Act and
3 the Service Occupation Tax Act, which occurred in
4 municipalities, shall be distributed to each municipality,
5 based upon the sales which occurred in that municipality. The
6 remainder shall be distributed to each county, based upon the
7 sales which occurred in the unincorporated area of such county.

8 For the purpose of determining allocation to the local
9 government unit, a retail sale by a producer of coal or other
10 mineral mined in Illinois is a sale at retail at the place
11 where the coal or other mineral mined in Illinois is extracted
12 from the earth. This paragraph does not apply to coal or other
13 mineral when it is delivered or shipped by the seller to the
14 purchaser at a point outside Illinois so that the sale is
15 exempt under the United States Constitution as a sale in
16 interstate or foreign commerce.

17 Whenever the Department determines that a refund of money
18 paid into the Local Government Tax Fund should be made to a
19 claimant instead of issuing a credit memorandum, the Department
20 shall notify the State Comptroller, who shall cause the order
21 to be drawn for the amount specified, and to the person named,
22 in such notification from the Department. Such refund shall be
23 paid by the State Treasurer out of the Local Government Tax
24 Fund.

25 As soon as possible after the first day of each month,
26 beginning January 1, 2011, upon certification of the Department

1 of Revenue, the Comptroller shall order transferred, and the
2 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
3 local sales tax increment, as defined in the Innovation
4 Development and Economy Act, collected during the second
5 preceding calendar month for sales within a STAR bond district
6 and deposited into the Local Government Tax Fund, less 3% of
7 that amount, which shall be transferred into the Tax Compliance
8 and Administration Fund and shall be used by the Department,
9 subject to appropriation, to cover the costs of the Department
10 in administering the Innovation Development and Economy Act.

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to named municipalities
15 and counties, the municipalities and counties to be those
16 entitled to distribution of taxes or penalties paid to the
17 Department during the second preceding calendar month. The
18 amount to be paid to each municipality or county shall be the
19 amount (not including credit memoranda) collected during the
20 second preceding calendar month by the Department and paid into
21 the Local Government Tax Fund, plus an amount the Department
22 determines is necessary to offset any amounts which were
23 erroneously paid to a different taxing body, and not including
24 an amount equal to the amount of refunds made during the second
25 preceding calendar month by the Department, and not including
26 any amount which the Department determines is necessary to

1 offset any amounts which are payable to a different taxing body
2 but were erroneously paid to the municipality or county, and
3 not including any amounts that are transferred to the STAR
4 Bonds Revenue Fund. Within 10 days after receipt, by the
5 Comptroller, of the disbursement certification to the
6 municipalities and counties, provided for in this Section to be
7 given to the Comptroller by the Department, the Comptroller
8 shall cause the orders to be drawn for the respective amounts
9 in accordance with the directions contained in such
10 certification.

11 When certifying the amount of monthly disbursement to a
12 municipality or county under this Section, the Department shall
13 increase or decrease that amount by an amount necessary to
14 offset any misallocation of previous disbursements. The offset
15 amount shall be the amount erroneously disbursed within the 6
16 months preceding the time a misallocation is discovered.

17 The provisions directing the distributions from the
18 special fund in the State Treasury provided for in this Section
19 shall constitute an irrevocable and continuing appropriation
20 of all amounts as provided herein. The State Treasurer and
21 State Comptroller are hereby authorized to make distributions
22 as provided in this Section.

23 In construing any development, redevelopment, annexation,
24 preannexation or other lawful agreement in effect prior to
25 September 1, 1990, which describes or refers to receipts from a
26 county or municipal retailers' occupation tax, use tax or

1 service occupation tax which now cannot be imposed, such
2 description or reference shall be deemed to include the
3 replacement revenue for such abolished taxes, distributed from
4 the Local Government Tax Fund.

5 (Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10;
6 revised 7-22-10.)

7 (30 ILCS 105/6z-20) (from Ch. 127, par. 142z-20)

8 Sec. 6z-20. Of the money received from the 6.25% general
9 rate (and, beginning July 1, 2000 and through December 31,
10 2000, the 1.25% rate on motor fuel and gasohol, and beginning
11 on August 6, 2010 through August 15, 2010, the 1.25% rate on
12 sales tax holiday items) on sales subject to taxation under the
13 Retailers' Occupation Tax Act and Service Occupation Tax Act
14 and paid into the County and Mass Transit District Fund,
15 distribution to the Regional Transportation Authority tax
16 fund, created pursuant to Section 4.03 of the Regional
17 Transportation Authority Act, for deposit therein shall be made
18 based upon the retail sales occurring in a county having more
19 than 3,000,000 inhabitants. The remainder shall be distributed
20 to each county having 3,000,000 or fewer inhabitants based upon
21 the retail sales occurring in each such county.

22 For the purpose of determining allocation to the local
23 government unit, a retail sale by a producer of coal or other
24 mineral mined in Illinois is a sale at retail at the place
25 where the coal or other mineral mined in Illinois is extracted

1 from the earth. This paragraph does not apply to coal or other
2 mineral when it is delivered or shipped by the seller to the
3 purchaser at a point outside Illinois so that the sale is
4 exempt under the United States Constitution as a sale in
5 interstate or foreign commerce.

6 Of the money received from the 6.25% general use tax rate
7 on tangible personal property which is purchased outside
8 Illinois at retail from a retailer and which is titled or
9 registered by any agency of this State's government and paid
10 into the County and Mass Transit District Fund, the amount for
11 which Illinois addresses for titling or registration purposes
12 are given as being in each county having more than 3,000,000
13 inhabitants shall be distributed into the Regional
14 Transportation Authority tax fund, created pursuant to Section
15 4.03 of the Regional Transportation Authority Act. The
16 remainder of the money paid from such sales shall be
17 distributed to each county based on sales for which Illinois
18 addresses for titling or registration purposes are given as
19 being located in the county. Any money paid into the Regional
20 Transportation Authority Occupation and Use Tax Replacement
21 Fund from the County and Mass Transit District Fund prior to
22 January 14, 1991, which has not been paid to the Authority
23 prior to that date, shall be transferred to the Regional
24 Transportation Authority tax fund.

25 Whenever the Department determines that a refund of money
26 paid into the County and Mass Transit District Fund should be

1 made to a claimant instead of issuing a credit memorandum, the
2 Department shall notify the State Comptroller, who shall cause
3 the order to be drawn for the amount specified, and to the
4 person named, in such notification from the Department. Such
5 refund shall be paid by the State Treasurer out of the County
6 and Mass Transit District Fund.

7 As soon as possible after the first day of each month,
8 beginning January 1, 2011, upon certification of the Department
9 of Revenue, the Comptroller shall order transferred, and the
10 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
11 local sales tax increment, as defined in the Innovation
12 Development and Economy Act, collected during the second
13 preceding calendar month for sales within a STAR bond district
14 and deposited into the County and Mass Transit District Fund,
15 less 3% of that amount, which shall be transferred into the Tax
16 Compliance and Administration Fund and shall be used by the
17 Department, subject to appropriation, to cover the costs of the
18 Department in administering the Innovation Development and
19 Economy Act.

20 After the monthly transfer to the STAR Bonds Revenue Fund,
21 on or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money to the Regional
24 Transportation Authority and to named counties, the counties to
25 be those entitled to distribution, as hereinabove provided, of
26 taxes or penalties paid to the Department during the second

1 preceding calendar month. The amount to be paid to the Regional
2 Transportation Authority and each county having 3,000,000 or
3 fewer inhabitants shall be the amount (not including credit
4 memoranda) collected during the second preceding calendar
5 month by the Department and paid into the County and Mass
6 Transit District Fund, plus an amount the Department determines
7 is necessary to offset any amounts which were erroneously paid
8 to a different taxing body, and not including an amount equal
9 to the amount of refunds made during the second preceding
10 calendar month by the Department, and not including any amount
11 which the Department determines is necessary to offset any
12 amounts which were payable to a different taxing body but were
13 erroneously paid to the Regional Transportation Authority or
14 county, and not including any amounts that are transferred to
15 the STAR Bonds Revenue Fund. Within 10 days after receipt, by
16 the Comptroller, of the disbursement certification to the
17 Regional Transportation Authority and counties, provided for
18 in this Section to be given to the Comptroller by the
19 Department, the Comptroller shall cause the orders to be drawn
20 for the respective amounts in accordance with the directions
21 contained in such certification.

22 When certifying the amount of a monthly disbursement to the
23 Regional Transportation Authority or to a county under this
24 Section, the Department shall increase or decrease that amount
25 by an amount necessary to offset any misallocation of previous
26 disbursements. The offset amount shall be the amount

1 erroneously disbursed within the 6 months preceding the time a
2 misallocation is discovered.

3 The provisions directing the distributions from the
4 special fund in the State Treasury provided for in this Section
5 and from the Regional Transportation Authority tax fund created
6 by Section 4.03 of the Regional Transportation Authority Act
7 shall constitute an irrevocable and continuing appropriation
8 of all amounts as provided herein. The State Treasurer and
9 State Comptroller are hereby authorized to make distributions
10 as provided in this Section.

11 In construing any development, redevelopment, annexation,
12 preannexation or other lawful agreement in effect prior to
13 September 1, 1990, which describes or refers to receipts from a
14 county or municipal retailers' occupation tax, use tax or
15 service occupation tax which now cannot be imposed, such
16 description or reference shall be deemed to include the
17 replacement revenue for such abolished taxes, distributed from
18 the County and Mass Transit District Fund or Local Government
19 Distributive Fund, as the case may be.

20 (Source: P.A. 96-939, eff. 6-24-10; 96-1012, eff. 7-7-10;
21 revised 7-22-10.)

22 (30 ILCS 105/6z-82)

23 Sec. 6z-82. State Police Operations Assistance Fund.

24 (a) There is created in the State treasury a special fund
25 known as the State Police Operations Assistance Fund. The Fund

1 shall receive revenue pursuant to Section 27.3a of the Clerks
2 of Courts Act. The Fund may also receive revenue from grants,
3 donations, appropriations, and any other legal source.

4 (b) The Department of State Police may use moneys in the
5 Fund to finance any of its lawful purposes or functions.

6 (c) Expenditures may be made from the Fund only as
7 appropriated by the General Assembly by law.

8 (d) Investment income that is attributable to the
9 investment of moneys in the Fund shall be retained in the Fund
10 for the uses specified in this Section.

11 (e) The State Police Operations Assistance Fund shall not
12 be subject to administrative chargebacks.

13 (Source: P.A. 96-1029, eff. 7-13-10.)

14 (30 ILCS 105/6z-84)

15 Sec. 6z-84 ~~6z-82~~. The Habitat for Humanity Fund; creation.
16 The Habitat for Humanity Fund is created as a special fund in
17 the State treasury. Moneys in the Fund shall be appropriated to
18 the Department of Human Services for the purpose of making
19 grants to Habitat for Humanity of Illinois, Inc., for the
20 purpose of supporting Habitat for Humanity projects in
21 Illinois.

22 (Source: P.A. 96-1424, eff. 8-3-10; revised 9-28-10.)

23 (30 ILCS 105/12-1) (from Ch. 127, par. 148-1)

24 Sec. 12-1. Travel control boards.

1 (a) The following travel control boards are created with
2 the members and jurisdiction set forth below:

3 (1) A Travel Control Board is created within the Office
4 of the Attorney General consisting of the Attorney General
5 as chairman and 2 members of his supervisory staff
6 appointed by him. The board shall have jurisdiction over
7 travel by employees of the office.

8 (2) A Travel Control Board is created within the Office
9 of the State Comptroller consisting of the Comptroller as
10 chairman and 2 members of his supervisory staff appointed
11 by him. The board shall have jurisdiction over travel by
12 employees of the office.

13 (3) The Higher Education Travel Control Board shall
14 consist of 11 members, one to be appointed by each of the
15 following: the Board of Trustees of the University of
16 Illinois, the Board of Trustees of Southern Illinois
17 University, the Board of Trustees of Chicago State
18 University, the Board of Trustees of Eastern Illinois
19 University, the Board of Trustees of Governors State
20 University, the Board of Trustees of Illinois State
21 University, the Board of Trustees of Northeastern Illinois
22 University, the Board of Trustees of Northern Illinois
23 University, the Board of Trustees of Western Illinois
24 University, the Illinois Community College Board and the
25 Illinois Board of Higher Education. Each member shall be an
26 officer, member or employee of the board making the

1 appointment, or of an institution governed or maintained by
2 such board. The board shall have jurisdiction over travel
3 by the Board of Higher Education, the Board of Trustees of
4 the University of Illinois, the Board of Trustees of
5 Southern Illinois University, the Board of Trustees of
6 Chicago State University, the Board of Trustees of Eastern
7 Illinois University, the Board of Trustees of Governors
8 State University, the Board of Trustees of Illinois State
9 University, the Board of Trustees of Northeastern Illinois
10 University, the Board of Trustees of Northern Illinois
11 University, the Board of Trustees of Western Illinois
12 University, the Illinois Community College Board, the
13 State Community College of East St. Louis (abolished under
14 Section 2-12.1 of the Public Community College Act), the
15 Illinois State Scholarship Commission, the State
16 Universities Retirement System, the University Civil
17 Service Merit Board, the Board of Trustees of the Illinois
18 Mathematics and Science Academy and all employees of the
19 named Boards, Commission and System and of the institutions
20 governed or maintained by the named Boards. The Higher
21 Education Travel Control Board shall select a chairman from
22 among its members.

23 (4) The Legislative Travel Control Board shall consist
24 of the following members serving ex-officio: The Auditor
25 General as chairman, the President and the Minority Leader
26 of the Senate and the Speaker and the Minority Leader of

1 the House of Representatives. The board shall have
2 jurisdiction over travel by employees of: the General
3 Assembly, legislative boards and commissions, the Office
4 of the Auditor General and all legislative agencies.

5 (5) A Travel Control Board is created within the Office
6 of the Lieutenant Governor consisting of the Lieutenant
7 Governor as chairman and 2 members of his supervisory staff
8 appointed by him. The board shall have jurisdiction over
9 travel by employees of the office. The Travel Control Board
10 within the office of the Lieutenant Governor is subject to
11 the provisions of Section 405-500 of the Department of
12 Central Management Services Law (20 ILCS 405/405-500).

13 (6) A Travel Control Board is created within the Office
14 of the Secretary of State consisting of the Secretary of
15 State as chairman, and 2 members of his supervisory staff
16 appointed by him. The board shall have jurisdiction over
17 travel by employees of the office.

18 (7) A Travel Control Board is created within the
19 Judicial Branch consisting of a chairman and 2 members
20 appointed by the Supreme Court. The board shall have
21 jurisdiction over travel by personnel of the Judicial
22 Branch, except the circuit courts and the judges.

23 (8) A Travel Control Board is created under the State
24 Board of Education, consisting of the State Superintendent
25 of Education as chairman, and 2 members of his supervisory
26 staff appointed by the State Board of Education. The Board

1 shall have jurisdiction over travel by employees of the
2 State Board of Education.

3 (9) A Travel Control Board is created within the Office
4 of the State Treasurer, consisting of the State Treasurer
5 as chairman and 2 members of his supervisory staff
6 appointed by him. The board shall have jurisdiction over
7 travel by employees of the office.

8 (10) A Governor's Travel Control Board is created
9 consisting of the Governor ex-officio as chairman, and 2
10 members appointed by the Governor. The board shall have
11 jurisdiction over travel by employees and officers of all
12 State agencies as defined in the Illinois State Auditing
13 Act, except for the following: judges, members of the
14 General Assembly, elected constitutional officers of the
15 State, the Auditor General, and personnel under the
16 jurisdiction of another travel control board created by
17 statute.

18 (a-5) The Commissioner of Banks and Real Estate, the
19 Prisoner Review Board, and the State Fire Marshal shall submit
20 to the Governor's Travel Control Board the quarterly reports
21 required by regulation pertaining to their employees
22 reimbursed for housing.

23 (b) Each travel control board created by this Section shall
24 meet at the call of the chairman at least quarterly to review
25 all vouchers, or a report thereof, for travel reimbursements
26 involving an exception to the State Travel Regulations and

1 Rates. Each travel control board shall prescribe the procedures
2 for submission of an information copy of vouchers involving an
3 exception to the general provisions established by the State
4 Travel Regulations and Reimbursement Rates.

5 (c) Any chairman or member of a travel control board may,
6 with the consent of the respective appointing official,
7 designate a deputy to serve in his place at any or all meetings
8 of the board. The designation shall be in writing and directed
9 to the chairman of the board.

10 (d) No member of a travel control board may receive
11 additional compensation for his service as a member.

12 (e) A report of the travel reimbursement claims reviewed by
13 each travel control board shall be submitted to the Legislative
14 Audit Commission at least once each quarter and that Commission
15 shall comment on all such reports in its annual reports to the
16 General Assembly.

17 (Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00;
18 revised 9-16-10.)

19 (30 ILCS 105/25) (from Ch. 127, par. 161)

20 Sec. 25. Fiscal year limitations.

21 (a) All appropriations shall be available for expenditure
22 for the fiscal year or for a lesser period if the Act making
23 that appropriation so specifies. A deficiency or emergency
24 appropriation shall be available for expenditure only through
25 June 30 of the year when the Act making that appropriation is

1 enacted unless that Act otherwise provides.

2 (b) Outstanding liabilities as of June 30, payable from
3 appropriations which have otherwise expired, may be paid out of
4 the expiring appropriations during the 2-month period ending at
5 the close of business on August 31. Any service involving
6 professional or artistic skills or any personal services by an
7 employee whose compensation is subject to income tax
8 withholding must be performed as of June 30 of the fiscal year
9 in order to be considered an "outstanding liability as of June
10 30" that is thereby eligible for payment out of the expiring
11 appropriation.

12 However, payment of tuition reimbursement claims under
13 Section 14-7.03 or 18-3 of the School Code may be made by the
14 State Board of Education from its appropriations for those
15 respective purposes for any fiscal year, even though the claims
16 reimbursed by the payment may be claims attributable to a prior
17 fiscal year, and payments may be made at the direction of the
18 State Superintendent of Education from the fund from which the
19 appropriation is made without regard to any fiscal year
20 limitations.

21 All outstanding liabilities as of June 30, 2010, payable
22 from appropriations that would otherwise expire at the
23 conclusion of the lapse period for fiscal year 2010, and
24 interest penalties payable on those liabilities under the State
25 Prompt Payment Act, may be paid out of the expiring
26 appropriations until December 31, 2010, without regard to the

1 fiscal year in which the payment is made, as long as vouchers
2 for the liabilities are received by the Comptroller no later
3 than August 31, 2010.

4 Medical payments may be made by the Department of Veterans'
5 Affairs from its appropriations for those purposes for any
6 fiscal year, without regard to the fact that the medical
7 services being compensated for by such payment may have been
8 rendered in a prior fiscal year.

9 Medical payments may be made by the Department of
10 Healthcare and Family Services and medical payments and child
11 care payments may be made by the Department of Human Services
12 (as successor to the Department of Public Aid) from
13 appropriations for those purposes for any fiscal year, without
14 regard to the fact that the medical or child care services
15 being compensated for by such payment may have been rendered in
16 a prior fiscal year; and payments may be made at the direction
17 of the Department of Central Management Services from the
18 Health Insurance Reserve Fund and the Local Government Health
19 Insurance Reserve Fund without regard to any fiscal year
20 limitations.

21 Medical payments may be made by the Department of Human
22 Services from its appropriations relating to substance abuse
23 treatment services for any fiscal year, without regard to the
24 fact that the medical services being compensated for by such
25 payment may have been rendered in a prior fiscal year, provided
26 the payments are made on a fee-for-service basis consistent

1 with requirements established for Medicaid reimbursement by
2 the Department of Healthcare and Family Services.

3 Additionally, payments may be made by the Department of
4 Human Services from its appropriations, or any other State
5 agency from its appropriations with the approval of the
6 Department of Human Services, from the Immigration Reform and
7 Control Fund for purposes authorized pursuant to the
8 Immigration Reform and Control Act of 1986, without regard to
9 any fiscal year limitations.

10 Further, with respect to costs incurred in fiscal years
11 2002 and 2003 only, payments may be made by the State Treasurer
12 from its appropriations from the Capital Litigation Trust Fund
13 without regard to any fiscal year limitations.

14 Lease payments may be made by the Department of Central
15 Management Services under the sale and leaseback provisions of
16 Section 7.4 of the State Property Control Act with respect to
17 the James R. Thompson Center and the Elgin Mental Health Center
18 and surrounding land from appropriations for that purpose
19 without regard to any fiscal year limitations.

20 Lease payments may be made under the sale and leaseback
21 provisions of Section 7.5 of the State Property Control Act
22 with respect to the Illinois State Toll Highway Authority
23 headquarters building and surrounding land without regard to
24 any fiscal year limitations.

25 Payments may be made in accordance with a plan authorized
26 by paragraph (11) or (12) of Section 405-105 of the Department

1 of Central Management Services Law from appropriations for
2 those payments without regard to fiscal year limitations.

3 (c) Further, payments may be made by the Department of
4 Public Health and the Department of Human Services (acting as
5 successor to the Department of Public Health under the
6 Department of Human Services Act) from their respective
7 appropriations for grants for medical care to or on behalf of
8 persons suffering from chronic renal disease, persons
9 suffering from hemophilia, rape victims, and premature and
10 high-mortality risk infants and their mothers and for grants
11 for supplemental food supplies provided under the United States
12 Department of Agriculture Women, Infants and Children
13 Nutrition Program, for any fiscal year without regard to the
14 fact that the services being compensated for by such payment
15 may have been rendered in a prior fiscal year.

16 (d) The Department of Public Health and the Department of
17 Human Services (acting as successor to the Department of Public
18 Health under the Department of Human Services Act) shall each
19 annually submit to the State Comptroller, Senate President,
20 Senate Minority Leader, Speaker of the House, House Minority
21 Leader, and the respective Chairmen and Minority Spokesmen of
22 the Appropriations Committees of the Senate and the House, on
23 or before December 31, a report of fiscal year funds used to
24 pay for services provided in any prior fiscal year. This report
25 shall document by program or service category those
26 expenditures from the most recently completed fiscal year used

1 to pay for services provided in prior fiscal years.

2 (e) The Department of Healthcare and Family Services, the
3 Department of Human Services (acting as successor to the
4 Department of Public Aid), and the Department of Human Services
5 making fee-for-service payments relating to substance abuse
6 treatment services provided during a previous fiscal year shall
7 each annually submit to the State Comptroller, Senate
8 President, Senate Minority Leader, Speaker of the House, House
9 Minority Leader, the respective Chairmen and Minority
10 Spokesmen of the Appropriations Committees of the Senate and
11 the House, on or before November 30, a report that shall
12 document by program or service category those expenditures from
13 the most recently completed fiscal year used to pay for (i)
14 services provided in prior fiscal years and (ii) services for
15 which claims were received in prior fiscal years.

16 (f) The Department of Human Services (as successor to the
17 Department of Public Aid) shall annually submit to the State
18 Comptroller, Senate President, Senate Minority Leader, Speaker
19 of the House, House Minority Leader, and the respective
20 Chairmen and Minority Spokesmen of the Appropriations
21 Committees of the Senate and the House, on or before December
22 31, a report of fiscal year funds used to pay for services
23 (other than medical care) provided in any prior fiscal year.
24 This report shall document by program or service category those
25 expenditures from the most recently completed fiscal year used
26 to pay for services provided in prior fiscal years.

1 (g) In addition, each annual report required to be
2 submitted by the Department of Healthcare and Family Services
3 under subsection (e) shall include the following information
4 with respect to the State's Medicaid program:

5 (1) Explanations of the exact causes of the variance
6 between the previous year's estimated and actual
7 liabilities.

8 (2) Factors affecting the Department of Healthcare and
9 Family Services' liabilities, including but not limited to
10 numbers of aid recipients, levels of medical service
11 utilization by aid recipients, and inflation in the cost of
12 medical services.

13 (3) The results of the Department's efforts to combat
14 fraud and abuse.

15 (h) As provided in Section 4 of the General Assembly
16 Compensation Act, any utility bill for service provided to a
17 General Assembly member's district office for a period
18 including portions of 2 consecutive fiscal years may be paid
19 from funds appropriated for such expenditure in either fiscal
20 year.

21 (i) An agency which administers a fund classified by the
22 Comptroller as an internal service fund may issue rules for:

23 (1) billing user agencies in advance for payments or
24 authorized inter-fund transfers based on estimated charges
25 for goods or services;

26 (2) issuing credits, refunding through inter-fund

1 transfers, or reducing future inter-fund transfers during
2 the subsequent fiscal year for all user agency payments or
3 authorized inter-fund transfers received during the prior
4 fiscal year which were in excess of the final amounts owed
5 by the user agency for that period; and

6 (3) issuing catch-up billings to user agencies during
7 the subsequent fiscal year for amounts remaining due when
8 payments or authorized inter-fund transfers received from
9 the user agency during the prior fiscal year were less than
10 the total amount owed for that period.

11 User agencies are authorized to reimburse internal service
12 funds for catch-up billings by vouchers drawn against their
13 respective appropriations for the fiscal year in which the
14 catch-up billing was issued or by increasing an authorized
15 inter-fund transfer during the current fiscal year. For the
16 purposes of this Act, "inter-fund transfers" means transfers
17 without the use of the voucher-warrant process, as authorized
18 by Section 9.01 of the State Comptroller Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-928, eff. 6-15-10;
20 96-958, eff. 7-1-10; revised 7-22-10.)

21 Section 95. The Illinois State Collection Act of 1986 is
22 amended by renumbering multiple versions of Section 9 as
23 follows:

24 (30 ILCS 210/10.1)

1 Sec. 10.1 9. Collection agency fees. Except where
2 prohibited by federal law or regulation, in the case of any
3 liability referred to a collection agency on or after July 1,
4 2010, any fee charged to the State by the collection agency (i)
5 may not exceed 25% of the liability referred to the collection
6 agency unless the liability is for a tax debt, (ii) is
7 considered an additional liability owed to the State, (iii) is
8 immediately subject to all collection procedures applicable to
9 the liability referred to the collection agency, and (iv) must
10 be separately stated in any statement or notice of the
11 liability issued by the collection agency to the debtor.

12 (Source: P.A. 96-1383, eff. 1-1-11; revised 9-7-10.)

13 (30 ILCS 210/10.2)

14 Sec. 10.2 9. Deferral and compromise of past due debt.

15 (a) In this Section, "past due debt" means any debt owed to
16 the State that has been outstanding for more than 12 months.
17 "Past due debt" does not include any debt if any of the actions
18 required under this Section would violate federal law or
19 regulation.

20 (b) State agencies may enter into a deferred payment plan
21 for the purpose of satisfying a past due debt. The deferred
22 payment plan must meet the following requirements:

23 (1) The term of the deferred payment plan may not
24 exceed 2 years.

25 (2) The first payment of the deferred payment plan must

1 be at least 10% of the total amount due.

2 (3) All subsequent monthly payments for the deferred
3 payment plan must be assessed as equal monthly principal
4 payments, together with interest.

5 (4) The deferred payment plan must include interest at
6 a rate that is the same as the interest required under the
7 State Prompt Payment Act.

8 (5) The deferred payment plan must be approved by the
9 Secretary or Director of the State agency.

10 (c) State agencies may compromise past due debts. Any
11 action taken by a State agency to compromise a past due debt
12 must meet the following requirements:

13 (1) The amount of the compromised debt shall be no less
14 than 80% of the total of the past due debt.

15 (2) Once a past due debt has been compromised, the
16 debtor must remit to the State agency the total amount of
17 the compromised debt. However, the State agency may collect
18 the compromised debt through a payment plan not to exceed 6
19 months. If the State agency accepts the compromised debt
20 through a payment plan, then the compromised debt shall be
21 subject to the same rate of interest as required under the
22 State Prompt Payment Act.

23 (3) Before a State agency accepts a compromised debt,
24 the amount of the compromised debt must be approved by the
25 Department of Revenue.

26 (d) State agencies may sell a past due debt to one or more

1 outside private vendors. Sales shall be conducted under rules
2 adopted by the Department of Revenue using a request for
3 proposals procedure similar to that procedure under the
4 Illinois Procurement Code. The outside private vendors shall
5 remit to the State agency the purchase price for debts sold
6 under this subsection.

7 (e) The State agency shall deposit all amounts received
8 under this Section into the General Revenue Fund.

9 (f) This Section does not apply to any tax debt owing to
10 the Department of Revenue.

11 (Source: P.A. 96-1435, eff. 8-16-10; revised 9-7-10.)

12 Section 100. The General Obligation Bond Act is amended by
13 changing Section 2 as follows:

14 (30 ILCS 330/2) (from Ch. 127, par. 652)

15 Sec. 2. Authorization for Bonds. The State of Illinois is
16 authorized to issue, sell and provide for the retirement of
17 General Obligation Bonds of the State of Illinois for the
18 categories and specific purposes expressed in Sections 2
19 through 8 of this Act, in the total amount of \$37,217,777,443
20 ~~\$36,967,777,443.~~

21 The bonds authorized in this Section 2 and in Section 16 of
22 this Act are herein called "Bonds".

23 Of the total amount of Bonds authorized in this Act, up to
24 \$2,200,000,000 in aggregate original principal amount may be

1 issued and sold in accordance with the Baccalaureate Savings
2 Act in the form of General Obligation College Savings Bonds.

3 Of the total amount of Bonds authorized in this Act, up to
4 \$300,000,000 in aggregate original principal amount may be
5 issued and sold in accordance with the Retirement Savings Act
6 in the form of General Obligation Retirement Savings Bonds.

7 Of the total amount of Bonds authorized in this Act, the
8 additional \$10,000,000,000 authorized by Public Act 93-2 and
9 the \$3,466,000,000 authorized by Public Act 96-43 shall be used
10 solely as provided in Section 7.2.

11 The issuance and sale of Bonds pursuant to the General
12 Obligation Bond Act is an economical and efficient method of
13 financing the long-term capital needs of the State. This Act
14 will permit the issuance of a multi-purpose General Obligation
15 Bond with uniform terms and features. This will not only lower
16 the cost of registration but also reduce the overall cost of
17 issuing debt by improving the marketability of Illinois General
18 Obligation Bonds.

19 (Source: P.A. 95-1026, eff. 1-12-09; 96-5, eff. 4-3-09; 96-36,
20 eff. 7-13-09; 96-43, eff. 7-15-09; 96-885, eff. 3-11-10;
21 96-1000, eff. 7-2-10; revised 9-3-10.)

22 Section 105. The Public Works Finance Act is amended by
23 changing the title of the Act as follows:

24 (30 ILCS 370/Act title)

1 An Act enabling units of local government ~~governments~~ in
2 this State to finance public work projects.

3 Section 110. The Illinois Procurement Code is amended by
4 changing Sections 20-160, 30-45, 33-50, and 50-39 as follows:

5 (30 ILCS 500/20-160)

6 Sec. 20-160. Business entities; certification;
7 registration with the State Board of Elections.

8 (a) For purposes of this Section, the terms "business
9 entity", "contract", "State contract", "contract with a State
10 agency", "State agency", "affiliated entity", and "affiliated
11 person" have the meanings ascribed to those terms in Section
12 50-37.

13 (b) Every bid submitted to and every contract executed by
14 the State on or after January 1, 2009 (the effective date of
15 Public Act 95-971) shall contain (1) a certification by the
16 bidder or contractor that either (i) the bidder or contractor
17 is not required to register as a business entity with the State
18 Board of Elections pursuant to this Section or (ii) the bidder
19 or contractor has registered as a business entity with the
20 State Board of Elections and acknowledges a continuing duty to
21 update the registration and (2) a statement that the contract
22 is voidable under Section 50-60 for the bidder's or
23 contractor's failure to comply with this Section.

24 (c) Within 30 days after the effective date of this

1 amendatory Act of the 95th General Assembly, each business
2 entity (i) whose aggregate bids and proposals on State
3 contracts annually total more than \$50,000, (ii) whose
4 aggregate bids and proposals on State contracts combined with
5 the business entity's aggregate annual total value of State
6 contracts exceed \$50,000, or (iii) whose contracts with State
7 agencies, in the aggregate, annually total more than \$50,000
8 shall register with the State Board of Elections in accordance
9 with Section 9-35 of the Election Code. A business entity
10 required to register under this subsection shall submit a copy
11 of the certificate of registration to the applicable chief
12 procurement officer within 90 days after the effective date of
13 this amendatory Act of the 95th General Assembly. A business
14 entity required to register under this subsection due to item
15 (i) or (ii) has a continuing duty to ensure that the
16 registration is accurate during the period beginning on the
17 date of registration and ending on the day after the date the
18 contract is awarded; any change in information must be reported
19 to the State Board of Elections 5 business days following such
20 change or no later than a day before the contract is awarded,
21 whichever date is earlier. A business entity required to
22 register under this subsection due to item (iii) has a
23 continuing duty to ensure that the registration is accurate in
24 accordance with subsection ~~report any changes in information to~~
25 ~~the State Board of Elections on the final day of January,~~
26 ~~April, July, and October of each year, or the first business~~

1 ~~day after such dates, if such dates do not fall on a business~~
2 ~~day~~ (e).

3 (d) Any business entity, not required under subsection (c)
4 to register within 30 days after the effective date of this
5 amendatory Act of the 95th General Assembly, whose aggregate
6 bids and proposals on State contracts annually total more than
7 \$50,000, or whose aggregate bids and proposals on State
8 contracts combined with the business entity's aggregate annual
9 total value of State contracts exceed \$50,000, shall register
10 with the State Board of Elections in accordance with Section
11 9-35 of the Election Code prior to submitting to a State agency
12 the bid or proposal whose value causes the business entity to
13 fall within the monetary description of this subsection. A
14 business entity required to register under this subsection has
15 a continuing duty to ensure that the registration is accurate
16 during the period beginning on the date of registration and
17 ending on the day after the date the contract is awarded. Any
18 change in information must be reported to the State Board of
19 Elections within 5 business days following such change or no
20 later than a day before the contract is awarded, whichever date
21 is earlier.

22 (e) A business entity whose contracts with State agencies,
23 in the aggregate, annually total more than \$50,000 must
24 maintain its registration under this Section and has a
25 continuing duty to ensure that the registration is accurate for
26 the duration of the term of office of the incumbent

1 officeholder awarding the contracts or for a period of 2 years
2 following the expiration or termination of the contracts,
3 whichever is longer. A business entity, required to register
4 under this subsection, has a continuing duty to report any
5 changes on a quarterly basis to the State Board of Elections
6 within 10 business days following the last day of January,
7 April, July, and October of each year. Any update pursuant to
8 this paragraph that is received beyond that date is presumed
9 late and the civil penalty authorized by subsection (e) of
10 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
11 assessed.

12 Also, ~~if on the final day of January, April, July, and~~
13 ~~October of each year, or the first business day after such~~
14 ~~dates, if such dates do not fall on a business day. If a~~
15 business entity required to register under this subsection has
16 a pending bid or proposal, any change in information shall be
17 reported to the State Board of Elections within 5 business days
18 following such change or no later than a day before the
19 contract is awarded, whichever date is earlier.

20 (f) A business entity's continuing duty under this Section
21 to ensure the accuracy of its registration includes the
22 requirement that the business entity notify the State Board of
23 Elections of any change in information, including but not
24 limited to changes of affiliated entities or affiliated
25 persons.

26 (g) A copy of a certificate of registration must accompany

1 any bid or proposal for a contract with a State agency by a
2 business entity required to register under this Section. A
3 chief procurement officer shall not accept a bid or proposal
4 unless the certificate is submitted to the agency with the bid
5 or proposal.

6 (h) A registration, and any changes to a registration, must
7 include the business entity's verification of accuracy and
8 subjects the business entity to the penalties of the laws of
9 this State for perjury.

10 In addition to any penalty under Section 9-35 of the
11 Election Code, intentional, willful, or material failure to
12 disclose information required for registration shall render
13 the contract, bid, proposal, or other procurement relationship
14 voidable by the chief procurement officer if he or she deems it
15 to be in the best interest of the State of Illinois.

16 (i) This Section applies regardless of the method of source
17 selection used in awarding the contract.

18 (Source: P.A. 95-971, eff. 1-1-09; 96-795, eff. 7-1-10 (see
19 Section 5 of P.A. 96-793 for the effective date of changes made
20 by P.A. 96-795); 96-848, eff. 1-1-10; revised 9-23-10.)

21 (30 ILCS 500/30-45)

22 Sec. 30-45. Other Acts. This Article is subject to
23 applicable provisions of the following Acts:

24 (1) the Prevailing Wage Act;

25 (2) the Public Construction Bond Act;

- 1 (3) the Public Works Employment Discrimination Act;
- 2 (4) the Public Works Preference Act (repealed on June
3 16, 2010 by Public Act 96-929);
- 4 (5) the Employment of Illinois Workers on Public Works
5 Act;
- 6 (6) the Public Contract Fraud Act; and
- 7 (7) the Illinois Construction Evaluation Act.
- 8 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
9 10-19-10.)

10 (30 ILCS 500/33-50)

11 Sec. 33-50. Duties of construction manager; additional
12 requirements for persons performing construction work.

13 (a) Upon the award of a construction management services
14 contract, a construction manager must contract with the Board
15 to furnish his or her skill and judgment in cooperation with,
16 and reliance upon, the services of the project architect or
17 engineer. The construction manager must furnish business
18 administration, management of the construction process, and
19 other specified services to the Board and must perform his or
20 her obligations in an expeditious and economical manner
21 consistent with the interest of the Board. If it is in the
22 State's best interest, the construction manager may provide or
23 perform basic services for which reimbursement is provided in
24 the general conditions to the construction management services
25 contract.

1 (b) The actual construction work on the project must be
2 awarded to contractors under this Code. The Capital Development
3 Board may further separate additional divisions of work under
4 this Article. This subsection is subject to the applicable
5 provisions of the following Acts:

6 (1) the Prevailing Wage Act;

7 (2) the Public Construction Bond Act;

8 (3) the Public Works Employment Discrimination Act;

9 (4) the Public Works Preference Act (repealed on June
10 16, 2010 by Public Act 96-929);

11 (5) the Employment of Illinois Workers on Public Works
12 Act;

13 (6) the Public Contract Fraud Act;

14 (7) the Illinois Construction Evaluation Act; and

15 (8) the Illinois Architecture Practice Act of 1989, the
16 Professional Engineering Practice Act of 1989, the
17 Illinois Professional Land Surveyor Act of 1989, and the
18 Structural Engineering Practice Act of 1989.

19 (Source: P.A. 94-532, eff. 8-10-05; revised 10-19-10.)

20 (30 ILCS 500/50-39)

21 Sec. 50-39. Procurement communications reporting
22 requirement.

23 (a) Any written or oral communication received by a State
24 employee that imparts or requests material information or makes
25 a material argument regarding potential action concerning a

1 procurement matter, including, but not limited to, an
2 application, a contract, or a project, shall be reported to the
3 Procurement Policy Board. These communications do not include
4 the following: (i) statements by a person publicly made in a
5 public forum; (ii) statements regarding matters of procedure
6 and practice, such as format, the number of copies required,
7 the manner of filing, and the status of a matter; and (iii)
8 statements made by a State employee of the agency to the agency
9 head or other employees of that agency or to the employees of
10 the Executive Ethics Commission. The provisions of this Section
11 shall not apply to communications regarding the administration
12 and implementation of an existing contract, except
13 communications regarding change orders or the renewal or
14 extension of a contract.

15 (b) The report required by subsection (a) shall be
16 submitted monthly and include at least the following: (i) the
17 date and time of each communication; (ii) the identity of each
18 person from whom the written or oral communication was
19 received, the individual or entity represented by that person,
20 and any action the person requested or recommended; (iii) the
21 identity and job title of the person to whom each communication
22 was made; (iv) if a response is made, the identity and job
23 title of the person making each response; (v) a detailed
24 summary of the points made by each person involved in the
25 communication; (vi) the duration of the communication; (vii)
26 the location or locations of all persons involved in the

1 communication and, if the communication occurred by telephone,
2 the telephone numbers for the callers and recipients of the
3 communication; and (viii) any other pertinent information.

4 (c) Additionally, when an oral communication made by a
5 person required to register under the Lobbyist Registration Act
6 is received by a State employee that is covered under this
7 Section, all individuals who initiate or participate in the
8 oral communication shall submit a written report to that State
9 employee that memorializes the communication and includes, but
10 is not limited to, the items listed in subsection (b).

11 (d) The Procurement Policy Board shall make each report
12 submitted pursuant to this Section available on its website
13 within 7 days after its receipt of the report. The Procurement
14 Policy Board may promulgate rules to ensure compliance with
15 this Section.

16 (e) The reporting requirements shall also be conveyed
17 through ethics training under the State ~~Employees and~~ Officials
18 and Employees Ethics Act. An employee who knowingly and
19 intentionally violates this Section shall be subject to
20 suspension or discharge. The Executive Ethics Commission shall
21 promulgate rules, including emergency rules, to implement this
22 Section.

23 (f) This Section becomes operative on January 1, 2011.

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
25 for the effective date of changes made by P.A. 96-795); 96-920,
26 eff. 7-1-10; revised 9-27-10.)

1 Section 115. The State Mandates Act is amended by changing
2 Sections 8.33 as follows:

3 (30 ILCS 805/8.33)

4 Sec. 8.33. Exempt mandate.

5 (a) Notwithstanding the provisions of Sections 6 and 8 of
6 this Act, no reimbursement by the State is required for the
7 implementation of Section 5-42 of the Olympic Games and
8 Paralympic Games (2016) Law.

9 (b) Notwithstanding Sections 6 and 8 of this Act, no
10 reimbursement by the State is required for the implementation
11 of any mandate created by Public Act 96-139, 96-251, 96-260,
12 96-285, 96-297, 96-299, 96-343, 96-357, 96-410, 96-429,
13 96-494, 96-505, 96-621, 96-650, 96-727, 96-745, 96-749, ~~and~~
14 ~~96-775, 96-841, or 96-843 this amendatory Act of the 96th~~
15 ~~General Assembly.~~

16 (c) Notwithstanding Sections 6 and 8 of this Act, no
17 reimbursement by the State is required for the implementation
18 of any mandate created by the Identity Protection Act.

19 (Source: P.A. 96-7, eff. 4-3-09; 96-139, eff. 1-1-10; 96-251,
20 eff. 8-11-09; 96-260, eff. 8-11-09; 96-285, eff. 8-11-09;
21 96-297, eff. 8-11-09; 96-299, eff. 8-11-09; 96-343, eff.
22 8-11-09; 96-357, eff. 8-13-09; 96-410, eff. 7-1-10; 96-429,
23 eff. 8-13-09; 96-494, eff. 8-14-09; 96-505, eff. 8-14-09;
24 96-621, eff. 1-1-10; 96-650, eff. 1-1-10; 96-727, eff. 8-25-09;

1 96-745, eff. 8-25-09; 96-749, eff. 1-1-10; 96-775, eff.
2 8-28-09; 96-841, eff. 12-23-09; 96-843, eff. 6-1-10; 96-874,
3 eff. 6-1-10; 96-1000, eff. 7-2-10; revised 9-27-10.)

4 Section 120. The Illinois Income Tax Act is amended by
5 changing Sections 203 and 704A as follows:

6 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

7 Sec. 203. Base income defined.

8 (a) Individuals.

9 (1) In general. In the case of an individual, base
10 income means an amount equal to the taxpayer's adjusted
11 gross income for the taxable year as modified by paragraph
12 (2).

13 (2) Modifications. The adjusted gross income referred
14 to in paragraph (1) shall be modified by adding thereto the
15 sum of the following amounts:

16 (A) An amount equal to all amounts paid or accrued
17 to the taxpayer as interest or dividends during the
18 taxable year to the extent excluded from gross income
19 in the computation of adjusted gross income, except
20 stock dividends of qualified public utilities
21 described in Section 305(e) of the Internal Revenue
22 Code;

23 (B) An amount equal to the amount of tax imposed by
24 this Act to the extent deducted from gross income in

1 the computation of adjusted gross income for the
2 taxable year;

3 (C) An amount equal to the amount received during
4 the taxable year as a recovery or refund of real
5 property taxes paid with respect to the taxpayer's
6 principal residence under the Revenue Act of 1939 and
7 for which a deduction was previously taken under
8 subparagraph (L) of this paragraph (2) prior to July 1,
9 1991, the retrospective application date of Article 4
10 of Public Act 87-17. In the case of multi-unit or
11 multi-use structures and farm dwellings, the taxes on
12 the taxpayer's principal residence shall be that
13 portion of the total taxes for the entire property
14 which is attributable to such principal residence;

15 (D) An amount equal to the amount of the capital
16 gain deduction allowable under the Internal Revenue
17 Code, to the extent deducted from gross income in the
18 computation of adjusted gross income;

19 (D-5) An amount, to the extent not included in
20 adjusted gross income, equal to the amount of money
21 withdrawn by the taxpayer in the taxable year from a
22 medical care savings account and the interest earned on
23 the account in the taxable year of a withdrawal
24 pursuant to subsection (b) of Section 20 of the Medical
25 Care Savings Account Act or subsection (b) of Section
26 20 of the Medical Care Savings Account Act of 2000;

1 (D-10) For taxable years ending after December 31,
2 1997, an amount equal to any eligible remediation costs
3 that the individual deducted in computing adjusted
4 gross income and for which the individual claims a
5 credit under subsection (l) of Section 201;

6 (D-15) For taxable years 2001 and thereafter, an
7 amount equal to the bonus depreciation deduction taken
8 on the taxpayer's federal income tax return for the
9 taxable year under subsection (k) of Section 168 of the
10 Internal Revenue Code;

11 (D-16) If the taxpayer sells, transfers, abandons,
12 or otherwise disposes of property for which the
13 taxpayer was required in any taxable year to make an
14 addition modification under subparagraph (D-15), then
15 an amount equal to the aggregate amount of the
16 deductions taken in all taxable years under
17 subparagraph (Z) with respect to that property.

18 If the taxpayer continues to own property through
19 the last day of the last tax year for which the
20 taxpayer may claim a depreciation deduction for
21 federal income tax purposes and for which the taxpayer
22 was allowed in any taxable year to make a subtraction
23 modification under subparagraph (Z), then an amount
24 equal to that subtraction modification.

25 The taxpayer is required to make the addition
26 modification under this subparagraph only once with

1 respect to any one piece of property;

2 (D-17) An amount equal to the amount otherwise
3 allowed as a deduction in computing base income for
4 interest paid, accrued, or incurred, directly or
5 indirectly, (i) for taxable years ending on or after
6 December 31, 2004, to a foreign person who would be a
7 member of the same unitary business group but for the
8 fact that foreign person's business activity outside
9 the United States is 80% or more of the foreign
10 person's total business activity and (ii) for taxable
11 years ending on or after December 31, 2008, to a person
12 who would be a member of the same unitary business
13 group but for the fact that the person is prohibited
14 under Section 1501(a)(27) from being included in the
15 unitary business group because he or she is ordinarily
16 required to apportion business income under different
17 subsections of Section 304. The addition modification
18 required by this subparagraph shall be reduced to the
19 extent that dividends were included in base income of
20 the unitary group for the same taxable year and
21 received by the taxpayer or by a member of the
22 taxpayer's unitary business group (including amounts
23 included in gross income under Sections 951 through 964
24 of the Internal Revenue Code and amounts included in
25 gross income under Section 78 of the Internal Revenue
26 Code) with respect to the stock of the same person to

1 whom the interest was paid, accrued, or incurred.

2 This paragraph shall not apply to the following:

3 (i) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person who
5 is subject in a foreign country or state, other
6 than a state which requires mandatory unitary
7 reporting, to a tax on or measured by net income
8 with respect to such interest; or

9 (ii) an item of interest paid, accrued, or
10 incurred, directly or indirectly, to a person if
11 the taxpayer can establish, based on a
12 preponderance of the evidence, both of the
13 following:

14 (a) the person, during the same taxable
15 year, paid, accrued, or incurred, the interest
16 to a person that is not a related member, and

17 (b) the transaction giving rise to the
18 interest expense between the taxpayer and the
19 person did not have as a principal purpose the
20 avoidance of Illinois income tax, and is paid
21 pursuant to a contract or agreement that
22 reflects an arm's-length interest rate and
23 terms; or

24 (iii) the taxpayer can establish, based on
25 clear and convincing evidence, that the interest
26 paid, accrued, or incurred relates to a contract or

1 agreement entered into at arm's-length rates and
2 terms and the principal purpose for the payment is
3 not federal or Illinois tax avoidance; or

4 (iv) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person if
6 the taxpayer establishes by clear and convincing
7 evidence that the adjustments are unreasonable; or
8 if the taxpayer and the Director agree in writing
9 to the application or use of an alternative method
10 of apportionment under Section 304(f).

11 Nothing in this subsection shall preclude the
12 Director from making any other adjustment
13 otherwise allowed under Section 404 of this Act for
14 any tax year beginning after the effective date of
15 this amendment provided such adjustment is made
16 pursuant to regulation adopted by the Department
17 and such regulations provide methods and standards
18 by which the Department will utilize its authority
19 under Section 404 of this Act;

20 (D-18) An amount equal to the amount of intangible
21 expenses and costs otherwise allowed as a deduction in
22 computing base income, and that were paid, accrued, or
23 incurred, directly or indirectly, (i) for taxable
24 years ending on or after December 31, 2004, to a
25 foreign person who would be a member of the same
26 unitary business group but for the fact that the

1 foreign person's business activity outside the United
2 States is 80% or more of that person's total business
3 activity and (ii) for taxable years ending on or after
4 December 31, 2008, to a person who would be a member of
5 the same unitary business group but for the fact that
6 the person is prohibited under Section 1501(a)(27)
7 from being included in the unitary business group
8 because he or she is ordinarily required to apportion
9 business income under different subsections of Section
10 304. The addition modification required by this
11 subparagraph shall be reduced to the extent that
12 dividends were included in base income of the unitary
13 group for the same taxable year and received by the
14 taxpayer or by a member of the taxpayer's unitary
15 business group (including amounts included in gross
16 income under Sections 951 through 964 of the Internal
17 Revenue Code and amounts included in gross income under
18 Section 78 of the Internal Revenue Code) with respect
19 to the stock of the same person to whom the intangible
20 expenses and costs were directly or indirectly paid,
21 incurred, or accrued. The preceding sentence does not
22 apply to the extent that the same dividends caused a
23 reduction to the addition modification required under
24 Section 203(a)(2)(D-17) of this Act. As used in this
25 subparagraph, the term "intangible expenses and costs"
26 includes (1) expenses, losses, and costs for, or

1 related to, the direct or indirect acquisition, use,
2 maintenance or management, ownership, sale, exchange,
3 or any other disposition of intangible property; (2)
4 losses incurred, directly or indirectly, from
5 factoring transactions or discounting transactions;
6 (3) royalty, patent, technical, and copyright fees;
7 (4) licensing fees; and (5) other similar expenses and
8 costs. For purposes of this subparagraph, "intangible
9 property" includes patents, patent applications, trade
10 names, trademarks, service marks, copyrights, mask
11 works, trade secrets, and similar types of intangible
12 assets.

13 This paragraph shall not apply to the following:

14 (i) any item of intangible expenses or costs
15 paid, accrued, or incurred, directly or
16 indirectly, from a transaction with a person who is
17 subject in a foreign country or state, other than a
18 state which requires mandatory unitary reporting,
19 to a tax on or measured by net income with respect
20 to such item; or

21 (ii) any item of intangible expense or cost
22 paid, accrued, or incurred, directly or
23 indirectly, if the taxpayer can establish, based
24 on a preponderance of the evidence, both of the
25 following:

26 (a) the person during the same taxable

1 year paid, accrued, or incurred, the
2 intangible expense or cost to a person that is
3 not a related member, and

4 (b) the transaction giving rise to the
5 intangible expense or cost between the
6 taxpayer and the person did not have as a
7 principal purpose the avoidance of Illinois
8 income tax, and is paid pursuant to a contract
9 or agreement that reflects arm's-length terms;
10 or

11 (iii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a person if the
14 taxpayer establishes by clear and convincing
15 evidence, that the adjustments are unreasonable;
16 or if the taxpayer and the Director agree in
17 writing to the application or use of an alternative
18 method of apportionment under Section 304(f);

19 Nothing in this subsection shall preclude the
20 Director from making any other adjustment
21 otherwise allowed under Section 404 of this Act for
22 any tax year beginning after the effective date of
23 this amendment provided such adjustment is made
24 pursuant to regulation adopted by the Department
25 and such regulations provide methods and standards
26 by which the Department will utilize its authority

1 under Section 404 of this Act;

2 (D-19) For taxable years ending on or after
3 December 31, 2008, an amount equal to the amount of
4 insurance premium expenses and costs otherwise allowed
5 as a deduction in computing base income, and that were
6 paid, accrued, or incurred, directly or indirectly, to
7 a person who would be a member of the same unitary
8 business group but for the fact that the person is
9 prohibited under Section 1501(a)(27) from being
10 included in the unitary business group because he or
11 she is ordinarily required to apportion business
12 income under different subsections of Section 304. The
13 addition modification required by this subparagraph
14 shall be reduced to the extent that dividends were
15 included in base income of the unitary group for the
16 same taxable year and received by the taxpayer or by a
17 member of the taxpayer's unitary business group
18 (including amounts included in gross income under
19 Sections 951 through 964 of the Internal Revenue Code
20 and amounts included in gross income under Section 78
21 of the Internal Revenue Code) with respect to the stock
22 of the same person to whom the premiums and costs were
23 directly or indirectly paid, incurred, or accrued. The
24 preceding sentence does not apply to the extent that
25 the same dividends caused a reduction to the addition
26 modification required under Section 203(a)(2)(D-17) or

1 Section 203(a) (2) (D-18) of this Act.

2 (D-20) For taxable years beginning on or after
3 January 1, 2002 and ending on or before December 31,
4 2006, in the case of a distribution from a qualified
5 tuition program under Section 529 of the Internal
6 Revenue Code, other than (i) a distribution from a
7 College Savings Pool created under Section 16.5 of the
8 State Treasurer Act or (ii) a distribution from the
9 Illinois Prepaid Tuition Trust Fund, an amount equal to
10 the amount excluded from gross income under Section
11 529(c) (3) (B). For taxable years beginning on or after
12 January 1, 2007, in the case of a distribution from a
13 qualified tuition program under Section 529 of the
14 Internal Revenue Code, other than (i) a distribution
15 from a College Savings Pool created under Section 16.5
16 of the State Treasurer Act, (ii) a distribution from
17 the Illinois Prepaid Tuition Trust Fund, or (iii) a
18 distribution from a qualified tuition program under
19 Section 529 of the Internal Revenue Code that (I)
20 adopts and determines that its offering materials
21 comply with the College Savings Plans Network's
22 disclosure principles and (II) has made reasonable
23 efforts to inform in-state residents of the existence
24 of in-state qualified tuition programs by informing
25 Illinois residents directly and, where applicable, to
26 inform financial intermediaries distributing the

1 program to inform in-state residents of the existence
2 of in-state qualified tuition programs at least
3 annually, an amount equal to the amount excluded from
4 gross income under Section 529(c)(3)(B).

5 For the purposes of this subparagraph (D-20), a
6 qualified tuition program has made reasonable efforts
7 if it makes disclosures (which may use the term
8 "in-state program" or "in-state plan" and need not
9 specifically refer to Illinois or its qualified
10 programs by name) (i) directly to prospective
11 participants in its offering materials or makes a
12 public disclosure, such as a website posting; and (ii)
13 where applicable, to intermediaries selling the
14 out-of-state program in the same manner that the
15 out-of-state program distributes its offering
16 materials;

17 (D-21) For taxable years beginning on or after
18 January 1, 2007, in the case of transfer of moneys from
19 a qualified tuition program under Section 529 of the
20 Internal Revenue Code that is administered by the State
21 to an out-of-state program, an amount equal to the
22 amount of moneys previously deducted from base income
23 under subsection (a)(2)(Y) of this Section;

24 (D-22) For taxable years beginning on or after
25 January 1, 2009, in the case of a nonqualified
26 withdrawal or refund of moneys from a qualified tuition

1 program under Section 529 of the Internal Revenue Code
2 administered by the State that is not used for
3 qualified expenses at an eligible education
4 institution, an amount equal to the contribution
5 component of the nonqualified withdrawal or refund
6 that was previously deducted from base income under
7 subsection (a)(2)(y) of this Section, provided that
8 the withdrawal or refund did not result from the
9 beneficiary's death or disability;

10 (D-23) An amount equal to the credit allowable to
11 the taxpayer under Section 218(a) of this Act,
12 determined without regard to Section 218(c) of this
13 Act;

14 and by deducting from the total so obtained the sum of the
15 following amounts:

16 (E) For taxable years ending before December 31,
17 2001, any amount included in such total in respect of
18 any compensation (including but not limited to any
19 compensation paid or accrued to a serviceman while a
20 prisoner of war or missing in action) paid to a
21 resident by reason of being on active duty in the Armed
22 Forces of the United States and in respect of any
23 compensation paid or accrued to a resident who as a
24 governmental employee was a prisoner of war or missing
25 in action, and in respect of any compensation paid to a
26 resident in 1971 or thereafter for annual training

1 performed pursuant to Sections 502 and 503, Title 32,
2 United States Code as a member of the Illinois National
3 Guard or, beginning with taxable years ending on or
4 after December 31, 2007, the National Guard of any
5 other state. For taxable years ending on or after
6 December 31, 2001, any amount included in such total in
7 respect of any compensation (including but not limited
8 to any compensation paid or accrued to a serviceman
9 while a prisoner of war or missing in action) paid to a
10 resident by reason of being a member of any component
11 of the Armed Forces of the United States and in respect
12 of any compensation paid or accrued to a resident who
13 as a governmental employee was a prisoner of war or
14 missing in action, and in respect of any compensation
15 paid to a resident in 2001 or thereafter by reason of
16 being a member of the Illinois National Guard or,
17 beginning with taxable years ending on or after
18 December 31, 2007, the National Guard of any other
19 state. The provisions of this amendatory Act of the
20 92nd General Assembly are exempt from the provisions of
21 Section 250;

22 (F) An amount equal to all amounts included in such
23 total pursuant to the provisions of Sections 402(a),
24 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
25 Internal Revenue Code, or included in such total as
26 distributions under the provisions of any retirement

1 or disability plan for employees of any governmental
2 agency or unit, or retirement payments to retired
3 partners, which payments are excluded in computing net
4 earnings from self employment by Section 1402 of the
5 Internal Revenue Code and regulations adopted pursuant
6 thereto;

7 (G) The valuation limitation amount;

8 (H) An amount equal to the amount of any tax
9 imposed by this Act which was refunded to the taxpayer
10 and included in such total for the taxable year;

11 (I) An amount equal to all amounts included in such
12 total pursuant to the provisions of Section 111 of the
13 Internal Revenue Code as a recovery of items previously
14 deducted from adjusted gross income in the computation
15 of taxable income;

16 (J) An amount equal to those dividends included in
17 such total which were paid by a corporation which
18 conducts business operations in an Enterprise Zone or
19 zones created under the Illinois Enterprise Zone Act or
20 a River Edge Redevelopment Zone or zones created under
21 the River Edge Redevelopment Zone Act, and conducts
22 substantially all of its operations in an Enterprise
23 Zone or zones or a River Edge Redevelopment Zone or
24 zones. This subparagraph (J) is exempt from the
25 provisions of Section 250;

26 (K) An amount equal to those dividends included in

1 such total that were paid by a corporation that
2 conducts business operations in a federally designated
3 Foreign Trade Zone or Sub-Zone and that is designated a
4 High Impact Business located in Illinois; provided
5 that dividends eligible for the deduction provided in
6 subparagraph (J) of paragraph (2) of this subsection
7 shall not be eligible for the deduction provided under
8 this subparagraph (K);

9 (L) For taxable years ending after December 31,
10 1983, an amount equal to all social security benefits
11 and railroad retirement benefits included in such
12 total pursuant to Sections 72(r) and 86 of the Internal
13 Revenue Code;

14 (M) With the exception of any amounts subtracted
15 under subparagraph (N), an amount equal to the sum of
16 all amounts disallowed as deductions by (i) Sections
17 171(a) (2), and 265(2) of the Internal Revenue Code of
18 1954, as now or hereafter amended, and all amounts of
19 expenses allocable to interest and disallowed as
20 deductions by Section 265(1) of the Internal Revenue
21 Code of 1954, as now or hereafter amended; and (ii) for
22 taxable years ending on or after August 13, 1999,
23 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of
24 the Internal Revenue Code; the provisions of this
25 subparagraph are exempt from the provisions of Section
26 250;

1 (N) An amount equal to all amounts included in such
2 total which are exempt from taxation by this State
3 either by reason of its statutes or Constitution or by
4 reason of the Constitution, treaties or statutes of the
5 United States; provided that, in the case of any
6 statute of this State that exempts income derived from
7 bonds or other obligations from the tax imposed under
8 this Act, the amount exempted shall be the interest net
9 of bond premium amortization;

10 (O) An amount equal to any contribution made to a
11 job training project established pursuant to the Tax
12 Increment Allocation Redevelopment Act;

13 (P) An amount equal to the amount of the deduction
14 used to compute the federal income tax credit for
15 restoration of substantial amounts held under claim of
16 right for the taxable year pursuant to Section 1341 of
17 the Internal Revenue Code of 1986;

18 (Q) An amount equal to any amounts included in such
19 total, received by the taxpayer as an acceleration in
20 the payment of life, endowment or annuity benefits in
21 advance of the time they would otherwise be payable as
22 an indemnity for a terminal illness;

23 (R) An amount equal to the amount of any federal or
24 State bonus paid to veterans of the Persian Gulf War;

25 (S) An amount, to the extent included in adjusted
26 gross income, equal to the amount of a contribution

1 made in the taxable year on behalf of the taxpayer to a
2 medical care savings account established under the
3 Medical Care Savings Account Act or the Medical Care
4 Savings Account Act of 2000 to the extent the
5 contribution is accepted by the account administrator
6 as provided in that Act;

7 (T) An amount, to the extent included in adjusted
8 gross income, equal to the amount of interest earned in
9 the taxable year on a medical care savings account
10 established under the Medical Care Savings Account Act
11 or the Medical Care Savings Account Act of 2000 on
12 behalf of the taxpayer, other than interest added
13 pursuant to item (D-5) of this paragraph (2);

14 (U) For one taxable year beginning on or after
15 January 1, 1994, an amount equal to the total amount of
16 tax imposed and paid under subsections (a) and (b) of
17 Section 201 of this Act on grant amounts received by
18 the taxpayer under the Nursing Home Grant Assistance
19 Act during the taxpayer's taxable years 1992 and 1993;

20 (V) Beginning with tax years ending on or after
21 December 31, 1995 and ending with tax years ending on
22 or before December 31, 2004, an amount equal to the
23 amount paid by a taxpayer who is a self-employed
24 taxpayer, a partner of a partnership, or a shareholder
25 in a Subchapter S corporation for health insurance or
26 long-term care insurance for that taxpayer or that

1 taxpayer's spouse or dependents, to the extent that the
2 amount paid for that health insurance or long-term care
3 insurance may be deducted under Section 213 of the
4 Internal Revenue Code of 1986, has not been deducted on
5 the federal income tax return of the taxpayer, and does
6 not exceed the taxable income attributable to that
7 taxpayer's income, self-employment income, or
8 Subchapter S corporation income; except that no
9 deduction shall be allowed under this item (V) if the
10 taxpayer is eligible to participate in any health
11 insurance or long-term care insurance plan of an
12 employer of the taxpayer or the taxpayer's spouse. The
13 amount of the health insurance and long-term care
14 insurance subtracted under this item (V) shall be
15 determined by multiplying total health insurance and
16 long-term care insurance premiums paid by the taxpayer
17 times a number that represents the fractional
18 percentage of eligible medical expenses under Section
19 213 of the Internal Revenue Code of 1986 not actually
20 deducted on the taxpayer's federal income tax return;

21 (W) For taxable years beginning on or after January
22 1, 1998, all amounts included in the taxpayer's federal
23 gross income in the taxable year from amounts converted
24 from a regular IRA to a Roth IRA. This paragraph is
25 exempt from the provisions of Section 250;

26 (X) For taxable year 1999 and thereafter, an amount

1 equal to the amount of any (i) distributions, to the
2 extent includible in gross income for federal income
3 tax purposes, made to the taxpayer because of his or
4 her status as a victim of persecution for racial or
5 religious reasons by Nazi Germany or any other Axis
6 regime or as an heir of the victim and (ii) items of
7 income, to the extent includible in gross income for
8 federal income tax purposes, attributable to, derived
9 from or in any way related to assets stolen from,
10 hidden from, or otherwise lost to a victim of
11 persecution for racial or religious reasons by Nazi
12 Germany or any other Axis regime immediately prior to,
13 during, and immediately after World War II, including,
14 but not limited to, interest on the proceeds receivable
15 as insurance under policies issued to a victim of
16 persecution for racial or religious reasons by Nazi
17 Germany or any other Axis regime by European insurance
18 companies immediately prior to and during World War II;
19 provided, however, this subtraction from federal
20 adjusted gross income does not apply to assets acquired
21 with such assets or with the proceeds from the sale of
22 such assets; provided, further, this paragraph shall
23 only apply to a taxpayer who was the first recipient of
24 such assets after their recovery and who is a victim of
25 persecution for racial or religious reasons by Nazi
26 Germany or any other Axis regime or as an heir of the

1 victim. The amount of and the eligibility for any
2 public assistance, benefit, or similar entitlement is
3 not affected by the inclusion of items (i) and (ii) of
4 this paragraph in gross income for federal income tax
5 purposes. This paragraph is exempt from the provisions
6 of Section 250;

7 (Y) For taxable years beginning on or after January
8 1, 2002 and ending on or before December 31, 2004,
9 moneys contributed in the taxable year to a College
10 Savings Pool account under Section 16.5 of the State
11 Treasurer Act, except that amounts excluded from gross
12 income under Section 529(c)(3)(C)(i) of the Internal
13 Revenue Code shall not be considered moneys
14 contributed under this subparagraph (Y). For taxable
15 years beginning on or after January 1, 2005, a maximum
16 of \$10,000 contributed in the taxable year to (i) a
17 College Savings Pool account under Section 16.5 of the
18 State Treasurer Act or (ii) the Illinois Prepaid
19 Tuition Trust Fund, except that amounts excluded from
20 gross income under Section 529(c)(3)(C)(i) of the
21 Internal Revenue Code shall not be considered moneys
22 contributed under this subparagraph (Y). For purposes
23 of this subparagraph, contributions made by an
24 employer on behalf of an employee, or matching
25 contributions made by an employee, shall be treated as
26 made by the employee. This subparagraph (Y) is exempt

1 from the provisions of Section 250;

2 (Z) For taxable years 2001 and thereafter, for the
3 taxable year in which the bonus depreciation deduction
4 is taken on the taxpayer's federal income tax return
5 under subsection (k) of Section 168 of the Internal
6 Revenue Code and for each applicable taxable year
7 thereafter, an amount equal to "x", where:

8 (1) "y" equals the amount of the depreciation
9 deduction taken for the taxable year on the
10 taxpayer's federal income tax return on property
11 for which the bonus depreciation deduction was
12 taken in any year under subsection (k) of Section
13 168 of the Internal Revenue Code, but not including
14 the bonus depreciation deduction;

15 (2) for taxable years ending on or before
16 December 31, 2005, "x" equals "y" multiplied by 30
17 and then divided by 70 (or "y" multiplied by
18 0.429); and

19 (3) for taxable years ending after December
20 31, 2005:

21 (i) for property on which a bonus
22 depreciation deduction of 30% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 30 and then divided by 70 (or "y" multiplied by
25 0.429); and

26 (ii) for property on which a bonus

1 depreciation deduction of 50% of the adjusted
2 basis was taken, "x" equals "y" multiplied by
3 1.0.

4 The aggregate amount deducted under this
5 subparagraph in all taxable years for any one piece of
6 property may not exceed the amount of the bonus
7 depreciation deduction taken on that property on the
8 taxpayer's federal income tax return under subsection
9 (k) of Section 168 of the Internal Revenue Code. This
10 subparagraph (Z) is exempt from the provisions of
11 Section 250;

12 (AA) If the taxpayer sells, transfers, abandons,
13 or otherwise disposes of property for which the
14 taxpayer was required in any taxable year to make an
15 addition modification under subparagraph (D-15), then
16 an amount equal to that addition modification.

17 If the taxpayer continues to own property through
18 the last day of the last tax year for which the
19 taxpayer may claim a depreciation deduction for
20 federal income tax purposes and for which the taxpayer
21 was required in any taxable year to make an addition
22 modification under subparagraph (D-15), then an amount
23 equal to that addition modification.

24 The taxpayer is allowed to take the deduction under
25 this subparagraph only once with respect to any one
26 piece of property.

1 This subparagraph (AA) is exempt from the
2 provisions of Section 250;

3 (BB) Any amount included in adjusted gross income,
4 other than salary, received by a driver in a
5 ridesharing arrangement using a motor vehicle;

6 (CC) The amount of (i) any interest income (net of
7 the deductions allocable thereto) taken into account
8 for the taxable year with respect to a transaction with
9 a taxpayer that is required to make an addition
10 modification with respect to such transaction under
11 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
12 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
13 the amount of that addition modification, and (ii) any
14 income from intangible property (net of the deductions
15 allocable thereto) taken into account for the taxable
16 year with respect to a transaction with a taxpayer that
17 is required to make an addition modification with
18 respect to such transaction under Section
19 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
20 203(d)(2)(D-8), but not to exceed the amount of that
21 addition modification. This subparagraph (CC) is
22 exempt from the provisions of Section 250;

23 (DD) An amount equal to the interest income taken
24 into account for the taxable year (net of the
25 deductions allocable thereto) with respect to
26 transactions with (i) a foreign person who would be a

1 member of the taxpayer's unitary business group but for
2 the fact that the foreign person's business activity
3 outside the United States is 80% or more of that
4 person's total business activity and (ii) for taxable
5 years ending on or after December 31, 2008, to a person
6 who would be a member of the same unitary business
7 group but for the fact that the person is prohibited
8 under Section 1501(a)(27) from being included in the
9 unitary business group because he or she is ordinarily
10 required to apportion business income under different
11 subsections of Section 304, but not to exceed the
12 addition modification required to be made for the same
13 taxable year under Section 203(a)(2)(D-17) for
14 interest paid, accrued, or incurred, directly or
15 indirectly, to the same person. This subparagraph (DD)
16 is exempt from the provisions of Section 250;

17 (EE) An amount equal to the income from intangible
18 property taken into account for the taxable year (net
19 of the deductions allocable thereto) with respect to
20 transactions with (i) a foreign person who would be a
21 member of the taxpayer's unitary business group but for
22 the fact that the foreign person's business activity
23 outside the United States is 80% or more of that
24 person's total business activity and (ii) for taxable
25 years ending on or after December 31, 2008, to a person
26 who would be a member of the same unitary business

1 group but for the fact that the person is prohibited
2 under Section 1501(a)(27) from being included in the
3 unitary business group because he or she is ordinarily
4 required to apportion business income under different
5 subsections of Section 304, but not to exceed the
6 addition modification required to be made for the same
7 taxable year under Section 203(a)(2)(D-18) for
8 intangible expenses and costs paid, accrued, or
9 incurred, directly or indirectly, to the same foreign
10 person. This subparagraph (EE) is exempt from the
11 provisions of Section 250; and

12 (FF) An amount equal to any amount awarded to the
13 taxpayer during the taxable year by the Court of Claims
14 under subsection (c) of Section 8 of the Court of
15 Claims Act for time unjustly served in a State prison.
16 This subparagraph (FF) is exempt from the provisions of
17 Section 250.

18 (b) Corporations.

19 (1) In general. In the case of a corporation, base
20 income means an amount equal to the taxpayer's taxable
21 income for the taxable year as modified by paragraph (2).

22 (2) Modifications. The taxable income referred to in
23 paragraph (1) shall be modified by adding thereto the sum
24 of the following amounts:

25 (A) An amount equal to all amounts paid or accrued

1 to the taxpayer as interest and all distributions
2 received from regulated investment companies during
3 the taxable year to the extent excluded from gross
4 income in the computation of taxable income;

5 (B) An amount equal to the amount of tax imposed by
6 this Act to the extent deducted from gross income in
7 the computation of taxable income for the taxable year;

8 (C) In the case of a regulated investment company,
9 an amount equal to the excess of (i) the net long-term
10 capital gain for the taxable year, over (ii) the amount
11 of the capital gain dividends designated as such in
12 accordance with Section 852(b)(3)(C) of the Internal
13 Revenue Code and any amount designated under Section
14 852(b)(3)(D) of the Internal Revenue Code,
15 attributable to the taxable year (this amendatory Act
16 of 1995 (Public Act 89-89) is declarative of existing
17 law and is not a new enactment);

18 (D) The amount of any net operating loss deduction
19 taken in arriving at taxable income, other than a net
20 operating loss carried forward from a taxable year
21 ending prior to December 31, 1986;

22 (E) For taxable years in which a net operating loss
23 carryback or carryforward from a taxable year ending
24 prior to December 31, 1986 is an element of taxable
25 income under paragraph (1) of subsection (e) or
26 subparagraph (E) of paragraph (2) of subsection (e),

1 the amount by which addition modifications other than
2 those provided by this subparagraph (E) exceeded
3 subtraction modifications in such earlier taxable
4 year, with the following limitations applied in the
5 order that they are listed:

6 (i) the addition modification relating to the
7 net operating loss carried back or forward to the
8 taxable year from any taxable year ending prior to
9 December 31, 1986 shall be reduced by the amount of
10 addition modification under this subparagraph (E)
11 which related to that net operating loss and which
12 was taken into account in calculating the base
13 income of an earlier taxable year, and

14 (ii) the addition modification relating to the
15 net operating loss carried back or forward to the
16 taxable year from any taxable year ending prior to
17 December 31, 1986 shall not exceed the amount of
18 such carryback or carryforward;

19 For taxable years in which there is a net operating
20 loss carryback or carryforward from more than one other
21 taxable year ending prior to December 31, 1986, the
22 addition modification provided in this subparagraph
23 (E) shall be the sum of the amounts computed
24 independently under the preceding provisions of this
25 subparagraph (E) for each such taxable year;

26 (E-5) For taxable years ending after December 31,

1 1997, an amount equal to any eligible remediation costs
2 that the corporation deducted in computing adjusted
3 gross income and for which the corporation claims a
4 credit under subsection (l) of Section 201;

5 (E-10) For taxable years 2001 and thereafter, an
6 amount equal to the bonus depreciation deduction taken
7 on the taxpayer's federal income tax return for the
8 taxable year under subsection (k) of Section 168 of the
9 Internal Revenue Code;

10 (E-11) If the taxpayer sells, transfers, abandons,
11 or otherwise disposes of property for which the
12 taxpayer was required in any taxable year to make an
13 addition modification under subparagraph (E-10), then
14 an amount equal to the aggregate amount of the
15 deductions taken in all taxable years under
16 subparagraph (T) with respect to that property.

17 If the taxpayer continues to own property through
18 the last day of the last tax year for which the
19 taxpayer may claim a depreciation deduction for
20 federal income tax purposes and for which the taxpayer
21 was allowed in any taxable year to make a subtraction
22 modification under subparagraph (T), then an amount
23 equal to that subtraction modification.

24 The taxpayer is required to make the addition
25 modification under this subparagraph only once with
26 respect to any one piece of property;

1 (E-12) An amount equal to the amount otherwise
2 allowed as a deduction in computing base income for
3 interest paid, accrued, or incurred, directly or
4 indirectly, (i) for taxable years ending on or after
5 December 31, 2004, to a foreign person who would be a
6 member of the same unitary business group but for the
7 fact the foreign person's business activity outside
8 the United States is 80% or more of the foreign
9 person's total business activity and (ii) for taxable
10 years ending on or after December 31, 2008, to a person
11 who would be a member of the same unitary business
12 group but for the fact that the person is prohibited
13 under Section 1501(a)(27) from being included in the
14 unitary business group because he or she is ordinarily
15 required to apportion business income under different
16 subsections of Section 304. The addition modification
17 required by this subparagraph shall be reduced to the
18 extent that dividends were included in base income of
19 the unitary group for the same taxable year and
20 received by the taxpayer or by a member of the
21 taxpayer's unitary business group (including amounts
22 included in gross income pursuant to Sections 951
23 through 964 of the Internal Revenue Code and amounts
24 included in gross income under Section 78 of the
25 Internal Revenue Code) with respect to the stock of the
26 same person to whom the interest was paid, accrued, or

1 incurred.

2 This paragraph shall not apply to the following:

3 (i) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person who
5 is subject in a foreign country or state, other
6 than a state which requires mandatory unitary
7 reporting, to a tax on or measured by net income
8 with respect to such interest; or

9 (ii) an item of interest paid, accrued, or
10 incurred, directly or indirectly, to a person if
11 the taxpayer can establish, based on a
12 preponderance of the evidence, both of the
13 following:

14 (a) the person, during the same taxable
15 year, paid, accrued, or incurred, the interest
16 to a person that is not a related member, and

17 (b) the transaction giving rise to the
18 interest expense between the taxpayer and the
19 person did not have as a principal purpose the
20 avoidance of Illinois income tax, and is paid
21 pursuant to a contract or agreement that
22 reflects an arm's-length interest rate and
23 terms; or

24 (iii) the taxpayer can establish, based on
25 clear and convincing evidence, that the interest
26 paid, accrued, or incurred relates to a contract or

1 agreement entered into at arm's-length rates and
2 terms and the principal purpose for the payment is
3 not federal or Illinois tax avoidance; or

4 (iv) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person if
6 the taxpayer establishes by clear and convincing
7 evidence that the adjustments are unreasonable; or
8 if the taxpayer and the Director agree in writing
9 to the application or use of an alternative method
10 of apportionment under Section 304(f).

11 Nothing in this subsection shall preclude the
12 Director from making any other adjustment
13 otherwise allowed under Section 404 of this Act for
14 any tax year beginning after the effective date of
15 this amendment provided such adjustment is made
16 pursuant to regulation adopted by the Department
17 and such regulations provide methods and standards
18 by which the Department will utilize its authority
19 under Section 404 of this Act;

20 (E-13) An amount equal to the amount of intangible
21 expenses and costs otherwise allowed as a deduction in
22 computing base income, and that were paid, accrued, or
23 incurred, directly or indirectly, (i) for taxable
24 years ending on or after December 31, 2004, to a
25 foreign person who would be a member of the same
26 unitary business group but for the fact that the

1 foreign person's business activity outside the United
2 States is 80% or more of that person's total business
3 activity and (ii) for taxable years ending on or after
4 December 31, 2008, to a person who would be a member of
5 the same unitary business group but for the fact that
6 the person is prohibited under Section 1501(a)(27)
7 from being included in the unitary business group
8 because he or she is ordinarily required to apportion
9 business income under different subsections of Section
10 304. The addition modification required by this
11 subparagraph shall be reduced to the extent that
12 dividends were included in base income of the unitary
13 group for the same taxable year and received by the
14 taxpayer or by a member of the taxpayer's unitary
15 business group (including amounts included in gross
16 income pursuant to Sections 951 through 964 of the
17 Internal Revenue Code and amounts included in gross
18 income under Section 78 of the Internal Revenue Code)
19 with respect to the stock of the same person to whom
20 the intangible expenses and costs were directly or
21 indirectly paid, incurred, or accrued. The preceding
22 sentence shall not apply to the extent that the same
23 dividends caused a reduction to the addition
24 modification required under Section 203(b)(2)(E-12) of
25 this Act. As used in this subparagraph, the term
26 "intangible expenses and costs" includes (1) expenses,

1 losses, and costs for, or related to, the direct or
2 indirect acquisition, use, maintenance or management,
3 ownership, sale, exchange, or any other disposition of
4 intangible property; (2) losses incurred, directly or
5 indirectly, from factoring transactions or discounting
6 transactions; (3) royalty, patent, technical, and
7 copyright fees; (4) licensing fees; and (5) other
8 similar expenses and costs. For purposes of this
9 subparagraph, "intangible property" includes patents,
10 patent applications, trade names, trademarks, service
11 marks, copyrights, mask works, trade secrets, and
12 similar types of intangible assets.

13 This paragraph shall not apply to the following:

14 (i) any item of intangible expenses or costs
15 paid, accrued, or incurred, directly or
16 indirectly, from a transaction with a person who is
17 subject in a foreign country or state, other than a
18 state which requires mandatory unitary reporting,
19 to a tax on or measured by net income with respect
20 to such item; or

21 (ii) any item of intangible expense or cost
22 paid, accrued, or incurred, directly or
23 indirectly, if the taxpayer can establish, based
24 on a preponderance of the evidence, both of the
25 following:

26 (a) the person during the same taxable

1 year paid, accrued, or incurred, the
2 intangible expense or cost to a person that is
3 not a related member, and

4 (b) the transaction giving rise to the
5 intangible expense or cost between the
6 taxpayer and the person did not have as a
7 principal purpose the avoidance of Illinois
8 income tax, and is paid pursuant to a contract
9 or agreement that reflects arm's-length terms;
10 or

11 (iii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a person if the
14 taxpayer establishes by clear and convincing
15 evidence, that the adjustments are unreasonable;
16 or if the taxpayer and the Director agree in
17 writing to the application or use of an alternative
18 method of apportionment under Section 304(f);

19 Nothing in this subsection shall preclude the
20 Director from making any other adjustment
21 otherwise allowed under Section 404 of this Act for
22 any tax year beginning after the effective date of
23 this amendment provided such adjustment is made
24 pursuant to regulation adopted by the Department
25 and such regulations provide methods and standards
26 by which the Department will utilize its authority

1 under Section 404 of this Act;

2 (E-14) For taxable years ending on or after
3 December 31, 2008, an amount equal to the amount of
4 insurance premium expenses and costs otherwise allowed
5 as a deduction in computing base income, and that were
6 paid, accrued, or incurred, directly or indirectly, to
7 a person who would be a member of the same unitary
8 business group but for the fact that the person is
9 prohibited under Section 1501(a)(27) from being
10 included in the unitary business group because he or
11 she is ordinarily required to apportion business
12 income under different subsections of Section 304. The
13 addition modification required by this subparagraph
14 shall be reduced to the extent that dividends were
15 included in base income of the unitary group for the
16 same taxable year and received by the taxpayer or by a
17 member of the taxpayer's unitary business group
18 (including amounts included in gross income under
19 Sections 951 through 964 of the Internal Revenue Code
20 and amounts included in gross income under Section 78
21 of the Internal Revenue Code) with respect to the stock
22 of the same person to whom the premiums and costs were
23 directly or indirectly paid, incurred, or accrued. The
24 preceding sentence does not apply to the extent that
25 the same dividends caused a reduction to the addition
26 modification required under Section 203(b)(2)(E-12) or

1 Section 203(b) (2) (E-13) of this Act;

2 (E-15) For taxable years beginning after December
3 31, 2008, any deduction for dividends paid by a captive
4 real estate investment trust that is allowed to a real
5 estate investment trust under Section 857(b) (2) (B) of
6 the Internal Revenue Code for dividends paid;

7 (E-16) An amount equal to the credit allowable to
8 the taxpayer under Section 218(a) of this Act,
9 determined without regard to Section 218(c) of this
10 Act;

11 and by deducting from the total so obtained the sum of the
12 following amounts:

13 (F) An amount equal to the amount of any tax
14 imposed by this Act which was refunded to the taxpayer
15 and included in such total for the taxable year;

16 (G) An amount equal to any amount included in such
17 total under Section 78 of the Internal Revenue Code;

18 (H) In the case of a regulated investment company,
19 an amount equal to the amount of exempt interest
20 dividends as defined in subsection (b) (5) of Section
21 852 of the Internal Revenue Code, paid to shareholders
22 for the taxable year;

23 (I) With the exception of any amounts subtracted
24 under subparagraph (J), an amount equal to the sum of
25 all amounts disallowed as deductions by (i) Sections
26 171(a) (2), and 265(a) (2) and amounts disallowed as

1 interest expense by Section 291(a)(3) of the Internal
2 Revenue Code, as now or hereafter amended, and all
3 amounts of expenses allocable to interest and
4 disallowed as deductions by Section 265(a)(1) of the
5 Internal Revenue Code, as now or hereafter amended; and
6 (ii) for taxable years ending on or after August 13,
7 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and
8 832(b)(5)(B)(i) of the Internal Revenue Code; the
9 provisions of this subparagraph are exempt from the
10 provisions of Section 250;

11 (J) An amount equal to all amounts included in such
12 total which are exempt from taxation by this State
13 either by reason of its statutes or Constitution or by
14 reason of the Constitution, treaties or statutes of the
15 United States; provided that, in the case of any
16 statute of this State that exempts income derived from
17 bonds or other obligations from the tax imposed under
18 this Act, the amount exempted shall be the interest net
19 of bond premium amortization;

20 (K) An amount equal to those dividends included in
21 such total which were paid by a corporation which
22 conducts business operations in an Enterprise Zone or
23 zones created under the Illinois Enterprise Zone Act or
24 a River Edge Redevelopment Zone or zones created under
25 the River Edge Redevelopment Zone Act and conducts
26 substantially all of its operations in an Enterprise

1 Zone or zones or a River Edge Redevelopment Zone or
2 zones. This subparagraph (K) is exempt from the
3 provisions of Section 250;

4 (L) An amount equal to those dividends included in
5 such total that were paid by a corporation that
6 conducts business operations in a federally designated
7 Foreign Trade Zone or Sub-Zone and that is designated a
8 High Impact Business located in Illinois; provided
9 that dividends eligible for the deduction provided in
10 subparagraph (K) of paragraph 2 of this subsection
11 shall not be eligible for the deduction provided under
12 this subparagraph (L);

13 (M) For any taxpayer that is a financial
14 organization within the meaning of Section 304(c) of
15 this Act, an amount included in such total as interest
16 income from a loan or loans made by such taxpayer to a
17 borrower, to the extent that such a loan is secured by
18 property which is eligible for the Enterprise Zone
19 Investment Credit or the River Edge Redevelopment Zone
20 Investment Credit. To determine the portion of a loan
21 or loans that is secured by property eligible for a
22 Section 201(f) investment credit to the borrower, the
23 entire principal amount of the loan or loans between
24 the taxpayer and the borrower should be divided into
25 the basis of the Section 201(f) investment credit
26 property which secures the loan or loans, using for

1 this purpose the original basis of such property on the
2 date that it was placed in service in the Enterprise
3 Zone or the River Edge Redevelopment Zone. The
4 subtraction modification available to taxpayer in any
5 year under this subsection shall be that portion of the
6 total interest paid by the borrower with respect to
7 such loan attributable to the eligible property as
8 calculated under the previous sentence. This
9 subparagraph (M) is exempt from the provisions of
10 Section 250;

11 (M-1) For any taxpayer that is a financial
12 organization within the meaning of Section 304(c) of
13 this Act, an amount included in such total as interest
14 income from a loan or loans made by such taxpayer to a
15 borrower, to the extent that such a loan is secured by
16 property which is eligible for the High Impact Business
17 Investment Credit. To determine the portion of a loan
18 or loans that is secured by property eligible for a
19 Section 201(h) investment credit to the borrower, the
20 entire principal amount of the loan or loans between
21 the taxpayer and the borrower should be divided into
22 the basis of the Section 201(h) investment credit
23 property which secures the loan or loans, using for
24 this purpose the original basis of such property on the
25 date that it was placed in service in a federally
26 designated Foreign Trade Zone or Sub-Zone located in

1 Illinois. No taxpayer that is eligible for the
2 deduction provided in subparagraph (M) of paragraph
3 (2) of this subsection shall be eligible for the
4 deduction provided under this subparagraph (M-1). The
5 subtraction modification available to taxpayers in any
6 year under this subsection shall be that portion of the
7 total interest paid by the borrower with respect to
8 such loan attributable to the eligible property as
9 calculated under the previous sentence;

10 (N) Two times any contribution made during the
11 taxable year to a designated zone organization to the
12 extent that the contribution (i) qualifies as a
13 charitable contribution under subsection (c) of
14 Section 170 of the Internal Revenue Code and (ii) must,
15 by its terms, be used for a project approved by the
16 Department of Commerce and Economic Opportunity under
17 Section 11 of the Illinois Enterprise Zone Act or under
18 Section 10-10 of the River Edge Redevelopment Zone Act.
19 This subparagraph (N) is exempt from the provisions of
20 Section 250;

21 (O) An amount equal to: (i) 85% for taxable years
22 ending on or before December 31, 1992, or, a percentage
23 equal to the percentage allowable under Section
24 243(a)(1) of the Internal Revenue Code of 1986 for
25 taxable years ending after December 31, 1992, of the
26 amount by which dividends included in taxable income

1 and received from a corporation that is not created or
2 organized under the laws of the United States or any
3 state or political subdivision thereof, including, for
4 taxable years ending on or after December 31, 1988,
5 dividends received or deemed received or paid or deemed
6 paid under Sections 951 through 964 of the Internal
7 Revenue Code, exceed the amount of the modification
8 provided under subparagraph (G) of paragraph (2) of
9 this subsection (b) which is related to such dividends,
10 and including, for taxable years ending on or after
11 December 31, 2008, dividends received from a captive
12 real estate investment trust; plus (ii) 100% of the
13 amount by which dividends, included in taxable income
14 and received, including, for taxable years ending on or
15 after December 31, 1988, dividends received or deemed
16 received or paid or deemed paid under Sections 951
17 through 964 of the Internal Revenue Code and including,
18 for taxable years ending on or after December 31, 2008,
19 dividends received from a captive real estate
20 investment trust, from any such corporation specified
21 in clause (i) that would but for the provisions of
22 Section 1504 (b) (3) of the Internal Revenue Code be
23 treated as a member of the affiliated group which
24 includes the dividend recipient, exceed the amount of
25 the modification provided under subparagraph (G) of
26 paragraph (2) of this subsection (b) which is related

1 to such dividends. This subparagraph (O) is exempt from
2 the provisions of Section 250 of this Act;

3 (P) An amount equal to any contribution made to a
4 job training project established pursuant to the Tax
5 Increment Allocation Redevelopment Act;

6 (Q) An amount equal to the amount of the deduction
7 used to compute the federal income tax credit for
8 restoration of substantial amounts held under claim of
9 right for the taxable year pursuant to Section 1341 of
10 the Internal Revenue Code of 1986;

11 (R) On and after July 20, 1999, in the case of an
12 attorney-in-fact with respect to whom an interinsurer
13 or a reciprocal insurer has made the election under
14 Section 835 of the Internal Revenue Code, 26 U.S.C.
15 835, an amount equal to the excess, if any, of the
16 amounts paid or incurred by that interinsurer or
17 reciprocal insurer in the taxable year to the
18 attorney-in-fact over the deduction allowed to that
19 interinsurer or reciprocal insurer with respect to the
20 attorney-in-fact under Section 835(b) of the Internal
21 Revenue Code for the taxable year; the provisions of
22 this subparagraph are exempt from the provisions of
23 Section 250;

24 (S) For taxable years ending on or after December
25 31, 1997, in the case of a Subchapter S corporation, an
26 amount equal to all amounts of income allocable to a

1 shareholder subject to the Personal Property Tax
2 Replacement Income Tax imposed by subsections (c) and
3 (d) of Section 201 of this Act, including amounts
4 allocable to organizations exempt from federal income
5 tax by reason of Section 501(a) of the Internal Revenue
6 Code. This subparagraph (S) is exempt from the
7 provisions of Section 250;

8 (T) For taxable years 2001 and thereafter, for the
9 taxable year in which the bonus depreciation deduction
10 is taken on the taxpayer's federal income tax return
11 under subsection (k) of Section 168 of the Internal
12 Revenue Code and for each applicable taxable year
13 thereafter, an amount equal to "x", where:

14 (1) "y" equals the amount of the depreciation
15 deduction taken for the taxable year on the
16 taxpayer's federal income tax return on property
17 for which the bonus depreciation deduction was
18 taken in any year under subsection (k) of Section
19 168 of the Internal Revenue Code, but not including
20 the bonus depreciation deduction;

21 (2) for taxable years ending on or before
22 December 31, 2005, "x" equals "y" multiplied by 30
23 and then divided by 70 (or "y" multiplied by
24 0.429); and

25 (3) for taxable years ending after December
26 31, 2005:

1 (i) for property on which a bonus
2 depreciation deduction of 30% of the adjusted
3 basis was taken, "x" equals "y" multiplied by
4 30 and then divided by 70 (or "y" multiplied by
5 0.429); and

6 (ii) for property on which a bonus
7 depreciation deduction of 50% of the adjusted
8 basis was taken, "x" equals "y" multiplied by
9 1.0.

10 The aggregate amount deducted under this
11 subparagraph in all taxable years for any one piece of
12 property may not exceed the amount of the bonus
13 depreciation deduction taken on that property on the
14 taxpayer's federal income tax return under subsection
15 (k) of Section 168 of the Internal Revenue Code. This
16 subparagraph (T) is exempt from the provisions of
17 Section 250;

18 (U) If the taxpayer sells, transfers, abandons, or
19 otherwise disposes of property for which the taxpayer
20 was required in any taxable year to make an addition
21 modification under subparagraph (E-10), then an amount
22 equal to that addition modification.

23 If the taxpayer continues to own property through
24 the last day of the last tax year for which the
25 taxpayer may claim a depreciation deduction for
26 federal income tax purposes and for which the taxpayer

1 was required in any taxable year to make an addition
2 modification under subparagraph (E-10), then an amount
3 equal to that addition modification.

4 The taxpayer is allowed to take the deduction under
5 this subparagraph only once with respect to any one
6 piece of property.

7 This subparagraph (U) is exempt from the
8 provisions of Section 250;

9 (V) The amount of: (i) any interest income (net of
10 the deductions allocable thereto) taken into account
11 for the taxable year with respect to a transaction with
12 a taxpayer that is required to make an addition
13 modification with respect to such transaction under
14 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
15 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
16 the amount of such addition modification, (ii) any
17 income from intangible property (net of the deductions
18 allocable thereto) taken into account for the taxable
19 year with respect to a transaction with a taxpayer that
20 is required to make an addition modification with
21 respect to such transaction under Section
22 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
23 203(d)(2)(D-8), but not to exceed the amount of such
24 addition modification, and (iii) any insurance premium
25 income (net of deductions allocable thereto) taken
26 into account for the taxable year with respect to a

1 transaction with a taxpayer that is required to make an
2 addition modification with respect to such transaction
3 under Section 203(a)(2)(D-19), Section
4 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
5 203(d)(2)(D-9), but not to exceed the amount of that
6 addition modification. This subparagraph (V) is exempt
7 from the provisions of Section 250;

8 (W) An amount equal to the interest income taken
9 into account for the taxable year (net of the
10 deductions allocable thereto) with respect to
11 transactions with (i) a foreign person who would be a
12 member of the taxpayer's unitary business group but for
13 the fact that the foreign person's business activity
14 outside the United States is 80% or more of that
15 person's total business activity and (ii) for taxable
16 years ending on or after December 31, 2008, to a person
17 who would be a member of the same unitary business
18 group but for the fact that the person is prohibited
19 under Section 1501(a)(27) from being included in the
20 unitary business group because he or she is ordinarily
21 required to apportion business income under different
22 subsections of Section 304, but not to exceed the
23 addition modification required to be made for the same
24 taxable year under Section 203(b)(2)(E-12) for
25 interest paid, accrued, or incurred, directly or
26 indirectly, to the same person. This subparagraph (W)

1 is exempt from the provisions of Section 250; and

2 (X) An amount equal to the income from intangible
3 property taken into account for the taxable year (net
4 of the deductions allocable thereto) with respect to
5 transactions with (i) a foreign person who would be a
6 member of the taxpayer's unitary business group but for
7 the fact that the foreign person's business activity
8 outside the United States is 80% or more of that
9 person's total business activity and (ii) for taxable
10 years ending on or after December 31, 2008, to a person
11 who would be a member of the same unitary business
12 group but for the fact that the person is prohibited
13 under Section 1501(a)(27) from being included in the
14 unitary business group because he or she is ordinarily
15 required to apportion business income under different
16 subsections of Section 304, but not to exceed the
17 addition modification required to be made for the same
18 taxable year under Section 203(b)(2)(E-13) for
19 intangible expenses and costs paid, accrued, or
20 incurred, directly or indirectly, to the same foreign
21 person. This subparagraph (X) is exempt from the
22 provisions of Section 250.

23 (3) Special rule. For purposes of paragraph (2) (A),
24 "gross income" in the case of a life insurance company, for
25 tax years ending on and after December 31, 1994, shall mean
26 the gross investment income for the taxable year.

1 (c) Trusts and estates.

2 (1) In general. In the case of a trust or estate, base
3 income means an amount equal to the taxpayer's taxable
4 income for the taxable year as modified by paragraph (2).

5 (2) Modifications. Subject to the provisions of
6 paragraph (3), the taxable income referred to in paragraph
7 (1) shall be modified by adding thereto the sum of the
8 following amounts:

9 (A) An amount equal to all amounts paid or accrued
10 to the taxpayer as interest or dividends during the
11 taxable year to the extent excluded from gross income
12 in the computation of taxable income;

13 (B) In the case of (i) an estate, \$600; (ii) a
14 trust which, under its governing instrument, is
15 required to distribute all of its income currently,
16 \$300; and (iii) any other trust, \$100, but in each such
17 case, only to the extent such amount was deducted in
18 the computation of taxable income;

19 (C) An amount equal to the amount of tax imposed by
20 this Act to the extent deducted from gross income in
21 the computation of taxable income for the taxable year;

22 (D) The amount of any net operating loss deduction
23 taken in arriving at taxable income, other than a net
24 operating loss carried forward from a taxable year
25 ending prior to December 31, 1986;

1 (E) For taxable years in which a net operating loss
2 carryback or carryforward from a taxable year ending
3 prior to December 31, 1986 is an element of taxable
4 income under paragraph (1) of subsection (e) or
5 subparagraph (E) of paragraph (2) of subsection (e),
6 the amount by which addition modifications other than
7 those provided by this subparagraph (E) exceeded
8 subtraction modifications in such taxable year, with
9 the following limitations applied in the order that
10 they are listed:

11 (i) the addition modification relating to the
12 net operating loss carried back or forward to the
13 taxable year from any taxable year ending prior to
14 December 31, 1986 shall be reduced by the amount of
15 addition modification under this subparagraph (E)
16 which related to that net operating loss and which
17 was taken into account in calculating the base
18 income of an earlier taxable year, and

19 (ii) the addition modification relating to the
20 net operating loss carried back or forward to the
21 taxable year from any taxable year ending prior to
22 December 31, 1986 shall not exceed the amount of
23 such carryback or carryforward;

24 For taxable years in which there is a net operating
25 loss carryback or carryforward from more than one other
26 taxable year ending prior to December 31, 1986, the

1 addition modification provided in this subparagraph
2 (E) shall be the sum of the amounts computed
3 independently under the preceding provisions of this
4 subparagraph (E) for each such taxable year;

5 (F) For taxable years ending on or after January 1,
6 1989, an amount equal to the tax deducted pursuant to
7 Section 164 of the Internal Revenue Code if the trust
8 or estate is claiming the same tax for purposes of the
9 Illinois foreign tax credit under Section 601 of this
10 Act;

11 (G) An amount equal to the amount of the capital
12 gain deduction allowable under the Internal Revenue
13 Code, to the extent deducted from gross income in the
14 computation of taxable income;

15 (G-5) For taxable years ending after December 31,
16 1997, an amount equal to any eligible remediation costs
17 that the trust or estate deducted in computing adjusted
18 gross income and for which the trust or estate claims a
19 credit under subsection (l) of Section 201;

20 (G-10) For taxable years 2001 and thereafter, an
21 amount equal to the bonus depreciation deduction taken
22 on the taxpayer's federal income tax return for the
23 taxable year under subsection (k) of Section 168 of the
24 Internal Revenue Code; and

25 (G-11) If the taxpayer sells, transfers, abandons,
26 or otherwise disposes of property for which the

1 taxpayer was required in any taxable year to make an
2 addition modification under subparagraph (G-10), then
3 an amount equal to the aggregate amount of the
4 deductions taken in all taxable years under
5 subparagraph (R) with respect to that property.

6 If the taxpayer continues to own property through
7 the last day of the last tax year for which the
8 taxpayer may claim a depreciation deduction for
9 federal income tax purposes and for which the taxpayer
10 was allowed in any taxable year to make a subtraction
11 modification under subparagraph (R), then an amount
12 equal to that subtraction modification.

13 The taxpayer is required to make the addition
14 modification under this subparagraph only once with
15 respect to any one piece of property;

16 (G-12) An amount equal to the amount otherwise
17 allowed as a deduction in computing base income for
18 interest paid, accrued, or incurred, directly or
19 indirectly, (i) for taxable years ending on or after
20 December 31, 2004, to a foreign person who would be a
21 member of the same unitary business group but for the
22 fact that the foreign person's business activity
23 outside the United States is 80% or more of the foreign
24 person's total business activity and (ii) for taxable
25 years ending on or after December 31, 2008, to a person
26 who would be a member of the same unitary business

1 group but for the fact that the person is prohibited
2 under Section 1501(a)(27) from being included in the
3 unitary business group because he or she is ordinarily
4 required to apportion business income under different
5 subsections of Section 304. The addition modification
6 required by this subparagraph shall be reduced to the
7 extent that dividends were included in base income of
8 the unitary group for the same taxable year and
9 received by the taxpayer or by a member of the
10 taxpayer's unitary business group (including amounts
11 included in gross income pursuant to Sections 951
12 through 964 of the Internal Revenue Code and amounts
13 included in gross income under Section 78 of the
14 Internal Revenue Code) with respect to the stock of the
15 same person to whom the interest was paid, accrued, or
16 incurred.

17 This paragraph shall not apply to the following:

18 (i) an item of interest paid, accrued, or
19 incurred, directly or indirectly, to a person who
20 is subject in a foreign country or state, other
21 than a state which requires mandatory unitary
22 reporting, to a tax on or measured by net income
23 with respect to such interest; or

24 (ii) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a person if
26 the taxpayer can establish, based on a

1 preponderance of the evidence, both of the
2 following:

3 (a) the person, during the same taxable
4 year, paid, accrued, or incurred, the interest
5 to a person that is not a related member, and

6 (b) the transaction giving rise to the
7 interest expense between the taxpayer and the
8 person did not have as a principal purpose the
9 avoidance of Illinois income tax, and is paid
10 pursuant to a contract or agreement that
11 reflects an arm's-length interest rate and
12 terms; or

13 (iii) the taxpayer can establish, based on
14 clear and convincing evidence, that the interest
15 paid, accrued, or incurred relates to a contract or
16 agreement entered into at arm's-length rates and
17 terms and the principal purpose for the payment is
18 not federal or Illinois tax avoidance; or

19 (iv) an item of interest paid, accrued, or
20 incurred, directly or indirectly, to a person if
21 the taxpayer establishes by clear and convincing
22 evidence that the adjustments are unreasonable; or
23 if the taxpayer and the Director agree in writing
24 to the application or use of an alternative method
25 of apportionment under Section 304(f).

26 Nothing in this subsection shall preclude the

1 Director from making any other adjustment
2 otherwise allowed under Section 404 of this Act for
3 any tax year beginning after the effective date of
4 this amendment provided such adjustment is made
5 pursuant to regulation adopted by the Department
6 and such regulations provide methods and standards
7 by which the Department will utilize its authority
8 under Section 404 of this Act;

9 (G-13) An amount equal to the amount of intangible
10 expenses and costs otherwise allowed as a deduction in
11 computing base income, and that were paid, accrued, or
12 incurred, directly or indirectly, (i) for taxable
13 years ending on or after December 31, 2004, to a
14 foreign person who would be a member of the same
15 unitary business group but for the fact that the
16 foreign person's business activity outside the United
17 States is 80% or more of that person's total business
18 activity and (ii) for taxable years ending on or after
19 December 31, 2008, to a person who would be a member of
20 the same unitary business group but for the fact that
21 the person is prohibited under Section 1501(a)(27)
22 from being included in the unitary business group
23 because he or she is ordinarily required to apportion
24 business income under different subsections of Section
25 304. The addition modification required by this
26 subparagraph shall be reduced to the extent that

1 dividends were included in base income of the unitary
2 group for the same taxable year and received by the
3 taxpayer or by a member of the taxpayer's unitary
4 business group (including amounts included in gross
5 income pursuant to Sections 951 through 964 of the
6 Internal Revenue Code and amounts included in gross
7 income under Section 78 of the Internal Revenue Code)
8 with respect to the stock of the same person to whom
9 the intangible expenses and costs were directly or
10 indirectly paid, incurred, or accrued. The preceding
11 sentence shall not apply to the extent that the same
12 dividends caused a reduction to the addition
13 modification required under Section 203(c)(2)(G-12) of
14 this Act. As used in this subparagraph, the term
15 "intangible expenses and costs" includes: (1)
16 expenses, losses, and costs for or related to the
17 direct or indirect acquisition, use, maintenance or
18 management, ownership, sale, exchange, or any other
19 disposition of intangible property; (2) losses
20 incurred, directly or indirectly, from factoring
21 transactions or discounting transactions; (3) royalty,
22 patent, technical, and copyright fees; (4) licensing
23 fees; and (5) other similar expenses and costs. For
24 purposes of this subparagraph, "intangible property"
25 includes patents, patent applications, trade names,
26 trademarks, service marks, copyrights, mask works,

1 trade secrets, and similar types of intangible assets.

2 This paragraph shall not apply to the following:

3 (i) any item of intangible expenses or costs
4 paid, accrued, or incurred, directly or
5 indirectly, from a transaction with a person who is
6 subject in a foreign country or state, other than a
7 state which requires mandatory unitary reporting,
8 to a tax on or measured by net income with respect
9 to such item; or

10 (ii) any item of intangible expense or cost
11 paid, accrued, or incurred, directly or
12 indirectly, if the taxpayer can establish, based
13 on a preponderance of the evidence, both of the
14 following:

15 (a) the person during the same taxable
16 year paid, accrued, or incurred, the
17 intangible expense or cost to a person that is
18 not a related member, and

19 (b) the transaction giving rise to the
20 intangible expense or cost between the
21 taxpayer and the person did not have as a
22 principal purpose the avoidance of Illinois
23 income tax, and is paid pursuant to a contract
24 or agreement that reflects arm's-length terms;
25 or

26 (iii) any item of intangible expense or cost

1 paid, accrued, or incurred, directly or
2 indirectly, from a transaction with a person if the
3 taxpayer establishes by clear and convincing
4 evidence, that the adjustments are unreasonable;
5 or if the taxpayer and the Director agree in
6 writing to the application or use of an alternative
7 method of apportionment under Section 304(f);

8 Nothing in this subsection shall preclude the
9 Director from making any other adjustment
10 otherwise allowed under Section 404 of this Act for
11 any tax year beginning after the effective date of
12 this amendment provided such adjustment is made
13 pursuant to regulation adopted by the Department
14 and such regulations provide methods and standards
15 by which the Department will utilize its authority
16 under Section 404 of this Act;

17 (G-14) For taxable years ending on or after
18 December 31, 2008, an amount equal to the amount of
19 insurance premium expenses and costs otherwise allowed
20 as a deduction in computing base income, and that were
21 paid, accrued, or incurred, directly or indirectly, to
22 a person who would be a member of the same unitary
23 business group but for the fact that the person is
24 prohibited under Section 1501(a)(27) from being
25 included in the unitary business group because he or
26 she is ordinarily required to apportion business

1 income under different subsections of Section 304. The
2 addition modification required by this subparagraph
3 shall be reduced to the extent that dividends were
4 included in base income of the unitary group for the
5 same taxable year and received by the taxpayer or by a
6 member of the taxpayer's unitary business group
7 (including amounts included in gross income under
8 Sections 951 through 964 of the Internal Revenue Code
9 and amounts included in gross income under Section 78
10 of the Internal Revenue Code) with respect to the stock
11 of the same person to whom the premiums and costs were
12 directly or indirectly paid, incurred, or accrued. The
13 preceding sentence does not apply to the extent that
14 the same dividends caused a reduction to the addition
15 modification required under Section 203(c)(2)(G-12) or
16 Section 203(c)(2)(G-13) of this Act;

17 (G-15) An amount equal to the credit allowable to
18 the taxpayer under Section 218(a) of this Act,
19 determined without regard to Section 218(c) of this
20 Act;

21 and by deducting from the total so obtained the sum of the
22 following amounts:

23 (H) An amount equal to all amounts included in such
24 total pursuant to the provisions of Sections 402(a),
25 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
26 Internal Revenue Code or included in such total as

1 distributions under the provisions of any retirement
2 or disability plan for employees of any governmental
3 agency or unit, or retirement payments to retired
4 partners, which payments are excluded in computing net
5 earnings from self employment by Section 1402 of the
6 Internal Revenue Code and regulations adopted pursuant
7 thereto;

8 (I) The valuation limitation amount;

9 (J) An amount equal to the amount of any tax
10 imposed by this Act which was refunded to the taxpayer
11 and included in such total for the taxable year;

12 (K) An amount equal to all amounts included in
13 taxable income as modified by subparagraphs (A), (B),
14 (C), (D), (E), (F) and (G) which are exempt from
15 taxation by this State either by reason of its statutes
16 or Constitution or by reason of the Constitution,
17 treaties or statutes of the United States; provided
18 that, in the case of any statute of this State that
19 exempts income derived from bonds or other obligations
20 from the tax imposed under this Act, the amount
21 exempted shall be the interest net of bond premium
22 amortization;

23 (L) With the exception of any amounts subtracted
24 under subparagraph (K), an amount equal to the sum of
25 all amounts disallowed as deductions by (i) Sections
26 171(a) (2) and 265(a) (2) of the Internal Revenue Code,

1 as now or hereafter amended, and all amounts of
2 expenses allocable to interest and disallowed as
3 deductions by Section 265(1) of the Internal Revenue
4 Code of 1954, as now or hereafter amended; and (ii) for
5 taxable years ending on or after August 13, 1999,
6 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
7 the Internal Revenue Code; the provisions of this
8 subparagraph are exempt from the provisions of Section
9 250;

10 (M) An amount equal to those dividends included in
11 such total which were paid by a corporation which
12 conducts business operations in an Enterprise Zone or
13 zones created under the Illinois Enterprise Zone Act or
14 a River Edge Redevelopment Zone or zones created under
15 the River Edge Redevelopment Zone Act and conducts
16 substantially all of its operations in an Enterprise
17 Zone or Zones or a River Edge Redevelopment Zone or
18 zones. This subparagraph (M) is exempt from the
19 provisions of Section 250;

20 (N) An amount equal to any contribution made to a
21 job training project established pursuant to the Tax
22 Increment Allocation Redevelopment Act;

23 (O) An amount equal to those dividends included in
24 such total that were paid by a corporation that
25 conducts business operations in a federally designated
26 Foreign Trade Zone or Sub-Zone and that is designated a

1 High Impact Business located in Illinois; provided
2 that dividends eligible for the deduction provided in
3 subparagraph (M) of paragraph (2) of this subsection
4 shall not be eligible for the deduction provided under
5 this subparagraph (O);

6 (P) An amount equal to the amount of the deduction
7 used to compute the federal income tax credit for
8 restoration of substantial amounts held under claim of
9 right for the taxable year pursuant to Section 1341 of
10 the Internal Revenue Code of 1986;

11 (Q) For taxable year 1999 and thereafter, an amount
12 equal to the amount of any (i) distributions, to the
13 extent includible in gross income for federal income
14 tax purposes, made to the taxpayer because of his or
15 her status as a victim of persecution for racial or
16 religious reasons by Nazi Germany or any other Axis
17 regime or as an heir of the victim and (ii) items of
18 income, to the extent includible in gross income for
19 federal income tax purposes, attributable to, derived
20 from or in any way related to assets stolen from,
21 hidden from, or otherwise lost to a victim of
22 persecution for racial or religious reasons by Nazi
23 Germany or any other Axis regime immediately prior to,
24 during, and immediately after World War II, including,
25 but not limited to, interest on the proceeds receivable
26 as insurance under policies issued to a victim of

1 persecution for racial or religious reasons by Nazi
2 Germany or any other Axis regime by European insurance
3 companies immediately prior to and during World War II;
4 provided, however, this subtraction from federal
5 adjusted gross income does not apply to assets acquired
6 with such assets or with the proceeds from the sale of
7 such assets; provided, further, this paragraph shall
8 only apply to a taxpayer who was the first recipient of
9 such assets after their recovery and who is a victim of
10 persecution for racial or religious reasons by Nazi
11 Germany or any other Axis regime or as an heir of the
12 victim. The amount of and the eligibility for any
13 public assistance, benefit, or similar entitlement is
14 not affected by the inclusion of items (i) and (ii) of
15 this paragraph in gross income for federal income tax
16 purposes. This paragraph is exempt from the provisions
17 of Section 250;

18 (R) For taxable years 2001 and thereafter, for the
19 taxable year in which the bonus depreciation deduction
20 is taken on the taxpayer's federal income tax return
21 under subsection (k) of Section 168 of the Internal
22 Revenue Code and for each applicable taxable year
23 thereafter, an amount equal to "x", where:

24 (1) "y" equals the amount of the depreciation
25 deduction taken for the taxable year on the
26 taxpayer's federal income tax return on property

1 for which the bonus depreciation deduction was
2 taken in any year under subsection (k) of Section
3 168 of the Internal Revenue Code, but not including
4 the bonus depreciation deduction;

5 (2) for taxable years ending on or before
6 December 31, 2005, "x" equals "y" multiplied by 30
7 and then divided by 70 (or "y" multiplied by
8 0.429); and

9 (3) for taxable years ending after December
10 31, 2005:

11 (i) for property on which a bonus
12 depreciation deduction of 30% of the adjusted
13 basis was taken, "x" equals "y" multiplied by
14 30 and then divided by 70 (or "y" multiplied by
15 0.429); and

16 (ii) for property on which a bonus
17 depreciation deduction of 50% of the adjusted
18 basis was taken, "x" equals "y" multiplied by
19 1.0.

20 The aggregate amount deducted under this
21 subparagraph in all taxable years for any one piece of
22 property may not exceed the amount of the bonus
23 depreciation deduction taken on that property on the
24 taxpayer's federal income tax return under subsection
25 (k) of Section 168 of the Internal Revenue Code. This
26 subparagraph (R) is exempt from the provisions of

1 Section 250;

2 (S) If the taxpayer sells, transfers, abandons, or
3 otherwise disposes of property for which the taxpayer
4 was required in any taxable year to make an addition
5 modification under subparagraph (G-10), then an amount
6 equal to that addition modification.

7 If the taxpayer continues to own property through
8 the last day of the last tax year for which the
9 taxpayer may claim a depreciation deduction for
10 federal income tax purposes and for which the taxpayer
11 was required in any taxable year to make an addition
12 modification under subparagraph (G-10), then an amount
13 equal to that addition modification.

14 The taxpayer is allowed to take the deduction under
15 this subparagraph only once with respect to any one
16 piece of property.

17 This subparagraph (S) is exempt from the
18 provisions of Section 250;

19 (T) The amount of (i) any interest income (net of
20 the deductions allocable thereto) taken into account
21 for the taxable year with respect to a transaction with
22 a taxpayer that is required to make an addition
23 modification with respect to such transaction under
24 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
25 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
26 the amount of such addition modification and (ii) any

1 income from intangible property (net of the deductions
2 allocable thereto) taken into account for the taxable
3 year with respect to a transaction with a taxpayer that
4 is required to make an addition modification with
5 respect to such transaction under Section
6 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
7 203(d)(2)(D-8), but not to exceed the amount of such
8 addition modification. This subparagraph (T) is exempt
9 from the provisions of Section 250;

10 (U) An amount equal to the interest income taken
11 into account for the taxable year (net of the
12 deductions allocable thereto) with respect to
13 transactions with (i) a foreign person who would be a
14 member of the taxpayer's unitary business group but for
15 the fact the foreign person's business activity
16 outside the United States is 80% or more of that
17 person's total business activity and (ii) for taxable
18 years ending on or after December 31, 2008, to a person
19 who would be a member of the same unitary business
20 group but for the fact that the person is prohibited
21 under Section 1501(a)(27) from being included in the
22 unitary business group because he or she is ordinarily
23 required to apportion business income under different
24 subsections of Section 304, but not to exceed the
25 addition modification required to be made for the same
26 taxable year under Section 203(c)(2)(G-12) for

1 interest paid, accrued, or incurred, directly or
2 indirectly, to the same person. This subparagraph (U)
3 is exempt from the provisions of Section 250; and

4 (V) An amount equal to the income from intangible
5 property taken into account for the taxable year (net
6 of the deductions allocable thereto) with respect to
7 transactions with (i) a foreign person who would be a
8 member of the taxpayer's unitary business group but for
9 the fact that the foreign person's business activity
10 outside the United States is 80% or more of that
11 person's total business activity and (ii) for taxable
12 years ending on or after December 31, 2008, to a person
13 who would be a member of the same unitary business
14 group but for the fact that the person is prohibited
15 under Section 1501(a)(27) from being included in the
16 unitary business group because he or she is ordinarily
17 required to apportion business income under different
18 subsections of Section 304, but not to exceed the
19 addition modification required to be made for the same
20 taxable year under Section 203(c)(2)(G-13) for
21 intangible expenses and costs paid, accrued, or
22 incurred, directly or indirectly, to the same foreign
23 person. This subparagraph (V) is exempt from the
24 provisions of Section 250.

25 (3) Limitation. The amount of any modification
26 otherwise required under this subsection shall, under

1 regulations prescribed by the Department, be adjusted by
2 any amounts included therein which were properly paid,
3 credited, or required to be distributed, or permanently set
4 aside for charitable purposes pursuant to Internal Revenue
5 Code Section 642(c) during the taxable year.

6 (d) Partnerships.

7 (1) In general. In the case of a partnership, base
8 income means an amount equal to the taxpayer's taxable
9 income for the taxable year as modified by paragraph (2).

10 (2) Modifications. The taxable income referred to in
11 paragraph (1) shall be modified by adding thereto the sum
12 of the following amounts:

13 (A) An amount equal to all amounts paid or accrued
14 to the taxpayer as interest or dividends during the
15 taxable year to the extent excluded from gross income
16 in the computation of taxable income;

17 (B) An amount equal to the amount of tax imposed by
18 this Act to the extent deducted from gross income for
19 the taxable year;

20 (C) The amount of deductions allowed to the
21 partnership pursuant to Section 707 (c) of the Internal
22 Revenue Code in calculating its taxable income;

23 (D) An amount equal to the amount of the capital
24 gain deduction allowable under the Internal Revenue
25 Code, to the extent deducted from gross income in the

1 computation of taxable income;

2 (D-5) For taxable years 2001 and thereafter, an
3 amount equal to the bonus depreciation deduction taken
4 on the taxpayer's federal income tax return for the
5 taxable year under subsection (k) of Section 168 of the
6 Internal Revenue Code;

7 (D-6) If the taxpayer sells, transfers, abandons,
8 or otherwise disposes of property for which the
9 taxpayer was required in any taxable year to make an
10 addition modification under subparagraph (D-5), then
11 an amount equal to the aggregate amount of the
12 deductions taken in all taxable years under
13 subparagraph (O) with respect to that property.

14 If the taxpayer continues to own property through
15 the last day of the last tax year for which the
16 taxpayer may claim a depreciation deduction for
17 federal income tax purposes and for which the taxpayer
18 was allowed in any taxable year to make a subtraction
19 modification under subparagraph (O), then an amount
20 equal to that subtraction modification.

21 The taxpayer is required to make the addition
22 modification under this subparagraph only once with
23 respect to any one piece of property;

24 (D-7) An amount equal to the amount otherwise
25 allowed as a deduction in computing base income for
26 interest paid, accrued, or incurred, directly or

1 indirectly, (i) for taxable years ending on or after
2 December 31, 2004, to a foreign person who would be a
3 member of the same unitary business group but for the
4 fact the foreign person's business activity outside
5 the United States is 80% or more of the foreign
6 person's total business activity and (ii) for taxable
7 years ending on or after December 31, 2008, to a person
8 who would be a member of the same unitary business
9 group but for the fact that the person is prohibited
10 under Section 1501(a)(27) from being included in the
11 unitary business group because he or she is ordinarily
12 required to apportion business income under different
13 subsections of Section 304. The addition modification
14 required by this subparagraph shall be reduced to the
15 extent that dividends were included in base income of
16 the unitary group for the same taxable year and
17 received by the taxpayer or by a member of the
18 taxpayer's unitary business group (including amounts
19 included in gross income pursuant to Sections 951
20 through 964 of the Internal Revenue Code and amounts
21 included in gross income under Section 78 of the
22 Internal Revenue Code) with respect to the stock of the
23 same person to whom the interest was paid, accrued, or
24 incurred.

25 This paragraph shall not apply to the following:

26 (i) an item of interest paid, accrued, or

1 incurred, directly or indirectly, to a person who
2 is subject in a foreign country or state, other
3 than a state which requires mandatory unitary
4 reporting, to a tax on or measured by net income
5 with respect to such interest; or

6 (ii) an item of interest paid, accrued, or
7 incurred, directly or indirectly, to a person if
8 the taxpayer can establish, based on a
9 preponderance of the evidence, both of the
10 following:

11 (a) the person, during the same taxable
12 year, paid, accrued, or incurred, the interest
13 to a person that is not a related member, and

14 (b) the transaction giving rise to the
15 interest expense between the taxpayer and the
16 person did not have as a principal purpose the
17 avoidance of Illinois income tax, and is paid
18 pursuant to a contract or agreement that
19 reflects an arm's-length interest rate and
20 terms; or

21 (iii) the taxpayer can establish, based on
22 clear and convincing evidence, that the interest
23 paid, accrued, or incurred relates to a contract or
24 agreement entered into at arm's-length rates and
25 terms and the principal purpose for the payment is
26 not federal or Illinois tax avoidance; or

1 (iv) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a person if
3 the taxpayer establishes by clear and convincing
4 evidence that the adjustments are unreasonable; or
5 if the taxpayer and the Director agree in writing
6 to the application or use of an alternative method
7 of apportionment under Section 304(f).

8 Nothing in this subsection shall preclude the
9 Director from making any other adjustment
10 otherwise allowed under Section 404 of this Act for
11 any tax year beginning after the effective date of
12 this amendment provided such adjustment is made
13 pursuant to regulation adopted by the Department
14 and such regulations provide methods and standards
15 by which the Department will utilize its authority
16 under Section 404 of this Act; and

17 (D-8) An amount equal to the amount of intangible
18 expenses and costs otherwise allowed as a deduction in
19 computing base income, and that were paid, accrued, or
20 incurred, directly or indirectly, (i) for taxable
21 years ending on or after December 31, 2004, to a
22 foreign person who would be a member of the same
23 unitary business group but for the fact that the
24 foreign person's business activity outside the United
25 States is 80% or more of that person's total business
26 activity and (ii) for taxable years ending on or after

1 December 31, 2008, to a person who would be a member of
2 the same unitary business group but for the fact that
3 the person is prohibited under Section 1501(a)(27)
4 from being included in the unitary business group
5 because he or she is ordinarily required to apportion
6 business income under different subsections of Section
7 304. The addition modification required by this
8 subparagraph shall be reduced to the extent that
9 dividends were included in base income of the unitary
10 group for the same taxable year and received by the
11 taxpayer or by a member of the taxpayer's unitary
12 business group (including amounts included in gross
13 income pursuant to Sections 951 through 964 of the
14 Internal Revenue Code and amounts included in gross
15 income under Section 78 of the Internal Revenue Code)
16 with respect to the stock of the same person to whom
17 the intangible expenses and costs were directly or
18 indirectly paid, incurred or accrued. The preceding
19 sentence shall not apply to the extent that the same
20 dividends caused a reduction to the addition
21 modification required under Section 203(d)(2)(D-7) of
22 this Act. As used in this subparagraph, the term
23 "intangible expenses and costs" includes (1) expenses,
24 losses, and costs for, or related to, the direct or
25 indirect acquisition, use, maintenance or management,
26 ownership, sale, exchange, or any other disposition of

1 intangible property; (2) losses incurred, directly or
2 indirectly, from factoring transactions or discounting
3 transactions; (3) royalty, patent, technical, and
4 copyright fees; (4) licensing fees; and (5) other
5 similar expenses and costs. For purposes of this
6 subparagraph, "intangible property" includes patents,
7 patent applications, trade names, trademarks, service
8 marks, copyrights, mask works, trade secrets, and
9 similar types of intangible assets;

10 This paragraph shall not apply to the following:

11 (i) any item of intangible expenses or costs
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a person who is
14 subject in a foreign country or state, other than a
15 state which requires mandatory unitary reporting,
16 to a tax on or measured by net income with respect
17 to such item; or

18 (ii) any item of intangible expense or cost
19 paid, accrued, or incurred, directly or
20 indirectly, if the taxpayer can establish, based
21 on a preponderance of the evidence, both of the
22 following:

23 (a) the person during the same taxable
24 year paid, accrued, or incurred, the
25 intangible expense or cost to a person that is
26 not a related member, and

1 (b) the transaction giving rise to the
2 intangible expense or cost between the
3 taxpayer and the person did not have as a
4 principal purpose the avoidance of Illinois
5 income tax, and is paid pursuant to a contract
6 or agreement that reflects arm's-length terms;
7 or

8 (iii) any item of intangible expense or cost
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a person if the
11 taxpayer establishes by clear and convincing
12 evidence, that the adjustments are unreasonable;
13 or if the taxpayer and the Director agree in
14 writing to the application or use of an alternative
15 method of apportionment under Section 304(f);

16 Nothing in this subsection shall preclude the
17 Director from making any other adjustment
18 otherwise allowed under Section 404 of this Act for
19 any tax year beginning after the effective date of
20 this amendment provided such adjustment is made
21 pursuant to regulation adopted by the Department
22 and such regulations provide methods and standards
23 by which the Department will utilize its authority
24 under Section 404 of this Act;

25 (D-9) For taxable years ending on or after December
26 31, 2008, an amount equal to the amount of insurance

1 premium expenses and costs otherwise allowed as a
2 deduction in computing base income, and that were paid,
3 accrued, or incurred, directly or indirectly, to a
4 person who would be a member of the same unitary
5 business group but for the fact that the person is
6 prohibited under Section 1501(a)(27) from being
7 included in the unitary business group because he or
8 she is ordinarily required to apportion business
9 income under different subsections of Section 304. The
10 addition modification required by this subparagraph
11 shall be reduced to the extent that dividends were
12 included in base income of the unitary group for the
13 same taxable year and received by the taxpayer or by a
14 member of the taxpayer's unitary business group
15 (including amounts included in gross income under
16 Sections 951 through 964 of the Internal Revenue Code
17 and amounts included in gross income under Section 78
18 of the Internal Revenue Code) with respect to the stock
19 of the same person to whom the premiums and costs were
20 directly or indirectly paid, incurred, or accrued. The
21 preceding sentence does not apply to the extent that
22 the same dividends caused a reduction to the addition
23 modification required under Section 203(d)(2)(D-7) or
24 Section 203(d)(2)(D-8) of this Act;

25 (D-10) An amount equal to the credit allowable to
26 the taxpayer under Section 218(a) of this Act,

1 determined without regard to Section 218(c) of this
2 Act;

3 and by deducting from the total so obtained the following
4 amounts:

5 (E) The valuation limitation amount;

6 (F) An amount equal to the amount of any tax
7 imposed by this Act which was refunded to the taxpayer
8 and included in such total for the taxable year;

9 (G) An amount equal to all amounts included in
10 taxable income as modified by subparagraphs (A), (B),
11 (C) and (D) which are exempt from taxation by this
12 State either by reason of its statutes or Constitution
13 or by reason of the Constitution, treaties or statutes
14 of the United States; provided that, in the case of any
15 statute of this State that exempts income derived from
16 bonds or other obligations from the tax imposed under
17 this Act, the amount exempted shall be the interest net
18 of bond premium amortization;

19 (H) Any income of the partnership which
20 constitutes personal service income as defined in
21 Section 1348 (b) (1) of the Internal Revenue Code (as
22 in effect December 31, 1981) or a reasonable allowance
23 for compensation paid or accrued for services rendered
24 by partners to the partnership, whichever is greater;

25 (I) An amount equal to all amounts of income
26 distributable to an entity subject to the Personal

1 Property Tax Replacement Income Tax imposed by
2 subsections (c) and (d) of Section 201 of this Act
3 including amounts distributable to organizations
4 exempt from federal income tax by reason of Section
5 501(a) of the Internal Revenue Code;

6 (J) With the exception of any amounts subtracted
7 under subparagraph (G), an amount equal to the sum of
8 all amounts disallowed as deductions by (i) Sections
9 171(a) (2), and 265(2) of the Internal Revenue Code of
10 1954, as now or hereafter amended, and all amounts of
11 expenses allocable to interest and disallowed as
12 deductions by Section 265(1) of the Internal Revenue
13 Code, as now or hereafter amended; and (ii) for taxable
14 years ending on or after August 13, 1999, Sections
15 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of the
16 Internal Revenue Code; the provisions of this
17 subparagraph are exempt from the provisions of Section
18 250;

19 (K) An amount equal to those dividends included in
20 such total which were paid by a corporation which
21 conducts business operations in an Enterprise Zone or
22 zones created under the Illinois Enterprise Zone Act,
23 enacted by the 82nd General Assembly, or a River Edge
24 Redevelopment Zone or zones created under the River
25 Edge Redevelopment Zone Act and conducts substantially
26 all of its operations in an Enterprise Zone or Zones or

1 from a River Edge Redevelopment Zone or zones. This
2 subparagraph (K) is exempt from the provisions of
3 Section 250;

4 (L) An amount equal to any contribution made to a
5 job training project established pursuant to the Real
6 Property Tax Increment Allocation Redevelopment Act;

7 (M) An amount equal to those dividends included in
8 such total that were paid by a corporation that
9 conducts business operations in a federally designated
10 Foreign Trade Zone or Sub-Zone and that is designated a
11 High Impact Business located in Illinois; provided
12 that dividends eligible for the deduction provided in
13 subparagraph (K) of paragraph (2) of this subsection
14 shall not be eligible for the deduction provided under
15 this subparagraph (M);

16 (N) An amount equal to the amount of the deduction
17 used to compute the federal income tax credit for
18 restoration of substantial amounts held under claim of
19 right for the taxable year pursuant to Section 1341 of
20 the Internal Revenue Code of 1986;

21 (O) For taxable years 2001 and thereafter, for the
22 taxable year in which the bonus depreciation deduction
23 is taken on the taxpayer's federal income tax return
24 under subsection (k) of Section 168 of the Internal
25 Revenue Code and for each applicable taxable year
26 thereafter, an amount equal to "x", where:

1 (1) "y" equals the amount of the depreciation
2 deduction taken for the taxable year on the
3 taxpayer's federal income tax return on property
4 for which the bonus depreciation deduction was
5 taken in any year under subsection (k) of Section
6 168 of the Internal Revenue Code, but not including
7 the bonus depreciation deduction;

8 (2) for taxable years ending on or before
9 December 31, 2005, "x" equals "y" multiplied by 30
10 and then divided by 70 (or "y" multiplied by
11 0.429); and

12 (3) for taxable years ending after December
13 31, 2005:

14 (i) for property on which a bonus
15 depreciation deduction of 30% of the adjusted
16 basis was taken, "x" equals "y" multiplied by
17 30 and then divided by 70 (or "y" multiplied by
18 0.429); and

19 (ii) for property on which a bonus
20 depreciation deduction of 50% of the adjusted
21 basis was taken, "x" equals "y" multiplied by
22 1.0.

23 The aggregate amount deducted under this
24 subparagraph in all taxable years for any one piece of
25 property may not exceed the amount of the bonus
26 depreciation deduction taken on that property on the

1 taxpayer's federal income tax return under subsection
2 (k) of Section 168 of the Internal Revenue Code. This
3 subparagraph (O) is exempt from the provisions of
4 Section 250;

5 (P) If the taxpayer sells, transfers, abandons, or
6 otherwise disposes of property for which the taxpayer
7 was required in any taxable year to make an addition
8 modification under subparagraph (D-5), then an amount
9 equal to that addition modification.

10 If the taxpayer continues to own property through
11 the last day of the last tax year for which the
12 taxpayer may claim a depreciation deduction for
13 federal income tax purposes and for which the taxpayer
14 was required in any taxable year to make an addition
15 modification under subparagraph (D-5), then an amount
16 equal to that addition modification.

17 The taxpayer is allowed to take the deduction under
18 this subparagraph only once with respect to any one
19 piece of property.

20 This subparagraph (P) is exempt from the
21 provisions of Section 250;

22 (Q) The amount of (i) any interest income (net of
23 the deductions allocable thereto) taken into account
24 for the taxable year with respect to a transaction with
25 a taxpayer that is required to make an addition
26 modification with respect to such transaction under

1 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
2 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
3 the amount of such addition modification and (ii) any
4 income from intangible property (net of the deductions
5 allocable thereto) taken into account for the taxable
6 year with respect to a transaction with a taxpayer that
7 is required to make an addition modification with
8 respect to such transaction under Section
9 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
10 203(d)(2)(D-8), but not to exceed the amount of such
11 addition modification. This subparagraph (Q) is exempt
12 from Section 250;

13 (R) An amount equal to the interest income taken
14 into account for the taxable year (net of the
15 deductions allocable thereto) with respect to
16 transactions with (i) a foreign person who would be a
17 member of the taxpayer's unitary business group but for
18 the fact that the foreign person's business activity
19 outside the United States is 80% or more of that
20 person's total business activity and (ii) for taxable
21 years ending on or after December 31, 2008, to a person
22 who would be a member of the same unitary business
23 group but for the fact that the person is prohibited
24 under Section 1501(a)(27) from being included in the
25 unitary business group because he or she is ordinarily
26 required to apportion business income under different

1 subsections of Section 304, but not to exceed the
2 addition modification required to be made for the same
3 taxable year under Section 203(d)(2)(D-7) for interest
4 paid, accrued, or incurred, directly or indirectly, to
5 the same person. This subparagraph (R) is exempt from
6 Section 250; and

7 (S) An amount equal to the income from intangible
8 property taken into account for the taxable year (net
9 of the deductions allocable thereto) with respect to
10 transactions with (i) a foreign person who would be a
11 member of the taxpayer's unitary business group but for
12 the fact that the foreign person's business activity
13 outside the United States is 80% or more of that
14 person's total business activity and (ii) for taxable
15 years ending on or after December 31, 2008, to a person
16 who would be a member of the same unitary business
17 group but for the fact that the person is prohibited
18 under Section 1501(a)(27) from being included in the
19 unitary business group because he or she is ordinarily
20 required to apportion business income under different
21 subsections of Section 304, but not to exceed the
22 addition modification required to be made for the same
23 taxable year under Section 203(d)(2)(D-8) for
24 intangible expenses and costs paid, accrued, or
25 incurred, directly or indirectly, to the same person.
26 This subparagraph (S) is exempt from Section 250.

1 (e) Gross income; adjusted gross income; taxable income.

2 (1) In general. Subject to the provisions of paragraph
3 (2) and subsection (b) (3), for purposes of this Section
4 and Section 803(e), a taxpayer's gross income, adjusted
5 gross income, or taxable income for the taxable year shall
6 mean the amount of gross income, adjusted gross income or
7 taxable income properly reportable for federal income tax
8 purposes for the taxable year under the provisions of the
9 Internal Revenue Code. Taxable income may be less than
10 zero. However, for taxable years ending on or after
11 December 31, 1986, net operating loss carryforwards from
12 taxable years ending prior to December 31, 1986, may not
13 exceed the sum of federal taxable income for the taxable
14 year before net operating loss deduction, plus the excess
15 of addition modifications over subtraction modifications
16 for the taxable year. For taxable years ending prior to
17 December 31, 1986, taxable income may never be an amount in
18 excess of the net operating loss for the taxable year as
19 defined in subsections (c) and (d) of Section 172 of the
20 Internal Revenue Code, provided that when taxable income of
21 a corporation (other than a Subchapter S corporation),
22 trust, or estate is less than zero and addition
23 modifications, other than those provided by subparagraph
24 (E) of paragraph (2) of subsection (b) for corporations or
25 subparagraph (E) of paragraph (2) of subsection (c) for

1 trusts and estates, exceed subtraction modifications, an
2 addition modification must be made under those
3 subparagraphs for any other taxable year to which the
4 taxable income less than zero (net operating loss) is
5 applied under Section 172 of the Internal Revenue Code or
6 under subparagraph (E) of paragraph (2) of this subsection
7 (e) applied in conjunction with Section 172 of the Internal
8 Revenue Code.

9 (2) Special rule. For purposes of paragraph (1) of this
10 subsection, the taxable income properly reportable for
11 federal income tax purposes shall mean:

12 (A) Certain life insurance companies. In the case
13 of a life insurance company subject to the tax imposed
14 by Section 801 of the Internal Revenue Code, life
15 insurance company taxable income, plus the amount of
16 distribution from pre-1984 policyholder surplus
17 accounts as calculated under Section 815a of the
18 Internal Revenue Code;

19 (B) Certain other insurance companies. In the case
20 of mutual insurance companies subject to the tax
21 imposed by Section 831 of the Internal Revenue Code,
22 insurance company taxable income;

23 (C) Regulated investment companies. In the case of
24 a regulated investment company subject to the tax
25 imposed by Section 852 of the Internal Revenue Code,
26 investment company taxable income;

1 (D) Real estate investment trusts. In the case of a
2 real estate investment trust subject to the tax imposed
3 by Section 857 of the Internal Revenue Code, real
4 estate investment trust taxable income;

5 (E) Consolidated corporations. In the case of a
6 corporation which is a member of an affiliated group of
7 corporations filing a consolidated income tax return
8 for the taxable year for federal income tax purposes,
9 taxable income determined as if such corporation had
10 filed a separate return for federal income tax purposes
11 for the taxable year and each preceding taxable year
12 for which it was a member of an affiliated group. For
13 purposes of this subparagraph, the taxpayer's separate
14 taxable income shall be determined as if the election
15 provided by Section 243(b) (2) of the Internal Revenue
16 Code had been in effect for all such years;

17 (F) Cooperatives. In the case of a cooperative
18 corporation or association, the taxable income of such
19 organization determined in accordance with the
20 provisions of Section 1381 through 1388 of the Internal
21 Revenue Code, but without regard to the prohibition
22 against offsetting losses from patronage activities
23 against income from nonpatronage activities; except
24 that a cooperative corporation or association may make
25 an election to follow its federal income tax treatment
26 of patronage losses and nonpatronage losses. In the

1 event such election is made, such losses shall be
2 computed and carried over in a manner consistent with
3 subsection (a) of Section 207 of this Act and
4 apportioned by the apportionment factor reported by
5 the cooperative on its Illinois income tax return filed
6 for the taxable year in which the losses are incurred.
7 The election shall be effective for all taxable years
8 with original returns due on or after the date of the
9 election. In addition, the cooperative may file an
10 amended return or returns, as allowed under this Act,
11 to provide that the election shall be effective for
12 losses incurred or carried forward for taxable years
13 occurring prior to the date of the election. Once made,
14 the election may only be revoked upon approval of the
15 Director. The Department shall adopt rules setting
16 forth requirements for documenting the elections and
17 any resulting Illinois net loss and the standards to be
18 used by the Director in evaluating requests to revoke
19 elections. Public Act 96-932 ~~This amendatory Act of the~~
20 ~~96th General Assembly~~ is declaratory of existing law;

21 (G) Subchapter S corporations. In the case of: (i)
22 a Subchapter S corporation for which there is in effect
23 an election for the taxable year under Section 1362 of
24 the Internal Revenue Code, the taxable income of such
25 corporation determined in accordance with Section
26 1363(b) of the Internal Revenue Code, except that

1 taxable income shall take into account those items
2 which are required by Section 1363(b)(1) of the
3 Internal Revenue Code to be separately stated; and (ii)
4 a Subchapter S corporation for which there is in effect
5 a federal election to opt out of the provisions of the
6 Subchapter S Revision Act of 1982 and have applied
7 instead the prior federal Subchapter S rules as in
8 effect on July 1, 1982, the taxable income of such
9 corporation determined in accordance with the federal
10 Subchapter S rules as in effect on July 1, 1982; and

11 (H) Partnerships. In the case of a partnership,
12 taxable income determined in accordance with Section
13 703 of the Internal Revenue Code, except that taxable
14 income shall take into account those items which are
15 required by Section 703(a)(1) to be separately stated
16 but which would be taken into account by an individual
17 in calculating his taxable income.

18 (3) Recapture of business expenses on disposition of
19 asset or business. Notwithstanding any other law to the
20 contrary, if in prior years income from an asset or
21 business has been classified as business income and in a
22 later year is demonstrated to be non-business income, then
23 all expenses, without limitation, deducted in such later
24 year and in the 2 immediately preceding taxable years
25 related to that asset or business that generated the
26 non-business income shall be added back and recaptured as

1 business income in the year of the disposition of the asset
2 or business. Such amount shall be apportioned to Illinois
3 using the greater of the apportionment fraction computed
4 for the business under Section 304 of this Act for the
5 taxable year or the average of the apportionment fractions
6 computed for the business under Section 304 of this Act for
7 the taxable year and for the 2 immediately preceding
8 taxable years.

9 (f) Valuation limitation amount.

10 (1) In general. The valuation limitation amount
11 referred to in subsections (a) (2) (G), (c) (2) (I) and
12 (d) (2) (E) is an amount equal to:

13 (A) The sum of the pre-August 1, 1969 appreciation
14 amounts (to the extent consisting of gain reportable
15 under the provisions of Section 1245 or 1250 of the
16 Internal Revenue Code) for all property in respect of
17 which such gain was reported for the taxable year; plus

18 (B) The lesser of (i) the sum of the pre-August 1,
19 1969 appreciation amounts (to the extent consisting of
20 capital gain) for all property in respect of which such
21 gain was reported for federal income tax purposes for
22 the taxable year, or (ii) the net capital gain for the
23 taxable year, reduced in either case by any amount of
24 such gain included in the amount determined under
25 subsection (a) (2) (F) or (c) (2) (H).

1 (2) Pre-August 1, 1969 appreciation amount.

2 (A) If the fair market value of property referred
3 to in paragraph (1) was readily ascertainable on August
4 1, 1969, the pre-August 1, 1969 appreciation amount for
5 such property is the lesser of (i) the excess of such
6 fair market value over the taxpayer's basis (for
7 determining gain) for such property on that date
8 (determined under the Internal Revenue Code as in
9 effect on that date), or (ii) the total gain realized
10 and reportable for federal income tax purposes in
11 respect of the sale, exchange or other disposition of
12 such property.

13 (B) If the fair market value of property referred
14 to in paragraph (1) was not readily ascertainable on
15 August 1, 1969, the pre-August 1, 1969 appreciation
16 amount for such property is that amount which bears the
17 same ratio to the total gain reported in respect of the
18 property for federal income tax purposes for the
19 taxable year, as the number of full calendar months in
20 that part of the taxpayer's holding period for the
21 property ending July 31, 1969 bears to the number of
22 full calendar months in the taxpayer's entire holding
23 period for the property.

24 (C) The Department shall prescribe such
25 regulations as may be necessary to carry out the
26 purposes of this paragraph.

1 (g) Double deductions. Unless specifically provided
2 otherwise, nothing in this Section shall permit the same item
3 to be deducted more than once.

4 (h) Legislative intention. Except as expressly provided by
5 this Section there shall be no modifications or limitations on
6 the amounts of income, gain, loss or deduction taken into
7 account in determining gross income, adjusted gross income or
8 taxable income for federal income tax purposes for the taxable
9 year, or in the amount of such items entering into the
10 computation of base income and net income under this Act for
11 such taxable year, whether in respect of property values as of
12 August 1, 1969 or otherwise.

13 (Source: P.A. 95-23, eff. 8-3-07; 95-233, eff. 8-16-07; 95-286,
14 eff. 8-20-07; 95-331, eff. 8-21-07; 95-707, eff. 1-11-08;
15 95-876, eff. 8-21-08; 96-45, eff. 7-15-09; 96-120, eff. 8-4-09;
16 96-198, eff. 8-10-09; 96-328, eff. 8-11-09; 96-520, eff.
17 8-14-09; 96-835, eff. 12-16-09; 96-932, eff. 1-1-11; 96-935,
18 eff. 6-21-10; 96-1214, eff. 7-22-10; revised 9-16-10.)

19 (35 ILCS 5/704A)

20 Sec. 704A. Employer's return and payment of tax withheld.

21 (a) In general, every employer who deducts and withholds or
22 is required to deduct and withhold tax under this Act on or
23 after January 1, 2008 shall make those payments and returns as

1 provided in this Section.

2 (b) Returns. Every employer shall, in the form and manner
3 required by the Department, make returns with respect to taxes
4 withheld or required to be withheld under this Article 7 for
5 each quarter beginning on or after January 1, 2008, on or
6 before the last day of the first month following the close of
7 that quarter.

8 (c) Payments. With respect to amounts withheld or required
9 to be withheld on or after January 1, 2008:

10 (1) Semi-weekly payments. For each calendar year, each
11 employer who withheld or was required to withhold more than
12 \$12,000 during the one-year period ending on June 30 of the
13 immediately preceding calendar year, payment must be made:

14 (A) on or before each Friday of the calendar year,
15 for taxes withheld or required to be withheld on the
16 immediately preceding Saturday, Sunday, Monday, or
17 Tuesday;

18 (B) on or before each Wednesday of the calendar
19 year, for taxes withheld or required to be withheld on
20 the immediately preceding Wednesday, Thursday, or
21 Friday.

22 Beginning with calendar year 2011, payments ~~payment~~
23 made under this paragraph (1) of subsection (c) must be
24 made by electronic funds transfer.

25 (2) Semi-weekly payments. Any employer who withholds
26 or is required to withhold more than \$12,000 in any quarter

1 of a calendar year is required to make payments on the
2 dates set forth under item (1) of this subsection (c) for
3 each remaining quarter of that calendar year and for the
4 subsequent calendar year.

5 (3) Monthly payments. Each employer, other than an
6 employer described in items (1) or (2) of this subsection,
7 shall pay to the Department, on or before the 15th day of
8 each month the taxes withheld or required to be withheld
9 during the immediately preceding month.

10 (4) Payments with returns. Each employer shall pay to
11 the Department, on or before the due date for each return
12 required to be filed under this Section, any tax withheld
13 or required to be withheld during the period for which the
14 return is due and not previously paid to the Department.

15 (d) Regulatory authority. The Department may, by rule:

16 (1) Permit employers, in lieu of the requirements of
17 subsections (b) and (c), to file annual returns due on or
18 before January 31 of the year for taxes withheld or
19 required to be withheld during the previous calendar year
20 and, if the aggregate amounts required to be withheld by
21 the employer under this Article 7 (other than amounts
22 required to be withheld under Section 709.5) do not exceed
23 \$1,000 for the previous calendar year, to pay the taxes
24 required to be shown on each such return no later than the
25 due date for such return.

26 (2) Provide that any payment required to be made under

1 subsection (c)(1) or (c)(2) is deemed to be timely to the
2 extent paid by electronic funds transfer on or before the
3 due date for deposit of federal income taxes withheld from,
4 or federal employment taxes due with respect to, the wages
5 from which the Illinois taxes were withheld.

6 (3) Designate one or more depositories to which payment
7 of taxes required to be withheld under this Article 7 must
8 be paid by some or all employers.

9 (4) Increase the threshold dollar amounts at which
10 employers are required to make semi-weekly payments under
11 subsection (c)(1) or (c)(2).

12 (e) Annual return and payment. Every employer who deducts
13 and withholds or is required to deduct and withhold tax from a
14 person engaged in domestic service employment, as that term is
15 defined in Section 3510 of the Internal Revenue Code, may
16 comply with the requirements of this Section with respect to
17 such employees by filing an annual return and paying the taxes
18 required to be deducted and withheld on or before the 15th day
19 of the fourth month following the close of the employer's
20 taxable year. The Department may allow the employer's return to
21 be submitted with the employer's individual income tax return
22 or to be submitted with a return due from the employer under
23 Section 1400.2 of the Unemployment Insurance Act.

24 (f) Magnetic media and electronic filing. Any W-2 Form
25 that, under the Internal Revenue Code and regulations
26 promulgated thereunder, is required to be submitted to the

1 Internal Revenue Service on magnetic media or electronically
2 must also be submitted to the Department on magnetic media or
3 electronically for Illinois purposes, if required by the
4 Department.

5 (g) For amounts deducted or withheld after December 31,
6 2009, a taxpayer who makes an election under subsection (f) of
7 Section 5-15 of the Economic Development for a Growing Economy
8 Tax Credit Act for a taxable year shall be allowed a credit
9 against payments due under this Section for amounts withheld
10 during the first calendar year beginning after the end of that
11 taxable year equal to the amount of the credit for the
12 incremental income tax attributable to full-time employees of
13 the taxpayer awarded to the taxpayer by the Department of
14 Commerce and Economic Opportunity under the Economic
15 Development for a Growing Economy Tax Credit Act for the
16 taxable year and credits not previously claimed and allowed to
17 be carried forward under Section 211(4) of this Act as provided
18 in subsection (f) of Section 5-15 of the Economic Development
19 for a Growing Economy Tax Credit Act. The credit or credits may
20 not reduce the taxpayer's obligation for any payment due under
21 this Section to less than zero. If the amount of the credit or
22 credits exceeds the total payments due under this Section with
23 respect to amounts withheld during the calendar year, the
24 excess may be carried forward and applied against the
25 taxpayer's liability under this Section in the succeeding
26 calendar years as allowed to be carried forward under paragraph

1 (4) of Section 211 of this Act. The credit or credits shall be
2 applied to the earliest year for which there is a tax
3 liability. If there are credits from more than one taxable year
4 that are available to offset a liability, the earlier credit
5 shall be applied first. Each employer who deducts and withholds
6 or is required to deduct and withhold tax under this Act and
7 who retains income tax withholdings under subsection (f) of
8 Section 5-15 of the Economic Development for a Growing Economy
9 Tax Credit Act must make a return with respect to such taxes
10 and retained amounts in the form and manner that the
11 Department, by rule, requires and pay to the Department or to a
12 depository designated by the Department those withheld taxes
13 not retained by the taxpayer. For purposes of this subsection
14 (g), the term taxpayer shall include taxpayer and members of
15 the taxpayer's unitary business group as defined under
16 paragraph (27) of subsection (a) of Section 1501 of this Act.
17 This Section is exempt from the provisions of Section 250 of
18 this Act.

19 (h) An employer may claim a credit against payments due
20 under this Section for amounts withheld during the first
21 calendar year ending after date on which a tax credit
22 certificate was issued under Section 35 of the Small Business
23 Job Creation Tax Credit Act. The credit shall be equal to the
24 amount shown on the certificate, but may not reduce the
25 taxpayer's obligation for any payment due under this Section to
26 less than zero. If the amount of the credit exceeds the total

1 payments due under this Section with respect to amounts
2 withheld during the calendar year, the excess may be carried
3 forward and applied against the taxpayer's liability under this
4 Section in the 5 succeeding calendar years. The credit shall be
5 applied to the earliest year for which there is a tax
6 liability. If there are credits from more than one calendar
7 year that are available to offset a liability, the earlier
8 credit shall be applied first. This Section is exempt from the
9 provisions of Section 250 of this Act.

10 (Source: P.A. 95-8, eff. 6-29-07; 95-707, eff. 1-11-08; 96-834,
11 eff. 12-14-09; 96-888, eff. 4-13-10; 96-905, eff. 6-4-10;
12 96-1027, eff. 7-12-10; revised 9-16-10.)

13 Section 125. The Use Tax Act is amended by changing Section
14 9 as follows:

15 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

16 Sec. 9. Except as to motor vehicles, watercraft, aircraft,
17 and trailers that are required to be registered with an agency
18 of this State, each retailer required or authorized to collect
19 the tax imposed by this Act shall pay to the Department the
20 amount of such tax (except as otherwise provided) at the time
21 when he is required to file his return for the period during
22 which such tax was collected, less a discount of 2.1% prior to
23 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5
24 per calendar year, whichever is greater, which is allowed to

1 reimburse the retailer for expenses incurred in collecting the
2 tax, keeping records, preparing and filing returns, remitting
3 the tax and supplying data to the Department on request. In the
4 case of retailers who report and pay the tax on a transaction
5 by transaction basis, as provided in this Section, such
6 discount shall be taken with each such tax remittance instead
7 of when such retailer files his periodic return. A retailer
8 need not remit that part of any tax collected by him to the
9 extent that he is required to remit and does remit the tax
10 imposed by the Retailers' Occupation Tax Act, with respect to
11 the sale of the same property.

12 Where such tangible personal property is sold under a
13 conditional sales contract, or under any other form of sale
14 wherein the payment of the principal sum, or a part thereof, is
15 extended beyond the close of the period for which the return is
16 filed, the retailer, in collecting the tax (except as to motor
17 vehicles, watercraft, aircraft, and trailers that are required
18 to be registered with an agency of this State), may collect for
19 each tax return period, only the tax applicable to that part of
20 the selling price actually received during such tax return
21 period.

22 Except as provided in this Section, on or before the
23 twentieth day of each calendar month, such retailer shall file
24 a return for the preceding calendar month. Such return shall be
25 filed on forms prescribed by the Department and shall furnish
26 such information as the Department may reasonably require.

1 The Department may require returns to be filed on a
2 quarterly basis. If so required, a return for each calendar
3 quarter shall be filed on or before the twentieth day of the
4 calendar month following the end of such calendar quarter. The
5 taxpayer shall also file a return with the Department for each
6 of the first two months of each calendar quarter, on or before
7 the twentieth day of the following calendar month, stating:

8 1. The name of the seller;

9 2. The address of the principal place of business from
10 which he engages in the business of selling tangible
11 personal property at retail in this State;

12 3. The total amount of taxable receipts received by him
13 during the preceding calendar month from sales of tangible
14 personal property by him during such preceding calendar
15 month, including receipts from charge and time sales, but
16 less all deductions allowed by law;

17 4. The amount of credit provided in Section 2d of this
18 Act;

19 5. The amount of tax due;

20 5-5. The signature of the taxpayer; and

21 6. Such other reasonable information as the Department
22 may require.

23 If a taxpayer fails to sign a return within 30 days after
24 the proper notice and demand for signature by the Department,
25 the return shall be considered valid and any amount shown to be
26 due on the return shall be deemed assessed.

1 Beginning October 1, 1993, a taxpayer who has an average
2 monthly tax liability of \$150,000 or more shall make all
3 payments required by rules of the Department by electronic
4 funds transfer. Beginning October 1, 1994, a taxpayer who has
5 an average monthly tax liability of \$100,000 or more shall make
6 all payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1995, a taxpayer who has
8 an average monthly tax liability of \$50,000 or more shall make
9 all payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 2000, a taxpayer who has
11 an annual tax liability of \$200,000 or more shall make all
12 payments required by rules of the Department by electronic
13 funds transfer. The term "annual tax liability" shall be the
14 sum of the taxpayer's liabilities under this Act, and under all
15 other State and local occupation and use tax laws administered
16 by the Department, for the immediately preceding calendar year.
17 The term "average monthly tax liability" means the sum of the
18 taxpayer's liabilities under this Act, and under all other
19 State and local occupation and use tax laws administered by the
20 Department, for the immediately preceding calendar year
21 divided by 12. Beginning on October 1, 2002, a taxpayer who has
22 a tax liability in the amount set forth in subsection (b) of
23 Section 2505-210 of the Department of Revenue Law shall make
24 all payments required by rules of the Department by electronic
25 funds transfer.

26 Before August 1 of each year beginning in 1993, the

1 Department shall notify all taxpayers required to make payments
2 by electronic funds transfer. All taxpayers required to make
3 payments by electronic funds transfer shall make those payments
4 for a minimum of one year beginning on October 1.

5 Any taxpayer not required to make payments by electronic
6 funds transfer may make payments by electronic funds transfer
7 with the permission of the Department.

8 All taxpayers required to make payment by electronic funds
9 transfer and any taxpayers authorized to voluntarily make
10 payments by electronic funds transfer shall make those payments
11 in the manner authorized by the Department.

12 The Department shall adopt such rules as are necessary to
13 effectuate a program of electronic funds transfer and the
14 requirements of this Section.

15 Before October 1, 2000, if the taxpayer's average monthly
16 tax liability to the Department under this Act, the Retailers'
17 Occupation Tax Act, the Service Occupation Tax Act, the Service
18 Use Tax Act was \$10,000 or more during the preceding 4 complete
19 calendar quarters, he shall file a return with the Department
20 each month by the 20th day of the month next following the
21 month during which such tax liability is incurred and shall
22 make payments to the Department on or before the 7th, 15th,
23 22nd and last day of the month during which such liability is
24 incurred. On and after October 1, 2000, if the taxpayer's
25 average monthly tax liability to the Department under this Act,
26 the Retailers' Occupation Tax Act, the Service Occupation Tax

1 Act, and the Service Use Tax Act was \$20,000 or more during the
2 preceding 4 complete calendar quarters, he shall file a return
3 with the Department each month by the 20th day of the month
4 next following the month during which such tax liability is
5 incurred and shall make payment to the Department on or before
6 the 7th, 15th, 22nd and last day of the month during which such
7 liability is incurred. If the month during which such tax
8 liability is incurred began prior to January 1, 1985, each
9 payment shall be in an amount equal to 1/4 of the taxpayer's
10 actual liability for the month or an amount set by the
11 Department not to exceed 1/4 of the average monthly liability
12 of the taxpayer to the Department for the preceding 4 complete
13 calendar quarters (excluding the month of highest liability and
14 the month of lowest liability in such 4 quarter period). If the
15 month during which such tax liability is incurred begins on or
16 after January 1, 1985, and prior to January 1, 1987, each
17 payment shall be in an amount equal to 22.5% of the taxpayer's
18 actual liability for the month or 27.5% of the taxpayer's
19 liability for the same calendar month of the preceding year. If
20 the month during which such tax liability is incurred begins on
21 or after January 1, 1987, and prior to January 1, 1988, each
22 payment shall be in an amount equal to 22.5% of the taxpayer's
23 actual liability for the month or 26.25% of the taxpayer's
24 liability for the same calendar month of the preceding year. If
25 the month during which such tax liability is incurred begins on
26 or after January 1, 1988, and prior to January 1, 1989, or

1 begins on or after January 1, 1996, each payment shall be in an
2 amount equal to 22.5% of the taxpayer's actual liability for
3 the month or 25% of the taxpayer's liability for the same
4 calendar month of the preceding year. If the month during which
5 such tax liability is incurred begins on or after January 1,
6 1989, and prior to January 1, 1996, each payment shall be in an
7 amount equal to 22.5% of the taxpayer's actual liability for
8 the month or 25% of the taxpayer's liability for the same
9 calendar month of the preceding year or 100% of the taxpayer's
10 actual liability for the quarter monthly reporting period. The
11 amount of such quarter monthly payments shall be credited
12 against the final tax liability of the taxpayer's return for
13 that month. Before October 1, 2000, once applicable, the
14 requirement of the making of quarter monthly payments to the
15 Department shall continue until such taxpayer's average
16 monthly liability to the Department during the preceding 4
17 complete calendar quarters (excluding the month of highest
18 liability and the month of lowest liability) is less than
19 \$9,000, or until such taxpayer's average monthly liability to
20 the Department as computed for each calendar quarter of the 4
21 preceding complete calendar quarter period is less than
22 \$10,000. However, if a taxpayer can show the Department that a
23 substantial change in the taxpayer's business has occurred
24 which causes the taxpayer to anticipate that his average
25 monthly tax liability for the reasonably foreseeable future
26 will fall below the \$10,000 threshold stated above, then such

1 taxpayer may petition the Department for change in such
2 taxpayer's reporting status. On and after October 1, 2000, once
3 applicable, the requirement of the making of quarter monthly
4 payments to the Department shall continue until such taxpayer's
5 average monthly liability to the Department during the
6 preceding 4 complete calendar quarters (excluding the month of
7 highest liability and the month of lowest liability) is less
8 than \$19,000 or until such taxpayer's average monthly liability
9 to the Department as computed for each calendar quarter of the
10 4 preceding complete calendar quarter period is less than
11 \$20,000. However, if a taxpayer can show the Department that a
12 substantial change in the taxpayer's business has occurred
13 which causes the taxpayer to anticipate that his average
14 monthly tax liability for the reasonably foreseeable future
15 will fall below the \$20,000 threshold stated above, then such
16 taxpayer may petition the Department for a change in such
17 taxpayer's reporting status. The Department shall change such
18 taxpayer's reporting status unless it finds that such change is
19 seasonal in nature and not likely to be long term. If any such
20 quarter monthly payment is not paid at the time or in the
21 amount required by this Section, then the taxpayer shall be
22 liable for penalties and interest on the difference between the
23 minimum amount due and the amount of such quarter monthly
24 payment actually and timely paid, except insofar as the
25 taxpayer has previously made payments for that month to the
26 Department in excess of the minimum payments previously due as

1 provided in this Section. The Department shall make reasonable
2 rules and regulations to govern the quarter monthly payment
3 amount and quarter monthly payment dates for taxpayers who file
4 on other than a calendar monthly basis.

5 If any such payment provided for in this Section exceeds
6 the taxpayer's liabilities under this Act, the Retailers'
7 Occupation Tax Act, the Service Occupation Tax Act and the
8 Service Use Tax Act, as shown by an original monthly return,
9 the Department shall issue to the taxpayer a credit memorandum
10 no later than 30 days after the date of payment, which
11 memorandum may be submitted by the taxpayer to the Department
12 in payment of tax liability subsequently to be remitted by the
13 taxpayer to the Department or be assigned by the taxpayer to a
14 similar taxpayer under this Act, the Retailers' Occupation Tax
15 Act, the Service Occupation Tax Act or the Service Use Tax Act,
16 in accordance with reasonable rules and regulations to be
17 prescribed by the Department, except that if such excess
18 payment is shown on an original monthly return and is made
19 after December 31, 1986, no credit memorandum shall be issued,
20 unless requested by the taxpayer. If no such request is made,
21 the taxpayer may credit such excess payment against tax
22 liability subsequently to be remitted by the taxpayer to the
23 Department under this Act, the Retailers' Occupation Tax Act,
24 the Service Occupation Tax Act or the Service Use Tax Act, in
25 accordance with reasonable rules and regulations prescribed by
26 the Department. If the Department subsequently determines that

1 all or any part of the credit taken was not actually due to the
2 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
3 be reduced by 2.1% or 1.75% of the difference between the
4 credit taken and that actually due, and the taxpayer shall be
5 liable for penalties and interest on such difference.

6 If the retailer is otherwise required to file a monthly
7 return and if the retailer's average monthly tax liability to
8 the Department does not exceed \$200, the Department may
9 authorize his returns to be filed on a quarter annual basis,
10 with the return for January, February, and March of a given
11 year being due by April 20 of such year; with the return for
12 April, May and June of a given year being due by July 20 of such
13 year; with the return for July, August and September of a given
14 year being due by October 20 of such year, and with the return
15 for October, November and December of a given year being due by
16 January 20 of the following year.

17 If the retailer is otherwise required to file a monthly or
18 quarterly return and if the retailer's average monthly tax
19 liability to the Department does not exceed \$50, the Department
20 may authorize his returns to be filed on an annual basis, with
21 the return for a given year being due by January 20 of the
22 following year.

23 Such quarter annual and annual returns, as to form and
24 substance, shall be subject to the same requirements as monthly
25 returns.

26 Notwithstanding any other provision in this Act concerning

1 the time within which a retailer may file his return, in the
2 case of any retailer who ceases to engage in a kind of business
3 which makes him responsible for filing returns under this Act,
4 such retailer shall file a final return under this Act with the
5 Department not more than one month after discontinuing such
6 business.

7 In addition, with respect to motor vehicles, watercraft,
8 aircraft, and trailers that are required to be registered with
9 an agency of this State, every retailer selling this kind of
10 tangible personal property shall file, with the Department,
11 upon a form to be prescribed and supplied by the Department, a
12 separate return for each such item of tangible personal
13 property which the retailer sells, except that if, in the same
14 transaction, (i) a retailer of aircraft, watercraft, motor
15 vehicles or trailers transfers more than one aircraft,
16 watercraft, motor vehicle or trailer to another aircraft,
17 watercraft, motor vehicle or trailer retailer for the purpose
18 of resale or (ii) a retailer of aircraft, watercraft, motor
19 vehicles, or trailers transfers more than one aircraft,
20 watercraft, motor vehicle, or trailer to a purchaser for use as
21 a qualifying rolling stock as provided in Section 3-55 of this
22 Act, then that seller may report the transfer of all the
23 aircraft, watercraft, motor vehicles or trailers involved in
24 that transaction to the Department on the same uniform
25 invoice-transaction reporting return form. For purposes of
26 this Section, "watercraft" means a Class 2, Class 3, or Class 4

1 watercraft as defined in Section 3-2 of the Boat Registration
2 and Safety Act, a personal watercraft, or any boat equipped
3 with an inboard motor.

4 The transaction reporting return in the case of motor
5 vehicles or trailers that are required to be registered with an
6 agency of this State, shall be the same document as the Uniform
7 Invoice referred to in Section 5-402 of the Illinois Vehicle
8 Code and must show the name and address of the seller; the name
9 and address of the purchaser; the amount of the selling price
10 including the amount allowed by the retailer for traded-in
11 property, if any; the amount allowed by the retailer for the
12 traded-in tangible personal property, if any, to the extent to
13 which Section 2 of this Act allows an exemption for the value
14 of traded-in property; the balance payable after deducting such
15 trade-in allowance from the total selling price; the amount of
16 tax due from the retailer with respect to such transaction; the
17 amount of tax collected from the purchaser by the retailer on
18 such transaction (or satisfactory evidence that such tax is not
19 due in that particular instance, if that is claimed to be the
20 fact); the place and date of the sale; a sufficient
21 identification of the property sold; such other information as
22 is required in Section 5-402 of the Illinois Vehicle Code, and
23 such other information as the Department may reasonably
24 require.

25 The transaction reporting return in the case of watercraft
26 and aircraft must show the name and address of the seller; the

1 name and address of the purchaser; the amount of the selling
2 price including the amount allowed by the retailer for
3 traded-in property, if any; the amount allowed by the retailer
4 for the traded-in tangible personal property, if any, to the
5 extent to which Section 2 of this Act allows an exemption for
6 the value of traded-in property; the balance payable after
7 deducting such trade-in allowance from the total selling price;
8 the amount of tax due from the retailer with respect to such
9 transaction; the amount of tax collected from the purchaser by
10 the retailer on such transaction (or satisfactory evidence that
11 such tax is not due in that particular instance, if that is
12 claimed to be the fact); the place and date of the sale, a
13 sufficient identification of the property sold, and such other
14 information as the Department may reasonably require.

15 Such transaction reporting return shall be filed not later
16 than 20 days after the date of delivery of the item that is
17 being sold, but may be filed by the retailer at any time sooner
18 than that if he chooses to do so. The transaction reporting
19 return and tax remittance or proof of exemption from the tax
20 that is imposed by this Act may be transmitted to the
21 Department by way of the State agency with which, or State
22 officer with whom, the tangible personal property must be
23 titled or registered (if titling or registration is required)
24 if the Department and such agency or State officer determine
25 that this procedure will expedite the processing of
26 applications for title or registration.

1 With each such transaction reporting return, the retailer
2 shall remit the proper amount of tax due (or shall submit
3 satisfactory evidence that the sale is not taxable if that is
4 the case), to the Department or its agents, whereupon the
5 Department shall issue, in the purchaser's name, a tax receipt
6 (or a certificate of exemption if the Department is satisfied
7 that the particular sale is tax exempt) which such purchaser
8 may submit to the agency with which, or State officer with
9 whom, he must title or register the tangible personal property
10 that is involved (if titling or registration is required) in
11 support of such purchaser's application for an Illinois
12 certificate or other evidence of title or registration to such
13 tangible personal property.

14 No retailer's failure or refusal to remit tax under this
15 Act precludes a user, who has paid the proper tax to the
16 retailer, from obtaining his certificate of title or other
17 evidence of title or registration (if titling or registration
18 is required) upon satisfying the Department that such user has
19 paid the proper tax (if tax is due) to the retailer. The
20 Department shall adopt appropriate rules to carry out the
21 mandate of this paragraph.

22 If the user who would otherwise pay tax to the retailer
23 wants the transaction reporting return filed and the payment of
24 tax or proof of exemption made to the Department before the
25 retailer is willing to take these actions and such user has not
26 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer, and may (upon the Department
2 being satisfied of the truth of such certification) transmit
3 the information required by the transaction reporting return
4 and the remittance for tax or proof of exemption directly to
5 the Department and obtain his tax receipt or exemption
6 determination, in which event the transaction reporting return
7 and tax remittance (if a tax payment was required) shall be
8 credited by the Department to the proper retailer's account
9 with the Department, but without the 2.1% or 1.75% discount
10 provided for in this Section being allowed. When the user pays
11 the tax directly to the Department, he shall pay the tax in the
12 same amount and in the same form in which it would be remitted
13 if the tax had been remitted to the Department by the retailer.

14 Where a retailer collects the tax with respect to the
15 selling price of tangible personal property which he sells and
16 the purchaser thereafter returns such tangible personal
17 property and the retailer refunds the selling price thereof to
18 the purchaser, such retailer shall also refund, to the
19 purchaser, the tax so collected from the purchaser. When filing
20 his return for the period in which he refunds such tax to the
21 purchaser, the retailer may deduct the amount of the tax so
22 refunded by him to the purchaser from any other use tax which
23 such retailer may be required to pay or remit to the
24 Department, as shown by such return, if the amount of the tax
25 to be deducted was previously remitted to the Department by
26 such retailer. If the retailer has not previously remitted the

1 amount of such tax to the Department, he is entitled to no
2 deduction under this Act upon refunding such tax to the
3 purchaser.

4 Any retailer filing a return under this Section shall also
5 include (for the purpose of paying tax thereon) the total tax
6 covered by such return upon the selling price of tangible
7 personal property purchased by him at retail from a retailer,
8 but as to which the tax imposed by this Act was not collected
9 from the retailer filing such return, and such retailer shall
10 remit the amount of such tax to the Department when filing such
11 return.

12 If experience indicates such action to be practicable, the
13 Department may prescribe and furnish a combination or joint
14 return which will enable retailers, who are required to file
15 returns hereunder and also under the Retailers' Occupation Tax
16 Act, to furnish all the return information required by both
17 Acts on the one form.

18 Where the retailer has more than one business registered
19 with the Department under separate registration under this Act,
20 such retailer may not file each return that is due as a single
21 return covering all such registered businesses, but shall file
22 separate returns for each such registered business.

23 Beginning January 1, 1990, each month the Department shall
24 pay into the State and Local Sales Tax Reform Fund, a special
25 fund in the State Treasury which is hereby created, the net
26 revenue realized for the preceding month from the 1% tax on

1 sales of food for human consumption which is to be consumed off
2 the premises where it is sold (other than alcoholic beverages,
3 soft drinks and food which has been prepared for immediate
4 consumption) and prescription and nonprescription medicines,
5 drugs, medical appliances and insulin, urine testing
6 materials, syringes and needles used by diabetics.

7 Beginning January 1, 1990, each month the Department shall
8 pay into the County and Mass Transit District Fund 4% of the
9 net revenue realized for the preceding month from the 6.25%
10 general rate on the selling price of tangible personal property
11 which is purchased outside Illinois at retail from a retailer
12 and which is titled or registered by an agency of this State's
13 government.

14 Beginning January 1, 1990, each month the Department shall
15 pay into the State and Local Sales Tax Reform Fund, a special
16 fund in the State Treasury, 20% of the net revenue realized for
17 the preceding month from the 6.25% general rate on the selling
18 price of tangible personal property, other than tangible
19 personal property which is purchased outside Illinois at retail
20 from a retailer and which is titled or registered by an agency
21 of this State's government.

22 Beginning August 1, 2000, each month the Department shall
23 pay into the State and Local Sales Tax Reform Fund 100% of the
24 net revenue realized for the preceding month from the 1.25%
25 rate on the selling price of motor fuel and gasohol. Beginning
26 September 1, 2010, each month the Department shall pay into the

1 State and Local Sales Tax Reform Fund 100% of the net revenue
2 realized for the preceding month from the 1.25% rate on the
3 selling price of sales tax holiday items.

4 Beginning January 1, 1990, each month the Department shall
5 pay into the Local Government Tax Fund 16% of the net revenue
6 realized for the preceding month from the 6.25% general rate on
7 the selling price of tangible personal property which is
8 purchased outside Illinois at retail from a retailer and which
9 is titled or registered by an agency of this State's
10 government.

11 Beginning October 1, 2009, each month the Department shall
12 pay into the Capital Projects Fund an amount that is equal to
13 an amount estimated by the Department to represent 80% of the
14 net revenue realized for the preceding month from the sale of
15 candy, grooming and hygiene products, and soft drinks that had
16 been taxed at a rate of 1% prior to September 1, 2009 but that
17 is now taxed at 6.25%.

18 Of the remainder of the moneys received by the Department
19 pursuant to this Act, (a) 1.75% thereof shall be paid into the
20 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
21 and after July 1, 1989, 3.8% thereof shall be paid into the
22 Build Illinois Fund; provided, however, that if in any fiscal
23 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
24 may be, of the moneys received by the Department and required
25 to be paid into the Build Illinois Fund pursuant to Section 3
26 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax

1 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
2 Service Occupation Tax Act, such Acts being hereinafter called
3 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
4 may be, of moneys being hereinafter called the "Tax Act
5 Amount", and (2) the amount transferred to the Build Illinois
6 Fund from the State and Local Sales Tax Reform Fund shall be
7 less than the Annual Specified Amount (as defined in Section 3
8 of the Retailers' Occupation Tax Act), an amount equal to the
9 difference shall be immediately paid into the Build Illinois
10 Fund from other moneys received by the Department pursuant to
11 the Tax Acts; and further provided, that if on the last
12 business day of any month the sum of (1) the Tax Act Amount
13 required to be deposited into the Build Illinois Bond Account
14 in the Build Illinois Fund during such month and (2) the amount
15 transferred during such month to the Build Illinois Fund from
16 the State and Local Sales Tax Reform Fund shall have been less
17 than 1/12 of the Annual Specified Amount, an amount equal to
18 the difference shall be immediately paid into the Build
19 Illinois Fund from other moneys received by the Department
20 pursuant to the Tax Acts; and, further provided, that in no
21 event shall the payments required under the preceding proviso
22 result in aggregate payments into the Build Illinois Fund
23 pursuant to this clause (b) for any fiscal year in excess of
24 the greater of (i) the Tax Act Amount or (ii) the Annual
25 Specified Amount for such fiscal year; and, further provided,
26 that the amounts payable into the Build Illinois Fund under

1 this clause (b) shall be payable only until such time as the
2 aggregate amount on deposit under each trust indenture securing
3 Bonds issued and outstanding pursuant to the Build Illinois
4 Bond Act is sufficient, taking into account any future
5 investment income, to fully provide, in accordance with such
6 indenture, for the defeasance of or the payment of the
7 principal of, premium, if any, and interest on the Bonds
8 secured by such indenture and on any Bonds expected to be
9 issued thereafter and all fees and costs payable with respect
10 thereto, all as certified by the Director of the Bureau of the
11 Budget (now Governor's Office of Management and Budget). If on
12 the last business day of any month in which Bonds are
13 outstanding pursuant to the Build Illinois Bond Act, the
14 aggregate of the moneys deposited in the Build Illinois Bond
15 Account in the Build Illinois Fund in such month shall be less
16 than the amount required to be transferred in such month from
17 the Build Illinois Bond Account to the Build Illinois Bond
18 Retirement and Interest Fund pursuant to Section 13 of the
19 Build Illinois Bond Act, an amount equal to such deficiency
20 shall be immediately paid from other moneys received by the
21 Department pursuant to the Tax Acts to the Build Illinois Fund;
22 provided, however, that any amounts paid to the Build Illinois
23 Fund in any fiscal year pursuant to this sentence shall be
24 deemed to constitute payments pursuant to clause (b) of the
25 preceding sentence and shall reduce the amount otherwise
26 payable for such fiscal year pursuant to clause (b) of the

1 preceding sentence. The moneys received by the Department
 2 pursuant to this Act and required to be deposited into the
 3 Build Illinois Fund are subject to the pledge, claim and charge
 4 set forth in Section 12 of the Build Illinois Bond Act.

5 Subject to payment of amounts into the Build Illinois Fund
 6 as provided in the preceding paragraph or in any amendment
 7 thereto hereafter enacted, the following specified monthly
 8 installment of the amount requested in the certificate of the
 9 Chairman of the Metropolitan Pier and Exposition Authority
 10 provided under Section 8.25f of the State Finance Act, but not
 11 in excess of the sums designated as "Total Deposit", shall be
 12 deposited in the aggregate from collections under Section 9 of
 13 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 14 9 of the Service Occupation Tax Act, and Section 3 of the
 15 Retailers' Occupation Tax Act into the McCormick Place
 16 Expansion Project Fund in the specified fiscal years.

17	Fiscal Year	Total
		Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023	275,000,000
24	2024	275,000,000
25	2025	275,000,000
26	2026	279,000,000

1	2027	292,000,000
2	2028	307,000,000
3	2029	322,000,000
4	2030	338,000,000
5	2031	350,000,000
6	2032	350,000,000

7 and

8 each fiscal year

9 thereafter that bonds

10 are outstanding under

11 Section 13.2 of the

12 Metropolitan Pier and

13 Exposition Authority Act,

14 but not after fiscal year 2060.

15 Beginning July 20, 1993 and in each month of each fiscal
16 year thereafter, one-eighth of the amount requested in the
17 certificate of the Chairman of the Metropolitan Pier and
18 Exposition Authority for that fiscal year, less the amount
19 deposited into the McCormick Place Expansion Project Fund by
20 the State Treasurer in the respective month under subsection
21 (g) of Section 13 of the Metropolitan Pier and Exposition
22 Authority Act, plus cumulative deficiencies in the deposits
23 required under this Section for previous months and years,
24 shall be deposited into the McCormick Place Expansion Project
25 Fund, until the full amount requested for the fiscal year, but
26 not in excess of the amount specified above as "Total Deposit",

1 has been deposited.

2 Subject to payment of amounts into the Build Illinois Fund
3 and the McCormick Place Expansion Project Fund pursuant to the
4 preceding paragraphs or in any amendments thereto hereafter
5 enacted, beginning July 1, 1993, the Department shall each
6 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
7 the net revenue realized for the preceding month from the 6.25%
8 general rate on the selling price of tangible personal
9 property.

10 Subject to payment of amounts into the Build Illinois Fund
11 and the McCormick Place Expansion Project Fund pursuant to the
12 preceding paragraphs or in any amendments thereto hereafter
13 enacted, beginning with the receipt of the first report of
14 taxes paid by an eligible business and continuing for a 25-year
15 period, the Department shall each month pay into the Energy
16 Infrastructure Fund 80% of the net revenue realized from the
17 6.25% general rate on the selling price of Illinois-mined coal
18 that was sold to an eligible business. For purposes of this
19 paragraph, the term "eligible business" means a new electric
20 generating facility certified pursuant to Section 605-332 of
21 the Department of Commerce and Economic Opportunity Law of the
22 Civil Administrative Code of Illinois.

23 Of the remainder of the moneys received by the Department
24 pursuant to this Act, 75% thereof shall be paid into the State
25 Treasury and 25% shall be reserved in a special account and
26 used only for the transfer to the Common School Fund as part of

1 the monthly transfer from the General Revenue Fund in
2 accordance with Section 8a of the State Finance Act.

3 As soon as possible after the first day of each month, upon
4 certification of the Department of Revenue, the Comptroller
5 shall order transferred and the Treasurer shall transfer from
6 the General Revenue Fund to the Motor Fuel Tax Fund an amount
7 equal to 1.7% of 80% of the net revenue realized under this Act
8 for the second preceding month. Beginning April 1, 2000, this
9 transfer is no longer required and shall not be made.

10 Net revenue realized for a month shall be the revenue
11 collected by the State pursuant to this Act, less the amount
12 paid out during that month as refunds to taxpayers for
13 overpayment of liability.

14 For greater simplicity of administration, manufacturers,
15 importers and wholesalers whose products are sold at retail in
16 Illinois by numerous retailers, and who wish to do so, may
17 assume the responsibility for accounting and paying to the
18 Department all tax accruing under this Act with respect to such
19 sales, if the retailers who are affected do not make written
20 objection to the Department to this arrangement.

21 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
22 eff. 5-27-10; 96-1012, eff. 7-7-10; revised 7-22-10.)

23 Section 130. The Retailers' Occupation Tax Act is amended
24 by changing Section 3 as follows:

1 (35 ILCS 120/3) (from Ch. 120, par. 442)

2 Sec. 3. Except as provided in this Section, on or before
3 the twentieth day of each calendar month, every person engaged
4 in the business of selling tangible personal property at retail
5 in this State during the preceding calendar month shall file a
6 return with the Department, stating:

7 1. The name of the seller;

8 2. His residence address and the address of his
9 principal place of business and the address of the
10 principal place of business (if that is a different
11 address) from which he engages in the business of selling
12 tangible personal property at retail in this State;

13 3. Total amount of receipts received by him during the
14 preceding calendar month or quarter, as the case may be,
15 from sales of tangible personal property, and from services
16 furnished, by him during such preceding calendar month or
17 quarter;

18 4. Total amount received by him during the preceding
19 calendar month or quarter on charge and time sales of
20 tangible personal property, and from services furnished,
21 by him prior to the month or quarter for which the return
22 is filed;

23 5. Deductions allowed by law;

24 6. Gross receipts which were received by him during the
25 preceding calendar month or quarter and upon the basis of
26 which the tax is imposed;

1 7. The amount of credit provided in Section 2d of this
2 Act;

3 8. The amount of tax due;

4 9. The signature of the taxpayer; and

5 10. Such other reasonable information as the
6 Department may require.

7 If a taxpayer fails to sign a return within 30 days after
8 the proper notice and demand for signature by the Department,
9 the return shall be considered valid and any amount shown to be
10 due on the return shall be deemed assessed.

11 Each return shall be accompanied by the statement of
12 prepaid tax issued pursuant to Section 2e for which credit is
13 claimed.

14 Prior to October 1, 2003, and on and after September 1,
15 2004 a retailer may accept a Manufacturer's Purchase Credit
16 certification from a purchaser in satisfaction of Use Tax as
17 provided in Section 3-85 of the Use Tax Act if the purchaser
18 provides the appropriate documentation as required by Section
19 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
20 certification, accepted by a retailer prior to October 1, 2003
21 and on and after September 1, 2004 as provided in Section 3-85
22 of the Use Tax Act, may be used by that retailer to satisfy
23 Retailers' Occupation Tax liability in the amount claimed in
24 the certification, not to exceed 6.25% of the receipts subject
25 to tax from a qualifying purchase. A Manufacturer's Purchase
26 Credit reported on any original or amended return filed under

1 this Act after October 20, 2003 for reporting periods prior to
2 September 1, 2004 shall be disallowed. Manufacturer's
3 Purchaser Credit reported on annual returns due on or after
4 January 1, 2005 will be disallowed for periods prior to
5 September 1, 2004. No Manufacturer's Purchase Credit may be
6 used after September 30, 2003 through August 31, 2004 to
7 satisfy any tax liability imposed under this Act, including any
8 audit liability.

9 The Department may require returns to be filed on a
10 quarterly basis. If so required, a return for each calendar
11 quarter shall be filed on or before the twentieth day of the
12 calendar month following the end of such calendar quarter. The
13 taxpayer shall also file a return with the Department for each
14 of the first two months of each calendar quarter, on or before
15 the twentieth day of the following calendar month, stating:

16 1. The name of the seller;

17 2. The address of the principal place of business from
18 which he engages in the business of selling tangible
19 personal property at retail in this State;

20 3. The total amount of taxable receipts received by him
21 during the preceding calendar month from sales of tangible
22 personal property by him during such preceding calendar
23 month, including receipts from charge and time sales, but
24 less all deductions allowed by law;

25 4. The amount of credit provided in Section 2d of this
26 Act;

1 5. The amount of tax due; and

2 6. Such other reasonable information as the Department
3 may require.

4 Beginning on October 1, 2003, any person who is not a
5 licensed distributor, importing distributor, or manufacturer,
6 as defined in the Liquor Control Act of 1934, but is engaged in
7 the business of selling, at retail, alcoholic liquor shall file
8 a statement with the Department of Revenue, in a format and at
9 a time prescribed by the Department, showing the total amount
10 paid for alcoholic liquor purchased during the preceding month
11 and such other information as is reasonably required by the
12 Department. The Department may adopt rules to require that this
13 statement be filed in an electronic or telephonic format. Such
14 rules may provide for exceptions from the filing requirements
15 of this paragraph. For the purposes of this paragraph, the term
16 "alcoholic liquor" shall have the meaning prescribed in the
17 Liquor Control Act of 1934.

18 Beginning on October 1, 2003, every distributor, importing
19 distributor, and manufacturer of alcoholic liquor as defined in
20 the Liquor Control Act of 1934, shall file a statement with the
21 Department of Revenue, no later than the 10th day of the month
22 for the preceding month during which transactions occurred, by
23 electronic means, showing the total amount of gross receipts
24 from the sale of alcoholic liquor sold or distributed during
25 the preceding month to purchasers; identifying the purchaser to
26 whom it was sold or distributed; the purchaser's tax

1 registration number; and such other information reasonably
2 required by the Department. A distributor, importing
3 distributor, or manufacturer of alcoholic liquor must
4 personally deliver, mail, or provide by electronic means to
5 each retailer listed on the monthly statement a report
6 containing a cumulative total of that distributor's, importing
7 distributor's, or manufacturer's total sales of alcoholic
8 liquor to that retailer no later than the 10th day of the month
9 for the preceding month during which the transaction occurred.
10 The distributor, importing distributor, or manufacturer shall
11 notify the retailer as to the method by which the distributor,
12 importing distributor, or manufacturer will provide the sales
13 information. If the retailer is unable to receive the sales
14 information by electronic means, the distributor, importing
15 distributor, or manufacturer shall furnish the sales
16 information by personal delivery or by mail. For purposes of
17 this paragraph, the term "electronic means" includes, but is
18 not limited to, the use of a secure Internet website, e-mail,
19 or facsimile.

20 If a total amount of less than \$1 is payable, refundable or
21 creditable, such amount shall be disregarded if it is less than
22 50 cents and shall be increased to \$1 if it is 50 cents or more.

23 Beginning October 1, 1993, a taxpayer who has an average
24 monthly tax liability of \$150,000 or more shall make all
25 payments required by rules of the Department by electronic
26 funds transfer. Beginning October 1, 1994, a taxpayer who has

1 an average monthly tax liability of \$100,000 or more shall make
2 all payments required by rules of the Department by electronic
3 funds transfer. Beginning October 1, 1995, a taxpayer who has
4 an average monthly tax liability of \$50,000 or more shall make
5 all payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 2000, a taxpayer who has
7 an annual tax liability of \$200,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. The term "annual tax liability" shall be the
10 sum of the taxpayer's liabilities under this Act, and under all
11 other State and local occupation and use tax laws administered
12 by the Department, for the immediately preceding calendar year.
13 The term "average monthly tax liability" shall be the sum of
14 the taxpayer's liabilities under this Act, and under all other
15 State and local occupation and use tax laws administered by the
16 Department, for the immediately preceding calendar year
17 divided by 12. Beginning on October 1, 2002, a taxpayer who has
18 a tax liability in the amount set forth in subsection (b) of
19 Section 2505-210 of the Department of Revenue Law shall make
20 all payments required by rules of the Department by electronic
21 funds transfer.

22 Before August 1 of each year beginning in 1993, the
23 Department shall notify all taxpayers required to make payments
24 by electronic funds transfer. All taxpayers required to make
25 payments by electronic funds transfer shall make those payments
26 for a minimum of one year beginning on October 1.

1 Any taxpayer not required to make payments by electronic
2 funds transfer may make payments by electronic funds transfer
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic funds
5 transfer and any taxpayers authorized to voluntarily make
6 payments by electronic funds transfer shall make those payments
7 in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to
9 effectuate a program of electronic funds transfer and the
10 requirements of this Section.

11 Any amount which is required to be shown or reported on any
12 return or other document under this Act shall, if such amount
13 is not a whole-dollar amount, be increased to the nearest
14 whole-dollar amount in any case where the fractional part of a
15 dollar is 50 cents or more, and decreased to the nearest
16 whole-dollar amount where the fractional part of a dollar is
17 less than 50 cents.

18 If the retailer is otherwise required to file a monthly
19 return and if the retailer's average monthly tax liability to
20 the Department does not exceed \$200, the Department may
21 authorize his returns to be filed on a quarter annual basis,
22 with the return for January, February and March of a given year
23 being due by April 20 of such year; with the return for April,
24 May and June of a given year being due by July 20 of such year;
25 with the return for July, August and September of a given year
26 being due by October 20 of such year, and with the return for

1 October, November and December of a given year being due by
2 January 20 of the following year.

3 If the retailer is otherwise required to file a monthly or
4 quarterly return and if the retailer's average monthly tax
5 liability with the Department does not exceed \$50, the
6 Department may authorize his returns to be filed on an annual
7 basis, with the return for a given year being due by January 20
8 of the following year.

9 Such quarter annual and annual returns, as to form and
10 substance, shall be subject to the same requirements as monthly
11 returns.

12 Notwithstanding any other provision in this Act concerning
13 the time within which a retailer may file his return, in the
14 case of any retailer who ceases to engage in a kind of business
15 which makes him responsible for filing returns under this Act,
16 such retailer shall file a final return under this Act with the
17 Department not more than one month after discontinuing such
18 business.

19 Where the same person has more than one business registered
20 with the Department under separate registrations under this
21 Act, such person may not file each return that is due as a
22 single return covering all such registered businesses, but
23 shall file separate returns for each such registered business.

24 In addition, with respect to motor vehicles, watercraft,
25 aircraft, and trailers that are required to be registered with
26 an agency of this State, every retailer selling this kind of

1 tangible personal property shall file, with the Department,
2 upon a form to be prescribed and supplied by the Department, a
3 separate return for each such item of tangible personal
4 property which the retailer sells, except that if, in the same
5 transaction, (i) a retailer of aircraft, watercraft, motor
6 vehicles or trailers transfers more than one aircraft,
7 watercraft, motor vehicle or trailer to another aircraft,
8 watercraft, motor vehicle retailer or trailer retailer for the
9 purpose of resale or (ii) a retailer of aircraft, watercraft,
10 motor vehicles, or trailers transfers more than one aircraft,
11 watercraft, motor vehicle, or trailer to a purchaser for use as
12 a qualifying rolling stock as provided in Section 2-5 of this
13 Act, then that seller may report the transfer of all aircraft,
14 watercraft, motor vehicles or trailers involved in that
15 transaction to the Department on the same uniform
16 invoice-transaction reporting return form. For purposes of
17 this Section, "watercraft" means a Class 2, Class 3, or Class 4
18 watercraft as defined in Section 3-2 of the Boat Registration
19 and Safety Act, a personal watercraft, or any boat equipped
20 with an inboard motor.

21 Any retailer who sells only motor vehicles, watercraft,
22 aircraft, or trailers that are required to be registered with
23 an agency of this State, so that all retailers' occupation tax
24 liability is required to be reported, and is reported, on such
25 transaction reporting returns and who is not otherwise required
26 to file monthly or quarterly returns, need not file monthly or

1 quarterly returns. However, those retailers shall be required
2 to file returns on an annual basis.

3 The transaction reporting return, in the case of motor
4 vehicles or trailers that are required to be registered with an
5 agency of this State, shall be the same document as the Uniform
6 Invoice referred to in Section 5-402 of The Illinois Vehicle
7 Code and must show the name and address of the seller; the name
8 and address of the purchaser; the amount of the selling price
9 including the amount allowed by the retailer for traded-in
10 property, if any; the amount allowed by the retailer for the
11 traded-in tangible personal property, if any, to the extent to
12 which Section 1 of this Act allows an exemption for the value
13 of traded-in property; the balance payable after deducting such
14 trade-in allowance from the total selling price; the amount of
15 tax due from the retailer with respect to such transaction; the
16 amount of tax collected from the purchaser by the retailer on
17 such transaction (or satisfactory evidence that such tax is not
18 due in that particular instance, if that is claimed to be the
19 fact); the place and date of the sale; a sufficient
20 identification of the property sold; such other information as
21 is required in Section 5-402 of The Illinois Vehicle Code, and
22 such other information as the Department may reasonably
23 require.

24 The transaction reporting return in the case of watercraft
25 or aircraft must show the name and address of the seller; the
26 name and address of the purchaser; the amount of the selling

1 price including the amount allowed by the retailer for
2 traded-in property, if any; the amount allowed by the retailer
3 for the traded-in tangible personal property, if any, to the
4 extent to which Section 1 of this Act allows an exemption for
5 the value of traded-in property; the balance payable after
6 deducting such trade-in allowance from the total selling price;
7 the amount of tax due from the retailer with respect to such
8 transaction; the amount of tax collected from the purchaser by
9 the retailer on such transaction (or satisfactory evidence that
10 such tax is not due in that particular instance, if that is
11 claimed to be the fact); the place and date of the sale, a
12 sufficient identification of the property sold, and such other
13 information as the Department may reasonably require.

14 Such transaction reporting return shall be filed not later
15 than 20 days after the day of delivery of the item that is
16 being sold, but may be filed by the retailer at any time sooner
17 than that if he chooses to do so. The transaction reporting
18 return and tax remittance or proof of exemption from the
19 Illinois use tax may be transmitted to the Department by way of
20 the State agency with which, or State officer with whom the
21 tangible personal property must be titled or registered (if
22 titling or registration is required) if the Department and such
23 agency or State officer determine that this procedure will
24 expedite the processing of applications for title or
25 registration.

26 With each such transaction reporting return, the retailer

1 shall remit the proper amount of tax due (or shall submit
2 satisfactory evidence that the sale is not taxable if that is
3 the case), to the Department or its agents, whereupon the
4 Department shall issue, in the purchaser's name, a use tax
5 receipt (or a certificate of exemption if the Department is
6 satisfied that the particular sale is tax exempt) which such
7 purchaser may submit to the agency with which, or State officer
8 with whom, he must title or register the tangible personal
9 property that is involved (if titling or registration is
10 required) in support of such purchaser's application for an
11 Illinois certificate or other evidence of title or registration
12 to such tangible personal property.

13 No retailer's failure or refusal to remit tax under this
14 Act precludes a user, who has paid the proper tax to the
15 retailer, from obtaining his certificate of title or other
16 evidence of title or registration (if titling or registration
17 is required) upon satisfying the Department that such user has
18 paid the proper tax (if tax is due) to the retailer. The
19 Department shall adopt appropriate rules to carry out the
20 mandate of this paragraph.

21 If the user who would otherwise pay tax to the retailer
22 wants the transaction reporting return filed and the payment of
23 the tax or proof of exemption made to the Department before the
24 retailer is willing to take these actions and such user has not
25 paid the tax to the retailer, such user may certify to the fact
26 of such delay by the retailer and may (upon the Department

1 being satisfied of the truth of such certification) transmit
2 the information required by the transaction reporting return
3 and the remittance for tax or proof of exemption directly to
4 the Department and obtain his tax receipt or exemption
5 determination, in which event the transaction reporting return
6 and tax remittance (if a tax payment was required) shall be
7 credited by the Department to the proper retailer's account
8 with the Department, but without the 2.1% or 1.75% discount
9 provided for in this Section being allowed. When the user pays
10 the tax directly to the Department, he shall pay the tax in the
11 same amount and in the same form in which it would be remitted
12 if the tax had been remitted to the Department by the retailer.

13 Refunds made by the seller during the preceding return
14 period to purchasers, on account of tangible personal property
15 returned to the seller, shall be allowed as a deduction under
16 subdivision 5 of his monthly or quarterly return, as the case
17 may be, in case the seller had theretofore included the
18 receipts from the sale of such tangible personal property in a
19 return filed by him and had paid the tax imposed by this Act
20 with respect to such receipts.

21 Where the seller is a corporation, the return filed on
22 behalf of such corporation shall be signed by the president,
23 vice-president, secretary or treasurer or by the properly
24 accredited agent of such corporation.

25 Where the seller is a limited liability company, the return
26 filed on behalf of the limited liability company shall be

1 signed by a manager, member, or properly accredited agent of
2 the limited liability company.

3 Except as provided in this Section, the retailer filing the
4 return under this Section shall, at the time of filing such
5 return, pay to the Department the amount of tax imposed by this
6 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
7 on and after January 1, 1990, or \$5 per calendar year,
8 whichever is greater, which is allowed to reimburse the
9 retailer for the expenses incurred in keeping records,
10 preparing and filing returns, remitting the tax and supplying
11 data to the Department on request. Any prepayment made pursuant
12 to Section 2d of this Act shall be included in the amount on
13 which such 2.1% or 1.75% discount is computed. In the case of
14 retailers who report and pay the tax on a transaction by
15 transaction basis, as provided in this Section, such discount
16 shall be taken with each such tax remittance instead of when
17 such retailer files his periodic return.

18 Before October 1, 2000, if the taxpayer's average monthly
19 tax liability to the Department under this Act, the Use Tax
20 Act, the Service Occupation Tax Act, and the Service Use Tax
21 Act, excluding any liability for prepaid sales tax to be
22 remitted in accordance with Section 2d of this Act, was \$10,000
23 or more during the preceding 4 complete calendar quarters, he
24 shall file a return with the Department each month by the 20th
25 day of the month next following the month during which such tax
26 liability is incurred and shall make payments to the Department

1 on or before the 7th, 15th, 22nd and last day of the month
2 during which such liability is incurred. On and after October
3 1, 2000, if the taxpayer's average monthly tax liability to the
4 Department under this Act, the Use Tax Act, the Service
5 Occupation Tax Act, and the Service Use Tax Act, excluding any
6 liability for prepaid sales tax to be remitted in accordance
7 with Section 2d of this Act, was \$20,000 or more during the
8 preceding 4 complete calendar quarters, he shall file a return
9 with the Department each month by the 20th day of the month
10 next following the month during which such tax liability is
11 incurred and shall make payment to the Department on or before
12 the 7th, 15th, 22nd and last day of the month during which such
13 liability is incurred. If the month during which such tax
14 liability is incurred began prior to January 1, 1985, each
15 payment shall be in an amount equal to 1/4 of the taxpayer's
16 actual liability for the month or an amount set by the
17 Department not to exceed 1/4 of the average monthly liability
18 of the taxpayer to the Department for the preceding 4 complete
19 calendar quarters (excluding the month of highest liability and
20 the month of lowest liability in such 4 quarter period). If the
21 month during which such tax liability is incurred begins on or
22 after January 1, 1985 and prior to January 1, 1987, each
23 payment shall be in an amount equal to 22.5% of the taxpayer's
24 actual liability for the month or 27.5% of the taxpayer's
25 liability for the same calendar month of the preceding year. If
26 the month during which such tax liability is incurred begins on

1 or after January 1, 1987 and prior to January 1, 1988, each
2 payment shall be in an amount equal to 22.5% of the taxpayer's
3 actual liability for the month or 26.25% of the taxpayer's
4 liability for the same calendar month of the preceding year. If
5 the month during which such tax liability is incurred begins on
6 or after January 1, 1988, and prior to January 1, 1989, or
7 begins on or after January 1, 1996, each payment shall be in an
8 amount equal to 22.5% of the taxpayer's actual liability for
9 the month or 25% of the taxpayer's liability for the same
10 calendar month of the preceding year. If the month during which
11 such tax liability is incurred begins on or after January 1,
12 1989, and prior to January 1, 1996, each payment shall be in an
13 amount equal to 22.5% of the taxpayer's actual liability for
14 the month or 25% of the taxpayer's liability for the same
15 calendar month of the preceding year or 100% of the taxpayer's
16 actual liability for the quarter monthly reporting period. The
17 amount of such quarter monthly payments shall be credited
18 against the final tax liability of the taxpayer's return for
19 that month. Before October 1, 2000, once applicable, the
20 requirement of the making of quarter monthly payments to the
21 Department by taxpayers having an average monthly tax liability
22 of \$10,000 or more as determined in the manner provided above
23 shall continue until such taxpayer's average monthly liability
24 to the Department during the preceding 4 complete calendar
25 quarters (excluding the month of highest liability and the
26 month of lowest liability) is less than \$9,000, or until such

1 taxpayer's average monthly liability to the Department as
2 computed for each calendar quarter of the 4 preceding complete
3 calendar quarter period is less than \$10,000. However, if a
4 taxpayer can show the Department that a substantial change in
5 the taxpayer's business has occurred which causes the taxpayer
6 to anticipate that his average monthly tax liability for the
7 reasonably foreseeable future will fall below the \$10,000
8 threshold stated above, then such taxpayer may petition the
9 Department for a change in such taxpayer's reporting status. On
10 and after October 1, 2000, once applicable, the requirement of
11 the making of quarter monthly payments to the Department by
12 taxpayers having an average monthly tax liability of \$20,000 or
13 more as determined in the manner provided above shall continue
14 until such taxpayer's average monthly liability to the
15 Department during the preceding 4 complete calendar quarters
16 (excluding the month of highest liability and the month of
17 lowest liability) is less than \$19,000 or until such taxpayer's
18 average monthly liability to the Department as computed for
19 each calendar quarter of the 4 preceding complete calendar
20 quarter period is less than \$20,000. However, if a taxpayer can
21 show the Department that a substantial change in the taxpayer's
22 business has occurred which causes the taxpayer to anticipate
23 that his average monthly tax liability for the reasonably
24 foreseeable future will fall below the \$20,000 threshold stated
25 above, then such taxpayer may petition the Department for a
26 change in such taxpayer's reporting status. The Department

1 shall change such taxpayer's reporting status unless it finds
2 that such change is seasonal in nature and not likely to be
3 long term. If any such quarter monthly payment is not paid at
4 the time or in the amount required by this Section, then the
5 taxpayer shall be liable for penalties and interest on the
6 difference between the minimum amount due as a payment and the
7 amount of such quarter monthly payment actually and timely
8 paid, except insofar as the taxpayer has previously made
9 payments for that month to the Department in excess of the
10 minimum payments previously due as provided in this Section.
11 The Department shall make reasonable rules and regulations to
12 govern the quarter monthly payment amount and quarter monthly
13 payment dates for taxpayers who file on other than a calendar
14 monthly basis.

15 The provisions of this paragraph apply before October 1,
16 2001. Without regard to whether a taxpayer is required to make
17 quarter monthly payments as specified above, any taxpayer who
18 is required by Section 2d of this Act to collect and remit
19 prepaid taxes and has collected prepaid taxes which average in
20 excess of \$25,000 per month during the preceding 2 complete
21 calendar quarters, shall file a return with the Department as
22 required by Section 2f and shall make payments to the
23 Department on or before the 7th, 15th, 22nd and last day of the
24 month during which such liability is incurred. If the month
25 during which such tax liability is incurred began prior to the
26 effective date of this amendatory Act of 1985, each payment

1 shall be in an amount not less than 22.5% of the taxpayer's
2 actual liability under Section 2d. If the month during which
3 such tax liability is incurred begins on or after January 1,
4 1986, each payment shall be in an amount equal to 22.5% of the
5 taxpayer's actual liability for the month or 27.5% of the
6 taxpayer's liability for the same calendar month of the
7 preceding calendar year. If the month during which such tax
8 liability is incurred begins on or after January 1, 1987, each
9 payment shall be in an amount equal to 22.5% of the taxpayer's
10 actual liability for the month or 26.25% of the taxpayer's
11 liability for the same calendar month of the preceding year.
12 The amount of such quarter monthly payments shall be credited
13 against the final tax liability of the taxpayer's return for
14 that month filed under this Section or Section 2f, as the case
15 may be. Once applicable, the requirement of the making of
16 quarter monthly payments to the Department pursuant to this
17 paragraph shall continue until such taxpayer's average monthly
18 prepaid tax collections during the preceding 2 complete
19 calendar quarters is \$25,000 or less. If any such quarter
20 monthly payment is not paid at the time or in the amount
21 required, the taxpayer shall be liable for penalties and
22 interest on such difference, except insofar as the taxpayer has
23 previously made payments for that month in excess of the
24 minimum payments previously due.

25 The provisions of this paragraph apply on and after October
26 1, 2001. Without regard to whether a taxpayer is required to

1 make quarter monthly payments as specified above, any taxpayer
2 who is required by Section 2d of this Act to collect and remit
3 prepaid taxes and has collected prepaid taxes that average in
4 excess of \$20,000 per month during the preceding 4 complete
5 calendar quarters shall file a return with the Department as
6 required by Section 2f and shall make payments to the
7 Department on or before the 7th, 15th, 22nd and last day of the
8 month during which the liability is incurred. Each payment
9 shall be in an amount equal to 22.5% of the taxpayer's actual
10 liability for the month or 25% of the taxpayer's liability for
11 the same calendar month of the preceding year. The amount of
12 the quarter monthly payments shall be credited against the
13 final tax liability of the taxpayer's return for that month
14 filed under this Section or Section 2f, as the case may be.
15 Once applicable, the requirement of the making of quarter
16 monthly payments to the Department pursuant to this paragraph
17 shall continue until the taxpayer's average monthly prepaid tax
18 collections during the preceding 4 complete calendar quarters
19 (excluding the month of highest liability and the month of
20 lowest liability) is less than \$19,000 or until such taxpayer's
21 average monthly liability to the Department as computed for
22 each calendar quarter of the 4 preceding complete calendar
23 quarters is less than \$20,000. If any such quarter monthly
24 payment is not paid at the time or in the amount required, the
25 taxpayer shall be liable for penalties and interest on such
26 difference, except insofar as the taxpayer has previously made

1 payments for that month in excess of the minimum payments
2 previously due.

3 If any payment provided for in this Section exceeds the
4 taxpayer's liabilities under this Act, the Use Tax Act, the
5 Service Occupation Tax Act and the Service Use Tax Act, as
6 shown on an original monthly return, the Department shall, if
7 requested by the taxpayer, issue to the taxpayer a credit
8 memorandum no later than 30 days after the date of payment. The
9 credit evidenced by such credit memorandum may be assigned by
10 the taxpayer to a similar taxpayer under this Act, the Use Tax
11 Act, the Service Occupation Tax Act or the Service Use Tax Act,
12 in accordance with reasonable rules and regulations to be
13 prescribed by the Department. If no such request is made, the
14 taxpayer may credit such excess payment against tax liability
15 subsequently to be remitted to the Department under this Act,
16 the Use Tax Act, the Service Occupation Tax Act or the Service
17 Use Tax Act, in accordance with reasonable rules and
18 regulations prescribed by the Department. If the Department
19 subsequently determined that all or any part of the credit
20 taken was not actually due to the taxpayer, the taxpayer's 2.1%
21 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
22 of the difference between the credit taken and that actually
23 due, and that taxpayer shall be liable for penalties and
24 interest on such difference.

25 If a retailer of motor fuel is entitled to a credit under
26 Section 2d of this Act which exceeds the taxpayer's liability

1 to the Department under this Act for the month which the
2 taxpayer is filing a return, the Department shall issue the
3 taxpayer a credit memorandum for the excess.

4 Beginning January 1, 1990, each month the Department shall
5 pay into the Local Government Tax Fund, a special fund in the
6 State treasury which is hereby created, the net revenue
7 realized for the preceding month from the 1% tax on sales of
8 food for human consumption which is to be consumed off the
9 premises where it is sold (other than alcoholic beverages, soft
10 drinks and food which has been prepared for immediate
11 consumption) and prescription and nonprescription medicines,
12 drugs, medical appliances and insulin, urine testing
13 materials, syringes and needles used by diabetics.

14 Beginning January 1, 1990, each month the Department shall
15 pay into the County and Mass Transit District Fund, a special
16 fund in the State treasury which is hereby created, 4% of the
17 net revenue realized for the preceding month from the 6.25%
18 general rate.

19 Beginning August 1, 2000, each month the Department shall
20 pay into the County and Mass Transit District Fund 20% of the
21 net revenue realized for the preceding month from the 1.25%
22 rate on the selling price of motor fuel and gasohol. Beginning
23 September 1, 2010, each month the Department shall pay into the
24 County and Mass Transit District Fund 20% of the net revenue
25 realized for the preceding month from the 1.25% rate on the
26 selling price of sales tax holiday items.

1 Beginning January 1, 1990, each month the Department shall
2 pay into the Local Government Tax Fund 16% of the net revenue
3 realized for the preceding month from the 6.25% general rate on
4 the selling price of tangible personal property.

5 Beginning August 1, 2000, each month the Department shall
6 pay into the Local Government Tax Fund 80% of the net revenue
7 realized for the preceding month from the 1.25% rate on the
8 selling price of motor fuel and gasohol. Beginning September 1,
9 2010, each month the Department shall pay into the Local
10 Government Tax Fund 80% of the net revenue realized for the
11 preceding month from the 1.25% rate on the selling price of
12 sales tax holiday items.

13 Beginning October 1, 2009, each month the Department shall
14 pay into the Capital Projects Fund an amount that is equal to
15 an amount estimated by the Department to represent 80% of the
16 net revenue realized for the preceding month from the sale of
17 candy, grooming and hygiene products, and soft drinks that had
18 been taxed at a rate of 1% prior to September 1, 2009 but that
19 is now taxed at 6.25%.

20 Of the remainder of the moneys received by the Department
21 pursuant to this Act, (a) 1.75% thereof shall be paid into the
22 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
23 and after July 1, 1989, 3.8% thereof shall be paid into the
24 Build Illinois Fund; provided, however, that if in any fiscal
25 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
26 may be, of the moneys received by the Department and required

1 to be paid into the Build Illinois Fund pursuant to this Act,
 2 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 3 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 4 being hereinafter called the "Tax Acts" and such aggregate of
 5 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 6 called the "Tax Act Amount", and (2) the amount transferred to
 7 the Build Illinois Fund from the State and Local Sales Tax
 8 Reform Fund shall be less than the Annual Specified Amount (as
 9 hereinafter defined), an amount equal to the difference shall
 10 be immediately paid into the Build Illinois Fund from other
 11 moneys received by the Department pursuant to the Tax Acts; the
 12 "Annual Specified Amount" means the amounts specified below for
 13 fiscal years 1986 through 1993:

14	Fiscal Year	Annual Specified Amount
15	1986	\$54,800,000
16	1987	\$76,650,000
17	1988	\$80,480,000
18	1989	\$88,510,000
19	1990	\$115,330,000
20	1991	\$145,470,000
21	1992	\$182,730,000
22	1993	\$206,520,000;

23 and means the Certified Annual Debt Service Requirement (as
 24 defined in Section 13 of the Build Illinois Bond Act) or the
 25 Tax Act Amount, whichever is greater, for fiscal year 1994 and
 26 each fiscal year thereafter; and further provided, that if on

1 the last business day of any month the sum of (1) the Tax Act
2 Amount required to be deposited into the Build Illinois Bond
3 Account in the Build Illinois Fund during such month and (2)
4 the amount transferred to the Build Illinois Fund from the
5 State and Local Sales Tax Reform Fund shall have been less than
6 1/12 of the Annual Specified Amount, an amount equal to the
7 difference shall be immediately paid into the Build Illinois
8 Fund from other moneys received by the Department pursuant to
9 the Tax Acts; and, further provided, that in no event shall the
10 payments required under the preceding proviso result in
11 aggregate payments into the Build Illinois Fund pursuant to
12 this clause (b) for any fiscal year in excess of the greater of
13 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
14 such fiscal year. The amounts payable into the Build Illinois
15 Fund under clause (b) of the first sentence in this paragraph
16 shall be payable only until such time as the aggregate amount
17 on deposit under each trust indenture securing Bonds issued and
18 outstanding pursuant to the Build Illinois Bond Act is
19 sufficient, taking into account any future investment income,
20 to fully provide, in accordance with such indenture, for the
21 defeasance of or the payment of the principal of, premium, if
22 any, and interest on the Bonds secured by such indenture and on
23 any Bonds expected to be issued thereafter and all fees and
24 costs payable with respect thereto, all as certified by the
25 Director of the Bureau of the Budget (now Governor's Office of
26 Management and Budget). If on the last business day of any

1 month in which Bonds are outstanding pursuant to the Build
2 Illinois Bond Act, the aggregate of moneys deposited in the
3 Build Illinois Bond Account in the Build Illinois Fund in such
4 month shall be less than the amount required to be transferred
5 in such month from the Build Illinois Bond Account to the Build
6 Illinois Bond Retirement and Interest Fund pursuant to Section
7 13 of the Build Illinois Bond Act, an amount equal to such
8 deficiency shall be immediately paid from other moneys received
9 by the Department pursuant to the Tax Acts to the Build
10 Illinois Fund; provided, however, that any amounts paid to the
11 Build Illinois Fund in any fiscal year pursuant to this
12 sentence shall be deemed to constitute payments pursuant to
13 clause (b) of the first sentence of this paragraph and shall
14 reduce the amount otherwise payable for such fiscal year
15 pursuant to that clause (b). The moneys received by the
16 Department pursuant to this Act and required to be deposited
17 into the Build Illinois Fund are subject to the pledge, claim
18 and charge set forth in Section 12 of the Build Illinois Bond
19 Act.

20 Subject to payment of amounts into the Build Illinois Fund
21 as provided in the preceding paragraph or in any amendment
22 thereto hereafter enacted, the following specified monthly
23 installment of the amount requested in the certificate of the
24 Chairman of the Metropolitan Pier and Exposition Authority
25 provided under Section 8.25f of the State Finance Act, but not
26 in excess of sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
3 9 of the Service Occupation Tax Act, and Section 3 of the
4 Retailers' Occupation Tax Act into the McCormick Place
5 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
6		
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000

1	2012	153,000,000
2	2013	161,000,000
3	2014	170,000,000
4	2015	179,000,000
5	2016	189,000,000
6	2017	199,000,000
7	2018	210,000,000
8	2019	221,000,000
9	2020	233,000,000
10	2021	246,000,000
11	2022	260,000,000
12	2023	275,000,000
13	2024	275,000,000
14	2025	275,000,000
15	2026	279,000,000
16	2027	292,000,000
17	2028	307,000,000
18	2029	322,000,000
19	2030	338,000,000
20	2031	350,000,000
21	2032	350,000,000

22 and
23 each fiscal year
24 thereafter that bonds
25 are outstanding under
26 Section 13.2 of the

1 Metropolitan Pier and
2 Exposition Authority Act,
3 but not after fiscal year 2060.

4 Beginning July 20, 1993 and in each month of each fiscal
5 year thereafter, one-eighth of the amount requested in the
6 certificate of the Chairman of the Metropolitan Pier and
7 Exposition Authority for that fiscal year, less the amount
8 deposited into the McCormick Place Expansion Project Fund by
9 the State Treasurer in the respective month under subsection
10 (g) of Section 13 of the Metropolitan Pier and Exposition
11 Authority Act, plus cumulative deficiencies in the deposits
12 required under this Section for previous months and years,
13 shall be deposited into the McCormick Place Expansion Project
14 Fund, until the full amount requested for the fiscal year, but
15 not in excess of the amount specified above as "Total Deposit",
16 has been deposited.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning July 1, 1993, the Department shall each
21 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
22 the net revenue realized for the preceding month from the 6.25%
23 general rate on the selling price of tangible personal
24 property.

25 Subject to payment of amounts into the Build Illinois Fund
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning with the receipt of the first report of
3 taxes paid by an eligible business and continuing for a 25-year
4 period, the Department shall each month pay into the Energy
5 Infrastructure Fund 80% of the net revenue realized from the
6 6.25% general rate on the selling price of Illinois-mined coal
7 that was sold to an eligible business. For purposes of this
8 paragraph, the term "eligible business" means a new electric
9 generating facility certified pursuant to Section 605-332 of
10 the Department of Commerce and Economic Opportunity Law of the
11 Civil Administrative Code of Illinois.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, 75% thereof shall be paid into the State
14 Treasury and 25% shall be reserved in a special account and
15 used only for the transfer to the Common School Fund as part of
16 the monthly transfer from the General Revenue Fund in
17 accordance with Section 8a of the State Finance Act.

18 The Department may, upon separate written notice to a
19 taxpayer, require the taxpayer to prepare and file with the
20 Department on a form prescribed by the Department within not
21 less than 60 days after receipt of the notice an annual
22 information return for the tax year specified in the notice.
23 Such annual return to the Department shall include a statement
24 of gross receipts as shown by the retailer's last Federal
25 income tax return. If the total receipts of the business as
26 reported in the Federal income tax return do not agree with the

1 gross receipts reported to the Department of Revenue for the
2 same period, the retailer shall attach to his annual return a
3 schedule showing a reconciliation of the 2 amounts and the
4 reasons for the difference. The retailer's annual return to the
5 Department shall also disclose the cost of goods sold by the
6 retailer during the year covered by such return, opening and
7 closing inventories of such goods for such year, costs of goods
8 used from stock or taken from stock and given away by the
9 retailer during such year, payroll information of the
10 retailer's business during such year and any additional
11 reasonable information which the Department deems would be
12 helpful in determining the accuracy of the monthly, quarterly
13 or annual returns filed by such retailer as provided for in
14 this Section.

15 If the annual information return required by this Section
16 is not filed when and as required, the taxpayer shall be liable
17 as follows:

18 (i) Until January 1, 1994, the taxpayer shall be liable
19 for a penalty equal to $\frac{1}{6}$ of 1% of the tax due from such
20 taxpayer under this Act during the period to be covered by
21 the annual return for each month or fraction of a month
22 until such return is filed as required, the penalty to be
23 assessed and collected in the same manner as any other
24 penalty provided for in this Act.

25 (ii) On and after January 1, 1994, the taxpayer shall
26 be liable for a penalty as described in Section 3-4 of the

1 Uniform Penalty and Interest Act.

2 The chief executive officer, proprietor, owner or highest
3 ranking manager shall sign the annual return to certify the
4 accuracy of the information contained therein. Any person who
5 willfully signs the annual return containing false or
6 inaccurate information shall be guilty of perjury and punished
7 accordingly. The annual return form prescribed by the
8 Department shall include a warning that the person signing the
9 return may be liable for perjury.

10 The provisions of this Section concerning the filing of an
11 annual information return do not apply to a retailer who is not
12 required to file an income tax return with the United States
13 Government.

14 As soon as possible after the first day of each month, upon
15 certification of the Department of Revenue, the Comptroller
16 shall order transferred and the Treasurer shall transfer from
17 the General Revenue Fund to the Motor Fuel Tax Fund an amount
18 equal to 1.7% of 80% of the net revenue realized under this Act
19 for the second preceding month. Beginning April 1, 2000, this
20 transfer is no longer required and shall not be made.

21 Net revenue realized for a month shall be the revenue
22 collected by the State pursuant to this Act, less the amount
23 paid out during that month as refunds to taxpayers for
24 overpayment of liability.

25 For greater simplicity of administration, manufacturers,
26 importers and wholesalers whose products are sold at retail in

1 Illinois by numerous retailers, and who wish to do so, may
2 assume the responsibility for accounting and paying to the
3 Department all tax accruing under this Act with respect to such
4 sales, if the retailers who are affected do not make written
5 objection to the Department to this arrangement.

6 Any person who promotes, organizes, provides retail
7 selling space for concessionaires or other types of sellers at
8 the Illinois State Fair, DuQuoin State Fair, county fairs,
9 local fairs, art shows, flea markets and similar exhibitions or
10 events, including any transient merchant as defined by Section
11 2 of the Transient Merchant Act of 1987, is required to file a
12 report with the Department providing the name of the merchant's
13 business, the name of the person or persons engaged in
14 merchant's business, the permanent address and Illinois
15 Retailers Occupation Tax Registration Number of the merchant,
16 the dates and location of the event and other reasonable
17 information that the Department may require. The report must be
18 filed not later than the 20th day of the month next following
19 the month during which the event with retail sales was held.
20 Any person who fails to file a report required by this Section
21 commits a business offense and is subject to a fine not to
22 exceed \$250.

23 Any person engaged in the business of selling tangible
24 personal property at retail as a concessionaire or other type
25 of seller at the Illinois State Fair, county fairs, art shows,
26 flea markets and similar exhibitions or events, or any

1 transient merchants, as defined by Section 2 of the Transient
2 Merchant Act of 1987, may be required to make a daily report of
3 the amount of such sales to the Department and to make a daily
4 payment of the full amount of tax due. The Department shall
5 impose this requirement when it finds that there is a
6 significant risk of loss of revenue to the State at such an
7 exhibition or event. Such a finding shall be based on evidence
8 that a substantial number of concessionaires or other sellers
9 who are not residents of Illinois will be engaging in the
10 business of selling tangible personal property at retail at the
11 exhibition or event, or other evidence of a significant risk of
12 loss of revenue to the State. The Department shall notify
13 concessionaires and other sellers affected by the imposition of
14 this requirement. In the absence of notification by the
15 Department, the concessionaires and other sellers shall file
16 their returns as otherwise required in this Section.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-34, eff. 7-13-09; 96-38,
18 eff. 7-13-09; 96-898, eff. 5-27-10; 96-1012, eff. 7-7-10;
19 revised 7-22-10.)

20 Section 135. The Property Tax Code is amended by changing
21 Sections 15-167, 15-169, 20-25, and 27-75 as follows:

22 (35 ILCS 200/15-167)

23 Sec. 15-167. Returning Veterans' Homestead Exemption.

24 (a) Beginning with taxable year 2007, a homestead

1 exemption, limited to a reduction set forth under subsection
2 (b), from the property's value, as equalized or assessed by the
3 Department, is granted for property that is owned and occupied
4 as the principal residence of a veteran returning from an armed
5 conflict involving the armed forces of the United States who is
6 liable for paying real estate taxes on the property and is an
7 owner of record of the property or has a legal or equitable
8 interest therein as evidenced by a written instrument, except
9 for a leasehold interest, other than a leasehold interest of
10 land on which a single family residence is located, which is
11 occupied as the principal residence of a veteran returning from
12 an armed conflict involving the armed forces of the United
13 States who has an ownership interest therein, legal, equitable
14 or as a lessee, and on which he or she is liable for the payment
15 of property taxes. For purposes of the exemption under this
16 Section, "veteran" means an Illinois resident who has served as
17 a member of the United States Armed Forces, a member of the
18 Illinois National Guard, or a member of the United States
19 Reserve Forces.

20 (b) In all counties, the reduction is \$5,000 for the
21 taxable year in which the veteran returns from active duty in
22 an armed conflict involving the armed forces of the United
23 States; however, if the veteran first acquires his or her
24 principal residence during the taxable year in which he or she
25 returns, but after January 1 of that year, and if the property
26 is owned and occupied by the veteran as a principal residence

1 on January 1 of the next taxable year, he or she may apply the
2 exemption for the next taxable year, and only the next taxable
3 year, after he or she returns. Beginning in taxable year 2010,
4 the reduction shall also be allowed for the taxable year after
5 the taxable year in which the veteran returns from active duty
6 in an armed conflict involving the armed forces of the United
7 States. For land improved with an apartment building owned and
8 operated as a cooperative, the maximum reduction from the value
9 of the property, as equalized by the Department, must be
10 multiplied by the number of apartments or units occupied by a
11 veteran returning from an armed conflict involving the armed
12 forces of the United States who is liable, by contract with the
13 owner or owners of record, for paying property taxes on the
14 property and is an owner of record of a legal or equitable
15 interest in the cooperative apartment building, other than a
16 leasehold interest. In a cooperative where a homestead
17 exemption has been granted, the cooperative association or the
18 management firm of the cooperative or facility shall credit the
19 savings resulting from that exemption only to the apportioned
20 tax liability of the owner or resident who qualified for the
21 exemption. Any person who willfully refuses to so credit the
22 savings is guilty of a Class B misdemeanor.

23 (c) Application must be made during the application period
24 in effect for the county of his or her residence. The assessor
25 or chief county assessment officer may determine the
26 eligibility of residential property to receive the homestead

1 exemption provided by this Section by application, visual
2 inspection, questionnaire, or other reasonable methods. The
3 determination must be made in accordance with guidelines
4 established by the Department.

5 (d) The exemption under this Section is in addition to any
6 other homestead exemption provided in this Article 15.
7 Notwithstanding Sections 6 and 8 of the State Mandates Act, no
8 reimbursement by the State is required for the implementation
9 of any mandate created by this Section.

10 (Source: P.A. 95-644, eff. 10-12-07; 96-1288, eff. 7-26-10;
11 96-1418, eff. 8-2-10; revised 9-2-10.)

12 (35 ILCS 200/15-169)

13 Sec. 15-169. Disabled veterans standard homestead
14 exemption.

15 (a) Beginning with taxable year 2007, an annual homestead
16 exemption, limited to the amounts set forth in subsection (b),
17 is granted for property that is used as a qualified residence
18 by a disabled veteran.

19 (b) The amount of the exemption under this Section is as
20 follows:

21 (1) for veterans with a service-connected disability
22 of at least (i) 75% for exemptions granted in taxable years
23 2007 through 2009 and (ii) 70% for exemptions granted in
24 taxable year 2010 and each taxable year thereafter, as
25 certified by the United States Department of Veterans

1 Affairs, the annual exemption is \$5,000; and

2 (2) for veterans with a service-connected disability
3 of at least 50%, but less than (i) 75% for exemptions
4 granted in taxable years 2007 through 2009 and (ii) 70% for
5 exemptions granted in taxable year 2010 and each taxable
6 year thereafter, as certified by the United States
7 Department of Veterans Affairs, the annual exemption is
8 \$2,500.

9 (b-5) If a homestead exemption is granted under this
10 Section and the person awarded the exemption subsequently
11 becomes a resident of a facility licensed under the Nursing
12 Home Care Act or a facility operated by the United States
13 Department of Veterans Affairs, then the exemption shall
14 continue (i) so long as the residence continues to be occupied
15 by the qualifying person's spouse or (ii) if the residence
16 remains unoccupied but is still owned by the person who
17 qualified for the homestead exemption.

18 (c) The tax exemption under this Section carries over to
19 the benefit of the veteran's surviving spouse as long as the
20 spouse holds the legal or beneficial title to the homestead,
21 permanently resides thereon, and does not remarry. If the
22 surviving spouse sells the property, an exemption not to exceed
23 the amount granted from the most recent ad valorem tax roll may
24 be transferred to his or her new residence as long as it is
25 used as his or her primary residence and he or she does not
26 remarry.

1 (d) The exemption under this Section applies for taxable
2 year 2007 and thereafter. A taxpayer who claims an exemption
3 under Section 15-165 or 15-168 may not claim an exemption under
4 this Section.

5 (e) Each taxpayer who has been granted an exemption under
6 this Section must reapply on an annual basis. Application must
7 be made during the application period in effect for the county
8 of his or her residence. The assessor or chief county
9 assessment officer may determine the eligibility of
10 residential property to receive the homestead exemption
11 provided by this Section by application, visual inspection,
12 questionnaire, or other reasonable methods. The determination
13 must be made in accordance with guidelines established by the
14 Department.

15 (f) For the purposes of this Section:

16 "Qualified residence" means real property, but less any
17 portion of that property that is used for commercial purposes,
18 with an equalized assessed value of less than \$250,000 that is
19 the disabled veteran's primary residence. Property rented for
20 more than 6 months is presumed to be used for commercial
21 purposes.

22 "Veteran" means an Illinois resident who has served as a
23 member of the United States Armed Forces on active duty or
24 State active duty, a member of the Illinois National Guard, or
25 a member of the United States Reserve Forces and who has
26 received an honorable discharge.

1 (Source: P.A. 95-644, eff. 10-12-07; 96-1298, eff. 1-1-11;
2 96-1418, eff. 8-2-10; revised 9-2-10.)

3 (35 ILCS 200/20-25)

4 Sec. 20-25. Forms of payment.

5 (a) Taxes levied by taxing districts may be satisfied by
6 payment in legal money of the United States, cashier's check,
7 certified check, post office money order, bank money order
8 issued by a national or state bank that is insured by the
9 Federal Deposit Insurance Corporation, or by a personal or
10 corporate check drawn on such a bank, to the respective
11 collection officers who are entitled by law to receive the tax
12 payments or by credit card in accordance with the Local
13 Governmental Acceptance of Credit Cards Act. A county collector
14 may refuse to accept a personal or corporate check within 45
15 days before a tax sale or at any time if a previous payment by
16 the same payer was returned by a bank for any reason.

17 (b) Beginning on January 1, 2012, subject to compliance
18 with all applicable purchasing requirements, a county with a
19 population of more than 3,000,000 is required to accept payment
20 by credit card for each installment of property taxes; provided
21 that all service charges or fees, as determined by the county,
22 associated with the processing or accepting of a credit card
23 payment by the county shall be paid by the taxpayer. If a
24 taxpayer elects to make a property tax payment by credit card
25 and a service charge or fee is imposed, the payment of that

1 service charge or fee shall be deemed voluntary by the taxpayer
2 and shall not be refundable. Nothing in this subsection
3 requires a county with a population of more than 3,000,000 to
4 accept payment by credit card for the payment on any
5 installment of taxes that is delinquent under Section 21-10,
6 21-25, or 21-30 of the Property Tax Code or for the purposes of
7 any tax sale or scavenger sale under Division 3.5, 4, or 5 of
8 Article 21 of the Property Tax Code. A county that accepts
9 payment of property taxes by credit card in accordance with the
10 terms of this subsection shall not incur liability for or
11 associated with the collection of a property tax payment by
12 credit card. The public hearing requirement of subsection (a)
13 of Section 20 of the Local Governmental Acceptance of Credit
14 Cards Act shall not apply to this subsection. This subsection
15 is a limitation under subsection (i) of Section 6 of Article
16 VII of the Illinois Constitution on the concurrent exercise by
17 home rule units of powers and functions exercised by the State.
18 (Source: P.A. 96-1248, eff. 7-23-10; 96-1250, eff. 7-23-10;
19 revised 9-16-10.)

20 (35 ILCS 200/27-75)

21 Sec. 27-75. Extension of tax levy. If a property tax is
22 levied, the tax shall be extended by the county clerk in the
23 special service area in the manner provided by Articles 1
24 through 26 of this Code based on equalized assessed values as
25 established under Articles 1 through 26. The municipality or

1 county shall file a certified copy of the ordinance creating
2 the special service area, including an accurate map thereof, a
3 copy of the public hearing notice, and a description of the
4 special services to be provided, with the county clerk. The
5 corporate authorities of the municipality or county may levy
6 taxes in the special service area prior to the date the levy
7 must be filed with the county clerk, for the same year in which
8 the ordinance and map are filed with the county clerk. In
9 addition, the corporate authorities shall file a certified copy
10 of each ordinance levying taxes in the special service area on
11 or before the last Tuesday of December of each year and shall
12 file a certified copy of any ordinance authorizing the issuance
13 of bonds and providing for a property tax levy in the area by
14 December 31 of the year of the first levy.

15 In lieu of or in addition to an ad valorem property tax, a
16 special tax may be levied and extended within the special
17 service area on any other basis that provides a rational
18 relationship between the amount of the tax levied against each
19 lot, block, tract and parcel of land in the special service
20 area and the special service benefit rendered. In that case, a
21 special tax roll shall be prepared containing: (a) a
22 description of the special services to be provided, (b) an
23 explanation of the method of spreading the special tax, (c) a
24 list of lots, blocks, tracts and parcels of land in the special
25 service area, and (d) the amount assessed against each. The
26 special tax roll shall be included in the ordinance

1 establishing the special service area or in an amendment of the
2 ordinance, and shall be filed with the county clerk for use in
3 extending the tax. The lien and foreclosure remedies provided
4 in Article 9 of the Illinois Municipal Code shall apply upon
5 non-payment of the special tax.

6 As an alternative to an ad valorem tax based on the whole
7 equalized assessed value of the property, the corporate
8 authorities may provide for the ad valorem tax to be extended
9 solely upon the equalized assessed value of the land in a
10 special service area, without regard to improvements, if the
11 equalized assessed value of the land in the special service
12 area is at least 75% of the total of the whole equalized
13 assessed value of property within the special service area at
14 the time that it was established. If the corporate authorities
15 choose to provide for this method of taxation on the land value
16 only, then each notice given in connection with the special
17 service area must include a statement in substantially the
18 following form: "The taxes to be extended shall be upon the
19 equalized assessed value of the land in the proposed special
20 service area, without regard to improvements." Section 10-30 of
21 this Code does not apply to any property that is part of a
22 special service area created under this paragraph, namely,
23 property for which the ad valorem taxes are extended solely
24 upon the equalized assessed value of the land in the special
25 service area, without regard to improvements.

26 (Source: P.A. 96-1396, eff. 7-29-10; revised 9-16-10.)

1 Section 140. The Motor Fuel Tax Law is amended by changing
2 Section 8 as follows:

3 (35 ILCS 505/8) (from Ch. 120, par. 424)

4 Sec. 8. Except as provided in Section 8a, subdivision
5 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
6 16 of Section 15, all money received by the Department under
7 this Act, including payments made to the Department by member
8 jurisdictions participating in the International Fuel Tax
9 Agreement, shall be deposited in a special fund in the State
10 treasury, to be known as the "Motor Fuel Tax Fund", and shall
11 be used as follows:

12 (a) 2 1/2 cents per gallon of the tax collected on special
13 fuel under paragraph (b) of Section 2 and Section 13a of this
14 Act shall be transferred to the State Construction Account Fund
15 in the State Treasury;

16 (b) \$420,000 shall be transferred each month to the State
17 Boating Act Fund to be used by the Department of Natural
18 Resources for the purposes specified in Article X of the Boat
19 Registration and Safety Act;

20 (c) \$3,500,000 shall be transferred each month to the Grade
21 Crossing Protection Fund to be used as follows: not less than
22 \$12,000,000 each fiscal year shall be used for the construction
23 or reconstruction of rail highway grade separation structures;
24 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in

1 fiscal year 2010 and each fiscal year thereafter shall be
2 transferred to the Transportation Regulatory Fund and shall be
3 accounted for as part of the rail carrier portion of such funds
4 and shall be used to pay the cost of administration of the
5 Illinois Commerce Commission's railroad safety program in
6 connection with its duties under subsection (3) of Section
7 18c-7401 of the Illinois Vehicle Code, with the remainder to be
8 used by the Department of Transportation upon order of the
9 Illinois Commerce Commission, to pay that part of the cost
10 apportioned by such Commission to the State to cover the
11 interest of the public in the use of highways, roads, streets,
12 or pedestrian walkways in the county highway system, township
13 and district road system, or municipal street system as defined
14 in the Illinois Highway Code, as the same may from time to time
15 be amended, for separation of grades, for installation,
16 construction or reconstruction of crossing protection or
17 reconstruction, alteration, relocation including construction
18 or improvement of any existing highway necessary for access to
19 property or improvement of any grade crossing and grade
20 crossing surface including the necessary highway approaches
21 thereto of any railroad across the highway or public road, or
22 for the installation, construction, reconstruction, or
23 maintenance of a pedestrian walkway over or under a railroad
24 right-of-way, as provided for in and in accordance with Section
25 18c-7401 of the Illinois Vehicle Code. The Commission may order
26 up to \$2,000,000 per year in Grade Crossing Protection Fund

1 moneys for the improvement of grade crossing surfaces and up to
2 \$300,000 per year for the maintenance and renewal of 4-quadrant
3 gate vehicle detection systems located at non-high speed rail
4 grade crossings. The Commission shall not order more than
5 \$2,000,000 per year in Grade Crossing Protection Fund moneys
6 for pedestrian walkways. In entering orders for projects for
7 which payments from the Grade Crossing Protection Fund will be
8 made, the Commission shall account for expenditures authorized
9 by the orders on a cash rather than an accrual basis. For
10 purposes of this requirement an "accrual basis" assumes that
11 the total cost of the project is expended in the fiscal year in
12 which the order is entered, while a "cash basis" allocates the
13 cost of the project among fiscal years as expenditures are
14 actually made. To meet the requirements of this subsection, the
15 Illinois Commerce Commission shall develop annual and 5-year
16 project plans of rail crossing capital improvements that will
17 be paid for with moneys from the Grade Crossing Protection
18 Fund. The annual project plan shall identify projects for the
19 succeeding fiscal year and the 5-year project plan shall
20 identify projects for the 5 directly succeeding fiscal years.
21 The Commission shall submit the annual and 5-year project plans
22 for this Fund to the Governor, the President of the Senate, the
23 Senate Minority Leader, the Speaker of the House of
24 Representatives, and the Minority Leader of the House of
25 Representatives on the first Wednesday in April of each year;

26 (d) of the amount remaining after allocations provided for

1 in subsections (a), (b) and (c), a sufficient amount shall be
2 reserved to pay all of the following:

3 (1) the costs of the Department of Revenue in
4 administering this Act;

5 (2) the costs of the Department of Transportation in
6 performing its duties imposed by the Illinois Highway Code
7 for supervising the use of motor fuel tax funds apportioned
8 to municipalities, counties and road districts;

9 (3) refunds provided for in Section 13, refunds for
10 overpayment of decal fees paid under Section 13a.4 of this
11 Act, and refunds provided for under the terms of the
12 International Fuel Tax Agreement referenced in Section
13 14a;

14 (4) from October 1, 1985 until June 30, 1994, the
15 administration of the Vehicle Emissions Inspection Law,
16 which amount shall be certified monthly by the
17 Environmental Protection Agency to the State Comptroller
18 and shall promptly be transferred by the State Comptroller
19 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
20 Inspection Fund, and for the period July 1, 1994 through
21 June 30, 2000, one-twelfth of \$25,000,000 each month, for
22 the period July 1, 2000 through June 30, 2003, one-twelfth
23 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
24 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
25 July 1 and October 1, or as soon thereafter as may be
26 practical, during the period July 1, 2004 through June 30,

1 2011, for the administration of the Vehicle Emissions
2 Inspection Law of 2005, to be transferred by the State
3 Comptroller and Treasurer from the Motor Fuel Tax Fund into
4 the Vehicle Inspection Fund;

5 (5) amounts ordered paid by the Court of Claims; and

6 (6) payment of motor fuel use taxes due to member
7 jurisdictions under the terms of the International Fuel Tax
8 Agreement. The Department shall certify these amounts to
9 the Comptroller by the 15th day of each month; the
10 Comptroller shall cause orders to be drawn for such
11 amounts, and the Treasurer shall administer those amounts
12 on or before the last day of each month;

13 (e) after allocations for the purposes set forth in
14 subsections (a), (b), (c) and (d), the remaining amount shall
15 be apportioned as follows:

16 (1) Until January 1, 2000, 58.4%, and beginning January
17 1, 2000, 45.6% shall be deposited as follows:

18 (A) 37% into the State Construction Account Fund,
19 and

20 (B) 63% into the Road Fund, \$1,250,000 of which
21 shall be reserved each month for the Department of
22 Transportation to be used in accordance with the
23 provisions of Sections 6-901 through 6-906 of the
24 Illinois Highway Code;

25 (2) Until January 1, 2000, 41.6%, and beginning January
26 1, 2000, 54.4% shall be transferred to the Department of

1 Transportation to be distributed as follows:

2 (A) 49.10% to the municipalities of the State,

3 (B) 16.74% to the counties of the State having
4 1,000,000 or more inhabitants,

5 (C) 18.27% to the counties of the State having less
6 than 1,000,000 inhabitants,

7 (D) 15.89% to the road districts of the State.

8 As soon as may be after the first day of each month the
9 Department of Transportation shall allot to each municipality
10 its share of the amount apportioned to the several
11 municipalities which shall be in proportion to the population
12 of such municipalities as determined by the last preceding
13 municipal census if conducted by the Federal Government or
14 Federal census. If territory is annexed to any municipality
15 subsequent to the time of the last preceding census the
16 corporate authorities of such municipality may cause a census
17 to be taken of such annexed territory and the population so
18 ascertained for such territory shall be added to the population
19 of the municipality as determined by the last preceding census
20 for the purpose of determining the allotment for that
21 municipality. If the population of any municipality was not
22 determined by the last Federal census preceding any
23 apportionment, the apportionment to such municipality shall be
24 in accordance with any census taken by such municipality. Any
25 municipal census used in accordance with this Section shall be
26 certified to the Department of Transportation by the clerk of

1 such municipality, and the accuracy thereof shall be subject to
2 approval of the Department which may make such corrections as
3 it ascertains to be necessary.

4 As soon as may be after the first day of each month the
5 Department of Transportation shall allot to each county its
6 share of the amount apportioned to the several counties of the
7 State as herein provided. Each allotment to the several
8 counties having less than 1,000,000 inhabitants shall be in
9 proportion to the amount of motor vehicle license fees received
10 from the residents of such counties, respectively, during the
11 preceding calendar year. The Secretary of State shall, on or
12 before April 15 of each year, transmit to the Department of
13 Transportation a full and complete report showing the amount of
14 motor vehicle license fees received from the residents of each
15 county, respectively, during the preceding calendar year. The
16 Department of Transportation shall, each month, use for
17 allotment purposes the last such report received from the
18 Secretary of State.

19 As soon as may be after the first day of each month, the
20 Department of Transportation shall allot to the several
21 counties their share of the amount apportioned for the use of
22 road districts. The allotment shall be apportioned among the
23 several counties in the State in the proportion which the total
24 mileage of township or district roads in the respective
25 counties bears to the total mileage of all township and
26 district roads in the State. Funds allotted to the respective

1 counties for the use of road districts therein shall be
2 allocated to the several road districts in the county in the
3 proportion which the total mileage of such township or district
4 roads in the respective road districts bears to the total
5 mileage of all such township or district roads in the county.
6 After July 1 of any year prior to 2011, no allocation shall be
7 made for any road district unless it levied a tax for road and
8 bridge purposes in an amount which will require the extension
9 of such tax against the taxable property in any such road
10 district at a rate of not less than either .08% of the value
11 thereof, based upon the assessment for the year immediately
12 prior to the year in which such tax was levied and as equalized
13 by the Department of Revenue or, in DuPage County, an amount
14 equal to or greater than \$12,000 per mile of road under the
15 jurisdiction of the road district, whichever is less. Beginning
16 July 1, 2011 and each July 1 thereafter, an allocation shall be
17 made for any road district if it levied a tax for road and
18 bridge purposes. In counties other than DuPage County, if the
19 amount of the tax levy requires the extension of the tax
20 against the taxable property in the road district at a rate
21 that is less than 0.08% of the value thereof, based upon the
22 assessment for the year immediately prior to the year in which
23 the tax was levied and as equalized by the Department of
24 Revenue, then the amount of the allocation for that road
25 district shall be a percentage of the maximum allocation equal
26 to the percentage obtained by dividing the rate extended by the

1 district by 0.08%. In DuPage County, if the amount of the tax
2 levy requires the extension of the tax against the taxable
3 property in the road district at a rate that is less than the
4 lesser of (i) 0.08% of the value of the taxable property in the
5 road district, based upon the assessment for the year
6 immediately prior to the year in which such tax was levied and
7 as equalized by the Department of Revenue, or (ii) a rate that
8 will yield an amount equal to \$12,000 per mile of road under
9 the jurisdiction of the road district, then the amount of the
10 allocation for the road district shall be a percentage of the
11 maximum allocation equal to the percentage obtained by dividing
12 the rate extended by the district by the lesser of (i) 0.08% or
13 (ii) the rate that will yield an amount equal to \$12,000 per
14 mile of road under the jurisdiction of the road district.

15 Prior to 2011, if any road district has levied a special
16 tax for road purposes pursuant to Sections 6-601, 6-602 and
17 6-603 of the Illinois Highway Code, and such tax was levied in
18 an amount which would require extension at a rate of not less
19 than .08% of the value of the taxable property thereof, as
20 equalized or assessed by the Department of Revenue, or, in
21 DuPage County, an amount equal to or greater than \$12,000 per
22 mile of road under the jurisdiction of the road district,
23 whichever is less, such levy shall, however, be deemed a proper
24 compliance with this Section and shall qualify such road
25 district for an allotment under this Section. Beginning in 2011
26 and thereafter, if any road district has levied a special tax

1 for road purposes under Sections 6-601, 6-602, and 6-603 of the
2 Illinois Highway Code, and the tax was levied in an amount that
3 would require extension at a rate of not less than 0.08% of the
4 value of the taxable property of that road district, as
5 equalized or assessed by the Department of Revenue or, in
6 DuPage County, an amount equal to or greater than \$12,000 per
7 mile of road under the jurisdiction of the road district,
8 whichever is less, that levy shall be deemed a proper
9 compliance with this Section and shall qualify such road
10 district for a full, rather than proportionate, allotment under
11 this Section. If the levy for the special tax is less than
12 0.08% of the value of the taxable property, or, in DuPage
13 County if the levy for the special tax is less than the lesser
14 of (i) 0.08% or (ii) \$12,000 per mile of road under the
15 jurisdiction of the road district, and if the levy for the
16 special tax is more than any other levy for road and bridge
17 purposes, then the levy for the special tax qualifies the road
18 district for a proportionate, rather than full, allotment under
19 this Section. If the levy for the special tax is equal to or
20 less than any other levy for road and bridge purposes, then any
21 allotment under this Section shall be determined by the other
22 levy for road and bridge purposes.

23 Prior to 2011, if a township has transferred to the road
24 and bridge fund money which, when added to the amount of any
25 tax levy of the road district would be the equivalent of a tax
26 levy requiring extension at a rate of at least .08%, or, in

1 DuPage County, an amount equal to or greater than \$12,000 per
2 mile of road under the jurisdiction of the road district,
3 whichever is less, such transfer, together with any such tax
4 levy, shall be deemed a proper compliance with this Section and
5 shall qualify the road district for an allotment under this
6 Section.

7 In counties in which a property tax extension limitation is
8 imposed under the Property Tax Extension Limitation Law, road
9 districts may retain their entitlement to a motor fuel tax
10 allotment or, beginning in 2011, their entitlement to a full
11 allotment if, at the time the property tax extension limitation
12 was imposed, the road district was levying a road and bridge
13 tax at a rate sufficient to entitle it to a motor fuel tax
14 allotment and continues to levy the maximum allowable amount
15 after the imposition of the property tax extension limitation.
16 Any road district may in all circumstances retain its
17 entitlement to a motor fuel tax allotment or, beginning in
18 2011, its entitlement to a full allotment if it levied a road
19 and bridge tax in an amount that will require the extension of
20 the tax against the taxable property in the road district at a
21 rate of not less than 0.08% of the assessed value of the
22 property, based upon the assessment for the year immediately
23 preceding the year in which the tax was levied and as equalized
24 by the Department of Revenue or, in DuPage County, an amount
25 equal to or greater than \$12,000 per mile of road under the
26 jurisdiction of the road district, whichever is less.

1 As used in this Section the term "road district" means any
2 road district, including a county unit road district, provided
3 for by the Illinois Highway Code; and the term "township or
4 district road" means any road in the township and district road
5 system as defined in the Illinois Highway Code. For the
6 purposes of this Section, "township or district road" also
7 includes such roads as are maintained by park districts, forest
8 preserve districts and conservation districts. The Department
9 of Transportation shall determine the mileage of all township
10 and district roads for the purposes of making allotments and
11 allocations of motor fuel tax funds for use in road districts.

12 Payment of motor fuel tax moneys to municipalities and
13 counties shall be made as soon as possible after the allotment
14 is made. The treasurer of the municipality or county may invest
15 these funds until their use is required and the interest earned
16 by these investments shall be limited to the same uses as the
17 principal funds.

18 (Source: P.A. 95-744, eff. 7-18-08; 96-34, eff. 7-13-09; 96-45,
19 eff. 7-15-09; 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10;
20 96-1024, eff. 7-12-10; 96-1384, eff. 7-29-10; revised 9-2-10.)

21 Section 145. The Illinois Pension Code is amended by
22 changing Sections 7-172, 7-173, 14-104, and 21-102 as follows:

23 (40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

24 Sec. 7-172. Contributions by participating municipalities

1 and participating instrumentalities.

2 (a) Each participating municipality and each participating
3 instrumentality shall make payment to the fund as follows:

4 1. municipality contributions in an amount determined
5 by applying the municipality contribution rate to each
6 payment of earnings paid to each of its participating
7 employees;

8 2. an amount equal to the employee contributions
9 provided by paragraphs (a) and (b) of Section 7-173,
10 whether or not the employee contributions are withheld as
11 permitted by that Section;

12 3. all accounts receivable, together with interest
13 charged thereon, as provided in Section 7-209;

14 4. if it has no participating employees with current
15 earnings, an amount payable which, over a closed period of
16 20 years for participating municipalities and 10 years for
17 participating instrumentalities, will amortize, at the
18 effective rate for that year, any unfunded obligation. The
19 unfunded obligation shall be computed as provided in
20 paragraph 2 of subsection (b);

21 5. if it has fewer than 7 participating employees or a
22 negative balance in its municipality reserve, the greater
23 of (A) an amount payable that, over a period of 20 years,
24 will amortize at the effective rate for that year any
25 unfunded obligation, computed as provided in paragraph 2 of
26 subsection (b) or (B) the amount required by paragraph 1 of

1 this subsection (a).

2 (b) A separate municipality contribution rate shall be
3 determined for each calendar year for all participating
4 municipalities together with all instrumentalities thereof.
5 The municipality contribution rate shall be determined for
6 participating instrumentalities as if they were participating
7 municipalities. The municipality contribution rate shall be
8 the sum of the following percentages:

9 1. The percentage of earnings of all the participating
10 employees of all participating municipalities and
11 participating instrumentalities which, if paid over the
12 entire period of their service, will be sufficient when
13 combined with all employee contributions available for the
14 payment of benefits, to provide all annuities for
15 participating employees, and the \$3,000 death benefit
16 payable under Sections 7-158 and 7-164, such percentage to
17 be known as the normal cost rate.

18 2. The percentage of earnings of the participating
19 employees of each participating municipality and
20 participating instrumentalities necessary to adjust for
21 the difference between the present value of all benefits,
22 excluding temporary and total and permanent disability and
23 death benefits, to be provided for its participating
24 employees and the sum of its accumulated municipality
25 contributions and the accumulated employee contributions
26 and the present value of expected future employee and

1 municipality contributions pursuant to subparagraph 1 of
2 this paragraph (b). This adjustment shall be spread over
3 the remainder of the period that is allowable under
4 generally accepted accounting principles.

5 3. The percentage of earnings of the participating
6 employees of all municipalities and participating
7 instrumentalities necessary to provide the present value
8 of all temporary and total and permanent disability
9 benefits granted during the most recent year for which
10 information is available.

11 4. The percentage of earnings of the participating
12 employees of all participating municipalities and
13 participating instrumentalities necessary to provide the
14 present value of the net single sum death benefits expected
15 to become payable from the reserve established under
16 Section 7-206 during the year for which this rate is fixed.

17 5. The percentage of earnings necessary to meet any
18 deficiency arising in the Terminated Municipality Reserve.

19 (c) A separate municipality contribution rate shall be
20 computed for each participating municipality or participating
21 instrumentality for its sheriff's law enforcement employees.

22 A separate municipality contribution rate shall be
23 computed for the sheriff's law enforcement employees of each
24 forest preserve district that elects to have such employees.
25 For the period from January 1, 1986 to December 31, 1986, such
26 rate shall be the forest preserve district's regular rate plus

1 2%.

2 In the event that the Board determines that there is an
3 actuarial deficiency in the account of any municipality with
4 respect to a person who has elected to participate in the Fund
5 under Section 3-109.1 of this Code, the Board may adjust the
6 municipality's contribution rate so as to make up that
7 deficiency over such reasonable period of time as the Board may
8 determine.

9 (d) The Board may establish a separate municipality
10 contribution rate for all employees who are program
11 participants employed under the federal Comprehensive
12 Employment Training Act by all of the participating
13 municipalities and instrumentalities. The Board may also
14 provide that, in lieu of a separate municipality rate for these
15 employees, a portion of the municipality contributions for such
16 program participants shall be refunded or an extra charge
17 assessed so that the amount of municipality contributions
18 retained or received by the fund for all CETA program
19 participants shall be an amount equal to that which would be
20 provided by the separate municipality contribution rate for all
21 such program participants. Refunds shall be made to prime
22 sponsors of programs upon submission of a claim therefor and
23 extra charges shall be assessed to participating
24 municipalities and instrumentalities. In establishing the
25 municipality contribution rate as provided in paragraph (b) of
26 this Section, the use of a separate municipality contribution

1 rate for program participants or the refund of a portion of the
2 municipality contributions, as the case may be, may be
3 considered.

4 (e) Computations of municipality contribution rates for
5 the following calendar year shall be made prior to the
6 beginning of each year, from the information available at the
7 time the computations are made, and on the assumption that the
8 employees in each participating municipality or participating
9 instrumentality at such time will continue in service until the
10 end of such calendar year at their respective rates of earnings
11 at such time.

12 (f) Any municipality which is the recipient of State
13 allocations representing that municipality's contributions for
14 retirement annuity purposes on behalf of its employees as
15 provided in Section 12-21.16 of the Illinois Public Aid Code
16 shall pay the allocations so received to the Board for such
17 purpose. Estimates of State allocations to be received during
18 any taxable year shall be considered in the determination of
19 the municipality's tax rate for that year under Section 7-171.
20 If a special tax is levied under Section 7-171, none of the
21 proceeds may be used to reimburse the municipality for the
22 amount of State allocations received and paid to the Board. Any
23 multiple-county or consolidated health department which
24 receives contributions from a county under Section 11.2 of "An
25 Act in relation to establishment and maintenance of county and
26 multiple-county health departments", approved July 9, 1943, as

1 amended, or distributions under Section 3 of the Department of
2 Public Health Act, shall use these only for municipality
3 contributions by the health department.

4 (g) Municipality contributions for the several purposes
5 specified shall, for township treasurers and employees in the
6 offices of the township treasurers who meet the qualifying
7 conditions for coverage hereunder, be allocated among the
8 several school districts and parts of school districts serviced
9 by such treasurers and employees in the proportion which the
10 amount of school funds of each district or part of a district
11 handled by the treasurer bears to the total amount of all
12 school funds handled by the treasurer.

13 From the funds subject to allocation among districts and
14 parts of districts pursuant to the School Code, the trustees
15 shall withhold the proportionate share of the liability for
16 municipality contributions imposed upon such districts by this
17 Section, in respect to such township treasurers and employees
18 and remit the same to the Board.

19 The municipality contribution rate for an educational
20 service center shall initially be the same rate for each year
21 as the regional office of education or school district which
22 serves as its administrative agent. When actuarial data become
23 available, a separate rate shall be established as provided in
24 subparagraph (i) of this Section.

25 The municipality contribution rate for a public agency,
26 other than a vocational education cooperative, formed under the

1 Intergovernmental Cooperation Act shall initially be the
2 average rate for the municipalities which are parties to the
3 intergovernmental agreement. When actuarial data become
4 available, a separate rate shall be established as provided in
5 subparagraph (i) of this Section.

6 (h) Each participating municipality and participating
7 instrumentality shall make the contributions in the amounts
8 provided in this Section in the manner prescribed from time to
9 time by the Board and all such contributions shall be
10 obligations of the respective participating municipalities and
11 participating instrumentalities to this fund. The failure to
12 deduct any employee contributions shall not relieve the
13 participating municipality or participating instrumentality of
14 its obligation to this fund. Delinquent payments of
15 contributions due under this Section may, with interest, be
16 recovered by civil action against the participating
17 municipalities or participating instrumentalities.
18 Municipality contributions, other than the amount necessary
19 for employee contributions and Social Security contributions,
20 for periods of service by employees from whose earnings no
21 deductions were made for employee contributions to the fund,
22 may be charged to the municipality reserve for the municipality
23 or participating instrumentality.

24 (i) Contributions by participating instrumentalities shall
25 be determined as provided herein except that the percentage
26 derived under subparagraph 2 of paragraph (b) of this Section,

1 and the amount payable under subparagraph 4 of paragraph (a) of
2 this Section, shall be based on an amortization period of 10
3 years.

4 (j) Notwithstanding the other provisions of this Section,
5 the additional unfunded liability accruing as a result of this
6 amendatory Act of the 94th General Assembly shall be amortized
7 over a period of 30 years beginning on January 1 of the second
8 calendar year following the calendar year in which this
9 amendatory Act takes effect, except that the employer may
10 provide for a longer amortization period by adopting a
11 resolution or ordinance specifying a 35-year or 40-year period
12 and submitting a certified copy of the ordinance or resolution
13 to the fund no later than June 1 of the calendar year following
14 the calendar year in which this amendatory Act takes effect.

15 (Source: P.A. 96-1084, eff. 7-16-10; 96-1140, eff. 7-21-10;
16 revised 9-16-10.)

17 (40 ILCS 5/7-173) (from Ch. 108 1/2, par. 7-173)

18 Sec. 7-173. Contributions by employees.

19 (a) Each participating employee shall make contributions
20 to the fund as follows:

21 1. For retirement annuity purposes, normal
22 contributions of 3 3/4% of earnings.

23 2. Additional contributions of such percentages of
24 each payment of earnings, as shall be elected by the
25 employee for retirement annuity purposes, but not in excess

1 of 10%. The selected rate shall be applicable to all
2 earnings paid following receipt by the Board of written
3 notice of election to make such contributions. Additional
4 contributions at the selected rate shall be made
5 concurrently with normal contributions.

6 3. Survivor contributions, by each participating
7 employee, of 3/4% of each payment of earnings.

8 (b) Each employee shall make contributions for Federal
9 Social Security taxes, for periods during which he is a covered
10 employee, as required by the Social Security Enabling Act and
11 State and federal law. For participating employees, such
12 contributions shall be in addition to those required under
13 paragraph (a) of this Section.

14 (c) Contributions shall be deducted from each
15 corresponding payment of earnings paid to each employee and
16 shall be remitted to the board by the participating
17 municipality or participating instrumentality making such
18 payment. The remittance, together with a report of the earnings
19 and contributions shall be made as directed by the board. For
20 township treasurers and employees of township treasurers
21 qualifying as employees hereunder, the contributions herein
22 required as deductions from salary shall be withheld by the
23 school township trustees from funds available for the payment
24 of the compensation of such treasurers and employees as
25 provided in the School Code and remitted to the board.

26 (d) An employee who has made additional contributions under

1 paragraph (a)2 of this Section may upon retirement or at any
2 time prior thereto, elect to withdraw the total of such
3 additional contributions including interest credited thereon
4 to the end of the preceding calendar year.

5 (e) Failure to make the deductions for employee
6 contributions provided in paragraph (c) of this Section shall
7 not relieve the employee from liability for such contributions.
8 The amount of such liability may be deducted, with interest
9 charged under Section 7-209, from any annuities or benefits
10 payable hereunder to the employee or any other person receiving
11 an annuity or benefit by reason of such employee's
12 participation.

13 (f) A participating employee who has at least 40 years of
14 creditable service in the Fund may elect to cease making the
15 contributions required under this Section. The status of the
16 employee under this Article shall be unaffected by this
17 election, except that the employee shall not receive any
18 additional creditable service for the periods of employment
19 following the election. An election under this subsection
20 relieves the employer from making additional employer
21 contributions in relation to that employee.

22 (Source: P.A. 96-1084, eff. 7-16-10; 96-1258, eff. 7-23-10;
23 revised 9-2-10.)

24 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

25 Sec. 14-104. Service for which contributions permitted.

1 Contributions provided for in this Section shall cover the
2 period of service granted. Except as otherwise provided in this
3 Section, the contributions shall be based upon the employee's
4 compensation and contribution rate in effect on the date he
5 last became a member of the System; provided that for all
6 employment prior to January 1, 1969 the contribution rate shall
7 be that in effect for a noncovered employee on the date he last
8 became a member of the System. Except as otherwise provided in
9 this Section, contributions permitted under this Section shall
10 include regular interest from the date an employee last became
11 a member of the System to the date of payment.

12 These contributions must be paid in full before retirement
13 either in a lump sum or in installment payments in accordance
14 with such rules as may be adopted by the board.

15 (a) Any member may make contributions as required in this
16 Section for any period of service, subsequent to the date of
17 establishment, but prior to the date of membership.

18 (b) Any employee who had been previously excluded from
19 membership because of age at entry and subsequently became
20 eligible may elect to make contributions as required in this
21 Section for the period of service during which he was
22 ineligible.

23 (c) An employee of the Department of Insurance who, after
24 January 1, 1944 but prior to becoming eligible for membership,
25 received salary from funds of insurance companies in the
26 process of rehabilitation, liquidation, conservation or

1 dissolution, may elect to make contributions as required in
2 this Section for such service.

3 (d) Any employee who rendered service in a State office to
4 which he was elected, or rendered service in the elective
5 office of Clerk of the Appellate Court prior to the date he
6 became a member, may make contributions for such service as
7 required in this Section. Any member who served by appointment
8 of the Governor under the Civil Administrative Code of Illinois
9 and did not participate in this System may make contributions
10 as required in this Section for such service.

11 (e) Any person employed by the United States government or
12 any instrumentality or agency thereof from January 1, 1942
13 through November 15, 1946 as the result of a transfer from
14 State service by executive order of the President of the United
15 States shall be entitled to prior service credit covering the
16 period from January 1, 1942 through December 31, 1943 as
17 provided for in this Article and to membership service credit
18 for the period from January 1, 1944 through November 15, 1946
19 by making the contributions required in this Section. A person
20 so employed on January 1, 1944 but whose employment began after
21 January 1, 1942 may qualify for prior service and membership
22 service credit under the same conditions.

23 (f) An employee of the Department of Labor of the State of
24 Illinois who performed services for and under the supervision
25 of that Department prior to January 1, 1944 but who was
26 compensated for those services directly by federal funds and

1 not by a warrant of the Auditor of Public Accounts paid by the
2 State Treasurer may establish credit for such employment by
3 making the contributions required in this Section. An employee
4 of the Department of Agriculture of the State of Illinois, who
5 performed services for and under the supervision of that
6 Department prior to June 1, 1963, but was compensated for those
7 services directly by federal funds and not paid by a warrant of
8 the Auditor of Public Accounts paid by the State Treasurer, and
9 who did not contribute to any other public employee retirement
10 system for such service, may establish credit for such
11 employment by making the contributions required in this
12 Section.

13 (g) Any employee who executed a waiver of membership within
14 60 days prior to January 1, 1944 may, at any time while in the
15 service of a department, file with the board a rescission of
16 such waiver. Upon making the contributions required by this
17 Section, the member shall be granted the creditable service
18 that would have been received if the waiver had not been
19 executed.

20 (h) Until May 1, 1990, an employee who was employed on a
21 full-time basis by a regional planning commission for at least
22 5 continuous years may establish creditable service for such
23 employment by making the contributions required under this
24 Section, provided that any credits earned by the employee in
25 the commission's retirement plan have been terminated.

26 (i) Any person who rendered full time contractual services

1 to the General Assembly as a member of a legislative staff may
2 establish service credit for up to 8 years of such services by
3 making the contributions required under this Section, provided
4 that application therefor is made not later than July 1, 1991.

5 (j) By paying the contributions otherwise required under
6 this Section, plus an amount determined by the Board to be
7 equal to the employer's normal cost of the benefit plus
8 interest, but with all of the interest calculated from the date
9 the employee last became a member of the System or November 19,
10 1991, whichever is later, to the date of payment, an employee
11 may establish service credit for a period of up to 4 years
12 spent in active military service for which he does not qualify
13 for credit under Section 14-105, provided that (1) he was not
14 dishonorably discharged from such military service, and (2) the
15 amount of service credit established by a member under this
16 subsection (j), when added to the amount of military service
17 credit granted to the member under subsection (b) of Section
18 14-105, shall not exceed 5 years. The change in the manner of
19 calculating interest under this subsection (j) made by this
20 amendatory Act of the 92nd General Assembly applies to credit
21 purchased by an employee on or after its effective date and
22 does not entitle any person to a refund of contributions or
23 interest already paid. In compliance with Section 14-152.1 of
24 this Act concerning new benefit increases, any new benefit
25 increase as a result of the changes to this subsection (j) made
26 by Public Act 95-483 is funded through the employee

1 contributions provided for in this subsection (j). Any new
2 benefit increase as a result of the changes made to this
3 subsection (j) by Public Act 95-483 is exempt from the
4 provisions of subsection (d) of Section 14-152.1.

5 (k) An employee who was employed on a full-time basis by
6 the Illinois State's Attorneys Association Statewide Appellate
7 Assistance Service LEAA-ILEC grant project prior to the time
8 that project became the State's Attorneys Appellate Service
9 Commission, now the Office of the State's Attorneys Appellate
10 Prosecutor, an agency of State government, may establish
11 creditable service for not more than 60 months service for such
12 employment by making contributions required under this
13 Section.

14 (l) By paying the contributions otherwise required under
15 this Section, plus an amount determined by the Board to be
16 equal to the employer's normal cost of the benefit plus
17 interest, a member may establish service credit for periods of
18 less than one year spent on authorized leave of absence from
19 service, provided that (1) the period of leave began on or
20 after January 1, 1982 and (2) any credit established by the
21 member for the period of leave in any other public employee
22 retirement system has been terminated. A member may establish
23 service credit under this subsection for more than one period
24 of authorized leave, and in that case the total period of
25 service credit established by the member under this subsection
26 may exceed one year. In determining the contributions required

1 for establishing service credit under this subsection, the
2 interest shall be calculated from the beginning of the leave of
3 absence to the date of payment.

4 (l-5) By paying the contributions otherwise required under
5 this Section, plus an amount determined by the Board to be
6 equal to the employer's normal cost of the benefit plus
7 interest, a member may establish service credit for periods of
8 up to 2 years spent on authorized leave of absence from
9 service, provided that during that leave the member represented
10 or was employed as an officer or employee of a statewide labor
11 organization that represents members of this System. In
12 determining the contributions required for establishing
13 service credit under this subsection, the interest shall be
14 calculated from the beginning of the leave of absence to the
15 date of payment.

16 (m) Any person who rendered contractual services to a
17 member of the General Assembly as a worker in the member's
18 district office may establish creditable service for up to 3
19 years of those contractual services by making the contributions
20 required under this Section. The System shall determine a
21 full-time salary equivalent for the purpose of calculating the
22 required contribution. To establish credit under this
23 subsection, the applicant must apply to the System by March 1,
24 1998.

25 (n) Any person who rendered contractual services to a
26 member of the General Assembly as a worker providing

1 constituent services to persons in the member's district may
2 establish creditable service for up to 8 years of those
3 contractual services by making the contributions required
4 under this Section. The System shall determine a full-time
5 salary equivalent for the purpose of calculating the required
6 contribution. To establish credit under this subsection, the
7 applicant must apply to the System by March 1, 1998.

8 (o) A member who participated in the Illinois Legislative
9 Staff Internship Program may establish creditable service for
10 up to one year of that participation by making the contribution
11 required under this Section. The System shall determine a
12 full-time salary equivalent for the purpose of calculating the
13 required contribution. Credit may not be established under this
14 subsection for any period for which service credit is
15 established under any other provision of this Code.

16 (p) By paying the contributions otherwise required under
17 this Section, plus an amount determined by the Board to be
18 equal to the employer's normal cost of the benefit plus
19 interest, a member may establish service credit for a period of
20 up to 8 years during which he or she was employed by the
21 Visually Handicapped Managers of Illinois in a vending program
22 operated under a contractual agreement with the Department of
23 Rehabilitation Services or its successor agency.

24 This subsection (p) applies without regard to whether the
25 person was in service on or after the effective date of this
26 amendatory Act of the 94th General Assembly. In the case of a

1 person who is receiving a retirement annuity on that effective
2 date, the increase, if any, shall begin to accrue on the first
3 annuity payment date following receipt by the System of the
4 contributions required under this subsection (p).

5 (q) By paying the required contributions under this
6 Section, plus an amount determined by the Board to be equal to
7 the employer's normal cost of the benefit plus interest, an
8 employee who was laid off but returned to any State employment
9 may establish creditable service for the period of the layoff,
10 provided that (1) the applicant applies for the creditable
11 service under this subsection (q) within 6 months after July
12 27, 2010 (the effective date of Public Act 96-1320) ~~this~~
13 ~~amendatory Act of the 96th General Assembly~~, (2) the applicant
14 does not receive credit for that period under any other
15 provision of this Code, (3) at the time of the layoff, the
16 applicant is not in an initial probationary status consistent
17 with the rules of the Department of Central Management
18 Services, and (4) the total amount of creditable service
19 established by the applicant under this subsection (q) does not
20 exceed 3 years. For service established under this subsection
21 (q), the required employee contribution shall be based on the
22 rate of compensation earned by the employee on the date of
23 returning to employment after the layoff and the contribution
24 rate then in effect, and the required interest shall be
25 calculated at the actuarially assumed rate from the date of
26 returning to employment after the layoff to the date of

1 payment. Funding for any new benefit increase, as defined in
2 Section 14-152.1 of this Act, that is created under this
3 subsection (q) will be provided by the employee contributions
4 required under this subsection (q).

5 (r) A member who participated in the University of Illinois
6 Government Public Service Internship Program (GPSI) may
7 establish creditable service for up to 2 years of that
8 participation by making the contribution required under this
9 Section, plus an amount determined by the Board to be equal to
10 the employer's normal cost of the benefit plus interest. The
11 System shall determine a full-time salary equivalent for the
12 purpose of calculating the required contribution. Credit may
13 not be established under this subsection for any period for
14 which service credit is established under any other provision
15 of this Code.

16 (s) A member who worked as a nurse under a contractual
17 agreement for the Department of Public Aid, or its successor
18 agency, the Department of Human Services, in the Client
19 Assessment Unit and was subsequently determined to be a State
20 employee by the United States Internal Revenue Service and the
21 Illinois Labor Relations Board may establish creditable
22 service for those contractual services by making the
23 contributions required under this Section. To establish credit
24 under this subsection, the applicant must apply to the System
25 by July 1, 2008.

26 The Department of Human Services shall pay an employer

1 contribution based upon an amount determined by the Board to be
2 equal to the employer's normal cost of the benefit, plus
3 interest.

4 In compliance with Section 14-152.1 added by Public Act
5 94-4, the cost of the benefits provided by Public Act 95-583
6 are offset by the required employee and employer contributions.

7 (t) Any person who rendered contractual services on a
8 full-time basis to the Illinois Institute of Natural Resources
9 and the Illinois Department of Energy and Natural Resources may
10 establish creditable service for up to 4 years of those
11 contractual services by making the contributions required
12 under this Section, plus an amount determined by the Board to
13 be equal to the employer's normal cost of the benefit plus
14 interest at the actuarially assumed rate from the first day of
15 the service for which credit is being established to the date
16 of payment. To establish credit under this subsection (t), the
17 applicant must apply to the System within 6 months after July
18 27, 2010 ~~August 28, 2009~~ (the effective date of Public Act
19 96-1320 ~~96-775~~) ~~this amendatory Act of the 96th General~~
20 ~~Assembly.~~

21 (u) A member may establish creditable service and earnings
22 credit for a period of voluntary or involuntary furlough, not
23 exceeding 5 days, beginning on or after July 1, 2008 and ending
24 on or before June 30, 2009, that is utilized as a means of
25 addressing a State fiscal emergency. To receive this credit,
26 the member must apply in writing to the System before July 1,

1 2012, and make contributions required under this Section, plus
2 an amount determined by the Board to be equal to the employer's
3 normal cost of the benefit, plus interest at the actuarially
4 assumed rate.

5 A member may establish creditable service and earnings
6 credit for a period of voluntary or involuntary furlough, not
7 exceeding 24 days, beginning on or after July 1, 2009 and
8 ending on or before June 30, 2011, that is utilized as a means
9 of addressing a State fiscal emergency. To receive this credit,
10 the member must, before December 31, 2011, (i) apply in writing
11 to the System and (ii) make the contributions required under
12 this Section, plus an amount determined by the Board to be
13 equal to the employer's normal cost of the benefit, plus
14 interest at the actuarially assumed rate.

15 (v) Any member who rendered full-time contractual services
16 to an Illinois Veterans Home operated by the Department of
17 Veterans' Affairs may establish service credit for up to 8
18 years of such services by making the contributions required
19 under this Section, plus an amount determined by the Board to
20 be equal to the employer's normal cost of the benefit, plus
21 interest at the actuarially assumed rate. To establish credit
22 under this subsection, the applicant must apply to the System
23 no later than 6 months after July 27, 2010 ~~2009~~ (the effective
24 date of Public Act 96-1320 ~~96-97~~) ~~this amendatory Act of the~~
25 ~~96th General Assembly.~~

26 (Source: P.A. 95-483, eff. 8-28-07; 95-583, eff. 8-31-07;

1 95-652, eff. 10-11-07; 95-876, eff. 8-21-08; 96-97, eff.
2 7-27-09; 96-718, eff. 8-25-09; 96-775, eff. 8-28-09; 96-961,
3 eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1320, eff. 7-27-10;
4 revised 9-16-10.)

5 (40 ILCS 5/21-102) (from Ch. 108 1/2, par. 21-102)

6 Sec. 21-102. Terms defined. For the purposes of this
7 Article, the terms defined in the Section following this
8 Section and preceding Section 21-103 ~~Sections 21-102.1 through~~
9 ~~21-102.19~~ shall have the meanings ascribed to them, except when
10 the context otherwise requires.

11 (Source: P.A. 84-1472; revised 9-16-10.)

12 Section 150. The Local Government Energy Conservation Act
13 is amended by changing Section 3 as follows:

14 (50 ILCS 515/3)

15 Sec. 3. Applicable laws. Other State laws and related
16 administrative requirements apply to this Act, including, but
17 not limited to, the following laws and related administrative
18 requirements: the Illinois Human Rights Act, the Prevailing
19 Wage Act, the Public Construction Bond Act, the Public Works
20 Preference Act (repealed on June 16, 2010 by Public Act
21 96-929), the Employment of Illinois Workers on Public Works
22 Act, the Freedom of Information Act, the Open Meetings Act, the
23 Illinois Architecture Practice Act of 1989, the Professional

1 Engineering Practice Act of 1989, the Structural Engineering
2 Practice Act of 1989, the Local Government Professional
3 Services Selection Act, and the Contractor Unified License and
4 Permit Bond Act.

5 (Source: P.A. 94-1062, eff. 7-31-06; revised 10-19-10.)

6 Section 155. The Counties Code is amended by changing
7 Section 4-12001.1 and the heading of Division 5-43 as follows:

8 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

9 Sec. 4-12001.1. Fees of sheriff in third class counties;
10 local governments and school districts. The officers herein
11 named, in counties of the third class, shall be entitled to
12 receive the fees herein specified from all units of local
13 government ~~governments~~ and school districts, for the services
14 mentioned and such other fees as may be provided by law for
15 such other services not herein designated.

16 Fees for Sheriff

17 For serving or attempting to serve any summons on each
18 defendant, \$25.

19 For serving or attempting to serve each alias summons or
20 other process mileage will be charged as hereinafter provided
21 when the address for service differs from the address for
22 service on the original summons or other process.

23 For serving or attempting to serve all other process, on
24 each defendant, \$25.

1 For serving or attempting to serve a subpoena on each
2 witness, \$25.

3 For serving or attempting to serve each warrant, \$25.

4 For serving or attempting to serve each garnishee, \$25.

5 For summoning each juror, \$4.

6 For serving or attempting to serve each order or judgment
7 for replevin, \$25.

8 For serving or attempting to serve an order for attachment,
9 on each defendant, \$25.

10 For serving or attempting to serve an order or judgment for
11 the possession of real estate in an action of ejectment or in
12 any other action, or for restitution in an action of forcible
13 entry and detainer, without aid, \$9, and when aid is necessary,
14 the sheriff shall be allowed to tax in addition the actual
15 costs thereof.

16 For serving or attempting to serve notice of judgment, \$25.

17 For levying to satisfy an order in an action for
18 attachment, \$25.

19 For executing order of court to seize personal property,
20 \$25.

21 For making certificate of levy on real estate and filing or
22 recording same, \$3, and the fee for filing or recording shall
23 be advanced by the plaintiff in attachment or by the judgment
24 creditor and taxed as costs. For taking possession of or
25 removing property levied on, the sheriff shall be allowed to
26 tax the necessary actual costs of such possession or removal.

1 For advertising property for sale, \$3.

2 For making certificate of sale and making and filing
3 duplicate for record, \$3, and the fee for recording same shall
4 be advanced by the judgment creditor and taxed as costs.

5 For preparing, executing and acknowledging deed on
6 redemption from a court sale of real estate, \$6; for preparing,
7 executing and acknowledging all other deeds on sale of real
8 estate, \$4.

9 For making and filing certificate of redemption, \$3.50, and
10 the fee for recording same shall be advanced by party making
11 the redemption and taxed as costs.

12 For making and filing certificate of redemption from a
13 court sale, \$4.50, and the fee for recording same shall be
14 advanced by the party making the redemption and taxed as costs.

15 For taking all bonds on legal process, \$2.

16 For taking special bail, \$2.

17 For returning each process, \$5.

18 Mileage for service or attempted service of all process is
19 a \$10 flat fee.

20 For attending before a court with a prisoner on an order
21 for habeas corpus, \$3.50 per day.

22 For executing requisitions from other States, \$5.

23 For conveying each prisoner from the prisoner's county to
24 the jail of another county, per mile for going only, 25¢.

25 For committing to or discharging each prisoner from jail,
26 \$1.

1 For feeding each prisoner, such compensation to cover
2 actual costs as may be fixed by the county board, but such
3 compensation shall not be considered a part of the fees of the
4 office.

5 For committing each prisoner to jail under the laws of the
6 United States, to be paid by the marshal or other person
7 requiring his confinement, \$1.

8 For feeding such prisoners per day, \$1, to be paid by the
9 marshal or other person requiring the prisoner's confinement.

10 For discharging such prisoners, \$1.

11 For conveying persons to the penitentiary, reformatories,
12 Illinois State Training School for Boys, Illinois State
13 Training School for Girls, Reception Centers and Illinois
14 Security Hospital, the following fees, payable out of the State
15 Treasury. When one person is conveyed, 15¢ per mile in going to
16 the penitentiary, reformatories, Illinois State Training
17 School for Boys, Illinois State Training School for Girls,
18 Reception Centers and Illinois Security Hospital from the place
19 of conviction; when 2 persons are conveyed at the same time,
20 15¢ per mile for the first and 10¢ per mile for the second
21 person; when more than 2 persons are conveyed at the same time
22 as stated above, the sheriff shall be allowed 15¢ per mile for
23 the first, 10¢ per mile for the second and 5¢ per mile for each
24 additional person.

25 The fees provided for herein for transporting persons to
26 the penitentiary, reformatories, Illinois State Training

1 School for Boys, Illinois State Training School for Girls,
2 Reception Centers and Illinois Security Hospital, shall be paid
3 for each trip so made. Mileage as used in this Section means
4 the shortest route on a hard surfaced road, (either State Bond
5 Issue Route or Federal highways) or railroad, whichever is
6 shorter, between the place from which the person is to be
7 transported, to the penitentiary, reformatories, Illinois
8 State Training School for Boys, Illinois State Training School
9 for Girls, Reception Centers and Illinois Security Hospital,
10 and all fees per mile shall be computed on such basis.

11 In addition to the above fees, there shall be allowed to
12 the sheriff a fee of \$600 for the sale of real estate which
13 shall be made by virtue of any judgment of a court. In addition
14 to this fee and all other fees provided by this Section, there
15 shall be allowed to the sheriff a fee in accordance with the
16 following schedule for the sale of personal estate which is
17 made by virtue of any judgment of a court:

18 For judgments up to \$1,000, \$90;

19 For judgments over \$1,000 to \$15,000, \$275;

20 For judgments over \$15,000, \$400.

21 In all cases where the judgment is settled by the parties,
22 replevied, stopped by injunction or paid, or where the property
23 levied upon is not actually sold, the sheriff shall be allowed
24 the fee for levying and mileage, together with half the fee for
25 all money collected by him or her which he or she would be
26 entitled to if the same were made by sale in the enforcement of

1 a judgment. In no case shall the fee exceed the amount of money
2 arising from the sale.

3 All fees collected under Sections 4-12001 and 4-12001.1
4 must be used for public safety purposes only.

5 (Source: P.A. 94-1104, eff. 6-1-07; revised 9-16-10.)

6 (55 ILCS 5/Div. 5-43 heading)

7 Division 5-43. Administrative Adjudication -
8 Specified Counties

9 (Source: P.A. 96-1386, eff. 7-29-10; revised 9-28-10.)

10 Section 160. The Township Code is amended by changing
11 Section 30-117 as follows:

12 (60 ILCS 1/30-117)

13 Sec. 30-117. Special services; disaster relief. The
14 electors may authorize the use of permanent road funds, general
15 road and bridge funds, or town funds for the purpose of
16 collecting, transporting, and disposing of brush and leaves
17 generated from those properties contiguous to roads as defined
18 by Section 2-103 of the Illinois Highway Code. Further, the
19 electors may allow general road and bridge or town funds to
20 also be used for the purpose of providing disaster relief and
21 support services approved by the Township Board of Trustees at
22 a regularly scheduled or special meeting.

23 (Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03;

1 revised 11-1-10.)

2 Section 165. The Illinois Municipal Code is amended by
3 changing Sections 7-1-13, 7-3-6, 8-4-1, 8-11-1.3, 8-11-1.4,
4 11-74.3-2, 11-74.3-3, 11-74.3-5, 11-74.3-6, and 11-74.4-4 as
5 follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

7 Sec. 7-1-13. Annexation.

8 (a) Whenever any unincorporated territory containing 60
9 acres or less, is wholly bounded by (a) one or more
10 municipalities, (b) one or more municipalities and a creek in a
11 county with a population of 400,000 or more, or one or more
12 municipalities and a river or lake in any county, (c) one or
13 more municipalities and the Illinois State boundary, (d) except
14 as provided in item (h) of this subsection (a), one or more
15 municipalities and property owned by the State of Illinois,
16 except highway right-of-way owned in fee by the State, (e) one
17 or more municipalities and a forest preserve district or park
18 district, (f) if the territory is a triangular parcel of less
19 than 10 acres, one or more municipalities and an interstate
20 highway owned in fee by the State and bounded by a frontage
21 road, (g) one or more municipalities in a county with a
22 population of more than 800,000 inhabitants and less than
23 2,000,000 inhabitants and either a railroad or operating
24 property, as defined in the Property Tax Code (35 ILCS

1 200/11-70), being immediately adjacent to, but exclusive of
2 that railroad property, or (h) one or more municipalities
3 located within a county with a population of more than 800,000
4 inhabitants and less than 2,000,000 inhabitants and property
5 owned by the State, including without limitation a highway
6 right-of-way owned in fee by the State, that territory may be
7 annexed by any municipality by which it is bounded in whole or
8 in part, by the passage of an ordinance to that effect after
9 notice is given as provided in subsection (b) of this Section,
10 ~~or (h) one or more municipalities located within a county with~~
11 ~~a population of more than 800,000 inhabitants and less than~~
12 ~~2,000,000 inhabitants and property owned by the State,~~
13 ~~including without limitation a highway right-of-way owned in~~
14 ~~fee by the State.~~ Land or property that is used for
15 agricultural purposes or to produce agricultural goods shall
16 not be annexed pursuant to item (g). Nothing in this Section
17 shall subject any railroad property to the zoning or
18 jurisdiction of any municipality annexing the property under
19 this Section. The ordinance shall describe the territory
20 annexed and a copy thereof together with an accurate map of the
21 annexed territory shall be recorded in the office of the
22 recorder of the county wherein the annexed territory is
23 situated and a document of annexation shall be filed with the
24 county clerk and County Election Authority. Nothing in this
25 Section shall be construed as permitting a municipality to
26 annex territory of a forest preserve district in a county with

1 a population of 3,000,000 or more without obtaining the consent
2 of the district pursuant to Section 8.3 of the Cook County
3 Forest Preserve District Act nor shall anything in this Section
4 be construed as permitting a municipality to annex territory
5 owned by a park district without obtaining the consent of the
6 district pursuant to Section 8-1.1 of the Park District Code.

7 (b) The corporate authorities shall cause notice, stating
8 that annexation of the territory described in the notice is
9 contemplated under this Section, to be published once, in a
10 newspaper of general circulation within the territory to be
11 annexed, not less than 10 days before the passage of the
12 annexation ordinance, and for land annexed pursuant to item (g)
13 of subsection (a) of this Section, notice shall be given to the
14 impacted land owners. The corporate authorities shall also, not
15 less than 15 days before the passage of the annexation
16 ordinance, serve written notice, either in person or, at a
17 minimum, by certified mail, on the taxpayer of record of the
18 proposed annexed territory as appears from the authentic tax
19 records of the county. When the territory to be annexed lies
20 wholly or partially within a township other than the township
21 where the municipality is situated, the annexing municipality
22 shall give at least 10 days prior written notice of the time
23 and place of the passage of the annexation ordinance to the
24 township supervisor of the township where the territory to be
25 annexed lies. If the territory to be annexed lies within the
26 unincorporated area of a county, then the annexing municipality

1 shall give at least 10 days' prior written notice of the time
2 and place of the passage of the annexation ordinance to the
3 corporate authorities of the county where the territory to be
4 annexed lies.

5 (c) When notice is given as described in subsection (b) of
6 this Section, no other municipality may annex the proposed
7 territory for a period of 60 days from the date the notice is
8 mailed or delivered to the taxpayer of record unless that other
9 municipality has initiated annexation proceedings or a valid
10 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12
11 of this Code has been received by the municipality prior to the
12 publication and mailing of the notices required in subsection
13 (b).

14 (Source: P.A. 95-931, eff. 1-1-09; 95-1039, eff. 3-25-09;
15 96-1000, eff. 7-2-10; 96-1048, eff. 7-14-10; 96-1049, eff.
16 7-14-10; revised 9-16-10.)

17 (65 ILCS 5/7-3-6) (from Ch. 24, par. 7-3-6)

18 Sec. 7-3-6. The owner or owners of record of any area of
19 land consisting of one or more tracts, lying within the
20 corporate limits of any municipality may have such territory
21 disconnected which (1) contains 20 or more acres; (2) is
22 located on the border of the municipality; (3) if disconnected,
23 will not result in the isolation of any part of the
24 municipality from the remainder of the municipality;~~;~~ (4) if
25 disconnected, the growth prospects and plan and zoning

1 ordinances, if any, of such municipality will not be
2 unreasonably disrupted;17 (5) if disconnected, no substantial
3 disruption will result to existing municipal service
4 facilities, such as, but not limited to, sewer systems, street
5 lighting, water mains, garbage collection,1 and fire
6 protection;17 (6) if disconnected,1 the municipality will not be
7 unduly harmed through loss of tax revenue in the future. The
8 procedure for disconnection shall be as follows: The owner or
9 owners of record of any such area of land shall file a petition
10 in the circuit court of the county where the land is situated,
11 alleging facts in support of the disconnection. The
12 municipality from which disconnection is sought shall be made a
13 defendant, and it, or any taxpayer residing in that
14 municipality, may appear and defend against the petition. If
15 the court finds that the allegations of the petition are true
16 and that the area of land is entitled to disconnection it shall
17 order the specified land disconnected from the designated
18 municipality. If the circuit court finds that the allegations
19 contained in the petition are not true, the court shall enter
20 an order dismissing the petition.

21 An area of land, or any part thereof, disconnected under
22 the provisions of this Section from a municipality which was
23 incorporated at least 2 years prior to the date of the filing
24 of such petition for disconnection shall not be subdivided into
25 lots and blocks within one ± year from the date of such
26 disconnecting. A plat of any such proposed subdivision shall

1 not be accepted for recording or registration within such one
2 year period, unless the land comprising such proposed
3 subdivision shall have been thereafter incorporated into a
4 municipality.

5 (Source: P.A. 83-1362; revised 10-5-10.)

6 (65 ILCS 5/8-4-1) (from Ch. 24, par. 8-4-1)

7 Sec. 8-4-1. No bonds shall be issued by the corporate
8 authorities of any municipality until the question of
9 authorizing such bonds has been submitted to the electors of
10 that municipality provided that notice of the bond referendum,
11 if held before July 1, 1999, has been given in accordance with
12 the provisions of Section 12-5 of the Election Code in effect
13 at the time of the bond referendum, at least 10 and not more
14 than 45 days before the date of the election, notwithstanding
15 the time for publication otherwise imposed by Section 12-5, and
16 approved by a majority of the electors voting upon that
17 question. Notices required in connection with the submission of
18 public questions on or after July 1, 1999 shall be as set forth
19 in Section 12-5 of the Election Code. The clerk shall certify
20 the proposition of the corporate authorities to the proper
21 election authority who shall submit the question at an election
22 in accordance with the general election law, subject to the
23 notice provisions set forth in this Section.

24 Notice of any such election shall contain the amount of the
25 bond issue, purpose for which issued, and maximum rate of

1 interest.

2 However, without the submission of the question of issuing
3 bonds to the electors, the corporate authorities of any
4 municipality may authorize the issuance of any of the following
5 bonds:

6 (1) Bonds to refund any existing bonded indebtedness;

7 (2) Bonds to fund or refund any existing judgment
8 indebtedness;

9 (3) In any municipality of less than 500,000 population,
10 bonds to anticipate the collection of installments of special
11 assessments and special taxes against property owned by the
12 municipality and to anticipate the collection of the amount
13 apportioned to the municipality as public benefits under
14 Article 9;

15 (4) Bonds issued by any municipality under Sections 8-4-15
16 through 8-4-23, 11-23-1 through 11-23-12, 11-25-1 through
17 11-26-6, 11-71-1 through 11-71-10, 11-74.3-1 through
18 11-74.3-7, 11-74.4-1 through 11-74.4-11, 11-74.5-1 through
19 11-74.5-15, 11-94-1 through 11-94-7, 11-102-1 through
20 11-102-10, 11-103-11 through 11-103-15, 11-118-1 through
21 11-118-6, 11-119-1 through 11-119-5, 11-129-1 through
22 11-129-7, 11-133-1 through 11-133-4, 11-139-1 through
23 11-139-12, 11-141-1 through 11-141-18 of this Code or 10-801
24 through 10-808 of the Illinois Highway Code, as amended;

25 (5) Bonds issued by the board of education of any school
26 district under the provisions of Sections 34-30 through 34-36

1 of The School Code, as amended;

2 (6) Bonds issued by any municipality under the provisions
3 of Division 6 of this Article 8; and by any municipality under
4 the provisions of Division 7 of this Article 8; or under the
5 provisions of Sections 11-121-4 and 11-121-5;

6 (7) Bonds to pay for the purchase of voting machines by any
7 municipality that has adopted Article 24 of The Election Code,
8 approved May 11, 1943, as amended;

9 (8) Bonds issued by any municipality under Sections 15 and
10 46 of the "Environmental Protection Act", approved June 29,
11 1970;

12 (9) Bonds issued by the corporate authorities of any
13 municipality under the provisions of Section 8-4-25 of this
14 Article 8;

15 (10) Bonds issued under Section 8-4-26 of this Article 8 by
16 any municipality having a board of election commissioners;

17 (11) Bonds issued under the provisions of "An Act to
18 provide the manner of levying or imposing taxes for the
19 provision of special services to areas within the boundaries of
20 home rule units and nonhome rule municipalities and counties",
21 approved September 21, 1973;

22 (12) Bonds issued under Section 8-5-16 of this Code;

23 (13) Bonds to finance the cost of the acquisition,
24 construction or improvement of water or wastewater treatment
25 facilities mandated by an enforceable compliance schedule
26 developed in connection with the federal Clean Water Act or a

1 compliance order issued by the United States Environmental
2 Protection Agency or the Illinois Pollution Control Board;
3 provided that such bonds are authorized by an ordinance adopted
4 by a three-fifths majority of the corporate authorities of the
5 municipality issuing the bonds which ordinance shall specify
6 that the construction or improvement of such facilities is
7 necessary to alleviate an emergency condition in such
8 municipality;

9 (14) Bonds issued by any municipality pursuant to Section
10 11-113.1-1;

11 (15) Bonds issued under Sections 11-74.6-1 through
12 11-74.6-45, the Industrial Jobs Recovery Law of this Code;~~:-~~

13 (16) Bonds issued under the Innovation Development and
14 Economy Act, except as may be required by Section 35 of that
15 Act.

16 (Source: P.A. 96-939, eff. 6-24-10; 96-1394, eff. 7-29-10;
17 revised 9-2-10.)

18 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

19 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
20 Occupation Tax Act. The corporate authorities of a non-home
21 rule municipality may impose a tax upon all persons engaged in
22 the business of selling tangible personal property, other than
23 on an item of tangible personal property which is titled and
24 registered by an agency of this State's Government, at retail
25 in the municipality for expenditure on public infrastructure or

1 for property tax relief or both as defined in Section 8-11-1.2
2 if approved by referendum as provided in Section 8-11-1.1, of
3 the gross receipts from such sales made in the course of such
4 business. If the tax is approved by referendum on or after July
5 14, 2010 (the effective date of Public Act 96-1057) ~~this~~
6 ~~amendatory Act of the 96th General Assembly~~, the corporate
7 authorities of a non-home rule municipality may, until December
8 31, 2015, use the proceeds of the tax for expenditure on
9 municipal operations, in addition to or in lieu of any
10 expenditure on public infrastructure or for property tax
11 relief. The tax imposed may not be more than 1% and may be
12 imposed only in 1/4% increments. The tax may not be imposed on
13 the sale of food for human consumption that is to be consumed
14 off the premises where it is sold (other than alcoholic
15 beverages, soft drinks, and food that has been prepared for
16 immediate consumption) and prescription and nonprescription
17 medicines, drugs, medical appliances, and insulin, urine
18 testing materials, syringes, and needles used by diabetics. The
19 tax imposed by a municipality pursuant to this Section and all
20 civil penalties that may be assessed as an incident thereof
21 shall be collected and enforced by the State Department of
22 Revenue. The certificate of registration which is issued by the
23 Department to a retailer under the Retailers' Occupation Tax
24 Act shall permit such retailer to engage in a business which is
25 taxable under any ordinance or resolution enacted pursuant to
26 this Section without registering separately with the

1 Department under such ordinance or resolution or under this
2 Section. The Department shall have full power to administer and
3 enforce this Section; to collect all taxes and penalties due
4 hereunder; to dispose of taxes and penalties so collected in
5 the manner hereinafter provided, and to determine all rights to
6 credit memoranda, arising on account of the erroneous payment
7 of tax or penalty hereunder. In the administration of, and
8 compliance with, this Section, the Department and persons who
9 are subject to this Section shall have the same rights,
10 remedies, privileges, immunities, powers and duties, and be
11 subject to the same conditions, restrictions, limitations,
12 penalties and definitions of terms, and employ the same modes
13 of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1d,
14 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
15 therein other than the State rate of tax), 2c, 3 (except as to
16 the disposition of taxes and penalties collected), 4, 5, 5a,
17 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
18 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
19 Section 3-7 of the Uniform Penalty and Interest Act as fully as
20 if those provisions were set forth herein.

21 No municipality may impose a tax under this Section unless
22 the municipality also imposes a tax at the same rate under
23 Section 8-11-1.4 of this Code.

24 Persons subject to any tax imposed pursuant to the
25 authority granted in this Section may reimburse themselves for
26 their seller's tax liability hereunder by separately stating

1 such tax as an additional charge, which charge may be stated in
2 combination, in a single amount, with State tax which sellers
3 are required to collect under the Use Tax Act, pursuant to such
4 bracket schedules as the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this Section to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified, and to the person named, in such notification
10 from the Department. Such refund shall be paid by the State
11 Treasurer out of the non-home rule municipal retailers'
12 occupation tax fund.

13 The Department shall forthwith pay over to the State
14 Treasurer, ex officio, as trustee, all taxes and penalties
15 collected hereunder.

16 As soon as possible after the first day of each month,
17 beginning January 1, 2011, upon certification of the Department
18 of Revenue, the Comptroller shall order transferred, and the
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
20 local sales tax increment, as defined in the Innovation
21 Development and Economy Act, collected under this Section
22 during the second preceding calendar month for sales within a
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,
25 on or before the 25th day of each calendar month, the
26 Department shall prepare and certify to the Comptroller the

1 disbursement of stated sums of money to named municipalities,
2 the municipalities to be those from which retailers have paid
3 taxes or penalties hereunder to the Department during the
4 second preceding calendar month. The amount to be paid to each
5 municipality shall be the amount (not including credit
6 memoranda) collected hereunder during the second preceding
7 calendar month by the Department plus an amount the Department
8 determines is necessary to offset any amounts which were
9 erroneously paid to a different taxing body, and not including
10 an amount equal to the amount of refunds made during the second
11 preceding calendar month by the Department on behalf of such
12 municipality, and not including any amount which the Department
13 determines is necessary to offset any amounts which were
14 payable to a different taxing body but were erroneously paid to
15 the municipality, and not including any amounts that are
16 transferred to the STAR Bonds Revenue Fund. Within 10 days
17 after receipt, by the Comptroller, of the disbursement
18 certification to the municipalities, provided for in this
19 Section to be given to the Comptroller by the Department, the
20 Comptroller shall cause the orders to be drawn for the
21 respective amounts in accordance with the directions contained
22 in such certification.

23 For the purpose of determining the local governmental unit
24 whose tax is applicable, a retail sale, by a producer of coal
25 or other mineral mined in Illinois, is a sale at retail at the
26 place where the coal or other mineral mined in Illinois is

1 extracted from the earth. This paragraph does not apply to coal
2 or other mineral when it is delivered or shipped by the seller
3 to the purchaser at a point outside Illinois so that the sale
4 is exempt under the Federal Constitution as a sale in
5 interstate or foreign commerce.

6 Nothing in this Section shall be construed to authorize a
7 municipality to impose a tax upon the privilege of engaging in
8 any business which under the constitution of the United States
9 may not be made the subject of taxation by this State.

10 When certifying the amount of a monthly disbursement to a
11 municipality under this Section, the Department shall increase
12 or decrease such amount by an amount necessary to offset any
13 misallocation of previous disbursements. The offset amount
14 shall be the amount erroneously disbursed within the previous 6
15 months from the time a misallocation is discovered.

16 The Department of Revenue shall implement this amendatory
17 Act of the 91st General Assembly so as to collect the tax on
18 and after January 1, 2002.

19 As used in this Section, "municipal" and "municipality"
20 means a city, village or incorporated town, including an
21 incorporated town which has superseded a civil township.

22 This Section shall be known and may be cited as the
23 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

24 (Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10;
25 revised 7-22-10.)

1 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

2 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
3 Tax Act. The corporate authorities of a non-home rule
4 municipality may impose a tax upon all persons engaged, in such
5 municipality, in the business of making sales of service for
6 expenditure on public infrastructure or for property tax relief
7 or both as defined in Section 8-11-1.2 if approved by
8 referendum as provided in Section 8-11-1.1, of the selling
9 price of all tangible personal property transferred by such
10 servicemen either in the form of tangible personal property or
11 in the form of real estate as an incident to a sale of service.
12 If the tax is approved by referendum on or after July 14, 2010
13 (the effective date of Public Act 96-1057) ~~this amendatory Act~~
14 ~~of the 96th General Assembly~~, the corporate authorities of a
15 non-home rule municipality may, until December 31, 2015, use
16 the proceeds of the tax for expenditure on municipal
17 operations, in addition to or in lieu of any expenditure on
18 public infrastructure or for property tax relief. The tax
19 imposed may not be more than 1% and may be imposed only in 1/4%
20 increments. The tax may not be imposed on the sale of food for
21 human consumption that is to be consumed off the premises where
22 it is sold (other than alcoholic beverages, soft drinks, and
23 food that has been prepared for immediate consumption) and
24 prescription and nonprescription medicines, drugs, medical
25 appliances, and insulin, urine testing materials, syringes,
26 and needles used by diabetics. The tax imposed by a

1 municipality pursuant to this Section and all civil penalties
2 that may be assessed as an incident thereof shall be collected
3 and enforced by the State Department of Revenue. The
4 certificate of registration which is issued by the Department
5 to a retailer under the Retailers' Occupation Tax Act or under
6 the Service Occupation Tax Act shall permit such registrant to
7 engage in a business which is taxable under any ordinance or
8 resolution enacted pursuant to this Section without
9 registering separately with the Department under such
10 ordinance or resolution or under this Section. The Department
11 shall have full power to administer and enforce this Section;
12 to collect all taxes and penalties due hereunder; to dispose of
13 taxes and penalties so collected in the manner hereinafter
14 provided, and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of tax or penalty
16 hereunder. In the administration of, and compliance with, this
17 Section the Department and persons who are subject to this
18 Section shall have the same rights, remedies, privileges,
19 immunities, powers and duties, and be subject to the same
20 conditions, restrictions, limitations, penalties and
21 definitions of terms, and employ the same modes of procedure,
22 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
23 respect to all provisions therein other than the State rate of
24 tax), 4 (except that the reference to the State shall be to the
25 taxing municipality), 5, 7, 8 (except that the jurisdiction to
26 which the tax shall be a debt to the extent indicated in that

1 Section 8 shall be the taxing municipality), 9 (except as to
2 the disposition of taxes and penalties collected, and except
3 that the returned merchandise credit for this municipal tax may
4 not be taken against any State tax), 10, 11, 12 (except the
5 reference therein to Section 2b of the Retailers' Occupation
6 Tax Act), 13 (except that any reference to the State shall mean
7 the taxing municipality), the first paragraph of Section 15,
8 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
9 Section 3-7 of the Uniform Penalty and Interest Act, as fully
10 as if those provisions were set forth herein.

11 No municipality may impose a tax under this Section unless
12 the municipality also imposes a tax at the same rate under
13 Section 8-11-1.3 of this Code.

14 Persons subject to any tax imposed pursuant to the
15 authority granted in this Section may reimburse themselves for
16 their serviceman's tax liability hereunder by separately
17 stating such tax as an additional charge, which charge may be
18 stated in combination, in a single amount, with State tax which
19 servicemen are authorized to collect under the Service Use Tax
20 Act, pursuant to such bracket schedules as the Department may
21 prescribe.

22 Whenever the Department determines that a refund should be
23 made under this Section to a claimant instead of issuing credit
24 memorandum, the Department shall notify the State Comptroller,
25 who shall cause the order to be drawn for the amount specified,
26 and to the person named, in such notification from the

1 Department. Such refund shall be paid by the State Treasurer
2 out of the municipal retailers' occupation tax fund.

3 The Department shall forthwith pay over to the State
4 Treasurer, ex officio, as trustee, all taxes and penalties
5 collected hereunder.

6 As soon as possible after the first day of each month,
7 beginning January 1, 2011, upon certification of the Department
8 of Revenue, the Comptroller shall order transferred, and the
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
10 local sales tax increment, as defined in the Innovation
11 Development and Economy Act, collected under this Section
12 during the second preceding calendar month for sales within a
13 STAR bond district.

14 After the monthly transfer to the STAR Bonds Revenue Fund,
15 on or before the 25th day of each calendar month, the
16 Department shall prepare and certify to the Comptroller the
17 disbursement of stated sums of money to named municipalities,
18 the municipalities to be those from which suppliers and
19 servicemen have paid taxes or penalties hereunder to the
20 Department during the second preceding calendar month. The
21 amount to be paid to each municipality shall be the amount (not
22 including credit memoranda) collected hereunder during the
23 second preceding calendar month by the Department, and not
24 including an amount equal to the amount of refunds made during
25 the second preceding calendar month by the Department on behalf
26 of such municipality, and not including any amounts that are

1 transferred to the STAR Bonds Revenue Fund. Within 10 days
2 after receipt, by the Comptroller, of the disbursement
3 certification to the municipalities and the General Revenue
4 Fund, provided for in this Section to be given to the
5 Comptroller by the Department, the Comptroller shall cause the
6 orders to be drawn for the respective amounts in accordance
7 with the directions contained in such certification.

8 The Department of Revenue shall implement this amendatory
9 Act of the 91st General Assembly so as to collect the tax on
10 and after January 1, 2002.

11 Nothing in this Section shall be construed to authorize a
12 municipality to impose a tax upon the privilege of engaging in
13 any business which under the constitution of the United States
14 may not be made the subject of taxation by this State.

15 As used in this Section, "municipal" or "municipality"
16 means or refers to a city, village or incorporated town,
17 including an incorporated town which has superseded a civil
18 township.

19 This Section shall be known and may be cited as the
20 "Non-Home Rule Municipal Service Occupation Tax Act".

21 (Source: P.A. 96-939, eff. 6-24-10; 96-1057, eff. 7-14-10;
22 revised 7-22-10.)

23 (65 ILCS 5/11-74.3-2) (from Ch. 24, par. 11-74.3-2)

24 Sec. 11-74.3-2. Procedures to designate business
25 districts; ordinances; notice; hearings.

1 (a) The corporate authorities of a municipality shall by
2 ordinance propose the approval of a business district plan and
3 designation of a business district and shall fix a time and
4 place for a public hearing on the proposals to approve a
5 business district plan and designate a business district.

6 (b) Notice of the public hearing shall be given by
7 publication at least twice, the first publication to be not
8 more than 30 nor less than 10 days prior to the hearing, in a
9 newspaper of general circulation within the municipality. Each
10 notice published pursuant to this Section shall include the
11 following:

12 (1) The time and place of the public hearing;

13 (2) The boundaries of the proposed business district by
14 legal description and, where possible, by street location;

15 (3) A notification that all interested persons will be
16 given an opportunity to be heard at the public hearing;

17 (4) A description of the business district plan if a
18 business district plan is a subject matter of the public
19 hearing;

20 (5) The rate of any tax to be imposed pursuant to
21 subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3;

22 (6) An invitation for any person to submit alternate
23 proposals or bids for any proposed conveyance, lease,
24 mortgage, or other disposition by the municipality of land
25 or rights in land owned by the municipality and located
26 within the proposed business district; and

1 (7) Such other matters as the municipality shall deem
2 appropriate.

3 (c) At the public hearing any interested person may file
4 written objections with the municipal clerk and may be heard
5 orally with respect to any matters embodied in the notice. The
6 municipality shall hear and determine all alternate proposals
7 or bids for any proposed conveyance, lease, mortgage, or other
8 disposition by the municipality of land or rights in land owned
9 by the municipality and located within the proposed business
10 district and all protests and objections at the hearing,
11 provided, however, that the corporate authorities of the
12 municipality may establish reasonable rules regarding the
13 length of time provided to members of the general public. The
14 hearing may be adjourned to another date without further notice
15 other than a motion to be entered upon the minutes fixing the
16 time and place of the adjourned hearing. Public hearings with
17 regard to approval of a business district plan or designation
18 of a business district may be held simultaneously.

19 (d) At the public hearing or at any time prior to the
20 adoption by the municipality of an ordinance approving a
21 business district plan, the municipality may make changes in
22 the business district plan. Changes which do not (i) alter the
23 exterior boundaries of the proposed business district, (ii)
24 substantially affect the general land uses described in the
25 proposed business district plan, (iii) substantially change
26 the nature of any proposed business district project, (iv)

1 change the description of any proposed developer, user, or
2 tenant of any property to be located or improved within the
3 proposed business district, (v) increase the total estimated
4 business district project costs set out in the business
5 district plan by more than 5%, (vi) add additional business
6 district costs to the itemized list of estimated business
7 district costs as proposed in the business district plan, or
8 (vii) impose or increase the rate of any tax to be imposed
9 pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section
10 11-74.3-3 may be made by the municipality without further
11 public hearing, provided the municipality shall give notice of
12 its changes by publication in a newspaper of general
13 circulation within the municipality. Such notice by
14 publication shall be given not later than 30 days following the
15 adoption of an ordinance approving such changes. Changes which
16 (i) alter the exterior boundaries of the proposed business
17 district, (ii) substantially affect the general land uses
18 described in the proposed business district plan, (iii)
19 substantially change the nature of any proposed business
20 district project, (iv) change the description of any proposed
21 developer, user, or tenant of any property to be located or
22 improved within the proposed business district, (v) increase
23 the total estimated business district project costs set out in
24 the business district plan by more than 5%, (vi) add additional
25 business district costs to the itemized list of estimated
26 business district costs as proposed in the business district

1 plan, or (vii) impose or increase the rate of any tax to be
2 imposed pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of
3 Section 11-74.3-3 may be made by the municipality only after
4 the municipality by ordinance fixes a time and place for, gives
5 notice by publication of, and conducts a public hearing
6 pursuant to the procedures set forth hereinabove.

7 (e) By ordinance adopted within 90 days of the final
8 adjournment of the public hearing a municipality may approve
9 the business district plan and designate the business district.
10 Any ordinance adopted which approves a business district plan
11 shall contain findings that the business district on the whole
12 has not been subject to growth and development through
13 investment by private enterprises and would not reasonably be
14 anticipated to be developed or redeveloped without the adoption
15 of the business district plan. Any ordinance adopted which
16 designates a business district shall contain the boundaries of
17 such business district by legal description and, where
18 possible, by street location, a finding that the business
19 district plan conforms to the comprehensive plan for the
20 development of the municipality as a whole, or, for
21 municipalities with a population of 100,000 or more, regardless
22 of when the business district plan was approved, the business
23 district plan either (i) conforms to the strategic economic
24 development or redevelopment plan issued by the designated
25 planning authority or the municipality or (ii) includes land
26 uses that have been approved by the planning commission of the

1 municipality, and, for any business district in which the
2 municipality intends to impose taxes as provided in subsection
3 (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3, a specific finding
4 that the business district qualifies as a blighted area as
5 defined in Section 11-74.3-5.

6 (f) After a municipality has by ordinance approved a
7 business district plan and designated a business district, the
8 plan may be amended, the boundaries of the business district
9 may be altered, and the taxes provided for in subsections (10)
10 ~~(11)~~ and (11) ~~(12)~~ of Section 11-74.3-3 may be imposed or
11 altered only as provided in this subsection. Changes which do
12 not (i) alter the exterior boundaries of the proposed business
13 district, (ii) substantially affect the general land uses
14 described in the business district plan, (iii) substantially
15 change the nature of any business district project, (iv) change
16 the description of any developer, user, or tenant of any
17 property to be located or improved within the proposed business
18 district, (v) increase the total estimated business district
19 project costs set out in the business district plan by more
20 than 5% after adjustment for inflation from the date the
21 business district plan was approved, (vi) add additional
22 business district costs to the itemized list of estimated
23 business district costs as approved in the business district
24 plan, or (vii) impose or increase the rate of any tax to be
25 imposed pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of
26 Section 11-74.3-3 may be made by the municipality without

1 further public hearing, provided the municipality shall give
2 notice of its changes by publication in a newspaper of general
3 circulation within the municipality. Such notice by
4 publication shall be given not later than 30 days following the
5 adoption of an ordinance approving such changes. Changes which
6 (i) alter the exterior boundaries of the business district,
7 (ii) substantially affect the general land uses described in
8 the business district plan, (iii) substantially change the
9 nature of any business district project, (iv) change the
10 description of any developer, user, or tenant of any property
11 to be located or improved within the proposed business
12 district, (v) increase the total estimated business district
13 project costs set out in the business district plan by more
14 than 5% after adjustment for inflation from the date the
15 business district plan was approved, (vi) add additional
16 business district costs to the itemized list of estimated
17 business district costs as approved in the business district
18 plan, or (vii) impose or increase the rate of any tax to be
19 imposed pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of
20 Section 11-74.3-3 may be made by the municipality only after
21 the municipality by ordinance fixes a time and place for, gives
22 notice by publication of, and conducts a public hearing
23 pursuant to the procedures set forth in this Section.

24 (Source: P.A. 96-1394, eff. 7-29-10; revised 9-7-10.)

25 (65 ILCS 5/11-74.3-3) (from Ch. 24, par. 11-74.3-3)

1 Sec. 11-74.3-3. Powers of municipalities. In addition to
2 the powers a municipality may now have, a municipality shall
3 have the following powers:

4 (1) To make and enter into all contracts necessary or
5 incidental to the implementation and furtherance of a
6 business district plan. A contract by and between the
7 municipality and any developer or other nongovernmental
8 person to pay or reimburse said developer or other
9 nongovernmental person for business district project costs
10 incurred or to be incurred by said developer or other
11 nongovernmental person shall not be deemed an economic
12 incentive agreement under Section 8-11-20, notwithstanding
13 the fact that such contract provides for the sharing,
14 rebate, or payment of retailers' occupation taxes or
15 service occupation taxes (including, without limitation,
16 taxes imposed pursuant to subsection (10) ~~(11)~~) the
17 municipality receives from the development or
18 redevelopment of properties in the business district.
19 Contracts entered into pursuant to this subsection shall be
20 binding upon successor corporate authorities of the
21 municipality and any party to such contract may seek to
22 enforce and compel performance of the contract by civil
23 action, mandamus, injunction, or other proceeding.

24 (2) Within a business district, to acquire by purchase,
25 donation, or lease, and to own, convey, lease, mortgage, or
26 dispose of land and other real or personal property or

1 rights or interests therein; and to grant or acquire
2 licenses, easements, and options with respect thereto, all
3 in the manner and at such price authorized by law. No
4 conveyance, lease, mortgage, disposition of land or other
5 property acquired by the municipality, or agreement
6 relating to the development of property, shall be made or
7 executed except pursuant to prior official action of the
8 municipality. No conveyance, lease, mortgage, or other
9 disposition of land owned by the municipality, and no
10 agreement relating to the development of property, within a
11 business district shall be made without making public
12 disclosure of the terms and disposition of all bids and
13 proposals submitted to the municipality in connection
14 therewith.

15 (2.5) To acquire property by eminent domain in
16 accordance with the Eminent Domain Act.

17 (3) To clear any area within a business district by
18 demolition or removal of any existing buildings,
19 structures, fixtures, utilities, or improvements, and to
20 clear and grade land.

21 (4) To install, repair, construct, reconstruct, or
22 relocate public streets, public utilities, and other
23 public site improvements within or without a business
24 district which are essential to the preparation of a
25 business district for use in accordance with a business
26 district plan.

1 (5) To renovate, rehabilitate, reconstruct, relocate,
2 repair, or remodel any existing buildings, structures,
3 works, utilities, or fixtures within any business
4 district.

5 (6) To construct public improvements, including but
6 not limited to buildings, structures, works, utilities, or
7 fixtures within any business district.

8 (7) To fix, charge, and collect fees, rents, and
9 charges for the use of any building, facility, or property
10 or any portion thereof owned or leased by the municipality
11 within a business district.

12 (8) To pay or cause to be paid business district
13 project costs. Any payments to be made by the municipality
14 to developers or other nongovernmental persons for
15 business district project costs incurred by such developer
16 or other nongovernmental person shall be made only pursuant
17 to the prior official action of the municipality evidencing
18 an intent to pay or cause to be paid such business district
19 project costs. A municipality is not required to obtain any
20 right, title, or interest in any real or personal property
21 in order to pay business district project costs associated
22 with such property. The municipality shall adopt such
23 accounting procedures as shall be necessary to determine
24 that such business district project costs are properly
25 paid.

26 (9) To apply for and accept grants, guarantees,

1 donations of property or labor or any other thing of value
2 for use in connection with a business district project.

3 (10) If the municipality has by ordinance found and
4 determined that the business district is a blighted area
5 under this Law, to impose a retailers' occupation tax and a
6 service occupation tax in the business district for the
7 planning, execution, and implementation of business
8 district plans and to pay for business district project
9 costs as set forth in the business district plan approved
10 by the municipality.

11 (11) If the municipality has by ordinance found and
12 determined that the business district is a blighted area
13 under this Law, to impose a hotel operators' occupation tax
14 in the business district for the planning, execution, and
15 implementation of business district plans and to pay for
16 the business district project costs as set forth in the
17 business district plan approved by the municipality.▯

18 (Source: P.A. 96-1394, eff. 7-29-10; revised 9-7-10.)

19 (65 ILCS 5/11-74.3-5)

20 Sec. 11-74.3-5. Definitions. The following terms as used in
21 this Law shall have the following meanings:

22 "Blighted area" means an area that is a blighted area
23 which, by reason of the predominance of defective,
24 non-existent, or inadequate street layout, unsanitary or
25 unsafe conditions, deterioration of site improvements,

1 improper subdivision or obsolete platting, or the existence of
2 conditions which endanger life or property by fire or other
3 causes, or any combination of those factors, retards the
4 provision of housing accommodations or constitutes an economic
5 or social liability, an economic underutilization of the area,
6 or a menace to the public health, safety, morals, or welfare.

7 "Business district" means a contiguous area which includes
8 only parcels of real property directly and substantially
9 benefited by the proposed business district plan. A business
10 district may, but need not be, a blighted area, but no
11 municipality shall be authorized to impose taxes pursuant to
12 subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3 in a
13 business district which has not been determined by ordinance to
14 be a blighted area under this Law.

15 "Business district plan" shall mean the written plan for
16 the development or redevelopment of a business district. Each
17 business district plan shall set forth in writing: (i) a
18 specific description of the boundaries of the proposed business
19 district, including a map illustrating the boundaries; (ii) a
20 general description of each project proposed to be undertaken
21 within the business district, including a description of the
22 approximate location of each project and a description of any
23 developer, user, or tenant of any property to be located or
24 improved within the proposed business district; (iii) the name
25 of the proposed business district; (iv) the estimated business
26 district project costs; (v) the anticipated source of funds to

1 pay business district project costs; (vi) the anticipated type
2 and terms of any obligations to be issued; and (vii) the rate
3 of any tax to be imposed pursuant to subsection (10) ~~(11)~~ or
4 (11) ~~(12)~~ of Section 11-74.3-3 and the period of time for which
5 the tax shall be imposed.

6 "Business district project costs" shall mean and include
7 the sum total of all costs incurred by a municipality, other
8 governmental entity, or nongovernmental person in connection
9 with a business district, in the furtherance of a business
10 district plan, including, without limitation, the following:

11 (1) costs of studies, surveys, development of plans and
12 specifications, implementation and administration of a
13 business district plan, and personnel and professional
14 service costs including architectural, engineering, legal,
15 marketing, financial, planning, or other professional
16 services, provided that no charges for professional
17 services may be based on a percentage of tax revenues
18 received by the municipality;

19 (2) property assembly costs, including but not limited
20 to, acquisition of land and other real or personal property
21 or rights or interests therein, and specifically including
22 payments to developers or other nongovernmental persons as
23 reimbursement for property assembly costs incurred by that
24 developer or other nongovernmental person;

25 (3) site preparation costs, including but not limited
26 to clearance, demolition or removal of any existing

1 buildings, structures, fixtures, utilities, and
2 improvements and clearing and grading of land;

3 (4) costs of installation, repair, construction,
4 reconstruction, extension, or relocation of public
5 streets, public utilities, and other public site
6 improvements within or without the business district which
7 are essential to the preparation of the business district
8 for use in accordance with the business district plan, and
9 specifically including payments to developers or other
10 nongovernmental persons as reimbursement for site
11 preparation costs incurred by the developer or
12 nongovernmental person;

13 (5) costs of renovation, rehabilitation,
14 reconstruction, relocation, repair, or remodeling of any
15 existing buildings, improvements, and fixtures within the
16 business district, and specifically including payments to
17 developers or other nongovernmental persons as
18 reimbursement for costs incurred by those developers or
19 nongovernmental persons;

20 (6) costs of installation or construction within the
21 business district of buildings, structures, works,
22 streets, improvements, equipment, utilities, or fixtures,
23 and specifically including payments to developers or other
24 nongovernmental persons as reimbursements for such costs
25 incurred by such developer or nongovernmental person;

26 (7) financing costs, including but not limited to all

1 necessary and incidental expenses related to the issuance
2 of obligations, payment of any interest on any obligations
3 issued under this Law that accrues during the estimated
4 period of construction of any development or redevelopment
5 project for which those obligations are issued and for not
6 exceeding 36 months thereafter, and any reasonable
7 reserves related to the issuance of those obligations; and

8 (8) relocation costs to the extent that a municipality
9 determines that relocation costs shall be paid or is
10 required to make payment of relocation costs by federal or
11 State law.

12 "Business district tax allocation fund" means the special
13 fund to be established by a municipality for a business
14 district as provided in Section 11-74.3-6.

15 "Dissolution date" means the date on which the business
16 district tax allocation fund shall be dissolved. The
17 dissolution date shall be not later than 270 days following
18 payment to the municipality of the last distribution of taxes
19 as provided in Section 11-74.3-6.

20 (Source: P.A. 96-1394, eff. 7-29-10; revised 9-7-10.)

21 (65 ILCS 5/11-74.3-6)

22 Sec. 11-74.3-6. Business district revenue and obligations;
23 business district tax allocation fund.

24 (a) If the corporate authorities of a municipality have
25 approved a business district plan, have designated a business

1 district, and have elected to impose a tax by ordinance
2 pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section
3 11-74.3-3, then each year after the date of the approval of the
4 ordinance but terminating upon the date all business district
5 project costs and all obligations paying or reimbursing
6 business district project costs, if any, have been paid, but in
7 no event later than the dissolution date, all amounts generated
8 by the retailers' occupation tax and service occupation tax
9 shall be collected and the tax shall be enforced by the
10 Department of Revenue in the same manner as all retailers'
11 occupation taxes and service occupation taxes imposed in the
12 municipality imposing the tax and all amounts generated by the
13 hotel operators' occupation tax shall be collected and the tax
14 shall be enforced by the municipality in the same manner as all
15 hotel operators' occupation taxes imposed in the municipality
16 imposing the tax. The corporate authorities of the municipality
17 shall deposit the proceeds of the taxes imposed under
18 subsections (10) ~~(11)~~ and (11) ~~(12)~~ of Section 11-74.3-3 into a
19 special fund of the municipality called the "[Name of] Business
20 District Tax Allocation Fund" for the purpose of paying or
21 reimbursing business district project costs and obligations
22 incurred in the payment of those costs.

23 (b) The corporate authorities of a municipality that has
24 designated a business district under this Law may, by
25 ordinance, impose a Business District Retailers' Occupation
26 Tax upon all persons engaged in the business of selling

1 tangible personal property, other than an item of tangible
2 personal property titled or registered with an agency of this
3 State's government, at retail in the business district at a
4 rate not to exceed 1% of the gross receipts from the sales made
5 in the course of such business, to be imposed only in 0.25%
6 increments. The tax may not be imposed on food for human
7 consumption that is to be consumed off the premises where it is
8 sold (other than alcoholic beverages, soft drinks, and food
9 that has been prepared for immediate consumption),
10 prescription and nonprescription medicines, drugs, medical
11 appliances, modifications to a motor vehicle for the purpose of
12 rendering it usable by a disabled person, and insulin, urine
13 testing materials, syringes, and needles used by diabetics, for
14 human use.

15 The tax imposed under this subsection and all civil
16 penalties that may be assessed as an incident thereof shall be
17 collected and enforced by the Department of Revenue. The
18 certificate of registration that is issued by the Department to
19 a retailer under the Retailers' Occupation Tax Act shall permit
20 the retailer to engage in a business that is taxable under any
21 ordinance or resolution enacted pursuant to this subsection
22 without registering separately with the Department under such
23 ordinance or resolution or under this subsection. The
24 Department of Revenue shall have full power to administer and
25 enforce this subsection; to collect all taxes and penalties due
26 under this subsection in the manner hereinafter provided; and

1 to determine all rights to credit memoranda arising on account
2 of the erroneous payment of tax or penalty under this
3 subsection. In the administration of, and compliance with, this
4 subsection, the Department and persons who are subject to this
5 subsection shall have the same rights, remedies, privileges,
6 immunities, powers and duties, and be subject to the same
7 conditions, restrictions, limitations, penalties, exclusions,
8 exemptions, and definitions of terms and employ the same modes
9 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
10 through 2-65 (in respect to all provisions therein other than
11 the State rate of tax), 2c through 2h, 3 (except as to the
12 disposition of taxes and penalties collected), 4, 5, 5a, 5c,
13 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
14 12, 13, and 14 of the Retailers' Occupation Tax Act and all
15 provisions of the Uniform Penalty and Interest Act, as fully as
16 if those provisions were set forth herein.

17 Persons subject to any tax imposed under this subsection
18 may reimburse themselves for their seller's tax liability under
19 this subsection by separately stating the tax as an additional
20 charge, which charge may be stated in combination, in a single
21 amount, with State taxes that sellers are required to collect
22 under the Use Tax Act, in accordance with such bracket
23 schedules as the Department may prescribe.

24 Whenever the Department determines that a refund should be
25 made under this subsection to a claimant instead of issuing a
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the
2 amount specified and to the person named in the notification
3 from the Department. The refund shall be paid by the State
4 Treasurer out of the business district retailers' occupation
5 tax fund.

6 The Department shall immediately pay over to the State
7 Treasurer, ex officio, as trustee, all taxes, penalties, and
8 interest collected under this subsection for deposit into the
9 business district retailers' occupation tax fund.

10 As soon as possible after the first day of each month,
11 beginning January 1, 2011, upon certification of the Department
12 of Revenue, the Comptroller shall order transferred, and the
13 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
14 local sales tax increment, as defined in the Innovation
15 Development and Economy Act, collected under this subsection
16 during the second preceding calendar month for sales within a
17 STAR bond district.

18 After the monthly transfer to the STAR Bonds Revenue Fund,
19 on or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 disbursement of stated sums of money to named municipalities
22 from the business district retailers' occupation tax fund, the
23 municipalities to be those from which retailers have paid taxes
24 or penalties under this subsection to the Department during the
25 second preceding calendar month. The amount to be paid to each
26 municipality shall be the amount (not including credit

1 memoranda) collected under this subsection during the second
2 preceding calendar month by the Department plus an amount the
3 Department determines is necessary to offset any amounts that
4 were erroneously paid to a different taxing body, and not
5 including an amount equal to the amount of refunds made during
6 the second preceding calendar month by the Department, less 2%
7 of that amount, which shall be deposited into the Tax
8 Compliance and Administration Fund and shall be used by the
9 Department, subject to appropriation, to cover the costs of the
10 Department in administering and enforcing the provisions of
11 this subsection, on behalf of such municipality, and not
12 including any amount that the Department determines is
13 necessary to offset any amounts that were payable to a
14 different taxing body but were erroneously paid to the
15 municipality, and not including any amounts that are
16 transferred to the STAR Bonds Revenue Fund. Within 10 days
17 after receipt by the Comptroller of the disbursement
18 certification to the municipalities provided for in this
19 subsection to be given to the Comptroller by the Department,
20 the Comptroller shall cause the orders to be drawn for the
21 respective amounts in accordance with the directions contained
22 in the certification. The proceeds of the tax paid to
23 municipalities under this subsection shall be deposited into
24 the Business District Tax Allocation Fund by the municipality.

25 An ordinance imposing or discontinuing the tax under this
26 subsection or effecting a change in the rate thereof shall

1 either (i) be adopted and a certified copy thereof filed with
2 the Department on or before the first day of April, whereupon
3 the Department, if all other requirements of this subsection
4 are met, shall proceed to administer and enforce this
5 subsection as of the first day of July next following the
6 adoption and filing; or (ii) be adopted and a certified copy
7 thereof filed with the Department on or before the first day of
8 October, whereupon, if all other requirements of this
9 subsection are met, the Department shall proceed to administer
10 and enforce this subsection as of the first day of January next
11 following the adoption and filing.

12 The Department of Revenue shall not administer or enforce
13 an ordinance imposing, discontinuing, or changing the rate of
14 the tax under this subsection, until the municipality also
15 provides, in the manner prescribed by the Department, the
16 boundaries of the business district and each address in the
17 business district in such a way that the Department can
18 determine by its address whether a business is located in the
19 business district. The municipality must provide this boundary
20 and address information to the Department on or before April 1
21 for administration and enforcement of the tax under this
22 subsection by the Department beginning on the following July 1
23 and on or before October 1 for administration and enforcement
24 of the tax under this subsection by the Department beginning on
25 the following January 1. The Department of Revenue shall not
26 administer or enforce any change made to the boundaries of a

1 business district or address change, addition, or deletion
2 until the municipality reports the boundary change or address
3 change, addition, or deletion to the Department in the manner
4 prescribed by the Department. The municipality must provide
5 this boundary change information to the Department on or before
6 April 1 for administration and enforcement by the Department of
7 the change beginning on the following July 1 and on or before
8 October 1 for administration and enforcement by the Department
9 of the change beginning on the following January 1. The
10 retailers in the business district shall be responsible for
11 charging the tax imposed under this subsection. If a retailer
12 is incorrectly included or excluded from the list of those
13 required to collect the tax under this subsection, both the
14 Department of Revenue and the retailer shall be held harmless
15 if they reasonably relied on information provided by the
16 municipality.

17 A municipality that imposes the tax under this subsection
18 must submit to the Department of Revenue any other information
19 as the Department may require for the administration and
20 enforcement of the tax.

21 When certifying the amount of a monthly disbursement to a
22 municipality under this subsection, the Department shall
23 increase or decrease the amount by an amount necessary to
24 offset any misallocation of previous disbursements. The offset
25 amount shall be the amount erroneously disbursed within the
26 previous 6 months from the time a misallocation is discovered.

1 Nothing in this subsection shall be construed to authorize
2 the municipality to impose a tax upon the privilege of engaging
3 in any business which under the Constitution of the United
4 States may not be made the subject of taxation by this State.

5 If a tax is imposed under this subsection (b), a tax shall
6 also be imposed under subsection (c) of this Section.

7 (c) If a tax has been imposed under subsection (b), a
8 Business District Service Occupation Tax shall also be imposed
9 upon all persons engaged, in the business district, in the
10 business of making sales of service, who, as an incident to
11 making those sales of service, transfer tangible personal
12 property within the business district, either in the form of
13 tangible personal property or in the form of real estate as an
14 incident to a sale of service. The tax shall be imposed at the
15 same rate as the tax imposed in subsection (b) and shall not
16 exceed 1% of the selling price of tangible personal property so
17 transferred within the business district, to be imposed only in
18 0.25% increments. The tax may not be imposed on food for human
19 consumption that is to be consumed off the premises where it is
20 sold (other than alcoholic beverages, soft drinks, and food
21 that has been prepared for immediate consumption),
22 prescription and nonprescription medicines, drugs, medical
23 appliances, modifications to a motor vehicle for the purpose of
24 rendering it usable by a disabled person, and insulin, urine
25 testing materials, syringes, and needles used by diabetics, for
26 human use.

1 The tax imposed under this subsection and all civil
2 penalties that may be assessed as an incident thereof shall be
3 collected and enforced by the Department of Revenue. The
4 certificate of registration which is issued by the Department
5 to a retailer under the Retailers' Occupation Tax Act or under
6 the Service Occupation Tax Act shall permit such registrant to
7 engage in a business which is taxable under any ordinance or
8 resolution enacted pursuant to this subsection without
9 registering separately with the Department under such
10 ordinance or resolution or under this subsection. The
11 Department of Revenue shall have full power to administer and
12 enforce this subsection; to collect all taxes and penalties due
13 under this subsection; to dispose of taxes and penalties so
14 collected in the manner hereinafter provided; and to determine
15 all rights to credit memoranda arising on account of the
16 erroneous payment of tax or penalty under this subsection. In
17 the administration of, and compliance with this subsection, the
18 Department and persons who are subject to this subsection shall
19 have the same rights, remedies, privileges, immunities, powers
20 and duties, and be subject to the same conditions,
21 restrictions, limitations, penalties, exclusions, exemptions,
22 and definitions of terms and employ the same modes of procedure
23 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
24 (in respect to all provisions therein other than the State rate
25 of tax), 4 (except that the reference to the State shall be to
26 the business district), 5, 7, 8 (except that the jurisdiction

1 to which the tax shall be a debt to the extent indicated in
2 that Section 8 shall be the municipality), 9 (except as to the
3 disposition of taxes and penalties collected, and except that
4 the returned merchandise credit for this tax may not be taken
5 against any State tax), 10, 11, 12 (except the reference
6 therein to Section 2b of the Retailers' Occupation Tax Act), 13
7 (except that any reference to the State shall mean the
8 municipality), the first paragraph of Section 15, and Sections
9 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
10 provisions of the Uniform Penalty and Interest Act, as fully as
11 if those provisions were set forth herein.

12 Persons subject to any tax imposed under the authority
13 granted in this subsection may reimburse themselves for their
14 serviceman's tax liability hereunder by separately stating the
15 tax as an additional charge, which charge may be stated in
16 combination, in a single amount, with State tax that servicemen
17 are authorized to collect under the Service Use Tax Act, in
18 accordance with such bracket schedules as the Department may
19 prescribe.

20 Whenever the Department determines that a refund should be
21 made under this subsection to a claimant instead of issuing
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified, and to the person named, in such notification
25 from the Department. Such refund shall be paid by the State
26 Treasurer out of the business district retailers' occupation

1 tax fund.

2 The Department shall forthwith pay over to the State
3 Treasurer, ex-officio, as trustee, all taxes, penalties, and
4 interest collected under this subsection for deposit into the
5 business district retailers' occupation tax fund.

6 As soon as possible after the first day of each month,
7 beginning January 1, 2011, upon certification of the Department
8 of Revenue, the Comptroller shall order transferred, and the
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
10 local sales tax increment, as defined in the Innovation
11 Development and Economy Act, collected under this subsection
12 during the second preceding calendar month for sales within a
13 STAR bond district.

14 After the monthly transfer to the STAR Bonds Revenue Fund,
15 on or before the 25th day of each calendar month, the
16 Department shall prepare and certify to the Comptroller the
17 disbursement of stated sums of money to named municipalities
18 from the business district retailers' occupation tax fund, the
19 municipalities to be those from which suppliers and servicemen
20 have paid taxes or penalties under this subsection to the
21 Department during the second preceding calendar month. The
22 amount to be paid to each municipality shall be the amount (not
23 including credit memoranda) collected under this subsection
24 during the second preceding calendar month by the Department,
25 less 2% of that amount, which shall be deposited into the Tax
26 Compliance and Administration Fund and shall be used by the

1 Department, subject to appropriation, to cover the costs of the
2 Department in administering and enforcing the provisions of
3 this subsection, and not including an amount equal to the
4 amount of refunds made during the second preceding calendar
5 month by the Department on behalf of such municipality, and not
6 including any amounts that are transferred to the STAR Bonds
7 Revenue Fund. Within 10 days after receipt, by the Comptroller,
8 of the disbursement certification to the municipalities,
9 provided for in this subsection to be given to the Comptroller
10 by the Department, the Comptroller shall cause the orders to be
11 drawn for the respective amounts in accordance with the
12 directions contained in such certification. The proceeds of the
13 tax paid to municipalities under this subsection shall be
14 deposited into the Business District Tax Allocation Fund by the
15 municipality.

16 An ordinance imposing or discontinuing the tax under this
17 subsection or effecting a change in the rate thereof shall
18 either (i) be adopted and a certified copy thereof filed with
19 the Department on or before the first day of April, whereupon
20 the Department, if all other requirements of this subsection
21 are met, shall proceed to administer and enforce this
22 subsection as of the first day of July next following the
23 adoption and filing; or (ii) be adopted and a certified copy
24 thereof filed with the Department on or before the first day of
25 October, whereupon, if all other conditions of this subsection
26 are met, the Department shall proceed to administer and enforce

1 this subsection as of the first day of January next following
2 the adoption and filing.

3 The Department of Revenue shall not administer or enforce
4 an ordinance imposing, discontinuing, or changing the rate of
5 the tax under this subsection, until the municipality also
6 provides, in the manner prescribed by the Department, the
7 boundaries of the business district in such a way that the
8 Department can determine by its address whether a business is
9 located in the business district. The municipality must provide
10 this boundary and address information to the Department on or
11 before April 1 for administration and enforcement of the tax
12 under this subsection by the Department beginning on the
13 following July 1 and on or before October 1 for administration
14 and enforcement of the tax under this subsection by the
15 Department beginning on the following January 1. The Department
16 of Revenue shall not administer or enforce any change made to
17 the boundaries of a business district or address change,
18 addition, or deletion until the municipality reports the
19 boundary change or address change, addition, or deletion to the
20 Department in the manner prescribed by the Department. The
21 municipality must provide this boundary change information or
22 address change, addition, or deletion to the Department on or
23 before April 1 for administration and enforcement by the
24 Department of the change beginning on the following July 1 and
25 on or before October 1 for administration and enforcement by
26 the Department of the change beginning on the following January

1 1. The retailers in the business district shall be responsible
2 for charging the tax imposed under this subsection. If a
3 retailer is incorrectly included or excluded from the list of
4 those required to collect the tax under this subsection, both
5 the Department of Revenue and the retailer shall be held
6 harmless if they reasonably relied on information provided by
7 the municipality.

8 A municipality that imposes the tax under this subsection
9 must submit to the Department of Revenue any other information
10 as the Department may require for the administration and
11 enforcement of the tax.

12 Nothing in this subsection shall be construed to authorize
13 the municipality to impose a tax upon the privilege of engaging
14 in any business which under the Constitution of the United
15 States may not be made the subject of taxation by the State.

16 If a tax is imposed under this subsection (c), a tax shall
17 also be imposed under subsection (b) of this Section.

18 (d) By ordinance, a municipality that has designated a
19 business district under this Law may impose an occupation tax
20 upon all persons engaged in the business district in the
21 business of renting, leasing, or letting rooms in a hotel, as
22 defined in the Hotel Operators' Occupation Tax Act, at a rate
23 not to exceed 1% of the gross rental receipts from the renting,
24 leasing, or letting of hotel rooms within the business
25 district, to be imposed only in 0.25% increments, excluding,
26 however, from gross rental receipts the proceeds of renting,

1 leasing, or letting to permanent residents of a hotel, as
2 defined in the Hotel Operators' Occupation Tax Act, and
3 proceeds from the tax imposed under subsection (c) of Section
4 13 of the Metropolitan Pier and Exposition Authority Act.

5 The tax imposed by the municipality under this subsection
6 and all civil penalties that may be assessed as an incident to
7 that tax shall be collected and enforced by the municipality
8 imposing the tax. The municipality shall have full power to
9 administer and enforce this subsection, to collect all taxes
10 and penalties due under this subsection, to dispose of taxes
11 and penalties so collected in the manner provided in this
12 subsection, and to determine all rights to credit memoranda
13 arising on account of the erroneous payment of tax or penalty
14 under this subsection. In the administration of and compliance
15 with this subsection, the municipality and persons who are
16 subject to this subsection shall have the same rights,
17 remedies, privileges, immunities, powers, and duties, shall be
18 subject to the same conditions, restrictions, limitations,
19 penalties, and definitions of terms, and shall employ the same
20 modes of procedure as are employed with respect to a tax
21 adopted by the municipality under Section 8-3-14 of this Code.

22 Persons subject to any tax imposed under the authority
23 granted in this subsection may reimburse themselves for their
24 tax liability for that tax by separately stating that tax as an
25 additional charge, which charge may be stated in combination,
26 in a single amount, with State taxes imposed under the Hotel

1 Operators' Occupation Tax Act, and with any other tax.

2 Nothing in this subsection shall be construed to authorize
3 a municipality to impose a tax upon the privilege of engaging
4 in any business which under the Constitution of the United
5 States may not be made the subject of taxation by this State.

6 The proceeds of the tax imposed under this subsection shall
7 be deposited into the Business District Tax Allocation Fund.

8 (e) Obligations secured by the Business District Tax
9 Allocation Fund may be issued to provide for the payment or
10 reimbursement of business district project costs. Those
11 obligations, when so issued, shall be retired in the manner
12 provided in the ordinance authorizing the issuance of those
13 obligations by the receipts of taxes imposed pursuant to
14 subsections (10) ~~(11)~~ and (11) ~~(12)~~ of Section 11-74.3-3 and by
15 other revenue designated or pledged by the municipality. A
16 municipality may in the ordinance pledge, for any period of
17 time up to and including the dissolution date, all or any part
18 of the funds in and to be deposited in the Business District
19 Tax Allocation Fund to the payment of business district project
20 costs and obligations. Whenever a municipality pledges all of
21 the funds to the credit of a business district tax allocation
22 fund to secure obligations issued or to be issued to pay or
23 reimburse business district project costs, the municipality
24 may specifically provide that funds remaining to the credit of
25 such business district tax allocation fund after the payment of
26 such obligations shall be accounted for annually and shall be

1 deemed to be "surplus" funds, and such "surplus" funds shall be
2 expended by the municipality for any business district project
3 cost as approved in the business district plan. Whenever a
4 municipality pledges less than all of the monies to the credit
5 of a business district tax allocation fund to secure
6 obligations issued or to be issued to pay or reimburse business
7 district project costs, the municipality shall provide that
8 monies to the credit of the business district tax allocation
9 fund and not subject to such pledge or otherwise encumbered or
10 required for payment of contractual obligations for specific
11 business district project costs shall be calculated annually
12 and shall be deemed to be "surplus" funds, and such "surplus"
13 funds shall be expended by the municipality for any business
14 district project cost as approved in the business district
15 plan.

16 No obligation issued pursuant to this Law and secured by a
17 pledge of all or any portion of any revenues received or to be
18 received by the municipality from the imposition of taxes
19 pursuant to subsection (10) ~~(11)~~ of Section 11-74.3-3, shall be
20 deemed to constitute an economic incentive agreement under
21 Section 8-11-20, notwithstanding the fact that such pledge
22 provides for the sharing, rebate, or payment of retailers'
23 occupation taxes or service occupation taxes imposed pursuant
24 to subsection (10) ~~(11)~~ of Section 11-74.3-3 and received or to
25 be received by the municipality from the development or
26 redevelopment of properties in the business district.

1 Without limiting the foregoing in this Section, the
2 municipality may further secure obligations secured by the
3 business district tax allocation fund with a pledge, for a
4 period not greater than the term of the obligations and in any
5 case not longer than the dissolution date, of any part or any
6 combination of the following: (i) net revenues of all or part
7 of any business district project; (ii) taxes levied or imposed
8 by the municipality on any or all property in the municipality,
9 including, specifically, taxes levied or imposed by the
10 municipality in a special service area pursuant to the Special
11 Service Area Tax Law; (iii) the full faith and credit of the
12 municipality; (iv) a mortgage on part or all of the business
13 district project; or (v) any other taxes or anticipated
14 receipts that the municipality may lawfully pledge.

15 Such obligations may be issued in one or more series, bear
16 such date or dates, become due at such time or times as therein
17 provided, but in any case not later than (i) 20 years after the
18 date of issue or (ii) the dissolution date, whichever is
19 earlier, bear interest payable at such intervals and at such
20 rate or rates as set forth therein, except as may be limited by
21 applicable law, which rate or rates may be fixed or variable,
22 be in such denominations, be in such form, either coupon,
23 registered, or book-entry, carry such conversion, registration
24 and exchange privileges, be subject to defeasance upon such
25 terms, have such rank or priority, be executed in such manner,
26 be payable in such medium or payment at such place or places

1 within or without the State, make provision for a corporate
2 trustee within or without the State with respect to such
3 obligations, prescribe the rights, powers, and duties thereof
4 to be exercised for the benefit of the municipality and the
5 benefit of the owners of such obligations, provide for the
6 holding in trust, investment, and use of moneys, funds, and
7 accounts held under an ordinance, provide for assignment of and
8 direct payment of the moneys to pay such obligations or to be
9 deposited into such funds or accounts directly to such trustee,
10 be subject to such terms of redemption with or without premium,
11 and be sold at such price, all as the corporate authorities
12 shall determine. No referendum approval of the electors shall
13 be required as a condition to the issuance of obligations
14 pursuant to this Law except as provided in this Section.

15 In the event the municipality authorizes the issuance of
16 obligations pursuant to the authority of this Law secured by
17 the full faith and credit of the municipality, or pledges ad
18 valorem taxes pursuant to this subsection, which obligations
19 are other than obligations which may be issued under home rule
20 powers provided by Section 6 of Article VII of the Illinois
21 Constitution or which ad valorem taxes are other than ad
22 valorem taxes which may be pledged under home rule powers
23 provided by Section 6 of Article VII of the Illinois
24 Constitution or which are levied in a special service area
25 pursuant to the Special Service Area Tax Law, the ordinance
26 authorizing the issuance of those obligations or pledging those

1 taxes shall be published within 10 days after the ordinance has
2 been adopted, in a newspaper having a general circulation
3 within the municipality. The publication of the ordinance shall
4 be accompanied by a notice of (i) the specific number of voters
5 required to sign a petition requesting the question of the
6 issuance of the obligations or pledging such ad valorem taxes
7 to be submitted to the electors; (ii) the time within which the
8 petition must be filed; and (iii) the date of the prospective
9 referendum. The municipal clerk shall provide a petition form
10 to any individual requesting one.

11 If no petition is filed with the municipal clerk, as
12 hereinafter provided in this Section, within 21 days after the
13 publication of the ordinance, the ordinance shall be in effect.
14 However, if within that 21-day period a petition is filed with
15 the municipal clerk, signed by electors numbering not less than
16 15% of the number of electors voting for the mayor or president
17 at the last general municipal election, asking that the
18 question of issuing obligations using full faith and credit of
19 the municipality as security for the cost of paying or
20 reimbursing business district project costs, or of pledging
21 such ad valorem taxes for the payment of those obligations, or
22 both, be submitted to the electors of the municipality, the
23 municipality shall not be authorized to issue obligations of
24 the municipality using the full faith and credit of the
25 municipality as security or pledging such ad valorem taxes for
26 the payment of those obligations, or both, until the

1 proposition has been submitted to and approved by a majority of
2 the voters voting on the proposition at a regularly scheduled
3 election. The municipality shall certify the proposition to the
4 proper election authorities for submission in accordance with
5 the general election law.

6 The ordinance authorizing the obligations may provide that
7 the obligations shall contain a recital that they are issued
8 pursuant to this Law, which recital shall be conclusive
9 evidence of their validity and of the regularity of their
10 issuance.

11 In the event the municipality authorizes issuance of
12 obligations pursuant to this Law secured by the full faith and
13 credit of the municipality, the ordinance authorizing the
14 obligations may provide for the levy and collection of a direct
15 annual tax upon all taxable property within the municipality
16 sufficient to pay the principal thereof and interest thereon as
17 it matures, which levy may be in addition to and exclusive of
18 the maximum of all other taxes authorized to be levied by the
19 municipality, which levy, however, shall be abated to the
20 extent that monies from other sources are available for payment
21 of the obligations and the municipality certifies the amount of
22 those monies available to the county clerk.

23 A certified copy of the ordinance shall be filed with the
24 county clerk of each county in which any portion of the
25 municipality is situated, and shall constitute the authority
26 for the extension and collection of the taxes to be deposited

1 in the business district tax allocation fund.

2 A municipality may also issue its obligations to refund, in
3 whole or in part, obligations theretofore issued by the
4 municipality under the authority of this Law, whether at or
5 prior to maturity. However, the last maturity of the refunding
6 obligations shall not be expressed to mature later than the
7 dissolution date.

8 In the event a municipality issues obligations under home
9 rule powers or other legislative authority, the proceeds of
10 which are pledged to pay or reimburse business district project
11 costs, the municipality may, if it has followed the procedures
12 in conformance with this Law, retire those obligations from
13 funds in the business district tax allocation fund in amounts
14 and in such manner as if those obligations had been issued
15 pursuant to the provisions of this Law.

16 No obligations issued pursuant to this Law shall be
17 regarded as indebtedness of the municipality issuing those
18 obligations or any other taxing district for the purpose of any
19 limitation imposed by law.

20 Obligations issued pursuant to this Law shall not be
21 subject to the provisions of the Bond Authorization Act.

22 (f) When business district project costs, including,
23 without limitation, all obligations paying or reimbursing
24 business district project costs have been paid, any surplus
25 funds then remaining in the Business District Tax Allocation
26 Fund shall be distributed to the municipal treasurer for

1 deposit into the general corporate fund of the municipality.
2 Upon payment of all business district project costs and
3 retirement of all obligations paying or reimbursing business
4 district project costs, but in no event more than 23 years
5 after the date of adoption of the ordinance imposing taxes
6 pursuant to subsection (10) ~~subsections (11)~~ or (11) ~~(12)~~ of
7 Section 11-74.3-3, the municipality shall adopt an ordinance
8 immediately rescinding the taxes imposed pursuant to
9 subsection (10) or (11) of Section 11-74.3-3 ~~said subsections~~.
10 (Source: P.A. 96-939, eff. 6-24-10; 96-1394, eff. 7-29-10;
11 revised 9-2-10.)

12 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)
13 Sec. 11-74.4-4. Municipal powers and duties; redevelopment
14 project areas. ~~A municipality may:~~(a) The changes made by this
15 amendatory Act of the 91st General Assembly do not apply to a
16 municipality that, (i) before the effective date of this
17 amendatory Act of the 91st General Assembly, has adopted an
18 ordinance or resolution fixing a time and place for a public
19 hearing under Section 11-74.4-5 or (ii) before July 1, 1999,
20 has adopted an ordinance or resolution providing for a
21 feasibility study under Section 11-74.4-4.1, but has not yet
22 adopted an ordinance approving redevelopment plans and
23 redevelopment projects or designating redevelopment project
24 areas under this Section, until after that municipality adopts
25 an ordinance approving redevelopment plans and redevelopment

1 projects or designating redevelopment project areas under this
2 Section; thereafter the changes made by this amendatory Act of
3 the 91st General Assembly apply to the same extent that they
4 apply to redevelopment plans and redevelopment projects that
5 were approved and redevelopment projects that were designated
6 before the effective date of this amendatory Act of the 91st
7 General Assembly.

8 A municipality may:

9 (a) By ordinance introduced in the governing body of the
10 municipality within 14 to 90 days from the completion of the
11 hearing specified in Section 11-74.4-5 approve redevelopment
12 plans and redevelopment projects, and designate redevelopment
13 project areas pursuant to notice and hearing required by this
14 Act. No redevelopment project area shall be designated unless a
15 plan and project are approved prior to the designation of such
16 area and such area shall include only those contiguous parcels
17 of real property and improvements thereon substantially
18 benefited by the proposed redevelopment project improvements.
19 Upon adoption of the ordinances, the municipality shall
20 forthwith transmit to the county clerk of the county or
21 counties within which the redevelopment project area is located
22 a certified copy of the ordinances, a legal description of the
23 redevelopment project area, a map of the redevelopment project
24 area, identification of the year that the county clerk shall
25 use for determining the total initial equalized assessed value
26 of the redevelopment project area consistent with subsection

1 (a) of Section 11-74.4-9, and a list of the parcel or tax
2 identification number of each parcel of property included in
3 the redevelopment project area.

4 (b) Make and enter into all contracts with property owners,
5 developers, tenants, overlapping taxing bodies, and others
6 necessary or incidental to the implementation and furtherance
7 of its redevelopment plan and project. Contract provisions
8 concerning loan repayment obligations in contracts entered
9 into on or after the effective date of this amendatory Act of
10 the 93rd General Assembly shall terminate no later than the
11 last to occur of the estimated dates of completion of the
12 redevelopment project and retirement of the obligations issued
13 to finance redevelopment project costs as required by item (3)
14 of subsection (n) of Section 11-74.4-3. Payments received under
15 contracts entered into by the municipality prior to the
16 effective date of this amendatory Act of the 93rd General
17 Assembly that are received after the redevelopment project area
18 has been terminated by municipal ordinance shall be deposited
19 into a special fund of the municipality to be used for other
20 community redevelopment needs within the redevelopment project
21 area.

22 (c) Within a redevelopment project area, acquire by
23 purchase, donation, lease or eminent domain; own, convey,
24 lease, mortgage or dispose of land and other property, real or
25 personal, or rights or interests therein, and grant or acquire
26 licenses, easements and options with respect thereto, all in

1 the manner and at such price the municipality determines is
2 reasonably necessary to achieve the objectives of the
3 redevelopment plan and project. No conveyance, lease,
4 mortgage, disposition of land or other property owned by a
5 municipality, or agreement relating to the development of such
6 municipal property shall be made except upon the adoption of an
7 ordinance by the corporate authorities of the municipality.
8 Furthermore, no conveyance, lease, mortgage, or other
9 disposition of land owned by a municipality or agreement
10 relating to the development of such municipal property shall be
11 made without making public disclosure of the terms of the
12 disposition and all bids and proposals made in response to the
13 municipality's request. The procedures for obtaining such bids
14 and proposals shall provide reasonable opportunity for any
15 person to submit alternative proposals or bids.

16 (d) Within a redevelopment project area, clear any area by
17 demolition or removal of any existing buildings and structures.

18 (e) Within a redevelopment project area, renovate or
19 rehabilitate or construct any structure or building, as
20 permitted under this Act.

21 (f) Install, repair, construct, reconstruct or relocate
22 streets, utilities and site improvements essential to the
23 preparation of the redevelopment area for use in accordance
24 with a redevelopment plan.

25 (g) Within a redevelopment project area, fix, charge and
26 collect fees, rents and charges for the use of any building or

1 property owned or leased by it or any part thereof, or facility
2 therein.

3 (h) Accept grants, guarantees and donations of property,
4 labor, or other things of value from a public or private source
5 for use within a project redevelopment area.

6 (i) Acquire and construct public facilities within a
7 redevelopment project area, as permitted under this Act.

8 (j) Incur project redevelopment costs and reimburse
9 developers who incur redevelopment project costs authorized by
10 a redevelopment agreement; provided, however, that on and after
11 the effective date of this amendatory Act of the 91st General
12 Assembly, no municipality shall incur redevelopment project
13 costs (except for planning costs and any other eligible costs
14 authorized by municipal ordinance or resolution that are
15 subsequently included in the redevelopment plan for the area
16 and are incurred by the municipality after the ordinance or
17 resolution is adopted) that are not consistent with the program
18 for accomplishing the objectives of the redevelopment plan as
19 included in that plan and approved by the municipality until
20 the municipality has amended the redevelopment plan as provided
21 elsewhere in this Act.

22 (k) Create a commission of not less than 5 or more than 15
23 persons to be appointed by the mayor or president of the
24 municipality with the consent of the majority of the governing
25 board of the municipality. Members of a commission appointed
26 after the effective date of this amendatory Act of 1987 shall

1 be appointed for initial terms of 1, 2, 3, 4 and 5 years,
2 respectively, in such numbers as to provide that the terms of
3 not more than 1/3 of all such members shall expire in any one
4 year. Their successors shall be appointed for a term of 5
5 years. The commission, subject to approval of the corporate
6 authorities may exercise the powers enumerated in this Section.
7 The commission shall also have the power to hold the public
8 hearings required by this division and make recommendations to
9 the corporate authorities concerning the adoption of
10 redevelopment plans, redevelopment projects and designation of
11 redevelopment project areas.

12 (l) Make payment in lieu of taxes or a portion thereof to
13 taxing districts. If payments in lieu of taxes or a portion
14 thereof are made to taxing districts, those payments shall be
15 made to all districts within a project redevelopment area on a
16 basis which is proportional to the current collections of
17 revenue which each taxing district receives from real property
18 in the redevelopment project area.

19 (m) Exercise any and all other powers necessary to
20 effectuate the purposes of this Act.

21 (n) If any member of the corporate authority, a member of a
22 commission established pursuant to Section 11-74.4-4(k) of
23 this Act, or an employee or consultant of the municipality
24 involved in the planning and preparation of a redevelopment
25 plan, or project for a redevelopment project area or proposed
26 redevelopment project area, as defined in Sections

1 11-74.4-3(i) through (k) of this Act, owns or controls an
2 interest, direct or indirect, in any property included in any
3 redevelopment area, or proposed redevelopment area, he or she
4 shall disclose the same in writing to the clerk of the
5 municipality, and shall also so disclose the dates and terms
6 and conditions of any disposition of any such interest, which
7 disclosures shall be acknowledged by the corporate authorities
8 and entered upon the minute books of the corporate authorities.
9 If an individual holds such an interest then that individual
10 shall refrain from any further official involvement in regard
11 to such redevelopment plan, project or area, from voting on any
12 matter pertaining to such redevelopment plan, project or area,
13 or communicating with other members concerning corporate
14 authorities, commission or employees concerning any matter
15 pertaining to said redevelopment plan, project or area.
16 Furthermore, no such member or employee shall acquire of any
17 interest direct, or indirect, in any property in a
18 redevelopment area or proposed redevelopment area after either
19 (a) such individual obtains knowledge of such plan, project or
20 area or (b) first public notice of such plan, project or area
21 pursuant to Section 11-74.4-6 of this Division, whichever
22 occurs first. For the purposes of this subsection, a property
23 interest acquired in a single parcel of property by a member of
24 the corporate authority, which property is used exclusively as
25 the member's primary residence, shall not be deemed to
26 constitute an interest in any property included in a

1 redevelopment area or proposed redevelopment area that was
2 established before December 31, 1989, but the member must
3 disclose the acquisition to the municipal clerk under the
4 provisions of this subsection. A single property interest
5 acquired within one year after the effective date of this
6 amendatory Act of the 94th General Assembly or 2 years after
7 the effective date of this amendatory Act of the 95th General
8 Assembly by a member of the corporate authority does not
9 constitute an interest in any property included in any
10 redevelopment area or proposed redevelopment area, regardless
11 of when the redevelopment area was established, if (i) the
12 property is used exclusively as the member's primary residence,
13 (ii) the member discloses the acquisition to the municipal
14 clerk under the provisions of this subsection, (iii) the
15 acquisition is for fair market value, (iv) the member acquires
16 the property as a result of the property being publicly
17 advertised for sale, and (v) the member refrains from voting
18 on, and communicating with other members concerning, any matter
19 when the benefits to the redevelopment project or area would be
20 significantly greater than the benefits to the municipality as
21 a whole. For the purposes of this subsection, a month-to-month
22 leasehold interest in a single parcel of property by a member
23 of the corporate authority shall not be deemed to constitute an
24 interest in any property included in any redevelopment area or
25 proposed redevelopment area, but the member must disclose the
26 interest to the municipal clerk under the provisions of this

1 subsection.

2 (o) Create a Tax Increment Economic Development Advisory
3 Committee to be appointed by the Mayor or President of the
4 municipality with the consent of the majority of the governing
5 board of the municipality, the members of which Committee shall
6 be appointed for initial terms of 1, 2, 3, 4 and 5 years
7 respectively, in such numbers as to provide that the terms of
8 not more than 1/3 of all such members shall expire in any one
9 year. Their successors shall be appointed for a term of 5
10 years. The Committee shall have none of the powers enumerated
11 in this Section. The Committee shall serve in an advisory
12 capacity only. The Committee may advise the governing Board of
13 the municipality and other municipal officials regarding
14 development issues and opportunities within the redevelopment
15 project area or the area within the State Sales Tax Boundary.
16 The Committee may also promote and publicize development
17 opportunities in the redevelopment project area or the area
18 within the State Sales Tax Boundary.

19 (p) Municipalities may jointly undertake and perform
20 redevelopment plans and projects and utilize the provisions of
21 the Act wherever they have contiguous redevelopment project
22 areas or they determine to adopt tax increment financing with
23 respect to a redevelopment project area which includes
24 contiguous real property within the boundaries of the
25 municipalities, and in doing so, they may, by agreement between
26 municipalities, issue obligations, separately or jointly, and

1 expend revenues received under the Act for eligible expenses
2 anywhere within contiguous redevelopment project areas or as
3 otherwise permitted in the Act.

4 (q) Utilize revenues, other than State sales tax increment
5 revenues, received under this Act from one redevelopment
6 project area for eligible costs in another redevelopment
7 project area that is:

8 (i) contiguous to the redevelopment project area from
9 which the revenues are received;

10 (ii) separated only by a public right of way from the
11 redevelopment project area from which the revenues are
12 received; or

13 (iii) separated only by forest preserve property from
14 the redevelopment project area from which the revenues are
15 received if the closest boundaries of the redevelopment
16 project areas that are separated by the forest preserve
17 property are less than one mile apart.

18 Utilize tax increment revenues for eligible costs that are
19 received from a redevelopment project area created under the
20 Industrial Jobs Recovery Law that is either contiguous to, or
21 is separated only by a public right of way from, the
22 redevelopment project area created under this Act which
23 initially receives these revenues. Utilize revenues, other
24 than State sales tax increment revenues, by transferring or
25 loaning such revenues to a redevelopment project area created
26 under the Industrial Jobs Recovery Law that is either

1 contiguous to, or separated only by a public right of way from
2 the redevelopment project area that initially produced and
3 received those revenues; and, if the redevelopment project area
4 (i) was established before the effective date of this
5 amendatory Act of the 91st General Assembly and (ii) is located
6 within a municipality with a population of more than 100,000,
7 utilize revenues or proceeds of obligations authorized by
8 Section 11-74.4-7 of this Act, other than use or occupation tax
9 revenues, to pay for any redevelopment project costs as defined
10 by subsection (q) of Section 11-74.4-3 to the extent that the
11 redevelopment project costs involve public property that is
12 either contiguous to, or separated only by a public right of
13 way from, a redevelopment project area whether or not
14 redevelopment project costs or the source of payment for the
15 costs are specifically set forth in the redevelopment plan for
16 the redevelopment project area.

17 (r) If no redevelopment project has been initiated in a
18 redevelopment project area within 7 years after the area was
19 designated by ordinance under subsection (a), the municipality
20 shall adopt an ordinance repealing the area's designation as a
21 redevelopment project area; provided, however, that if an area
22 received its designation more than 3 years before the effective
23 date of this amendatory Act of 1994 and no redevelopment
24 project has been initiated within 4 years after the effective
25 date of this amendatory Act of 1994, the municipality shall
26 adopt an ordinance repealing its designation as a redevelopment

1 project area. Initiation of a redevelopment project shall be
2 evidenced by either a signed redevelopment agreement or
3 expenditures on eligible redevelopment project costs
4 associated with a redevelopment project.

5 (Source: P.A. 94-1013, eff. 1-1-07; 95-1054, eff. 1-1-10;
6 revised 9-16-10.)

7 Section 170. The Metropolitan Pier and Exposition
8 Authority Act is amended by changing Section 13 as follows:

9 (70 ILCS 210/13) (from Ch. 85, par. 1233)

10 Sec. 13. (a) The Authority shall not have power to levy
11 taxes for any purpose, except as provided in subsections (b),
12 (c), (d), (e), and (f).

13 (b) By ordinance the Authority shall, as soon as
14 practicable after the effective date of this amendatory Act of
15 1991, impose a Metropolitan Pier and Exposition Authority
16 Retailers' Occupation Tax upon all persons engaged in the
17 business of selling tangible personal property at retail within
18 the territory described in this subsection at the rate of 1.0%
19 of the gross receipts (i) from the sale of food, alcoholic
20 beverages, and soft drinks sold for consumption on the premises
21 where sold and (ii) from the sale of food, alcoholic beverages,
22 and soft drinks sold for consumption off the premises where
23 sold by a retailer whose principal source of gross receipts is
24 from the sale of food, alcoholic beverages, and soft drinks

1 prepared for immediate consumption.

2 The tax imposed under this subsection and all civil
3 penalties that may be assessed as an incident to that tax shall
4 be collected and enforced by the Illinois Department of
5 Revenue. The Department shall have full power to administer and
6 enforce this subsection, to collect all taxes and penalties so
7 collected in the manner provided in this subsection, and to
8 determine all rights to credit memoranda arising on account of
9 the erroneous payment of tax or penalty under this subsection.
10 In the administration of and compliance with this subsection,
11 the Department and persons who are subject to this subsection
12 shall have the same rights, remedies, privileges, immunities,
13 powers, and duties, shall be subject to the same conditions,
14 restrictions, limitations, penalties, exclusions, exemptions,
15 and definitions of terms, and shall employ the same modes of
16 procedure applicable to this Retailers' Occupation Tax as are
17 prescribed in Sections 1, 2 through 2-65 (in respect to all
18 provisions of those Sections other than the State rate of
19 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
20 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
21 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13 and, and until
22 January 1, 1994, 13.5 of the Retailers' Occupation Tax Act,
23 and, on and after January 1, 1994, all applicable provisions of
24 the Uniform Penalty and Interest Act that are not inconsistent
25 with this Act, as fully as if provisions contained in those
26 Sections of the Retailers' Occupation Tax Act were set forth in

1 this subsection.

2 Persons subject to any tax imposed under the authority
3 granted in this subsection may reimburse themselves for their
4 seller's tax liability under this subsection by separately
5 stating that tax as an additional charge, which charge may be
6 stated in combination, in a single amount, with State taxes
7 that sellers are required to collect under the Use Tax Act,
8 pursuant to bracket schedules as the Department may prescribe.
9 The retailer filing the return shall, at the time of filing the
10 return, pay to the Department the amount of tax imposed under
11 this subsection, less a discount of 1.75%, which is allowed to
12 reimburse the retailer for the expenses incurred in keeping
13 records, preparing and filing returns, remitting the tax, and
14 supplying data to the Department on request.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause a warrant to be drawn for the
19 amount specified and to the person named in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the Metropolitan Pier and Exposition Authority
22 trust fund held by the State Treasurer as trustee for the
23 Authority.

24 Nothing in this subsection authorizes the Authority to
25 impose a tax upon the privilege of engaging in any business
26 that under the Constitution of the United States may not be

1 made the subject of taxation by this State.

2 The Department shall forthwith pay over to the State
3 Treasurer, ex officio, as trustee for the Authority, all taxes
4 and penalties collected under this subsection for deposit into
5 a trust fund held outside of the State Treasury.

6 As soon as possible after the first day of each month,
7 beginning January 1, 2011, upon certification of the Department
8 of Revenue, the Comptroller shall order transferred, and the
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
10 local sales tax increment, as defined in the Innovation
11 Development and Economy Act, collected under this subsection
12 during the second preceding calendar month for sales within a
13 STAR bond district.

14 After the monthly transfer to the STAR Bonds Revenue Fund,
15 on or before the 25th day of each calendar month, the
16 Department shall prepare and certify to the Comptroller the
17 amounts to be paid under subsection (g) of this Section, which
18 shall be the amounts, not including credit memoranda, collected
19 under this subsection during the second preceding calendar
20 month by the Department, less any amounts determined by the
21 Department to be necessary for the payment of refunds, less 2%
22 of such balance, which sum shall be deposited by the State
23 Treasurer into the Tax Compliance and Administration Fund in
24 the State Treasury from which it shall be appropriated to the
25 Department to cover the costs of the Department in
26 administering and enforcing the provisions of this subsection,

1 and less any amounts that are transferred to the STAR Bonds
2 Revenue Fund. Within 10 days after receipt by the Comptroller
3 of the certification, the Comptroller shall cause the orders to
4 be drawn for the remaining amounts, and the Treasurer shall
5 administer those amounts as required in subsection (g).

6 A certificate of registration issued by the Illinois
7 Department of Revenue to a retailer under the Retailers'
8 Occupation Tax Act shall permit the registrant to engage in a
9 business that is taxed under the tax imposed under this
10 subsection, and no additional registration shall be required
11 under the ordinance imposing the tax or under this subsection.

12 A certified copy of any ordinance imposing or discontinuing
13 any tax under this subsection or effecting a change in the rate
14 of that tax shall be filed with the Department, whereupon the
15 Department shall proceed to administer and enforce this
16 subsection on behalf of the Authority as of the first day of
17 the third calendar month following the date of filing.

18 The tax authorized to be levied under this subsection may
19 be levied within all or any part of the following described
20 portions of the metropolitan area:

21 (1) that portion of the City of Chicago located within
22 the following area: Beginning at the point of intersection
23 of the Cook County - DuPage County line and York Road, then
24 North along York Road to its intersection with Touhy
25 Avenue, then east along Touhy Avenue to its intersection
26 with the Northwest Tollway, then southeast along the

1 Northwest Tollway to its intersection with Lee Street, then
2 south along Lee Street to Higgins Road, then south and east
3 along Higgins Road to its intersection with Mannheim Road,
4 then south along Mannheim Road to its intersection with
5 Irving Park Road, then west along Irving Park Road to its
6 intersection with the Cook County - DuPage County line,
7 then north and west along the county line to the point of
8 beginning; and

9 (2) that portion of the City of Chicago located within
10 the following area: Beginning at the intersection of West
11 55th Street with Central Avenue, then east along West 55th
12 Street to its intersection with South Cicero Avenue, then
13 south along South Cicero Avenue to its intersection with
14 West 63rd Street, then west along West 63rd Street to its
15 intersection with South Central Avenue, then north along
16 South Central Avenue to the point of beginning; and

17 (3) that portion of the City of Chicago located within
18 the following area: Beginning at the point 150 feet west of
19 the intersection of the west line of North Ashland Avenue
20 and the north line of West Diversey Avenue, then north 150
21 feet, then east along a line 150 feet north of the north
22 line of West Diversey Avenue extended to the shoreline of
23 Lake Michigan, then following the shoreline of Lake
24 Michigan (including Navy Pier and all other improvements
25 fixed to land, docks, or piers) to the point where the
26 shoreline of Lake Michigan and the Adlai E. Stevenson

1 Expressway extended east to that shoreline intersect, then
2 west along the Adlai E. Stevenson Expressway to a point 150
3 feet west of the west line of South Ashland Avenue, then
4 north along a line 150 feet west of the west line of South
5 and North Ashland Avenue to the point of beginning.

6 The tax authorized to be levied under this subsection may
7 also be levied on food, alcoholic beverages, and soft drinks
8 sold on boats and other watercraft departing from and returning
9 to the shoreline of Lake Michigan (including Navy Pier and all
10 other improvements fixed to land, docks, or piers) described in
11 item (3).

12 (c) By ordinance the Authority shall, as soon as
13 practicable after the effective date of this amendatory Act of
14 1991, impose an occupation tax upon all persons engaged in the
15 corporate limits of the City of Chicago in the business of
16 renting, leasing, or letting rooms in a hotel, as defined in
17 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of
18 the gross rental receipts from the renting, leasing, or letting
19 of hotel rooms within the City of Chicago, excluding, however,
20 from gross rental receipts the proceeds of renting, leasing, or
21 letting to permanent residents of a hotel, as defined in that
22 Act. Gross rental receipts shall not include charges that are
23 added on account of the liability arising from any tax imposed
24 by the State or any governmental agency on the occupation of
25 renting, leasing, or letting rooms in a hotel.

26 The tax imposed by the Authority under this subsection and

1 all civil penalties that may be assessed as an incident to that
2 tax shall be collected and enforced by the Illinois Department
3 of Revenue. The certificate of registration that is issued by
4 the Department to a lessor under the Hotel Operators'
5 Occupation Tax Act shall permit that registrant to engage in a
6 business that is taxable under any ordinance enacted under this
7 subsection without registering separately with the Department
8 under that ordinance or under this subsection. The Department
9 shall have full power to administer and enforce this
10 subsection, to collect all taxes and penalties due under this
11 subsection, to dispose of taxes and penalties so collected in
12 the manner provided in this subsection, and to determine all
13 rights to credit memoranda arising on account of the erroneous
14 payment of tax or penalty under this subsection. In the
15 administration of and compliance with this subsection, the
16 Department and persons who are subject to this subsection shall
17 have the same rights, remedies, privileges, immunities,
18 powers, and duties, shall be subject to the same conditions,
19 restrictions, limitations, penalties, and definitions of
20 terms, and shall employ the same modes of procedure as are
21 prescribed in the Hotel Operators' Occupation Tax Act (except
22 where that Act is inconsistent with this subsection), as fully
23 as if the provisions contained in the Hotel Operators'
24 Occupation Tax Act were set out in this subsection.

25 Whenever the Department determines that a refund should be
26 made under this subsection to a claimant instead of issuing a

1 credit memorandum, the Department shall notify the State
2 Comptroller, who shall cause a warrant to be drawn for the
3 amount specified and to the person named in the notification
4 from the Department. The refund shall be paid by the State
5 Treasurer out of the Metropolitan Pier and Exposition Authority
6 trust fund held by the State Treasurer as trustee for the
7 Authority.

8 Persons subject to any tax imposed under the authority
9 granted in this subsection may reimburse themselves for their
10 tax liability for that tax by separately stating that tax as an
11 additional charge, which charge may be stated in combination,
12 in a single amount, with State taxes imposed under the Hotel
13 Operators' Occupation Tax Act, the municipal tax imposed under
14 Section 8-3-13 of the Illinois Municipal Code, and the tax
15 imposed under Section 19 of the Illinois Sports Facilities
16 Authority Act.

17 The person filing the return shall, at the time of filing
18 the return, pay to the Department the amount of tax, less a
19 discount of 2.1% or \$25 per calendar year, whichever is
20 greater, which is allowed to reimburse the operator for the
21 expenses incurred in keeping records, preparing and filing
22 returns, remitting the tax, and supplying data to the
23 Department on request.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex officio, as trustee for the Authority, all taxes
26 and penalties collected under this subsection for deposit into

1 a trust fund held outside the State Treasury. On or before the
2 25th day of each calendar month, the Department shall certify
3 to the Comptroller the amounts to be paid under subsection (g)
4 of this Section, which shall be the amounts (not including
5 credit memoranda) collected under this subsection during the
6 second preceding calendar month by the Department, less any
7 amounts determined by the Department to be necessary for
8 payment of refunds. Within 10 days after receipt by the
9 Comptroller of the Department's certification, the Comptroller
10 shall cause the orders to be drawn for such amounts, and the
11 Treasurer shall administer those amounts as required in
12 subsection (g).

13 A certified copy of any ordinance imposing or discontinuing
14 a tax under this subsection or effecting a change in the rate
15 of that tax shall be filed with the Illinois Department of
16 Revenue, whereupon the Department shall proceed to administer
17 and enforce this subsection on behalf of the Authority as of
18 the first day of the third calendar month following the date of
19 filing.

20 (d) By ordinance the Authority shall, as soon as
21 practicable after the effective date of this amendatory Act of
22 1991, impose a tax upon all persons engaged in the business of
23 renting automobiles in the metropolitan area at the rate of 6%
24 of the gross receipts from that business, except that no tax
25 shall be imposed on the business of renting automobiles for use
26 as taxicabs or in livery service. The tax imposed under this

1 subsection and all civil penalties that may be assessed as an
2 incident to that tax shall be collected and enforced by the
3 Illinois Department of Revenue. The certificate of
4 registration issued by the Department to a retailer under the
5 Retailers' Occupation Tax Act or under the Automobile Renting
6 Occupation and Use Tax Act shall permit that person to engage
7 in a business that is taxable under any ordinance enacted under
8 this subsection without registering separately with the
9 Department under that ordinance or under this subsection. The
10 Department shall have full power to administer and enforce this
11 subsection, to collect all taxes and penalties due under this
12 subsection, to dispose of taxes and penalties so collected in
13 the manner provided in this subsection, and to determine all
14 rights to credit memoranda arising on account of the erroneous
15 payment of tax or penalty under this subsection. In the
16 administration of and compliance with this subsection, the
17 Department and persons who are subject to this subsection shall
18 have the same rights, remedies, privileges, immunities,
19 powers, and duties, be subject to the same conditions,
20 restrictions, limitations, penalties, and definitions of
21 terms, and employ the same modes of procedure as are prescribed
22 in Sections 2 and 3 (in respect to all provisions of those
23 Sections other than the State rate of tax; and in respect to
24 the provisions of the Retailers' Occupation Tax Act referred to
25 in those Sections, except as to the disposition of taxes and
26 penalties collected, except for the provision allowing

1 retailers a deduction from the tax to cover certain costs, and
2 except that credit memoranda issued under this subsection may
3 not be used to discharge any State tax liability) of the
4 Automobile Renting Occupation and Use Tax Act, as fully as if
5 provisions contained in those Sections of that Act were set
6 forth in this subsection.

7 Persons subject to any tax imposed under the authority
8 granted in this subsection may reimburse themselves for their
9 tax liability under this subsection by separately stating that
10 tax as an additional charge, which charge may be stated in
11 combination, in a single amount, with State tax that sellers
12 are required to collect under the Automobile Renting Occupation
13 and Use Tax Act, pursuant to bracket schedules as the
14 Department may prescribe.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause a warrant to be drawn for the
19 amount specified and to the person named in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the Metropolitan Pier and Exposition Authority
22 trust fund held by the State Treasurer as trustee for the
23 Authority.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex officio, as trustee, all taxes and penalties
26 collected under this subsection for deposit into a trust fund

1 held outside the State Treasury. On or before the 25th day of
2 each calendar month, the Department shall certify to the
3 Comptroller the amounts to be paid under subsection (g) of this
4 Section (not including credit memoranda) collected under this
5 subsection during the second preceding calendar month by the
6 Department, less any amount determined by the Department to be
7 necessary for payment of refunds. Within 10 days after receipt
8 by the Comptroller of the Department's certification, the
9 Comptroller shall cause the orders to be drawn for such
10 amounts, and the Treasurer shall administer those amounts as
11 required in subsection (g).

12 Nothing in this subsection authorizes the Authority to
13 impose a tax upon the privilege of engaging in any business
14 that under the Constitution of the United States may not be
15 made the subject of taxation by this State.

16 A certified copy of any ordinance imposing or discontinuing
17 a tax under this subsection or effecting a change in the rate
18 of that tax shall be filed with the Illinois Department of
19 Revenue, whereupon the Department shall proceed to administer
20 and enforce this subsection on behalf of the Authority as of
21 the first day of the third calendar month following the date of
22 filing.

23 (e) By ordinance the Authority shall, as soon as
24 practicable after the effective date of this amendatory Act of
25 1991, impose a tax upon the privilege of using in the
26 metropolitan area an automobile that is rented from a rentor

1 outside Illinois and is titled or registered with an agency of
2 this State's government at a rate of 6% of the rental price of
3 that automobile, except that no tax shall be imposed on the
4 privilege of using automobiles rented for use as taxicabs or in
5 livery service. The tax shall be collected from persons whose
6 Illinois address for titling or registration purposes is given
7 as being in the metropolitan area. The tax shall be collected
8 by the Department of Revenue for the Authority. The tax must be
9 paid to the State or an exemption determination must be
10 obtained from the Department of Revenue before the title or
11 certificate of registration for the property may be issued. The
12 tax or proof of exemption may be transmitted to the Department
13 by way of the State agency with which or State officer with
14 whom the tangible personal property must be titled or
15 registered if the Department and that agency or State officer
16 determine that this procedure will expedite the processing of
17 applications for title or registration.

18 The Department shall have full power to administer and
19 enforce this subsection, to collect all taxes, penalties, and
20 interest due under this subsection, to dispose of taxes,
21 penalties, and interest so collected in the manner provided in
22 this subsection, and to determine all rights to credit
23 memoranda or refunds arising on account of the erroneous
24 payment of tax, penalty, or interest under this subsection. In
25 the administration of and compliance with this subsection, the
26 Department and persons who are subject to this subsection shall

1 have the same rights, remedies, privileges, immunities,
2 powers, and duties, be subject to the same conditions,
3 restrictions, limitations, penalties, and definitions of
4 terms, and employ the same modes of procedure as are prescribed
5 in Sections 2 and 4 (except provisions pertaining to the State
6 rate of tax; and in respect to the provisions of the Use Tax
7 Act referred to in that Section, except provisions concerning
8 collection or refunding of the tax by retailers, except the
9 provisions of Section 19 pertaining to claims by retailers,
10 except the last paragraph concerning refunds, and except that
11 credit memoranda issued under this subsection may not be used
12 to discharge any State tax liability) of the Automobile Renting
13 Occupation and Use Tax Act, as fully as if provisions contained
14 in those Sections of that Act were set forth in this
15 subsection.

16 Whenever the Department determines that a refund should be
17 made under this subsection to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause a warrant to be drawn for the
20 amount specified and to the person named in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of the Metropolitan Pier and Exposition Authority
23 trust fund held by the State Treasurer as trustee for the
24 Authority.

25 The Department shall forthwith pay over to the State
26 Treasurer, ex officio, as trustee, all taxes, penalties, and

1 interest collected under this subsection for deposit into a
2 trust fund held outside the State Treasury. On or before the
3 25th day of each calendar month, the Department shall certify
4 to the State Comptroller the amounts to be paid under
5 subsection (g) of this Section, which shall be the amounts (not
6 including credit memoranda) collected under this subsection
7 during the second preceding calendar month by the Department,
8 less any amounts determined by the Department to be necessary
9 for payment of refunds. Within 10 days after receipt by the
10 State Comptroller of the Department's certification, the
11 Comptroller shall cause the orders to be drawn for such
12 amounts, and the Treasurer shall administer those amounts as
13 required in subsection (g).

14 A certified copy of any ordinance imposing or discontinuing
15 a tax or effecting a change in the rate of that tax shall be
16 filed with the Illinois Department of Revenue, whereupon the
17 Department shall proceed to administer and enforce this
18 subsection on behalf of the Authority as of the first day of
19 the third calendar month following the date of filing.

20 (f) By ordinance the Authority shall, as soon as
21 practicable after the effective date of this amendatory Act of
22 1991, impose an occupation tax on all persons, other than a
23 governmental agency, engaged in the business of providing
24 ground transportation for hire to passengers in the
25 metropolitan area at a rate of (i) \$4 per taxi or livery
26 vehicle departure with passengers for hire from commercial

1 service airports in the metropolitan area, (ii) for each
2 departure with passengers for hire from a commercial service
3 airport in the metropolitan area in a bus or van operated by a
4 person other than a person described in item (iii): \$18 per bus
5 or van with a capacity of 1-12 passengers, \$36 per bus or van
6 with a capacity of 13-24 passengers, and \$54 per bus or van
7 with a capacity of over 24 passengers, and (iii) for each
8 departure with passengers for hire from a commercial service
9 airport in the metropolitan area in a bus or van operated by a
10 person regulated by the Interstate Commerce Commission or
11 Illinois Commerce Commission, operating scheduled service from
12 the airport, and charging fares on a per passenger basis: \$2
13 per passenger for hire in each bus or van. The term "commercial
14 service airports" means those airports receiving scheduled
15 passenger service and enplaning more than 100,000 passengers
16 per year.

17 In the ordinance imposing the tax, the Authority may
18 provide for the administration and enforcement of the tax and
19 the collection of the tax from persons subject to the tax as
20 the Authority determines to be necessary or practicable for the
21 effective administration of the tax. The Authority may enter
22 into agreements as it deems appropriate with any governmental
23 agency providing for that agency to act as the Authority's
24 agent to collect the tax.

25 In the ordinance imposing the tax, the Authority may
26 designate a method or methods for persons subject to the tax to

1 reimburse themselves for the tax liability arising under the
2 ordinance (i) by separately stating the full amount of the tax
3 liability as an additional charge to passengers departing the
4 airports, (ii) by separately stating one-half of the tax
5 liability as an additional charge to both passengers departing
6 from and to passengers arriving at the airports, or (iii) by
7 some other method determined by the Authority.

8 All taxes, penalties, and interest collected under any
9 ordinance adopted under this subsection, less any amounts
10 determined to be necessary for the payment of refunds and less
11 the taxes, penalties, and interest attributable to any increase
12 in the rate of tax authorized by Public Act 96-898 ~~this~~
13 ~~amendatory Act of the 96th General Assembly~~, shall be paid
14 forthwith to the State Treasurer, ex officio, for deposit into
15 a trust fund held outside the State Treasury and shall be
16 administered by the State Treasurer as provided in subsection
17 (g) of this Section. All taxes, penalties, and interest
18 attributable to any increase in the rate of tax authorized by
19 Public Act 96-898 ~~this amendatory Act of the 96th General~~
20 ~~Assembly~~ shall be paid by the State Treasurer as follows: 25%
21 for deposit into the Convention Center Support Fund, to be used
22 by the Village of Rosemont for the repair, maintenance, and
23 improvement of the Donald E. Stephens Convention Center and for
24 debt service on debt instruments issued for those purposes by
25 the village and 75% to the Authority to be used for grants to
26 an organization meeting the qualifications set out in Section

1 5.6 of this Act, provided the Metropolitan Pier and Exposition
2 Authority has entered into a marketing agreement with such an
3 organization.

4 (g) Amounts deposited from the proceeds of taxes imposed by
5 the Authority under subsections (b), (c), (d), (e), and (f) of
6 this Section and amounts deposited under Section 19 of the
7 Illinois Sports Facilities Authority Act shall be held in a
8 trust fund outside the State Treasury and shall be administered
9 by the Treasurer as follows:

10 (1) An amount necessary for the payment of refunds with
11 respect to those taxes shall be retained in the trust fund
12 and used for those payments.

13 (2) On July 20 and on the 20th of each month
14 thereafter, provided that the amount requested in the
15 annual certificate of the Chairman of the Authority filed
16 under Section 8.25f of the State Finance Act has been
17 appropriated for payment to the Authority, 1/8 of the local
18 tax transfer amount, together with any cumulative
19 deficiencies in the amounts transferred into the McCormick
20 Place Expansion Project Fund under this subparagraph (2)
21 during the fiscal year for which the certificate has been
22 filed, shall be transferred from the trust fund into the
23 McCormick Place Expansion Project Fund in the State
24 treasury until 100% of the local tax transfer amount has
25 been so transferred. "Local tax transfer amount" shall mean
26 the amount requested in the annual certificate, minus the

1 reduction amount. "Reduction amount" shall mean \$41.7
2 million in fiscal year 2011, \$36.7 million in fiscal year
3 2012, \$36.7 million in fiscal year 2013, \$36.7 million in
4 fiscal year 2014, and \$31.7 million in each fiscal year
5 thereafter until 2032, provided that the reduction amount
6 shall be reduced by (i) the amount certified by the
7 Authority to the State Comptroller and State Treasurer
8 under Section 8.25 of the State Finance Act, as amended,
9 with respect to that fiscal year and (ii) in any fiscal
10 year in which the amounts deposited in the trust fund under
11 this Section exceed \$318.3 million, exclusive of amounts
12 set aside for refunds and for the reserve account, one
13 dollar for each dollar of the deposits in the trust fund
14 above \$318.3 million with respect to that year, exclusive
15 of amounts set aside for refunds and for the reserve
16 account.

17 (3) On July 20, 2010, the Comptroller shall certify to
18 the Governor, the Treasurer, and the Chairman of the
19 Authority the 2010 deficiency amount, which means the
20 cumulative amount of transfers that were due from the trust
21 fund to the McCormick Place Expansion Project Fund in
22 fiscal years 2008, 2009, and 2010 under Section 13(g) of
23 this Act, as it existed prior to May 27, 2010 (the
24 effective date of Public Act 96-898) ~~this amendatory Act of~~
25 ~~the 96th General Assembly~~, but not made. On July 20, 2011
26 and on July 20 of each year through July 20, 2014, the

1 Treasurer shall calculate for the previous fiscal year the
2 surplus revenues in the trust fund and pay that amount to
3 the Authority. On July 20, 2015 and on July 20 of each year
4 thereafter, as long as bonds and notes issued under Section
5 13.2 or bonds and notes issued to refund those bonds and
6 notes are outstanding, the Treasurer shall calculate for
7 the previous fiscal year the surplus revenues in the trust
8 fund and pay one-half of that amount to the State Treasurer
9 for deposit into the General Revenue Fund until the 2010
10 deficiency amount has been paid and shall pay the balance
11 of the surplus revenues to the Authority. "Surplus
12 revenues" means the amounts remaining in the trust fund on
13 June 30 of the previous fiscal year (A) after the State
14 Treasurer has set aside in the trust fund (i) amounts
15 retained for refunds under subparagraph (1) and (ii) any
16 amounts necessary to meet the reserve account amount and
17 (B) after the State Treasurer has transferred from the
18 trust fund to the General Revenue Fund 100% of any
19 post-2010 deficiency amount. "Reserve account amount"
20 means \$15 million in fiscal year 2011 and \$30 million in
21 each fiscal year thereafter. The reserve account amount
22 shall be set aside in the trust fund and used as a reserve
23 to be transferred to the McCormick Place Expansion Project
24 Fund in the event the proceeds of taxes imposed under this
25 Section 13 are not sufficient to fund the transfer required
26 in subparagraph (2). "Post-2010 deficiency amount" means

1 any deficiency in transfers from the trust fund to the
2 McCormick Place Expansion Project Fund with respect to
3 fiscal years 2011 and thereafter. It is the intention of
4 this subparagraph (3) that no surplus revenues shall be
5 paid to the Authority with respect to any year in which a
6 post-2010 deficiency amount has not been satisfied by the
7 Authority.

8 Moneys received by the Authority as surplus revenues may be
9 used (i) for the purposes of paying debt service on the bonds
10 and notes issued by the Authority, including early redemption
11 of those bonds or notes, (ii) for the purposes of repair,
12 replacement, and improvement of the grounds, buildings, and
13 facilities of the Authority, and (iii) for the corporate
14 purposes of the Authority in fiscal years 2011 through 2015 in
15 an amount not to exceed \$20,000,000 annually or \$80,000,000
16 total, which amount shall be reduced \$0.75 for each dollar of
17 the receipts of the Authority in that year from any contract
18 entered into with respect to naming rights at McCormick Place
19 under Section 5(m) of this Act. When bonds and notes issued
20 under Section 13.2, or bonds or notes issued to refund those
21 bonds and notes, are no longer outstanding, the balance in the
22 trust fund shall be paid to the Authority.

23 (h) The ordinances imposing the taxes authorized by this
24 Section shall be repealed when bonds and notes issued under
25 Section 13.2 or bonds and notes issued to refund those bonds
26 and notes are no longer outstanding.

1 (Source: P.A. 96-898, eff. 5-27-10; 96-939, eff. 6-24-10;
2 revised 9-16-10.)

3 Section 175. The Regional Transportation Authority Act is
4 amended by changing Section 2.20 as follows:

5 (70 ILCS 3615/2.20) (from Ch. 111 2/3, par. 702.20)

6 Sec. 2.20. General Powers.

7 (a) Except as otherwise limited by this Act, the Authority
8 shall also have all powers necessary to meet its
9 responsibilities and to carry out its purposes, including, but
10 not limited to, the following powers:

11 (i) To sue and be sued;

12 (ii) To invest any funds or any monies not required for
13 immediate use or disbursement, as provided in "An Act
14 relating to certain investments of public funds by public
15 agencies", approved July 23, 1943, as now or hereafter
16 amended;

17 (iii) To make, amend and repeal by-laws, rules and
18 regulations, and ordinances not inconsistent with this
19 Act;

20 (iv) To hold, sell, sell by installment contract, lease
21 as lessor, transfer or dispose of such real or personal
22 property as it deems appropriate in the exercise of its
23 powers or to provide for the use thereof by any
24 transportation agency and to mortgage, pledge or otherwise

1 grant security interests in any such property;

2 (v) To enter at reasonable times upon such lands,
3 waters or premises as in the judgment of the Authority may
4 be necessary, convenient or desirable for the purpose of
5 making surveys, soundings, borings and examinations to
6 accomplish any purpose authorized by this Act after having
7 given reasonable notice of such proposed entry to the
8 owners and occupants of such lands, waters or premises, the
9 Authority being liable only for actual damage caused by
10 such activity;

11 (vi) To make and execute all contracts and other
12 instruments necessary or convenient to the exercise of its
13 powers;

14 (vii) To enter into contracts of group insurance for
15 the benefit of its employees and to provide for retirement
16 or pensions or other employee benefit arrangements for such
17 employees, and to assume obligations for pensions or other
18 employee benefit arrangements for employees of
19 transportation agencies, all or part of the facilities of
20 which are acquired by the Authority;

21 (viii) To provide for the insurance of any property,
22 directors, officers, employees or operations of the
23 Authority against any risk or hazard, and to self-insure or
24 participate in joint self-insurance pools or entities to
25 insure against such risk or hazard;

26 (ix) To appear before the Illinois Commerce Commission

1 in all proceedings concerning the Authority, a Service
2 Board or any transportation agency; and

3 (x) To pass all ordinances and make all rules and
4 regulations proper or necessary to regulate the use,
5 operation and maintenance of its property and facilities
6 and, by ordinance, to prescribe fines or penalties for
7 violations thereof. No fine or penalty shall exceed \$1,000
8 per offense. Any ordinance providing for any fine or
9 penalty shall be published in a newspaper of general
10 circulation in the metropolitan region. No such ordinance
11 shall take effect until 10 days after its publication.

12 ~~(xi)~~ The Authority may enter into arbitration
13 arrangements, which may be final and binding.

14 ~~(xii)~~ The Commuter Rail Board shall continue the separate
15 public corporation, known as the Northeast Illinois Regional
16 Commuter Railroad Corporation, as a separate operating unit to
17 operate on behalf of the Commuter Rail Board commuter railroad
18 facilities, subject at all times to the supervision and
19 direction of the Commuter Rail Board and may, by ordinance,
20 dissolve such Corporation. Such Corporation shall be governed
21 by a Board of Directors which shall consist of the members of
22 the Transition Board until such time as all of the members of
23 the Commuter Rail Board are appointed and qualified and
24 thereafter the members of the Commuter Rail Board. Such
25 Corporation shall have all the powers given the Authority and
26 the Commuter Rail Board under Article II of this Act (other

1 than under Section 2.13) as are delegated to it by ordinance of
2 the Commuter Rail Board with regard to such operation of
3 facilities and the same exemptions, restrictions and
4 limitations as are provided by law with regard to the Authority
5 shall apply to such Corporation. Such Corporation shall be a
6 transportation agency as provided in this Act except for
7 purposes of paragraph (e) of Section 3.01 of this Act.

8 ~~(xiii)~~ The Authority shall cooperate with the Illinois
9 Commerce Commission and local law enforcement agencies in
10 establishing a two year pilot program in DuPage County to
11 determine the effectiveness of an automated railroad grade
12 crossing enforcement system.

13 (b) In each case in which this Act gives the Authority the
14 power to construct or acquire real or personal property, the
15 Authority shall have the power to acquire such property by
16 contract, purchase, gift, grant, exchange for other property or
17 rights in property, lease (or sublease) or installment or
18 conditional purchase contracts, which leases or contracts may
19 provide for consideration therefor to be paid in annual
20 installments during a period not exceeding 40 years. Property
21 may be acquired subject to such conditions, restrictions,
22 liens, or security or other interests of other parties as the
23 Authority may deem appropriate, and in each case the Authority
24 may acquire a joint, leasehold, easement, license or other
25 partial interest in such property. Any such acquisition may
26 provide for the assumption of, or agreement to pay, perform or

1 discharge outstanding or continuing duties, obligations or
2 liabilities of the seller, lessor, donor or other transferor of
3 or of the trustee with regard to such property. In connection
4 with the acquisition of public transportation equipment,
5 including, but not limited to, rolling stock, vehicles,
6 locomotives, buses or rapid transit equipment, the Authority
7 may also execute agreements concerning such equipment leases,
8 equipment trust certificates, conditional purchase agreements
9 and such other security agreements and may make such agreements
10 and covenants as required, in the form customarily used in such
11 cases appropriate to effect such acquisition. Obligations of
12 the Authority incurred pursuant to this Section shall not be
13 considered bonds or notes within the meaning of Section 4.04 of
14 this Act.

15 (c) The Authority shall assume all costs of rights,
16 benefits and protective conditions to which any employee is
17 entitled under this Act from any transportation agency in the
18 event of the inability of the transportation agency to meet its
19 obligations in relation thereto due to bankruptcy or
20 insolvency, provided that the Authority shall retain the right
21 to proceed against the bankrupt or insolvent transportation
22 agency or its successors, trustees, assigns or debtors for the
23 costs assumed. The Authority may mitigate its liability under
24 this paragraph (c) and under Section 2.16 to the extent of
25 employment and employment benefits which it tenders.

26 (Source: P.A. 89-454, eff. 5-17-96; revised 10-18-10.)

1 Section 180. The Water Commission Act of 1985 is amended by
2 changing Section 4 as follows:

3 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

4 Sec. 4. Taxes.

5 (a) The board of commissioners of any county water
6 commission may, by ordinance, impose throughout the territory
7 of the commission any or all of the taxes provided in this
8 Section for its corporate purposes. However, no county water
9 commission may impose any such tax unless the commission
10 certifies the proposition of imposing the tax to the proper
11 election officials, who shall submit the proposition to the
12 voters residing in the territory at an election in accordance
13 with the general election law, and the proposition has been
14 approved by a majority of those voting on the proposition.

15 The proposition shall be in the form provided in Section 5
16 or shall be substantially in the following form:

17 -----

18 Shall the (insert corporate
19 name of county water commission) YES
20 impose (state type of tax or -----
21 taxes to be imposed) at the NO
22 rate of 1/4%?

23 -----

24 Taxes imposed under this Section and civil penalties

1 imposed incident thereto shall be collected and enforced by the
2 State Department of Revenue. The Department shall have the
3 power to administer and enforce the taxes and to determine all
4 rights for refunds for erroneous payments of the taxes.

5 (b) The board of commissioners may impose a County Water
6 Commission Retailers' Occupation Tax upon all persons engaged
7 in the business of selling tangible personal property at retail
8 in the territory of the commission at a rate of 1/4% of the
9 gross receipts from the sales made in the course of such
10 business within the territory. The tax imposed under this
11 paragraph and all civil penalties that may be assessed as an
12 incident thereof shall be collected and enforced by the State
13 Department of Revenue. The Department shall have full power to
14 administer and enforce this paragraph; to collect all taxes and
15 penalties due hereunder; to dispose of taxes and penalties so
16 collected in the manner hereinafter provided; and to determine
17 all rights to credit memoranda arising on account of the
18 erroneous payment of tax or penalty hereunder. In the
19 administration of, and compliance with, this paragraph, the
20 Department and persons who are subject to this paragraph shall
21 have the same rights, remedies, privileges, immunities, powers
22 and duties, and be subject to the same conditions,
23 restrictions, limitations, penalties, exclusions, exemptions
24 and definitions of terms, and employ the same modes of
25 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
26 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions

1 therein other than the State rate of tax except that food for
2 human consumption that is to be consumed off the premises where
3 it is sold (other than alcoholic beverages, soft drinks, and
4 food that has been prepared for immediate consumption) and
5 prescription and nonprescription medicine, drugs, medical
6 appliances and insulin, urine testing materials, syringes, and
7 needles used by diabetics, for human use, shall not be subject
8 to tax hereunder), 2c, 3 (except as to the disposition of taxes
9 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
10 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the
11 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
12 Penalty and Interest Act, as fully as if those provisions were
13 set forth herein.

14 Persons subject to any tax imposed under the authority
15 granted in this paragraph may reimburse themselves for their
16 seller's tax liability hereunder by separately stating the tax
17 as an additional charge, which charge may be stated in
18 combination, in a single amount, with State taxes that sellers
19 are required to collect under the Use Tax Act and under
20 subsection (e) of Section 4.03 of the Regional Transportation
21 Authority Act, in accordance with such bracket schedules as the
22 Department may prescribe.

23 Whenever the Department determines that a refund should be
24 made under this paragraph to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the warrant to be drawn for the

1 amount specified, and to the person named, in the notification
2 from the Department. The refund shall be paid by the State
3 Treasurer out of a county water commission tax fund established
4 under paragraph (g) of this Section.

5 For the purpose of determining whether a tax authorized
6 under this paragraph is applicable, a retail sale by a producer
7 of coal or other mineral mined in Illinois is a sale at retail
8 at the place where the coal or other mineral mined in Illinois
9 is extracted from the earth. This paragraph does not apply to
10 coal or other mineral when it is delivered or shipped by the
11 seller to the purchaser at a point outside Illinois so that the
12 sale is exempt under the Federal Constitution as a sale in
13 interstate or foreign commerce.

14 If a tax is imposed under this subsection (b) a tax shall
15 also be imposed under subsections (c) and (d) of this Section.

16 No tax shall be imposed or collected under this subsection
17 on the sale of a motor vehicle in this State to a resident of
18 another state if that motor vehicle will not be titled in this
19 State.

20 Nothing in this paragraph shall be construed to authorize a
21 county water commission to impose a tax upon the privilege of
22 engaging in any business which under the Constitution of the
23 United States may not be made the subject of taxation by this
24 State.

25 (c) If a tax has been imposed under subsection (b), a
26 County Water Commission Service Occupation Tax shall also be

1 imposed upon all persons engaged, in the territory of the
2 commission, in the business of making sales of service, who, as
3 an incident to making the sales of service, transfer tangible
4 personal property within the territory. The tax rate shall be
5 1/4% of the selling price of tangible personal property so
6 transferred within the territory. The tax imposed under this
7 paragraph and all civil penalties that may be assessed as an
8 incident thereof shall be collected and enforced by the State
9 Department of Revenue. The Department shall have full power to
10 administer and enforce this paragraph; to collect all taxes and
11 penalties due hereunder; to dispose of taxes and penalties so
12 collected in the manner hereinafter provided; and to determine
13 all rights to credit memoranda arising on account of the
14 erroneous payment of tax or penalty hereunder. In the
15 administration of, and compliance with, this paragraph, the
16 Department and persons who are subject to this paragraph shall
17 have the same rights, remedies, privileges, immunities, powers
18 and duties, and be subject to the same conditions,
19 restrictions, limitations, penalties, exclusions, exemptions
20 and definitions of terms, and employ the same modes of
21 procedure, as are prescribed in Sections 1a-1, 2 (except that
22 the reference to State in the definition of supplier
23 maintaining a place of business in this State shall mean the
24 territory of the commission), 2a, 3 through 3-50 (in respect to
25 all provisions therein other than the State rate of tax except
26 that food for human consumption that is to be consumed off the

1 premises where it is sold (other than alcoholic beverages, soft
2 drinks, and food that has been prepared for immediate
3 consumption) and prescription and nonprescription medicines,
4 drugs, medical appliances and insulin, urine testing
5 materials, syringes, and needles used by diabetics, for human
6 use, shall not be subject to tax hereunder), 4 (except that the
7 reference to the State shall be to the territory of the
8 commission), 5, 7, 8 (except that the jurisdiction to which the
9 tax shall be a debt to the extent indicated in that Section 8
10 shall be the commission), 9 (except as to the disposition of
11 taxes and penalties collected and except that the returned
12 merchandise credit for this tax may not be taken against any
13 State tax), 10, 11, 12 (except the reference therein to Section
14 2b of the Retailers' Occupation Tax Act), 13 (except that any
15 reference to the State shall mean the territory of the
16 commission), the first paragraph of Section 15, 15.5, 16, 17,
17 18, 19 and 20 of the Service Occupation Tax Act as fully as if
18 those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority
20 granted in this paragraph may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, which charge may be stated in
23 combination, in a single amount, with State tax that servicemen
24 are authorized to collect under the Service Use Tax Act, and
25 any tax for which servicemen may be liable under subsection (f)
26 of Sec. 4.03 of the Regional Transportation Authority Act, in

1 accordance with such bracket schedules as the Department may
2 prescribe.

3 Whenever the Department determines that a refund should be
4 made under this paragraph to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the warrant to be drawn for the
7 amount specified, and to the person named, in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of a county water commission tax fund established
10 under paragraph (g) of this Section.

11 Nothing in this paragraph shall be construed to authorize a
12 county water commission to impose a tax upon the privilege of
13 engaging in any business which under the Constitution of the
14 United States may not be made the subject of taxation by the
15 State.

16 (d) If a tax has been imposed under subsection (b), a tax
17 shall also imposed upon the privilege of using, in the
18 territory of the commission, any item of tangible personal
19 property that is purchased outside the territory at retail from
20 a retailer, and that is titled or registered with an agency of
21 this State's government, at a rate of 1/4% of the selling price
22 of the tangible personal property within the territory, as
23 "selling price" is defined in the Use Tax Act. The tax shall be
24 collected from persons whose Illinois address for titling or
25 registration purposes is given as being in the territory. The
26 tax shall be collected by the Department of Revenue for a

1 county water commission. The tax must be paid to the State, or
2 an exemption determination must be obtained from the Department
3 of Revenue, before the title or certificate of registration for
4 the property may be issued. The tax or proof of exemption may
5 be transmitted to the Department by way of the State agency
6 with which, or the State officer with whom, the tangible
7 personal property must be titled or registered if the
8 Department and the State agency or State officer determine that
9 this procedure will expedite the processing of applications for
10 title or registration.

11 The Department shall have full power to administer and
12 enforce this paragraph; to collect all taxes, penalties and
13 interest due hereunder; to dispose of taxes, penalties and
14 interest so collected in the manner hereinafter provided; and
15 to determine all rights to credit memoranda or refunds arising
16 on account of the erroneous payment of tax, penalty or interest
17 hereunder. In the administration of, and compliance with this
18 paragraph, the Department and persons who are subject to this
19 paragraph shall have the same rights, remedies, privileges,
20 immunities, powers and duties, and be subject to the same
21 conditions, restrictions, limitations, penalties, exclusions,
22 exemptions and definitions of terms and employ the same modes
23 of procedure, as are prescribed in Sections 2 (except the
24 definition of "retailer maintaining a place of business in this
25 State"), 3 through 3-80 (except provisions pertaining to the
26 State rate of tax, and except provisions concerning collection

1 or refunding of the tax by retailers, and except that food for
2 human consumption that is to be consumed off the premises where
3 it is sold (other than alcoholic beverages, soft drinks, and
4 food that has been prepared for immediate consumption) and
5 prescription and nonprescription medicines, drugs, medical
6 appliances and insulin, urine testing materials, syringes, and
7 needles used by diabetics, for human use, shall not be subject
8 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the
9 portions pertaining to claims by retailers and except the last
10 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act
11 and Section 3-7 of the Uniform Penalty and Interest Act that
12 are not inconsistent with this paragraph, as fully as if those
13 provisions were set forth herein.

14 Whenever the Department determines that a refund should be
15 made under this paragraph to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the order to be drawn for the
18 amount specified, and to the person named, in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of a county water commission tax fund established
21 under paragraph (g) of this Section.

22 (e) A certificate of registration issued by the State
23 Department of Revenue to a retailer under the Retailers'
24 Occupation Tax Act or under the Service Occupation Tax Act
25 shall permit the registrant to engage in a business that is
26 taxed under the tax imposed under paragraphs (b), (c) or (d) of

1 this Section and no additional registration shall be required
2 under the tax. A certificate issued under the Use Tax Act or
3 the Service Use Tax Act shall be applicable with regard to any
4 tax imposed under paragraph (c) of this Section.

5 (f) Any ordinance imposing or discontinuing any tax under
6 this Section shall be adopted and a certified copy thereof
7 filed with the Department on or before June 1, whereupon the
8 Department of Revenue shall proceed to administer and enforce
9 this Section on behalf of the county water commission as of
10 September 1 next following the adoption and filing. Beginning
11 January 1, 1992, an ordinance or resolution imposing or
12 discontinuing the tax hereunder shall be adopted and a
13 certified copy thereof filed with the Department on or before
14 the first day of July, whereupon the Department shall proceed
15 to administer and enforce this Section as of the first day of
16 October next following such adoption and filing. Beginning
17 January 1, 1993, an ordinance or resolution imposing or
18 discontinuing the tax hereunder shall be adopted and a
19 certified copy thereof filed with the Department on or before
20 the first day of October, whereupon the Department shall
21 proceed to administer and enforce this Section as of the first
22 day of January next following such adoption and filing.

23 (g) The State Department of Revenue shall, upon collecting
24 any taxes as provided in this Section, pay the taxes over to
25 the State Treasurer as trustee for the commission. The taxes
26 shall be held in a trust fund outside the State Treasury.

1 As soon as possible after the first day of each month,
2 beginning January 1, 2011, upon certification of the Department
3 of Revenue, the Comptroller shall order transferred, and the
4 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
5 local sales tax increment, as defined in the Innovation
6 Development and Economy Act, collected under this Section
7 during the second preceding calendar month for sales within a
8 STAR bond district.

9 After the monthly transfer to the STAR Bonds Revenue Fund,
10 on or before the 25th day of each calendar month, the State
11 Department of Revenue shall prepare and certify to the
12 Comptroller of the State of Illinois the amount to be paid to
13 the commission, which shall be the then balance in the fund,
14 less any amount determined by the Department to be necessary
15 for the payment of refunds, and less any amounts that are
16 transferred to the STAR Bonds Revenue Fund. Within 10 days
17 after receipt by the Comptroller of the certification of the
18 amount to be paid to the commission, the Comptroller shall
19 cause an order to be drawn for the payment for the amount in
20 accordance with the direction in the certification.

21 (h) Beginning June 1, 2016, any tax imposed pursuant to
22 this Section may no longer be imposed or collected, unless a
23 continuation of the tax is approved by the voters at a
24 referendum as set forth in this Section.

25 (Source: P.A. 96-939, eff. 6-24-10; 96-1389, eff. 7-29-10;
26 revised 9-2-10.)

1 Section 185. The School Code is amended by changing
2 Sections 3-2.5, 19-1, 19b-5, 19b-15, and 21-7.1 and by setting
3 forth and renumbering multiple versions of Sections 10-20.46
4 and 34-18.37 as follows:

5 (105 ILCS 5/3-2.5)

6 Sec. 3-2.5. Salaries.

7 (a) Except as otherwise provided in this Section, the
8 regional superintendents of schools shall receive for their
9 services an annual salary according to the population, as
10 determined by the last preceding federal census, of the region
11 they serve, as set out in the following schedule:

12 SALARIES OF REGIONAL SUPERINTENDENTS OF
13 SCHOOLS

14 POPULATION OF REGION	ANNUAL SALARY
15 Less than 48,000	\$73,500
16 48,000 to 99,999	\$78,000
17 100,000 to 999,999	\$81,500
18 1,000,000 and over	\$83,500

19 The changes made by Public Act 86-98 in the annual salary
20 that the regional superintendents of schools shall receive for
21 their services shall apply to the annual salary received by the
22 regional superintendents of schools during each of their
23 elected terms of office that commence after July 26, 1989 and
24 before the first Monday of August, 1995.

1 The changes made by Public Act 89-225 in the annual salary
2 that regional superintendents of schools shall receive for
3 their services shall apply to the annual salary received by the
4 regional superintendents of schools during their elected terms
5 of office that commence after August 4, 1995 and end on August
6 1, 1999.

7 The changes made by this amendatory Act of the 91st General
8 Assembly in the annual salary that the regional superintendents
9 of schools shall receive for their services shall apply to the
10 annual salary received by the regional superintendents of
11 schools during each of their elected terms of office that
12 commence on or after August 2, 1999.

13 Beginning July 1, 2000, the salary that the regional
14 superintendent of schools receives for his or her services
15 shall be adjusted annually to reflect the percentage increase,
16 if any, in the most recent Consumer Price Index, as defined and
17 officially reported by the United States Department of Labor,
18 Bureau of Labor Statistics, except that no annual increment may
19 exceed 2.9%. If the percentage of change in the Consumer Price
20 Index is a percentage decrease, the salary that the regional
21 superintendent of schools receives shall not be adjusted for
22 that year.

23 When regional superintendents are authorized by the School
24 Code to appoint assistant regional superintendents, the
25 assistant regional superintendent shall receive an annual
26 salary based on his or her qualifications and computed as a

1 percentage of the salary of the regional superintendent to whom
 2 he or she is assistant, as set out in the following schedule:

3 SALARIES OF ASSISTANT REGIONAL
 4 SUPERINTENDENTS

5 QUALIFICATIONS OF	6 PERCENTAGE OF SALARY
7 ASSISTANT REGIONAL	8 OF REGIONAL
9 SUPERINTENDENT	10 SUPERINTENDENT

11 No Bachelor's degree, but State	
12 certificate valid for teaching	
13 and supervising.	70%

14 Bachelor's degree plus	
15 State certificate valid	
16 for supervising.	75%

17 Master's degree plus	
18 State certificate valid	
19 for supervising.	90%

20 However, in any region in which the appointment of more
 21 than one assistant regional superintendent is authorized,
 22 whether by Section 3-15.10 of this Code or otherwise, not more
 23 than one assistant may be compensated at the 90% rate and any
 24 other assistant shall be paid at not exceeding the 75% rate, in
 25 each case depending on the qualifications of the assistant.

26 The salaries provided in this Section for regional
 superintendents and assistant regional superintendents are
 payable monthly. The State Comptroller in making his or her
 warrant to any county for the amount due it shall deduct from

1 it the several amounts for which warrants have been issued to
2 the regional superintendent, and any assistant regional
3 superintendent, of the educational service region encompassing
4 the county since the preceding apportionment.

5 County boards may provide for additional compensation for
6 the regional superintendent or the assistant regional
7 superintendents, or for each of them, to be paid quarterly from
8 the county treasury.

9 (b) Upon abolition of the office of regional superintendent
10 of schools in educational service regions containing 2,000,000
11 or more inhabitants as provided in Section 3-0.01 of this Code,
12 the funds provided under subsection (a) of this Section shall
13 continue to be appropriated and reallocated, as provided for
14 pursuant to subsection (b) of Section 3-0.01 of this Code, to
15 the educational service centers established pursuant to
16 Section 2-3.62 of this Code for an educational service region
17 containing 2,000,000 or more inhabitants.

18 (c) If the State pays all or any portion of the employee
19 contributions required under Section 16-152 of the Illinois
20 Pension Code for employees of the State Board of Education, it
21 shall also pay the employee contributions required of regional
22 superintendents of schools and assistant regional
23 superintendents of schools on the same basis, but excluding any
24 contributions based on compensation that is paid by the county
25 rather than the State.

26 This subsection (c) applies to contributions based on

1 payments of salary earned after the effective date of this
2 amendatory Act of the 91st General Assembly, except that in the
3 case of an elected regional superintendent of schools, this
4 subsection does not apply to contributions based on payments of
5 salary earned during a term of office that commenced before the
6 effective date of this amendatory Act.

7 (Source: P.A. 96-893, eff. 7-1-10; 96-1086, eff. 7-16-10;
8 revised 7-22-10.)

9 (105 ILCS 5/10-20.46)

10 Sec. 10-20.46. Veterans' Day; moment of silence. If a
11 school holds any type of event at the school on November 11,
12 Veterans' Day, the school board shall require a moment of
13 silence at that event to recognize Veterans' Day.

14 (Source: P.A. 96-84, eff. 7-27-09; 96-1000, eff. 7-2-10.)

15 (105 ILCS 5/10-20.52)

16 Sec. 10-20.52 ~~10-20.46~~. American Sign Language courses.
17 School boards are encouraged to implement American Sign
18 Language courses into school foreign language curricula.

19 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

20 (105 ILCS 5/19-1)

21 Sec. 19-1. Debt limitations of school districts.

22 (a) School districts shall not be subject to the provisions
23 limiting their indebtedness prescribed in "An Act to limit the

1 indebtedness of counties having a population of less than
2 500,000 and townships, school districts and other municipal
3 corporations having a population of less than 300,000",
4 approved February 15, 1928, as amended.

5 No school districts maintaining grades K through 8 or 9
6 through 12 shall become indebted in any manner or for any
7 purpose to an amount, including existing indebtedness, in the
8 aggregate exceeding 6.9% on the value of the taxable property
9 therein to be ascertained by the last assessment for State and
10 county taxes or, until January 1, 1983, if greater, the sum
11 that is produced by multiplying the school district's 1978
12 equalized assessed valuation by the debt limitation percentage
13 in effect on January 1, 1979, previous to the incurring of such
14 indebtedness.

15 No school districts maintaining grades K through 12 shall
16 become indebted in any manner or for any purpose to an amount,
17 including existing indebtedness, in the aggregate exceeding
18 13.8% on the value of the taxable property therein to be
19 ascertained by the last assessment for State and county taxes
20 or, until January 1, 1983, if greater, the sum that is produced
21 by multiplying the school district's 1978 equalized assessed
22 valuation by the debt limitation percentage in effect on
23 January 1, 1979, previous to the incurring of such
24 indebtedness.

25 No partial elementary unit district, as defined in Article
26 11E of this Code, shall become indebted in any manner or for

1 any purpose in an amount, including existing indebtedness, in
2 the aggregate exceeding 6.9% of the value of the taxable
3 property of the entire district, to be ascertained by the last
4 assessment for State and county taxes, plus an amount,
5 including existing indebtedness, in the aggregate exceeding
6 6.9% of the value of the taxable property of that portion of
7 the district included in the elementary and high school
8 classification, to be ascertained by the last assessment for
9 State and county taxes. Moreover, no partial elementary unit
10 district, as defined in Article 11E of this Code, shall become
11 indebted on account of bonds issued by the district for high
12 school purposes in the aggregate exceeding 6.9% of the value of
13 the taxable property of the entire district, to be ascertained
14 by the last assessment for State and county taxes, nor shall
15 the district become indebted on account of bonds issued by the
16 district for elementary purposes in the aggregate exceeding
17 6.9% of the value of the taxable property for that portion of
18 the district included in the elementary and high school
19 classification, to be ascertained by the last assessment for
20 State and county taxes.

21 Notwithstanding the provisions of any other law to the
22 contrary, in any case in which the voters of a school district
23 have approved a proposition for the issuance of bonds of such
24 school district at an election held prior to January 1, 1979,
25 and all of the bonds approved at such election have not been
26 issued, the debt limitation applicable to such school district

1 during the calendar year 1979 shall be computed by multiplying
2 the value of taxable property therein, including personal
3 property, as ascertained by the last assessment for State and
4 county taxes, previous to the incurring of such indebtedness,
5 by the percentage limitation applicable to such school district
6 under the provisions of this subsection (a).

7 (b) Notwithstanding the debt limitation prescribed in
8 subsection (a) of this Section, additional indebtedness may be
9 incurred in an amount not to exceed the estimated cost of
10 acquiring or improving school sites or constructing and
11 equipping additional building facilities under the following
12 conditions:

13 (1) Whenever the enrollment of students for the next
14 school year is estimated by the board of education to
15 increase over the actual present enrollment by not less
16 than 35% or by not less than 200 students or the actual
17 present enrollment of students has increased over the
18 previous school year by not less than 35% or by not less
19 than 200 students and the board of education determines
20 that additional school sites or building facilities are
21 required as a result of such increase in enrollment; and

22 (2) When the Regional Superintendent of Schools having
23 jurisdiction over the school district and the State
24 Superintendent of Education concur in such enrollment
25 projection or increase and approve the need for such
26 additional school sites or building facilities and the

1 estimated cost thereof; and

2 (3) When the voters in the school district approve a
3 proposition for the issuance of bonds for the purpose of
4 acquiring or improving such needed school sites or
5 constructing and equipping such needed additional building
6 facilities at an election called and held for that purpose.
7 Notice of such an election shall state that the amount of
8 indebtedness proposed to be incurred would exceed the debt
9 limitation otherwise applicable to the school district.
10 The ballot for such proposition shall state what percentage
11 of the equalized assessed valuation will be outstanding in
12 bonds if the proposed issuance of bonds is approved by the
13 voters; or

14 (4) Notwithstanding the provisions of paragraphs (1)
15 through (3) of this subsection (b), if the school board
16 determines that additional facilities are needed to
17 provide a quality educational program and not less than 2/3
18 of those voting in an election called by the school board
19 on the question approve the issuance of bonds for the
20 construction of such facilities, the school district may
21 issue bonds for this purpose; or

22 (5) Notwithstanding the provisions of paragraphs (1)
23 through (3) of this subsection (b), if (i) the school
24 district has previously availed itself of the provisions of
25 paragraph (4) of this subsection (b) to enable it to issue
26 bonds, (ii) the voters of the school district have not

1 defeated a proposition for the issuance of bonds since the
2 referendum described in paragraph (4) of this subsection
3 (b) was held, (iii) the school board determines that
4 additional facilities are needed to provide a quality
5 educational program, and (iv) a majority of those voting in
6 an election called by the school board on the question
7 approve the issuance of bonds for the construction of such
8 facilities, the school district may issue bonds for this
9 purpose.

10 In no event shall the indebtedness incurred pursuant to
11 this subsection (b) and the existing indebtedness of the school
12 district exceed 15% of the value of the taxable property
13 therein to be ascertained by the last assessment for State and
14 county taxes, previous to the incurring of such indebtedness
15 or, until January 1, 1983, if greater, the sum that is produced
16 by multiplying the school district's 1978 equalized assessed
17 valuation by the debt limitation percentage in effect on
18 January 1, 1979.

19 The indebtedness provided for by this subsection (b) shall
20 be in addition to and in excess of any other debt limitation.

21 (c) Notwithstanding the debt limitation prescribed in
22 subsection (a) of this Section, in any case in which a public
23 question for the issuance of bonds of a proposed school
24 district maintaining grades kindergarten through 12 received
25 at least 60% of the valid ballots cast on the question at an
26 election held on or prior to November 8, 1994, and in which the

1 bonds approved at such election have not been issued, the
2 school district pursuant to the requirements of Section 11A-10
3 (now repealed) may issue the total amount of bonds approved at
4 such election for the purpose stated in the question.

5 (d) Notwithstanding the debt limitation prescribed in
6 subsection (a) of this Section, a school district that meets
7 all the criteria set forth in paragraphs (1) and (2) of this
8 subsection (d) may incur an additional indebtedness in an
9 amount not to exceed \$4,500,000, even though the amount of the
10 additional indebtedness authorized by this subsection (d),
11 when incurred and added to the aggregate amount of indebtedness
12 of the district existing immediately prior to the district
13 incurring the additional indebtedness authorized by this
14 subsection (d), causes the aggregate indebtedness of the
15 district to exceed the debt limitation otherwise applicable to
16 that district under subsection (a):

17 (1) The additional indebtedness authorized by this
18 subsection (d) is incurred by the school district through
19 the issuance of bonds under and in accordance with Section
20 17-2.11a for the purpose of replacing a school building
21 which, because of mine subsidence damage, has been closed
22 as provided in paragraph (2) of this subsection (d) or
23 through the issuance of bonds under and in accordance with
24 Section 19-3 for the purpose of increasing the size of, or
25 providing for additional functions in, such replacement
26 school buildings, or both such purposes.

1 (2) The bonds issued by the school district as provided
2 in paragraph (1) above are issued for the purposes of
3 construction by the school district of a new school
4 building pursuant to Section 17-2.11, to replace an
5 existing school building that, because of mine subsidence
6 damage, is closed as of the end of the 1992-93 school year
7 pursuant to action of the regional superintendent of
8 schools of the educational service region in which the
9 district is located under Section 3-14.22 or are issued for
10 the purpose of increasing the size of, or providing for
11 additional functions in, the new school building being
12 constructed to replace a school building closed as the
13 result of mine subsidence damage, or both such purposes.

14 (e) (Blank).

15 (f) Notwithstanding the provisions of subsection (a) of
16 this Section or of any other law, bonds in not to exceed the
17 aggregate amount of \$5,500,000 and issued by a school district
18 meeting the following criteria shall not be considered
19 indebtedness for purposes of any statutory limitation and may
20 be issued in an amount or amounts, including existing
21 indebtedness, in excess of any heretofore or hereafter imposed
22 statutory limitation as to indebtedness:

23 (1) At the time of the sale of such bonds, the board of
24 education of the district shall have determined by
25 resolution that the enrollment of students in the district
26 is projected to increase by not less than 7% during each of

1 the next succeeding 2 school years.

2 (2) The board of education shall also determine by
3 resolution that the improvements to be financed with the
4 proceeds of the bonds are needed because of the projected
5 enrollment increases.

6 (3) The board of education shall also determine by
7 resolution that the projected increases in enrollment are
8 the result of improvements made or expected to be made to
9 passenger rail facilities located in the school district.

10 Notwithstanding the provisions of subsection (a) of this
11 Section or of any other law, a school district that has availed
12 itself of the provisions of this subsection (f) prior to July
13 22, 2004 (the effective date of Public Act 93-799) may also
14 issue bonds approved by referendum up to an amount, including
15 existing indebtedness, not exceeding 25% of the equalized
16 assessed value of the taxable property in the district if all
17 of the conditions set forth in items (1), (2), and (3) of this
18 subsection (f) are met.

19 (g) Notwithstanding the provisions of subsection (a) of
20 this Section or any other law, bonds in not to exceed an
21 aggregate amount of 25% of the equalized assessed value of the
22 taxable property of a school district and issued by a school
23 district meeting the criteria in paragraphs (i) through (iv) of
24 this subsection shall not be considered indebtedness for
25 purposes of any statutory limitation and may be issued pursuant
26 to resolution of the school board in an amount or amounts,

1 including existing indebtedness, in excess of any statutory
2 limitation of indebtedness heretofore or hereafter imposed:

3 (i) The bonds are issued for the purpose of
4 constructing a new high school building to replace two
5 adjacent existing buildings which together house a single
6 high school, each of which is more than 65 years old, and
7 which together are located on more than 10 acres and less
8 than 11 acres of property.

9 (ii) At the time the resolution authorizing the
10 issuance of the bonds is adopted, the cost of constructing
11 a new school building to replace the existing school
12 building is less than 60% of the cost of repairing the
13 existing school building.

14 (iii) The sale of the bonds occurs before July 1, 1997.

15 (iv) The school district issuing the bonds is a unit
16 school district located in a county of less than 70,000 and
17 more than 50,000 inhabitants, which has an average daily
18 attendance of less than 1,500 and an equalized assessed
19 valuation of less than \$29,000,000.

20 (h) Notwithstanding any other provisions of this Section or
21 the provisions of any other law, until January 1, 1998, a
22 community unit school district maintaining grades K through 12
23 may issue bonds up to an amount, including existing
24 indebtedness, not exceeding 27.6% of the equalized assessed
25 value of the taxable property in the district, if all of the
26 following conditions are met:

1 (i) The school district has an equalized assessed
2 valuation for calendar year 1995 of less than \$24,000,000;

3 (ii) The bonds are issued for the capital improvement,
4 renovation, rehabilitation, or replacement of existing
5 school buildings of the district, all of which buildings
6 were originally constructed not less than 40 years ago;

7 (iii) The voters of the district approve a proposition
8 for the issuance of the bonds at a referendum held after
9 March 19, 1996; and

10 (iv) The bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (i) Notwithstanding any other provisions of this Section or
13 the provisions of any other law, until January 1, 1998, a
14 community unit school district maintaining grades K through 12
15 may issue bonds up to an amount, including existing
16 indebtedness, not exceeding 27% of the equalized assessed value
17 of the taxable property in the district, if all of the
18 following conditions are met:

19 (i) The school district has an equalized assessed
20 valuation for calendar year 1995 of less than \$44,600,000;

21 (ii) The bonds are issued for the capital improvement,
22 renovation, rehabilitation, or replacement of existing
23 school buildings of the district, all of which existing
24 buildings were originally constructed not less than 80
25 years ago;

26 (iii) The voters of the district approve a proposition

1 for the issuance of the bonds at a referendum held after
2 December 31, 1996; and

3 (iv) The bonds are issued pursuant to Sections 19-2
4 through 19-7 of this Code.

5 (j) Notwithstanding any other provisions of this Section or
6 the provisions of any other law, until January 1, 1999, a
7 community unit school district maintaining grades K through 12
8 may issue bonds up to an amount, including existing
9 indebtedness, not exceeding 27% of the equalized assessed value
10 of the taxable property in the district if all of the following
11 conditions are met:

12 (i) The school district has an equalized assessed
13 valuation for calendar year 1995 of less than \$140,000,000
14 and a best 3 months average daily attendance for the
15 1995-96 school year of at least 2,800;

16 (ii) The bonds are issued to purchase a site and build
17 and equip a new high school, and the school district's
18 existing high school was originally constructed not less
19 than 35 years prior to the sale of the bonds;

20 (iii) At the time of the sale of the bonds, the board
21 of education determines by resolution that a new high
22 school is needed because of projected enrollment
23 increases;

24 (iv) At least 60% of those voting in an election held
25 after December 31, 1996 approve a proposition for the
26 issuance of the bonds; and

1 (v) The bonds are issued pursuant to Sections 19-2
2 through 19-7 of this Code.

3 (k) Notwithstanding the debt limitation prescribed in
4 subsection (a) of this Section, a school district that meets
5 all the criteria set forth in paragraphs (1) through (4) of
6 this subsection (k) may issue bonds to incur an additional
7 indebtedness in an amount not to exceed \$4,000,000 even though
8 the amount of the additional indebtedness authorized by this
9 subsection (k), when incurred and added to the aggregate amount
10 of indebtedness of the school district existing immediately
11 prior to the school district incurring such additional
12 indebtedness, causes the aggregate indebtedness of the school
13 district to exceed or increases the amount by which the
14 aggregate indebtedness of the district already exceeds the debt
15 limitation otherwise applicable to that school district under
16 subsection (a):

17 (1) the school district is located in 2 counties, and a
18 referendum to authorize the additional indebtedness was
19 approved by a majority of the voters of the school district
20 voting on the proposition to authorize that indebtedness;

21 (2) the additional indebtedness is for the purpose of
22 financing a multi-purpose room addition to the existing
23 high school;

24 (3) the additional indebtedness, together with the
25 existing indebtedness of the school district, shall not
26 exceed 17.4% of the value of the taxable property in the

1 school district, to be ascertained by the last assessment
2 for State and county taxes; and

3 (4) the bonds evidencing the additional indebtedness
4 are issued, if at all, within 120 days of the effective
5 date of this amendatory Act of 1998.

6 (l) Notwithstanding any other provisions of this Section or
7 the provisions of any other law, until January 1, 2000, a
8 school district maintaining grades kindergarten through 8 may
9 issue bonds up to an amount, including existing indebtedness,
10 not exceeding 15% of the equalized assessed value of the
11 taxable property in the district if all of the following
12 conditions are met:

13 (i) the district has an equalized assessed valuation
14 for calendar year 1996 of less than \$10,000,000;

15 (ii) the bonds are issued for capital improvement,
16 renovation, rehabilitation, or replacement of one or more
17 school buildings of the district, which buildings were
18 originally constructed not less than 70 years ago;

19 (iii) the voters of the district approve a proposition
20 for the issuance of the bonds at a referendum held on or
21 after March 17, 1998; and

22 (iv) the bonds are issued pursuant to Sections 19-2
23 through 19-7 of this Code.

24 (m) Notwithstanding any other provisions of this Section or
25 the provisions of any other law, until January 1, 1999, an
26 elementary school district maintaining grades K through 8 may

1 issue bonds up to an amount, excluding existing indebtedness,
2 not exceeding 18% of the equalized assessed value of the
3 taxable property in the district, if all of the following
4 conditions are met:

5 (i) The school district has an equalized assessed
6 valuation for calendar year 1995 or less than \$7,700,000;

7 (ii) The school district operates 2 elementary
8 attendance centers that until 1976 were operated as the
9 attendance centers of 2 separate and distinct school
10 districts;

11 (iii) The bonds are issued for the construction of a
12 new elementary school building to replace an existing
13 multi-level elementary school building of the school
14 district that is not handicapped accessible at all levels
15 and parts of which were constructed more than 75 years ago;

16 (iv) The voters of the school district approve a
17 proposition for the issuance of the bonds at a referendum
18 held after July 1, 1998; and

19 (v) The bonds are issued pursuant to Sections 19-2
20 through 19-7 of this Code.

21 (n) Notwithstanding the debt limitation prescribed in
22 subsection (a) of this Section or any other provisions of this
23 Section or of any other law, a school district that meets all
24 of the criteria set forth in paragraphs (i) through (vi) of
25 this subsection (n) may incur additional indebtedness by the
26 issuance of bonds in an amount not exceeding the amount

1 certified by the Capital Development Board to the school
2 district as provided in paragraph (iii) of this subsection (n),
3 even though the amount of the additional indebtedness so
4 authorized, when incurred and added to the aggregate amount of
5 indebtedness of the district existing immediately prior to the
6 district incurring the additional indebtedness authorized by
7 this subsection (n), causes the aggregate indebtedness of the
8 district to exceed the debt limitation otherwise applicable by
9 law to that district:

10 (i) The school district applies to the State Board of
11 Education for a school construction project grant and
12 submits a district facilities plan in support of its
13 application pursuant to Section 5-20 of the School
14 Construction Law.

15 (ii) The school district's application and facilities
16 plan are approved by, and the district receives a grant
17 entitlement for a school construction project issued by,
18 the State Board of Education under the School Construction
19 Law.

20 (iii) The school district has exhausted its bonding
21 capacity or the unused bonding capacity of the district is
22 less than the amount certified by the Capital Development
23 Board to the district under Section 5-15 of the School
24 Construction Law as the dollar amount of the school
25 construction project's cost that the district will be
26 required to finance with non-grant funds in order to

1 receive a school construction project grant under the
2 School Construction Law.

3 (iv) The bonds are issued for a "school construction
4 project", as that term is defined in Section 5-5 of the
5 School Construction Law, in an amount that does not exceed
6 the dollar amount certified, as provided in paragraph (iii)
7 of this subsection (n), by the Capital Development Board to
8 the school district under Section 5-15 of the School
9 Construction Law.

10 (v) The voters of the district approve a proposition
11 for the issuance of the bonds at a referendum held after
12 the criteria specified in paragraphs (i) and (iii) of this
13 subsection (n) are met.

14 (vi) The bonds are issued pursuant to Sections 19-2
15 through 19-7 of the School Code.

16 (o) Notwithstanding any other provisions of this Section or
17 the provisions of any other law, until November 1, 2007, a
18 community unit school district maintaining grades K through 12
19 may issue bonds up to an amount, including existing
20 indebtedness, not exceeding 20% of the equalized assessed value
21 of the taxable property in the district if all of the following
22 conditions are met:

23 (i) the school district has an equalized assessed
24 valuation for calendar year 2001 of at least \$737,000,000
25 and an enrollment for the 2002-2003 school year of at least
26 8,500;

1 (ii) the bonds are issued to purchase school sites,
2 build and equip a new high school, build and equip a new
3 junior high school, build and equip 5 new elementary
4 schools, and make technology and other improvements and
5 additions to existing schools;

6 (iii) at the time of the sale of the bonds, the board
7 of education determines by resolution that the sites and
8 new or improved facilities are needed because of projected
9 enrollment increases;

10 (iv) at least 57% of those voting in a general election
11 held prior to January 1, 2003 approved a proposition for
12 the issuance of the bonds; and

13 (v) the bonds are issued pursuant to Sections 19-2
14 through 19-7 of this Code.

15 (p) Notwithstanding any other provisions of this Section or
16 the provisions of any other law, a community unit school
17 district maintaining grades K through 12 may issue bonds up to
18 an amount, including indebtedness, not exceeding 27% of the
19 equalized assessed value of the taxable property in the
20 district if all of the following conditions are met:

21 (i) The school district has an equalized assessed
22 valuation for calendar year 2001 of at least \$295,741,187
23 and a best 3 months' average daily attendance for the
24 2002-2003 school year of at least 2,394.

25 (ii) The bonds are issued to build and equip 3
26 elementary school buildings; build and equip one middle

1 school building; and alter, repair, improve, and equip all
2 existing school buildings in the district.

3 (iii) At the time of the sale of the bonds, the board
4 of education determines by resolution that the project is
5 needed because of expanding growth in the school district
6 and a projected enrollment increase.

7 (iv) The bonds are issued pursuant to Sections 19-2
8 through 19-7 of this Code.

9 (p-5) Notwithstanding any other provisions of this Section
10 or the provisions of any other law, bonds issued by a community
11 unit school district maintaining grades K through 12 shall not
12 be considered indebtedness for purposes of any statutory
13 limitation and may be issued in an amount or amounts, including
14 existing indebtedness, in excess of any heretofore or hereafter
15 imposed statutory limitation as to indebtedness, if all of the
16 following conditions are met:

17 (i) For each of the 4 most recent years, residential
18 property comprises more than 80% of the equalized assessed
19 valuation of the district.

20 (ii) At least 2 school buildings that were constructed
21 40 or more years prior to the issuance of the bonds will be
22 demolished and will be replaced by new buildings or
23 additions to one or more existing buildings.

24 (iii) Voters of the district approve a proposition for
25 the issuance of the bonds at a regularly scheduled
26 election.

1 (iv) At the time of the sale of the bonds, the school
2 board determines by resolution that the new buildings or
3 building additions are needed because of an increase in
4 enrollment projected by the school board.

5 (v) The principal amount of the bonds, including
6 existing indebtedness, does not exceed 25% of the equalized
7 assessed value of the taxable property in the district.

8 (vi) The bonds are issued prior to January 1, 2007,
9 pursuant to Sections 19-2 through 19-7 of this Code.

10 (p-10) Notwithstanding any other provisions of this
11 Section or the provisions of any other law, bonds issued by a
12 community consolidated school district maintaining grades K
13 through 8 shall not be considered indebtedness for purposes of
14 any statutory limitation and may be issued in an amount or
15 amounts, including existing indebtedness, in excess of any
16 heretofore or hereafter imposed statutory limitation as to
17 indebtedness, if all of the following conditions are met:

18 (i) For each of the 4 most recent years, residential
19 and farm property comprises more than 80% of the equalized
20 assessed valuation of the district.

21 (ii) The bond proceeds are to be used to acquire and
22 improve school sites and build and equip a school building.

23 (iii) Voters of the district approve a proposition for
24 the issuance of the bonds at a regularly scheduled
25 election.

26 (iv) At the time of the sale of the bonds, the school

1 board determines by resolution that the school sites and
2 building additions are needed because of an increase in
3 enrollment projected by the school board.

4 (v) The principal amount of the bonds, including
5 existing indebtedness, does not exceed 20% of the equalized
6 assessed value of the taxable property in the district.

7 (vi) The bonds are issued prior to January 1, 2007,
8 pursuant to Sections 19-2 through 19-7 of this Code.

9 (p-15) In addition to all other authority to issue bonds,
10 the Oswego Community Unit School District Number 308 may issue
11 bonds with an aggregate principal amount not to exceed
12 \$450,000,000, but only if all of the following conditions are
13 met:

14 (i) The voters of the district have approved a
15 proposition for the bond issue at the general election held
16 on November 7, 2006.

17 (ii) At the time of the sale of the bonds, the school
18 board determines, by resolution, that: (A) the building and
19 equipping of the new high school building, new junior high
20 school buildings, new elementary school buildings, early
21 childhood building, maintenance building, transportation
22 facility, and additions to existing school buildings, the
23 altering, repairing, equipping, and provision of
24 technology improvements to existing school buildings, and
25 the acquisition and improvement of school sites, as the
26 case may be, are required as a result of a projected

1 increase in the enrollment of students in the district; and
2 (B) the sale of bonds for these purposes is authorized by
3 legislation that exempts the debt incurred on the bonds
4 from the district's statutory debt limitation.

5 (iii) The bonds are issued, in one or more bond issues,
6 on or before November 7, 2011, but the aggregate principal
7 amount issued in all such bond issues combined must not
8 exceed \$450,000,000.

9 (iv) The bonds are issued in accordance with this
10 Article 19.

11 (v) The proceeds of the bonds are used only to
12 accomplish those projects approved by the voters at the
13 general election held on November 7, 2006.

14 The debt incurred on any bonds issued under this subsection
15 (p-15) shall not be considered indebtedness for purposes of any
16 statutory debt limitation.

17 (p-20) In addition to all other authority to issue bonds,
18 the Lincoln-Way Community High School District Number 210 may
19 issue bonds with an aggregate principal amount not to exceed
20 \$225,000,000, but only if all of the following conditions are
21 met:

22 (i) The voters of the district have approved a
23 proposition for the bond issue at the general primary
24 election held on March 21, 2006.

25 (ii) At the time of the sale of the bonds, the school
26 board determines, by resolution, that: (A) the building and

1 equipping of the new high school buildings, the altering,
2 repairing, and equipping of existing school buildings, and
3 the improvement of school sites, as the case may be, are
4 required as a result of a projected increase in the
5 enrollment of students in the district; and (B) the sale of
6 bonds for these purposes is authorized by legislation that
7 exempts the debt incurred on the bonds from the district's
8 statutory debt limitation.

9 (iii) The bonds are issued, in one or more bond issues,
10 on or before March 21, 2011, but the aggregate principal
11 amount issued in all such bond issues combined must not
12 exceed \$225,000,000.

13 (iv) The bonds are issued in accordance with this
14 Article 19.

15 (v) The proceeds of the bonds are used only to
16 accomplish those projects approved by the voters at the
17 primary election held on March 21, 2006.

18 The debt incurred on any bonds issued under this subsection
19 (p-20) shall not be considered indebtedness for purposes of any
20 statutory debt limitation.

21 (p-25) In addition to all other authority to issue bonds,
22 Rochester Community Unit School District 3A may issue bonds
23 with an aggregate principal amount not to exceed \$18,500,000,
24 but only if all of the following conditions are met:

25 (i) The voters of the district approve a proposition
26 for the bond issuance at the general primary election held

1 in 2008.

2 (ii) At the time of the sale of the bonds, the school
3 board determines, by resolution, that: (A) the building and
4 equipping of a new high school building; the addition of
5 classrooms and support facilities at the high school,
6 middle school, and elementary school; the altering,
7 repairing, and equipping of existing school buildings; and
8 the improvement of school sites, as the case may be, are
9 required as a result of a projected increase in the
10 enrollment of students in the district; and (B) the sale of
11 bonds for these purposes is authorized by a law that
12 exempts the debt incurred on the bonds from the district's
13 statutory debt limitation.

14 (iii) The bonds are issued, in one or more bond issues,
15 on or before December 31, 2012, but the aggregate principal
16 amount issued in all such bond issues combined must not
17 exceed \$18,500,000.

18 (iv) The bonds are issued in accordance with this
19 Article 19.

20 (v) The proceeds of the bonds are used to accomplish
21 only those projects approved by the voters at the primary
22 election held in 2008.

23 The debt incurred on any bonds issued under this subsection
24 (p-25) shall not be considered indebtedness for purposes of any
25 statutory debt limitation.

26 (p-30) In addition to all other authority to issue bonds,

1 Prairie Grove Consolidated School District 46 may issue bonds
2 with an aggregate principal amount not to exceed \$30,000,000,
3 but only if all of the following conditions are met:

4 (i) The voters of the district approve a proposition
5 for the bond issuance at an election held in 2008.

6 (ii) At the time of the sale of the bonds, the school
7 board determines, by resolution, that (A) the building and
8 equipping of a new school building and additions to
9 existing school buildings are required as a result of a
10 projected increase in the enrollment of students in the
11 district and (B) the altering, repairing, and equipping of
12 existing school buildings are required because of the age
13 of the existing school buildings.

14 (iii) The bonds are issued, in one or more bond
15 issuances, on or before December 31, 2012; however, the
16 aggregate principal amount issued in all such bond
17 issuances combined must not exceed \$30,000,000.

18 (iv) The bonds are issued in accordance with this
19 Article.

20 (v) The proceeds of the bonds are used to accomplish
21 only those projects approved by the voters at an election
22 held in 2008.

23 The debt incurred on any bonds issued under this subsection
24 (p-30) shall not be considered indebtedness for purposes of any
25 statutory debt limitation.

26 (p-35) In addition to all other authority to issue bonds,

1 Prairie Hill Community Consolidated School District 133 may
2 issue bonds with an aggregate principal amount not to exceed
3 \$13,900,000, but only if all of the following conditions are
4 met:

5 (i) The voters of the district approved a proposition
6 for the bond issuance at an election held on April 17,
7 2007.

8 (ii) At the time of the sale of the bonds, the school
9 board determines, by resolution, that (A) the improvement
10 of the site of and the building and equipping of a school
11 building are required as a result of a projected increase
12 in the enrollment of students in the district and (B) the
13 repairing and equipping of the Prairie Hill Elementary
14 School building is required because of the age of that
15 school building.

16 (iii) The bonds are issued, in one or more bond
17 issuances, on or before December 31, 2011, but the
18 aggregate principal amount issued in all such bond
19 issuances combined must not exceed \$13,900,000.

20 (iv) The bonds are issued in accordance with this
21 Article.

22 (v) The proceeds of the bonds are used to accomplish
23 only those projects approved by the voters at an election
24 held on April 17, 2007.

25 The debt incurred on any bonds issued under this subsection
26 (p-35) shall not be considered indebtedness for purposes of any

1 statutory debt limitation.

2 (p-40) In addition to all other authority to issue bonds,
3 Mascoutah Community Unit District 19 may issue bonds with an
4 aggregate principal amount not to exceed \$55,000,000, but only
5 if all of the following conditions are met:

6 (1) The voters of the district approve a proposition
7 for the bond issuance at a regular election held on or
8 after November 4, 2008.

9 (2) At the time of the sale of the bonds, the school
10 board determines, by resolution, that (i) the building and
11 equipping of a new high school building is required as a
12 result of a projected increase in the enrollment of
13 students in the district and the age and condition of the
14 existing high school building, (ii) the existing high
15 school building will be demolished, and (iii) the sale of
16 bonds is authorized by statute that exempts the debt
17 incurred on the bonds from the district's statutory debt
18 limitation.

19 (3) The bonds are issued, in one or more bond
20 issuances, on or before December 31, 2011, but the
21 aggregate principal amount issued in all such bond
22 issuances combined must not exceed \$55,000,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at a regular

1 election held on or after November 4, 2008.

2 The debt incurred on any bonds issued under this subsection
3 (p-40) shall not be considered indebtedness for purposes of any
4 statutory debt limitation.

5 (p-45) Notwithstanding the provisions of subsection (a) of
6 this Section or of any other law, bonds issued pursuant to
7 Section 19-3.5 of this Code shall not be considered
8 indebtedness for purposes of any statutory limitation if the
9 bonds are issued in an amount or amounts, including existing
10 indebtedness of the school district, not in excess of 18.5% of
11 the value of the taxable property in the district to be
12 ascertained by the last assessment for State and county taxes.

13 (p-50) Notwithstanding the provisions of subsection (a) of
14 this Section or of any other law, bonds issued pursuant to
15 Section 19-3.10 of this Code shall not be considered
16 indebtedness for purposes of any statutory limitation if the
17 bonds are issued in an amount or amounts, including existing
18 indebtedness of the school district, not in excess of 43% of
19 the value of the taxable property in the district to be
20 ascertained by the last assessment for State and county taxes.

21 (p-55) In addition to all other authority to issue bonds,
22 Belle Valley School District 119 may issue bonds with an
23 aggregate principal amount not to exceed \$47,500,000, but only
24 if all of the following conditions are met:

25 (1) The voters of the district approve a proposition
26 for the bond issuance at an election held on or after April

1 7, 2009.

2 (2) Prior to the issuance of the bonds, the school
3 board determines, by resolution, that (i) the building and
4 equipping of a new school building is required as a result
5 of mine subsidence in an existing school building and
6 because of the age and condition of another existing school
7 building and (ii) the issuance of bonds is authorized by
8 statute that exempts the debt incurred on the bonds from
9 the district's statutory debt limitation.

10 (3) The bonds are issued, in one or more bond
11 issuances, on or before March 31, 2014, but the aggregate
12 principal amount issued in all such bond issuances combined
13 must not exceed \$47,500,000.

14 (4) The bonds are issued in accordance with this
15 Article.

16 (5) The proceeds of the bonds are used to accomplish
17 only those projects approved by the voters at an election
18 held on or after April 7, 2009.

19 The debt incurred on any bonds issued under this subsection
20 (p-55) shall not be considered indebtedness for purposes of any
21 statutory debt limitation. Bonds issued under this subsection
22 (p-55) must mature within not to exceed 30 years from their
23 date, notwithstanding any other law to the contrary.

24 (p-60) In addition to all other authority to issue bonds,
25 Wilmington Community Unit School District Number 209-U may
26 issue bonds with an aggregate principal amount not to exceed

1 \$2,285,000, but only if all of the following conditions are
2 met:

3 (1) The proceeds of the bonds are used to accomplish
4 only those projects approved by the voters at the general
5 primary election held on March 21, 2006.

6 (2) Prior to the issuance of the bonds, the school
7 board determines, by resolution, that (i) the projects
8 approved by the voters were and are required because of the
9 age and condition of the school district's prior and
10 existing school buildings and (ii) the issuance of the
11 bonds is authorized by legislation that exempts the debt
12 incurred on the bonds from the district's statutory debt
13 limitation.

14 (3) The bonds are issued in one or more bond issuances
15 on or before March 1, 2011, but the aggregate principal
16 amount issued in all those bond issuances combined must not
17 exceed \$2,285,000.

18 (4) The bonds are issued in accordance with this
19 Article.

20 The debt incurred on any bonds issued under this subsection
21 (p-60) shall not be considered indebtedness for purposes of any
22 statutory debt limitation.

23 (p-65) ~~(p-60)~~ In addition to all other authority to issue
24 bonds, West Washington County Community Unit School District 10
25 may issue bonds with an aggregate principal amount not to
26 exceed \$32,200,000 and maturing over a period not exceeding 25

1 years, but only if all of the following conditions are met:

2 (1) The voters of the district approve a proposition
3 for the bond issuance at an election held on or after
4 February 2, 2010.

5 (2) Prior to the issuance of the bonds, the school
6 board determines, by resolution, that (A) all or a portion
7 of the existing Okawville Junior/Senior High School
8 Building will be demolished; (B) the building and equipping
9 of a new school building to be attached to and the
10 alteration, repair, and equipping of the remaining portion
11 of the Okawville Junior/Senior High School Building is
12 required because of the age and current condition of that
13 school building; and (C) the issuance of bonds is
14 authorized by a statute that exempts the debt incurred on
15 the bonds from the district's statutory debt limitation.

16 (3) The bonds are issued, in one or more bond
17 issuances, on or before March 31, 2014, but the aggregate
18 principal amount issued in all such bond issuances combined
19 must not exceed \$32,200,000.

20 (4) The bonds are issued in accordance with this
21 Article.

22 (5) The proceeds of the bonds are used to accomplish
23 only those projects approved by the voters at an election
24 held on or after February 2, 2010.

25 The debt incurred on any bonds issued under this subsection
26 (p-65) ~~(p-60)~~ shall not be considered indebtedness for purposes

1 of any statutory debt limitation.

2 (p-70) ~~(p-60)~~ In addition to all other authority to issue
3 bonds, Cahokia Community Unit School District 187 may issue
4 bonds with an aggregate principal amount not to exceed
5 \$50,000,000, but only if all the following conditions are met:

6 (1) The voters of the district approve a proposition
7 for the bond issuance at an election held on or after
8 November 2, 2010.

9 (2) Prior to the issuance of the bonds, the school
10 board determines, by resolution, that (i) the building and
11 equipping of a new school building is required as a result
12 of the age and condition of an existing school building and
13 (ii) the issuance of bonds is authorized by a statute that
14 exempts the debt incurred on the bonds from the district's
15 statutory debt limitation.

16 (3) The bonds are issued, in one or more issuances, on
17 or before July 1, 2016, but the aggregate principal amount
18 issued in all such bond issuances combined must not exceed
19 \$50,000,000.

20 (4) The bonds are issued in accordance with this
21 Article.

22 (5) The proceeds of the bonds are used to accomplish
23 only those projects approved by the voters at an election
24 held on or after November 2, 2010.

25 The debt incurred on any bonds issued under this subsection
26 (p-70) ~~(p-60)~~ shall not be considered indebtedness for purposes

1 of any statutory debt limitation. Bonds issued under this
2 subsection (p-70) ~~(p-60)~~ must mature within not to exceed 25
3 years from their date, notwithstanding any other law, including
4 Section 19-3 of this Code, to the contrary.

5 (p-75) ~~(p-60)~~ Notwithstanding the debt limitation
6 prescribed in subsection (a) of this Section or any other
7 provisions of this Section or of any other law, the execution
8 of leases on or after January 1, 2007 and before July 1, 2011
9 by the Board of Education of Peoria School District 150 with a
10 public building commission for leases entered into pursuant to
11 the Public Building Commission Act shall not be considered
12 indebtedness for purposes of any statutory debt limitation.

13 This subsection (p-75) ~~(p-60)~~ applies only if the State
14 Board of Education or the Capital Development Board makes one
15 or more grants to Peoria School District 150 pursuant to the
16 School Construction Law. The amount exempted from the debt
17 limitation as prescribed in this subsection (p-75) ~~(p-60)~~ shall
18 be no greater than the amount of one or more grants awarded to
19 Peoria School District 150 by the State Board of Education or
20 the Capital Development Board.

21 (q) A school district must notify the State Board of
22 Education prior to issuing any form of long-term or short-term
23 debt that will result in outstanding debt that exceeds 75% of
24 the debt limit specified in this Section or any other provision
25 of law.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-594, eff. 9-10-07;

1 95-792, eff. 1-1-09; 96-63, eff. 7-23-09; 96-273, eff. 8-11-09;
2 96-517, eff. 8-14-09; 96-947, eff. 6-25-10; 96-950, eff.
3 6-25-10; 96-1000, eff. 7-2-10; 96-1438, eff. 8-20-10; 96-1467,
4 eff. 8-20-10; revised 9-16-10.)

5 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

6 Sec. 19b-5. Installment payment contract; lease purchase
7 agreement. A school district or school districts in combination
8 or an area vocational center may enter into an installment
9 payment contract or lease purchase agreement with a qualified
10 provider or with a third party ~~third party~~, as authorized by
11 law, for the funding or financing of the purchase and
12 installation of energy conservation measures by a qualified
13 provider. Every school district or area vocational center may
14 issue certificates evidencing the indebtedness incurred
15 pursuant to the contracts or agreements. Any such contract or
16 agreement shall be valid whether or not an appropriation with
17 respect thereto is first included in any annual or supplemental
18 budget adopted by the school district or area vocational
19 center. Each contract or agreement entered into by a school
20 district or area vocational center pursuant to this Section
21 shall be authorized by official action of the school board or
22 governing board of the area vocational center, whichever is
23 applicable. The authority granted in this Section is in
24 addition to any other authority granted by law.

25 If an energy audit is performed by an energy services

1 contractor for a school district within the 3 years immediately
2 preceding the solicitation, then the school district must
3 publish as a reference document in the solicitation for energy
4 conservation measures the following:

5 (1) an executive summary of the energy audit provided
6 that the school district may exclude any proprietary or
7 trademarked information or practices; or

8 (2) the energy audit provided that the school district
9 may redact any proprietary or trademarked information or
10 practices.

11 A school district may not withhold the disclosure of
12 information related to (i) the school district's consumption of
13 energy, (ii) the physical condition of the school district's
14 facilities, and (iii) any limitations prescribed by the school
15 district.

16 The solicitation must include a written disclosure that
17 identifies any energy services contractor that participated in
18 the preparation of the specifications issued by the school
19 district. If no energy services contractor participated in the
20 preparation of the specifications issued by the school
21 district, then the solicitation must include a written
22 disclosure that no energy services contractor participated in
23 the preparation of the specifications for the school district.
24 The written disclosure shall be published in the Capital
25 Development Board Procurement Bulletin with the Request for
26 Proposal.

1 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10;
2 revised 9-16-10.)

3 (105 ILCS 5/19b-15)

4 Sec. 19b-15. Applicable laws. Other State laws and related
5 administrative requirements apply to this Article, including,
6 but not limited to, the following laws and related
7 administrative requirements: the Illinois Human Rights Act,
8 the Prevailing Wage Act, the Public Construction Bond Act, the
9 Public Works Preference Act (repealed on June 16, 2010 by
10 Public Act 96-929), the Employment of Illinois Workers on
11 Public Works Act, the Freedom of Information Act, the Open
12 Meetings Act, the Illinois Architecture Practice Act of 1989,
13 the Professional Engineering Practice Act of 1989, the
14 Structural Engineering Practice Act of 1989, the Local
15 Government Professional Services Selection Act, and the
16 Contractor Unified License and Permit Bond Act.

17 (Source: P.A. 95-612, eff. 9-11-07; revised 10-19-10.)

18 (105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

19 Sec. 21-7.1. Administrative certificate.

20 (a) After July 1, 1999, an administrative certificate valid
21 for 5 years of supervising and administering in the public
22 common schools (unless changed under subsection (a-5) of this
23 Section) may be issued to persons who have graduated from a
24 regionally accredited institution of higher learning with a

1 master's degree or its equivalent and who have been recommended
2 by a recognized institution of higher learning, a
3 not-for-profit entity, or a combination thereof, as having
4 completed a program of preparation for one or more of these
5 endorsements. Such programs of academic and professional
6 preparation required for endorsement shall be administered by
7 an institution or not-for-profit entity approved to offer such
8 programs by the State Board of Education, in consultation with
9 the State Teacher Certification Board, and shall be operated in
10 accordance with this Article and the standards set forth by the
11 State Superintendent of Education in consultation with the
12 State Teacher Certification Board. Any program offered in whole
13 or in part by a not-for-profit entity must also be approved by
14 the Board of Higher Education.

15 (a-5) Beginning July 1, 2003, if an administrative
16 certificate holder holds a Standard Teaching Certificate, the
17 validity period of the administrative certificate shall be
18 changed, if necessary, so that the validity period of the
19 administrative certificate coincides with the validity period
20 of the Standard Teaching Certificate. Beginning July 1, 2003,
21 if an administrative certificate holder holds a Master Teaching
22 Certificate, the validity period of the administrative
23 certificate shall be changed so that the validity period of the
24 administrative certificate coincides with the validity period
25 of the Master Teaching Certificate.

26 (b) No administrative certificate shall be issued for the

1 first time after June 30, 1987 and no endorsement provided for
2 by this Section shall be made or affixed to an administrative
3 certificate for the first time after June 30, 1987 unless the
4 person to whom such administrative certificate is to be issued
5 or to whose administrative certificate such endorsement is to
6 be affixed has been required to demonstrate as a part of a
7 program of academic or professional preparation for such
8 certification or endorsement: (i) an understanding of the
9 knowledge called for in establishing productive parent-school
10 relationships and of the procedures fostering the involvement
11 which such relationships demand; and (ii) an understanding of
12 the knowledge required for establishing a high quality school
13 climate and promoting good classroom organization and
14 management, including rules of conduct and instructional
15 procedures appropriate to accomplishing the tasks of
16 schooling; and (iii) a demonstration of the knowledge and
17 skills called for in providing instructional leadership. The
18 standards for demonstrating an understanding of such knowledge
19 shall be set forth by the State Board of Education in
20 consultation with the State Teacher Certification Board, and
21 shall be administered by the recognized institutions of higher
22 learning as part of the programs of academic and professional
23 preparation required for certification and endorsement under
24 this Section. As used in this subsection: "establishing
25 productive parent-school relationships" means the ability to
26 maintain effective communication between parents and school

1 personnel, to encourage parental involvement in schooling, and
2 to motivate school personnel to engage parents in encouraging
3 student achievement, including the development of programs and
4 policies which serve to accomplish this purpose; and
5 "establishing a high quality school climate" means the ability
6 to promote academic achievement, to maintain discipline, to
7 recognize substance abuse problems among students and utilize
8 appropriate law enforcement and other community resources to
9 address these problems, to support teachers and students in
10 their education endeavors, to establish learning objectives
11 and to provide instructional leadership, including the
12 development of policies and programs which serve to accomplish
13 this purpose; and "providing instructional leadership" means
14 the ability to effectively evaluate school personnel, to
15 possess general communication and interpersonal skills, and to
16 establish and maintain appropriate classroom learning
17 environments. The provisions of this subsection shall not apply
18 to or affect the initial issuance or making on or before June
19 30, 1987 of any administrative certificate or endorsement
20 provided for under this Section, nor shall such provisions
21 apply to or affect the renewal after June 30, 1987 of any such
22 certificate or endorsement initially issued or made on or
23 before June 30, 1987.

24 (c) Administrative certificates shall be renewed every 5
25 years with the first renewal being 5 years following the
26 initial receipt of an administrative certificate, unless the

1 validity period for the administrative certificate has been
2 changed under subsection (a-5) of this Section, in which case
3 the certificate shall be renewed at the same time that the
4 Standard or Master Teaching Certificate is renewed.

5 (c-5) (Blank).

6 (c-10) Except as otherwise provided in subsection (c-15) of
7 this Section, persons holding administrative certificates must
8 follow the certificate renewal procedure set forth in this
9 subsection (c-10), provided that those persons holding
10 administrative certificates on June 30, 2003 who are renewing
11 those certificates on or after July 1, 2003 shall be issued new
12 administrative certificates valid for 5 years (unless changed
13 under subsection (a-5) of this Section), which may be renewed
14 thereafter as set forth in this subsection (c-10).

15 A person holding an administrative certificate and
16 employed in a position requiring administrative certification,
17 including a regional superintendent of schools, must satisfy
18 the continuing professional development requirements of this
19 Section to renew his or her administrative certificate. The
20 continuing professional development must include without
21 limitation the following continuing professional development
22 purposes:

23 (1) To improve the administrator's knowledge of
24 instructional practices and administrative procedures in
25 accordance with the Illinois Professional School Leader
26 Standards.

1 (2) To maintain the basic level of competence required
2 for initial certification.

3 (3) To improve the administrator's mastery of skills
4 and knowledge regarding the improvement of teaching
5 performance in clinical settings and assessment of the
6 levels of student performance in the schools.

7 The continuing professional development must include the
8 following in order for the certificate to be renewed:

9 (A) Participation in continuing professional
10 development activities, which must total a minimum of 100
11 hours of continuing professional development. The
12 participation must consist of a minimum of 5 activities per
13 validity period of the certificate, and the certificate
14 holder must maintain documentation of completion of each
15 activity.

16 (B) Participation every year in an Illinois
17 Administrators' Academy course, which participation must
18 total a minimum of 30 continuing professional development
19 hours during the period of the certificate's validity and
20 which must include completion of applicable required
21 coursework, including completion of a communication,
22 dissemination, or application component, as defined by the
23 State Board of Education.

24 The certificate holder must complete a verification form
25 developed by the State Board of Education and certify that 100
26 hours of continuing professional development activities and 5

1 Administrators' Academy courses have been completed. The
2 regional superintendent of schools shall review and validate
3 the verification form for a certificate holder. Based on
4 compliance with all of the requirements for renewal, the
5 regional superintendent of schools shall forward a
6 recommendation for renewal or non-renewal to the State
7 Superintendent of Education and shall notify the certificate
8 holder of the recommendation. The State Superintendent of
9 Education shall review the recommendation to renew or non-renew
10 and shall notify, in writing, the certificate holder of a
11 decision denying renewal of his or her certificate. Any
12 decision regarding non-renewal of an administrative
13 certificate may be appealed to the State Teacher Certification
14 Board.

15 The State Board of Education, in consultation with the
16 State Teacher Certification Board, shall adopt rules to
17 implement this subsection (c-10).

18 The regional superintendent of schools shall monitor the
19 process for renewal of administrative certificates established
20 in this subsection (c-10).

21 (c-15) This subsection (c-15) applies to the first period
22 of an administrative certificate's validity during which the
23 holder becomes subject to the requirements of subsection (c-10)
24 of this Section if the certificate has less than 5 years'
25 validity or has less than 5 years' validity remaining when the
26 certificate holder becomes subject to the requirements of

1 subsection (c-10) of this Section. With respect to this period,
2 the 100 hours of continuing professional development and 5
3 activities per validity period specified in clause (A) of
4 subsection (c-10) of this Section shall instead be deemed to
5 mean 20 hours of continuing professional development and one
6 activity per year of the certificate's validity or remaining
7 validity and the 30 continuing professional development hours
8 specified in clause (B) of subsection (c-10) of this Section
9 shall instead be deemed to mean completion of at least one
10 course per year of the certificate's validity or remaining
11 validity. Certificate holders who evaluate certified staff
12 must complete a 2-day teacher evaluation course, in addition to
13 the 30 continuing professional development hours.

14 (c-20) The State Board of Education, in consultation with
15 the State Teacher Certification Board, shall develop
16 procedures for implementing this Section and shall administer
17 the renewal of administrative certificates. Failure to submit
18 satisfactory evidence of continuing professional education
19 which contributes to promoting the goals of this Section shall
20 result in a loss of administrative certification.

21 (d) Any limited or life supervisory certificate issued
22 prior to July 1, 1968 shall continue to be valid for all
23 administrative and supervisory positions in the public schools
24 for which it is valid as of that date as long as its holder
25 meets the requirements for registration or renewal as set forth
26 in the statutes or until revoked according to law.

1 (e) The administrative or supervisory positions for which
2 the certificate shall be valid shall be determined by one or
3 more of the following endorsements: general supervisory,
4 general administrative, principal, chief school business
5 official, and superintendent.

6 Subject to the provisions of Section 21-1a, endorsements
7 shall be made under conditions set forth in this Section. The
8 State Board of Education shall, in consultation with the State
9 Teacher Certification Board, adopt rules pursuant to the
10 Illinois Administrative Procedure Act, establishing
11 requirements for obtaining administrative certificates where
12 the minimum administrative or supervisory requirements surpass
13 those set forth in this Section.

14 The State Teacher Certification Board shall file with the
15 State Board of Education a written recommendation when
16 considering additional administrative or supervisory
17 requirements. All additional requirements shall be based upon
18 the requisite knowledge necessary to perform those tasks
19 required by the certificate. The State Board of Education shall
20 in consultation with the State Teacher Certification Board,
21 establish standards within its rules which shall include the
22 academic and professional requirements necessary for
23 certification. These standards shall at a minimum contain, but
24 not be limited to, those used by the State Board of Education
25 in determining whether additional knowledge will be required.
26 Additionally, the State Board of Education shall in

1 consultation with the State Teacher Certification Board,
2 establish provisions within its rules whereby any member of the
3 educational community or the public may file a formal written
4 recommendation or inquiry regarding requirements.

5 (1) Until July 1, 2003, the general supervisory
6 endorsement shall be affixed to the administrative
7 certificate of any holder who has at least 16 semester
8 hours of graduate credit in professional education
9 including 8 semester hours of graduate credit in curriculum
10 and research and who has at least 2 years of full-time
11 teaching experience or school service personnel experience
12 in public schools, schools under the supervision of the
13 Department of Corrections, schools under the
14 administration of the Department of Rehabilitation
15 Services, or nonpublic schools meeting the standards
16 established by the State Superintendent of Education or
17 comparable out-of-state recognition standards approved by
18 the State Superintendent of Education.

19 Such endorsement shall be required for supervisors,
20 curriculum directors and for such similar and related
21 positions as determined by the State Superintendent of
22 Education in consultation with the State Teacher
23 Certification Board.

24 (2) Until June 30, 2014, the general administrative
25 endorsement shall be affixed to the administrative
26 certificate of any holder who has at least 20 semester

1 hours of graduate credit in educational administration and
2 supervision and who has at least 2 years of full-time
3 teaching experience or school service personnel experience
4 in public schools, schools under the supervision of the
5 Department of Corrections, schools under the
6 administration of the Department of Rehabilitation
7 Services, or nonpublic schools meeting the standards
8 established by the State Superintendent of Education or
9 comparable out-of-state recognition standards approved by
10 the State Superintendent of Education.

11 Such endorsement or a principal endorsement shall be
12 required for principal, assistant principal, assistant or
13 associate superintendent, and junior college dean and for
14 related or similar positions as determined by the State
15 Superintendent of Education in consultation with the State
16 Teacher Certification Board.

17 (2.5) The principal endorsement shall be affixed to the
18 administrative certificate of any holder who qualifies by:

19 (A) successfully completing a principal
20 preparation program approved in accordance with
21 Section 21-7.6 of this Code and any applicable rules;

22 (B) having 4 years of teaching experience;
23 however, the State Board of Education shall allow, by
24 rules, for fewer than 4 years of experience based on
25 meeting standards set forth in such rules, including
26 without limitation a review of performance evaluations

1 or other evidence of demonstrated qualifications; and

2 (C) having a master's degree.

3 (3) The chief school business official endorsement
4 shall be affixed to the administrative certificate of any
5 holder who qualifies by having a Master's degree, 2 years
6 of administrative experience in school business management
7 or 2 years of university-approved practical experience,
8 and a minimum of 20 semester hours of graduate credit in a
9 program established by the State Superintendent of
10 Education in consultation with the State Teacher
11 Certification Board for the preparation of school business
12 administrators. Such endorsement shall also be affixed to
13 the administrative certificate of any holder who qualifies
14 by having a Master's Degree in Business Administration,
15 Finance or Accounting and 6 semester hours of internship in
16 school business management from a regionally accredited
17 institution of higher education.

18 After June 30, 1977, such endorsement shall be required
19 for any individual first employed as a chief school
20 business official.

21 (4) The superintendent endorsement shall be affixed to
22 the administrative certificate of any holder who has
23 completed 30 semester hours of graduate credit beyond the
24 master's degree in a program for the preparation of
25 superintendents of schools including 16 semester hours of
26 graduate credit in professional education and who has at

1 least 2 years experience as an administrator or supervisor
2 in the public schools or the State Board of Education or
3 education service regions or in nonpublic schools meeting
4 the standards established by the State Superintendent of
5 Education or comparable out-of-state recognition standards
6 approved by the State Superintendent of Education and holds
7 general supervisory or general administrative endorsement,
8 or who has had 2 years of experience as a supervisor, chief
9 school business official, or administrator while holding
10 an all-grade supervisory certificate or a certificate
11 comparable in validity and educational and experience
12 requirements.

13 After June 30, 1968, such endorsement shall be required
14 for a superintendent of schools, except as provided in the
15 second paragraph of this Section and in Section 34-6.

16 Any person appointed to the position of superintendent
17 between the effective date of this Act and June 30, 1993 in
18 a school district organized pursuant to Article 32 with an
19 enrollment of at least 20,000 pupils shall be exempt from
20 the provisions of this paragraph (4) until June 30, 1996.

21 (f) All official interpretations or acts of issuing or
22 denying administrative certificates or endorsements by the
23 State Teacher's Certification Board, State Board of Education
24 or the State Superintendent of Education, from the passage of
25 P.A. 81-1208 on November 8, 1979 through September 24, 1981 are
26 hereby declared valid and legal acts in all respects and

1 further that the purported repeal of the provisions of this
2 Section by P.A. 81-1208 and P.A. 81-1509 is declared null and
3 void.

4 (Source: P.A. 96-56, eff. 1-1-10; 96-903, eff. 7-1-10; 96-982,
5 eff. 1-1-11; 96-1423, eff. 8-3-10; revised 9-2-10.)

6 (105 ILCS 5/34-18.37)

7 Sec. 34-18.37. Veterans' Day; moment of silence. If a
8 school holds any type of event at the school on November 11,
9 Veterans' Day, the board shall require a moment of silence at
10 that event to recognize Veterans' Day.

11 (Source: P.A. 96-84, eff. 7-27-09.)

12 (105 ILCS 5/34-18.43)

13 Sec. 34-18.43 ~~34-18.37~~. Establishing an equitable and
14 effective school facility development process.

15 (a) The General Assembly finds all of the following:

16 (1) The Illinois Constitution recognizes that a
17 "fundamental goal of the People of the State is the
18 educational development of all persons to the limits of
19 their capacities".

20 (2) Quality educational facilities are essential for
21 fostering the maximum educational development of all
22 persons through their educational experience from
23 pre-kindergarten through high school.

24 (3) The public school is a major institution in our

1 communities. Public schools offer resources and
2 opportunities for the children of this State who seek and
3 deserve quality education, but also benefit the entire
4 community that seeks improvement through access to
5 education.

6 (4) The equitable and efficient use of available
7 facilities-related resources among different schools and
8 among racial, ethnic, income, and disability groups is
9 essential to maximize the development of quality public
10 educational facilities for all children, youth, and
11 adults. The factors that impact the equitable and efficient
12 use of facility-related resources vary according to the
13 needs of each school community. Therefore, decisions that
14 impact school facilities should include the input of the
15 school community to the greatest extent possible.

16 (5) School openings, school closings, school
17 consolidations, school turnarounds, school phase-outs,
18 school construction, school repairs, school
19 modernizations, school boundary changes, and other related
20 school facility decisions often have a profound impact on
21 education in a community. In order to minimize the negative
22 impact of school facility decisions on the community, these
23 decisions should be implemented according to a clear
24 system-wide criteria and with the significant involvement
25 of local school councils, parents, educators, and the
26 community in decision-making.

1 (6) The General Assembly has previously stated that it
2 intended to make the individual school in the City of
3 Chicago the essential unit for educational governance and
4 improvement and to place the primary responsibility for
5 school governance and improvement in the hands of parents,
6 teachers, and community residents at each school. A school
7 facility policy must be consistent with these principles.

8 (b) In order to ensure that school facility-related
9 decisions are made with the input of the community and reflect
10 educationally sound and fiscally responsible criteria, a
11 Chicago Educational Facilities Task Force shall be established
12 within 15 days after the effective date of this amendatory Act
13 of the 96th General Assembly.

14 (c) The Chicago Educational Facilities Task Force shall
15 consist of all of the following members:

16 (1) Two members of the House of Representatives
17 appointed by the Speaker of the House, at least one of whom
18 shall be a member of the Elementary & Secondary Education
19 Committee.

20 (2) Two members of the House of Representatives
21 appointed by the Minority Leader of the House, at least one
22 of whom shall be a member of the Elementary & Secondary
23 Education Committee.

24 (3) Two members of the Senate appointed by the
25 President of the Senate, at least one of whom shall be a
26 member of the Education Committee.

1 (4) Two members of the Senate appointed by the Minority
2 Leader of the Senate, at least one of whom shall be a
3 member of the Education Committee.

4 (5) Two representatives of school community
5 organizations with past involvement in school facility
6 issues appointed by the Speaker of the House.

7 (6) Two representatives of school community
8 organizations with past involvement in school facility
9 issues appointed by the President of the Senate.

10 (7) The chief executive officer of the school district
11 or his or her designee.

12 (8) The president of the union representing teachers in
13 the schools of the district or his or her designee.

14 (9) The president of the association representing
15 principals in the schools of the district or his or her
16 designee.

17 (d) The Speaker of the House shall appoint one of the
18 appointed House members as a co-chairperson of the Chicago
19 Educational Facilities Task Force. The President of the Senate
20 shall appoint one of the appointed Senate members as a
21 co-chairperson of the Chicago Educational Facilities Task
22 Force. Members appointed by the legislative leaders shall be
23 appointed for the duration of the Chicago Educational
24 Facilities Task Force; in the event of a vacancy, the
25 appointment to fill the vacancy shall be made by the
26 legislative leader of the same chamber and party as the leader

1 who made the original appointment.

2 (e) The Chicago Educational Facilities Task Force shall
3 call on independent experts, as needed, to gather and analyze
4 pertinent information on a pro bono basis, provided that these
5 experts have no previous or on-going financial interest in
6 school facility issues related to the school district. The
7 Chicago Educational Facilities Task Force shall secure pro bono
8 expert assistance within 15 days after the establishment of the
9 Chicago Educational Facilities Task Force.

10 (f) The Chicago Educational Facilities Task Force shall be
11 empowered to gather further evidence in the form of testimony
12 or documents or other materials.

13 (g) The Chicago Educational Facilities Task Force, with the
14 help of the independent experts, shall analyze past Chicago
15 experiences and data with respect to school openings, school
16 closings, school consolidations, school turnarounds, school
17 phase-outs, school construction, school repairs, school
18 modernizations, school boundary changes, and other related
19 school facility decisions on students. The Chicago Educational
20 Facilities Task Force shall consult widely with stakeholders,
21 including public officials, about these facility issues and
22 their related costs and shall examine relevant best practices
23 from other school systems for dealing with these issues
24 systematically and equitably. These initial investigations
25 shall include opportunities for input from local stakeholders
26 through hearings, focus groups, and interviews.

1 (h) The Chicago Educational Facilities Task Force shall
2 prepare final recommendations on or before October 30, 2009
3 describing how the issues set forth in subsection (g) of this
4 Section can be addressed effectively based upon educationally
5 sound and fiscally responsible practices.

6 (i) The Chicago Educational Facilities Task Force shall
7 hold hearings in separate areas of the school district at times
8 that shall maximize school community participation to obtain
9 comments on draft recommendations. The final hearing shall take
10 place no later than 15 days prior to the completion of the
11 final recommendations.

12 (j) The Chicago Educational Facilities Task Force shall
13 prepare final proposed policy and legislative recommendations
14 for the General Assembly, the Governor, and the school
15 district. The recommendations may address issues, standards,
16 and procedures set forth in this Section. The final
17 recommendations shall be made available to the public through
18 posting on the school district's Internet website and other
19 forms of publication and distribution in the school district at
20 least 7 days before the final recommendations are submitted to
21 the General Assembly, the Governor, and the school district.

22 (k) The final recommendations may address issues of
23 system-wide criteria for ensuring clear priorities, equity,
24 and efficiency.

25 Without limitation, the final recommendations may propose
26 significant decision-making roles for key stakeholders,

1 including the individual school and community; recommend clear
2 criteria or processes for establishing criteria for making
3 school facility decisions; and include clear criteria for
4 setting priorities with respect to school openings, school
5 closings, school consolidations, school turnarounds, school
6 phase-outs, school construction, school repairs, school
7 modernizations, school boundary changes, and other related
8 school facility decisions, including the encouragement of
9 multiple community uses for school space.

10 Without limitation, the final recommendations may propose
11 criteria for student mobility; the transferring of students to
12 lower performing schools; teacher mobility; insufficient
13 notice to and the lack of inclusion in decision-making of local
14 school councils, parents, and community members about school
15 facility decisions; and costly facilities-related expenditures
16 due to poor educational and facilities planning.

17 (1) The State Board of Education and the school district
18 shall provide administrative support to the Chicago
19 Educational Facilities Task Force.

20 (Source: P.A. 96-803, eff. 10-30-09.)

21 (105 ILCS 5/34-18.44)

22 Sec. 34-18.44 ~~34-18.37~~. American Sign Language courses.
23 The school board is encouraged to implement American Sign
24 Language courses into school foreign language curricula.

25 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

1 Section 190. The Children's Low-cost Laptop Act is amended
2 by changing Section 5 as follows:

3 (105 ILCS 65/5)

4 (Section scheduled to be repealed on August 31, 2012)

5 Sec. 5. Policy and purpose. The General Assembly finds
6 that the decreasing cost of computer technology makes it
7 possible today to equip more children than ever before with
8 21st century learning tools. The dramatic expansion of low-cost
9 computing options and the worldwide reliance on computer
10 technology for commerce, education, information, and social
11 interaction makes it ever more important to introduce computing
12 skills to students at an early age. Accordingly, the State
13 Board of Education shall establish a pilot project whereby
14 schools will provide a low-cost laptop computer to each
15 student, teacher, and relevant administrator in a
16 participating school and implement the use of educational
17 software and computer skills training in order to improve
18 academic achievement and the progress measures listed in
19 subsection (a) of Section 25 ~~20~~ in this Act.

20 (Source: P.A. 96-421, eff. 8-13-09; revised 8-24-10.)

21 Section 195. The School Construction Law is amended by
22 changing Sections 5-25 and 5-50 as follows:

1 (105 ILCS 230/5-25)

2 Sec. 5-25. Eligibility and project standards.

3 (a) The State Board of Education shall establish
4 eligibility standards for school construction project grants
5 and debt service grants. These standards shall include minimum
6 enrollment requirements for eligibility for school
7 construction project grants of 200 students for elementary
8 districts, 200 students for high school districts, and 400
9 students for unit districts. The total enrollment of member
10 districts forming a cooperative high school in accordance with
11 subsection (c) of Section 10-22.22 of the School Code shall
12 meet the minimum enrollment requirements specified in this
13 subsection (a). The State Board of Education shall approve a
14 district's eligibility for a school construction project grant
15 or a debt service grant pursuant to the established standards.

16 For purposes only of determining a Type 40 area vocational
17 center's eligibility for an entity included in a school
18 construction project grant or a school maintenance project
19 grant, an area vocational center shall be deemed eligible if
20 one or more of its member school districts satisfy the grant
21 index criteria set forth in this Law. A Type 40 area vocational
22 center that makes application for school construction funds
23 after August 25, 2009 (the effective date of Public Act 96-731)
24 shall be placed on the respective application cycle list. Type
25 40 area vocational centers must be placed last on the priority
26 listing of eligible entities for the applicable fiscal year.

1 (b) The Capital Development Board shall establish project
2 standards for all school construction project grants provided
3 pursuant to this Article. These standards shall include space
4 and capacity standards as well as the determination of
5 recognized project costs that shall be eligible for State
6 financial assistance and enrichment costs that shall not be
7 eligible for State financial assistance.

8 (c) The State Board of Education and the Capital
9 Development Board shall not establish standards that
10 disapprove or otherwise establish limitations that restrict
11 the eligibility of (i) a school district with a population
12 exceeding 500,000 for a school construction project grant based
13 on the fact that any or all of the school construction project
14 grant will be used to pay debt service or to make lease
15 payments, as authorized by subsection (b) of Section 5-35 of
16 this Law, (ii) a school district located in whole or in part in
17 a county that imposes a tax for school facility purposes
18 pursuant to Section 5-1006.7 of the Counties Code, or (iii) a
19 school district that (1) was organized prior to 1860 and (2) is
20 located in part in a city originally incorporated prior to
21 1840, based on the fact that all or a part of the school
22 construction project is owned by a public building commission
23 and leased to the school district or the fact that any or all
24 of the school construction project grant will be used to pay
25 debt service or to make lease payments.

26 (d) A reorganized school district or cooperative high

1 school may use a school construction application that was
2 submitted by a school district that formed the reorganized
3 school district or cooperative high school if that application
4 has not been entitled for a project by the State Board of
5 Education and any one or more of the following happen within
6 the current or prior 2 fiscal years:

7 (1) a new school district is created in accordance with
8 Article 11E of the School Code;

9 (2) an existing school district annexes all of the
10 territory of one or more other school districts in
11 accordance with Article 7 of the School Code; or

12 (3) a cooperative high school is formed in accordance
13 with subsection (c) of Section 10-22.22 of the School Code.

14 A new elementary district formed from a school district
15 conversion, as defined in Section 11E-15 of the School Code,
16 may use only the application of the dissolved district whose
17 territory is now included in the new elementary district and
18 must obtain the written approval of the local school board of
19 any other school district that includes territory from that
20 dissolved district. A new high school district formed from a
21 school district conversion, as defined in Section 11E-15 of the
22 School Code, may use only the application of any dissolved
23 district whose territory is now included in the new high school
24 district, but only after obtaining the written approval of the
25 local school board of any other school district that includes
26 territory from that dissolved district. A cooperative high

1 school using this Section must obtain the written approval of
2 the local school board of the member school district whose
3 application it is using. All other eligibility and project
4 standards apply to this Section.

5 (Source: P.A. 96-37, eff. 7-13-09; 96-731, eff. 8-25-09;
6 96-1000, eff. 7-2-10; 96-1381, eff. 1-1-11; 96-1467, eff.
7 8-20-10; revised 9-16-10.)

8 (105 ILCS 230/5-50)

9 Sec. 5-50. Referendum requirements. After the State Board
10 of Education has approved all or part of a district's
11 application and issued a grant entitlement for a school
12 construction project grant, the district shall submit the
13 project or the financing of the project to a referendum when
14 such referendum is required by law, except for a project
15 financed by bonds issued pursuant to subsection (p-70) ~~(p-60)~~
16 of Section 19-1 of the School Code.

17 (Source: P.A. 96-1438, eff. 8-20-10; revised 9-17-10.)

18 Section 200. The Public University Energy Conservation Act
19 is amended by changing Sections 3 and 25 as follows:

20 (110 ILCS 62/3)

21 Sec. 3. Applicable laws. Other State laws and related
22 administrative requirements apply to this Act, including, but
23 not limited to, the following laws and related administrative

1 requirements: the Illinois Human Rights Act, the Prevailing
2 Wage Act, the Public Construction Bond Act, the Public Works
3 Preference Act (repealed on June 16, 2010 by Public Act
4 96-929), the Employment of Illinois Workers on Public Works
5 Act, the Freedom of Information Act, the Open Meetings Act, the
6 Illinois Architecture Practice Act of 1989, the Professional
7 Engineering Practice Act of 1989, the Structural Engineering
8 Practice Act of 1989, the Architectural, Engineering, and Land
9 Surveying Qualifications Based Selection Act, the Public
10 Contract Fraud Act, the Business Enterprise for Minorities,
11 Females, and Persons with Disabilities Act, and the Public
12 Works Employment Discrimination Act.

13 (Source: P.A. 94-1062, eff. 7-31-06; revised 10-19-10.)

14 (110 ILCS 62/25)

15 Sec. 25. Installment payment contract; lease purchase
16 agreement. A public university or 2 or more public
17 universities in combination may enter into an installment
18 payment contract or lease purchase agreement with a qualified
19 provider or with a third party ~~third party~~, as authorized by
20 law, for the funding or financing of the purchase and
21 installation of energy conservation measures by a qualified
22 provider. Each public university may issue certificates
23 evidencing the indebtedness incurred pursuant to the contracts
24 or agreements. Any such contract or agreement shall be valid
25 whether or not an appropriation with respect thereto is first

1 included in any annual or additional or supplemental budget
2 proposal, request, or recommendation submitted by or made with
3 respect to a public university under Section 8 of the Board of
4 Higher Education Act or as otherwise provided by law. Each
5 contract or agreement entered into by a public university
6 pursuant to this Section shall be authorized by official action
7 of the board of trustees of that university. The authority
8 granted in this Section is in addition to any other authority
9 granted by law.

10 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10;
11 revised 9-16-10.)

12 Section 205. The State Universities Civil Service Act is
13 amended by changing Sections 36b, 36e, and 36g-1 as follows:

14 (110 ILCS 70/36b) (from Ch. 24 1/2, par. 38b1)

15 Sec. 36b. Creation.

16 (1) A classified civil service system to be known as the
17 State Universities Civil Service System is hereby created, and
18 is hereinafter referred to as the University System.

19 (2) The purpose of the University System is to establish a
20 sound program of personnel administration for the Illinois
21 Community College Board, State Community College of East St.
22 Louis (abolished under Section 2-12.1 of the Public Community
23 College Act), Southern Illinois University, Chicago State
24 University, Eastern Illinois University, Governors State

1 University, Illinois State University, Northeastern Illinois
2 University, Northern Illinois University, Western Illinois
3 University, University of Illinois, State Universities Civil
4 Service System, State Universities Retirement System, the
5 State Scholarship Commission, and the Board of Higher
6 Education. All certificates, appointments and promotions to
7 positions in these agencies and institutions shall be made
8 solely on the basis of merit and fitness, to be ascertained by
9 examination, except as specified in Section 36e.

10 (3) The State Universities Civil Service System hereby
11 created shall be a separate entity of the State of Illinois and
12 shall be under the control of a Board to be known as the
13 University Civil Service Merit Board, and is hereinafter
14 referred to as the Merit Board.

15 (Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

16 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

17 Sec. 36e. Coverage. All employees of the Illinois Community
18 College Board, State Community College of East St. Louis
19 (abolished under Section 2-12.1 of the Public Community College
20 Act), Southern Illinois University, Chicago State University,
21 Eastern Illinois University, Governors State University,
22 Illinois State University, Northeastern Illinois University,
23 Northern Illinois University, Western Illinois University,
24 University of Illinois, State Universities Civil Service
25 System, State Universities Retirement System, the State

1 Scholarship Commission, and the Board of Higher Education,
2 shall be covered by the University System described in Sections
3 36b to 36q, inclusive, of this Act, except the following
4 persons:

5 (1) The members and officers of the Merit Board and the
6 board of trustees, and the commissioners of the institutions
7 and agencies covered hereunder;

8 (2) The presidents and vice-presidents of each educational
9 institution;

10 (3) Other principal administrative employees of each
11 institution and agency as determined by the Merit Board;

12 (4) The teaching, research and extension faculties of each
13 institution and agency;

14 (5) Students employed under rules prescribed by the Merit
15 Board, without examination or certification.

16 (Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

17 (110 ILCS 70/36g-1) (from Ch. 24 1/2, par. 38b6.1)

18 Sec. 36g-1. Active military service. Any employee of State
19 Community College of East St. Louis (abolished under Section
20 2-12.1 of the Public Community College Act), Southern Illinois
21 University, the University of Illinois, any university under
22 the jurisdiction of the Board of Regents, or any college or
23 university under the jurisdiction of the Board of Governors of
24 State Colleges and Universities who is a member of any reserve
25 component of the United States Armed Services, including the

1 Illinois National Guard, and who is mobilized to active
2 military duty on or after August 1, 1990 as a result of an
3 order of the President of the United States, shall for each pay
4 period beginning on or after August 1, 1990 continue to receive
5 the same regular compensation that he receives or was receiving
6 as an employee of that educational institution at the time he
7 is or was so mobilized to active military duty, plus any health
8 insurance and other benefits he is or was receiving or accruing
9 at that time, minus the amount of his base pay for military
10 service, for the duration of his active military service.

11 In the event any provision of a collective bargaining
12 agreement or any policy of the educational institution covering
13 any employee so ordered to active duty is more generous than
14 the provisions contained in this Section, that collective
15 bargaining agreement or policy shall be controlling.

16 (Source: P.A. 87-631; revised 9-16-10.)

17 Section 210. The University of Illinois Act is amended by
18 changing Section 7 and by setting forth and renumbering
19 multiple versions of Section 45 as follows:

20 (110 ILCS 305/7) (from Ch. 144, par. 28)

21 Sec. 7. Powers of trustees.

22 (a) The trustees shall have power to provide for the
23 requisite buildings, apparatus, and conveniences; to fix the
24 rates for tuition; to appoint such professors and instructors,

1 and to establish and provide for the management of such model
2 farms, model art, and other departments and professorships, as
3 may be required to teach, in the most thorough manner, such
4 branches of learning as are related to agriculture and the
5 mechanic arts, and military tactics, without excluding other
6 scientific and classical studies. The trustees shall, upon the
7 written request of an employee withhold from the compensation
8 of that employee any dues, payments or contributions payable by
9 such employee to any labor organization as defined in the
10 Illinois Educational Labor Relations Act. Under such
11 arrangement, an amount shall be withheld from each regular
12 payroll period which is equal to the pro rata share of the
13 annual dues plus any payments or contributions, and the
14 trustees shall transmit such withholdings to the specified
15 labor organization within 10 working days from the time of the
16 withholding. They may accept the endowments and voluntary
17 professorships or departments in the University, from any
18 person or persons or corporations who may offer the same, and,
19 at any regular meeting of the board, may prescribe rules and
20 regulations in relation to such endowments and declare on what
21 general principles they may be admitted: Provided, that such
22 special voluntary endowments or professorships shall not be
23 incompatible with the true design and scope of the act of
24 congress, or of this Act: Provided, that no student shall at
25 any time be allowed to remain in or about the University in
26 idleness, or without full mental or industrial occupation: And

1 provided further, that the trustees, in the exercise of any of
2 the powers conferred by this Act, shall not create any
3 liability or indebtedness in excess of the funds in the hands
4 of the treasurer of the University at the time of creating such
5 liability or indebtedness, and which may be specially and
6 properly applied to the payment of the same. Any lease to the
7 trustees of lands, buildings or facilities which will support
8 scientific research and development in such areas as high
9 technology, super computing, microelectronics, biotechnology,
10 robotics, physics and engineering shall be for a term not to
11 exceed 18 years, and may grant to the trustees the option to
12 purchase the lands, buildings or facilities. The lease shall
13 recite that it is subject to termination and cancellation in
14 any year for which the General Assembly fails to make an
15 appropriation to pay the rent payable under the terms of the
16 lease.

17 Leases for the purposes described herein exceeding 5 years
18 shall have the approval of the Illinois Board of Higher
19 Education.

20 The Board of Trustees may, directly or in cooperation with
21 other institutions of higher education, acquire by purchase or
22 lease or otherwise, and construct, enlarge, improve, equip,
23 complete, operate, control and manage medical research and high
24 technology parks, together with the necessary lands,
25 buildings, facilities, equipment and personal property
26 therefor, to encourage and facilitate (a) the location and

1 development of business and industry in the State of Illinois,
2 and (b) the increased application and development of technology
3 and (c) the improvement and development of the State's economy.
4 The Board of Trustees may lease to nonprofit corporations all
5 or any part of the land, buildings, facilities, equipment or
6 other property included in a medical research and high
7 technology park upon such terms and conditions as the
8 University of Illinois may deem advisable and enter into any
9 contract or agreement with such nonprofit corporations as may
10 be necessary or suitable for the construction, financing,
11 operation and maintenance and management of any such park; and
12 may lease to any person, firm, partnership or corporation,
13 either public or private, any part or all of the land,
14 building, facilities, equipment or other property of such park
15 for such purposes and upon such rentals, terms and conditions
16 as the University may deem advisable; and may finance all or
17 part of the cost of any such park, including the purchase,
18 lease, construction, reconstruction, improvement, remodeling,
19 addition to, and extension and maintenance of all or part of
20 such high technology park, and all equipment and furnishings,
21 by legislative appropriations, government grants, contracts,
22 private gifts, loans, receipts from the operation of such high
23 technology park, rentals and similar receipts; and may make its
24 other facilities and services available to tenants or other
25 occupants of any such park at rates which are reasonable and
26 appropriate.

1 The Trustees shall have power (a) to purchase real property
2 and easements, and (b) to acquire real property and easements
3 in the manner provided by law for the exercise of the right of
4 eminent domain, and in the event negotiations for the
5 acquisition of real property or easements for making any
6 improvement which the Trustees are authorized to make shall
7 have proven unsuccessful and the Trustees shall have by
8 resolution adopted a schedule or plan of operation for the
9 execution of the project and therein made a finding that it is
10 necessary to take such property or easements immediately or at
11 some specified later date in order to comply with the schedule,
12 the Trustees may acquire such property or easements in the same
13 manner provided in Article 20 of the Eminent Domain Act
14 (quick-take procedure).

15 The Board of Trustees also shall have power to agree with
16 the State's Attorney of the county in which any properties of
17 the Board are located to pay for services rendered by the
18 various taxing districts for the years 1944 through 1949 and to
19 pay annually for services rendered thereafter by such district
20 such sums as may be determined by the Board upon properties
21 used solely for income producing purposes, title to which is
22 held by said Board of Trustees, upon properties leased to
23 members of the staff of the University of Illinois, title to
24 which is held in trust for said Board of Trustees and upon
25 properties leased to for-profit entities the title to which
26 properties is held by the Board of Trustees. A certified copy

1 of any such agreement made with the State's Attorney shall be
2 filed with the County Clerk and such sums shall be distributed
3 to the respective taxing districts by the County Collector in
4 such proportions that each taxing district will receive
5 therefrom such proportion as the tax rate of such taxing
6 district bears to the total tax rate that would be levied
7 against such properties if they were not exempt from taxation
8 under the Property Tax Code.

9 The Board of Trustees of the University of Illinois,
10 subject to the applicable civil service law, may appoint
11 persons to be members of the University of Illinois Police
12 Department. Members of the Police Department shall be peace
13 officers and as such have all powers possessed by policemen in
14 cities, and sheriffs, including the power to make arrests on
15 view or warrants of violations of state statutes and city or
16 county ordinances, except that they may exercise such powers
17 only in counties wherein the University and any of its branches
18 or properties are located when such is required for the
19 protection of university properties and interests, and its
20 students and personnel, and otherwise, within such counties,
21 when requested by appropriate state or local law enforcement
22 officials; provided, however, that such officer shall have no
23 power to serve and execute civil processes.

24 The Board of Trustees must authorize to each member of the
25 University of Illinois Police Department and to any other
26 employee of the University of Illinois exercising the powers of

1 a peace officer a distinct badge that, on its face, (i) clearly
2 states that the badge is authorized by the University of
3 Illinois and (ii) contains a unique identifying number. No
4 other badge shall be authorized by the University of Illinois.
5 Nothing in this paragraph prohibits the Board of Trustees from
6 issuing shields or other distinctive identification to
7 employees not exercising the powers of a peace officer if the
8 Board of Trustees determines that a shield or distinctive
9 identification is needed by the employee to carry out his or
10 her responsibilities.

11 The Board of Trustees may own, operate, or govern, by or
12 through the College of Medicine at Peoria, a managed care
13 community network established under subsection (b) of Section
14 5-11 of the Illinois Public Aid Code.

15 The powers of the trustees as herein designated are subject
16 to the provisions of "An Act creating a Board of Higher
17 Education, defining its powers and duties, making an
18 appropriation therefor, and repealing an Act herein named",
19 approved August 22, 1961, as amended.

20 The Board of Trustees shall have the authority to adopt all
21 administrative rules which may be necessary for the effective
22 administration, enforcement and regulation of all matters for
23 which the Board has jurisdiction or responsibility.

24 (b) To assist in the provision of buildings and facilities
25 beneficial to, useful for, or supportive of University
26 purposes, the Board of Trustees of the University of Illinois

1 may exercise the following powers with regard to the area
2 located on or adjacent to the University of Illinois at Chicago
3 campus and bounded as follows: on the West by Morgan Street; on
4 the North by Roosevelt Road; on the East by Union Street; and
5 on the South by 16th Street, in the City of Chicago:

6 (1) Acquire any interests in land, buildings, or
7 facilities by purchase, including installments payable
8 over a period allowed by law, by lease over a term of such
9 duration as the Board of Trustees shall determine, or by
10 exercise of the power of eminent domain;

11 (2) Sub-lease or contract to purchase through
12 installments all or any portion of buildings or facilities
13 for such duration and on such terms as the Board of
14 Trustees shall determine, including a term that exceeds 5
15 years, provided that each such lease or purchase contract
16 shall be and shall recite that it is subject to termination
17 and cancellation in any year for which the General Assembly
18 fails to make an appropriation to pay the rent or purchase
19 installments payable under the terms of such lease or
20 purchase contract; and

21 (3) Sell property without compliance with the State
22 Property Control Act and retain proceeds in the University
23 Treasury in a special, separate development fund account
24 which the Auditor General shall examine to assure
25 compliance with this Act.

26 Any buildings or facilities to be developed on the land shall

1 be buildings or facilities that, in the determination of the
2 Board of Trustees, in whole or in part: (i) are for use by the
3 University; or (ii) otherwise advance the interests of the
4 University, including, by way of example, residential
5 facilities for University staff and students and commercial
6 facilities which provide services needed by the University
7 community. Revenues from the development fund account may be
8 withdrawn by the University for the purpose of demolition and
9 the processes associated with demolition; routine land and
10 property acquisition; extension of utilities; streetscape
11 work; landscape work; surface and structure parking;
12 sidewalks, recreational paths, and street construction; and
13 lease and lease purchase arrangements and the professional
14 services associated with the planning and development of the
15 area. Moneys from the development fund account used for any
16 other purpose must be deposited into and appropriated from the
17 General Revenue Fund. Buildings or facilities leased to an
18 entity or person other than the University shall not be subject
19 to any limitations applicable to a State supported college or
20 university under any law. All development on the land and all
21 use of any buildings or facilities shall be subject to the
22 control and approval of the Board of Trustees.

23 (c) The Board of Trustees shall have the power to borrow
24 money, as necessary, from time to time in anticipation of
25 receiving tuition, payments from the State of Illinois, or
26 other revenues or receipts of the University, also known as

1 anticipated moneys. The borrowing limit shall be capped at 100%
2 of the total amount of payroll and other expense vouchers
3 submitted and payable to the University for fiscal year 2010
4 expenses, but unpaid by ~~at~~ the State Comptroller's office.
5 Prior to borrowing any funds, the University shall request from
6 the Comptroller's office a verification of the borrowing limit
7 and shall include the estimated date on which such borrowing
8 shall occur. The borrowing limit cap shall be verified by the
9 State Comptroller's office not prior to 45 days before any
10 estimated date for executing any promissory note or line of
11 credit established under this subsection (c). The principal
12 amount borrowed under a promissory note or line of credit shall
13 not exceed 75% of the borrowing limit. Within 15 days after
14 borrowing funds under any promissory note or line of credit
15 established under this subsection (c), the University shall
16 submit to the Governor's Office of Management and Budget, the
17 Speaker of the House of Representatives, the Minority Leader of
18 the House of Representatives, the President of the Senate, and
19 the Minority Leader of the Senate, an Emergency Short Term Cash
20 Management Plan. The Emergency Short Term Cash Management Plan
21 shall outline the amount borrowed, the terms for repayment, the
22 amount of outstanding State vouchers as verified by the State
23 Comptroller's office, and the University's plan for
24 expenditure of any borrowed funds, including, but not limited
25 to, a detailed plan to meet payroll obligations to include
26 collective bargaining employees, civil service employees, and

1 academic, research, and health care personnel. The
2 establishment of any promissory note or line of credit
3 established under this subsection (c) must be finalized within
4 90 days after the effective date of this amendatory Act of the
5 96th General Assembly. The borrowed moneys shall be applied to
6 the purposes of paying salaries and other expenses lawfully
7 authorized in the University's State appropriation and unpaid
8 by the State Comptroller. Any line of credit established under
9 this subsection (c) shall be paid in full one year after
10 creation or within 10 days after the date the University
11 receives reimbursement from the State for all submitted fiscal
12 year 2010 vouchers, whichever is earlier. Any promissory note
13 established under this subsection (c) shall be repaid within
14 one year after issuance of the note. The Chairman, Comptroller,
15 or Treasurer of the Board shall execute a promissory note or
16 similar debt instrument to evidence the indebtedness incurred
17 by the borrowing. In connection with a borrowing, the Board may
18 establish a line of credit with a financial institution,
19 investment bank, or broker/dealer. The obligation to make the
20 payments due under any promissory note or line of credit
21 established under this subsection (c) shall be a lawful
22 obligation of the University payable from the anticipated
23 moneys. Any borrowing under this subsection (c) shall not
24 constitute a debt, legal or moral, of the State and shall not
25 be enforceable against the State. The promissory note or line
26 of credit shall be authorized by a resolution passed by the

1 Board and shall be valid whether or not a budgeted item with
2 respect to that resolution is included in any annual or
3 supplemental budget adopted by the Board. The resolution shall
4 set forth facts demonstrating the need for the borrowing, state
5 an amount that the amount to be borrowed will not exceed, and
6 establish a maximum interest rate limit not to exceed the
7 maximum rate authorized by the Bond Authorization Act or 9%,
8 whichever is less. The resolution may direct the Comptroller or
9 Treasurer of the Board to make arrangements to set apart and
10 hold the portion of the anticipated moneys, as received, that
11 shall be used to repay the borrowing, subject to any prior
12 pledges or restrictions with respect to the anticipated moneys.
13 The resolution may also authorize the Treasurer of the Board to
14 make partial repayments of the borrowing as the anticipated
15 moneys become available and may contain any other terms,
16 restrictions, or limitations not inconsistent with the powers
17 of the Board.

18 For the purposes of this subsection (c), "financial
19 institution" means any bank subject to the Illinois Banking
20 Act, any savings and loan association subject to the Illinois
21 Savings and Loan Act of 1985, and any federally chartered
22 commercial bank or savings and loan association or
23 government-sponsored enterprise organized and operated in this
24 State pursuant to the laws of the United States.

25 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

1 (110 ILCS 305/45)

2 Sec. 45. Buildings available for emergency purposes. The
3 Board of Trustees shall make mutually agreed buildings of the
4 university available for emergency purposes, upon the request
5 of the Illinois Emergency Management Agency, the
6 State-accredited emergency management agency with
7 jurisdiction, or the American Red Cross, and cooperate in all
8 matters with the Illinois Emergency Management Agency, local
9 emergency management agencies, State-certified, local public
10 health departments, the American Red Cross, and federal
11 agencies concerned with emergency preparedness and response.
12 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

13 (110 ILCS 305/75)

14 Sec. 75 ~~45~~. American Sign Language courses. The University
15 may award academic credit for the successful completion of any
16 American Sign Language course offered or approved by the
17 University, which may be applied toward the satisfaction of the
18 foreign language requirements of the University, except for
19 those requirements related to the content of a student's
20 academic major.
21 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

22 Section 215. The Southern Illinois University Management
23 Act is amended by changing Section 8 and by setting forth and
24 renumbering multiple versions of Section 30 as follows:

1 (110 ILCS 520/8) (from Ch. 144, par. 658)

2 Sec. 8. Powers and Duties of the Board. The Board shall
3 have power and it shall be its duty:

4 1. To make rules, regulations and by-laws, not
5 inconsistent with law, for the government and management of
6 Southern Illinois University and its branches.†

7 2. To employ, and, for good cause, to remove a
8 president of Southern Illinois University, and all
9 necessary deans, professors, associate professors,
10 assistant professors, instructors, and other educational
11 and administrative assistants, and all other necessary
12 employees, and contract with them upon matters relating to
13 tenure, salaries and retirement benefits in accordance
14 with the State Universities Civil Service Act; the Board
15 shall, upon the written request of an employee of Southern
16 Illinois University, withhold from the compensation of
17 that employee any dues, payments or contributions payable
18 by such employee to any labor organization as defined in
19 the Illinois Educational Labor Relations Act. Under such
20 arrangement, an amount shall be withheld from each regular
21 payroll period which is equal to the pro rata share of the
22 annual dues plus any payments or contributions, and the
23 Board shall transmit such withholdings to the specified
24 labor organization within 10 working days from the time of
25 the withholding. Whenever the Board establishes a search

1 committee to fill the position of president of Southern
2 Illinois University, there shall be minority
3 representation, including women, on that search
4 committee.†

5 3. To prescribe the course of study to be followed, and
6 textbooks and apparatus to be used at Southern Illinois
7 University.†

8 4. To issue upon the recommendation of the faculty,
9 diplomas to such persons as have satisfactorily completed
10 the required studies of Southern Illinois University, and
11 confer such professional and literary degrees as are
12 usually conferred by other institutions of like character
13 for similar or equivalent courses of study, or such as the
14 Board may deem appropriate.†

15 5. To examine into the conditions, management, and
16 administration of Southern Illinois University, to provide
17 the requisite buildings, apparatus, equipment and
18 auxiliary enterprises, and to fix and collect
19 matriculation fees; tuition fees; fees for student
20 activities; fees for student facilities such as student
21 union buildings or field houses or stadium or other
22 recreational facilities; student welfare fees; laboratory
23 fees and similar fees for supplies and material.†

24 6. To succeed to and to administer all trusts, trust
25 property, and gifts now or hereafter belonging or
26 pertaining to Southern Illinois University.†

1 7. To accept endowments of professorships or
2 departments in the University from any person who may
3 proffer them and, at regular meetings, to prescribe rules
4 and regulations in relation to endowments and declare on
5 what general principles they may be accepted.†

6 8. To enter into contracts with the Federal government
7 for providing courses of instruction and other services at
8 Southern Illinois University for persons serving in or with
9 the military or naval forces of the United States, and to
10 provide such courses of instruction and other services.†

11 9. To provide for the receipt and expenditures of
12 Federal funds, paid to the Southern Illinois University by
13 the Federal government for instruction and other services
14 for persons serving in or with the military or naval forces
15 of the United States and to provide for audits of such
16 funds.†

17 10. To appoint, subject to the applicable civil service
18 law, persons to be members of the Southern Illinois
19 University Police Department. Members of the Police
20 Department shall be conservators of the peace and as such
21 have all powers possessed by policemen in cities, and
22 sheriffs, including the power to make arrests on view or
23 warrants of violations of state statutes, university rules
24 and regulations and city or county ordinances, except that
25 they may exercise such powers only within counties wherein
26 the university and any of its branches or properties are

1 located when such is required for the protection of
2 university properties and interests, and its students and
3 personnel, and otherwise, within such counties, when
4 requested by appropriate State or local law enforcement
5 officials. However, such officers shall have no power to
6 serve and execute civil processes.

7 The Board must authorize to each member of the Southern
8 Illinois University Police Department and to any other
9 employee of Southern Illinois University exercising the
10 powers of a peace officer a distinct badge that, on its
11 face, (i) clearly states that the badge is authorized by
12 Southern Illinois University and (ii) contains a unique
13 identifying number. No other badge shall be authorized by
14 Southern Illinois University.

15 10.5. To conduct health care programs in furtherance of
16 its teaching, research, and public service functions,
17 which shall include without limitation patient and
18 ancillary facilities, institutes, clinics, or offices
19 owned, leased, or purchased through an equity interest by
20 the Board or its appointed designee to carry out such
21 activities in the course of or in support of the Board's
22 academic, clinical, and public service responsibilities.

23 11. To administer a plan or plans established by the
24 clinical faculty of the School of Medicine for the billing,
25 collection and disbursement of charges for services
26 performed in the course of or in support of the faculty's

1 academic responsibilities, provided that such plan has
2 been first approved by Board action. All such collections
3 shall be deposited into a special fund or funds
4 administered by the Board from which disbursements may be
5 made according to the provisions of said plan. The
6 reasonable costs incurred, by the University,
7 administering the billing, collection and disbursement
8 provisions of a plan shall have first priority for payment
9 before distribution or disbursement for any other purpose.
10 Audited financial statements of the plan or plans must be
11 provided to the Legislative Audit Commission annually.

12 The Board of Trustees may own, operate, or govern, by
13 or through the School of Medicine, a managed care community
14 network established under subsection (b) of Section 5-11 of
15 the Illinois Public Aid Code.

16 12. The Board of Trustees may, directly or in
17 cooperation with other institutions of higher education,
18 acquire by purchase or lease or otherwise, and construct,
19 enlarge, improve, equip, complete, operate, control and
20 manage medical research and high technology parks,
21 together with the necessary lands, buildings, facilities,
22 equipment, and personal property therefor, to encourage
23 and facilitate (a) the location and development of business
24 and industry in the State of Illinois, and (b) the
25 increased application and development of technology and
26 (c) the improvement and development of the State's economy.

1 The Board of Trustees may lease to nonprofit corporations
2 all or any part of the land, buildings, facilities,
3 equipment or other property included in a medical research
4 and high technology park upon such terms and conditions as
5 the Board of Trustees may deem advisable and enter into any
6 contract or agreement with such nonprofit corporations as
7 may be necessary or suitable for the construction,
8 financing, operation and maintenance and management of any
9 such park; and may lease to any person, firm, partnership
10 or corporation, either public or private, any part or all
11 of the land, building, facilities, equipment or other
12 property of such park for such purposes and upon such
13 rentals, terms and conditions as the Board of Trustees may
14 deem advisable; and may finance all or part of the cost of
15 any such park, including the purchase, lease,
16 construction, reconstruction, improvement, remodeling,
17 addition to, and extension and maintenance of all or part
18 of such high technology park, and all equipment and
19 furnishings, by legislative appropriations, government
20 grants, contracts, private gifts, loans, receipts from the
21 operation of such high technology park, rentals and similar
22 receipts; and may make its other facilities and services
23 available to tenants or other occupants of any such park at
24 rates which are reasonable and appropriate.

25 13. To borrow money, as necessary, from time to time in
26 anticipation of receiving tuition, payments from the State

1 of Illinois, or other revenues or receipts of the
2 University, also known as anticipated moneys. The
3 borrowing limit shall be capped at 100% of the total amount
4 of payroll and other expense vouchers submitted and payable
5 to the University for fiscal year 2010 expenses, but unpaid
6 by ~~at~~ the State Comptroller's office. Prior to borrowing
7 any funds, the University shall request from the
8 Comptroller's office a verification of the borrowing limit
9 and shall include the estimated date on which such
10 borrowing shall occur. The borrowing limit cap shall be
11 verified by the State Comptroller's office not prior to 45
12 days before any estimated date for executing any promissory
13 note or line of credit established under this item 13. The
14 principal amount borrowed under a promissory note or line
15 of credit shall not exceed 75% of the borrowing limit.
16 Within 15 days after borrowing funds under any promissory
17 note or line of credit established under this item 13, the
18 University shall submit to the Governor's Office of
19 Management and Budget, the Speaker of the House of
20 Representatives, the Minority Leader of the House of
21 Representatives, the President of the Senate, and the
22 Minority Leader of the Senate, an Emergency Short Term Cash
23 Management Plan. The Emergency Short Term Cash Management
24 Plan shall outline the amount borrowed, the terms for
25 repayment, the amount of outstanding State vouchers as
26 verified by the State Comptroller's office, and the

1 University's plan for expenditure of any borrowed funds,
2 including, but not limited to, a detailed plan to meet
3 payroll obligations to include collective bargaining
4 employees, civil service employees, and academic,
5 research, and health care personnel. The establishment of
6 any promissory note or line of credit established under
7 this item 13 must be finalized within 90 days after the
8 effective date of this amendatory Act of the 96th General
9 Assembly. The borrowed moneys shall be applied to the
10 purposes of paying salaries and other expenses lawfully
11 authorized in the University's State appropriation and
12 unpaid by the State Comptroller. Any line of credit
13 established under this item 13 shall be paid in full one
14 year after creation or within 10 days after the date the
15 University receives reimbursement from the State for all
16 submitted fiscal year 2010 vouchers, whichever is earlier.
17 Any promissory note established under this item 13 shall be
18 repaid within one year after issuance of the note. The
19 Chairman, Comptroller, or Treasurer of the Board shall
20 execute a promissory note or similar debt instrument to
21 evidence the indebtedness incurred by the borrowing. In
22 connection with a borrowing, the Board may establish a line
23 of credit with a financial institution, investment bank, or
24 broker/dealer. The obligation to make the payments due
25 under any promissory note or line of credit established
26 under this item 13 shall be a lawful obligation of the

1 University payable from the anticipated moneys. Any
2 borrowing under this item 13 shall not constitute a debt,
3 legal or moral, of the State and shall not be enforceable
4 against the State. The promissory note or line of credit
5 shall be authorized by a resolution passed by the Board and
6 shall be valid whether or not a budgeted item with respect
7 to that resolution is included in any annual or
8 supplemental budget adopted by the Board. The resolution
9 shall set forth facts demonstrating the need for the
10 borrowing, state an amount that the amount to be borrowed
11 will not exceed, and establish a maximum interest rate
12 limit not to exceed the maximum rate authorized by the Bond
13 Authorization Act or 9%, whichever is less. The resolution
14 may direct the Comptroller or Treasurer of the Board to
15 make arrangements to set apart and hold the portion of the
16 anticipated moneys, as received, that shall be used to
17 repay the borrowing, subject to any prior pledges or
18 restrictions with respect to the anticipated moneys. The
19 resolution may also authorize the Treasurer of the Board to
20 make partial repayments of the borrowing as the anticipated
21 moneys become available and may contain any other terms,
22 restrictions, or limitations not inconsistent with the
23 powers of the Board.

24 For the purposes of this item 13, "financial
25 institution" means any bank subject to the Illinois Banking
26 Act, any savings and loan association subject to the

1 Illinois Savings and Loan Act of 1985, and any federally
2 chartered commercial bank or savings and loan association
3 or government-sponsored enterprise organized and operated
4 in this State pursuant to the laws of the United States.

5 The powers of the Board as herein designated are subject to
6 the Board of Higher Education Act.

7 (Source: P.A. 95-158, eff. 8-14-07; 95-876, eff. 8-21-08;
8 96-909, eff. 6-8-10; revised 6-15-10.)

9 (110 ILCS 520/30)

10 Sec. 30. Buildings available for emergency purposes. The
11 Board shall make mutually agreed buildings of the university
12 available for emergency purposes, upon the request of the
13 Illinois Emergency Management Agency, the State-accredited
14 emergency management agency with jurisdiction, or the American
15 Red Cross, and cooperate in all matters with the Illinois
16 Emergency Management Agency, local emergency management
17 agencies, State-certified, local public health departments,
18 the American Red Cross, and federal agencies concerned with
19 emergency preparedness and response.

20 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

21 (110 ILCS 520/60)

22 Sec. 60 ~~30~~. American Sign Language courses. The University
23 may award academic credit for the successful completion of any
24 American Sign Language course offered or approved by the

1 University, which may be applied toward the satisfaction of the
2 foreign language requirements of the University, except for
3 those requirements related to the content of a student's
4 academic major.

5 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

6 Section 220. The Chicago State University Law is amended by
7 changing Section 5-45 by setting forth and renumbering multiple
8 versions of Section 5-140 as follows:

9 (110 ILCS 660/5-45)

10 Sec. 5-45. Powers and duties. The Board also shall have
11 power and it shall be its duty:

12 (1) To make rules, regulations and bylaws, not inconsistent
13 with law, for the government and management of Chicago State
14 University and its branches;

15 (2) To employ, and, for good cause, to remove a President
16 of Chicago State University, and all necessary deans,
17 professors, associate professors, assistant professors,
18 instructors, other educational and administrative assistants,
19 and all other necessary employees, and to prescribe their
20 duties and contract with them upon matters relating to tenure,
21 salaries and retirement benefits in accordance with the State
22 Universities Civil Service Act. Whenever the Board establishes
23 a search committee to fill the position of President of Chicago
24 State University, there shall be minority representation,

1 including women, on that search committee. The Board shall,
2 upon the written request of an employee of Chicago State
3 University, withhold from the compensation of that employee any
4 dues, payments or contributions payable by such employee to any
5 labor organization as defined in the Illinois Educational Labor
6 Relations Act. Under such arrangement, an amount shall be
7 withheld from each regular payroll period which is equal to the
8 pro rata share of the annual dues plus any payments or
9 contributions, and the Board shall transmit such withholdings
10 to the specified labor organization within 10 working days from
11 the time of the withholding;

12 (3) To prescribe the courses of study to be followed, and
13 textbooks and apparatus to be used at Chicago State University;

14 (4) To issue upon the recommendation of the faculty,
15 diplomas to such persons as have satisfactorily completed the
16 required studies of Chicago State University, and confer such
17 professional and literary degrees as are usually conferred by
18 other institutions of like character for similar or equivalent
19 courses of study, or such as the Board may deem appropriate;

20 (5) To examine into the conditions, management, and
21 administration of Chicago State University, to provide the
22 requisite buildings, apparatus, equipment and auxiliary
23 enterprises, and to fix and collect matriculation fees; tuition
24 fees; fees for student activities; fees for student facilities
25 such as student union buildings or field houses or stadia or
26 other recreational facilities; student welfare fees;

1 laboratory fees; and similar fees for supplies and materials.
2 The expense of the building, improving, repairing and supplying
3 fuel and furniture and the necessary appliances and apparatus
4 for conducting Chicago State University, the reimbursed
5 expenses of members of the Board, and the salaries or
6 compensation of the President, assistants, agents and other
7 employees of Chicago State University, shall be a charge upon
8 the State Treasury. All other expenses shall be chargeable
9 against students, and the Board shall regulate the charges
10 accordingly;

11 (6) To succeed to and to administer all trusts, trust
12 property, and gifts now or hereafter belonging or pertaining to
13 Chicago State University;

14 (7) To accept endowments of professorships or departments
15 in Chicago State University from any person who may proffer
16 them and, at regular meetings, to prescribe rules and
17 regulations in relation to endowments and declare on what
18 general principles they may be accepted;

19 (8) To enter into contracts with the Federal government for
20 providing courses of instruction and other services at Chicago
21 State University for persons serving in or with the military or
22 naval forces of the United States, and to provide such courses
23 of instruction and other services;

24 (9) To contract with respect to the Cooperative Computer
25 Center to obtain services related to electronic data
26 processing;

1 (10) To provide for the receipt and expenditures of Federal
2 funds paid to Chicago State University by the Federal
3 government for instruction and other services for persons
4 serving in or with the military or naval forces of the United
5 States, and to provide for audits of such funds;

6 (11) To appoint, subject to the applicable civil service
7 law, persons to be members of the Chicago State University
8 Police Department. Members of the Police Department shall be
9 conservators of the peace and as such have all powers possessed
10 by policemen in cities, and sheriffs, including the power to
11 make arrests on view or warrants of violations of State
12 statutes, University rules and regulations and city or county
13 ordinances, except that they may exercise such powers only
14 within counties wherein Chicago State University and any of its
15 branches or properties are located when such is required for
16 the protection of University properties and interests, and its
17 students and personnel, and otherwise, within such counties,
18 when requested by appropriate State or local law enforcement
19 officials. However, such officers shall have no power to serve
20 and execute civil processes.

21 The Board must authorize to each member of the Chicago
22 State University Police Department and to any other employee of
23 Chicago State University exercising the powers of a peace
24 officer a distinct badge that, on its face, (i) clearly states
25 that the badge is authorized by Chicago State University and
26 (ii) contains a unique identifying number on its face. No other

1 badge shall be authorized by Chicago State University;

2 (12) The Board may, directly or in cooperation with other
3 institutions of higher education, acquire by purchase or lease
4 or otherwise, and construct, enlarge, improve, equip,
5 complete, operate, control and manage research and high
6 technology parks, together with the necessary lands,
7 buildings, facilities, equipment, and personal property
8 therefor, to encourage and facilitate (i) the location and
9 development of business and industry in the State of Illinois,
10 and (ii) the increased application and development of
11 technology, and (iii) the improvement and development of the
12 State's economy. The Board may lease to nonprofit corporations
13 all or any part of the land, buildings, facilities, equipment
14 or other property included in a research and high technology
15 park upon such terms and conditions as the Board may deem
16 advisable and enter into any contract or agreement with such
17 nonprofit corporations as may be necessary or suitable for the
18 construction, financing, operation and maintenance and
19 management of any such park; and may lease to any person, firm,
20 partnership or corporation, either public or private, any part
21 or all of the land, building, facilities, equipment or other
22 property of such park for such purposes and upon such rentals,
23 terms and conditions as the Board may deem advisable; and may
24 finance all or part of the cost of any such park, including the
25 purchase, lease, construction, reconstruction, improvement,
26 remodeling, addition to, and extension and maintenance of all

1 or part of such high technology park, and all equipment and
2 furnishings, by legislative appropriations, government grants,
3 contracts, private gifts, loans, receipts from the operation of
4 such high technology park, rentals and similar receipts; and
5 may make its other facilities and services available to tenants
6 or other occupants of any such park at rates which are
7 reasonable and appropriate;

8 (13) To borrow money, as necessary, from time to time in
9 anticipation of receiving tuition, payments from the State of
10 Illinois, or other revenues or receipts of the University, also
11 known as anticipated moneys. The borrowing limit shall be
12 capped at 100% of the total amount of payroll and other expense
13 vouchers submitted and payable to the University for fiscal
14 year 2010 expenses, but unpaid by ~~at~~ the State Comptroller's
15 office. Prior to borrowing any funds, the University shall
16 request from the Comptroller's office a verification of the
17 borrowing limit and shall include the estimated date on which
18 such borrowing shall occur. The borrowing limit cap shall be
19 verified by the State Comptroller's office not prior to 45 days
20 before any estimated date for executing any promissory note or
21 line of credit established under this item (13). The principal
22 amount borrowed under a promissory note or line of credit shall
23 not exceed 75% of the borrowing limit. Within 15 days after
24 borrowing funds under any promissory note or line of credit
25 established under this item (13), the University shall submit
26 to the Governor's Office of Management and Budget, the Speaker

1 of the House of Representatives, the Minority Leader of the
2 House of Representatives, the President of the Senate, and the
3 Minority Leader of the Senate, an Emergency Short Term Cash
4 Management Plan. The Emergency Short Term Cash Management Plan
5 shall outline the amount borrowed, the terms for repayment, the
6 amount of outstanding State vouchers as verified by the State
7 Comptroller's office, and the University's plan for
8 expenditure of any borrowed funds, including, but not limited
9 to, a detailed plan to meet payroll obligations to include
10 collective bargaining employees, civil service employees, and
11 academic, research, and health care personnel. The
12 establishment of any promissory note or line of credit
13 established under this item (13) must be finalized within 90
14 days after the effective date of this amendatory Act of the
15 96th General Assembly. The borrowed moneys shall be applied to
16 the purposes of paying salaries and other expenses lawfully
17 authorized in the University's State appropriation and unpaid
18 by the State Comptroller. Any line of credit established under
19 this item (13) shall be paid in full one year after creation or
20 within 10 days after the date the University receives
21 reimbursement from the State for all submitted fiscal year 2010
22 vouchers, whichever is earlier. Any promissory note
23 established under this item (13) shall be repaid within one
24 year after issuance of the note. The Chairman, Comptroller, or
25 Treasurer of the Board shall execute a promissory note or
26 similar debt instrument to evidence the indebtedness incurred

1 by the borrowing. In connection with a borrowing, the Board may
2 establish a line of credit with a financial institution,
3 investment bank, or broker/dealer. The obligation to make the
4 payments due under any promissory note or line of credit
5 established under this item (13) shall be a lawful obligation
6 of the University payable from the anticipated moneys. Any
7 borrowing under this item (13) shall not constitute a debt,
8 legal or moral, of the State and shall not be enforceable
9 against the State. The promissory note or line of credit shall
10 be authorized by a resolution passed by the Board and shall be
11 valid whether or not a budgeted item with respect to that
12 resolution is included in any annual or supplemental budget
13 adopted by the Board. The resolution shall set forth facts
14 demonstrating the need for the borrowing, state an amount that
15 the amount to be borrowed will not exceed, and establish a
16 maximum interest rate limit not to exceed the maximum rate
17 authorized by the Bond Authorization Act or 9%, whichever is
18 less. The resolution may direct the Comptroller or Treasurer of
19 the Board to make arrangements to set apart and hold the
20 portion of the anticipated moneys, as received, that shall be
21 used to repay the borrowing, subject to any prior pledges or
22 restrictions with respect to the anticipated moneys. The
23 resolution may also authorize the Treasurer of the Board to
24 make partial repayments of the borrowing as the anticipated
25 moneys become available and may contain any other terms,
26 restrictions, or limitations not inconsistent with the powers

1 of the Board.

2 For the purposes of this item (13), "financial institution"
3 means any bank subject to the Illinois Banking Act, any savings
4 and loan association subject to the Illinois Savings and Loan
5 Act of 1985, and any federally chartered commercial bank or
6 savings and loan association or government-sponsored
7 enterprise organized and operated in this State pursuant to the
8 laws of the United States.

9 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

10 (110 ILCS 660/5-140)

11 Sec. 5-140. Buildings available for emergency purposes.
12 The Board shall make mutually agreed buildings of the
13 university available for emergency purposes, upon the request
14 of the Illinois Emergency Management Agency, the
15 State-accredited emergency management agency with
16 jurisdiction, or the American Red Cross, and cooperate in all
17 matters with the Illinois Emergency Management Agency, local
18 emergency management agencies, State-certified, local public
19 health departments, the American Red Cross, and federal
20 agencies concerned with emergency preparedness and response.

21 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

22 (110 ILCS 660/5-170)

23 Sec. 5-170 ~~5-140~~. American Sign Language courses. The
24 University may award academic credit for the successful

1 completion of any American Sign Language course offered or
2 approved by the University, which may be applied toward the
3 satisfaction of the foreign language requirements of the
4 University, except for those requirements related to the
5 content of a student's academic major.

6 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

7 Section 225. The Eastern Illinois University Law is amended
8 by changing Section 10-45 and by setting forth and renumbering
9 multiple versions of Section 10-140 as follows:

10 (110 ILCS 665/10-45)

11 Sec. 10-45. Powers and duties.

12 (a) The Board also shall have power and it shall be its
13 duty:

14 (1) To make rules, regulations and bylaws, not
15 inconsistent with law, for the government and management of
16 Eastern Illinois University and its branches.

17 (2) To employ, and, for good cause, to remove a
18 President of Eastern Illinois University, and all
19 necessary deans, professors, associate professors,
20 assistant professors, instructors, other educational and
21 administrative assistants, and all other necessary
22 employees, and to prescribe their duties and contract with
23 them upon matters relating to tenure, salaries and
24 retirement benefits in accordance with the State

1 Universities Civil Service Act. Whenever the Board
2 establishes a search committee to fill the position of
3 President of Eastern Illinois University, there shall be
4 minority representation, including women, on that search
5 committee. The Board shall, upon the written request of an
6 employee of Eastern Illinois University, withhold from the
7 compensation of that employee any dues, payments or
8 contributions payable by such employee to any labor
9 organization as defined in the Illinois Educational Labor
10 Relations Act. Under such arrangement, an amount shall be
11 withheld from each regular payroll period which is equal to
12 the pro rata share of the annual dues plus any payments or
13 contributions, and the Board shall transmit such
14 withholdings to the specified labor organization within 10
15 working days from the time of the withholding.

16 (3) To prescribe the courses of study to be followed,
17 and textbooks and apparatus to be used at Eastern Illinois
18 University.

19 (4) To issue upon the recommendation of the faculty,
20 diplomas to such persons as have satisfactorily completed
21 the required studies of Eastern Illinois University, and
22 confer such professional and literary degrees as are
23 usually conferred by other institutions of like character
24 for similar or equivalent courses of study, or such as the
25 Board may deem appropriate.

26 (5) To examine into the conditions, management, and

1 administration of Eastern Illinois University, to provide
2 the requisite buildings, apparatus, equipment and
3 auxiliary enterprises, and to fix and collect
4 matriculation fees; tuition fees; fees for student
5 activities; fees for student facilities such as student
6 union buildings or field houses or stadia or other
7 recreational facilities; student welfare fees; laboratory
8 fees; and similar fees for supplies and materials. The
9 expense of the building, improving, repairing and
10 supplying fuel and furniture and the necessary appliances
11 and apparatus for conducting Eastern Illinois University,
12 the reimbursed expenses of members of the Board, and the
13 salaries or compensation of the President, assistants,
14 agents and other employees of Eastern Illinois University,
15 shall be a charge upon the State Treasury. All other
16 expenses shall be chargeable against students, and the
17 Board shall regulate the charges accordingly.

18 (6) To succeed to and to administer all trusts, trust
19 property, and gifts now or hereafter belonging or
20 pertaining to Eastern Illinois University.

21 (7) To accept endowments of professorships or
22 departments in Eastern Illinois University from any person
23 who may proffer them and, at regular meetings, to prescribe
24 rules and regulations in relation to endowments and declare
25 on what general principles they may be accepted.

26 (8) To enter into contracts with the Federal government

1 for providing courses of instruction and other services at
2 Eastern Illinois University for persons serving in or with
3 the military or naval forces of the United States, and to
4 provide such courses of instruction and other services.

5 (9) To contract with respect to the Cooperative
6 Computer Center to obtain services related to electronic
7 data processing.

8 (10) To provide for the receipt and expenditures of
9 Federal funds paid to Eastern Illinois University by the
10 Federal government for instruction and other services for
11 persons serving in or with the military or naval forces of
12 the United States, and to provide for audits of such funds.

13 (11) To appoint, subject to the applicable civil
14 service law, persons to be members of the Eastern Illinois
15 University Police Department. Members of the Police
16 Department shall be conservators of the peace and as such
17 have all powers possessed by policemen in cities, and
18 sheriffs, including the power to make arrests on view or
19 warrants of violations of State statutes, University rules
20 and regulations and city or county ordinances, except that
21 they may exercise such powers only within counties wherein
22 Eastern Illinois University and any of its branches or
23 properties are located when such is required for the
24 protection of University properties and interests, and its
25 students and personnel, and otherwise, within such
26 counties, when requested by appropriate State or local law

1 enforcement officials. However, such officers shall have
2 no power to serve and execute civil processes.

3 The Board must authorize to each member of the Eastern
4 Illinois University Police Department and to any other
5 employee of Eastern Illinois University exercising the
6 powers of a peace officer a distinct badge that, on its
7 face, (i) clearly states that the badge is authorized by
8 Eastern Illinois University and (ii) contains a unique
9 identifying number. No other badge shall be authorized by
10 Eastern Illinois University.

11 (12) To borrow money, as necessary, from time to time
12 in anticipation of receiving tuition, payments from the
13 State of Illinois, or other revenues or receipts of the
14 University, also known as anticipated moneys. The
15 borrowing limit shall be capped at 100% of the total amount
16 of payroll and other expense vouchers submitted and payable
17 to the University for fiscal year 2010 expenses, but unpaid
18 by ~~at~~ the State Comptroller's office. Prior to borrowing
19 any funds, the University shall request from the
20 Comptroller's office a verification of the borrowing limit
21 and shall include the estimated date on which such
22 borrowing shall occur. The borrowing limit cap shall be
23 verified by the State Comptroller's office not prior to 45
24 days before any estimated date for executing any promissory
25 note or line of credit established under this item (12).
26 The principal amount borrowed under a promissory note or

1 line of credit shall not exceed 75% of the borrowing limit.
2 Within 15 days after borrowing funds under any promissory
3 note or line of credit established under this item (12),
4 the University shall submit to the Governor's Office of
5 Management and Budget, the Speaker of the House of
6 Representatives, the Minority Leader of the House of
7 Representatives, the President of the Senate, and the
8 Minority Leader of the Senate, an Emergency Short Term Cash
9 Management Plan. The Emergency Short Term Cash Management
10 Plan shall outline the amount borrowed, the terms for
11 repayment, the amount of outstanding State vouchers as
12 verified by the State Comptroller's office, and the
13 University's plan for expenditure of any borrowed funds,
14 including, but not limited to, a detailed plan to meet
15 payroll obligations to include collective bargaining
16 employees, civil service employees, and academic,
17 research, and health care personnel. The establishment of
18 any promissory note or line of credit established under
19 this item (12) must be finalized within 90 days after the
20 effective date of this amendatory Act of the 96th General
21 Assembly. The borrowed moneys shall be applied to the
22 purposes of paying salaries and other expenses lawfully
23 authorized in the University's State appropriation and
24 unpaid by the State Comptroller. Any line of credit
25 established under this item (12) shall be paid in full one
26 year after creation or within 10 days after the date the

1 University receives reimbursement from the State for all
2 submitted fiscal year 2010 vouchers, whichever is earlier.
3 Any promissory note established under this item (12) shall
4 be repaid within one year after issuance of the note. The
5 Chairman, Comptroller, or Treasurer of the Board shall
6 execute a promissory note or similar debt instrument to
7 evidence the indebtedness incurred by the borrowing. In
8 connection with a borrowing, the Board may establish a line
9 of credit with a financial institution, investment bank, or
10 broker/dealer. The obligation to make the payments due
11 under any promissory note or line of credit established
12 under this item (12) shall be a lawful obligation of the
13 University payable from the anticipated moneys. Any
14 borrowing under this item (12) shall not constitute a debt,
15 legal or moral, of the State and shall not be enforceable
16 against the State. The promissory note or line of credit
17 shall be authorized by a resolution passed by the Board and
18 shall be valid whether or not a budgeted item with respect
19 to that resolution is included in any annual or
20 supplemental budget adopted by the Board. The resolution
21 shall set forth facts demonstrating the need for the
22 borrowing, state an amount that the amount to be borrowed
23 will not exceed, and establish a maximum interest rate
24 limit not to exceed the maximum rate authorized by the Bond
25 Authorization Act or 9%, whichever is less. The resolution
26 may direct the Comptroller or Treasurer of the Board to

1 make arrangements to set apart and hold the portion of the
2 anticipated moneys, as received, that shall be used to
3 repay the borrowing, subject to any prior pledges or
4 restrictions with respect to the anticipated moneys. The
5 resolution may also authorize the Treasurer of the Board to
6 make partial repayments of the borrowing as the anticipated
7 moneys become available and may contain any other terms,
8 restrictions, or limitations not inconsistent with the
9 powers of the Board.

10 For the purposes of this item (12), "financial
11 institution" means any bank subject to the Illinois Banking
12 Act, any savings and loan association subject to the
13 Illinois Savings and Loan Act of 1985, and any federally
14 chartered commercial bank or savings and loan association
15 or government-sponsored enterprise organized and operated
16 in this State pursuant to the laws of the United States.

17 (b) The Board may, directly or in cooperation with other
18 institutions of higher education, acquire by purchase or lease
19 or otherwise, and construct, enlarge, improve, equip,
20 complete, operate, control and manage research and high
21 technology parks, together with the necessary lands,
22 buildings, facilities, equipment, and personal property
23 therefor, to encourage and facilitate (i) the location and
24 development of business and industry in the State of Illinois,
25 and (ii) the increased application and development of
26 technology, and (iii) the improvement and development of the

1 State's economy. The Board may lease to nonprofit corporations
2 all or any part of the land, buildings, facilities, equipment
3 or other property included in a research and high technology
4 park upon such terms and conditions as the Board may deem
5 advisable and enter into any contract or agreement with such
6 nonprofit corporations as may be necessary or suitable for the
7 construction, financing, operation and maintenance and
8 management of any such park; and may lease to any person, firm,
9 partnership or corporation, either public or private, any part
10 or all of the land, building, facilities, equipment or other
11 property of such park for such purposes and upon such rentals,
12 terms and conditions as the Board may deem advisable; and may
13 finance all or part of the cost of any such park, including the
14 purchase, lease, construction, reconstruction, improvement,
15 remodeling, addition to, and extension and maintenance of all
16 or part of such high technology park, and all equipment and
17 furnishings, by legislative appropriations, government grants,
18 contracts, private gifts, loans, receipts from the operation of
19 such high technology park, rentals and similar receipts; and
20 may make its other facilities and services available to tenants
21 or other occupants of any such park at rates which are
22 reasonable and appropriate.

23 (c) The Board may sell the following described property
24 without compliance with the State Property Control Act and
25 retain the proceeds in the University treasury in a special,
26 separate development fund account that the Auditor General

1 shall examine to assure compliance with this Law:

2 Lots 511 and 512 in Heritage Woods V, Charleston, Coles
3 County, Illinois.

4 Revenues from the development fund account may be withdrawn by
5 the University for the purpose of upgrading the on-campus
6 formal reception facility. Moneys from the development fund
7 account used for any other purpose must be deposited into and
8 appropriated from the General Revenue Fund.

9 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

10 (110 ILCS 665/10-140)

11 Sec. 10-140. Buildings available for emergency purposes.
12 The Board shall make mutually agreed buildings of the
13 university available for emergency purposes, upon the request
14 of the Illinois Emergency Management Agency, the
15 State-accredited emergency management agency with
16 jurisdiction, or the American Red Cross, and cooperate in all
17 matters with the Illinois Emergency Management Agency, local
18 emergency management agencies, State-certified, local public
19 health departments, the American Red Cross, and federal
20 agencies concerned with emergency preparedness and response.

21 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

22 (110 ILCS 665/10-170)

23 Sec. 10-170 ~~10-140~~. American Sign Language courses. The
24 University may award academic credit for the successful

1 completion of any American Sign Language course offered or
2 approved by the University, which may be applied toward the
3 satisfaction of the foreign language requirements of the
4 University, except for those requirements related to the
5 content of a student's academic major.

6 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

7 Section 230. The Governors State University Law is amended
8 by changing Section 15-45 and by setting forth and renumbering
9 multiple versions of Section 15-140 as follows:

10 (110 ILCS 670/15-45)

11 Sec. 15-45. Powers and duties. The Board also shall have
12 power and it shall be its duty:

13 (1) To make rules, regulations and bylaws, not inconsistent
14 with law, for the government and management of Governors State
15 University and its branches;

16 (2) To employ, and, for good cause, to remove a President
17 of Governors State University, and all necessary deans,
18 professors, associate professors, assistant professors,
19 instructors, other educational and administrative assistants,
20 and all other necessary employees, and to prescribe their
21 duties and contract with them upon matters relating to tenure,
22 salaries and retirement benefits in accordance with the State
23 Universities Civil Service Act. Whenever the Board establishes
24 a search committee to fill the position of President of

1 Governors State University, there shall be minority
2 representation, including women, on that search committee. The
3 Board shall, upon the written request of an employee of
4 Governors State University, withhold from the compensation of
5 that employee any dues, payments or contributions payable by
6 such employee to any labor organization as defined in the
7 Illinois Educational Labor Relations Act. Under such
8 arrangement, an amount shall be withheld from each regular
9 payroll period which is equal to the pro rata share of the
10 annual dues plus any payments or contributions, and the Board
11 shall transmit such withholdings to the specified labor
12 organization within 10 working days from the time of the
13 withholding;

14 (3) To prescribe the courses of study to be followed, and
15 textbooks and apparatus to be used at Governors State
16 University;

17 (4) To issue upon the recommendation of the faculty,
18 diplomas to such persons as have satisfactorily completed the
19 required studies of Governors State University, and confer such
20 professional and literary degrees as are usually conferred by
21 other institutions of like character for similar or equivalent
22 courses of study, or such as the Board may deem appropriate;

23 (5) To examine into the conditions, management, and
24 administration of Governors State University, to provide the
25 requisite buildings, apparatus, equipment and auxiliary
26 enterprises, and to fix and collect matriculation fees; tuition

1 fees; fees for student activities; fees for student facilities
2 such as student union buildings or field houses or stadia or
3 other recreational facilities; student welfare fees;
4 laboratory fees; and similar fees for supplies and materials.
5 The expense of the building, improving, repairing and supplying
6 fuel and furniture and the necessary appliances and apparatus
7 for conducting Governors State University, the reimbursed
8 expenses of members of the Board, and the salaries or
9 compensation of the President, assistants, agents and other
10 employees of Governors State University, shall be a charge upon
11 the State Treasury. All other expenses shall be chargeable
12 against students, and the Board shall regulate the charges
13 accordingly;

14 (6) To succeed to and to administer all trusts, trust
15 property, and gifts now or hereafter belonging or pertaining to
16 Governors State University;

17 (7) To accept endowments of professorships or departments
18 in Governors State University from any person who may proffer
19 them and, at regular meetings, to prescribe rules and
20 regulations in relation to endowments and declare on what
21 general principles they may be accepted;

22 (8) To enter into contracts with the Federal government for
23 providing courses of instruction and other services at
24 Governors State University for persons serving in or with the
25 military or naval forces of the United States, and to provide
26 such courses of instruction and other services;

1 (9) To operate, maintain, and contract with respect to the
2 Cooperative Computer Center for its own purposes and to provide
3 services related to electronic data processing to other public
4 and private colleges and universities, to governmental
5 agencies, and to public or private not-for-profit agencies; and
6 to examine the conditions, management, and administration of
7 the Cooperative Computer Center;

8 (10) To provide for the receipt and expenditures of Federal
9 funds paid to Governors State University by the Federal
10 government for instruction and other services for persons
11 serving in or with the military or naval forces of the United
12 States, and to provide for audits of such funds;

13 (11) To appoint, subject to the applicable civil service
14 law, persons to be members of the Governors State University
15 Police Department. Members of the Police Department shall be
16 conservators of the peace and as such have all powers possessed
17 by policemen in cities, and sheriffs, including the power to
18 make arrests on view or warrants of violations of State
19 statutes, University rules and regulations and city or county
20 ordinances, except that they may exercise such powers only
21 within counties wherein Governors State University and any of
22 its branches or properties are located when such is required
23 for the protection of University properties and interests, and
24 its students and personnel, and otherwise, within such
25 counties, when requested by appropriate State or local law
26 enforcement officials. However, such officers shall have no

1 power to serve and execute civil processes.

2 The Board must authorize to each member of the Governors
3 State University Police Department and to any other employee of
4 Governors State University exercising the powers of a peace
5 officer a distinct badge that, on its face, (i) clearly states
6 that the badge is authorized by Governors State University and
7 (ii) contains a unique identifying number. No other badge shall
8 be authorized by Governors State University;

9 (12) The Board may, directly or in cooperation with other
10 institutions of higher education, acquire by purchase or lease
11 or otherwise, and construct, enlarge, improve, equip,
12 complete, operate, control and manage research and high
13 technology parks, together with the necessary lands,
14 buildings, facilities, equipment, and personal property
15 therefor, to encourage and facilitate (i) the location and
16 development of business and industry in the State of Illinois,
17 and (ii) the increased application and development of
18 technology, and (iii) the improvement and development of the
19 State's economy. The Board may lease to nonprofit corporations
20 all or any part of the land, buildings, facilities, equipment
21 or other property included in a research and high technology
22 park upon such terms and conditions as the Board may deem
23 advisable and enter into any contract or agreement with such
24 nonprofit corporations as may be necessary or suitable for the
25 construction, financing, operation and maintenance and
26 management of any such park; and may lease to any person, firm,

1 partnership or corporation, either public or private, any part
2 or all of the land, building, facilities, equipment or other
3 property of such park for such purposes and upon such rentals,
4 terms and conditions as the Board may deem advisable; and may
5 finance all or part of the cost of any such park, including the
6 purchase, lease, construction, reconstruction, improvement,
7 remodeling, addition to, and extension and maintenance of all
8 or part of such high technology park, and all equipment and
9 furnishings, by legislative appropriations, government grants,
10 contracts, private gifts, loans, receipts from the operation of
11 such high technology park, rentals and similar receipts; and
12 may make its other facilities and services available to tenants
13 or other occupants of any such park at rates which are
14 reasonable and appropriate;

15 (13) To borrow money, as necessary, from time to time in
16 anticipation of receiving tuition, payments from the State of
17 Illinois, or other revenues or receipts of the University, also
18 known as anticipated moneys. The borrowing limit shall be
19 capped at 100% of the total amount of payroll and other expense
20 vouchers submitted and payable to the University for fiscal
21 year 2010 expenses, but unpaid by ~~at~~ the State Comptroller's
22 office. Prior to borrowing any funds, the University shall
23 request from the Comptroller's office a verification of the
24 borrowing limit and shall include the estimated date on which
25 such borrowing shall occur. The borrowing limit cap shall be
26 verified by the State Comptroller's office not prior to 45 days

1 before any estimated date for executing any promissory note or
2 line of credit established under this item (13). The principal
3 amount borrowed under a promissory note or line of credit shall
4 not exceed 75% of the borrowing limit. Within 15 days after
5 borrowing funds under any promissory note or line of credit
6 established under this item (13), the University shall submit
7 to the Governor's Office of Management and Budget, the Speaker
8 of the House of Representatives, the Minority Leader of the
9 House of Representatives, the President of the Senate, and the
10 Minority Leader of the Senate, an Emergency Short Term Cash
11 Management Plan. The Emergency Short Term Cash Management Plan
12 shall outline the amount borrowed, the terms for repayment, the
13 amount of outstanding State vouchers as verified by the State
14 Comptroller's office, and the University's plan for
15 expenditure of any borrowed funds, including, but not limited
16 to, a detailed plan to meet payroll obligations for all
17 collective bargaining employees, civil service employees, and
18 academic, research, and health care personnel. The
19 establishment of any promissory note or line of credit
20 established under this item (13) must be finalized within 90
21 days after the effective date of this amendatory Act of the
22 96th General Assembly. The borrowed moneys shall be applied to
23 the purposes of paying salaries and other expenses lawfully
24 authorized in the University's State appropriation and unpaid
25 by the State Comptroller. Any line of credit established under
26 this item (13) shall be paid in full one year after creation or

1 on such date as the University receives reimbursement from the
2 State for all submitted fiscal year 2010 vouchers, whichever is
3 earlier. Any promissory note established under this item (13)
4 shall be repaid within one year after issuance of the note. The
5 Chairman, Comptroller, or Treasurer of the Board shall execute
6 a promissory note or similar debt instrument to evidence the
7 indebtedness incurred by the borrowing. In connection with a
8 borrowing, the Board may establish a line of credit with a
9 financial institution, investment bank, or broker/dealer. The
10 obligation to make the payments due under any promissory note
11 or line of credit established under this item (13) shall be a
12 lawful obligation of the University payable from the
13 anticipated moneys. Any borrowing under this item (13) shall
14 not constitute a debt, legal or moral, of the State and shall
15 not be enforceable against the State. The line of credit shall
16 be authorized by a resolution passed by the Board and shall be
17 valid whether or not a budgeted item with respect to that
18 resolution is included in any annual or supplemental budget
19 adopted by the Board. The resolution shall set forth facts
20 demonstrating the need for the borrowing, state an amount that
21 the amount to be borrowed will not exceed, and establish a
22 maximum interest rate limit not to exceed the maximum rate
23 authorized by the Bond Authorization Act or 9%, whichever is
24 less. The resolution may direct the Comptroller or Treasurer of
25 the Board to make arrangements to set apart and hold the
26 portion of the anticipated moneys, as received, that shall be

1 used to repay the borrowing, subject to any prior pledges or
2 restrictions with respect to the anticipated moneys. The
3 resolution may also authorize the Treasurer of the Board to
4 make partial repayments of the borrowing as the anticipated
5 moneys become available and may contain any other terms,
6 restrictions, or limitations not inconsistent with the powers
7 of the Board.

8 For the purposes of this item (13), "financial institution"
9 means any bank subject to the Illinois Banking Act, any savings
10 and loan association subject to the Illinois Savings and Loan
11 Act of 1985, and any federally chartered commercial bank or
12 savings and loan association or government-sponsored
13 enterprise organized and operated in this State pursuant to the
14 laws of the United States.

15 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

16 (110 ILCS 670/15-140)

17 Sec. 15-140. Buildings available for emergency purposes.
18 The Board shall make mutually agreed buildings of the
19 university available for emergency purposes, upon the request
20 of the Illinois Emergency Management Agency, the
21 State-accredited emergency management agency with
22 jurisdiction, or the American Red Cross, and cooperate in all
23 matters with the Illinois Emergency Management Agency, local
24 emergency management agencies, State-certified, local public
25 health departments, the American Red Cross, and federal

1 agencies concerned with emergency preparedness and response.

2 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

3 (110 ILCS 670/15-170)

4 Sec. 15-170 ~~15-140~~. American Sign Language courses. The
5 University may award academic credit for the successful
6 completion of any American Sign Language course offered or
7 approved by the University, which may be applied toward the
8 satisfaction of the foreign language requirements of the
9 University, except for those requirements related to the
10 content of a student's academic major.

11 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

12 Section 235. The Illinois State University Law is amended
13 by changing Section 20-45 and by setting forth and renumbering
14 multiple versions of Section 20-145 as follows:

15 (110 ILCS 675/20-45)

16 Sec. 20-45. Powers and duties. The Board also shall have
17 power and it shall be its duty:

18 (1) To make rules, regulations and bylaws, not inconsistent
19 with law, for the government and management of Illinois State
20 University and its branches;

21 (2) To employ, and, for good cause, to remove a President
22 of Illinois State University, and all necessary deans,
23 professors, associate professors, assistant professors,

1 instructors, other educational and administrative assistants,
2 and all other necessary employees, and to prescribe their
3 duties and contract with them upon matters relating to tenure,
4 salaries and retirement benefits in accordance with the State
5 Universities Civil Service Act. Whenever the Board establishes
6 a search committee to fill the position of President of
7 Illinois State University, there shall be minority
8 representation, including women, on that search committee. The
9 Board shall, upon the written request of an employee of
10 Illinois State University, withhold from the compensation of
11 that employee any dues, payments or contributions payable by
12 such employee to any labor organization as defined in the
13 Illinois Educational Labor Relations Act. Under such
14 arrangement, an amount shall be withheld from each regular
15 payroll period which is equal to the pro rata share of the
16 annual dues plus any payments or contributions, and the Board
17 shall transmit such withholdings to the specified labor
18 organization within 10 working days from the time of the
19 withholding;

20 (3) To prescribe the courses of study to be followed, and
21 textbooks and apparatus to be used at Illinois State
22 University;

23 (4) To issue upon the recommendation of the faculty,
24 diplomas to such persons as have satisfactorily completed the
25 required studies of Illinois State University, and confer such
26 professional and literary degrees as are usually conferred by

1 other institutions of like character for similar or equivalent
2 courses of study, or such as the Board may deem appropriate;

3 (5) To examine into the conditions, management, and
4 administration of Illinois State University, to provide the
5 requisite buildings, apparatus, equipment and auxiliary
6 enterprises, and to fix and collect matriculation fees; tuition
7 fees; fees for student activities; fees for student facilities
8 such as student union buildings or field houses or stadia or
9 other recreational facilities; student welfare fees;
10 laboratory fees; and similar fees for supplies and materials.
11 The expense of the building, improving, repairing and supplying
12 fuel and furniture and the necessary appliances and apparatus
13 for conducting Illinois State University, the reimbursed
14 expenses of members of the Board, and the salaries or
15 compensation of the President, assistants, agents and other
16 employees of Illinois State University, shall be a charge upon
17 the State Treasury. All other expenses shall be chargeable
18 against students, and the Board shall regulate the charges
19 accordingly;

20 (6) To succeed to and to administer all trusts, trust
21 property, and gifts now or hereafter belonging or pertaining to
22 Illinois State University;

23 (7) To accept endowments of professorships or departments
24 in Illinois State University from any person who may proffer
25 them and, at regular meetings, to prescribe rules and
26 regulations in relation to endowments and declare on what

1 general principles they may be accepted;

2 (8) To enter into contracts with the Federal government for
3 providing courses of instruction and other services at Illinois
4 State University for persons serving in or with the military or
5 naval forces of the United States, and to provide such courses
6 of instruction and other services;

7 (9) To contract with respect to the Cooperative Computer
8 Center to obtain services related to electronic data
9 processing;

10 (10) To provide for the receipt and expenditures of Federal
11 funds paid to Illinois State University by the Federal
12 government for instruction and other services for persons
13 serving in or with the military or naval forces of the United
14 States, and to provide for audits of such funds;

15 (11) To appoint, subject to the applicable civil service
16 law, persons to be members of the Illinois State University
17 Police Department. Members of the Police Department shall be
18 conservators of the peace and as such have all powers possessed
19 by policemen in cities, and sheriffs, including the power to
20 make arrests on view or warrants of violations of State
21 statutes, University rules and regulations and city or county
22 ordinances, except that they may exercise such powers only
23 within counties wherein Illinois State University and any of
24 its branches or properties are located when such is required
25 for the protection of University properties and interests, and
26 its students and personnel, and otherwise, within such

1 counties, when requested by appropriate State or local law
2 enforcement officials. However, such officers shall have no
3 power to serve and execute civil processes.

4 The Board must authorize to each member of the Illinois
5 State University Police Department and to any other employee of
6 Illinois State University exercising the powers of a peace
7 officer a distinct badge that, on its face, (i) clearly states
8 that the badge is authorized by Illinois State University and
9 (ii) contains a unique identifying number. No other badge shall
10 be authorized by Illinois State University;

11 (12) The Board may, directly or in cooperation with other
12 institutions of higher education, acquire by purchase or lease
13 or otherwise, and construct, enlarge, improve, equip,
14 complete, operate, control and manage research and high
15 technology parks, together with the necessary lands,
16 buildings, facilities, equipment, and personal property
17 therefor, to encourage and facilitate (i) the location and
18 development of business and industry in the State of Illinois,
19 and (ii) the increased application and development of
20 technology, and (iii) the improvement and development of the
21 State's economy. The Board may lease to nonprofit corporations
22 all or any part of the land, buildings, facilities, equipment
23 or other property included in a research and high technology
24 park upon such terms and conditions as the Board may deem
25 advisable and enter into any contract or agreement with such
26 nonprofit corporations as may be necessary or suitable for the

1 construction, financing, operation and maintenance and
2 management of any such park; and may lease to any person, firm,
3 partnership or corporation, either public or private, any part
4 or all of the land, building, facilities, equipment or other
5 property of such park for such purposes and upon such rentals,
6 terms and conditions as the Board may deem advisable; and may
7 finance all or part of the cost of any such park, including the
8 purchase, lease, construction, reconstruction, improvement,
9 remodeling, addition to, and extension and maintenance of all
10 or part of such high technology park, and all equipment and
11 furnishings, by legislative appropriations, government grants,
12 contracts, private gifts, loans, receipts from the operation of
13 such high technology park, rentals and similar receipts; and
14 may make its other facilities and services available to tenants
15 or other occupants of any such park at rates which are
16 reasonable and appropriate;

17 (13) To assist in the provision of lands, buildings, and
18 facilities that are supportive of university purposes and
19 suitable and appropriate for the conduct and operation of the
20 university's education programs, the Board of Trustees of
21 Illinois State University may exercise the powers specified in
22 subparagraphs (a), (b), and (c) of this paragraph (13) with
23 regard to the following described property located near the
24 Normal, Illinois campus of Illinois State University:

25 Parcel 1: Approximately 300 acres that form a part of the
26 Illinois State University Farm in Section 20, Township 24

1 North, Range 2 East of the Third Principal Meridian in
2 McLean County, Illinois.

3 Parcels 2 and 3: Lands located in the Northeast Quadrant of
4 the City of Normal in McLean County, Illinois, one such
5 parcel consisting of approximately 150 acres located north
6 and east of the old Illinois Soldiers and Sailors
7 Children's School campus, and another such parcel, located
8 in the Northeast Quadrant of the old Soldiers and Sailors
9 Children's School Campus, consisting of approximately
10 1.03.

11 (a) The Board of Trustees may sell, lease, or otherwise
12 transfer and convey all or part of the above described
13 parcels of real estate, together with the improvements
14 situated thereon, to a bona fide purchaser for value,
15 without compliance with the State Property Control Act and
16 on such terms as the Board of Trustees shall determine are
17 in the best interests of Illinois State University and
18 consistent with its objects and purposes.

19 (b) The Board of Trustees may retain the proceeds from
20 the sale, lease, or other transfer of all or any part of
21 the above described parcels of real estate in the
22 University treasury, in a special, separate development
23 fund account that the Auditor General shall examine to
24 assure the use or deposit of those proceeds in a manner
25 consistent with the provisions of subparagraph (c) of this
26 paragraph (13).

1 (c) Moneys from the development fund account may be
2 used by the Board of Trustees of Illinois State University
3 to acquire and develop other land to achieve the same
4 purposes for which the parcels of real estate described in
5 this item (13), all or a part of which have been sold,
6 leased, or otherwise transferred and conveyed, were used
7 and for the purpose of demolition and the processes
8 associated with demolition on the acquired land. Moneys
9 from the development fund account used for any other
10 purpose must be deposited into and appropriated from the
11 General Revenue Fund. Buildings or facilities leased to an
12 entity or person other than the University shall not be
13 subject to any limitations applicable to a State-supported
14 college or university under any law. All development on the
15 land and all the use of any buildings or facilities shall
16 be subject to the control and approval of the Board of
17 Trustees of Illinois State University;

18 (14) To borrow money, as necessary, from time to time in
19 anticipation of receiving tuition, payments from the State of
20 Illinois, or other revenues or receipts of the University, also
21 known as anticipated moneys. The borrowing limit shall be
22 capped at 100% of the total amount of payroll and other expense
23 vouchers submitted and payable to the University for fiscal
24 year 2010 expenses, but unpaid by ~~at~~ the State Comptroller's
25 office. Prior to borrowing any funds, the University shall
26 request from the Comptroller's office a verification of the

1 borrowing limit and shall include the estimated date on which
2 such borrowing shall occur. The borrowing limit cap shall be
3 verified by the State Comptroller's office not prior to 45 days
4 before any estimated date for executing any promissory note or
5 line of credit established under this item (14). The principal
6 amount borrowed under a promissory note or line of credit shall
7 not exceed 75% of the borrowing limit. Within 15 days after
8 borrowing funds under any promissory note or line of credit
9 established under this item (14), the University shall submit
10 to the Governor's Office of Management and Budget, the Speaker
11 of the House of Representatives, the Minority Leader of the
12 House of Representatives, the President of the Senate, and the
13 Minority Leader of the Senate, an Emergency Short Term Cash
14 Management Plan. The Emergency Short Term Cash Management Plan
15 shall outline the amount borrowed, the terms for repayment, the
16 amount of outstanding State vouchers as verified by the State
17 Comptroller's office, and the University's plan for
18 expenditure of any borrowed funds, including, but not limited
19 to, a detailed plan to meet payroll obligations to include
20 collective bargaining employees, civil service employees, and
21 academic, research, and health care personnel. The
22 establishment of any promissory note or line of credit
23 established under this item (14) must be finalized within 90
24 days after the effective date of this amendatory Act of the
25 96th General Assembly. The borrowed moneys shall be applied to
26 the purposes of paying salaries and other expenses lawfully

1 authorized in the University's State appropriation and unpaid
2 by the State Comptroller. Any line of credit established under
3 this item (14) shall be paid in full one year after creation or
4 within 10 days after the date the University receives
5 reimbursement from the State for all submitted fiscal year 2010
6 vouchers, whichever is earlier. Any promissory note
7 established under this item (14) shall be repaid within one
8 year after issuance of the note. The Chairman, Comptroller, or
9 Treasurer of the Board shall execute a promissory note or
10 similar debt instrument to evidence the indebtedness incurred
11 by the borrowing. In connection with a borrowing, the Board may
12 establish a line of credit with a financial institution,
13 investment bank, or broker/dealer. The obligation to make the
14 payments due under any promissory note or line of credit
15 established under this item (14) shall be a lawful obligation
16 of the University payable from the anticipated moneys. Any
17 borrowing under this item (14) shall not constitute a debt,
18 legal or moral, of the State and shall not be enforceable
19 against the State. The promissory note or line of credit shall
20 be authorized by a resolution passed by the Board and shall be
21 valid whether or not a budgeted item with respect to that
22 resolution is included in any annual or supplemental budget
23 adopted by the Board. The resolution shall set forth facts
24 demonstrating the need for the borrowing, state an amount that
25 the amount to be borrowed will not exceed, and establish a
26 maximum interest rate limit not to exceed the maximum rate

1 authorized by the Bond Authorization Act or 9%, whichever is
2 less. The resolution may direct the Comptroller or Treasurer of
3 the Board to make arrangements to set apart and hold the
4 portion of the anticipated moneys, as received, that shall be
5 used to repay the borrowing, subject to any prior pledges or
6 restrictions with respect to the anticipated moneys. The
7 resolution may also authorize the Treasurer of the Board to
8 make partial repayments of the borrowing as the anticipated
9 moneys become available and may contain any other terms,
10 restrictions, or limitations not inconsistent with the powers
11 of the Board.

12 For the purposes of this item (14), "financial institution"
13 means any bank subject to the Illinois Banking Act, any savings
14 and loan association subject to the Illinois Savings and Loan
15 Act of 1985, and any federally chartered commercial bank or
16 savings and loan association or government-sponsored
17 enterprise organized and operated in this State pursuant to the
18 laws of the United States.

19 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

20 (110 ILCS 675/20-145)

21 Sec. 20-145. Buildings available for emergency purposes.
22 The Board shall make mutually agreed buildings of the
23 university available for emergency purposes, upon the request
24 of the Illinois Emergency Management Agency, the
25 State-accredited emergency management agency with

1 jurisdiction, or the American Red Cross, and cooperate in all
2 matters with the Illinois Emergency Management Agency, local
3 emergency management agencies, State-certified, local public
4 health departments, the American Red Cross, and federal
5 agencies concerned with emergency preparedness and response.

6 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

7 (110 ILCS 675/20-175)

8 Sec. 20-175 ~~20-145~~. American Sign Language courses. The
9 University may award academic credit for the successful
10 completion of any American Sign Language course offered or
11 approved by the University, which may be applied toward the
12 satisfaction of the foreign language requirements of the
13 University, except for those requirements related to the
14 content of a student's academic major.

15 (Source: P.A. 96-843, eff. 6-1-10; revised 1-9-10.)

16 Section 240. The Northeastern Illinois University Law is
17 amended by changing Section 25-45 and by setting forth and
18 renumbering multiple versions of Section 25-140 as follows:

19 (110 ILCS 680/25-45)

20 Sec. 25-45. Powers and duties. The Board also shall have
21 power and it shall be its duty:

22 (1) To make rules, regulations and bylaws, not inconsistent
23 with law, for the government and management of Northeastern

1 Illinois University and its branches;

2 (2) To employ, and, for good cause, to remove a President
3 of Northeastern Illinois University, and all necessary deans,
4 professors, associate professors, assistant professors,
5 instructors, other educational and administrative assistants,
6 and all other necessary employees, and to prescribe their
7 duties and contract with them upon matters relating to tenure,
8 salaries and retirement benefits in accordance with the State
9 Universities Civil Service Act. Whenever the Board establishes
10 a search committee to fill the position of President of
11 Northeastern Illinois University, there shall be minority
12 representation, including women, on that search committee. The
13 Board shall, upon the written request of an employee of
14 Northeastern Illinois University, withhold from the
15 compensation of that employee any dues, payments or
16 contributions payable by such employee to any labor
17 organization as defined in the Illinois Educational Labor
18 Relations Act. Under such arrangement, an amount shall be
19 withheld from each regular payroll period which is equal to the
20 pro rata share of the annual dues plus any payments or
21 contributions, and the Board shall transmit such withholdings
22 to the specified labor organization within 10 working days from
23 the time of the withholding;

24 (3) To prescribe the courses of study to be followed, and
25 textbooks and apparatus to be used at Northeastern Illinois
26 University;

1 (4) To issue upon the recommendation of the faculty,
2 diplomas to such persons as have satisfactorily completed the
3 required studies of Northeastern Illinois University, and
4 confer such professional and literary degrees as are usually
5 conferred by other institutions of like character for similar
6 or equivalent courses of study, or such as the Board may deem
7 appropriate;

8 (5) To examine into the conditions, management, and
9 administration of Northeastern Illinois University, to provide
10 the requisite buildings, apparatus, equipment and auxiliary
11 enterprises, and to fix and collect matriculation fees; tuition
12 fees; fees for student activities; fees for student facilities
13 such as student union buildings or field houses or stadia or
14 other recreational facilities; student welfare fees;
15 laboratory fees; and similar fees for supplies and materials.
16 The expense of the building, improving, repairing and supplying
17 fuel and furniture and the necessary appliances and apparatus
18 for conducting Northeastern Illinois University, the
19 reimbursed expenses of members of the Board, and the salaries
20 or compensation of the President, assistants, agents and other
21 employees of Northeastern Illinois University, shall be a
22 charge upon the State Treasury. All other expenses shall be
23 chargeable against students, and the Board shall regulate the
24 charges accordingly;

25 (6) To succeed to and to administer all trusts, trust
26 property, and gifts now or hereafter belonging or pertaining to

1 Northeastern Illinois University;

2 (7) To accept endowments of professorships or departments
3 in Northeastern Illinois University from any person who may
4 proffer them and, at regular meetings, to prescribe rules and
5 regulations in relation to endowments and declare on what
6 general principles they may be accepted;

7 (8) To enter into contracts with the Federal government for
8 providing courses of instruction and other services at
9 Northeastern Illinois University for persons serving in or with
10 the military or naval forces of the United States, and to
11 provide such courses of instruction and other services;

12 (9) To contract with respect to the Cooperative Computer
13 Center to obtain services related to electronic data
14 processing;

15 (10) To provide for the receipt and expenditures of Federal
16 funds paid to Northeastern Illinois University by the Federal
17 government for instruction and other services for persons
18 serving in or with the military or naval forces of the United
19 States, and to provide for audits of such funds;

20 (11) To appoint, subject to the applicable civil service
21 law, persons to be members of the Northeastern Illinois
22 University Police Department. Members of the Police Department
23 shall be conservators of the peace and as such have all powers
24 possessed by policemen in cities, and sheriffs, including the
25 power to make arrests on view or warrants of violations of
26 State statutes, University rules and regulations and city or

1 county ordinances, except that they may exercise such powers
2 only within counties wherein Northeastern Illinois University
3 and any of its branches or properties are located when such is
4 required for the protection of University properties and
5 interests, and its students and personnel, and otherwise,
6 within such counties, when requested by appropriate State or
7 local law enforcement officials. However, such officers shall
8 have no power to serve and execute civil processes.

9 The Board must authorize to each member of the Northeastern
10 Illinois University Police Department and to any other employee
11 of Northeastern Illinois University exercising the powers of a
12 peace officer a distinct badge that, on its face, (i) clearly
13 states that the badge is authorized by Northeastern Illinois
14 University and (ii) contains a unique identifying number. No
15 other badge shall be authorized by Northeastern Illinois
16 University;

17 (12) The Board may, directly or in cooperation with other
18 institutions of higher education, acquire by purchase or lease
19 or otherwise, and construct, enlarge, improve, equip,
20 complete, operate, control and manage research and high
21 technology parks, together with the necessary lands,
22 buildings, facilities, equipment, and personal property
23 therefor, to encourage and facilitate (i) the location and
24 development of business and industry in the State of Illinois,
25 and (ii) the increased application and development of
26 technology, and (iii) the improvement and development of the

1 State's economy. The Board may lease to nonprofit corporations
2 all or any part of the land, buildings, facilities, equipment
3 or other property included in a research and high technology
4 park upon such terms and conditions as the Board may deem
5 advisable and enter into any contract or agreement with such
6 nonprofit corporations as may be necessary or suitable for the
7 construction, financing, operation and maintenance and
8 management of any such park; and may lease to any person, firm,
9 partnership or corporation, either public or private, any part
10 or all of the land, building, facilities, equipment or other
11 property of such park for such purposes and upon such rentals,
12 terms and conditions as the Board may deem advisable; and may
13 finance all or part of the cost of any such park, including the
14 purchase, lease, construction, reconstruction, improvement,
15 remodeling, addition to, and extension and maintenance of all
16 or part of such high technology park, and all equipment and
17 furnishings, by legislative appropriations, government grants,
18 contracts, private gifts, loans, receipts from the operation of
19 such high technology park, rentals and similar receipts; and
20 may make its other facilities and services available to tenants
21 or other occupants of any such park at rates which are
22 reasonable and appropriate;

23 (13) To borrow money, as necessary, from time to time in
24 anticipation of receiving tuition, payments from the State of
25 Illinois, or other revenues or receipts of the University, also
26 known as anticipated moneys. The borrowing limit shall be

1 capped at 100% of the total amount of payroll and other expense
2 vouchers submitted and payable to the University for fiscal
3 year 2010 expenses, but unpaid by ~~at~~ the State Comptroller's
4 office. Prior to borrowing any funds, the University shall
5 request from the Comptroller's office a verification of the
6 borrowing limit and shall include the estimated date on which
7 such borrowing shall occur. The borrowing limit cap shall be
8 verified by the State Comptroller's office not prior to 45 days
9 before any estimated date for executing any promissory note or
10 line of credit established under this item (13). The principal
11 amount borrowed under a promissory note or line of credit shall
12 not exceed 75% of the borrowing limit. Within 15 days after
13 borrowing funds under any promissory note or line of credit
14 established under this item (13), the University shall submit
15 to the Governor's Office of Management and Budget, the Speaker
16 of the House of Representatives, the Minority Leader of the
17 House of Representatives, the President of the Senate, and the
18 Minority Leader of the Senate, an Emergency Short Term Cash
19 Management Plan. The Emergency Short Term Cash Management Plan
20 shall outline the amount borrowed, the terms for repayment, the
21 amount of outstanding State vouchers as verified by the State
22 Comptroller's office, and the University's plan for
23 expenditure of any borrowed funds, including, but not limited
24 to, a detailed plan to meet payroll obligations to include
25 collective bargaining employees, civil service employees, and
26 academic, research, and health care personnel. The

1 establishment of any promissory note or line of credit
2 established under this item (13) must be finalized within 90
3 days after the effective date of this amendatory Act of the
4 96th General Assembly. The borrowed moneys shall be applied to
5 the purposes of paying salaries and other expenses lawfully
6 authorized in the University's State appropriation and unpaid
7 by the State Comptroller. Any line of credit established under
8 this item (13) shall be paid in full one year after creation or
9 within 10 days after the date the University receives
10 reimbursement from the State for all submitted fiscal year 2010
11 vouchers, whichever is earlier. Any promissory note
12 established under this item (13) shall be repaid within one
13 year after issuance of the note. The Chairman, Comptroller, or
14 Treasurer of the Board shall execute a promissory note or
15 similar debt instrument to evidence the indebtedness incurred
16 by the borrowing. In connection with a borrowing, the Board may
17 establish a line of credit with a financial institution,
18 investment bank, or broker/dealer. The obligation to make the
19 payments due under any promissory note or line of credit
20 established under this item (13) shall be a lawful obligation
21 of the University payable from the anticipated moneys. Any
22 borrowing under this item (13) shall not constitute a debt,
23 legal or moral, of the State and shall not be enforceable
24 against the State. The promissory note or line of credit shall
25 be authorized by a resolution passed by the Board and shall be
26 valid whether or not a budgeted item with respect to that

1 resolution is included in any annual or supplemental budget
2 adopted by the Board. The resolution shall set forth facts
3 demonstrating the need for the borrowing, state an amount that
4 the amount to be borrowed will not exceed, and establish a
5 maximum interest rate limit not to exceed the maximum rate
6 authorized by the Bond Authorization Act or 9%, whichever is
7 less. The resolution may direct the Comptroller or Treasurer of
8 the Board to make arrangements to set apart and hold the
9 portion of the anticipated moneys, as received, that shall be
10 used to repay the borrowing, subject to any prior pledges or
11 restrictions with respect to the anticipated moneys. The
12 resolution may also authorize the Treasurer of the Board to
13 make partial repayments of the borrowing as the anticipated
14 moneys become available and may contain any other terms,
15 restrictions, or limitations not inconsistent with the powers
16 of the Board.

17 For the purposes of this item (13), "financial institution"
18 means any bank subject to the Illinois Banking Act, any savings
19 and loan association subject to the Illinois Savings and Loan
20 Act of 1985, and any federally chartered commercial bank or
21 savings and loan association or government-sponsored
22 enterprise organized and operated in this State pursuant to the
23 laws of the United States.

24 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

1 Sec. 25-140. Buildings available for emergency purposes.
2 The Board shall make mutually agreed buildings of the
3 university available for emergency purposes, upon the request
4 of the Illinois Emergency Management Agency, the
5 State-accredited emergency management agency with
6 jurisdiction, or the American Red Cross, and cooperate in all
7 matters with the Illinois Emergency Management Agency, local
8 emergency management agencies, State-certified, local public
9 health departments, the American Red Cross, and federal
10 agencies concerned with emergency preparedness and response.
11 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

12 (110 ILCS 680/25-170)

13 Sec. 25-170 ~~25-140~~. American Sign Language courses. The
14 University may award academic credit for the successful
15 completion of any American Sign Language course offered or
16 approved by the University, which may be applied toward the
17 satisfaction of the foreign language requirements of the
18 University, except for those requirements related to the
19 content of a student's academic major.
20 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

21 Section 245. The Northern Illinois University Law is
22 amended by changing Section 30-45 and by setting forth and
23 renumbering multiple versions of Section 30-150 as follows:

1 (110 ILCS 685/30-45)

2 Sec. 30-45. Powers and duties. The Board also shall have
3 power and it shall be its duty:

4 (1) To make rules, regulations and bylaws, not inconsistent
5 with law, for the government and management of Northern
6 Illinois University and its branches.†

7 (2) To employ, and, for good cause, to remove a President
8 of Northern Illinois University, and all necessary deans,
9 professors, associate professors, assistant professors,
10 instructors, other educational and administrative assistants,
11 and all other necessary employees, and to prescribe their
12 duties and contract with them upon matters relating to tenure,
13 salaries and retirement benefits in accordance with the State
14 Universities Civil Service Act. Whenever the Board establishes
15 a search committee to fill the position of President of
16 Northern Illinois University, there shall be minority
17 representation, including women, on that search committee. The
18 Board shall, upon the written request of an employee of
19 Northern Illinois University, withhold from the compensation
20 of that employee any dues, payments or contributions payable by
21 such employee to any labor organization as defined in the
22 Illinois Educational Labor Relations Act. Under such
23 arrangement, an amount shall be withheld from each regular
24 payroll period which is equal to the pro rata share of the
25 annual dues plus any payments or contributions, and the Board
26 shall transmit such withholdings to the specified labor

1 organization within 10 working days from the time of the
2 withholding.†

3 (3) To prescribe the courses of study to be followed, and
4 textbooks and apparatus to be used at Northern Illinois
5 University.†

6 (4) To issue upon the recommendation of the faculty,
7 diplomas to such persons as have satisfactorily completed the
8 required studies of Northern Illinois University, and confer
9 such professional and literary degrees as are usually conferred
10 by other institutions of like character for similar or
11 equivalent courses of study, or such as the Board may deem
12 appropriate.†

13 (5) To examine into the conditions, management, and
14 administration of Northern Illinois University, to provide the
15 requisite buildings, apparatus, equipment and auxiliary
16 enterprises, and to fix and collect matriculation fees; tuition
17 fees; fees for student activities; fees for student facilities
18 such as student union buildings or field houses or stadia or
19 other recreational facilities; student welfare fees;
20 laboratory fees; and similar fees for supplies and materials.
21 The expense of the building, improving, repairing and supplying
22 fuel and furniture and the necessary appliances and apparatus
23 for conducting Northern Illinois University, the reimbursed
24 expenses of members of the Board, and the salaries or
25 compensation of the President, assistants, agents and other
26 employees of Northern Illinois University, shall be a charge

1 upon the State Treasury. All other expenses shall be chargeable
2 against students, and the Board shall regulate the charges
3 accordingly.†

4 (6) To succeed to and to administer all trusts, trust
5 property, and gifts now or hereafter belonging or pertaining to
6 Northern Illinois University.†

7 (7) To accept endowments of professorships or departments
8 in Northern Illinois University from any person who may proffer
9 them and, at regular meetings, to prescribe rules and
10 regulations in relation to endowments and declare on what
11 general principles they may be accepted.†

12 (8) To enter into contracts with the Federal government for
13 providing courses of instruction and other services at Northern
14 Illinois University for persons serving in or with the military
15 or naval forces of the United States, and to provide such
16 courses of instruction and other services.†

17 (9) To contract with respect to the Cooperative Computer
18 Center to obtain services related to electronic data
19 processing.†

20 (10) To provide for the receipt and expenditures of Federal
21 funds paid to Northern Illinois University by the Federal
22 government for instruction and other services for persons
23 serving in or with the military or naval forces of the United
24 States, and to provide for audits of such funds.†

25 (11) To appoint, subject to the applicable civil service
26 law, persons to be members of the Northern Illinois University

1 Police Department. Members of the Police Department shall be
2 conservators of the peace and as such have all powers possessed
3 by policemen in cities, and sheriffs, including the power to
4 make arrests on view or warrants of violations of State
5 statutes, University rules and regulations and city or county
6 ordinances, except that they may exercise such powers only
7 within counties wherein Northern Illinois University and any of
8 its branches or properties are located when such is required
9 for the protection of University properties and interests, and
10 its students and personnel, and otherwise, within such
11 counties, when requested by appropriate State or local law
12 enforcement officials. However, such officers shall have no
13 power to serve and execute civil processes.

14 The Board must authorize to each member of the Northern
15 Illinois University Police Department and to any other employee
16 of Northern Illinois University exercising the powers of a
17 peace officer a distinct badge that, on its face, (i) clearly
18 states that the badge is authorized by Northern Illinois
19 University and (ii) contains a unique identifying number. No
20 other badge shall be authorized by Northern Illinois
21 University.†

22 (12) The Board may, directly or in cooperation with other
23 institutions of higher education, acquire by purchase or lease
24 or otherwise, and construct, enlarge, improve, equip,
25 complete, operate, control and manage research and high
26 technology parks, together with the necessary lands,

1 buildings, facilities, equipment, and personal property
2 therefor, to encourage and facilitate (i) the location and
3 development of business and industry in the State of Illinois,
4 and (ii) the increased application and development of
5 technology, and (iii) the improvement and development of the
6 State's economy. The Board may lease to nonprofit corporations
7 all or any part of the land, buildings, facilities, equipment
8 or other property included in a research and high technology
9 park upon such terms and conditions as the Board may deem
10 advisable and enter into any contract or agreement with such
11 nonprofit corporations as may be necessary or suitable for the
12 construction, financing, operation and maintenance and
13 management of any such park; and may lease to any person, firm,
14 partnership or corporation, either public or private, any part
15 or all of the land, building, facilities, equipment or other
16 property of such park for such purposes and upon such rentals,
17 terms and conditions as the Board may deem advisable; and may
18 finance all or part of the cost of any such park, including the
19 purchase, lease, construction, reconstruction, improvement,
20 remodeling, addition to, and extension and maintenance of all
21 or part of such high technology park, and all equipment and
22 furnishings, by legislative appropriations, government grants,
23 contracts, private gifts, loans, receipts from the operation of
24 such high technology park, rentals and similar receipts; and
25 may make its other facilities and services available to tenants
26 or other occupants of any such park at rates which are

1 reasonable and appropriate.

2 (13) To assist in the provision of buildings and facilities
3 beneficial to, useful for, or supportive of university
4 purposes, the Board of Trustees of Northern Illinois University
5 may exercise the following powers with regard to the area
6 located on or adjacent to the Northern Illinois University
7 DeKalb campus and bounded as follows:

8 Parcel 1:

9 In Township 40 North, Range 4 East, of the Third Prime
10 Meridian, County of DeKalb, State of Illinois: The East
11 half of the Southeast Quarter of Section 17, the Southwest
12 Quarter of Section 16, and the Northwest Quarter of Section
13 21, all in the County of DeKalb, Illinois.

14 Parcel 2:

15 In Township 40 North, Range 4 East, of the Third Prime
16 Meridian, County of DeKalb, State of Illinois: On the
17 North, by a line beginning at the Northwest corner of the
18 Southeast Quarter of Section 15; thence East 1,903.3 feet;
19 thence South to the North line of the Southeast Quarter of
20 the Southeast Quarter of Section 15; thence East along said
21 line to North First Street; on the West by Garden Road
22 between Lucinda Avenue and the North boundary; thence on
23 the South by Lucinda Avenue between Garden Road and the
24 intersection of Lucinda Avenue and the South Branch of the
25 Kishwaukee River, and by the South Branch of the Kishwaukee
26 River between such intersection and easterly to the

1 intersection of such river and North First Street; thence
2 on the East by North First Street.

3 (a) Acquire any interests in land, buildings, or
4 facilities by purchase, including installments payable
5 over a period allowed by law, by lease over a term of such
6 duration as the Board of Trustees shall determine, or by
7 exercise of the power of eminent domain;

8 (b) Sublease or contract to purchase through
9 installments all or any portion of buildings or facilities
10 for such duration and on such terms as the Board of
11 Trustees shall determine, including a term that exceeds 5
12 years, provided that each such lease or purchase contract
13 shall be and shall recite that it is subject to termination
14 and cancellation in any year for which the General Assembly
15 fails to make an appropriation to pay the rent or purchase
16 installments payable under the terms of such lease or
17 purchase contracts; and

18 (c) Sell property without compliance with the State
19 Property Control Act and retain proceeds in the University
20 treasury in a special, separate development fund account
21 which the Auditor General shall examine to assure
22 compliance with this Act.

23 Any buildings or facilities to be developed on the land
24 shall be buildings or facilities that, in the determination of
25 the Board of Trustees, in whole or in part: (i) are for use by
26 the University; or (ii) otherwise advance the interests of the

1 University, including, by way of example, residential,
2 recreational, educational, and athletic facilities for
3 University staff and students and commercial facilities which
4 provide services needed by the University community. Revenues
5 from the development fund account may be withdrawn by the
6 University for the purpose of demolition and the processes
7 associated with demolition; routine land and property
8 acquisition; extension of utilities; streetscape work;
9 landscape work; surface and structure parking; sidewalks,
10 recreational paths, and street construction; and lease and
11 lease purchase arrangements and the professional services
12 associated with the planning and development of the area.
13 Moneys from the development fund account used for any other
14 purpose must be deposited into and appropriated from the
15 General Revenue Fund. Buildings or facilities leased to an
16 entity or person other than the University shall not be subject
17 to any limitations applicable to a State-supported college or
18 university under any law. All development on the land and all
19 the use of any buildings or facilities shall be subject to the
20 control and approval of the Board of Trustees of Northern
21 Illinois University.

22 (14) To borrow money, as necessary, from time to time in
23 anticipation of receiving tuition, payments from the State of
24 Illinois, or other revenues or receipts of the University, also
25 known as anticipated moneys. The borrowing limit shall be
26 capped at 100% of the total amount of payroll and other expense

1 vouchers submitted and payable to the University for fiscal
2 year 2010 expenses, but unpaid by ~~at~~ the State Comptroller's
3 office. Prior to borrowing any funds, the University shall
4 request from the Comptroller's office a verification of the
5 borrowing limit and shall include the estimated date on which
6 such borrowing shall occur. The borrowing limit cap shall be
7 verified by the State Comptroller's office not prior to 45 days
8 before any estimated date for executing any promissory note or
9 line of credit established under this item (14). The principal
10 amount borrowed under a promissory note or line of credit shall
11 not exceed 75% of the borrowing limit. Within 15 days after
12 borrowing funds under any promissory note or line of credit
13 established under this item (14), the University shall submit
14 to the Governor's Office of Management and Budget, the Speaker
15 of the House of Representatives, the Minority Leader of the
16 House of Representatives, the President of the Senate, and the
17 Minority Leader of the Senate, an Emergency Short Term Cash
18 Management Plan. The Emergency Short Term Cash Management Plan
19 shall outline the amount borrowed, the terms for repayment, the
20 amount of outstanding State vouchers as verified by the State
21 Comptroller's office, and the University's plan for
22 expenditure of any borrowed funds, including, but not limited
23 to, a detailed plan to meet payroll obligations for all
24 collective bargaining employees, civil service employees, and
25 academic, research, and health care personnel. The
26 establishment of any promissory note or line of credit

1 established under this item (14) must be finalized within 90
2 days after the effective date of this amendatory Act of the
3 96th General Assembly. The borrowed moneys shall be applied to
4 the purposes of paying salaries and other expenses lawfully
5 authorized in the University's State appropriation and unpaid
6 by the State Comptroller. Any line of credit established under
7 this item (14) shall be paid in full one year after creation or
8 within 10 days after the date the University receives
9 reimbursement from the State for all submitted fiscal year 2010
10 vouchers, whichever is earlier. Any promissory note
11 established under this item (14) shall be repaid within one
12 year after issuance of the note. The Chairman, Comptroller, or
13 Treasurer of the Board shall execute a promissory note or
14 similar debt instrument to evidence the indebtedness incurred
15 by the borrowing. In connection with a borrowing, the Board may
16 establish a line of credit with a financial institution,
17 investment bank, or broker/dealer. The obligation to make the
18 payments due under any promissory note or line of credit
19 established under this item (14) shall be a lawful obligation
20 of the University payable from the anticipated moneys. Any
21 borrowing under this item (14) shall not constitute a debt,
22 legal or moral, of the State and shall not be enforceable
23 against the State. The promissory note or line of credit shall
24 be authorized by a resolution passed by the Board and shall be
25 valid whether or not a budgeted item with respect to that
26 resolution is included in any annual or supplemental budget

1 adopted by the Board. The resolution shall set forth facts
2 demonstrating the need for the borrowing, state an amount that
3 the amount to be borrowed will not exceed, and establish a
4 maximum interest rate limit not to exceed the maximum rate
5 authorized by the Bond Authorization Act or 9%, whichever is
6 less. The resolution may direct the Comptroller or Treasurer of
7 the Board to make arrangements to set apart and hold the
8 portion of the anticipated moneys, as received, that shall be
9 used to repay the borrowing, subject to any prior pledges or
10 restrictions with respect to the anticipated moneys. The
11 resolution may also authorize the Treasurer of the Board to
12 make partial repayments of the borrowing as the anticipated
13 moneys become available and may contain any other terms,
14 restrictions, or limitations not inconsistent with the powers
15 of the Board.

16 For the purposes of this item (14), "financial institution"
17 means any bank subject to the Illinois Banking Act, any savings
18 and loan association subject to the Illinois Savings and Loan
19 Act of 1985, and any federally chartered commercial bank or
20 savings and loan association or government-sponsored
21 enterprise organized and operated in this State pursuant to the
22 laws of the United States.

23 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

24 (110 ILCS 685/30-150)

25 Sec. 30-150. Buildings available for emergency purposes.

1 The Board shall make mutually agreed buildings of the
2 university available for emergency purposes, upon the request
3 of the Illinois Emergency Management Agency, the
4 State-accredited emergency management agency with
5 jurisdiction, or the American Red Cross, and cooperate in all
6 matters with the Illinois Emergency Management Agency, local
7 emergency management agencies, State-certified, local public
8 health departments, the American Red Cross, and federal
9 agencies concerned with emergency preparedness and response.

10 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

11 (110 ILCS 685/30-180)

12 Sec. 30-180 ~~30-150~~. American Sign Language courses. The
13 University may award academic credit for the successful
14 completion of any American Sign Language course offered or
15 approved by the University, which may be applied toward the
16 satisfaction of the foreign language requirements of the
17 University, except for those requirements related to the
18 content of a student's academic major.

19 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

20 Section 250. The Western Illinois University Law is amended
21 by changing Section 35-45 and by setting forth and renumbering
22 multiple versions of Section 35-145 as follows:

23 (110 ILCS 690/35-45)

1 Sec. 35-45. Powers and duties. The Board also shall have
2 power and it shall be its duty:

3 (1) To make rules, regulations and bylaws, not inconsistent
4 with law, for the government and management of Western Illinois
5 University and its branches;

6 (2) To employ, and, for good cause, to remove a President
7 of Western Illinois University, and all necessary deans,
8 professors, associate professors, assistant professors,
9 instructors, other educational and administrative assistants,
10 and all other necessary employees, and to prescribe their
11 duties and contract with them upon matters relating to tenure,
12 salaries and retirement benefits in accordance with the State
13 Universities Civil Service Act. Whenever the Board establishes
14 a search committee to fill the position of President of Western
15 Illinois University, there shall be minority representation,
16 including women, on that search committee. The Board shall,
17 upon the written request of an employee of Western Illinois
18 University, withhold from the compensation of that employee any
19 dues, payments or contributions payable by such employee to any
20 labor organization as defined in the Illinois Educational Labor
21 Relations Act. Under such arrangement, an amount shall be
22 withheld from each regular payroll period which is equal to the
23 pro rata share of the annual dues plus any payments or
24 contributions, and the Board shall transmit such withholdings
25 to the specified labor organization within 10 working days from
26 the time of the withholding;

1 (3) To prescribe the courses of study to be followed, and
2 textbooks and apparatus to be used at Western Illinois
3 University;

4 (4) To issue upon the recommendation of the faculty,
5 diplomas to such persons as have satisfactorily completed the
6 required studies of Western Illinois University, and confer
7 such professional and literary degrees as are usually conferred
8 by other institutions of like character for similar or
9 equivalent courses of study, or such as the Board may deem
10 appropriate;

11 (5) To examine into the conditions, management, and
12 administration of Western Illinois University, to provide the
13 requisite buildings, apparatus, equipment and auxiliary
14 enterprises, and to fix and collect matriculation fees; tuition
15 fees; fees for student activities; fees for student facilities
16 such as student union buildings or field houses or stadia or
17 other recreational facilities; student welfare fees;
18 laboratory fees; and similar fees for supplies and materials.
19 The expense of the building, improving, repairing and supplying
20 fuel and furniture and the necessary appliances and apparatus
21 for conducting Western Illinois University, the reimbursed
22 expenses of members of the Board, and the salaries or
23 compensation of the President, assistants, agents and other
24 employees of Western Illinois University, shall be a charge
25 upon the State Treasury. All other expenses shall be chargeable
26 against students, and the Board shall regulate the charges

1 accordingly;

2 (6) To succeed to and to administer all trusts, trust
3 property, and gifts now or hereafter belonging or pertaining to
4 Western Illinois University;

5 (7) To accept endowments of professorships or departments
6 in Western Illinois University from any person who may proffer
7 them and, at regular meetings, to prescribe rules and
8 regulations in relation to endowments and declare on what
9 general principles they may be accepted;

10 (8) To enter into contracts with the Federal government for
11 providing courses of instruction and other services at Western
12 Illinois University for persons serving in or with the military
13 or naval forces of the United States, and to provide such
14 courses of instruction and other services;

15 (9) To contract with respect to the Cooperative Computer
16 Center to obtain services related to electronic data
17 processing;

18 (10) To provide for the receipt and expenditures of Federal
19 funds paid to Western Illinois University by the Federal
20 government for instruction and other services for persons
21 serving in or with the military or naval forces of the United
22 States, and to provide for audits of such funds;

23 (11) To appoint, subject to the applicable civil service
24 law, persons to be members of the Western Illinois University
25 Police Department. Members of the Police Department shall be
26 conservators of the peace and as such have all powers possessed

1 by policemen in cities, and sheriffs, including the power to
2 make arrests on view or warrants of violations of State
3 statutes, University rules and regulations and city or county
4 ordinances, except that they may exercise such powers only
5 within counties wherein Western Illinois University and any of
6 its branches or properties are located when such is required
7 for the protection of University properties and interests, and
8 its students and personnel, and otherwise, within such
9 counties, when requested by appropriate State or local law
10 enforcement officials. However, such officers shall have no
11 power to serve and execute civil processes.

12 The Board must authorize to each member of the Western
13 Illinois University Police Department and to any other employee
14 of Western Illinois University exercising the powers of a peace
15 officer a distinct badge that, on its face, (i) clearly states
16 that the badge is authorized by Western Illinois University and
17 (ii) contains a unique identifying number. No other badge shall
18 be authorized by Western Illinois University;

19 (12) The Board may, directly or in cooperation with other
20 institutions of higher education, acquire by purchase or lease
21 or otherwise, and construct, enlarge, improve, equip,
22 complete, operate, control and manage research and high
23 technology parks, together with the necessary lands,
24 buildings, facilities, equipment, and personal property
25 therefor, to encourage and facilitate (i) the location and
26 development of business and industry in the State of Illinois,

1 and (ii) the increased application and development of
2 technology, and (iii) the improvement and development of the
3 State's economy. The Board may lease to nonprofit corporations
4 all or any part of the land, buildings, facilities, equipment
5 or other property included in a research and high technology
6 park upon such terms and conditions as the Board may deem
7 advisable and enter into any contract or agreement with such
8 nonprofit corporations as may be necessary or suitable for the
9 construction, financing, operation and maintenance and
10 management of any such park; and may lease to any person, firm,
11 partnership or corporation, either public or private, any part
12 or all of the land, building, facilities, equipment or other
13 property of such park for such purposes and upon such rentals,
14 terms and conditions as the Board may deem advisable; and may
15 finance all or part of the cost of any such park, including the
16 purchase, lease, construction, reconstruction, improvement,
17 remodeling, addition to, and extension and maintenance of all
18 or part of such high technology park, and all equipment and
19 furnishings, by legislative appropriations, government grants,
20 contracts, private gifts, loans, receipts from the operation of
21 such high technology park, rentals and similar receipts; and
22 may make its other facilities and services available to tenants
23 or other occupants of any such park at rates which are
24 reasonable and appropriate;

25 (13) To borrow money, as necessary, from time to time in
26 anticipation of receiving tuition, payments from the State of

1 Illinois, or other revenues or receipts of the University, also
2 known as anticipated moneys. The borrowing limit shall be
3 capped at 100% of the total amount of payroll and other expense
4 vouchers submitted and payable to the University for fiscal
5 year 2010 expenses, but unpaid by ~~at~~ the State Comptroller's
6 office. Prior to borrowing any funds, the University shall
7 request from the Comptroller's office a verification of the
8 borrowing limit and shall include the estimated date on which
9 such borrowing shall occur. The borrowing limit cap shall be
10 verified by the State Comptroller's office not prior to 45 days
11 before any estimated date for executing any promissory note or
12 line of credit established under this item (13). The principal
13 amount borrowed under a promissory note or line of credit shall
14 not exceed 75% of the borrowing limit. Within 15 days after
15 borrowing funds under any promissory note or line of credit
16 established under this item (13), the University shall submit
17 to the Governor's Office of Management and Budget, the Speaker
18 of the House of Representatives, the Minority Leader of the
19 House of Representatives, the President of the Senate, and the
20 Minority Leader of the Senate, an Emergency Short Term Cash
21 Management Plan. The Emergency Short Term Cash Management Plan
22 shall outline the amount borrowed, the terms for repayment, the
23 amount of outstanding State vouchers as verified by the State
24 Comptroller's office, and the University's plan for
25 expenditure of any borrowed funds, including, but not limited
26 to, a detailed plan to meet payroll obligations to include

1 collective bargaining employees, civil service employees, and
2 academic, research, and health care personnel. The
3 establishment of any promissory note or line of credit
4 established under this item (13) must be finalized within 90
5 days after the effective date of this amendatory Act of the
6 96th General Assembly. The borrowed moneys shall be applied to
7 the purposes of paying salaries and other expenses lawfully
8 authorized in the University's State appropriation and unpaid
9 by the State Comptroller. Any line of credit established under
10 this item (13) shall be paid in full one year after creation or
11 within 10 days after the date the University receives
12 reimbursement from the State for all submitted fiscal year 2010
13 vouchers, whichever is earlier. Any promissory note
14 established under this item (13) shall be repaid within one
15 year after issuance of the note. The Chairman, Comptroller, or
16 Treasurer of the Board shall execute a promissory note or
17 similar debt instrument to evidence the indebtedness incurred
18 by the borrowing. In connection with a borrowing, the Board may
19 establish a line of credit with a financial institution,
20 investment bank, or broker/dealer. The obligation to make the
21 payments due under any promissory note or line of credit
22 established under this item (13) shall be a lawful obligation
23 of the University payable from the anticipated moneys. Any
24 borrowing under this item (13) shall not constitute a debt,
25 legal or moral, of the State and shall not be enforceable
26 against the State. The promissory note or line of credit shall

1 be authorized by a resolution passed by the Board and shall be
2 valid whether or not a budgeted item with respect to that
3 resolution is included in any annual or supplemental budget
4 adopted by the Board. The resolution shall set forth facts
5 demonstrating the need for the borrowing, state an amount that
6 the amount to be borrowed will not exceed, and establish a
7 maximum interest rate limit not to exceed the maximum rate
8 authorized by the Bond Authorization Act or 9%, whichever is
9 less. The resolution may direct the Comptroller or Treasurer of
10 the Board to make arrangements to set apart and hold the
11 portion of the anticipated moneys, as received, that shall be
12 used to repay the borrowing, subject to any prior pledges or
13 restrictions with respect to the anticipated moneys. The
14 resolution may also authorize the Treasurer of the Board to
15 make partial repayments of the borrowing as the anticipated
16 moneys become available and may contain any other terms,
17 restrictions, or limitations not inconsistent with the powers
18 of the Board.

19 For the purposes of this item (13), "financial institution"
20 means any bank subject to the Illinois Banking Act, any savings
21 and loan association subject to the Illinois Savings and Loan
22 Act of 1985, and any federally chartered commercial bank or
23 savings and loan association or government-sponsored
24 enterprise organized and operated in this State pursuant to the
25 laws of the United States.

26 (Source: P.A. 96-909, eff. 6-8-10; revised 6-15-10.)

1 (110 ILCS 690/35-145)

2 Sec. 35-145. Buildings available for emergency purposes.

3 The Board shall make mutually agreed buildings of the
4 university available for emergency purposes, upon the request
5 of the Illinois Emergency Management Agency, the
6 State-accredited emergency management agency with
7 jurisdiction, or the American Red Cross, and cooperate in all
8 matters with the Illinois Emergency Management Agency, local
9 emergency management agencies, State-certified, local public
10 health departments, the American Red Cross, and federal
11 agencies concerned with emergency preparedness and response.

12 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

13 (110 ILCS 690/35-175)

14 Sec. 35-175 ~~35-145~~. American Sign Language courses. The
15 University may award academic credit for the successful
16 completion of any American Sign Language course offered or
17 approved by the University, which may be applied toward the
18 satisfaction of the foreign language requirements of the
19 University, except for those requirements related to the
20 content of a student's academic major.

21 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

22 Section 255. The Public Community College Act is amended by
23 changing Section 1-3 and by setting forth and renumbering

1 multiple versions of Section 3-29.4 as follows:

2 (110 ILCS 805/1-3)

3 Sec. 1-3. Applicable laws. Other State laws and related
4 administrative requirements apply to this Act, including, but
5 not limited to, the following laws and related administrative
6 requirements: the Illinois Human Rights Act, the Prevailing
7 Wage Act, the Public Construction Bond Act, the Public Works
8 Preference Act (repealed on June 16, 2010 by Public Act
9 96-929), the Employment of Illinois Workers on Public Works
10 Act, the Freedom of Information Act, the Open Meetings Act, the
11 Illinois Architecture Practice Act of 1989, the Professional
12 Engineering Practice Act of 1989, the Structural Engineering
13 Practice Act of 1989, the Local Government Professional
14 Services Selection Act, and the Contractor Unified License and
15 Permit Bond Act.

16 (Source: P.A. 94-1062, eff. 7-31-06; revised 10-19-10.)

17 (110 ILCS 805/3-29.4)

18 Sec. 3-29.4. Buildings available for emergency purposes.
19 The board shall make mutually agreed buildings of the college
20 available for emergency purposes, upon the request of the
21 Illinois Emergency Management Agency, the State-accredited
22 emergency management agency with jurisdiction, or the American
23 Red Cross, and cooperate in all matters with the Illinois
24 Emergency Management Agency, local emergency management

1 agencies, State-certified, local public health departments,
2 the American Red Cross, and federal agencies concerned with
3 emergency preparedness and response.

4 (Source: P.A. 96-57, eff. 7-23-09; 96-1000, eff. 7-2-10.)

5 (110 ILCS 805/3-29.9)

6 Sec. 3-29.9 ~~3-29.4~~. American Sign Language courses. To
7 adopt regulations for the awarding of academic credit for the
8 successful completion of any American Sign Language course
9 offered or approved by a community college, which may be
10 applied toward the satisfaction of any foreign language
11 requirements of the community college, except for those
12 requirements related to the content of a student's academic
13 major.

14 (Source: P.A. 96-843, eff. 6-1-10; revised 10-5-10.)

15 Section 260. The Illinois Banking Act is amended by
16 changing Section 48 as follows:

17 (205 ILCS 5/48)

18 Sec. 48. Secretary's powers; duties. The Secretary shall
19 have the powers and authority, and is charged with the duties
20 and responsibilities designated in this Act, and a State bank
21 shall not be subject to any other visitorial power other than
22 as authorized by this Act, except those vested in the courts,
23 or upon prior consultation with the Secretary, a foreign bank

1 regulator with an appropriate supervisory interest in the
2 parent or affiliate of a state bank. In the performance of the
3 Secretary's duties:

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

7 (2) (a) The Commissioner, as often as the Commissioner
8 shall deem necessary or proper, and no less frequently than 18
9 months following the preceding examination, shall appoint a
10 suitable person or persons to make an examination of the
11 affairs of every State bank, except that for every eligible
12 State bank, as defined by regulation, the Commissioner in lieu
13 of the examination may accept on an alternating basis the
14 examination made by the eligible State bank's appropriate
15 federal banking agency pursuant to Section 111 of the Federal
16 Deposit Insurance Corporation Improvement Act of 1991,
17 provided the appropriate federal banking agency has made such
18 an examination. A person so appointed shall not be a
19 stockholder or officer or employee of any bank which that
20 person may be directed to examine, and shall have powers to
21 make a thorough examination into all the affairs of the bank
22 and in so doing to examine any of the officers or agents or
23 employees thereof on oath and shall make a full and detailed
24 report of the condition of the bank to the Commissioner. In
25 making the examination the examiners shall include an
26 examination of the affairs of all the affiliates of the bank,

1 as defined in subsection (b) of Section 35.2 of this Act, or
2 subsidiaries of the bank as shall be necessary to disclose
3 fully the conditions of the subsidiaries or affiliates, the
4 relations between the bank and the subsidiaries or affiliates
5 and the effect of those relations upon the affairs of the bank,
6 and in connection therewith shall have power to examine any of
7 the officers, directors, agents, or employees of the
8 subsidiaries or affiliates on oath. After May 31, 1997, the
9 Commissioner may enter into cooperative agreements with state
10 regulatory authorities of other states to provide for
11 examination of State bank branches in those states, and the
12 Commissioner may accept reports of examinations of State bank
13 branches from those state regulatory authorities. These
14 cooperative agreements may set forth the manner in which the
15 other state regulatory authorities may be compensated for
16 examinations prepared for and submitted to the Commissioner.

17 (b) After May 31, 1997, the Commissioner is authorized to
18 examine, as often as the Commissioner shall deem necessary or
19 proper, branches of out-of-state banks. The Commissioner may
20 establish and may assess fees to be paid to the Commissioner
21 for examinations under this subsection (b). The fees shall be
22 borne by the out-of-state bank, unless the fees are borne by
23 the state regulatory authority that chartered the out-of-state
24 bank, as determined by a cooperative agreement between the
25 Commissioner and the state regulatory authority that chartered
26 the out-of-state bank.

1 (2.5) Whenever any State bank, any subsidiary or affiliate
2 of a State bank, or after May 31, 1997, any branch of an
3 out-of-state bank causes to be performed, by contract or
4 otherwise, any bank services for itself, whether on or off its
5 premises:

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

10 (b) the bank or, after May 31, 1997, branch of the
11 out-of-state bank shall notify the Commissioner of the
12 existence of a service relationship. The notification
13 shall be submitted with the first statement of condition
14 (as required by Section 47 of this Act) due after the
15 making of the service contract or the performance of the
16 service, whichever occurs first. The Commissioner shall be
17 notified of each subsequent contract in the same manner.

18 For purposes of this subsection (2.5), the term "bank
19 services" means services such as sorting and posting of checks
20 and deposits, computation and posting of interest and other
21 credits and charges, preparation and mailing of checks,
22 statements, notices, and similar items, or any other clerical,
23 bookkeeping, accounting, statistical, or similar functions
24 performed for a State bank, including but not limited to
25 electronic data processing related to those bank services.

26 (3) The expense of administering this Act, including the

1 expense of the examinations of State banks as provided in this
2 Act, shall to the extent of the amounts resulting from the fees
3 provided for in paragraphs (a), (a-2), and (b) of this
4 subsection (3) be assessed against and borne by the State
5 banks:

6 (a) Each bank shall pay to the Secretary a Call Report
7 Fee which shall be paid in quarterly installments equal to
8 one-fourth of the sum of the annual fixed fee of \$800, plus
9 a variable fee based on the assets shown on the quarterly
10 statement of condition delivered to the Secretary in
11 accordance with Section 47 for the preceding quarter
12 according to the following schedule: 16¢ per \$1,000 of the
13 first \$5,000,000 of total assets, 15¢ per \$1,000 of the
14 next \$20,000,000 of total assets, 13¢ per \$1,000 of the
15 next \$75,000,000 of total assets, 9¢ per \$1,000 of the next
16 \$400,000,000 of total assets, 7¢ per \$1,000 of the next
17 \$500,000,000 of total assets, and 5¢ per \$1,000 of all
18 assets in excess of \$1,000,000,000, of the State bank. The
19 Call Report Fee shall be calculated by the Secretary and
20 billed to the banks for remittance at the time of the
21 quarterly statements of condition provided for in Section
22 47. The Secretary may require payment of the fees provided
23 in this Section by an electronic transfer of funds or an
24 automatic debit of an account of each of the State banks.
25 In case more than one examination of any bank is deemed by
26 the Secretary to be necessary in any examination frequency

1 cycle specified in subsection 2(a) of this Section, and is
2 performed at his direction, the Secretary may assess a
3 reasonable additional fee to recover the cost of the
4 additional examination; provided, however, that an
5 examination conducted at the request of the State Treasurer
6 pursuant to the Uniform Disposition of Unclaimed Property
7 Act shall not be deemed to be an additional examination
8 under this Section. In lieu of the method and amounts set
9 forth in this paragraph (a) for the calculation of the Call
10 Report Fee, the Secretary may specify by rule that the Call
11 Report Fees provided by this Section may be assessed
12 semiannually or some other period and may provide in the
13 rule the formula to be used for calculating and assessing
14 the periodic Call Report Fees to be paid by State banks.

15 (a-1) If in the opinion of the Commissioner an
16 emergency exists or appears likely, the Commissioner may
17 assign an examiner or examiners to monitor the affairs of a
18 State bank with whatever frequency he deems appropriate,
19 including but not limited to a daily basis. The reasonable
20 and necessary expenses of the Commissioner during the
21 period of the monitoring shall be borne by the subject
22 bank. The Commissioner shall furnish the State bank a
23 statement of time and expenses if requested to do so within
24 30 days of the conclusion of the monitoring period.

25 (a-2) On and after January 1, 1990, the reasonable and
26 necessary expenses of the Commissioner during examination

1 of the performance of electronic data processing services
2 under subsection (2.5) shall be borne by the banks for
3 which the services are provided. An amount, based upon a
4 fee structure prescribed by the Commissioner, shall be paid
5 by the banks or, after May 31, 1997, branches of
6 out-of-state banks receiving the electronic data
7 processing services along with the Call Report Fee assessed
8 under paragraph (a) of this subsection (3).

9 (a-3) After May 31, 1997, the reasonable and necessary
10 expenses of the Commissioner during examination of the
11 performance of electronic data processing services under
12 subsection (2.5) at or on behalf of branches of
13 out-of-state banks shall be borne by the out-of-state
14 banks, unless those expenses are borne by the state
15 regulatory authorities that chartered the out-of-state
16 banks, as determined by cooperative agreements between the
17 Commissioner and the state regulatory authorities that
18 chartered the out-of-state banks.

19 (b) "Fiscal year" for purposes of this Section 48 is
20 defined as a period beginning July 1 of any year and ending
21 June 30 of the next year. The Commissioner shall receive
22 for each fiscal year, commencing with the fiscal year
23 ending June 30, 1987, a contingent fee equal to the lesser
24 of the aggregate of the fees paid by all State banks under
25 paragraph (a) of subsection (3) for that year, or the
26 amount, if any, whereby the aggregate of the administration

1 expenses, as defined in paragraph (c), for that fiscal year
2 exceeds the sum of the aggregate of the fees payable by all
3 State banks for that year under paragraph (a) of subsection
4 (3), plus any amounts transferred into the Bank and Trust
5 Company Fund from the State Pensions Fund for that year,
6 plus all other amounts collected by the Commissioner for
7 that year under any other provision of this Act, plus the
8 aggregate of all fees collected for that year by the
9 Commissioner under the Corporate Fiduciary Act, excluding
10 the receivership fees provided for in Section 5-10 of the
11 Corporate Fiduciary Act, and the Foreign Banking Office
12 Act. The aggregate amount of the contingent fee thus
13 arrived at for any fiscal year shall be apportioned
14 amongst, assessed upon, and paid by the State banks and
15 foreign banking corporations, respectively, in the same
16 proportion that the fee of each under paragraph (a) of
17 subsection (3), respectively, for that year bears to the
18 aggregate for that year of the fees collected under
19 paragraph (a) of subsection (3). The aggregate amount of
20 the contingent fee, and the portion thereof to be assessed
21 upon each State bank and foreign banking corporation,
22 respectively, shall be determined by the Commissioner and
23 shall be paid by each, respectively, within 120 days of the
24 close of the period for which the contingent fee is
25 computed and is payable, and the Commissioner shall give 20
26 days advance notice of the amount of the contingent fee

1 payable by the State bank and of the date fixed by the
2 Commissioner for payment of the fee.

3 (c) The "administration expenses" for any fiscal year
4 shall mean the ordinary and contingent expenses for that
5 year incident to making the examinations provided for by,
6 and for otherwise administering, this Act, the Corporate
7 Fiduciary Act, excluding the expenses paid from the
8 Corporate Fiduciary Receivership account in the Bank and
9 Trust Company Fund, the Foreign Banking Office Act, the
10 Electronic Fund Transfer Act, and the Illinois Bank
11 Examiners' Education Foundation Act, including all
12 salaries and other compensation paid for personal services
13 rendered for the State by officers or employees of the
14 State, including the Commissioner and the Deputy
15 Commissioners, communication equipment and services,
16 office furnishings, surety bond premiums, and travel
17 expenses of those officers and employees, employees,
18 expenditures or charges for the acquisition, enlargement
19 or improvement of, or for the use of, any office space,
20 building, or structure, or expenditures for the
21 maintenance thereof or for furnishing heat, light, or power
22 with respect thereto, all to the extent that those
23 expenditures are directly incidental to such examinations
24 or administration. The Commissioner shall not be required
25 by paragraphs (c) or (d-1) of this subsection (3) to
26 maintain in any fiscal year's budget appropriated reserves

1 for accrued vacation and accrued sick leave that is
2 required to be paid to employees of the Commissioner upon
3 termination of their service with the Commissioner in an
4 amount that is more than is reasonably anticipated to be
5 necessary for any anticipated turnover in employees,
6 whether due to normal attrition or due to layoffs,
7 terminations, or resignations.

8 (d) The aggregate of all fees collected by the
9 Secretary under this Act, the Corporate Fiduciary Act, or
10 the Foreign Banking Office Act on and after July 1, 1979,
11 shall be paid promptly after receipt of the same,
12 accompanied by a detailed statement thereof, into the State
13 treasury and shall be set apart in a special fund to be
14 known as the "Bank and Trust Company Fund", except as
15 provided in paragraph (c) of subsection (11) of this
16 Section. All earnings received from investments of funds in
17 the Bank and Trust Company Fund shall be deposited in the
18 Bank and Trust Company Fund and may be used for the same
19 purposes as fees deposited in that Fund. The amount from
20 time to time deposited into the Bank and Trust Company Fund
21 shall be used: (i) to offset the ordinary administrative
22 expenses of the Secretary as defined in this Section or
23 (ii) as a credit against fees under paragraph (d-1) of this
24 subsection (3). Nothing in this amendatory Act of 1979
25 shall prevent continuing the practice of paying expenses
26 involving salaries, retirement, social security, and

1 State-paid insurance premiums of State officers by
2 appropriations from the General Revenue Fund. However, the
3 General Revenue Fund shall be reimbursed for those payments
4 made on and after July 1, 1979, by an annual transfer of
5 funds from the Bank and Trust Company Fund. Moneys in the
6 Bank and Trust Company Fund may be transferred to the
7 Professions Indirect Cost Fund, as authorized under
8 Section 2105-300 of the Department of Professional
9 Regulation Law of the Civil Administrative Code of
10 Illinois.

11 Notwithstanding provisions in the State Finance Act,
12 as now or hereafter amended, or any other law to the
13 contrary, the sum of \$18,788,847 shall be transferred from
14 the Bank and Trust Company Fund to the Financial
15 Institutions Settlement of 2008 Fund on the effective date
16 of this amendatory Act of the 95th General Assembly, or as
17 soon thereafter as practical.

18 Notwithstanding provisions in the State Finance Act,
19 as now or hereafter amended, or any other law to the
20 contrary, the Governor may, during any fiscal year through
21 January 10, 2011, from time to time direct the State
22 Treasurer and Comptroller to transfer a specified sum not
23 exceeding 10% of the revenues to be deposited into the Bank
24 and Trust Company Fund during that fiscal year from that
25 Fund to the General Revenue Fund in order to help defray
26 the State's operating costs for the fiscal year.

1 Notwithstanding provisions in the State Finance Act, as now
2 or hereafter amended, or any other law to the contrary, the
3 total sum transferred during any fiscal year through
4 January 10, 2011, from the Bank and Trust Company Fund to
5 the General Revenue Fund pursuant to this provision shall
6 not exceed during any fiscal year 10% of the revenues to be
7 deposited into the Bank and Trust Company Fund during that
8 fiscal year. The State Treasurer and Comptroller shall
9 transfer the amounts designated under this Section as soon
10 as may be practicable after receiving the direction to
11 transfer from the Governor.

12 (d-1) Adequate funds shall be available in the Bank and
13 Trust Company Fund to permit the timely payment of
14 administration expenses. In each fiscal year the total
15 administration expenses shall be deducted from the total
16 fees collected by the Commissioner and the remainder
17 transferred into the Cash Flow Reserve Account, unless the
18 balance of the Cash Flow Reserve Account prior to the
19 transfer equals or exceeds one-fourth of the total initial
20 appropriations from the Bank and Trust Company Fund for the
21 subsequent year, in which case the remainder shall be
22 credited to State banks and foreign banking corporations
23 and applied against their fees for the subsequent year. The
24 amount credited to each State bank and foreign banking
25 corporation shall be in the same proportion as the Call
26 Report Fees paid by each for the year bear to the total

1 Call Report Fees collected for the year. If, after a
2 transfer to the Cash Flow Reserve Account is made or if no
3 remainder is available for transfer, the balance of the
4 Cash Flow Reserve Account is less than one-fourth of the
5 total initial appropriations for the subsequent year and
6 the amount transferred is less than 5% of the total Call
7 Report Fees for the year, additional amounts needed to make
8 the transfer equal to 5% of the total Call Report Fees for
9 the year shall be apportioned amongst, assessed upon, and
10 paid by the State banks and foreign banking corporations in
11 the same proportion that the Call Report Fees of each,
12 respectively, for the year bear to the total Call Report
13 Fees collected for the year. The additional amounts
14 assessed shall be transferred into the Cash Flow Reserve
15 Account. For purposes of this paragraph (d-1), the
16 calculation of the fees collected by the Commissioner shall
17 exclude the receivership fees provided for in Section 5-10
18 of the Corporate Fiduciary Act.

19 (e) The Commissioner may upon request certify to any
20 public record in his keeping and shall have authority to
21 levy a reasonable charge for issuing certifications of any
22 public record in his keeping.

23 (f) In addition to fees authorized elsewhere in this
24 Act, the Commissioner may, in connection with a review,
25 approval, or provision of a service, levy a reasonable
26 charge to recover the cost of the review, approval, or

1 service.

2 (4) Nothing contained in this Act shall be construed to
3 limit the obligation relative to examinations and reports of
4 any State bank, deposits in which are to any extent insured by
5 the United States or any agency thereof, nor to limit in any
6 way the powers of the Commissioner with reference to
7 examinations and reports of that bank.

8 (5) The nature and condition of the assets in or investment
9 of any bonus, pension, or profit sharing plan for officers or
10 employees of every State bank or, after May 31, 1997, branch of
11 an out-of-state bank shall be deemed to be included in the
12 affairs of that State bank or branch of an out-of-state bank
13 subject to examination by the Commissioner under the provisions
14 of subsection (2) of this Section, and if the Commissioner
15 shall find from an examination that the condition of or
16 operation of the investments or assets of the plan is unlawful,
17 fraudulent, or unsafe, or that any trustee has abused his
18 trust, the Commissioner shall, if the situation so found by the
19 Commissioner shall not be corrected to his satisfaction within
20 60 days after the Commissioner has given notice to the board of
21 directors of the State bank or out-of-state bank of his
22 findings, report the facts to the Attorney General who shall
23 thereupon institute proceedings against the State bank or
24 out-of-state bank, the board of directors thereof, or the
25 trustees under such plan as the nature of the case may require.

26 (6) The Commissioner shall have the power:

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

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

8 (b) To issue orders against any person, if the
9 Commissioner has reasonable cause to believe that an unsafe
10 or unsound banking practice has occurred, is occurring, or
11 is about to occur, if any person has violated, is
12 violating, or is about to violate any law, rule, or written
13 agreement with the Commissioner, or for the purpose of
14 administering the provisions of this Act and any rule
15 promulgated in accordance with this Act.

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

19 (c) To appoint hearing officers to execute any of the
20 powers granted to the Commissioner under this Section for
21 the purpose of administering this Act and any rule
22 promulgated in accordance with this Act and otherwise to
23 authorize, in writing, an officer or employee of the Office
24 of Banks and Real Estate to exercise his powers under this
25 Act.

26 (d) To subpoena witnesses, to compel their attendance,

1 to administer an oath, to examine any person under oath,
2 and to require the production of any relevant books,
3 papers, accounts, and documents in the course of and
4 pursuant to any investigation being conducted, or any
5 action being taken, by the Commissioner in respect of any
6 matter relating to the duties imposed upon, or the powers
7 vested in, the Commissioner under the provisions of this
8 Act or any rule promulgated in accordance with this Act.

9 (e) To conduct hearings.

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

1 opinion of the Secretary, any former director, officer,
2 employee, or agent of a State bank or any subsidiary or bank
3 holding company of the bank, prior to the termination of his or
4 her service with that bank or any subsidiary or bank holding
5 company of the bank, violated any law, rule, or order relating
6 to that State bank or any subsidiary or bank holding company of
7 the bank, obstructed or impeded any examination or
8 investigation by the Secretary, 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 violated any
11 law or engaged or participated in any unsafe or unsound
12 practice in connection with any financial institution or other
13 business entity such that the character and fitness of the
14 director, officer, employee, or agent would not have assured
15 reasonable promise of safe and sound operation of the State
16 bank, the Secretary may issue an order prohibiting that person
17 from further service with a bank or any subsidiary or bank
18 holding company of the bank as a director, officer, employee,
19 or agent. An order issued pursuant to this subsection shall be
20 served upon the director, officer, employee, or agent. A copy
21 of the order shall be sent to each director of the bank
22 affected by registered mail. A copy of the order shall also be
23 served upon the bank of which he is a director, officer,
24 employee, or agent, whereupon he shall cease to be a director,
25 officer, employee, or agent of that bank. The Secretary may
26 institute a civil action against the director, officer, or

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

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

19 (8) The Commissioner may impose civil penalties of up to
20 \$100,000 against any person for each violation of any provision
21 of this Act, any rule promulgated in accordance with this Act,
22 any order of the Commissioner, or any other action which in the
23 Commissioner's discretion is an unsafe or unsound banking
24 practice.

25 (9) The Commissioner may impose civil penalties of up to
26 \$100 against any person for the first failure to comply with

1 reporting requirements set forth in the report of examination
2 of the bank and up to \$200 for the second and subsequent
3 failures to comply with those reporting requirements.

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

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

11 (a) (Blank).

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

18 (c) The aggregate of all special educational fees
19 collected by the Secretary and property received by the
20 Secretary on behalf of the Illinois Bank Examiners'
21 Education Foundation under this subsection (11) on or after
22 June 30, 1986, shall be either (i) promptly paid after
23 receipt of the same, accompanied by a detailed statement
24 thereof, into the State Treasury and shall be set apart in
25 a special fund to be known as "The Illinois Bank Examiners'
26 Education Fund" to be invested by either the Treasurer of

1 the State of Illinois in the Public Treasurers' Investment
2 Pool or in any other investment he is authorized to make or
3 by the Illinois State Board of Investment as the State
4 Banking Board of Illinois may direct or (ii) deposited into
5 an account maintained in a commercial bank or corporate
6 fiduciary in the name of the Illinois Bank Examiners'
7 Education Foundation pursuant to the order and direction of
8 the Board of Trustees of the Illinois Bank Examiners'
9 Education Foundation.

10 (12) (Blank).

11 (13) The Secretary may borrow funds from the General
12 Revenue Fund on behalf of the Bank and Trust Company Fund if
13 the Director of Banking certifies to the Governor that there is
14 an economic emergency affecting banking that requires a
15 borrowing to provide additional funds to the Bank and Trust
16 Company Fund. The borrowed funds shall be paid back within 3
17 years and shall not exceed the total funding appropriated to
18 the Agency in the previous year.

19 (Source: P.A. 95-1047, eff. 4-6-09; 96-1163, eff. 1-1-11;
20 96-1365, eff. 7-28-10; revised 9-16-10.)

21 Section 265. The Illinois Bank Holding Company Act of 1957
22 is amended by changing Sections 2 and 3.074 as follows:

23 (205 ILCS 10/2)

24 Sec. 2. Unless the context requires otherwise:

1 (a) "Bank" means any national banking association or any
2 bank, banking association or savings bank, whether organized
3 under the laws of Illinois, another state, the United States,
4 the District of Columbia, any territory of the United States,
5 Puerto Rico, Guam, American Samoa or the Virgin Islands, which
6 (1) accepts deposits that the depositor has a legal right to
7 withdraw on demand by check or other negotiable order and (2)
8 engages in the business of making commercial loans. "Bank" does
9 not include any organization operating under Sections 25 or 25
10 (a) of the Federal Reserve Act, or any organization which does
11 not do business within the United States except as an incident
12 to its activities outside the United States or any foreign
13 bank.

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

17 (c) "Banking office" means the principal office of a bank,
18 any branch of a bank, or any other office at which a bank
19 accepts deposits, provided, however, that "banking office"
20 shall not mean:

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

24 (2) offices located outside the United States.

25 (d) "Cause to be chartered", with respect to a specified
26 bank, means the acquisition of control of such bank prior to

1 the time it commences to engage in the banking business.

2 (e) "Commissioner" means the Secretary of Financial and
3 Professional Regulation or a person authorized by the
4 Secretary, the Division of Banking Act, or this Act to act in
5 the Secretary's stead, and, except that beginning on January 1,
6 2011 (the effective date of Public Act 96-1163) ~~this amendatory~~
7 ~~Act of the 96th General Assembly~~, all references in this Act to
8 the Commissioner of Banks and Real Estate are deemed, in
9 appropriate contexts, to be references to the Secretary of
10 Financial and Professional Regulation.

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

15 (g) "Company" means any corporation, business trust,
16 voting trust, association, partnership, joint venture, similar
17 organization or any other trust unless by its terms it must
18 terminate within 25 years or not later than 21 years and 10
19 months after the death of individuals living on the effective
20 date of the trust, but shall not include (1) an individual or
21 (2) any corporation the majority of the shares of which are
22 owned by the United States or by any state or any corporation
23 or community chest fund, organized and operated exclusively for
24 religious, charitable, scientific, literary or educational
25 purposes, no part of the net earnings of which inure to the
26 benefit of any private shareholder or individual and no

1 substantial part of the activities of which is carrying on
2 propaganda or otherwise attempting to influence legislation.

3 (h) A company "controls or has control over" a bank or
4 company if (1) it directly or indirectly owns or controls or
5 has the power to vote, 25% or more of the voting shares of any
6 class of voting securities of such bank or company or (2) it
7 controls in any manner the election of a majority of the
8 directors or trustees of such bank or company or (3) a trustee
9 holds for the benefit of its shareholders, members or
10 employees, 25% or more of the voting shares of such bank or
11 company or (4) it directly or indirectly exercises a
12 controlling influence over the management or policies of such
13 bank or company that is a bank holding company and the Board of
14 Governors of the Federal Reserve System has so determined under
15 the federal Bank Holding Company Act. In determining whether
16 any company controls or has control over a bank or company: (i)
17 shares owned or controlled by any subsidiary of a company shall
18 be deemed to be indirectly owned or controlled by such company;
19 (ii) shares held or controlled, directly or indirectly, by a
20 trustee or trustees for the benefit of a company, the
21 shareholders or members of a company or the employees (whether
22 exclusively or not) of a company, shall be deemed to be
23 controlled by such company; and (iii) shares transferred,
24 directly or indirectly, by any bank holding company (or by any
25 company which, but for such transfer, would be a bank holding
26 company) to any transferee that is indebted to the transferor

1 or that has one or more officers, directors, trustees or
2 beneficiaries in common with or subject to control by the
3 transferor, shall be deemed to be indirectly owned or
4 controlled by the transferor unless the Board of Governors of
5 the Federal Reserve System has determined, under the federal
6 Bank Holding Company Act, that the transferor is not in fact
7 capable of controlling the transferee. Notwithstanding the
8 foregoing, no company shall be deemed to have control of or
9 over a bank or bank holding company (A) by virtue of its
10 ownership or control of shares in a fiduciary capacity arising
11 in the ordinary course of its business; (B) by virtue of its
12 ownership or control of shares acquired by it in connection
13 with its underwriting of securities which are held only for
14 such period of time as will permit the sale thereof upon a
15 reasonable basis; (C) by virtue of its holding any shares as
16 collateral taken in the ordinary course of securing a debt or
17 other obligation; (D) by virtue of its ownership or control of
18 shares acquired in the ordinary course of collecting a debt or
19 other obligation previously contracted in good faith, until 5
20 years after the date acquired; or (E) by virtue of its voting
21 rights with respect to shares of any bank or bank holding
22 company acquired in the course of a proxy solicitation in the
23 case of a company formed and operated for the sole purpose of
24 participating in a proxy solicitation.

25 (h-5) "Division" means the Division of Banking within the
26 Department of Financial and Professional Regulation.

1 (h-10) ~~(h-5)~~ "Division of Banking" means the Division of
2 Banking of the Department of Financial and Professional
3 Regulation.

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

6 (j) "Foreign bank" means any company organized under the
7 laws of a foreign country which engages in the business of
8 banking or any subsidiary or affiliate of any such company,
9 organized under such laws. "Foreign bank" includes, without
10 limitation, foreign merchant banks and other foreign
11 institutions that engage in banking activities usual in
12 connection with the business of banking in the countries where
13 such foreign institutions are organized or operating.

14 (k) "Home state" means the home state of a foreign bank as
15 determined pursuant to the federal International Banking Act of
16 1978.

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

18 (1) that is organized under the laws of this State or
19 of the United States; and

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

21 (m) "Illinois bank holding company" means a bank holding
22 company:

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

24 (2) that is not directly or indirectly controlled by
25 another bank holding company whose principal place of
26 business is a state other than Illinois or by a foreign

1 bank whose Home State is a state other than Illinois.

2 An out of state bank holding company that acquires control
3 of one or more Illinois banks or Illinois bank holding
4 companies pursuant to Sections 3.061 or 3.071 shall not be
5 deemed an Illinois bank holding company.

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

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

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

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

16 (p) "Out of state bank holding company" means a bank
17 holding company:

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

19 (2) whose principal place of business is a state other
20 than Illinois the laws of which expressly authorize the
21 acquisition by an Illinois bank holding company of a bank
22 or bank holding company in that state under qualifications
23 and conditions which are not unduly restrictive, as
24 determined by the Secretary, when compared to those imposed
25 by the laws of Illinois.

26 (q) "Principal place of business" means, with respect to a

1 bank holding company, the state in which the total deposits
2 held by all of the banking offices of all of the bank
3 subsidiaries of such bank holding company are the largest, as
4 shown in the most recent reports of condition or similar
5 reports filed by the bank holding company's bank subsidiaries
6 with state or federal regulatory authorities.

7 (q-5) "Secretary" means the Secretary of Financial and
8 Professional Regulation, or a person authorized by the
9 Secretary or by this Act to act in the Secretary's stead.

10 (r) "State" or "states" when used in this Act means any
11 State of the United States, the District of Columbia, any
12 territory of the United States, Puerto Rico, Guam, American
13 Samoa or the Virgin Islands.

14 (s) "Subsidiary", with respect to a specified bank holding
15 company, means any bank or company controlled by such bank
16 holding company.

17 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
18 revised 9-16-10.)

19 (205 ILCS 10/3.074)

20 Sec. 3.074. Powers; administrative review.

21 (a) The Secretary shall have the power and authority:

22 (1) to promulgate reasonable rules for the purposes of
23 administering the provisions of this Act. The Secretary
24 shall specify the form of any application, report or
25 document that is required to be filed with the Secretary

1 pursuant to this Act;

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

5 (3) to appoint hearing officers to execute any of the
6 powers granted to the Secretary under this Section for the
7 purpose of administering this Act or any rule promulgated
8 in accordance with this Act;

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

18 (5) to do any other act authorized to the Commissioner
19 (now Secretary) under the Division of Banking Act.

20 (b) Whenever, in the opinion of the Secretary, any
21 director, officer, employee, or agent of any bank holding
22 company or subsidiary or affiliate of that company shall have
23 violated any law, rule, or order relating to that bank holding
24 company or subsidiary or affiliate of that company, shall have
25 obstructed or impeded any examination or investigation by the
26 Secretary, shall have engaged in an unsafe or unsound practice

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

1 director, officer, employee, or agent.

2 An order issued pursuant to this subsection shall be served
3 upon the director, officer, employee, or agent. A copy of the
4 order shall be sent to each director of the bank holding
5 company affected by registered mail. A copy of the order shall
6 also be served upon the bank holding company of which he is a
7 director, officer, employee, or agent, whereupon he shall cease
8 to be a director, officer, employee, or agent of that bank
9 holding company.

10 The Secretary may institute a civil action against the
11 director, officer, employee, or agent of the bank holding
12 company, against whom any order provided for by this subsection
13 has been issued, to enforce compliance with or to enjoin any
14 violation of the terms of the order.

15 Any person who has been the subject of an order of removal
16 or an order of prohibition issued by the Secretary under this
17 subsection, subdivision (7) of Section 48 of the Illinois
18 Banking Act, or Section 5-6 of the Corporate Fiduciary Act may
19 not thereafter serve as director, officer, employee, or agent
20 of any holding company, State bank, or branch of any
21 out-of-state bank, of any corporate fiduciary, as defined in
22 Section 1-5.05 of the Corporate Fiduciary Act, or of any other
23 entity that is subject to licensure or regulation by the
24 Division of Banking unless the Secretary has granted prior
25 approval in writing.

26 (c) All final administrative decisions of the Secretary

1 under this Act shall be subject to judicial review pursuant to
2 provisions of the Administrative Review Law. For matters
3 involving administrative review, venue shall be in either
4 Sangamon County or Cook County.

5 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
6 revised 9-16-10.)

7 Section 270. The Illinois Savings and Loan Act of 1985 is
8 amended by renumbering Section 1-10.065 as follows:

9 (205 ILCS 105/1-10.06-5)

10 Sec. 1-10.06-5 ~~1-10.065~~. Division. "Division" means the
11 Division of Banking within the Department of Financial and
12 Professional Regulation.

13 (Source: P.A. 96-1365, eff. 7-28-10; revised 9-28-10.)

14 Section 275. The Pawnbroker Regulation Act is amended by
15 changing Section 0.05 as follows:

16 (205 ILCS 510/0.05)

17 Sec. 0.05. Administration of Act.

18 (a) This Act shall be administered by the Secretary of
19 Financial and Professional Regulation, and, ~~except that~~
20 beginning on July 28, 2010 (the effective date of Public Act
21 96-1365) ~~this amendatory Act of the 96th General Assembly~~, all
22 references in this Act to the Commissioner of Banks and Real

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

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

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

10 (2.5) To order restitution to consumers suffering
11 damages resulting from violations of this Act, rules
12 promulgated in accordance with this Act, or other laws or
13 regulations related to the operation of a pawnshop.

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

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

1 or any rule promulgated in accordance with this Act.

2 (5) To conduct hearings.

3 (6) To impose civil penalties graduated up to \$1,000
4 against any person for each violation of any provision of
5 this Act, any rule promulgated in accordance with this Act,
6 or any order of the Secretary based upon the seriousness of
7 the violation.

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

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

26 (8) To determine compliance with applicable law and

1 rules related to the operation of pawnshops and to verify
2 the accuracy of reports filed with the Secretary, the
3 Secretary, not more than one time every 2 years, may, but
4 is not required to, conduct a routine examination of a
5 pawnshop, and in addition, the Secretary may examine the
6 affairs of any pawnshop at any time if the Secretary has
7 reasonable cause to believe that unlawful or fraudulent
8 activity is occurring, or has occurred, therein.

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

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

1 licensee is unable or ceases to continue to operate the
2 pawnshop.

3 (10.2) To remove or prohibit the employment of any
4 officer, director, employee, or agent of the pawnshop who
5 engages in or has engaged in unlawful activities that
6 relate to the operation of a pawnshop.

7 (10.7) To prohibit the hiring of employees who have
8 been convicted of a financial crime or any crime involving
9 breach of trust who do not meet exceptions as established
10 by rule of the Secretary.

11 (11) Following license revocation, to take possession
12 and control of a pawnshop for the purpose of examination,
13 reorganization, or liquidation through receivership and to
14 appoint a receiver, which may be the Secretary, a pawnshop,
15 or another suitable person.

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

21 (c) Pursuant to rule, the Secretary shall issue licenses on
22 an annual or multi-year basis for operating a pawnshop. Any
23 person currently operating or who has operated a pawnshop in
24 this State during the 2 years preceding the effective date of
25 this amendatory Act of 1997 shall be issued a license upon
26 payment of the fee required under this Act. New applicants

1 shall meet standards for a license as established by the
2 Secretary. Except with the prior written consent of the
3 Secretary, no individual, either a new applicant or a person
4 currently operating a pawnshop, may be issued a license to
5 operate a pawnshop if the individual has been convicted of a
6 felony or of any criminal offense relating to dishonesty or
7 breach of trust in connection with the operations of a
8 pawnshop. The Secretary shall establish license fees. The fees
9 shall not exceed the amount reasonably required for
10 administration of this Act. It shall be unlawful to operate a
11 pawnshop without a license issued by the Secretary.

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

23 (e) The Pawnbroker Regulation Fund is established as a
24 special fund in the State treasury. Moneys collected under this
25 Act shall be deposited into the Fund and used for the
26 administration of this Act. In the event that General Revenue

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

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

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

23 (Source: P.A. 96-1038, eff. 7-14-10; 96-1365, eff. 7-28-10;
24 revised 9-16-10.)

25 Section 280. The Corporate Fiduciary Act is amended by

1 changing Section 1-5.03 and by renumbering Section 1-5.075 as
2 follows:

3 (205 ILCS 620/1-5.03) (from Ch. 17, par. 1551-5.03)

4 Sec. 1-5.03. "Commissioner" means the Secretary of
5 Financial and Professional Regulation or a person authorized by
6 the Secretary, the Division of Banking Act, or this Act to act
7 in the Secretary's stead, and, except that beginning on January
8 1, 2011 (the effective date of Public Act 96-1163) ~~this~~
9 ~~amendatory Act of the 96th General Assembly~~, all references in
10 this Act to the Commissioner of Banks and Real Estate are
11 deemed, in appropriate contexts, to be references to the
12 Secretary of Financial and Professional Regulation.

13 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
14 revised 9-16-10.)

15 (205 ILCS 620/1-5.07b)

16 Sec. 1-5.07b ~~1-5.075~~. Division. "Division" means the
17 Division of Banking within the Department of Financial and
18 Professional Regulation.

19 (Source: P.A. 96-1365, eff. 7-28-10; revised 9-28-10.)

20 Section 285. The Illinois Financial Services Development
21 Act is amended by changing Section 3 as follows:

22 (205 ILCS 675/3)

1 (Text of Section before amendment by P.A. 96-936)

2 Sec. 3. As used in this Section:

3 (a) "Financial institution" means any bank with its main
4 office or, after May 31, 1997, a branch in this State, any
5 state or federal savings and loan association or savings bank
6 with its main office or branch in this State, any state or
7 federal credit union with its main office in this State, and
8 any lender licensed under the Consumer Installment Loan Act or
9 the Sales Finance Agency Act.

10 (b) "Revolving credit plan" or "plan" means a plan
11 contemplating the extension of credit under an account governed
12 by an agreement between a financial institution and a borrower
13 who is a natural person pursuant to which:

14 (1) The financial institution permits the borrower
15 and, if the agreement governing the plan so provides,
16 persons acting on behalf of or with authorization from the
17 borrower, from time to time to make purchases and to obtain
18 loans by any means whatsoever, including use of a credit
19 device primarily for personal, family or household
20 purposes;

21 (2) the amounts of such purchases and loans are charged
22 to the borrower's account under the revolving credit plan;

23 (3) the borrower is required to pay the financial
24 institution the amounts of all purchases and loans charged
25 to such borrower's account under the plan but has the
26 privilege of paying such amounts outstanding from time to

1 time in full or installments; and

2 (4) interest may be charged and collected by the
3 financial institution from time to time on the outstanding
4 unpaid indebtedness under such plan.

5 (c) "Credit device" means any card, check, identification
6 code or other means of identification contemplated by the
7 agreement governing the plan.

8 (d) "Outstanding unpaid indebtedness" means on any day an
9 amount not in excess of the total amount of purchases and loans
10 charged to the borrower's account under the plan which is
11 outstanding and unpaid at the end of the day, after adding the
12 aggregate amount of any new purchases and loans charged to the
13 account as of that day and deducting the aggregate amount of
14 any payments and credits applied to that indebtedness as of
15 that day and, if the agreement governing the plan so provides,
16 may include the amount of any billed and unpaid interest and
17 other charges.

18 (e) "Credit card" means any instrument or device, whether
19 known as a credit card, credit device, credit plate, charge
20 plate, or any other name, issued with or without fee by an
21 issuer for the use of the borrower in obtaining money, goods,
22 services, or anything else of value on credit, but does not
23 include any negotiable instrument as defined in the Uniform
24 Commercial Code, as now or hereafter amended, or a debit card
25 that may indirectly access an overdraft line of credit through
26 a debit to a deposit account.

1 (f) "Credit card account" means a revolving credit plan
2 accessed by a credit card.

3 (Source: P.A. 96-1193, eff. 7-22-10.)

4 (Text of Section after amendment by P.A. 96-936)

5 Sec. 3. As used in this Section:

6 (a) "Financial institution" means any bank with its main
7 office or, after May 31, 1997, a branch in this State, any
8 state or federal savings and loan association or savings bank
9 with its main office or branch in this State, any state or
10 federal credit union with its main office in this State, and
11 any lender licensed under the Consumer Installment Loan Act or
12 the Sales Finance Agency Act; provided, however, that lenders
13 licensed under the Consumer Installment Loan Act or the Sales
14 Finance Agency Act are prohibited from charging interest in
15 excess of 36% per annum for any extension of credit under this
16 Act.

17 (b) "Revolving credit plan" or "plan" means a plan
18 contemplating the extension of credit under an account governed
19 by an agreement between a financial institution and a borrower
20 who is a natural person pursuant to which:

21 (1) The financial institution permits the borrower
22 and, if the agreement governing the plan so provides,
23 persons acting on behalf of or with authorization from the
24 borrower, from time to time to make purchases and to obtain
25 loans by any means whatsoever, including use of a credit

1 device primarily for personal, family or household
2 purposes;

3 (2) the amounts of such purchases and loans are charged
4 to the borrower's account under the revolving credit plan;

5 (3) the borrower is required to pay the financial
6 institution the amounts of all purchases and loans charged
7 to such borrower's account under the plan but has the
8 privilege of paying such amounts outstanding from time to
9 time in full or installments; and

10 (4) interest may be charged and collected by the
11 financial institution from time to time on the outstanding
12 unpaid indebtedness under such plan.

13 (c) "Credit device" means any card, check, identification
14 code or other means of identification contemplated by the
15 agreement governing the plan.

16 (d) "Outstanding unpaid indebtedness" means on any day an
17 amount not in excess of the total amount of purchases and loans
18 charged to the borrower's account under the plan which is
19 outstanding and unpaid at the end of the day, after adding the
20 aggregate amount of any new purchases and loans charged to the
21 account as of that day and deducting the aggregate amount of
22 any payments and credits applied to that indebtedness as of
23 that day and, if the agreement governing the plan so provides,
24 may include the amount of any billed and unpaid interest and
25 other charges.

26 (e) "Credit card" means any instrument or device, whether

1 known as a credit card, credit device, credit plate, charge
2 plate, or any other name, issued with or without fee by an
3 issuer for the use of the borrower in obtaining money, goods,
4 services, or anything else of value on credit, but does not
5 include any negotiable instrument as defined in the Uniform
6 Commercial Code, as now or hereafter amended, or a debit card
7 that may indirectly access an overdraft line of credit through
8 a debit to a deposit account.

9 (f) "Credit card account" means a revolving credit plan
10 accessed by a credit card.

11 (Source: P.A. 96-936, eff. 3-21-11; 96-1193, eff. 7-22-10;
12 revised 9-2-10.)

13 Section 290. The Alternative Health Care Delivery Act is
14 amended by changing Section 30 as follows:

15 (210 ILCS 3/30)

16 Sec. 30. Demonstration program requirements. The
17 requirements set forth in this Section shall apply to
18 demonstration programs.

19 (a) There shall be no more than:

20 (i) 3 subacute care hospital alternative health care
21 models in the City of Chicago (one of which shall be
22 located on a designated site and shall have been licensed
23 as a hospital under the Illinois Hospital Licensing Act
24 within the 10 years immediately before the application for

1 a license);

2 (ii) 2 subacute care hospital alternative health care
3 models in the demonstration program for each of the
4 following areas:

5 (1) Cook County outside the City of Chicago.

6 (2) DuPage, Kane, Lake, McHenry, and Will
7 Counties.

8 (3) Municipalities with a population greater than
9 50,000 not located in the areas described in item (i)
10 of subsection (a) and paragraphs (1) and (2) of item
11 (ii) of subsection (a); and

12 (iii) 4 subacute care hospital alternative health care
13 models in the demonstration program for rural areas.

14 In selecting among applicants for these licenses in rural
15 areas, the Health Facilities and Services Review Board and the
16 Department shall give preference to hospitals that may be
17 unable for economic reasons to provide continued service to the
18 community in which they are located unless the hospital were to
19 receive an alternative health care model license.

20 (a-5) There shall be no more than the total number of
21 postsurgical recovery care centers with a certificate of need
22 for beds as of January 1, 2008.

23 (a-10) There shall be no more than a total of 9 children's
24 respite care center alternative health care models in the
25 demonstration program, which shall be located as follows:

26 (1) Two in the City of Chicago.

1 (2) One in Cook County outside the City of Chicago.

2 (3) A total of 2 in the area comprised of DuPage, Kane,
3 Lake, McHenry, and Will counties.

4 (4) A total of 2 in municipalities with a population of
5 50,000 or more and not located in the areas described in
6 paragraphs (1), (2), or (3).

7 (5) A total of 2 in rural areas, as defined by the
8 Health Facilities and Services Review Board.

9 No more than one children's respite care model owned and
10 operated by a licensed skilled pediatric facility shall be
11 located in each of the areas designated in this subsection
12 (a-10).

13 (a-15) There shall be 5 authorized community-based
14 residential rehabilitation center alternative health care
15 models in the demonstration program.

16 (a-20) There shall be an authorized Alzheimer's disease
17 management center alternative health care model in the
18 demonstration program. The Alzheimer's disease management
19 center shall be located in Will County, owned by a
20 not-for-profit entity, and endorsed by a resolution approved by
21 the county board before the effective date of this amendatory
22 Act of the 91st General Assembly.

23 (a-25) There shall be no more than 10 birth center
24 alternative health care models in the demonstration program,
25 located as follows:

26 (1) Four in the area comprising Cook, DuPage, Kane,

1 Lake, McHenry, and Will counties, one of which shall be
2 owned or operated by a hospital and one of which shall be
3 owned or operated by a federally qualified health center.

4 (2) Three in municipalities with a population of 50,000
5 or more not located in the area described in paragraph (1)
6 of this subsection, one of which shall be owned or operated
7 by a hospital and one of which shall be owned or operated
8 by a federally qualified health center.

9 (3) Three in rural areas, one of which shall be owned
10 or operated by a hospital and one of which shall be owned
11 or operated by a federally qualified health center.

12 The first 3 birth centers authorized to operate by the
13 Department shall be located in or predominantly serve the
14 residents of a health professional shortage area as determined
15 by the United States Department of Health and Human Services.
16 There shall be no more than 2 birth centers authorized to
17 operate in any single health planning area for obstetric
18 services as determined under the Illinois Health Facilities
19 Planning Act. If a birth center is located outside of a health
20 professional shortage area, (i) the birth center shall be
21 located in a health planning area with a demonstrated need for
22 obstetrical service beds, as determined by the Health
23 Facilities and Services Review Board or (ii) there must be a
24 reduction in the existing number of obstetrical service beds in
25 the planning area so that the establishment of the birth center
26 does not result in an increase in the total number of

1 obstetrical service beds in the health planning area.

2 (b) Alternative health care models, other than a model
3 authorized under subsection (a-10) or (a-20), shall obtain a
4 certificate of need from the Health Facilities and Services
5 Review Board under the Illinois Health Facilities Planning Act
6 before receiving a license by the Department. If, after
7 obtaining its initial certificate of need, an alternative
8 health care delivery model that is a community based
9 residential rehabilitation center seeks to increase the bed
10 capacity of that center, it must obtain a certificate of need
11 from the Health Facilities and Services Review Board before
12 increasing the bed capacity. Alternative health care models in
13 medically underserved areas shall receive priority in
14 obtaining a certificate of need.

15 (c) An alternative health care model license shall be
16 issued for a period of one year and shall be annually renewed
17 if the facility or program is in substantial compliance with
18 the Department's rules adopted under this Act. A licensed
19 alternative health care model that continues to be in
20 substantial compliance after the conclusion of the
21 demonstration program shall be eligible for annual renewals
22 unless and until a different licensure program for that type of
23 health care model is established by legislation, except that a
24 postsurgical recovery care center meeting the following
25 requirements may apply within 3 years after August 25, 2009
26 (the effective date of Public Act 96-669) for a Certificate of

1 Need permit to operate as a hospital:

2 (1) The postsurgical recovery care center shall apply
3 to the Illinois Health Facilities Planning Board for a
4 Certificate of Need permit to discontinue the postsurgical
5 recovery care center and to establish a hospital.

6 (2) If the postsurgical recovery care center obtains a
7 Certificate of Need permit to operate as a hospital, it
8 shall apply for licensure as a hospital under the Hospital
9 Licensing Act and shall meet all statutory and regulatory
10 requirements of a hospital.

11 (3) After obtaining licensure as a hospital, any
12 license as an ambulatory surgical treatment center and any
13 license as a post-surgical recovery care center shall be
14 null and void.

15 (4) The former postsurgical recovery care center that
16 receives a hospital license must seek and use its best
17 efforts to maintain certification under Titles XVIII and
18 XIX of the federal Social Security Act.

19 The Department may issue a provisional license to any
20 alternative health care model that does not substantially
21 comply with the provisions of this Act and the rules adopted
22 under this Act if (i) the Department finds that the alternative
23 health care model has undertaken changes and corrections which
24 upon completion will render the alternative health care model
25 in substantial compliance with this Act and rules and (ii) the
26 health and safety of the patients of the alternative health

1 care model will be protected during the period for which the
2 provisional license is issued. The Department shall advise the
3 licensee of the conditions under which the provisional license
4 is issued, including the manner in which the alternative health
5 care model fails to comply with the provisions of this Act and
6 rules, and the time within which the changes and corrections
7 necessary for the alternative health care model to
8 substantially comply with this Act and rules shall be
9 completed.

10 (d) Alternative health care models shall seek
11 certification under Titles XVIII and XIX of the federal Social
12 Security Act. In addition, alternative health care models shall
13 provide charitable care consistent with that provided by
14 comparable health care providers in the geographic area.

15 (d-5) (Blank).

16 (e) Alternative health care models shall, to the extent
17 possible, link and integrate their services with nearby health
18 care facilities.

19 (f) Each alternative health care model shall implement a
20 quality assurance program with measurable benefits and at
21 reasonable cost.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-445, eff. 1-1-08; 96-31,
23 eff. 6-30-09; 96-129, eff. 8-4-09; 96-669, eff. 8-25-09;
24 96-812, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1071, eff.
25 7-16-10; 96-1123, eff. 1-1-11; revised 9-16-10.)

1 Section 295. The Alzheimer's Disease and Related Dementias
2 Special Care Disclosure Act is amended by changing the title of
3 the Act as follows:

4 (210 ILCS 4/Act title)

5 An Act concerning health ~~to create the Alzheimer's Special~~
6 ~~Care Disclosure Act, amending named Acts.~~

7 Section 300. The Assisted Living and Shared Housing Act is
8 amended by changing Section 45 as follows:

9 (210 ILCS 9/45)

10 Sec. 45. Renewal of licenses. At least 120 days, but not
11 more than 150 days prior to license expiration, the licensee
12 shall submit an application for renewal of the license in such
13 form and containing such information as the Department
14 requires. If the application is approved, and if the licensee
15 (i) has not committed a Type 1 violation in the preceding 24
16 months, (ii) has not committed a Type 2 violation in the
17 preceding 24 months, (iii) has not had an inspection, review,
18 or evaluation that resulted in a finding of 10 or more Type 3
19 violations in the preceding 24 months, and (iv) has not
20 admitted or retained a resident in violation of Section 75 of
21 this Act in the preceding 24 months, the Department may renew
22 the license for an additional period of 2 years at the request
23 of the licensee. If a licensee whose license has been renewed

1 for 2 years under this Section subsequently fails to meet any
2 of the conditions set forth in items (i), (ii), and (iii),
3 then, in addition to any other sanctions that the Department
4 may impose under this Act, the Department shall revoke the
5 2-year license and replace it with a one-year license until the
6 licensee again meets all of the conditions set forth in items
7 (i), (ii), and (iii). If appropriate, the renewal application
8 shall not be approved unless the applicant has provided to the
9 Department an accurate disclosure document in accordance with
10 the Alzheimer's Disease and Related Dementias Special Care
11 Disclosure Act. If the application for renewal is not timely
12 filed, the Department shall so inform the licensee.

13 (Source: P.A. 95-590, eff. 9-10-07; 95-876, eff. 8-21-08;
14 96-990, eff. 7-2-10; 96-1275, eff. 7-26-10; revised 9-2-10.)

15 Section 305. The Illinois Clinical Laboratory and Blood
16 Bank Act is amended by changing Section 7-101 as follows:

17 (210 ILCS 25/7-101) (from Ch. 111 1/2, par. 627-101)

18 Sec. 7-101. Examination of specimens. A clinical
19 laboratory shall examine specimens only at the request of (i) a
20 licensed physician, (ii) a licensed dentist, (iii) a licensed
21 podiatrist, (iv) a therapeutic optometrist for diagnostic or
22 therapeutic purposes related to the use of diagnostic topical
23 or therapeutic ocular pharmaceutical agents, as defined in
24 subsections (c) and (d) of Section 15.1 of the Illinois

1 Optometric Practice Act of 1987, (v) a licensed physician
2 assistant in accordance with the written guidelines required
3 under subdivision (3) of Section 4 and under Section 7.5 of the
4 Physician Assistant Practice Act of 1987, (v-A) an advanced
5 practice nurse in accordance with the written collaborative
6 agreement required under Section 65-35 of the Nurse Practice
7 Act, ~~or~~ (vi) an authorized law enforcement agency or, in the
8 case of blood alcohol, at the request of the individual for
9 whom the test is to be performed in compliance with Sections
10 11-501 and 11-501.1 of the Illinois Vehicle Code, or (vii) a
11 genetic counselor with the specific authority from a referral
12 to order a test or tests pursuant to subsection (b) of Section
13 20 of the Genetic Counselor Licensing Act. If the request to a
14 laboratory is oral, the physician or other authorized person
15 shall submit a written request to the laboratory within 48
16 hours. If the laboratory does not receive the written request
17 within that period, it shall note that fact in its records. For
18 purposes of this Section, a request made by electronic mail or
19 fax constitutes a written request.

20 (Source: P.A. 95-639, eff. 10-5-07; 96-1313, eff. 7-27-10;
21 revised 9-27-10.)

22 Section 310. The Nursing Home Care Act is amended by
23 changing Section 3-115 as follows:

24 (210 ILCS 45/3-115) (from Ch. 111 1/2, par. 4153-115)

1 Sec. 3-115. License renewal application. At least 120 days
2 but not more than 150 days prior to license expiration, the
3 licensee shall submit an application for renewal of the license
4 in such form and containing such information as the Department
5 requires. If the application is approved, the license shall be
6 renewed in accordance with Section 3-110. The renewal
7 application for a facility shall not be approved unless the
8 applicant has provided to the Department an accurate disclosure
9 document in accordance with the Alzheimer's Disease and Related
10 Dementias Special Care Disclosure Act. If application for
11 renewal is not timely filed, the Department shall so inform the
12 licensee.

13 (Source: P.A. 96-339, eff. 7-1-10; revised 10-19-10.)

14 (210 ILCS 47/3-310)

15 Sec. 3-310. Collection of penalties. All penalties shall be
16 paid to the Department within 10 days of receipt of notice of
17 assessment or, if the penalty is contested under Section 3-309,
18 within 10 days of receipt of the final decision, unless the
19 decision is appealed and the order is stayed by court order
20 under Section 3-713. A penalty assessed under this Act shall be
21 collected by the Department and shall be deposited with the
22 State Treasurer into the Long Term Care Monitor/Receiver Fund.
23 If the person or facility against whom a penalty has been
24 assessed does not comply with a written demand for payment
25 within 30 days, the Director shall issue an order to do any of

1 the following:

2 (1) Direct the State Treasurer to deduct the amount of
3 the fine from amounts otherwise due from the State for the
4 penalty and remit that amount to the Department;

5 (2) Add the amount of the penalty to the facility's
6 licensing fee; if the licensee refuses to make the payment
7 at the time of application for renewal of its license, the
8 license shall not be renewed; or

9 (3) Bring an action in circuit court to recover the
10 amount of the penalty.

11 With the approval of the federal centers for Medicaid and
12 Medicare services, the Director of Public Health shall set
13 aside 50% of the federal civil monetary penalties collected
14 each year to be used to award grants under the Equity
15 ~~Innovations~~ in Long-term Care Quality ~~Grants~~ Act.

16 (Source: P.A. 96-339, eff. 7-1-10; revised 10-19-10.)

17 Section 320. The Emergency Medical Services (EMS) Systems
18 Act is amended by changing Sections 3.20, 3.50, 3.85, and 32.5
19 as follows:

20 (210 ILCS 50/3.20)

21 Sec. 3.20. Emergency Medical Services (EMS) Systems.

22 (a) "Emergency Medical Services (EMS) System" means an
23 organization of hospitals, vehicle service providers and
24 personnel approved by the Department in a specific geographic

1 area, which coordinates and provides pre-hospital and
2 inter-hospital emergency care and non-emergency medical
3 transports at a BLS, ILS and/or ALS level pursuant to a System
4 program plan submitted to and approved by the Department, and
5 pursuant to the EMS Region Plan adopted for the EMS Region in
6 which the System is located.

7 (b) One hospital in each System program plan must be
8 designated as the Resource Hospital. All other hospitals which
9 are located within the geographic boundaries of a System and
10 which have standby, basic or comprehensive level emergency
11 departments must function in that EMS System as either an
12 Associate Hospital or Participating Hospital and follow all
13 System policies specified in the System Program Plan, including
14 but not limited to the replacement of drugs and equipment used
15 by providers who have delivered patients to their emergency
16 departments. All hospitals and vehicle service providers
17 participating in an EMS System must specify their level of
18 participation in the System Program Plan.

19 (c) The Department shall have the authority and
20 responsibility to:

21 (1) Approve BLS, ILS and ALS level EMS Systems which
22 meet minimum standards and criteria established in rules
23 adopted by the Department pursuant to this Act, including
24 the submission of a Program Plan for Department approval.
25 Beginning September 1, 1997, the Department shall approve
26 the development of a new EMS System only when a local or

1 regional need for establishing such System has been
2 verified by the Department. This shall not be construed as
3 a needs assessment for health planning or other purposes
4 outside of this Act. Following Department approval, EMS
5 Systems must be fully operational within one year from the
6 date of approval.

7 (2) Monitor EMS Systems, based on minimum standards for
8 continuing operation as prescribed in rules adopted by the
9 Department pursuant to this Act, which shall include
10 requirements for submitting Program Plan amendments to the
11 Department for approval.

12 (3) Renew EMS System approvals every 4 years, after an
13 inspection, based on compliance with the standards for
14 continuing operation prescribed in rules adopted by the
15 Department pursuant to this Act.

16 (4) Suspend, revoke, or refuse to renew approval of any
17 EMS System, after providing an opportunity for a hearing,
18 when findings show that it does not meet the minimum
19 standards for continuing operation as prescribed by the
20 Department, or is found to be in violation of its
21 previously approved Program Plan.

22 (5) Require each EMS System to adopt written protocols
23 for the bypassing of or diversion to any hospital, trauma
24 center or regional trauma center, which provide that a
25 person shall not be transported to a facility other than
26 the nearest hospital, regional trauma center or trauma

1 center unless the medical benefits to the patient
2 reasonably expected from the provision of appropriate
3 medical treatment at a more distant facility outweigh the
4 increased risks to the patient from transport to the more
5 distant facility, or the transport is in accordance with
6 the System's protocols for patient choice or refusal.

7 (6) Require that the EMS Medical Director of an ILS or
8 ALS level EMS System be a physician licensed to practice
9 medicine in all of its branches in Illinois, and certified
10 by the American Board of Emergency Medicine or the American
11 Board of Osteopathic Emergency Medicine, and that the EMS
12 Medical Director of a BLS level EMS System be a physician
13 licensed to practice medicine in all of its branches in
14 Illinois, with regular and frequent involvement in
15 pre-hospital emergency medical services. In addition, all
16 EMS Medical Directors shall:

17 (A) Have experience on an EMS vehicle at the
18 highest level available within the System, or make
19 provision to gain such experience within 12 months
20 prior to the date responsibility for the System is
21 assumed or within 90 days after assuming the position;

22 (B) Be thoroughly knowledgeable of all skills
23 included in the scope of practices of all levels of EMS
24 personnel within the System;

25 (C) Have or make provision to gain experience
26 instructing students at a level similar to that of the

1 levels of EMS personnel within the System; and

2 (D) For ILS and ALS EMS Medical Directors,
3 successfully complete a Department-approved EMS
4 Medical Director's Course.

5 (7) Prescribe statewide EMS data elements to be
6 collected and documented by providers in all EMS Systems
7 for all emergency and non-emergency medical services, with
8 a one-year phase-in for commencing collection of such data
9 elements.

10 (8) Define, through rules adopted pursuant to this Act,
11 the terms "Resource Hospital", "Associate Hospital",
12 "Participating Hospital", "Basic Emergency Department",
13 "Standby Emergency Department", "Comprehensive Emergency
14 Department", "EMS Medical Director", "EMS Administrative
15 Director", and "EMS System Coordinator".

16 (A) Upon the effective date of this amendatory Act
17 of 1995, all existing Project Medical Directors shall
18 be considered EMS Medical Directors, and all persons
19 serving in such capacities on the effective date of
20 this amendatory Act of 1995 shall be exempt from the
21 requirements of paragraph (7) of this subsection;

22 (B) Upon the effective date of this amendatory Act
23 of 1995, all existing EMS System Project Directors
24 shall be considered EMS Administrative Directors.

25 (9) Investigate the circumstances that caused a
26 hospital in an EMS system to go on bypass status to

1 determine whether that hospital's decision to go on bypass
2 status was reasonable. The Department may impose
3 sanctions, as set forth in Section 3.140 of the Act, upon a
4 Department determination that the hospital unreasonably
5 went on bypass status in violation of the Act.

6 (10) Evaluate the capacity and performance of any
7 freestanding emergency center established under Section
8 32.5 of this Act in meeting emergency medical service needs
9 of the public, including compliance with applicable
10 emergency medical standards and assurance of the
11 availability of and immediate access to the highest quality
12 of medical care possible.

13 (11) Permit limited EMS System participation by
14 facilities operated by the United States Department of
15 Veterans Affairs, Veterans Health Administration. Subject
16 to patient preference, Illinois EMS providers may
17 transport patients to Veterans Health Administration
18 facilities that voluntarily participate in an EMS System.
19 Any Veterans Health Administration facility seeking
20 limited participation in an EMS System shall agree to
21 comply with all Department administrative rules
22 implementing this Section. The Department may promulgate
23 rules, including, but not limited to, the types of Veterans
24 Health Administration facilities that may participate in
25 an EMS System and the limitations of participation.

26 (Source: P.A. 95-584, eff. 8-31-07; 96-1009, eff. 1-1-11;

1 96-1469, eff. 1-1-11; revised 9-16-10.)

2 (210 ILCS 50/3.50)

3 Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

4 (a) "Emergency Medical Technician-Basic" or "EMT-B" means
5 a person who has successfully completed a course of instruction
6 in basic life support as prescribed by the Department, is
7 currently licensed by the Department in accordance with
8 standards prescribed by this Act and rules adopted by the
9 Department pursuant to this Act, and practices within an EMS
10 System.

11 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
12 means a person who has successfully completed a course of
13 instruction in intermediate life support as prescribed by the
14 Department, is currently licensed by the Department in
15 accordance with standards prescribed by this Act and rules
16 adopted by the Department pursuant to this Act, and practices
17 within an Intermediate or Advanced Life Support EMS System.

18 (c) "Emergency Medical Technician-Paramedic" or "EMT-P"
19 means a person who has successfully completed a course of
20 instruction in advanced life support care as prescribed by the
21 Department, is licensed by the Department in accordance with
22 standards prescribed by this Act and rules adopted by the
23 Department pursuant to this Act, and practices within an
24 Advanced Life Support EMS System.

25 (d) The Department shall have the authority and

1 responsibility to:

2 (1) Prescribe education and training requirements,
3 which includes training in the use of epinephrine, for all
4 levels of EMT, based on the respective national curricula
5 of the United States Department of Transportation and any
6 modifications to such curricula specified by the
7 Department through rules adopted pursuant to this Act.

8 (2) Prescribe licensure testing requirements for all
9 levels of EMT, which shall include a requirement that all
10 phases of instruction, training, and field experience be
11 completed before taking the EMT licensure examination.
12 Candidates may elect to take the National Registry of
13 Emergency Medical Technicians examination in lieu of the
14 Department's examination, but are responsible for making
15 their own arrangements for taking the National Registry
16 examination.

17 (2.5) Review applications for EMT licensure from
18 honorably discharged members of the armed forces of the
19 United States with military emergency medical training.
20 Applications shall be filed with the Department within one
21 year after military discharge and shall contain: (i) proof
22 of successful completion of military emergency medical
23 training; (ii) a detailed description of the emergency
24 medical curriculum completed; and (iii) a detailed
25 description of the applicant's clinical experience. The
26 Department may request additional and clarifying

1 information. The Department shall evaluate the
2 application, including the applicant's training and
3 experience, consistent with the standards set forth under
4 subsections (a), (b), (c), and (d) of Section 3.10. If the
5 application clearly demonstrates that the training and
6 experience meets such standards, the Department shall
7 offer the applicant the opportunity to successfully
8 complete a Department-approved EMT examination for which
9 the applicant is qualified. Upon passage of an examination,
10 the Department shall issue a license, which shall be
11 subject to all provisions of this Act that are otherwise
12 applicable to the class of EMT license issued.

13 (3) License individuals as an EMT-B, EMT-I, or EMT-P
14 who have met the Department's education, training and
15 examination requirements.

16 (4) Prescribe annual continuing education and
17 relicensure requirements for all levels of EMT.

18 (5) Relicense individuals as an EMT-B, EMT-I, or EMT-P
19 every 4 years, based on their compliance with continuing
20 education and relicensure requirements. An Illinois
21 licensed Emergency Medical Technician whose license has
22 been expired for less than 36 months may apply for
23 reinstatement by the Department. Reinstatement shall
24 require that the applicant (i) submit satisfactory proof of
25 completion of continuing medical education and clinical
26 requirements to be prescribed by the Department in an

1 administrative rule; (ii) submit a positive recommendation
2 from an Illinois EMS Medical Director attesting to the
3 applicant's qualifications for retesting; and (iii) pass a
4 Department approved test for the level of EMT license
5 sought to be reinstated.

6 (6) Grant inactive status to any EMT who qualifies,
7 based on standards and procedures established by the
8 Department in rules adopted pursuant to this Act.

9 (7) Charge a fee for EMT examination, licensure, and
10 license renewal.

11 (8) Suspend, revoke, or refuse to issue or renew the
12 license of any licensee, after an opportunity for an
13 impartial hearing before a neutral administrative law
14 judge appointed by the Director, where the preponderance of
15 the evidence shows one or more of the following:

16 (A) The licensee has not met continuing education
17 or relicensure requirements as prescribed by the
18 Department;

19 (B) The licensee has failed to maintain
20 proficiency in the level of skills for which he or she
21 is licensed;

22 (C) The licensee, during the provision of medical
23 services, engaged in dishonorable, unethical, or
24 unprofessional conduct of a character likely to
25 deceive, defraud, or harm the public;

26 (D) The licensee has failed to maintain or has

1 violated standards of performance and conduct as
2 prescribed by the Department in rules adopted pursuant
3 to this Act or his or her EMS System's Program Plan;

4 (E) The licensee is physically impaired to the
5 extent that he or she cannot physically perform the
6 skills and functions for which he or she is licensed,
7 as verified by a physician, unless the person is on
8 inactive status pursuant to Department regulations;

9 (F) The licensee is mentally impaired to the extent
10 that he or she cannot exercise the appropriate
11 judgment, skill and safety for performing the
12 functions for which he or she is licensed, as verified
13 by a physician, unless the person is on inactive status
14 pursuant to Department regulations;

15 (G) The licensee has violated this Act or any rule
16 adopted by the Department pursuant to this Act; or

17 (H) The licensee has been convicted (or entered a
18 plea of guilty or nolo-contendere) by a court of
19 competent jurisdiction of a Class X, Class 1, or Class
20 2 felony in this State or an out-of-state equivalent
21 offense.

22 (9) An EMT who exclusively serves as a volunteer for
23 units of local government with a population base of less
24 than 5,000 may submit an application to the Department for
25 a waiver of these fees on a form prescribed by the
26 Department.

1 The education requirements prescribed by the Department
2 under this subsection must allow for the suspension of those
3 requirements in the case of a member of the armed services or
4 reserve forces of the United States or a member of the Illinois
5 National Guard who is on active duty pursuant to an executive
6 order of the President of the United States, an act of the
7 Congress of the United States, or an order of the Governor at
8 the time that the member would otherwise be required to fulfill
9 a particular education requirement. Such a person must fulfill
10 the education requirement within 6 months after his or her
11 release from active duty.

12 (e) In the event that any rule of the Department or an EMS
13 Medical Director that requires testing for drug use as a
14 condition for EMT licensure conflicts with or duplicates a
15 provision of a collective bargaining agreement that requires
16 testing for drug use, that rule shall not apply to any person
17 covered by the collective bargaining agreement.

18 (Source: P.A. 96-540, eff. 8-17-09; 96-1149, eff. 7-21-10;
19 96-1469, eff. 1-1-11; revised 9-16-10.)

20 (210 ILCS 50/3.85)

21 Sec. 3.85. Vehicle Service Providers.

22 (a) "Vehicle Service Provider" means an entity licensed by
23 the Department to provide emergency or non-emergency medical
24 services in compliance with this Act, the rules promulgated by
25 the Department pursuant to this Act, and an operational plan

1 approved by its EMS System(s), utilizing at least ambulances or
2 specialized emergency medical service vehicles (SEMSV).

3 (1) "Ambulance" means any publicly or privately owned
4 on-road vehicle that is specifically designed, constructed
5 or modified and equipped, and is intended to be used for,
6 and is maintained or operated for the emergency
7 transportation of persons who are sick, injured, wounded or
8 otherwise incapacitated or helpless, or the non-emergency
9 medical transportation of persons who require the presence
10 of medical personnel to monitor the individual's condition
11 or medical apparatus being used on such individuals.

12 (2) "Specialized Emergency Medical Services Vehicle"
13 or "SEMSV" means a vehicle or conveyance, other than those
14 owned or operated by the federal government, that is
15 primarily intended for use in transporting the sick or
16 injured by means of air, water, or ground transportation,
17 that is not an ambulance as defined in this Act. The term
18 includes watercraft, aircraft and special purpose ground
19 transport vehicles or conveyances not intended for use on
20 public roads.

21 (3) An ambulance or SEMSV may also be designated as a
22 Limited Operation Vehicle or Special-Use Vehicle:

23 (A) "Limited Operation Vehicle" means a vehicle
24 which is licensed by the Department to provide basic,
25 intermediate or advanced life support emergency or
26 non-emergency medical services that are exclusively

1 limited to specific events or locales.

2 (B) "Special-Use Vehicle" means any publicly or
3 privately owned vehicle that is specifically designed,
4 constructed or modified and equipped, and is intended
5 to be used for, and is maintained or operated solely
6 for the emergency or non-emergency transportation of a
7 specific medical class or category of persons who are
8 sick, injured, wounded or otherwise incapacitated or
9 helpless (e.g. high-risk obstetrical patients,
10 neonatal patients).

11 (C) "Reserve Ambulance" means a vehicle that meets
12 all criteria set forth in this Section and all
13 Department rules, except for the required inventory of
14 medical supplies and durable medical equipment, which
15 may be rapidly transferred from a fully functional
16 ambulance to a reserve ambulance without the use of
17 tools or special mechanical expertise.

18 (b) The Department shall have the authority and
19 responsibility to:

20 (1) Require all Vehicle Service Providers, both
21 publicly and privately owned, to function within an EMS
22 System;

23 (2) Require a Vehicle Service Provider utilizing
24 ambulances to have a primary affiliation with an EMS System
25 within the EMS Region in which its Primary Service Area is
26 located, which is the geographic areas in which the

1 provider renders the majority of its emergency responses.
2 This requirement shall not apply to Vehicle Service
3 Providers which exclusively utilize Limited Operation
4 Vehicles;

5 (3) Establish licensing standards and requirements for
6 Vehicle Service Providers, through rules adopted pursuant
7 to this Act, including but not limited to:

8 (A) Vehicle design, specification, operation and
9 maintenance standards, including standards for the use
10 of reserve ambulances;

11 (B) Equipment requirements;

12 (C) Staffing requirements; and

13 (D) Annual license renewal;~~;~~

14 (4) License all Vehicle Service Providers that have met
15 the Department's requirements for licensure, unless such
16 Provider is owned or licensed by the federal government.
17 All Provider licenses issued by the Department shall
18 specify the level and type of each vehicle covered by the
19 license (BLS, ILS, ALS, ambulance, SEMSV, limited
20 operation vehicle, special use vehicle, reserve
21 ambulance);

22 (5) Annually inspect all licensed Vehicle Service
23 Providers, and relicense such Providers that have met the
24 Department's requirements for license renewal;

25 (6) Suspend, revoke, refuse to issue or refuse to renew
26 the license of any Vehicle Service Provider, or that

1 portion of a license pertaining to a specific vehicle
2 operated by the Provider, after an opportunity for a
3 hearing, when findings show that the Provider or one or
4 more of its vehicles has failed to comply with the
5 standards and requirements of this Act or rules adopted by
6 the Department pursuant to this Act;

7 (7) Issue an Emergency Suspension Order for any
8 Provider or vehicle licensed under this Act, when the
9 Director or his designee has determined that an immediate
10 and serious danger to the public health, safety and welfare
11 exists. Suspension or revocation proceedings which offer
12 an opportunity for hearing shall be promptly initiated
13 after the Emergency Suspension Order has been issued;

14 (8) Exempt any licensed vehicle from subsequent
15 vehicle design standards or specifications required by the
16 Department, as long as said vehicle is continuously in
17 compliance with the vehicle design standards and
18 specifications originally applicable to that vehicle, or
19 until said vehicle's title of ownership is transferred;

20 (9) Exempt any vehicle (except an SEMSV) which was
21 being used as an ambulance on or before December 15, 1980,
22 from vehicle design standards and specifications required
23 by the Department, until said vehicle's title of ownership
24 is transferred. Such vehicles shall not be exempt from all
25 other licensing standards and requirements prescribed by
26 the Department;

1 (10) Prohibit any Vehicle Service Provider from
2 advertising, identifying its vehicles, or disseminating
3 information in a false or misleading manner concerning the
4 Provider's type and level of vehicles, location, primary
5 service area, response times, level of personnel,
6 licensure status or System participation;

7 (10.5) Prohibit any Vehicle Service Provider, whether
8 municipal, private, or hospital-owned, from advertising
9 itself as a critical care transport provider unless it
10 participates in a Department-approved EMS System critical
11 care transport plan; and

12 (11) Charge each Vehicle Service Provider a fee per
13 transport vehicle, to be submitted with each application
14 for licensure and license renewal. The fee per transport
15 vehicle shall be set by administrative rule by the
16 Department and shall not exceed 100 vehicles per provider.

17 (Source: P.A. 96-1469, eff. 1-1-11; revised 9-16-10.)

18 (210 ILCS 50/32.5)

19 Sec. 32.5. Freestanding Emergency Center.

20 (a) The Department shall issue an annual Freestanding
21 Emergency Center (FEC) license to any facility that has
22 received a permit from the Health Facilities and Services
23 Review Board to establish a Freestanding Emergency Center if
24 the application for the permit has been deemed complete by the
25 Department of Public Health by March 1, 2009, and:

1 (1) is located: (A) in a municipality with a population
2 of 75,000 or fewer inhabitants; (B) within 20 miles of the
3 hospital that owns or controls the FEC; and (C) within 20
4 miles of the Resource Hospital affiliated with the FEC as
5 part of the EMS System;

6 (2) is wholly owned or controlled by an Associate or
7 Resource Hospital, but is not a part of the hospital's
8 physical plant;

9 (3) meets the standards for licensed FECs, adopted by
10 rule of the Department, including, but not limited to:

11 (A) facility design, specification, operation, and
12 maintenance standards;

13 (B) equipment standards; and

14 (C) the number and qualifications of emergency
15 medical personnel and other staff, which must include
16 at least one board certified emergency physician
17 present at the FEC 24 hours per day.

18 (4) limits its participation in the EMS System strictly
19 to receiving a limited number of BLS runs by emergency
20 medical vehicles according to protocols developed by the
21 Resource Hospital within the FEC's designated EMS System
22 and approved by the Project Medical Director and the
23 Department;

24 (5) provides comprehensive emergency treatment
25 services, as defined in the rules adopted by the Department
26 pursuant to the Hospital Licensing Act, 24 hours per day,

1 on an outpatient basis;

2 (6) provides an ambulance and maintains on site
3 ambulance services staffed with paramedics 24 hours per
4 day;

5 (7) (blank);

6 (8) complies with all State and federal patient rights
7 provisions, including, but not limited to, the Emergency
8 Medical Treatment Act and the federal Emergency Medical
9 Treatment and Active Labor Act;

10 (9) maintains a communications system that is fully
11 integrated with its Resource Hospital within the FEC's
12 designated EMS System;

13 (10) reports to the Department any patient transfers
14 from the FEC to a hospital within 48 hours of the transfer
15 plus any other data determined to be relevant by the
16 Department;

17 (11) submits to the Department, on a quarterly basis,
18 the FEC's morbidity and mortality rates for patients
19 treated at the FEC and other data determined to be relevant
20 by the Department;

21 (12) does not describe itself or hold itself out to the
22 general public as a full service hospital or hospital
23 emergency department in its advertising or marketing
24 activities;

25 (13) complies with any other rules adopted by the
26 Department under this Act that relate to FECs;

1 (14) passes the Department's site inspection for
2 compliance with the FEC requirements of this Act;

3 (15) submits a copy of the permit issued by the Health
4 Facilities and Services Review Board indicating that the
5 facility has complied with the Illinois Health Facilities
6 Planning Act with respect to the health services to be
7 provided at the facility;

8 (16) submits an application for designation as an FEC
9 in a manner and form prescribed by the Department by rule;
10 and

11 (17) pays the annual license fee as determined by the
12 Department by rule.

13 (a-5) Notwithstanding any other provision of this Section,
14 the Department may issue an annual FEC license to a facility
15 that is located in a county that does not have a licensed
16 general acute care hospital if the facility's application for a
17 permit from the Illinois Health Facilities Planning Board has
18 been deemed complete by the Department of Public Health by
19 March 1, 2009 and if the facility complies with the
20 requirements set forth in paragraphs (1) through (17) of
21 subsection (a).

22 (a-10) Notwithstanding any other provision of this
23 Section, the Department may issue an annual FEC license to a
24 facility if the facility has, by March 31, 2009, filed a letter
25 of intent to establish an FEC and if the facility complies with
26 the requirements set forth in paragraphs (1) through (17) of

1 subsection (a).

2 (b) The Department shall:

3 (1) annually inspect facilities of initial FEC
4 applicants and licensed FECs, and issue annual licenses to
5 or annually relicense FECs that satisfy the Department's
6 licensure requirements as set forth in subsection (a);

7 (2) suspend, revoke, refuse to issue, or refuse to
8 renew the license of any FEC, after notice and an
9 opportunity for a hearing, when the Department finds that
10 the FEC has failed to comply with the standards and
11 requirements of the Act or rules adopted by the Department
12 under the Act;

13 (3) issue an Emergency Suspension Order for any FEC
14 when the Director or his or her designee has determined
15 that the continued operation of the FEC poses an immediate
16 and serious danger to the public health, safety, and
17 welfare. An opportunity for a hearing shall be promptly
18 initiated after an Emergency Suspension Order has been
19 issued; and

20 (4) adopt rules as needed to implement this Section.

21 (Source: P.A. 95-584, eff. 8-31-07; 96-23, eff. 6-30-09; 96-31,
22 eff. 6-30-09; 96-883, eff. 3-1-10; 96-1000, eff. 7-2-10;
23 revised 9-3-10.)

24 Section 325. The Hospital Licensing Act is amended by
25 setting forth and renumbering multiple versions of Section 11.6

1 as follows:

2 (210 ILCS 85/11.6)

3 Sec. 11.6. Policy and procedure for patient bathroom door
4 locks. Hospitals shall have policies and procedures for readily
5 gaining access to a locked bathroom in a patient's room.

6 (Source: P.A. 96-925, eff. 1-1-11.)

7 (210 ILCS 85/11.7)

8 Sec. 11.7 ~~11.6~~. Sudden Infant Death Syndrome (SIDS)
9 Education.

10 (a) A hospital shall provide, free of charge, information
11 and instructional materials regarding sudden infant death
12 syndrome (SIDS), explaining the medical effects upon infants
13 and young children and emphasizing measures that may reduce the
14 risk.

15 (b) The information and materials described in subsection
16 (a) shall be provided to parents or legal guardians of each
17 newborn, upon discharge from the hospital. Prior to discharge,
18 a nurse or appropriate staff person shall review the proffered
19 materials with the infant's parents or legal guardian and shall
20 discuss best practices to reduce the incidence of SIDS as
21 recommended by the American Academy of Pediatrics.

22 (c) Nothing in this Section prohibits a hospital from
23 obtaining free and suitable information from a public or
24 private agency.

1 (Source: P.A. 96-1116, eff. 1-1-11; revised 8-16-10.)

2 Section 330. The Illinois Insurance Code is amended by
3 changing Sections 531.08 and 1575 as follows:

4 (215 ILCS 5/531.08) (from Ch. 73, par. 1065.80-8)

5 Sec. 531.08. Powers and duties of the Association.

6 (a) In addition to the powers and duties enumerated in
7 other Sections of this Article:

8 (1) If a member insurer is an impaired insurer, then
9 the Association may, in its discretion and subject to any
10 conditions imposed by the Association that do not impair
11 the contractual obligations of the impaired insurer and
12 that are approved by the Director:

13 (A) guarantee, assume, or reinsure or cause to be
14 guaranteed, assumed, or reinsured, any or all of the
15 policies or contracts of the impaired insurer; or

16 (B) provide such money, pledges, loans, notes,
17 guarantees, or other means as are proper to effectuate
18 paragraph (A) and assure payment of the contractual
19 obligations of the impaired insurer pending action
20 under paragraph (A).

21 (2) If a member insurer is an insolvent insurer, then
22 the Association shall, in its discretion, either:

23 (A) guaranty, assume, or reinsure or cause to be
24 guaranteed, assumed, or reinsured the policies or

1 contracts of the insolvent insurer or assure payment of
2 the contractual obligations of the insolvent insurer
3 and provide money, pledges, loans, notes, guarantees,
4 or other means reasonably necessary to discharge the
5 Association's duties; or

6 (B) provide benefits and coverages in accordance
7 with the following provisions:

8 (i) with respect to life and health insurance
9 policies and annuities, ensure payment of benefits
10 for premiums identical to the premiums and
11 benefits (except for terms of conversion and
12 renewability) that would have been payable under
13 the policies or contracts of the insolvent insurer
14 for claims incurred:

15 (a) with respect to group policies and
16 contracts, not later than the earlier of the
17 next renewal date under those policies or
18 contracts or 45 days, but in no event less than
19 30 days, after the date on which the
20 Association becomes obligated with respect to
21 the policies and contracts;

22 (b) with respect to nongroup policies,
23 contracts, and annuities not later than the
24 earlier of the next renewal date (if any) under
25 the policies or contracts or one year, but in
26 no event less than 30 days, from the date on

1 which the Association becomes obligated with
2 respect to the policies or contracts;

3 (ii) make diligent efforts to provide all
4 known insureds or annuitants (for nongroup
5 policies and contracts), or group policy owners
6 with respect to group policies and contracts, 30
7 days notice of the termination (pursuant to
8 subparagraph (i) of this paragraph (B)) of the
9 benefits provided;

10 (iii) with respect to nongroup life and health
11 insurance policies and annuities covered by the
12 Association, make available to each known insured
13 or annuitant, or owner if other than the insured or
14 annuitant, and with respect to an individual
15 formerly insured or formerly an annuitant under a
16 group policy who is not eligible for replacement
17 group coverage, make available substitute coverage
18 on an individual basis in accordance with the
19 provisions of paragraph (3), if the insureds or
20 annuitants had a right under law or the terminated
21 policy or annuity to convert coverage to
22 individual coverage or to continue an individual
23 policy or annuity in force until a specified age or
24 for a specified time, during which the insurer had
25 no right unilaterally to make changes in any
26 provision of the policy or annuity or had a right

1 only to make changes in premium by class.

2 (b) In providing the substitute coverage required under
3 subparagraph (iii) of paragraph (B) of item (2) of subsection
4 (a) of this Section, the Association may offer either to
5 reissue the terminated coverage or to issue an alternative
6 policy.

7 Alternative or reissued policies shall be offered without
8 requiring evidence of insurability, and shall not provide for
9 any waiting period or exclusion that would not have applied
10 under the terminated policy.

11 The Association may reinsure any alternative or reissued
12 policy.

13 Alternative policies adopted by the Association shall be
14 subject to the approval of the Director. The Association may
15 adopt alternative policies of various types for future
16 insurance without regard to any particular impairment or
17 insolvency.

18 Alternative policies shall contain at least the minimum
19 statutory provisions required in this State and provide
20 benefits that shall not be unreasonable in relation to the
21 premium charged. The Association shall set the premium in
22 accordance with a table of rates which it shall adopt. The
23 premium shall reflect the amount of insurance to be provided
24 and the age and class of risk of each insured, but shall not
25 reflect any changes in the health of the insured after the
26 original policy was last underwritten.

1 Any alternative policy issued by the Association shall
2 provide coverage of a type similar to that of the policy issued
3 by the impaired or insolvent insurer, as determined by the
4 Association.

5 (c) If the Association elects to reissue terminated
6 coverage at a premium rate different from that charged under
7 the terminated policy, the premium shall be set by the
8 Association in accordance with the amount of insurance provided
9 and the age and class of risk, subject to approval of the
10 Director or by a court of competent jurisdiction.

11 (d) The Association's obligations with respect to coverage
12 under any policy of the impaired or insolvent insurer or under
13 any reissued or alternative policy shall cease on the date such
14 coverage or policy is replaced by another similar policy by the
15 policyholder, the insured, or the Association.

16 (e) When proceeding under this Section with respect to any
17 policy or contract carrying guaranteed minimum interest rates,
18 the Association shall assure the payment or crediting of a rate
19 of interest consistent with subparagraph (2)(b)(iii)(B) of
20 Section 531.03.

21 (f) Nonpayment of premiums thirty-one days after the date
22 required under the terms of any guaranteed, assumed,
23 alternative or reissued policy or contract or substitute
24 coverage shall terminate the Association's obligations under
25 such policy or coverage under this Act with respect to such
26 policy or coverage, except with respect to any claims incurred

1 or any net cash surrender value which may be due in accordance
2 with the provisions of this Act.

3 (g) Premiums due for coverage after entry of an order of
4 liquidation of an insolvent insurer shall belong to and be
5 payable at the direction of the Association, and the
6 Association shall be liable for unearned premiums due to policy
7 or contract owners arising after the entry of such order.

8 (h) In carrying out its duties under paragraph (2) of
9 subsection (a) of this Section, the Association may:

10 (1) subject to approval by a court in this State,
11 impose permanent policy or contract liens in connection
12 with a guarantee, assumption, or reinsurance agreement if
13 the Association finds that the amounts which can be
14 assessed under this Article are less than the amounts
15 needed to assure full and prompt performance of the
16 Association's duties under this Article or that the
17 economic or financial conditions as they affect member
18 insurers are sufficiently adverse to render the imposition
19 of such permanent policy or contract liens to be in the
20 public interest; or

21 (2) subject to approval by a court in this State,
22 impose temporary moratoriums or liens on payments of cash
23 values and policy loans or any other right to withdraw
24 funds held in conjunction with policies or contracts in
25 addition to any contractual provisions for deferral of cash
26 or policy loan value. In addition, in the event of a

1 temporary moratorium or moratorium charge imposed by the
2 receivership court on payment of cash values or policy
3 loans or on any other right to withdraw funds held in
4 conjunction with policies or contracts, out of the assets
5 of the impaired or insolvent insurer, the Association may
6 defer the payment of cash values, policy loans, or other
7 rights by the Association for the period of the moratorium
8 or moratorium charge imposed by the receivership court,
9 except for claims covered by the Association to be paid in
10 accordance with a hardship procedure established by the
11 liquidator or rehabilitator and approved by the
12 receivership court.

13 (i) There shall be no liability on the part of and no cause
14 of action shall arise against the Association or against any
15 transferee from the Association in connection with the transfer
16 by reinsurance or otherwise of all or any part of an impaired
17 or insolvent insurer's business by reason of any action taken
18 or any failure to take any action by the impaired or insolvent
19 insurer at any time.

20 (j) If the Association fails to act within a reasonable
21 period of time as provided in subsection (2) of this Section
22 with respect to an insolvent insurer, the Director shall have
23 the powers and duties of the Association under this Act with
24 regard to such insolvent insurers.

25 (k) The Association or its designated representatives may
26 render assistance and advice to the Director, upon his request,

1 concerning rehabilitation, payment of claims, continuations of
2 coverage, or the performance of other contractual obligations
3 of any impaired or insolvent insurer.

4 (1) The Association shall have standing to appear or
5 intervene before a court or agency in this State with
6 jurisdiction over an impaired or insolvent insurer concerning
7 which the Association is or may become obligated under this
8 Article or with jurisdiction over any person or property
9 against which the Association may have rights through
10 subrogation or otherwise. Standing shall extend to all matters
11 germane to the powers and duties of the Association, including,
12 but not limited to, proposals for reinsuring, modifying, or
13 guaranteeing the policies or contracts of the impaired or
14 insolvent insurer and the determination of the policies or
15 contracts and contractual obligations. The Association shall
16 also have the right to appear or intervene before a court or
17 agency in another state with jurisdiction over an impaired or
18 insolvent insurer for which the Association is or may become
19 obligated or with jurisdiction over any person or property
20 against whom the Association may have rights through
21 subrogation or otherwise.

22 (m) (1) A person receiving benefits under this Article shall
23 be deemed to have assigned the rights under and any causes of
24 action against any person for losses arising under, resulting
25 from, or otherwise relating to the covered policy or contract
26 to the Association to the extent of the benefits received

1 because of this Article, whether the benefits are payments of
2 or on account of contractual obligations, continuation of
3 coverage, or provision of substitute or alternative coverages.
4 The Association may require an assignment to it of such rights
5 and cause of action by any payee, policy, or contract owner,
6 beneficiary, insured, or annuitant as a condition precedent to
7 the receipt of any right or benefits conferred by this Article
8 upon the person.

9 (2) The subrogation rights of the Association under this
10 subsection have the same priority against the assets of the
11 impaired or insolvent insurer as that possessed by the person
12 entitled to receive benefits under this Article.

13 (3) In addition to paragraphs (1) and (2), the Association
14 shall have all common law rights of subrogation and any other
15 equitable or legal remedy that would have been available to the
16 impaired or insolvent insurer or owner, beneficiary, or payee
17 of a policy or contract with respect to the policy or
18 contracts, including without limitation, in the case of a
19 structured settlement annuity, any rights of the owner,
20 beneficiary, or payee of the annuity to the extent of benefits
21 received pursuant to this Article, against a person originally
22 or by succession responsible for the losses arising from the
23 personal injury relating to the annuity or payment therefor,
24 excepting any such person responsible solely by reason of
25 serving as an assignee in respect of a qualified assignment
26 under Internal Revenue Code Section 130.

1 (4) If the preceding provisions of this subsection (1) are
2 invalid or ineffective with respect to any person or claim for
3 any reason, then the amount payable by the Association with
4 respect to the related covered obligations shall be reduced by
5 the amount realized by any other person with respect to the
6 person or claim that is attributable to the policies, or
7 portion thereof, covered by the Association.

8 (5) If the Association has provided benefits with respect
9 to a covered obligation and a person recovers amounts as to
10 which the Association has rights as described in the preceding
11 paragraphs of this subsection (10), then the person shall pay
12 to the Association the portion of the recovery attributable to
13 the policies, or portion thereof, covered by the Association.

14 (n) The Association may:

15 (1) Enter into such contracts as are necessary or
16 proper to carry out the provisions and purposes of this
17 Article.~~†~~

18 (2) Sue or be sued, including taking any legal actions
19 necessary or proper for recovery of any unpaid assessments
20 under Section 531.09. The Association shall not be liable
21 for punitive or exemplary damages.~~†~~

22 (3) Borrow money to effect the purposes of this
23 Article. Any notes or other evidence of indebtedness of the
24 Association not in default are legal investments for
25 domestic insurers and may be carried as admitted assets.

26 (4) Employ or retain such persons as are necessary to

1 handle the financial transactions of the Association, and
2 to perform such other functions as become necessary or
3 proper under this Article.

4 (5) Negotiate and contract with any liquidator,
5 rehabilitator, conservator, or ancillary receiver to carry
6 out the powers and duties of the Association.

7 (6) Take such legal action as may be necessary to
8 avoid payment of improper claims.

9 (7) Exercise, for the purposes of this Article and to
10 the extent approved by the Director, the powers of a
11 domestic life or health insurer, but in no case may the
12 Association issue insurance policies or annuity contracts
13 other than those issued to perform the contractual
14 obligations of the impaired or insolvent insurer.

15 (8) Exercise all the rights of the Director under
16 Section 193(4) of this Code with respect to covered
17 policies after the association becomes obligated by
18 statute.

19 (9) Request information from a person seeking coverage
20 from the Association in order to aid the Association in
21 determining its obligations under this Article with
22 respect to the person, and the person shall promptly comply
23 with the request.

24 (10) Take other necessary or appropriate action to
25 discharge its duties and obligations under this Article or
26 to exercise its powers under this Article.

1 (o) With respect to covered policies for which the
2 Association becomes obligated after an entry of an order of
3 liquidation or rehabilitation, the Association may elect to
4 succeed to the rights of the insolvent insurer arising after
5 the date of the order of liquidation or rehabilitation under
6 any contract of reinsurance to which the insolvent insurer was
7 a party, to the extent that such contract provides coverage for
8 losses occurring after the date of the order of liquidation or
9 rehabilitation. As a condition to making this election, the
10 Association must pay all unpaid premiums due under the contract
11 for coverage relating to periods before and after the date of
12 the order of liquidation or rehabilitation.

13 (p) A deposit in this State, held pursuant to law or
14 required by the Director for the benefit of creditors,
15 including policy owners, not turned over to the domiciliary
16 liquidator upon the entry of a final order of liquidation or
17 order approving a rehabilitation plan of an insurer domiciled
18 in this State or in a reciprocal state, pursuant to Article
19 XIII 1/2 of this Code, shall be promptly paid to the
20 Association. The Association shall be entitled to retain a
21 portion of any amount so paid to it equal to the percentage
22 determined by dividing the aggregate amount of policy owners'
23 claims related to that insolvency for which the Association has
24 provided statutory benefits by the aggregate amount of all
25 policy owners' claims in this State related to that insolvency
26 and shall remit to the domiciliary receiver the amount so paid

1 to the Association less the amount retained pursuant to this
2 subsection (13). Any amount so paid to the Association and
3 retained by it shall be treated as a distribution of estate
4 assets pursuant to applicable State receivership law dealing
5 with early access disbursements.

6 (q) The Board of Directors of the Association shall have
7 discretion and may exercise reasonable business judgment to
8 determine the means by which the Association is to provide the
9 benefits of this Article in an economical and efficient manner.

10 (r) Where the Association has arranged or offered to
11 provide the benefits of this Article to a covered person under
12 a plan or arrangement that fulfills the Association's
13 obligations under this Article, the person shall not be
14 entitled to benefits from the Association in addition to or
15 other than those provided under the plan or arrangement.

16 (s) Venue in a suit against the Association arising under
17 the Article shall be in Cook County. The Association shall not
18 be required to give any appeal bond in an appeal that relates
19 to a cause of action arising under this Article.

20 (t) The Association may join an organization of one or more
21 other State associations of similar purposes to further the
22 purposes and administer the powers and duties of the
23 Association.

24 (u) In carrying out its duties in connection with
25 guaranteeing, assuming, or reinsuring policies or contracts
26 under subsections (1) or (2), the Association may, subject to

1 approval of the receivership court, issue substitute coverage
2 for a policy or contract that provides an interest rate,
3 crediting rate, or similar factor determined by use of an index
4 or other external reference stated in the policy or contract
5 employed in calculating returns or changes in value by issuing
6 an alternative policy or contract in accordance with the
7 following provisions:

8 (1) in lieu of the index or other external reference
9 provided for in the original policy or contract, the
10 alternative policy or contract provides for (i) a fixed
11 interest rate, or (ii) payment of dividends with minimum
12 guarantees, or (iii) a different method for calculating
13 interest or changes in value;

14 (2) there is no requirement for evidence of
15 insurability, waiting period, or other exclusion that
16 would not have applied under the replaced policy or
17 contract; and

18 (3) the alternative policy or contract is
19 substantially similar to the replaced policy or contract in
20 all other material terms.

21 (Source: P.A. 96-1450, eff. 8-20-10; revised 9-16-10.)

22 (215 ILCS 5/1575)

23 Sec. 1575. Contract between public adjuster and insured.

24 (a) Public adjusters shall ensure that all contracts for
25 their services are in writing and contain the following terms:

1 (1) legible full name of the adjuster signing the
2 contract, as specified in Department records;

3 (2) permanent home state business address and phone
4 number;

5 (3) license number;

6 (4) title of "Public Adjuster Contract";

7 (5) the insured's full name, street address, insurance
8 company name, and policy number, if known or upon
9 notification;

10 (6) a description of the loss and its location, if
11 applicable;

12 (7) description of services to be provided to the
13 insured;

14 (8) signatures of the public adjuster and the insured;

15 (9) date and time the contract was signed by the public
16 adjuster and date and time the contract was signed by the
17 insured;

18 (10) attestation language stating that the public
19 adjuster is fully bonded pursuant to State law; and

20 (11) full salary, fee, commission, compensation, or
21 other considerations the public adjuster is to receive for
22 services.

23 (b) The contract may specify that the public adjuster shall
24 be named as a co-payee on an insurer's payment of a claim.

25 (1) If the compensation is based on a share of the
26 insurance settlement, the exact percentage shall be

1 specified.

2 (2) Initial expenses to be reimbursed to the public
3 adjuster from the proceeds of the claim payment shall be
4 specified by type, with dollar estimates set forth in the
5 contract and with any additional expenses first approved by
6 the insured.

7 (3) Compensation provisions in a public adjuster
8 ~~adjusting~~ contract shall not be redacted in any copy of the
9 contract provided to the Director.

10 (c) If the insurer, not later than 5 business days after
11 the date on which the loss is reported to the insurer, either
12 pays or commits in writing to pay to the insured the policy
13 limit of the insurance policy, the public adjuster shall:

14 (1) not receive a commission consisting of a percentage
15 of the total amount paid by an insurer to resolve a claim;

16 (2) inform the insured that loss recovery amount might
17 not be increased by insurer; and

18 (3) be entitled only to reasonable compensation from
19 the insured for services provided by the public adjuster on
20 behalf of the insured, based on the time spent on a claim
21 and expenses incurred by the public adjuster, until the
22 claim is paid or the insured receives a written commitment
23 to pay from the insurer.

24 (d) A public adjuster shall provide the insured a written
25 disclosure concerning any direct or indirect financial
26 interest that the public adjuster has with any other party who

1 is involved in any aspect of the claim, other than the salary,
2 fee, commission, or other consideration established in the
3 written contract with the insured, including, but not limited
4 to, any ownership of or any compensation expected to be
5 received from, any construction firm, salvage firm, building
6 appraisal firm, board-up company, or any other firm that
7 provides estimates for work, or that performs any work, in
8 conjunction with damages caused by the insured loss on which
9 the public adjuster is engaged. The word "firm" shall include
10 any corporation, partnership, association, joint-stock
11 company, or person.

12 (e) A public adjuster contract may not contain any contract
13 term that:

14 (1) allows the public adjuster's percentage fee to be
15 collected when money is due from an insurance company, but
16 not paid, or that allows a public adjuster to collect the
17 entire fee from the first check issued by an insurance
18 company, rather than as a percentage of each check issued
19 by an insurance company;

20 (2) requires the insured to authorize an insurance
21 company to issue a check only in the name of the public
22 adjuster;

23 (3) precludes a public adjuster or an insured from
24 pursuing civil remedies;

25 (4) includes any hold harmless agreement that provides
26 indemnification to the public adjuster by the insured for

1 liability resulting from the public adjuster's negligence;

2 or

3 (5) provides power of attorney by which the public
4 adjuster can act in the place and instead of the insured.

5 (f) The following provisions apply to a contract between a
6 public adjuster and an insured:

7 (1) Prior to the signing of the contract, the public
8 adjuster shall provide the insured with a separate signed
9 and dated disclosure document regarding the claim process
10 that states:

11 "Property insurance policies obligate the insured to
12 present a claim to his or her insurance company for
13 consideration. There are 3 types of adjusters that could be
14 involved in that process. The definitions of the 3 types
15 are as follows:

16 (A) "Company adjuster" means the insurance
17 adjusters who are employees of an insurance company.
18 They represent the interest of the insurance company
19 and are paid by the insurance company. They will not
20 charge you a fee.

21 (B) "Independent adjuster" means the insurance
22 adjusters who are hired on a contract basis by an
23 insurance company to represent the insurance company's
24 interest in the settlement of the claim. They are paid
25 by your insurance company. They will not charge you a
26 fee.

1 (C) "Public adjuster" means the insurance
2 adjusters who do not work for any insurance company.
3 They work for the insured to assist in the preparation,
4 presentation and settlement of the claim. The insured
5 hires them by signing a contract agreeing to pay them a
6 fee or commission based on a percentage of the
7 settlement, or other method of compensation."

8 (2) The insured is not required to hire a public
9 adjuster to help the insured meet his or her obligations
10 under the policy, but has the right to do so.

11 (3) The public adjuster is not a representative or
12 employee of the insurer.

13 (4) The salary, fee, commission, or other
14 consideration is the obligation of the insured, not the
15 insurer, except when rights have been assigned to the
16 public adjuster by the insured.

17 (g) The contracts shall be executed in duplicate to provide
18 an original contract to the public adjuster, and an original
19 contract to the insured. The public adjuster's original
20 contract shall be available at all times for inspection without
21 notice by the Director.

22 (h) The public adjuster shall provide the insurer with an
23 exact copy of the contract by the insured, authorizing the
24 public adjuster to represent the insured's interest.

25 (i) The public adjuster shall give the insured written
26 notice of the insured's rights as a consumer under the law of

1 this State.

2 (j) A public adjuster shall not provide services until a
3 written contract with the insured has been executed, on a form
4 filed with and approved by the Director. At the option of the
5 insured, any such contract shall be voidable for 5 business
6 days after execution. The insured may void the contract by
7 notifying the public adjuster in writing by (i) registered or
8 certified mail, return receipt requested, to the address shown
9 on the contract or (ii) personally serving the notice on the
10 public adjuster.

11 (k) If the insured exercises the right to rescind the
12 contract, anything of value given by the insured under the
13 contract will be returned to the insured within 15 business
14 days following the receipt by the public adjuster of the
15 cancellation notice.

16 (Source: P.A. 96-1332, eff. 1-1-11; revised 9-16-10.)

17 Section 335. The Comprehensive Health Insurance Plan Act is
18 amended by renumbering Sections 14.05 and 15 as follows:

19 (215 ILCS 105/15)

20 Sec. 15 ~~14.05~~. Alternative portable coverage for federally
21 eligible individuals.

22 (a) Notwithstanding the requirements of subsection a. of
23 Section 7 and except as otherwise provided in this Section, any
24 federally eligible individual for whom a Plan application, and

1 such enclosures and supporting documentation as the Board may
2 require, is received by the Board within 90 days after the
3 termination of prior creditable coverage shall qualify to
4 enroll in the Plan under the portability provisions of this
5 Section.

6 A federally eligible person who has been certified as
7 eligible pursuant to the federal Trade Act of 2002 and whose
8 Plan application and enclosures and supporting documentation
9 as the Board may require is received by the Board within 63
10 days after the termination of previous creditable coverage
11 shall qualify to enroll in the Plan under the portability
12 provisions of this Section.

13 (b) Any federally eligible individual seeking Plan
14 coverage under this Section must submit with his or her
15 application evidence, including acceptable written
16 certification of previous creditable coverage, that will
17 establish to the Board's satisfaction, that he or she meets all
18 of the requirements to be a federally eligible individual and
19 is currently and permanently residing in this State (as of the
20 date his or her application was received by the Board).

21 (c) Except as otherwise provided in this Section, a period
22 of creditable coverage shall not be counted, with respect to
23 qualifying an applicant for Plan coverage as a federally
24 eligible individual under this Section, if after such period
25 and before the application for Plan coverage was received by
26 the Board, there was at least a 90 day period during all of

1 which the individual was not covered under any creditable
2 coverage.

3 For a federally eligible person who has been certified as
4 eligible pursuant to the federal Trade Act of 2002, a period of
5 creditable coverage shall not be counted, with respect to
6 qualifying an applicant for Plan coverage as a federally
7 eligible individual under this Section, if after such period
8 and before the application for Plan coverage was received by
9 the Board, there was at least a 63 day period during all of
10 which the individual was not covered under any creditable
11 coverage.

12 (d) Any federally eligible individual who the Board
13 determines qualifies for Plan coverage under this Section shall
14 be offered his or her choice of enrolling in one of alternative
15 portability health benefit plans which the Board is authorized
16 under this Section to establish for these federally eligible
17 individuals and their dependents.

18 (e) The Board shall offer a choice of health care coverages
19 consistent with major medical coverage under the alternative
20 health benefit plans authorized by this Section to every
21 federally eligible individual. The coverages to be offered
22 under the plans, the schedule of benefits, deductibles,
23 co-payments, exclusions, and other limitations shall be
24 approved by the Board. One optional form of coverage shall be
25 comparable to comprehensive health insurance coverage offered
26 in the individual market in this State or a standard option of

1 coverage available under the group or individual health
2 insurance laws of the State. The standard benefit plan that is
3 authorized by Section 8 of this Act may be used for this
4 purpose. The Board may also offer a preferred provider option
5 and such other options as the Board determines may be
6 appropriate for these federally eligible individuals who
7 qualify for Plan coverage pursuant to this Section.

8 (f) Notwithstanding the requirements of subsection f. of
9 Section 8, any plan coverage that is issued to federally
10 eligible individuals who qualify for the Plan pursuant to the
11 portability provisions of this Section shall not be subject to
12 any preexisting conditions exclusion, waiting period, or other
13 similar limitation on coverage.

14 (g) Federally eligible individuals who qualify and enroll
15 in the Plan pursuant to this Section shall be required to pay
16 such premium rates as the Board shall establish and approve in
17 accordance with the requirements of Section 7.1 of this Act.

18 (h) A federally eligible individual who qualifies and
19 enrolls in the Plan pursuant to this Section must satisfy on an
20 ongoing basis all of the other eligibility requirements of this
21 Act to the extent not inconsistent with the federal Health
22 Insurance Portability and Accountability Act of 1996 in order
23 to maintain continued eligibility for coverage under the Plan.

24 (Source: P.A. 95-331, eff. 8-21-07; revised 10-5-10.)

1 Sec. 99 ~~15~~. This Act takes effect July 1, 1987.

2 (Source: P.A. 95-331, eff. 8-21-07; revised 10-5-10.)

3 Section 340. The Health Maintenance Organization Act is
4 amended by changing Section 6-8 as follows:

5 (215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

6 Sec. 6-8. Powers and duties of the Association. In addition
7 to the powers and duties enumerated in other Sections of this
8 Article, the Association shall have the powers set forth in
9 this Section.

10 (1) If a domestic organization is an impaired organization,
11 the Association may, subject to any conditions imposed by the
12 Association other than those which impair the contractual
13 obligations of the impaired organization, and approved by the
14 impaired organization and the Director:

15 (a) guarantee, assume, or reinsure, or cause to be
16 guaranteed, assumed or reinsured, any or all of the covered
17 health care plan certificates of covered persons of the
18 impaired organization;

19 (b) provide such monies, pledges, notes, guarantees,
20 or other means as are proper to effectuate paragraph (a),
21 and assure payment of the contractual obligations of the
22 impaired organization pending action under paragraph (a);
23 and

24 (c) loan money to the impaired organization.

1 (2) If a domestic, foreign, or alien organization is an
2 insolvent organization, the Association shall, subject to the
3 approval of the Director:

4 (a) guarantee, assume, indemnify or reinsure or cause
5 to be guaranteed, assumed, indemnified or reinsured the
6 covered health care plan benefits of covered persons of the
7 insolvent organization; however, in the event that the
8 Director of Healthcare and Family Services (formerly
9 Director of the Department of Public Aid) assigns
10 individuals that are recipients of public aid from an
11 insolvent organization to another organization, the
12 Director of Healthcare and Family Services shall, before
13 fixing the rates to be paid by the Department of Healthcare
14 and Family Services to the transferee organization on
15 account of such individuals, consult with the Director of
16 the Department of Insurance as to the reasonableness of
17 such rates in light of the health care needs of such
18 individuals and the costs of providing health care services
19 to such individuals;

20 (b) assure payment of the contractual obligations of
21 the insolvent organization to covered persons;

22 (c) make payments to providers of health care, or
23 indemnity payments to covered persons, so as to assure the
24 continued payment of benefits substantially similar to
25 those provided for under covered health care plan
26 certificate issued by the insolvent organization to

1 covered persons; and

2 (d) provide such monies, pledges, notes, guaranties,
3 or other means as are reasonably necessary to discharge
4 such duties.

5 This subsection (2) shall not apply when the Director has
6 determined that the foreign or alien organization's
7 domiciliary jurisdiction or state of entry provides, by
8 statute, protection substantially similar to that provided by
9 this Article for residents of this State and such protection
10 will be provided in a timely manner.

11 (3) There shall be no liability on the part of and no cause
12 of action shall arise against the Association or against any
13 transferee from the Association in connection with the transfer
14 by reinsurance or otherwise of all or any part of an impaired
15 or insolvent organization's business by reason of any action
16 taken or any failure to take any action by the impaired or
17 insolvent organization at any time.

18 (4) If the Association fails to act within a reasonable
19 period of time as provided in subsection (2) of this Section
20 with respect to an insolvent organization, the Director shall
21 have the powers and duties of the Association under this
22 Article with regard to such insolvent organization.

23 (5) The Association or its designated representatives may
24 render assistance and advice to the Director, upon his request,
25 concerning rehabilitation, payment of claims, continuations of
26 coverage, or the performance of other contractual obligations

1 of any impaired or insolvent organization.

2 (6) The Association has standing to appear before any court
3 concerning all matters germane to the powers and duties of the
4 Association, including, but not limited to, proposals for
5 reinsuring or guaranteeing the covered health care plan
6 certificates of the impaired or insolvent organization and the
7 determination of the covered health care plan certificates and
8 contractual obligations.

9 (7) (a) Any person receiving benefits under this Article is
10 deemed to have assigned the rights under the covered health
11 care plan certificates to the Association to the extent of the
12 benefits received because of this Article whether the benefits
13 are payments of contractual obligations or continuation of
14 coverage. The Association may require an assignment to it of
15 such rights by any payee, enrollee or beneficiary as a
16 condition precedent to the receipt of any rights or benefits
17 conferred by this Article upon such person. The Association is
18 subrogated to these rights against the assets of any insolvent
19 organization and against any other party who may be liable to
20 such payee, enrollee or beneficiary.

21 (b) The subrogation rights of the Association under this
22 subsection have the same priority against the assets of the
23 insolvent organization as that possessed by the person entitled
24 to receive benefits under this Article.

25 (8) (a) The contractual obligations of the insolvent
26 organization for which the Association becomes or may become

1 liable are as great as but no greater than the contractual
2 obligations of the insolvent organization would have been in
3 the absence of an insolvency unless such obligations are
4 reduced as permitted by subsection (3), but the aggregate
5 liability of the Association shall not exceed \$300,000 with
6 respect to any one natural person.

7 (b) Furthermore, the Association shall not be required to
8 pay, and shall have no liability to, any provider of health
9 care services to an enrollee:

10 (i) if such provider, or his or its affiliates or
11 members of his immediate family, at any time within the one
12 year prior to the date of the issuance of the first order,
13 by a court of competent jurisdiction, of conservation,
14 rehabilitation or liquidation pertaining to the health
15 maintenance organization:

16 (A) was a securityholder of such organization (but
17 excluding any securityholder holding an equity
18 interest of 5% or less);

19 (B) exercised control over the organization by
20 means such as serving as an officer or director,
21 through a management agreement or as a principal member
22 of a not-for-profit organization;

23 (C) had a representative serving by virtue of ~~or~~
24 his or her official position as a representative of
25 such provider on the board of any entity which
26 exercised control over the organization;

1 (D) received provider payments made by such
2 organization pursuant to a contract which was not a
3 product of arms-length bargaining; or

4 (E) received distributions other than for
5 physician services from a not-for-profit organization
6 on account of such provider's status as a member of
7 such organization.

8 For purposes of this subparagraph (i), the terms
9 "affiliate," "person," "control" and "securityholder"
10 shall have the meanings ascribed to such terms in Section
11 131.1 of the Illinois Insurance Code; or

12 (ii) if and to the extent such a provider has agreed by
13 contract not to seek payment from the enrollee for services
14 provided to such enrollee or if, and to the extent, as a
15 matter of law such provider may not seek payment from the
16 enrollee for services provided to such enrollee; ~~or.~~

17 (iii) related to any policy, contract, or certificate
18 providing any hospital, medical, prescription drug, or
19 other health care benefits pursuant to Part C or Part D of
20 Subchapter XVIII, Chapter 7 of Title 42 of the United
21 States Code (commonly known as Medicare Part C & D) or any
22 regulations issued pursuant thereto; or

23 (iv) for any portion of a policy, contract, or
24 certificate to the extent that the assessments required by
25 this Article with respect to the policy or contract are
26 preempted or otherwise not permitted by federal or State

1 law; or

2 (v) for any obligation that does not arise under the
3 express written terms of the policy or contract issued by
4 the organization to the contract owner or policy owner,
5 including without limitation:

6 (A) claims based on marketing materials;

7 (B) claims based on side letters, riders, or other
8 documents that were issued by the insurer without
9 meeting applicable policy form filing or approval
10 requirements;

11 (C) misrepresentations of or regarding policy
12 benefits;

13 (D) extra-contractual claims; or

14 (E) claims for penalties or consequential or
15 incidental damages.

16 (c) In no event shall the Association be required to pay
17 any provider participating in the insolvent organization any
18 amount for in-plan services rendered by such provider prior to
19 the insolvency of the organization in excess of (1) the amount
20 provided by a capitation contract between a physician provider
21 and the insolvent organization for such services; or (2) the
22 amounts provided by contract between a hospital provider and
23 the Department of Healthcare and Family Services (formerly
24 Department of Public Aid) for similar services to recipients of
25 public aid; or (3) in the event neither (1) nor (2) above is
26 applicable, then the amounts paid under the Medicare area

1 prevailing rate for the area where the services were provided,
2 or if no such rate exists with respect to such services, then
3 80% of the usual and customary rates established by the Health
4 Insurance Association of America. The payments required to be
5 made by the Association under this Section shall constitute
6 full and complete payment for such provider services to the
7 enrollee.

8 (d) The Association shall not be required to pay more than
9 an aggregate of \$300,000 for any organization which is declared
10 to be insolvent prior to July 1, 1987, and such funds shall be
11 distributed first to enrollees who are not public aid
12 recipients pursuant to a plan recommended by the Association
13 and approved by the Director and the court having jurisdiction
14 over the liquidation.

15 (9) The Association may:

16 (a) Enter into such contracts as are necessary or
17 proper to carry out the provisions and purposes of this
18 Article.

19 (b) Sue or be sued, including taking any legal actions
20 necessary or proper for recovery of any unpaid assessments
21 under Section 6-9. The Association shall not be liable for
22 punitive or exemplary damages.

23 (c) Borrow money to effect the purposes of this
24 Article. Any notes or other evidence of indebtedness of the
25 Association not in default are legal investments for
26 domestic organizations and may be carried as admitted

1 assets.

2 (d) Employ or retain such persons as are necessary to
3 handle the financial transactions of the Association, and
4 to perform such other functions as become necessary or
5 proper under this Article.

6 (e) Negotiate and contract with any liquidator,
7 rehabilitator, conservator, or ancillary receiver to carry
8 out the powers and duties of the Association.

9 (f) Take such legal action as may be necessary to avoid
10 payment of improper claims.

11 (g) Exercise, for the purposes of this Article and to
12 the extent approved by the Director, the powers of a
13 domestic organization, but in no case may the Association
14 issue evidence of coverage other than that issued to
15 perform the contractual obligations of the impaired or
16 insolvent organization.

17 (h) Exercise all the rights of the Director under
18 Section 193(4) of the Illinois Insurance Code with respect
19 to covered health care plan certificates after the
20 association becomes obligated by statute.

21 (i) Request information from a person seeking coverage
22 from the Association in order to aid the Association in
23 determining its obligations under this Article with
24 respect to the person and the person shall promptly comply
25 with the request.

26 (j) Take other necessary or appropriate action to

1 discharge its duties and obligations under this Article or
2 to exercise its powers under this Article.

3 (10) The obligations of the Association under this Article
4 shall not relieve any reinsurer, insurer or other person of its
5 obligations to the insolvent organization (or its conservator,
6 rehabilitator, liquidator or similar official) or its
7 enrollees, including without limitation any reinsurer, insurer
8 or other person liable to the insolvent insurer (or its
9 conservator, rehabilitator, liquidator or similar official) or
10 its enrollees under any contract of reinsurance, any contract
11 providing stop loss coverage or similar coverage or any health
12 care contract. With respect to covered health care plan
13 certificates for which the Association becomes obligated after
14 an entry of an order of liquidation or rehabilitation, the
15 Association may elect to succeed to the rights of the insolvent
16 organization arising after the date of the order of liquidation
17 or rehabilitation under any contract of reinsurance, any
18 contract providing stop loss coverage or similar coverages or
19 any health care service contract to which the insolvent
20 organization was a party, on the terms set forth under such
21 contract, to the extent that such contract provides coverage
22 for health care services provided after the date of the order
23 of liquidation or rehabilitation. As a condition to making this
24 election, the Association must pay premiums for coverage
25 relating to periods after the date of the order of liquidation
26 or rehabilitation.

1 (11) The Association shall be entitled to collect premiums
2 due under or with respect to covered health care certificates
3 for a period from the date on which the domestic, foreign, or
4 alien organization became an insolvent organization until the
5 Association no longer has obligations under subsection (2) of
6 this Section with respect to such certificates. The
7 Association's obligations under subsection (2) of this Section
8 with respect to any covered health care plan certificates shall
9 terminate in the event that all such premiums due under or with
10 respect to such covered health care plan certificates are not
11 paid to the Association (i) within 30 days of the Association's
12 demand therefor, or (ii) in the event that such certificates
13 provide for a longer grace period for payment of premiums after
14 notice of non-payment or demand therefor, within the lesser of
15 (A) the period provided for in such certificates or (B) 60
16 days.

17 (12) The Board of Directors of the Association shall have
18 discretion and may exercise reasonable business judgment to
19 determine the means by which the Association is to provide the
20 benefits of this Article in an economical and efficient manner.

21 (13) Where the Association has arranged or offered to
22 provide the benefits of this Article to a covered person under
23 a plan or arrangement that fulfills the Association's
24 obligations under this Article, the person shall not be
25 entitled to benefits from the Association in addition to or
26 other than those provided under the plan or arrangement.

1 (14) Venue in a suit against the Association arising under
2 the Article shall be in Cook County. The Association shall not
3 be required to give any appeal bond in an appeal that relates
4 to a cause of action arising under this Article.

5 (Source: P.A. 95-331, eff. 8-21-07; 96-1450, eff. 8-20-10;
6 revised 9-16-10.)

7 Section 345. The Health Carrier External Review Act is
8 amended by changing Section 40 as follows:

9 (215 ILCS 180/40)

10 Sec. 40. Expedited external review.

11 (a) A covered person or a covered person's authorized
12 representative may file a request for an expedited external
13 review with the health carrier either orally or in writing:

14 (1) immediately after the date of receipt of a notice
15 prior to a final adverse determination as provided by
16 subsection (b) of Section 20 of this Act;

17 (2) immediately after the date of receipt of a notice
18 upon a final adverse determination as provided by
19 subsection (c) of Section 20 of this Act; or

20 (3) if a health carrier fails to provide a decision on
21 request for an expedited internal appeal within 48 hours as
22 provided by item (2) of Section 30 of this Act.

23 (b) Immediately upon receipt of the request for an
24 expedited external review as provided under subsections (b) and

1 (c) of Section 20, the health carrier shall determine whether
2 the request meets the reviewability requirements set forth in
3 items (1), (2), and (4) of subsection (b) of Section 35. In
4 such cases, the following provisions shall apply:

5 (1) The health carrier shall immediately notify the
6 covered person and, if applicable, the covered person's
7 authorized representative of its eligibility
8 determination.

9 (2) The notice of initial determination shall include a
10 statement informing the covered person and, if applicable,
11 the covered person's authorized representative that a
12 health carrier's initial determination that an external
13 review request is ineligible for review may be appealed to
14 the Director.

15 (3) The Director may determine that a request is
16 eligible for expedited external review notwithstanding a
17 health carrier's initial determination that the request is
18 ineligible and require that it be referred for external
19 review.

20 (4) In making a determination under item (3) of this
21 subsection (b), the Director's decision shall be made in
22 accordance with the terms of the covered person's health
23 benefit plan and shall be subject to all applicable
24 provisions of this Act.

25 (c) Upon determining that a request meets the requirements
26 of subsections (b) and (c) of Section 20, the health carrier

1 shall immediately assign an independent review organization
2 from the list of approved independent review organizations
3 compiled and maintained by the Director to conduct the
4 expedited review. In such cases, the following provisions shall
5 apply:

6 (1) The assignment of an approved independent review
7 organization to conduct an external review in accordance
8 with this Section shall be made from those approved
9 independent review organizations qualified to conduct
10 external review as required by Sections 50 and 55 of this
11 Act.

12 (2) Immediately upon assigning an independent review
13 organization to perform an expedited external review, but
14 in no case more than 24 hours after assigning the
15 independent review organization, the health carrier or its
16 designee utilization review organization shall provide or
17 transmit all necessary documents and information
18 considered in making the final adverse determination to the
19 assigned independent review organization electronically or
20 by telephone or facsimile or any other available
21 expeditious method.

22 (3) If the health carrier or its utilization review
23 organization fails to provide the documents and
24 information within the specified timeframe, the assigned
25 independent review organization may terminate the external
26 review and make a decision to reverse the adverse

1 determination or final adverse determination.

2 (4) Within one business day after making the decision
3 to terminate the external review and make a decision to
4 reverse the adverse determination or final adverse
5 determination under item (3) of this subsection (c), the
6 independent review organization shall notify the health
7 carrier, the covered person and, if applicable, the covered
8 person's authorized representative of its decision to
9 reverse the adverse determination.

10 (d) In addition to the documents and information provided
11 by the health carrier or its utilization review organization
12 and any documents and information provided by the covered
13 person and the covered person's authorized representative, the
14 independent review organization shall consider information as
15 required by subsection (i) of Section 35 of this Act in
16 reaching a decision.

17 (e) As expeditiously as the covered person's medical
18 condition or circumstances requires, but in no event more than
19 2 business days after the receipt of all pertinent information,
20 the assigned independent review organization shall:

21 (1) make a decision to uphold or reverse the final
22 adverse determination; and

23 (2) notify the health carrier, the covered person, the
24 covered person's health care provider, and if applicable,
25 the covered person's authorized representative, of the
26 decision.

1 (f) In reaching a decision, the assigned independent review
2 organization is not bound by any decisions or conclusions
3 reached during the health carrier's utilization review process
4 or the health carrier's internal grievance process as set forth
5 in the Managed Care Reform and Patient Rights Act.

6 (g) Upon receipt of notice of a decision reversing the
7 final adverse determination, the health carrier shall
8 immediately approve the coverage that was the subject of the
9 final adverse determination.

10 (h) Within 48 hours after the date of providing the notice
11 required in item (2) of subsection (e), the assigned
12 independent review organization shall provide written
13 confirmation of the decision to the health carrier, the covered
14 person, and if applicable, the covered person's authorized
15 representative including the information set forth in
16 subsection (j) of Section 35 of this Act as applicable.

17 (i) An expedited external review may not be provided for
18 retrospective adverse or final adverse determinations.

19 (Source: P.A. 96-857, eff. 7-1-10; revised 9-16-10.)

20 Section 350. The Public Utilities Act is amended by
21 changing Section 8-505.1 and by setting forth and renumbering
22 multiple versions of Section 13-900.1 as follows:

23 (220 ILCS 5/8-505.1)

24 Sec. 8-505.1. Non-emergency vegetation management

1 activities.

2 (a) Except as provided in subsections (b), (c), and (d), in
3 conducting its non-emergency vegetation management activities,
4 an electric public utility shall:

5 (1) Follow the most current tree care and maintenance
6 standard practices set forth in ANSI A300 published by the
7 American National Standards Institute and the most current
8 applicable Occupational Safety and Health Administration
9 regulations regarding worker safety.

10 (2) Provide direct notice of vegetation management
11 activities no less than 21 days nor more than 90 days
12 before the activities begin.

13 (A) If the vegetation management activities will
14 occur in an incorporated municipality, the notice must
15 be given to the mayor or his or her designee.

16 (B) If the vegetation management activities will
17 occur in an unincorporated area, the notice must be
18 given to the chairman of the county board or his or her
19 designee.

20 (C) Affected customers shall be notified directly.

21 (D) Affected property owners shall be notified by a
22 published notice in a newspaper or newspapers in
23 general circulation and widely distributed within the
24 entire area in which the vegetation management
25 activities notice will occur.

26 (E) Circuit maps or a description by common address

1 of the area to be affected by vegetation management
2 activities must accompany any notice to a mayor or his
3 or her designee or to a chairman of a county board or
4 his or her designee.

5 ~~(3)~~ The electric public utility giving the direct and
6 published notices required in this subsection (a) (2) shall
7 provide notified customers and property owners with (i) a
8 statement of the vegetation management activities planned,
9 (ii) the address of a website and a toll-free telephone
10 number at which a written disclosure of all dispute
11 resolution opportunities and processes, rights, and
12 remedies provided by the electric public utility may be
13 obtained, (iii) a statement that the customer and the
14 property owner may appeal the planned vegetation
15 management activities through the electric public utility
16 and the Illinois Commerce Commission, (iv) a toll-free
17 telephone number through which communication may be had
18 with a representative of the electric public utility
19 regarding the vegetation management activities, and (v)
20 the telephone number of the Consumer Affairs Officer of the
21 Illinois Commerce Commission. The notice shall also
22 include a statement that circuit maps and common addresses
23 of the area to be affected by the vegetation management
24 activities are on file with the office of the mayor of an
25 affected municipality or his or her designee and the office
26 of the county board chairman of an affected county or his

1 or her designee.

2 The Commission shall have sole authority to investigate,
3 issue, and hear complaints against the utility under this
4 subsection (a).

5 (b) A public utility shall not be required to comply with
6 the requirements of subsection (d) or of paragraph ~~paragraphs~~
7 (2) ~~and (3)~~ of subsection (a) when it is taking actions
8 directly related to an emergency to restore reliable service
9 after interruptions of service.

10 (c) A public utility shall not be required to comply with
11 the requirements of subsection (a) or (d) if there is a
12 franchise, contract, or written agreement between the public
13 utility and the municipality or county mandating specific
14 vegetation management practices. If the franchise, contract,
15 or written agreement between the public utility and the
16 municipality or county establishes requirements for notice to
17 the municipality, county, customers, and property owners,
18 those notice requirements shall control over the notice
19 requirements of paragraph ~~paragraphs~~ (2) ~~and (3)~~ of subsection
20 (a). If the franchise, contract, or written agreement between
21 the public utility and the municipality or county does not
22 establish notice requirements, the notice requirements
23 contained in paragraph ~~paragraphs~~ (2) ~~and (3)~~ of subsection (a)
24 shall control.

25 (d) If no franchise, contract, or written agreement between
26 a utility and a municipality mandates a specific vegetation

1 management practice and the municipality enacts an ordinance
2 establishing standards for non-emergency vegetation management
3 practices that are contrary to the standards established by
4 this Section and the vegetation management activities of the
5 electric public utility cost substantially more, as a direct
6 consequence, then the electric public utility may, before
7 vegetation management activities begin, apply to the
8 municipality for an agreement to pay the additional cost. When
9 an application for an agreement is made to the municipality, no
10 vegetation management activities shall begin until the
11 municipality responds to the application by agreement or
12 rejection or dispute resolution proceedings are completed. The
13 application shall be supported by a detailed specification of
14 the difference between the standards established by this
15 Section and the contrary standards established by the municipal
16 ordinances and by a good faith bid or proposal obtained from a
17 utility contractor or contractors quantifying the additional
18 cost for performing the specification. When the municipality
19 receives the specification and the utility contractor's bid or
20 proposal, the municipality shall agree, reject, or initiate
21 dispute resolution proceedings regarding the application
22 within 90 days after the application's receipt. If the
23 municipality does not act within 90 days or informs the utility
24 that it will not agree, the electric public utility may proceed
25 and need not comply with the contrary ordinance standard. When
26 there is a dispute regarding (i) the accuracy of the

1 specification, (ii) whether there is a conflict with the
2 standards established by this Section, or (iii) any aspect of
3 the bid or proposal process, the Illinois Commerce Commission
4 shall hear and resolve the disputed matter or matters, with the
5 electric public utility having the burden of proof. A
6 municipality may have a person trained in tree care and
7 maintenance generally monitor and discuss with the vegetation
8 management supervisory personnel of the electric public
9 utility the performance of the public utility's vegetation
10 management activities without any claim for costs hereunder by
11 the public utility arising therefrom.

12 The provisions of this Section shall not in any way
13 diminish or replace other civil or administrative remedies
14 available to a customer or class of customers or a property
15 owner or class of property owners under this Act. This Section
16 does not alter the jurisdiction of the Illinois Commerce
17 Commission in any manner except to obligate the Commission to
18 investigate, issue, and hear complaints against an electric
19 public utility as provided in subsection (a) (2) ~~(a) (3)~~ and to
20 hear and resolve disputed matters brought to it as provided in
21 this subsection. Vegetation management activities by an
22 electric public utility shall not alter, trespass upon, or
23 limit the rights of any property owner.

24 (Source: P.A. 91-902, eff. 7-6-00; 92-214, eff. 8-2-01; revised
25 9-16-10.)

1 (220 ILCS 5/13-900.1)

2 (Section scheduled to be repealed on July 1, 2013)

3 Sec. 13-900.1. Authority over 9-1-1 rates and terms of
4 service. Notwithstanding any other provision of this Article,
5 the Commission retains its full authority over the rates and
6 service quality as they apply to 9-1-1 system providers,
7 including the Commission's existing authority over
8 interconnection with 9-1-1 system providers and 9-1-1 systems.
9 The rates, terms, and conditions for 9-1-1 service shall be
10 tariffed and shall be provided in the manner prescribed by this
11 Act and shall be subject to the applicable laws, including
12 rules or regulations adopted and orders issued by the
13 Commission or the Federal Communications Commission. The
14 Commission retains this full authority regardless of the
15 technologies utilized or deployed by 9-1-1 system providers.

16 (Source: P.A. 96-927, eff. 6-15-10.)

17 (220 ILCS 5/13-900.3)

18 (Section scheduled to be repealed on July 1, 2013)

19 Sec. 13-900.3 ~~13-900.1~~. Regulatory flexibility for 9-1-1
20 system providers.

21 (a) For purposes of this Section, "Regional Pilot Project"
22 to implement next generation 9-1-1 has the same meaning as that
23 term is defined in Section 2.22 of the Emergency Telephone
24 System Act.

25 (b) For the limited purpose of a Regional Pilot Project to

1 implement next generation 9-1-1, as defined in Section 13-900
2 of this Article, the Commission may forbear from applying any
3 rule or provision of Section 13-900 as it applies to
4 implementation of the Regional Pilot Project to implement next
5 generation 9-1-1 if the Commission determines, after notice and
6 hearing, that: (1) enforcement of the rule is not necessary to
7 ensure the development and improvement of emergency
8 communication procedures and facilities in such a manner as to
9 be able to quickly respond to any person requesting 9-1-1
10 services from police, fire, medical, rescue, and other
11 emergency services; (2) enforcement of the rule or provision is
12 not necessary for the protection of consumers; and (3)
13 forbearance from applying such provisions or rules is
14 consistent with the public interest. The Commission may
15 exercise such forbearance with respect to one, and only one,
16 Regional Pilot Project as authorized by Sections 10 and 11 of
17 the Emergency Telephone Systems Act to implement next
18 generation 9-1-1.

19 (Source: P.A. 96-1443, eff. 8-20-10; revised 9-7-10.)

20 Section 355. The Environmental Health Practitioner
21 Licensing Act is amended by renumbering Section 99 as follows:

22 (225 ILCS 37/999)

23 (Section scheduled to be repealed on January 1, 2019)

24 Sec. 999 ~~99~~. This Act takes effect July 1, 1993.

1 (Source: P.A. 87-1223; revised 2-22-10.)

2 Section 360. The Funeral Directors and Embalmers Licensing
3 Code is amended by changing Section 15-45 as follows:

4 (225 ILCS 41/15-45)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 15-45. Practice without license; injunction; cease
7 and desist order; civil penalties.

8 (a) The practice of funeral directing and embalming or
9 funeral directing by any person who has not been issued a
10 license by the Department, whose license has been suspended or
11 revoked, or whose license has not been renewed is hereby
12 declared to be inimical to the public welfare and to constitute
13 a public nuisance. The Secretary may, in the name of the People
14 of the State of Illinois through the Attorney General of the
15 State of Illinois, or the State's Attorney of any county in the
16 State of Illinois, apply for an injunction in the circuit court
17 to enjoin any person who has not been issued a license or whose
18 license has been suspended or revoked, or whose license has not
19 been renewed, from practicing funeral directing and embalming
20 or funeral directing. Upon the filing of a verified complaint
21 in court, the court, if satisfied by affidavit or otherwise
22 that the person is or has been practicing funeral directing and
23 embalming or funeral directing without having been issued a
24 license or after his or her license has been suspended,

1 revoked, or not renewed, may issue a temporary restraining
2 order or preliminary injunction, without notice or bond,
3 enjoining the defendant from further practicing funeral
4 directing and embalming or funeral directing. A copy of the
5 verified complaint shall be served upon the defendant and the
6 proceedings shall thereafter be conducted as in other civil
7 cases. If it is established that the defendant has been or is
8 practicing funeral directing and embalming or funeral
9 directing without having been issued a license or has been or
10 is practicing funeral directing and embalming or funeral
11 directing after his or her license has been suspended, revoked,
12 or not renewed, the court may enter a judgment perpetually
13 enjoining the defendant from further practicing funeral
14 directing and embalming or funeral directing. In case of
15 violation of any injunction entered under this Section, the
16 court may summarily try and punish the offender for contempt of
17 court. Any injunction proceeding shall be in addition to, and
18 not in lieu of, all penalties and other remedies in this Code.

19 (b) Whenever, in the opinion of the Department, any person
20 or other entity violates any provision of this Code, the
21 Department may issue a notice to show cause why an order to
22 cease and desist should not be entered against that person or
23 other entity. The rule shall clearly set forth the grounds
24 relied upon by the Department and shall provide a period of 7
25 days from the date of the rule to file an answer to the
26 satisfaction of the Department. Failure to answer to the

1 satisfaction of the Department shall cause an order to cease
2 and desist to be issued immediately.

3 (c) ~~(1)~~ (Blank).

4 ~~(2) (Blank)~~.

5 (Source: P.A. 96-1463, eff. 1-1-11; revised 9-16-10.)

6 Section 365. The Illinois Optometric Practice Act of 1987
7 is amended by changing Section 26.14 as follows:

8 (225 ILCS 80/26.14) (from Ch. 111, par. 3926.14)

9 (Section scheduled to be repealed on January 1, 2017)

10 Sec. 26.14. All final administrative decisions of the
11 Department are subject to judicial review pursuant to the
12 provisions of the "Administrative Review Law", as amended, and
13 all rules are adopted pursuant thereto. The term
14 "administrative decision" is defined as in Section 3-101 of the
15 Code of Civil Procedure ~~1 of the "Administrative Review Law"~~.

16 Proceedings for judicial review shall be commenced in the
17 circuit court of the county in which the party applying for
18 review resides; but if the party is not a resident of this
19 State, venue shall be Sangamon County.

20 (Source: P.A. 85-896; revised 9-27-10.)

21 Section 370. The Uniform Emergency Volunteer Health
22 Practitioners Act is amended by changing Section 11 as follows:

1 (225 ILCS 140/11)

2 Sec. 11. Workers' compensation coverage. A volunteer
3 health practitioner providing health or veterinary services
4 pursuant to this Act may be considered a volunteer in
5 accordance with subsection (k) of Section 10 of the Illinois
6 Emergency Management Agency Act for the purposes of workers'
7 ~~workers'~~ compensation coverage.

8 (Source: P.A. 96-983, eff. 1-1-11; revised 9-16-10.)

9 Section 375. The Illinois Explosives Act is amended by
10 changing Section 5001 as follows:

11 (225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

12 Sec. 5001. Powers, duties, and functions of Department. In
13 addition to the powers, duties, and functions vested in the
14 Department by this Act, or by other laws of this State, the
15 Department shall have the full powers and authority to carry
16 out and administer this Act, including the following powers,
17 duties, and functions:

18 (a) To adopt reasonable rules consistent with this Act
19 to carry out the purposes and enforce the provisions of
20 this Act.

21 (b) To prescribe and furnish application forms,
22 licenses, certificates, and any other forms necessary
23 under this Act.

24 (c) To prescribe examinations which reasonably test

1 the applicant's knowledge of the safe and proper use,
2 storage, possession, handling, and transfer of explosive
3 materials.

4 (d) To establish and enforce reasonable standards for
5 the use, storage, disposal, and transfer of explosive
6 materials.

7 (e) To issue licenses and certificates to qualified
8 applicants who comply with the requirements of this Act and
9 its rules.

10 (f) To suspend, revoke, or refuse to issue or renew
11 licenses or certificates, or take other disciplinary
12 action, including the imposition of fines. All fines
13 collected under this Act shall be deposited into the
14 Explosives Regulatory Fund.

15 (g) To establish by rule the expiration and renewal
16 period for licenses and certificates issued under this Act,
17 and to establish and collect license and certificate
18 application fees, fees required by the Illinois State
19 Police for criminal identification purposes, and such
20 other fees as are authorized or necessary under this Act.

21 (h) To conduct and prescribe rules of procedure for
22 hearings under this Act.

23 (i) To appoint qualified inspectors to periodically
24 visit places where explosive materials may be stored or
25 used, and to make such other inspections as are necessary
26 to determine satisfactory compliance with this Act.

1 (j) To receive data and assistance from federal, State, and
2 and local governmental agencies, and to obtain copies of
3 identification and arrest data from all federal, State, and
4 local law enforcement agencies for use in carrying out the
5 purposes and functions of the Department and this Act.

6 (k) To receive and respond to inquiries from the
7 industry, public, and agencies or instrumentalities of the
8 State, and to offer advice, make recommendations, and
9 provide monitoring services pertinent to such inquiries
10 regarding the safe and proper storage, handling, and use of
11 explosive materials.

12 (l) To inform, advise, and assist the State's Attorney
13 of the county where any noncompliance with or violation of
14 this Act occurs when the State's Attorney is seeking
15 criminal charges against a person pursuant to Section 5010
16 or 5011 of this Act.

17 (m) To bring an action in the name of the Department,
18 through the Attorney General of the State of Illinois,
19 whenever it appears to the Department that any person is
20 engaged or is about to engage in any acts or practices that
21 constitute or may constitute a violation of the provisions
22 of this Act or its rules, for an order enjoining such
23 violation or for an order enforcing compliance with this
24 Act. Upon filing of a verified petition in such court, the
25 court may issue a temporary restraining order without
26 notice or bond and may preliminarily or permanently enjoin

1 such violation. If it is established that such person has
2 violated or is violating the injunction, the court may
3 punish the offender for contempt of court. Proceedings
4 under this paragraph are in addition to, and not in lieu
5 of, all other remedies and penalties provided for by this
6 Act.

7 ~~(n)~~ The powers, duties, and functions vested in the
8 Department under the provisions of this Act shall not be
9 construed to affect in any manner the powers, duties, and
10 functions vested in the Department under any other provision of
11 law.

12 (Source: P.A. 96-1194, eff. 1-1-11; revised 9-16-10.)

13 Section 380. The Fire Sprinkler Contractor Licensing Act is
14 amended by changing Section 32 as follows:

15 (225 ILCS 317/32)

16 Sec. 32. Application for building permit; identity theft. A
17 person who knowingly, in the course of applying for a building
18 permit with a unit of local government, provides the license
19 number of a fire sprinkler contractor whom he or she does not
20 intend to have perform the work on the fire sprinkler portion
21 of the project commits identity theft under paragraph (9) ~~(8)~~
22 of subsection (a) of Section 16G-15 of the Criminal Code of
23 1961.

24 (Source: P.A. 96-1455, eff. 8-20-10; revised 9-22-10.)

1 Section 385. The Professional Engineering Practice Act of
2 1989 is amended by changing Section 10 as follows:

3 (225 ILCS 325/10) (from Ch. 111, par. 5210)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 10. Minimum standards for licensure as professional
6 engineer. To qualify for licensure as a professional engineer
7 each applicant shall be:

8 (a) A graduate of an approved engineering curriculum of
9 at least 4 years who submits acceptable evidence to the
10 Board of an additional 4 years or more of experience in
11 engineering work of a grade and character which indicate
12 that the individual may be competent to practice
13 professional engineering, and who has passed a nominal
14 8-hour written examination in the fundamentals of
15 engineering, and a nominal 8-hour written examination in
16 the principles and practice of engineering. Upon
17 submitting an application with proof of passing both
18 examinations, the applicant, if otherwise qualified, shall
19 be granted a license to practice professional engineering
20 in this State; or

21 (b) A graduate of a non-approved engineering
22 curriculum or a related science curriculum of at least 4
23 years and which meets the requirements as set forth by rule
24 by submitting an application to the Department for its

1 review and approval, who submits acceptable evidence to the
2 Board of an additional 8 years or more of experience in
3 engineering work of a grade and character which indicate
4 that the individual may be competent to practice
5 professional engineering, and who has passed a nominal
6 8-hour written examination in the fundamentals of
7 engineering and a nominal 8-hour written examination in the
8 principles and practice of engineering. Upon submitting
9 the application with proof of passing both examinations,
10 the applicant, if otherwise qualified, shall be granted a
11 license to practice professional engineering in this
12 State; or

13 (c) An Illinois engineer intern, by application and
14 payment of the required fee, may then take the nominal
15 8-hour written examination in the principles and practice
16 of engineering. If the applicant passes that examination
17 and submits evidence to the Board that meets the experience
18 qualification of subsection (a) or (b) of this Section, the
19 applicant, if otherwise qualified, shall be granted a
20 license to practice professional engineering in this
21 State.

22 ~~(d)~~ When considering an applicant's qualifications for
23 licensure under this Act, the Department may take into
24 consideration whether an applicant has engaged in conduct or
25 actions that would constitute a violation of the Standards of
26 Professional Conduct for this Act as provided for by

1 administrative rules.

2 (Source: P.A. 96-626, eff. 8-24-09; 96-850, eff. 6-1-10;
3 revised 10-18-10.)

4 Section 390. The Illinois Professional Land Surveyor Act of
5 1989 is amended by changing Section 5 as follows:

6 (225 ILCS 330/5) (from Ch. 111, par. 3255)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 5. Practice of land surveying defined. Any person who
9 practices in Illinois as a professional land surveyor who
10 renders, offers to render, or holds himself or herself out as
11 able to render, or perform any service, the adequate
12 performance of which involves the special knowledge of the art
13 and application of the principles of the accurate and precise
14 measurement of length, angle, elevation or volume,
15 mathematics, the related physical and applied sciences, and the
16 relevant requirements of law, all of which are acquired by
17 education, training, experience, and examination. Any one or
18 combination of the following practices constitutes the
19 practice of land surveying:

20 (a) Establishing or reestablishing, locating,
21 defining, and making or monumenting land boundaries or
22 title or real property lines and the platting of lands and
23 subdivisions;

24 (b) Establishing the area or volume of any portion of

1 the earth's surface, subsurface, or airspace with respect
2 to boundary lines, determining the configuration or
3 contours of any portion of the earth's surface, subsurface,
4 or airspace or the location of fixed objects thereon,
5 except as performed by photogrammetric methods or except
6 when the level of accuracy required is less than the level
7 of accuracy required by the National Society of
8 Professional Surveyors Model Standards and Practice;

9 (c) Preparing descriptions for the determination of
10 title or real property rights to any portion or volume of
11 the earth's surface, subsurface, or airspace involving the
12 lengths and direction of boundary lines, areas, parts of
13 platted parcels or the contours of the earth's surface,
14 subsurface, or airspace;

15 (d) Labeling, designating, naming, or otherwise
16 identifying legal lines or land title lines of the United
17 States Rectangular System or any subdivision thereof on any
18 plat, map, exhibit, photograph, photographic composite, or
19 mosaic or photogrammetric map of any portion of the earth's
20 surface for the purpose of recording the same in the Office
21 of Recorder in any county;

22 (e) Any act or combination of acts that would be viewed
23 as offering professional land surveying services
24 including:

25 (1) setting monuments which have the appearance of
26 or for the express purpose of marking land boundaries,

1 either directly or as an accessory;

2 (2) providing any sketch, map, plat, report,
3 monument record, or other document which indicates
4 land boundaries and monuments, or accessory monuments
5 thereto, except that if the sketch, map, plat, report,
6 monument record, or other document is a copy of an
7 original prepared by a Professional Land Surveyor, and
8 if proper reference to that fact be made on that
9 document;

10 (3) performing topographic surveys, with the
11 exception of a licensed professional engineer
12 knowledgeable in topographical surveys that performs a
13 topographical survey specific to his or her design
14 project. A licensed professional engineer may not,
15 however, offer topographic surveying services that are
16 independent of his or her specific design project; or

17 (4) locating, relocating, establishing,
18 re-establishing, retracing, laying out, or staking of
19 the location, alignment, or elevation of any proposed
20 improvements whose location is dependent ~~dependant~~
21 upon property lines;

22 (f) Determining the horizontal or vertical position or
23 state plane coordinates for any monument or reference point
24 that marks a title or real property line, boundary, or
25 corner, or to set, reset, or replace any monument or
26 reference point on any title or real property;

1 (g) Creating, preparing, or modifying electronic or
2 computerized data or maps, including land information
3 systems and geographic information systems, relative to
4 the performance of activities in items (a), (b), (d), (e),
5 (f), and (h) of this Section, except where electronic means
6 or computerized data is otherwise utilized to integrate,
7 display, represent, or assess the created, prepared, or
8 modified data;

9 (h) Establishing or adjusting any control network or
10 any geodetic control network or cadastral data as it
11 pertains to items (a) through (g) of this Section together
12 with the assignment of measured values to any United States
13 Rectangular System corners, title or real property corner
14 monuments or geodetic monuments;

15 (i) Preparing and attesting to the accuracy of a map or
16 plat showing the land boundaries or lines and marks and
17 monuments of the boundaries or of a map or plat showing the
18 boundaries of surface, subsurface, or air rights;

19 (j) Executing and issuing certificates, endorsements,
20 reports, or plats that portray the horizontal or vertical
21 relationship between existing physical objects or
22 structures and one or more corners, datums, or boundaries
23 of any portion of the earth's surface, subsurface, or
24 airspace;

25 (k) Acting in direct supervision and control of land
26 surveying activities or acting as a manager in any place of

1 business that solicits, performs, or practices land
2 surveying;

3 (1) Offering or soliciting to perform any of the
4 services set forth in this Section;

5 In the performance of any of the foregoing functions, a
6 licensee shall adhere to the standards of professional conduct
7 enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in
8 this Section imposes upon a person licensed under this Act the
9 responsibility for the performance of any of the foregoing
10 functions unless such person specifically contracts to perform
11 such functions.

12 (Source: P.A. 96-626, eff. 8-24-09; 96-1000, eff. 7-2-10;
13 revised 9-16-10.)

14 Section 395. The Barber, Cosmetology, Esthetics, Hair
15 Braiding, and Nail Technology Act of 1985 is amended by
16 changing the title of the Act and Sections 1-4, 3E-2, and 4-1
17 as follows:

18 (225 ILCS 410/Act title)

19 An Act in relation to professional regulation ~~the practices~~
20 ~~of barbering, cosmetology, esthetics, and nail technology.~~

21 (225 ILCS 410/1-4)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 1-4. Definitions. In this Act the following words

1 shall have the following meanings:

2 "Board" means the Barber, Cosmetology, Esthetics, and Nail
3 Technology Board.

4 "Department" means the Department of Financial and
5 Professional Regulation.

6 "Licensed barber" means an individual licensed by the
7 Department to practice barbering as defined in this Act and
8 whose license is in good standing.

9 "Licensed barber clinic teacher" means an individual
10 licensed by the Department to practice barbering, as defined in
11 this Act, and to provide clinical instruction in the practice
12 of barbering in an approved school of barbering.

13 "Licensed cosmetologist" means an individual licensed by
14 the Department to practice cosmetology, nail technology, and
15 esthetics as defined in this Act and whose license is in good
16 standing.

17 "Licensed esthetician" means an individual licensed by the
18 Department to practice esthetics as defined in this Act and
19 whose license is in good standing.

20 "Licensed nail technician" means any individual licensed
21 by the Department to practice nail technology as defined in
22 this Act and whose license is in good standing.

23 "Licensed barber teacher" means an individual licensed by
24 the Department to practice barbering as defined in this Act and
25 to provide instruction in the theory and practice of barbering
26 to students in an approved barber school.

1 "Licensed cosmetology teacher" means an individual
2 licensed by the Department to practice cosmetology, esthetics,
3 and nail technology as defined in this Act and to provide
4 instruction in the theory and practice of cosmetology,
5 esthetics, and nail technology to students in an approved
6 cosmetology, esthetics, or nail technology school.

7 "Licensed cosmetology clinic teacher" means an individual
8 licensed by the Department to practice cosmetology, esthetics,
9 and nail technology as defined in this Act and to provide
10 clinical instruction in the practice of cosmetology,
11 esthetics, and nail technology in an approved school of
12 cosmetology, esthetics, or nail technology.

13 "Licensed esthetics teacher" means an individual licensed
14 by the Department to practice esthetics as defined in this Act
15 and to provide instruction in the theory and practice of
16 esthetics to students in an approved cosmetology or esthetics
17 school.

18 "Licensed esthetics clinic teacher" means an individual
19 licensed by the Department to practice esthetics as defined in
20 this Act and to provide clinical instruction in the practice of
21 esthetics in an approved school of cosmetology or an approved
22 school of esthetics.

23 "Licensed hair braider" means any individual licensed by
24 the Department to practice hair braiding as defined in Section
25 3E-1 and whose license is in good standing.

26 "Licensed hair braiding teacher" means an individual

1 licensed by the Department to practice hair braiding and to
2 provide instruction in the theory and practice of hair braiding
3 to students in an approved cosmetology school.

4 "Licensed nail technology teacher" means an individual
5 licensed by the Department to practice nail technology and to
6 provide instruction in the theory and practice of nail
7 technology to students in an approved nail technology school or
8 cosmetology school.

9 "Licensed nail technology clinic teacher" means an
10 individual licensed by the Department to practice nail
11 technology as defined in this Act and to provide clinical
12 instruction in the practice of nail technology in an approved
13 school of cosmetology or an approved school of nail technology.

14 "Enrollment" is the date upon which the student signs an
15 enrollment agreement or student contract.

16 "Enrollment agreement" or "student contract" is any
17 agreement, instrument, or contract however named, which
18 creates or evidences an obligation binding a student to
19 purchase a course of instruction from a school.

20 "Enrollment time" means the maximum number of hours a
21 student could have attended class, whether or not the student
22 did in fact attend all those hours.

23 "Elapsed enrollment time" means the enrollment time
24 elapsed between the actual starting date and the date of the
25 student's last day of physical attendance in the school.

26 "Secretary" means the Secretary of the Department of

1 Financial and Professional Regulation.

2 "Threading" means any technique that results in the removal
3 of superfluous hair from the body by twisting thread around
4 unwanted hair and then pulling it from the skin; and may also
5 include the incidental trimming of eyebrow hair.

6 (Source: P.A. 96-1076, eff. 7-16-10; 96-1246, eff. 1-1-11;
7 revised 9-2-10.)

8 (225 ILCS 410/3E-2)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 3E-2. Hair braider licensure; qualifications.

11 (a) A person is qualified to receive a license as a hair
12 braider if he or she has filed an application on forms provided
13 by the Department, paid the required fees, and meets the
14 following qualifications:

15 (1) Is at least 16 years of age;

16 (2) Is beyond the age of compulsory school attendance
17 or has received a certificate of graduation from a school
18 providing secondary education, or the recognized
19 equivalent of that certificate; and

20 (3) Has completed a program consisting of a minimum of
21 300 clock hours or a 10 credit hour equivalency of
22 instruction, as defined by rule, in a licensed cosmetology
23 school teaching a hair braiding curriculum or in a licensed
24 hair braiding school as follows:

25 (A) Basic training consisting of 35 hours of

1 classroom instruction in general theory, practical
2 application, and technical application in the
3 following subject areas: history of hair braiding,
4 personal hygiene and public health, professional
5 ethics, disinfection and sanitation, bacteriology,
6 disorders and diseases of the hair and scalp, OSHA
7 standards relating to material safety data sheets
8 (MSDS) on chemicals, hair analysis and scalp care, and
9 technical procedures;

10 (B) Related concepts consisting of 35 hours of
11 classroom instruction in the following subject areas:
12 Braid removal and scalp care; basic styling knowledge;
13 tools and equipment; growth patterns, styles and
14 sectioning; client consultation and face shapes; and
15 client education, pre-care, post-care, home care and
16 follow-up services;

17 (C) Practices and procedures consisting of 200
18 hours of instruction, which shall be a combination of
19 classroom instruction and clinical practical
20 application, in the following subject areas: single
21 braids with and without extensions; cornrows with and
22 without extensions; twists and knots; multiple
23 strands; hair locking; weaving/sewn-in; other
24 procedures as they relate to hair-braiding; and
25 product knowledge as it relates to hair braiding; and

26 (D) Business practices consisting of 30 hours of

1 classroom instruction in the following subject areas:
2 Illinois Barber, Cosmetology, Esthetics, Hair
3 Braiding, and Nail Technology Act of 1985 and Rules;
4 salon management; human relations and salesmanship;
5 and Workers' Compensation Act.

6 (b) The expiration date and renewal period for each license
7 issued under this Act shall be set by rule.

8 (c) Within 2 years after the effective date of this
9 amendatory Act of the 96th General Assembly, the Department may
10 issue a hair braider license to any applicant who does not meet
11 the requirements of items (2) and (3) of subsection (a) of this
12 Section if the applicant: (1) files an application in
13 accordance with subsection (a), (2) pays the required fee, (3)
14 has not committed an offense that would be grounds for
15 discipline under this Act, and (4) is able to demonstrate to
16 the Department through tax records or affidavits that he or she
17 has practiced hair braiding for at least 2 consecutive years
18 immediately prior to the date of his or her application.

19 A hair braider who obtains his or her license under this
20 subsection (c) may renew his or her license if he or she
21 applies to the Department for renewal and has completed at
22 least 65 hours of relevant training in health, safety, hygiene,
23 and business management in accordance with the requirements of
24 this Section or any rule adopted pursuant to this Section. A
25 hair braider who renews his or her license under this
26 subsection (c) may thereafter only renew his or her license if

1 he or she meets the requirements of Section 3E-5 of this Act.

2 (Source: P.A. 96-1246, eff. 1-1-11; revised 10-19-10.)

3 (225 ILCS 410/4-1)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 4-1. Powers and duties of Department. The Department
6 shall exercise, subject to the provisions of this Act, the
7 following functions, powers and duties:

8 (1) To cause to be conducted examinations to ascertain
9 the qualifications and fitness of applicants for licensure
10 as cosmetologists, estheticians, nail technicians, hair
11 braiders, or barbers and as cosmetology, esthetics, nail
12 technology, hair braiding, or barber teachers.

13 (2) To determine the qualifications for licensure as
14 (i) a cosmetologist, esthetician, nail technician, hair
15 braider, or barber, or (ii) a cosmetology, esthetics, nail
16 technology, hair braiding, or barber teacher, or (iii) a
17 cosmetology, esthetics, hair braiding, or nail technology
18 clinic teacher for persons currently holding similar
19 licenses outside the State of Illinois or the continental
20 U.S.

21 (3) To prescribe rules for:

22 (i) The method of examination of candidates for
23 licensure as a cosmetologist, esthetician, nail
24 technician, hair braider, or barber or cosmetology,
25 esthetics, nail technology, hair braiding, or barber

1 teacher.

2 (ii) Minimum standards as to what constitutes an
3 approved cosmetology, esthetics, nail technology, hair
4 braiding, or barber school.

5 (4) To conduct investigations or hearings on
6 proceedings to determine disciplinary action.

7 (5) To prescribe reasonable rules governing the
8 sanitary regulation and inspection of cosmetology,
9 esthetics, nail technology, hair braiding, or barber
10 schools, salons, or shops.

11 (6) To prescribe reasonable rules for the method of
12 renewal for each license as a cosmetologist, esthetician,
13 nail technician, hair braider, or barber or cosmetology,
14 esthetics, nail technology, hair braiding, or barber
15 teacher or cosmetology, esthetics, hair braiding, or nail
16 technology clinic teacher.

17 (7) To prescribe reasonable rules for the method of
18 registration, the issuance, fees, renewal and discipline
19 of a certificate of registration for the ownership or
20 operation of cosmetology, esthetics, hair braiding, and
21 nail technology salons and barber shops.

22 (8) To adopt rules concerning sanitation requirements,
23 requirements for education on sanitation, and any other
24 health concerns associated with threading.

25 (Source: P.A. 96-1076, eff. 7-16-10; 96-1246, eff. 1-1-11;
26 revised 9-2-10.)

1 Section 400. The Community Association Manager Licensing
2 and Disciplinary Act is amended by changing Sections 85 and 95
3 as follows:

4 (225 ILCS 427/85)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 85. Grounds for discipline; refusal, revocation, or
7 suspension.

8 (a) The Department may refuse to issue or renew, or may
9 revoke a license, or may suspend, place on probation, fine, or
10 take any disciplinary or non-disciplinary action as the
11 Department may deem proper, including fines not to exceed
12 \$10,000 for each violation, with regard to any licensee for any
13 one or combination of the following causes:

14 (1) Material misstatement in furnishing information to
15 the Department.

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

17 (3) Conviction of or entry of a plea of guilty or nolo
18 contendere to any crime that is a felony under the laws of
19 the United States or any state or territory thereof or a
20 misdemeanor of which an essential element is dishonesty or
21 that is directly related to the practice of the profession.

22 (4) Making any misrepresentation for the purpose of
23 obtaining a license or violating any provision of this Act
24 or its rules.

1 (5) Professional incompetence.

2 (6) Gross negligence.

3 (7) Aiding or assisting another person in violating any
4 provision of this Act or its rules.

5 (8) Failing, within 30 days, to provide information in
6 response to a request made by the Department.

7 (9) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public as defined by the rules of the
10 Department, or violating the rules of professional conduct
11 adopted by the Department.

12 (10) Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that results in the inability to practice with reasonable
15 judgment, skill, or safety.

16 (11) Discipline by another state, territory, or
17 country if at least one of the grounds for the discipline
18 is the same or substantially equivalent to those set forth
19 in this Act.

20 (12) Directly or indirectly giving to or receiving from
21 any person, firm, corporation, partnership or association
22 any fee, commission, rebate, or other form of compensation
23 for any professional services not actually or personally
24 rendered.

25 (13) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 (14) Willfully making or filing false records or
3 reports relating to a licensee's practice, including but
4 not limited to false records filed with any State or
5 federal agencies or departments.

6 (15) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and upon
9 proof by clear and convincing evidence that the licensee
10 has caused a child to be an abused child or neglected child
11 as defined in the Abused and Neglected Child Reporting Act.

12 (16) Physical illness or mental illness or impairment,
13 including, but not limited to, deterioration through the
14 aging process or loss of motor skill that results in the
15 inability to practice the profession with reasonable
16 judgment, skill, or safety.

17 (17) Solicitation of professional services by using
18 false or misleading advertising.

19 (18) A finding that licensure has been applied for or
20 obtained by fraudulent means.

21 (19) Practicing or attempting to practice under a name
22 other than the full name as shown on the license or any
23 other legally authorized name.

24 (20) Gross overcharging for professional services
25 including, but not limited to, (i) collection of fees or
26 moneys for services that are not rendered; and (ii)

1 charging for services that are not in accordance with the
2 contract between the licensee and the community
3 association.

4 (21) Improper commingling of personal and client funds
5 in violation of this Act or any rules promulgated thereto.

6 (22) Failing to account for or remit any moneys or
7 documents coming into the licensee's possession that
8 belong to another person or entity.

9 (23) Giving differential treatment to a person that is
10 to that person's detriment because of race, color, creed,
11 sex, religion, or national origin.

12 (24) Performing and charging for services without
13 reasonable authorization to do so from the person or entity
14 for whom service is being provided.

15 (25) Failing to make available to the Department, upon
16 request, any books, records, or forms required by this Act.

17 (26) Purporting to be a licensee-in-charge of an agency
18 without active participation in the agency.

19 (27) Failing to make available to the Department at the
20 time of the request any indicia of licensure or
21 registration issued under this Act.

22 (b) In accordance with subdivision (a) (5) of Section 15 of
23 the Department of Professional Regulation Law of the Civil
24 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
25 Department shall deny a license or renewal authorized by this
26 Act to a person who has defaulted on an educational loan or

1 scholarship provided or guaranteed by the Illinois Student
2 Assistance Commission or any governmental agency of this State.

3 (c) The determination by a circuit court that a licensee is
4 subject to involuntary admission or judicial admission, as
5 provided in the Mental Health and Developmental Disabilities
6 Code, operates as an automatic suspension. The suspension will
7 terminate only upon a finding by a court that the patient is no
8 longer subject to involuntary admission or judicial admission
9 and the issuance of an order so finding and discharging the
10 patient, and upon the recommendation of the Board to the
11 Secretary that the licensee be allowed to resume his or her
12 practice as a licensed community association manager.

13 (d) In accordance with subsection (g) of Section 15 of the
14 Department of Professional Regulation Law of the Civil
15 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
16 Department may refuse to issue or renew or may suspend the
17 license of any person who fails to file a return, to pay the
18 tax, penalty, or interest shown in a filed return, or to pay
19 any final assessment of tax, penalty, or interest, as required
20 by any tax Act administered by the Department of Revenue, until
21 such time as the requirements of that tax Act are satisfied.

22 (e) In accordance with subdivision (a) (5) of Section 15 of
23 the Department of Professional Regulation Law of the Civil
24 Administrative Code of Illinois (20 ILCS 2105/2105-15) and in
25 cases where the Department of Healthcare and Family Services
26 (formerly Department of Public Aid) has previously determined

1 that a licensee or a potential licensee is more than 30 days
2 delinquent in the payment of child support and has subsequently
3 certified the delinquency to the Department may refuse to issue
4 or renew or may revoke or suspend that person's license or may
5 take other disciplinary action against that person based solely
6 upon the certification of delinquency made by the Department of
7 Healthcare and Family Services.

8 (f) In enforcing this Section, the Department or Board upon
9 a showing of a possible violation may compel an individual
10 licensed to practice under this Act, or who has applied for
11 licensure under this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The Department or Board may order the examining
14 physician to present testimony concerning the mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The individual to be examined may have, at
21 his or her own expense, another physician of his or her choice
22 present during all aspects of this examination. Failure of an
23 individual to submit to a mental or physical examination, when
24 directed, shall be grounds for suspension of his or her license
25 or denial of his or her application or renewal until the
26 individual submits to the examination if the Department finds,

1 after notice and hearing, that the refusal to submit to the
2 examination was without reasonable cause.

3 If the Department or Board finds an individual unable to
4 practice because of the reasons set forth in this Section, the
5 Department or Board may require that individual to submit to
6 care, counseling, or treatment by physicians approved or
7 designated by the Department or Board, as a condition, term, or
8 restriction for continued, reinstated, or renewed licensure to
9 practice; or, in lieu of care, counseling, or treatment, the
10 Department may file, or the Board may recommend to the
11 Department to file, a complaint to immediately suspend, revoke,
12 deny, or otherwise discipline the license of the individual. An
13 individual whose license was granted, continued, reinstated,
14 renewed, disciplined or supervised subject to such terms,
15 conditions, or restrictions, and who fails to comply with such
16 terms, conditions, or restrictions, shall be referred to the
17 Secretary for a determination as to whether the individual
18 shall have his or her license suspended immediately, pending a
19 hearing by the Department.

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that person's
22 license must be convened by the Department within 30 days after
23 the suspension and completed without appreciable delay. The
24 Department and Board shall have the authority to review the
25 subject individual's record of treatment and counseling
26 regarding the impairment to the extent permitted by applicable

1 federal statutes and regulations safeguarding the
2 confidentiality of medical records.

3 An individual licensed under this Act and affected under
4 this Section shall be afforded an opportunity to demonstrate to
5 the Department or Board that he or she can resume practice in
6 compliance with acceptable and prevailing standards under the
7 provisions of his or her license.

8 (Source: P.A. 96-726, eff. 7-1-10; revised 9-16-10.)

9 (225 ILCS 427/95)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 95. Investigation; notice and hearing. The Department
12 may investigate the actions or qualifications of a person,
13 entity or other business holding or claiming to hold a license.
14 Before suspending, revoking, placing on probationary status,
15 or taking any other disciplinary action as the Department may
16 deem proper with regard to any license, at least 30 days before
17 the date set for the hearing, the Department shall (i) notify
18 the accused in writing of any charges made and the time and
19 place for a hearing on the charges before the Board, (ii)
20 direct the individual or entity to file a written answer to the
21 charges with the Board under oath within 20 days after the
22 service on him or her of such notice, and (iii) inform the
23 person, entity or other business that if the person, entity, or
24 other business fails to file an answer, default will be taken
25 against such person, entity, or other business and the license

1 of such person, entity, or other business may be suspended,
2 revoked, placed on probationary status, or other disciplinary
3 action taken with regard to the license, including limiting the
4 scope, nature, or extent of his or her practice, as the
5 Department may deem proper. ~~In case the person, after receiving~~
6 ~~notice, fails to file an answer, his or her license may, in the~~
7 ~~discretion of the Department, be suspended, revoked, placed on~~
8 ~~probationary status, or the Department may take whatever~~
9 ~~disciplinary action deemed proper, including limiting the~~
10 ~~scope, nature, or extent of the person's practice or the~~
11 ~~imposition of a fine, without a hearing, if the act or acts~~
12 ~~charged constitute sufficient grounds for such action under~~
13 ~~this Act.~~ Written notice may be served by personal delivery or
14 by registered or certified mail to the applicant or licensee at
15 his or her last address of record with the Department. In case
16 the person fails to file an answer after receiving notice, his
17 or her license may, in the discretion of the Department, be
18 suspended, revoked, or placed on probationary status, or the
19 Department may take whatever disciplinary action deemed
20 proper, including limiting the scope, nature, or extent of the
21 person's practice or the imposition of a fine, without a
22 hearing, if the act or acts charged constitute sufficient
23 grounds for such action under this Act. The written answer
24 shall be served by personal delivery, certified delivery, or
25 certified or registered mail to the Department. At the time and
26 place fixed in the notice, the Department shall proceed to hear

1 the charges and the parties or their counsel shall be accorded
2 ample opportunity to present such statements, testimony,
3 evidence, and argument as may be pertinent to the charges or to
4 the defense thereto. The Department may continue such hearing
5 from time to time. At the discretion of the Secretary after
6 having first received the recommendation of the Board, the
7 accused person's license may be suspended or revoked, if the
8 evidence constitutes sufficient grounds for such action under
9 this Act.

10 (Source: P.A. 96-726, eff. 7-1-10; revised 9-16-10.)

11 Section 405. The Debt Settlement Consumer Protection Act is
12 amended by changing Sections 30 and 125 as follows:

13 (225 ILCS 429/30)

14 Sec. 30. Renewal of license. ~~(a)~~ Each debt settlement
15 provider under the provisions of this Act may make application
16 to the Secretary for renewal of its license, which application
17 for renewal shall be on the form prescribed by the Secretary
18 and shall be accompanied by a fee of \$1,000 together with a
19 bond or other surety as required, in a minimum amount of
20 \$100,000 or an amount as required by the Secretary based on the
21 amount of disbursements made by the licensee in the previous
22 year. The application must be received by the Department no
23 later than December 1 of the year preceding the year for which
24 the application applies.

1 (Source: P.A. 96-1420, eff. 8-3-10; revised 9-16-10.)

2 (225 ILCS 429/125)

3 Sec. 125. Fees.

4 (a) A debt settlement provider shall not charge fees of any
5 type or receive compensation from a consumer in a type, amount,
6 or timing other than fees or compensation permitted in this
7 Section.

8 (b) A debt settlement provider shall not charge or receive
9 from a consumer any enrollment fee, set up fee, up front fee of
10 any kind, or any maintenance fee, except for a one-time
11 enrollment fee of no more than \$50.

12 (c) A debt settlement provider may charge a settlement fee,
13 which shall not exceed an amount greater than 15% of the
14 savings. If the amount paid by the debt settlement provider to
15 the creditor or negotiated by the debt settlement provider and
16 paid by the consumer to the creditor pursuant to a settlement
17 negotiated by the debt settlement provider on behalf of the
18 consumer as full and complete satisfaction of the creditor's
19 claim with regard to that debt is greater than the principal
20 amount of the debt, then the debt settlement provider shall not
21 be entitled to any settlement fee.

22 (d) A debt settlement provider shall not collect any
23 settlement fee from a consumer until a creditor enters into a
24 legally enforceable agreement to accept funds in a specific
25 dollar amount as full and complete satisfaction of the

1 creditor's claim with regard to that debt and those funds are
2 provided by the debt settlement provider on behalf of the
3 consumer or are provided directly by the consumer to the
4 creditor pursuant to a settlement negotiated by the debt
5 settlement provider.

6 (Source: P.A. 96-1420, eff. 8-3-10; revised 9-16-10.)

7 Section 410. The Real Estate License Act of 2000 is amended
8 by changing Sections 5-26 and 5-46 as follows:

9 (225 ILCS 454/5-26)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 5-26. Requirements for license as a salesperson.

12 (a) Every applicant for licensure as a salesperson must
13 meet the following qualifications:

14 (1) Be at least 21 years of age. The minimum age of 21
15 years shall be waived for any person seeking a license as a
16 real estate salesperson who has attained the age of 18 and
17 can provide evidence of the successful completion of at
18 least 4 semesters of post-secondary school study as a
19 full-time student or the equivalent, with major emphasis on
20 real estate courses, in a school approved by the
21 Department;

22 (2) Be of good moral character;

23 (3) Successfully complete a 4-year course of study in a
24 high school or secondary school approved by the Illinois

1 State Board of Education or an equivalent course of study
2 as determined by an examination conducted by the Illinois
3 State Board of Education, which shall be verified under
4 oath by the applicant;

5 (4) Provide satisfactory evidence of having completed
6 at least 45 hours of instruction in real estate courses
7 approved by the Advisory Council, except applicants who are
8 currently admitted to practice law by the Supreme Court of
9 Illinois and are currently in active standing;

10 (5) Personally ~~Shall personally~~ take and pass a written
11 examination authorized by the Department; and

12 (6) Present a valid application for issuance of a
13 license accompanied by a sponsor card and the fees
14 specified by rule.

15 (b) No applicant shall engage in any of the activities
16 covered by this Act until a valid sponsor card has been issued
17 to the applicant. The sponsor card shall be valid for a maximum
18 period of 45 days after the date of issuance unless extended
19 for good cause as provided by rule.

20 (c) All licenses should be readily available to the public
21 at their sponsoring place of business.

22 (d) No new salesperson licenses shall be issued after April
23 30, 2011 and all existing salesperson licenses shall terminate
24 on May 1, 2012.

25 (Source: P.A. 96-856, eff. 12-31-09; revised 9-16-10.)

1 (225 ILCS 454/5-46)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 5-46. Transition from salesperson's license to
4 broker's license.

5 (a) No new salesperson licenses shall be issued by the
6 Department after April 30, 2011 and existing salesperson
7 licenses shall end as of 11:59 p.m. on April 30, 2012. The
8 following transition rules shall apply to individuals holding a
9 salesperson's license as of April 30, 2011 and seeking to
10 obtain a broker's license. The individual must:

11 (1) provide evidence of having completed 30 hours of
12 post-license education in courses approved by the Advisory
13 Council and having passed a written examination approved by
14 the Department and administered by a licensed pre-license
15 school; or

16 (2) provide evidence of passing a Department-approved
17 proficiency examination administered by a licensed
18 pre-license school, which proficiency examination may only
19 be taken one time by any one individual salesperson; and

20 (3) present a valid application for a broker's license
21 no later than April 30, 2012 accompanied by a sponsor card
22 and the fees specified by rule.

23 (b) The education requirements specified in clause (1) of
24 subsection (a) of this Section do not apply to applicants who
25 are currently admitted to practice law by the Supreme Court of
26 Illinois and are currently in active standing.

1 (c) No applicant may engage in any of the activities
2 covered by this Act until a valid sponsor card has been issued
3 to such applicant. The sponsor card shall be valid for a
4 maximum period of 45 days after the date of issuance unless
5 extended for good cause as provided by rule.

6 (Source: P.A. 96-856, eff. 12-31-09; revised 9-16-10.)

7 Section 415. The Real Estate Appraiser Licensing Act of
8 2002 is amended by changing Section 15-20 as follows:

9 (225 ILCS 458/15-20)

10 (Section scheduled to be repealed on January 1, 2012)

11 Sec. 15-20. Administrative Review Law; certification fees;
12 Illinois Administrative Procedure Act.

13 (a) All final administrative decisions of the Secretary
14 under this Act are subject to judicial review pursuant to the
15 provisions of the Administrative Review Law and the rules
16 adopted pursuant thereto. The term "administrative decision"
17 has the meaning ascribed to it in Section 3-101 of the
18 Administrative Review Law.

19 (b) The Department shall not be required to certify any
20 record, file any answer or otherwise appear unless the party
21 filing the administrative review complaint pays the
22 certification fee to the Department as provided by rule.
23 Failure on the part of the plaintiff to make such a deposit
24 shall be grounds for dismissal of the action.

1 (c) The Illinois Administrative Procedure ~~Procedures~~ Act
2 is hereby expressly adopted and incorporated herein. In the
3 event of a conflict between this Act and the Illinois
4 Administrative Procedure ~~Procedures~~ Act, this Act shall
5 control.

6 (Source: P.A. 96-844, eff. 12-23-09; revised 9-16-10.)

7 Section 420. The Weights and Measures Act is amended by
8 changing Sections 8.1 and 56.1 as follows:

9 (225 ILCS 470/8.1)

10 Sec. 8.1. Registration of servicepersons, service agents,
11 and special sealers. No person, firm, or corporation shall
12 sell, install, service, recondition or repair a weighing or
13 measuring device used in trade or commerce without first
14 obtaining a certificate of registration. Applications by
15 individuals for a certificate of registration shall be made to
16 the Department, shall be in writing on forms prescribed by the
17 Department, and shall be accompanied by the required fee.

18 Each application shall provide such information that will
19 enable the Department to pass on the qualifications of the
20 applicant for the certificate of registration. The information
21 requests shall include present residence, location of the
22 business to be licensed under this Act, whether the applicant
23 has had any previous registration under this Act or any
24 federal, state, county, or local law, ordinance, or regulation

1 relating to servicepersons and service Agencies, whether the
2 applicant has ever had a registration suspended or revoked,
3 whether the applicant has been convicted of a felony, and such
4 other information as the Department deems necessary to
5 determine if the applicant is qualified to receive a
6 certificate of registration.

7 Before any certificate of registration is issued, the
8 Department shall require the registrant to meet the following
9 qualifications:

10 (1) Has possession of or available for use weights and
11 measures, standards, and testing equipment appropriate in
12 design and adequate in amount to provide the services for
13 which the person is requesting registration.

14 (2) Passes a qualifying examination for each type of
15 weighing or measuring device he intends to install,
16 service, recondition, or repair.

17 (3) Demonstrates a working knowledge of weighing and
18 measuring devices for which he intends to be registered.

19 (4) Has a working knowledge of all appropriate weights
20 and measures laws and their rules and regulations.

21 (5) Has available a current copy of National Institute
22 of Standards and Technology Handbook 44.

23 (6) Pays the prescribed registration fee for the type
24 of registration:

25 (A) The annual fee for a Serviceperson Certificate
26 of Registration shall be \$30.

1 (B) The annual fee for a Special Sealer Certificate
2 of Registration shall be \$100.

3 (C) The annual fee for a Service Agency Certificate
4 of Registration shall be \$100.

5 "Registrant" means any individual, partnership,
6 corporation, agency, firm, or company registered by the
7 Department who installs, services, repairs, or reconditions,
8 for hire, award, commission, or any other payment of any kind,
9 any commercial weighing or measuring device.

10 "Commercial weighing and measuring device" means any
11 weight or measure or weighing or measuring device commercially
12 used or employed (i) in establishing size, quantity, extent,
13 area, or measurement of quantities, things, produce, or
14 articles for distribution or consumption which are purchased,
15 offered, or submitted for sale, hire, or award, or (ii) in
16 computing any basic charge or payment for services rendered,
17 except as otherwise excluded by Section 2 of this Act, and
18 shall also include any accessory attached to or used in
19 connection with a commercial weighing or measuring device when
20 the accessory is so designed or installed that its operation
21 affects, or may affect, the accuracy of the device.

22 "Serviceperson" means any individual who sells, installs,
23 services, repairs, or reconditions, for hire, award,
24 commission, or any other payment of kind, a commercial weighing
25 or measuring device.

26 "Service agency" means any individual, agency, firm,

1 company, or corporation that, for hire, award, commission, or
2 any other payment of any kind, sells, installs, services,
3 repairs, or reconditions a commercial weighing or measuring
4 device.

5 "Special sealer" means any serviceperson who is allowed to
6 service only one service agency's liquid petroleum meters or
7 liquid petroleum measuring devices.

8 Each registered service agency and serviceperson shall
9 have report forms, known as "Placed in Service Reports". An
10 original and 2 copies of these forms shall be executed and
11 shall include the assigned registration number (in the case
12 where a registered serviceperson is representing a registered
13 service agency both assigned registration numbers shall be
14 included), and shall be signed by a registered serviceperson or
15 by a registered serviceperson representing a registered
16 service agency for each rejected or repaired device restored to
17 service and for each newly installed device placed in service.
18 Whenever a registered serviceperson or special sealer places
19 into service a weighing or measuring device, there shall be
20 affixed to the device indicator a decal provided by the
21 Department that indicates the device accuracy.

22 Within 5 days after a device is restored to service or
23 placed in service, the original of a properly executed "Placed
24 in Service Report", together with any official rejection tag or
25 seal removed from the device, shall be mailed to the
26 Department. A copy of the report shall be handed to the owner

1 or operator of the device and a copy of the report shall be
2 retained by the service agency or serviceperson.

3 All field standards that are used for servicing and testing
4 weights and measures devices for which competence is registered
5 shall be submitted to the Director for initial and subsequent
6 verification and calibration at least once every 2 years or as
7 otherwise determined by the Director. When servicing
8 commercial weighing or measuring devices, a registered
9 serviceperson or registered service agency shall not use any
10 field standards or testing equipment that have not been
11 calibrated or verified by the Director. In lieu of submission
12 of physical standards, the Director may accept calibration
13 reports, verification reports, or both from any laboratory that
14 is formally accredited or recognized. The Director shall
15 maintain a list of organizations from which the Department will
16 accept calibration reports. The Department shall retain the
17 right to monitor periodically calibration results, to verify
18 field standard compliance to specifications and tolerance when
19 field standards are initially placed into service or at any
20 intermediate point between calibration, or both.

21 Persons working as apprentices are not subject to
22 registration if they work with and under the supervision of a
23 registered serviceperson.

24 The Director is authorized to promulgate, after public
25 hearing, rules and regulations necessary to enforce the
26 provisions of this Section.

1 For good cause and after a hearing upon reasonable notice,
2 the Director may deny any application for registration or any
3 application for renewal of registration, or may revoke or
4 suspend the registration of any registrant.

5 The Director may publish from time to time as he deems
6 appropriate, and may supply upon request, lists of registered
7 servicepersons and registered service agencies.

8 All final administrative decisions of the Director under
9 this Section shall be subject to judicial review under the
10 Administrative Review Law. The term "administrative decision"
11 is defined as in Section 3-101 of the Code of Civil Procedure ~~+~~
12 ~~of the Administrative Review Law.~~

13 (Source: P.A. 96-1310, eff. 7-27-10; 96-1333, eff. 7-27-10;
14 revised 9-14-10.)

15 (225 ILCS 470/56.1) (from Ch. 147, par. 156.1)

16 Sec. 56.1. Administrative penalties; judicial review. When
17 an administrative hearing is held, the hearing officer, upon
18 determination of any violation of any Section of this Act shall
19 levy the following administrative monetary penalties:

20 (A) A penalty of \$500 for a first violation.

21 (B) A penalty of \$1,500 for a second violation at the
22 same location within 2 years of the first violation.

23 (C) A penalty of \$2,500 for a third or subsequent
24 violation at the same location within 2 years of the second
25 violation.

1 The penalty so levied shall be collected by the Department.
2 Any penalty not paid within 60 days of notice from the
3 Department shall be submitted to the Attorney General's office
4 for collection.

5 All final administrative decisions of the Department are
6 subject to judicial review under the Administrative Review Law.
7 The term "administrative decision" is defined as in Section
8 3-101 ~~4-101~~ of the Code of Civil Procedure.

9 (Source: P.A. 96-1333, eff. 7-27-10; revised 9-27-10.)

10 Section 425. The Forest Products Transportation Act is
11 amended by changing Section 2 as follows:

12 (225 ILCS 740/2) (from Ch. 96 1/2, par. 6902)

13 Sec. 2. As used in this Act, unless the context otherwise
14 requires, the terms defined in the Sections following this
15 Section and preceding Section 3 ~~Sections 2.01 through 2.08~~ have
16 the meanings ascribed to them in those Sections.

17 (Source: P.A. 77-2801; revised 9-16-10.)

18 Section 430. The Illinois Horse Racing Act of 1975 is
19 amended by changing Section 20 as follows:

20 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

21 Sec. 20. (a) Any person desiring to conduct a horse race
22 meeting may apply to the Board for an organization license. The

1 application shall be made on a form prescribed and furnished by
2 the Board. The application shall specify:

3 (1) the dates on which it intends to conduct the horse
4 race meeting, which dates shall be provided under Section
5 21;

6 (2) the hours of each racing day between which it
7 intends to hold or conduct horse racing at such meeting;

8 (3) the location where it proposes to conduct the
9 meeting; and

10 (4) any other information the Board may reasonably
11 require.

12 (b) A separate application for an organization license
13 shall be filed for each horse race meeting which such person
14 proposes to hold. Any such application, if made by an
15 individual, or by any individual as trustee, shall be signed
16 and verified under oath by such individual. If made by
17 individuals or a partnership, it shall be signed and verified
18 under oath by at least 2 of such individuals or members of such
19 partnership as the case may be. If made by an association,
20 corporation, corporate trustee or any other entity, it shall be
21 signed by the president and attested by the secretary or
22 assistant secretary under the seal of such association, trust
23 or corporation if it has a seal, and shall also be verified
24 under oath by one of the signing officers.

25 (c) The application shall specify the name of the persons,
26 association, trust, or corporation making such application and

1 the post office address of the applicant; if the applicant is a
2 trustee, the names and addresses of the beneficiaries; if a
3 corporation, the names and post office addresses of all
4 officers, stockholders and directors; or if such stockholders
5 hold stock as a nominee or fiduciary, the names and post office
6 addresses of these persons, partnerships, corporations, or
7 trusts who are the beneficial owners thereof or who are
8 beneficially interested therein; and if a partnership, the
9 names and post office addresses of all partners, general or
10 limited; if the applicant is a corporation, the name of the
11 state of its incorporation shall be specified.

12 (d) The applicant shall execute and file with the Board a
13 good faith affirmative action plan to recruit, train, and
14 upgrade minorities in all classifications within the
15 association.

16 (e) With such application there shall be delivered to the
17 Board a certified check or bank draft payable to the order of
18 the Board for an amount equal to \$1,000. All applications for
19 the issuance of an organization license shall be filed with the
20 Board before August 1 of the year prior to the year for which
21 application is made and shall be acted upon by the Board at a
22 meeting to be held on such date as shall be fixed by the Board
23 during the last 15 days of September of such prior year. At
24 such meeting, the Board shall announce the award of the racing
25 meets, live racing schedule, and designation of host track to
26 the applicants and its approval or disapproval of each

1 application. No announcement shall be considered binding until
2 a formal order is executed by the Board, which shall be
3 executed no later than October 15 of that prior year. Absent
4 the agreement of the affected organization licensees, the Board
5 shall not grant overlapping race meetings to 2 or more tracks
6 that are within 100 miles of each other to conduct the
7 thoroughbred racing.

8 (e-5) In reviewing an application for the purpose of
9 granting an organization license consistent with the best
10 interests of the public and the sport of horse racing, the
11 Board shall consider:

12 (1) the character, reputation, experience, and
13 financial integrity of the applicant and of any other
14 separate person that either:

15 (i) controls the applicant, directly or
16 indirectly, or

17 (ii) is controlled, directly or indirectly, by
18 that applicant or by a person who controls, directly or
19 indirectly, that applicant;

20 (2) the applicant's facilities or proposed facilities
21 for conducting horse racing;

22 (3) the total revenue without regard to Section 32.1 to
23 be derived by the State and horsemen from the applicant's
24 conducting a race meeting;

25 (4) the applicant's good faith affirmative action plan
26 to recruit, train, and upgrade minorities in all employment

1 classifications;

2 (5) the applicant's financial ability to purchase and
3 maintain adequate liability and casualty insurance;

4 (6) the applicant's proposed and prior year's
5 promotional and marketing activities and expenditures of
6 the applicant associated with those activities;

7 (7) an agreement, if any, among organization licensees
8 as provided in subsection (b) of Section 21 of this Act;
9 and

10 (8) the extent to which the applicant exceeds or meets
11 other standards for the issuance of an organization license
12 that the Board shall adopt by rule.

13 In granting organization licenses and allocating dates for
14 horse race meetings, the Board shall have discretion to
15 determine an overall schedule, including required simulcasts
16 of Illinois races by host tracks that will, in its judgment, be
17 conducive to the best interests of the public and the sport of
18 horse racing.

19 (e-10) The Illinois Administrative Procedure Act shall
20 apply to administrative procedures of the Board under this Act
21 for the granting of an organization license, except that (1)
22 notwithstanding the provisions of subsection (b) of Section
23 10-40 of the Illinois Administrative Procedure Act regarding
24 cross-examination, the Board may prescribe rules limiting the
25 right of an applicant or participant in any proceeding to award
26 an organization license to conduct cross-examination of

1 witnesses at that proceeding where that cross-examination
2 would unduly obstruct the timely award of an organization
3 license under subsection (e) of Section 20 of this Act; (2) the
4 provisions of Section 10-45 of the Illinois Administrative
5 Procedure Act regarding proposals for decision are excluded
6 under this Act; (3) notwithstanding the provisions of
7 subsection (a) of Section 10-60 of the Illinois Administrative
8 Procedure Act regarding ex parte communications, the Board may
9 prescribe rules allowing ex parte communications with
10 applicants or participants in a proceeding to award an
11 organization license where conducting those communications
12 would be in the best interest of racing, provided all those
13 communications are made part of the record of that proceeding
14 pursuant to subsection (c) of Section 10-60 of the Illinois
15 Administrative Procedure Act; (4) the provisions of Section 14a
16 of this Act and the rules of the Board promulgated under that
17 Section shall apply instead of the provisions of Article 10 of
18 the Illinois Administrative Procedure Act regarding
19 administrative law judges; and (5) the provisions of subsection
20 (d) of Section 10-65 of the Illinois Administrative Procedure
21 Act that prevent summary suspension of a license pending
22 revocation or other action shall not apply.

23 (f) The Board may allot racing dates to an organization
24 licensee for more than one calendar year but for no more than 3
25 successive calendar years in advance, provided that the Board
26 shall review such allotment for more than one calendar year

1 prior to each year for which such allotment has been made. The
2 granting of an organization license to a person constitutes a
3 privilege to conduct a horse race meeting under the provisions
4 of this Act, and no person granted an organization license
5 shall be deemed to have a vested interest, property right, or
6 future expectation to receive an organization license in any
7 subsequent year as a result of the granting of an organization
8 license. Organization licenses shall be subject to revocation
9 if the organization licensee has violated any provision of this
10 Act or the rules and regulations promulgated under this Act or
11 has been convicted of a crime or has failed to disclose or has
12 stated falsely any information called for in the application
13 for an organization license. Any organization license
14 revocation proceeding shall be in accordance with Section 16
15 regarding suspension and revocation of occupation licenses.

16 (f-5) If, (i) an applicant does not file an acceptance of
17 the racing dates awarded by the Board as required under part
18 (1) of subsection (h) of this Section 20, or (ii) an
19 organization licensee has its license suspended or revoked
20 under this Act, the Board, upon conducting an emergency hearing
21 as provided for in this Act, may reaward on an emergency basis
22 pursuant to rules established by the Board, racing dates not
23 accepted or the racing dates associated with any suspension or
24 revocation period to one or more organization licensees, new
25 applicants, or any combination thereof, upon terms and
26 conditions that the Board determines are in the best interest

1 of racing, provided, the organization licensees or new
2 applicants receiving the awarded racing dates file an
3 acceptance of those reawarded racing dates as required under
4 paragraph (1) of subsection (h) of this Section 20 and comply
5 with the other provisions of this Act. The Illinois
6 Administrative Procedure ~~Procedures~~ Act shall not apply to the
7 administrative procedures of the Board in conducting the
8 emergency hearing and the reallocation of racing dates on an
9 emergency basis.

10 (g) (Blank).

11 (h) The Board shall send the applicant a copy of its
12 formally executed order by certified mail addressed to the
13 applicant at the address stated in his application, which
14 notice shall be mailed within 5 days of the date the formal
15 order is executed.

16 Each applicant notified shall, within 10 days after receipt
17 of the final executed order of the Board awarding racing dates:

18 (1) file with the Board an acceptance of such award in
19 the form prescribed by the Board;

20 (2) pay to the Board an additional amount equal to \$110
21 for each racing date awarded; and

22 (3) file with the Board the bonds required in Sections
23 21 and 25 at least 20 days prior to the first day of each
24 race meeting.

25 Upon compliance with the provisions of paragraphs (1), (2), and
26 (3) of this subsection (h), the applicant shall be issued an

1 organization license.

2 If any applicant fails to comply with this Section or fails
3 to pay the organization license fees herein provided, no
4 organization license shall be issued to such applicant.

5 (Source: P.A. 91-40, eff. 6-25-99; revised 9-16-10.)

6 Section 435. The Bingo License and Tax Act is amended by
7 changing Section 1.3 as follows:

8 (230 ILCS 25/1.3)

9 Sec. 1.3. Restrictions on licensure. Licensing for the
10 conducting of bingo is subject to the following restrictions:

11 (1) The license application, when submitted to the
12 Department, must contain a sworn statement attesting to the
13 not-for-profit character of the prospective licensee
14 organization, signed by a person listed on the application
15 as an owner, officer, or other person in charge of the
16 necessary day-to-day operations of that organization.

17 (2) The license application shall be prepared in
18 accordance with the rules of the Department.

19 (3) The licensee shall prominently display the license
20 in the area where the licensee conducts bingo. The licensee
21 shall likewise display, in the form and manner as
22 prescribed by the Department, the provisions of Section 8
23 of this Act.

24 (4) Each license shall state the day of the week, hours

1 and at which location the licensee is permitted to conduct
2 bingo games.

3 (5) A license is not assignable or transferable.

4 (6) A license authorizes the licensee to conduct the
5 game commonly known as bingo, in which prizes are awarded
6 on the basis of designated numbers or symbols on a card
7 conforming to numbers or symbols selected at random.

8 (7) The Department may, on special application made by
9 any organization having a bingo license, issue a special
10 permit for conducting bingo at other premises and on other
11 days not exceeding 5 consecutive days, except that a
12 licensee may conduct bingo at the Illinois State Fair or
13 any county fair held in Illinois during each day that the
14 fair is held, without a fee. Bingo games conducted at the
15 Illinois State Fair or a county fair shall not require a
16 special permit. No more than 2 special permits may be
17 issued in one year to any one organization.

18 (8) Any organization qualified for a license but not
19 holding one may, upon application and payment of a
20 nonrefundable fee of \$50, receive a limited license to
21 conduct bingo games at no more than 2 indoor or outdoor
22 festivals in a year for a maximum of 5 consecutive days on
23 each occasion. No more than 2 limited licenses under this
24 item (7) may be issued to any organization in any year. A
25 limited license must be prominently displayed at the site
26 where the bingo games are conducted.

1 (9) Senior citizens organizations and units of local
2 government may conduct bingo without a license or fee,
3 subject to the following conditions:

4 (A) bingo shall be conducted only (i) at a facility
5 that is owned by a unit of local government to which
6 the corporate authorities have given their approval
7 and that is used to provide social services or a
8 meeting place to senior citizens, (ii) in common areas
9 in multi-unit federally assisted rental housing
10 maintained solely for the elderly and handicapped, or
11 (iii) at a building owned by a church or veterans
12 organization;

13 (B) the price paid for a single card shall not
14 exceed 50 cents;

15 (C) the aggregate retail value of all prizes or
16 merchandise awarded in any one game of bingo shall not
17 exceed \$10;

18 (D) no person or organization shall participate in
19 the management or operation of bingo under this item
20 (9) if the person or organization would be ineligible
21 for a license under this Section; and

22 (E) no license is required to provide premises for
23 bingo conducted under this item (9).

24 (10) Bingo equipment shall not be used for any purpose
25 other than for the play of bingo.

26 (Source: P.A. 95-228, eff. 8-16-07; 96-210, eff. 8-10-09;

1 96-1055, eff. 7-14-10; 96-1150, eff. 7-21-10; revised 9-2-10.)

2 Section 440. The Video Gaming Act is amended by changing
3 Sections 5 and 25 as follows:

4 (230 ILCS 40/5)

5 Sec. 5. Definitions. As used in this Act:

6 "Board" means the Illinois Gaming Board.

7 "Credit" means one, 5, 10, or 25 cents either won or
8 purchased by a player.

9 "Distributor" means an individual, partnership,
10 corporation, or limited liability company licensed under this
11 Act to buy, sell, lease, or distribute video gaming terminals
12 or major components or parts of video gaming terminals to or
13 from terminal operators.

14 "Terminal operator" means an individual, partnership,
15 corporation, or limited liability company that is licensed
16 under this Act and that owns, services, and maintains video
17 gaming terminals for placement in licensed establishments,
18 licensed truck stop establishments, licensed fraternal
19 establishments, or licensed veterans establishments.

20 "Licensed technician" means an individual who is licensed
21 under this Act to repair, service, and maintain video gaming
22 terminals.

23 "Licensed terminal handler" means a person, including but
24 not limited to an employee or independent contractor working

1 for a manufacturer, distributor, supplier, technician, or
2 terminal operator, who is licensed under this Act to possess or
3 control a video gaming terminal or to have access to the inner
4 workings of a video gaming terminal. A licensed terminal
5 handler does not include an individual, partnership,
6 corporation, or limited liability company defined as a
7 manufacturer, distributor, supplier, technician, or terminal
8 operator under this Act.

9 "Manufacturer" means an individual, partnership,
10 corporation, or limited liability company that is licensed
11 under this Act and that manufactures or assembles video gaming
12 terminals.

13 "Supplier" means an individual, partnership, corporation,
14 or limited liability company that is licensed under this Act to
15 supply major components or parts to video gaming terminals to
16 licensed terminal operators.

17 "Net terminal income" means money put into a video gaming
18 terminal minus credits paid out to players.

19 "Video gaming terminal" means any electronic video game
20 machine that, upon insertion of cash, is available to play or
21 simulate the play of a video game, including but not limited to
22 video poker, line up, and blackjack, as authorized by the Board
23 utilizing a video display and microprocessors in which the
24 player may receive free games or credits that can be redeemed
25 for cash. The term does not include a machine that directly
26 dispenses coins, cash, or tokens or is for amusement purposes

1 only.

2 "Licensed establishment" means any licensed retail
3 establishment where alcoholic liquor is drawn, poured, mixed,
4 or otherwise served for consumption on the premises and
5 includes any such establishment that has a contractual
6 relationship with an inter-track wagering location licensee
7 licensed under the Illinois Horse Racing Act of 1975, provided
8 any contractual relationship shall not include any transfer or
9 offer of revenue from the operation of video gaming under this
10 Act to any licensee licensed under the Illinois Horse Racing
11 Act of 1975. Provided, however, that the licensed establishment
12 that has such a contractual relationship with an inter-track
13 wagering location licensee may not, itself, be (i) an
14 inter-track wagering location licensee, (ii) the corporate
15 parent or subsidiary of any licensee licensed under the
16 Illinois Horse Racing Act of 1975, or (iii) the corporate
17 subsidiary of a corporation that is also the corporate parent
18 or subsidiary of any licensee licensed under the Illinois Horse
19 Racing Act of 1975. "Licensed establishment" does not include a
20 facility operated by an organization licensee, an inter-track
21 wagering licensee, or an inter-track wagering location
22 licensee licensed under the Illinois Horse Racing Act of 1975
23 or a riverboat licensed under the Riverboat Gambling Act,
24 except as provided in this paragraph.

25 "Licensed fraternal establishment" means the location
26 where a qualified fraternal organization that derives its

1 charter from a national fraternal organization regularly
2 meets.

3 "Licensed veterans establishment" means the location where
4 a qualified veterans organization that derives its charter from
5 a national veterans organization regularly meets.

6 "Licensed truck stop establishment" means a facility (i)
7 that is at least a 3-acre facility with a convenience store,
8 (ii) with separate diesel islands for fueling commercial motor
9 vehicles, (iii) that sells at retail more than 10,000 gallons
10 of diesel or biodiesel fuel per month, and (iv) with parking
11 spaces for commercial motor vehicles. "Commercial motor
12 vehicles" has the same meaning as defined in Section 18b-101 of
13 the Illinois Vehicle Code. The requirement of item (iii) of
14 this paragraph may be met by showing that estimated future
15 sales or past sales average at least 10,000 gallons per month.

16 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
17 96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; revised
18 9-16-10.)

19 (230 ILCS 40/25)

20 Sec. 25. Restriction of licensees.

21 (a) Manufacturer. A person may not be licensed as a
22 manufacturer of a video gaming terminal in Illinois unless the
23 person has a valid manufacturer's license issued under this
24 Act. A manufacturer may only sell video gaming terminals for
25 use in Illinois to persons having a valid distributor's

1 license.

2 (b) Distributor. A person may not sell, distribute, or
3 lease or market a video gaming terminal in Illinois unless the
4 person has a valid distributor's license issued under this Act.
5 A distributor may only sell video gaming terminals for use in
6 Illinois to persons having a valid distributor's or terminal
7 operator's license.

8 (c) Terminal operator. A person may not own, maintain, or
9 place a video gaming terminal unless he has a valid terminal
10 operator's license issued under this Act. A terminal operator
11 may only place video gaming terminals for use in Illinois in
12 licensed establishments, licensed truck stop establishments,
13 licensed fraternal establishments, and licensed veterans
14 establishments. No terminal operator may give anything of
15 value, including but not limited to a loan or financing
16 arrangement, to a licensed establishment, licensed truck stop
17 establishment, licensed fraternal establishment, or licensed
18 veterans establishment as any incentive or inducement to locate
19 video terminals in that establishment. Of the after-tax profits
20 from a video gaming terminal, 50% shall be paid to the terminal
21 operator and 50% shall be paid to the licensed establishment,
22 licensed truck stop establishment, licensed fraternal
23 establishment, or licensed veterans establishment,
24 notwithstanding any agreement to the contrary. A video terminal
25 operator that violates one or more requirements of this
26 subsection is guilty of a Class 4 felony and is subject to

1 termination of his or her license by the Board.

2 (d) Licensed technician. A person may not service,
3 maintain, or repair a video gaming terminal in this State
4 unless he or she (1) has a valid technician's license issued
5 under this Act, (2) is a terminal operator, or (3) is employed
6 by a terminal operator, distributor, or manufacturer.

7 (d-5) Licensed terminal handler. No person, including, but
8 not limited to, an employee or independent contractor working
9 for a manufacturer, distributor, supplier, technician, or
10 terminal operator licensed pursuant to this Act, shall have
11 possession or control of a video gaming terminal, or access to
12 the inner workings of a video gaming terminal, unless that
13 person possesses a valid terminal handler's license issued
14 under this Act.

15 (e) Licensed establishment. No video gaming terminal may be
16 placed in any licensed establishment, licensed veterans
17 establishment, licensed truck stop establishment, or licensed
18 fraternal establishment unless the owner or agent of the owner
19 of the licensed establishment, licensed veterans
20 establishment, licensed truck stop establishment, or licensed
21 fraternal establishment has entered into a written use
22 agreement with the terminal operator for placement of the
23 terminals. A copy of the use agreement shall be on file in the
24 terminal operator's place of business and available for
25 inspection by individuals authorized by the Board. A licensed
26 establishment, licensed truck stop establishment, licensed

1 veterans establishment, or licensed fraternal establishment
2 may operate up to 5 video gaming terminals on its premises at
3 any time.

4 (f) (Blank).

5 (g) Financial interest restrictions. As used in this Act,
6 "substantial interest" in a partnership, a corporation, an
7 organization, an association, a business, or a limited
8 liability company means:

9 (A) When, with respect to a sole proprietorship, an
10 individual or his or her spouse owns, operates, manages, or
11 conducts, directly or indirectly, the organization,
12 association, or business, or any part thereof; or

13 (B) When, with respect to a partnership, the individual
14 or his or her spouse shares in any of the profits, or
15 potential profits, of the partnership activities; or

16 (C) When, with respect to a corporation, an individual
17 or his or her spouse is an officer or director, or the
18 individual or his or her spouse is a holder, directly or
19 beneficially, of 5% or more of any class of stock of the
20 corporation; or

21 (D) When, with respect to an organization not covered
22 in (A), (B) or (C) above, an individual or his or her
23 spouse is an officer or manages the business affairs, or
24 the individual or his or her spouse is the owner of or
25 otherwise controls 10% or more of the assets of the
26 organization; or

1 (E) When an individual or his or her spouse furnishes
2 5% or more of the capital, whether in cash, goods, or
3 services, for the operation of any business, association,
4 or organization during any calendar year; or

5 (F) When, with respect to a limited liability company,
6 an individual or his or her spouse is a member, or the
7 individual or his or her spouse is a holder, directly or
8 beneficially, of 5% or more of the membership interest of
9 the limited liability company.

10 For purposes of this subsection (g), "individual" includes
11 all individuals or their spouses whose combined interest would
12 qualify as a substantial interest under this subsection (g) and
13 whose activities with respect to an organization, association,
14 or business are so closely aligned or coordinated as to
15 constitute the activities of a single entity.

16 (h) Location restriction. A licensed establishment,
17 licensed truck stop establishment, licensed fraternal
18 establishment, or licensed veterans establishment that is (i)
19 located within 1,000 feet of a facility operated by an
20 organization licensee or an inter-track wagering licensee ~~or~~
21 ~~inter-track~~ licensed under the Illinois Horse Racing Act of
22 1975, or the home dock of a riverboat licensed under the
23 Riverboat Gambling Act or (ii) located within 100 feet of a
24 school or a place of worship under the Religious Corporation
25 Act, is ineligible to operate a video gaming terminal. The
26 location restrictions in this subsection (h) do not apply if a

1 facility operated by an organization licensee, an inter-track
2 wagering licensee, or an inter-track wagering location
3 licensee, a school, or a place of worship moves to or is
4 established within the restricted area after a licensed
5 establishment, licensed truck stop establishment, licensed
6 fraternal establishment, or licensed veterans establishment
7 becomes licensed under this Act. For the purpose of this
8 subsection, "school" means an elementary or secondary public
9 school, or an elementary or secondary private school registered
10 with or recognized by the State Board of Education.

11 Notwithstanding the provisions of this subsection (h), the
12 Board may waive the requirement that a licensed establishment,
13 licensed truck stop establishment, licensed fraternal
14 establishment, or licensed veterans establishment not be
15 located within 1,000 feet from a facility operated by an
16 organization licensee, an inter-track wagering licensee, or an
17 inter-track wagering location licensee licensed under the
18 Illinois Horse Racing Act of 1975 or the home dock of a
19 riverboat licensed under the Riverboat Gambling Act. The Board
20 shall not grant such waiver if there is any common ownership or
21 control, shared business activity, or contractual arrangement
22 of any type between the establishment and the organization
23 licensee, inter-track wagering licensee, inter-track wagering
24 location licensee, or owners licensee of a riverboat. The Board
25 shall adopt rules to implement the provisions of this
26 paragraph.

1 (i) Undue economic concentration. In addition to
2 considering all other requirements under this Act, in deciding
3 whether to approve the operation of video gaming terminals by a
4 terminal operator in a location, the Board shall consider the
5 impact of any economic concentration of such operation of video
6 gaming terminals. The Board shall not allow a terminal operator
7 to operate video gaming terminals if the Board determines such
8 operation will result in undue economic concentration. For
9 purposes of this Section, "undue economic concentration" means
10 that a terminal operator would have such actual or potential
11 influence over video gaming terminals in Illinois as to:

12 (1) substantially impede or suppress competition among
13 terminal operators;

14 (2) adversely impact the economic stability of the
15 video gaming industry in Illinois; or

16 (3) negatively impact the purposes of the Video Gaming
17 Act.

18 The Board shall adopt rules concerning undue economic
19 concentration with respect to the operation of video gaming
20 terminals in Illinois. The rules shall include, but not be
21 limited to, (i) limitations on the number of video gaming
22 terminals operated by any terminal operator within a defined
23 geographic radius and (ii) guidelines on the discontinuation of
24 operation of any such video gaming terminals the Board
25 determines will cause undue economic concentration.

26 (j) The provisions of the Illinois Antitrust Act are fully

1 and equally applicable to the activities of any licensee under
2 this Act.

3 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
4 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;
5 96-1479, eff. 8-23-10; revised 9-16-10.)

6 Section 445. The Illinois Public Aid Code is amended by
7 changing Sections 5-2, 5-5.12, and 12-4.5 and by setting forth
8 and renumbering multiple versions of Sections 5-5.4f and
9 12-4.40 as follows:

10 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

11 Sec. 5-2. Classes of Persons Eligible. Medical assistance
12 under this Article shall be available to any of the following
13 classes of persons in respect to whom a plan for coverage has
14 been submitted to the Governor by the Illinois Department and
15 approved by him:

16 1. Recipients of basic maintenance grants under
17 Articles III and IV.

18 2. Persons otherwise eligible for basic maintenance
19 under Articles III and IV, excluding any eligibility
20 requirements that are inconsistent with any federal law or
21 federal regulation, as interpreted by the U.S. Department
22 of Health and Human Services, but who fail to qualify
23 thereunder on the basis of need or who qualify but are not
24 receiving basic maintenance under Article IV, and who have

1 insufficient income and resources to meet the costs of
2 necessary medical care, including but not limited to the
3 following:

4 (a) All persons otherwise eligible for basic
5 maintenance under Article III but who fail to qualify
6 under that Article on the basis of need and who meet
7 either of the following requirements:

8 (i) their income, as determined by the
9 Illinois Department in accordance with any federal
10 requirements, is equal to or less than 70% in
11 fiscal year 2001, equal to or less than 85% in
12 fiscal year 2002 and until a date to be determined
13 by the Department by rule, and equal to or less
14 than 100% beginning on the date determined by the
15 Department by rule, of the nonfarm income official
16 poverty line, as defined by the federal Office of
17 Management and Budget and revised annually in
18 accordance with Section 673(2) of the Omnibus
19 Budget Reconciliation Act of 1981, applicable to
20 families of the same size; or

21 (ii) their income, after the deduction of
22 costs incurred for medical care and for other types
23 of remedial care, is equal to or less than 70% in
24 fiscal year 2001, equal to or less than 85% in
25 fiscal year 2002 and until a date to be determined
26 by the Department by rule, and equal to or less

1 than 100% beginning on the date determined by the
2 Department by rule, of the nonfarm income official
3 poverty line, as defined in item (i) of this
4 subparagraph (a).

5 (b) All persons who, excluding any eligibility
6 requirements that are inconsistent with any federal
7 law or federal regulation, as interpreted by the U.S.
8 Department of Health and Human Services, would be
9 determined eligible for such basic maintenance under
10 Article IV by disregarding the maximum earned income
11 permitted by federal law.

12 3. Persons who would otherwise qualify for Aid to the
13 Medically Indigent under Article VII.

14 4. Persons not eligible under any of the preceding
15 paragraphs who fall sick, are injured, or die, not having
16 sufficient money, property or other resources to meet the
17 costs of necessary medical care or funeral and burial
18 expenses.

19 5.(a) Women during pregnancy, after the fact of
20 pregnancy has been determined by medical diagnosis, and
21 during the 60-day period beginning on the last day of the
22 pregnancy, together with their infants and children born
23 after September 30, 1983, whose income and resources are
24 insufficient to meet the costs of necessary medical care to
25 the maximum extent possible under Title XIX of the Federal
26 Social Security Act.

1 (b) The Illinois Department and the Governor shall
2 provide a plan for coverage of the persons eligible under
3 paragraph 5(a) by April 1, 1990. Such plan shall provide
4 ambulatory prenatal care to pregnant women during a
5 presumptive eligibility period and establish an income
6 eligibility standard that is equal to 133% of the nonfarm
7 income official poverty line, as defined by the federal
8 Office of Management and Budget and revised annually in
9 accordance with Section 673(2) of the Omnibus Budget
10 Reconciliation Act of 1981, applicable to families of the
11 same size, provided that costs incurred for medical care
12 are not taken into account in determining such income
13 eligibility.

14 (c) The Illinois Department may conduct a
15 demonstration in at least one county that will provide
16 medical assistance to pregnant women, together with their
17 infants and children up to one year of age, where the
18 income eligibility standard is set up to 185% of the
19 nonfarm income official poverty line, as defined by the
20 federal Office of Management and Budget. The Illinois
21 Department shall seek and obtain necessary authorization
22 provided under federal law to implement such a
23 demonstration. Such demonstration may establish resource
24 standards that are not more restrictive than those
25 established under Article IV of this Code.

26 6. Persons under the age of 18 who fail to qualify as

1 dependent under Article IV and who have insufficient income
2 and resources to meet the costs of necessary medical care
3 to the maximum extent permitted under Title XIX of the
4 Federal Social Security Act.

5 7. Persons who are under 21 years of age and would
6 qualify as disabled as defined under the Federal
7 Supplemental Security Income Program, provided medical
8 service for such persons would be eligible for Federal
9 Financial Participation, and provided the Illinois
10 Department determines that:

11 (a) the person requires a level of care provided by
12 a hospital, skilled nursing facility, or intermediate
13 care facility, as determined by a physician licensed to
14 practice medicine in all its branches;

15 (b) it is appropriate to provide such care outside
16 of an institution, as determined by a physician
17 licensed to practice medicine in all its branches;

18 (c) the estimated amount which would be expended
19 for care outside the institution is not greater than
20 the estimated amount which would be expended in an
21 institution.

22 8. Persons who become ineligible for basic maintenance
23 assistance under Article IV of this Code in programs
24 administered by the Illinois Department due to employment
25 earnings and persons in assistance units comprised of
26 adults and children who become ineligible for basic

1 maintenance assistance under Article VI of this Code due to
2 employment earnings. The plan for coverage for this class
3 of persons shall:

4 (a) extend the medical assistance coverage for up
5 to 12 months following termination of basic
6 maintenance assistance; and

7 (b) offer persons who have initially received 6
8 months of the coverage provided in paragraph (a) above,
9 the option of receiving an additional 6 months of
10 coverage, subject to the following:

11 (i) such coverage shall be pursuant to
12 provisions of the federal Social Security Act;

13 (ii) such coverage shall include all services
14 covered while the person was eligible for basic
15 maintenance assistance;

16 (iii) no premium shall be charged for such
17 coverage; and

18 (iv) such coverage shall be suspended in the
19 event of a person's failure without good cause to
20 file in a timely fashion reports required for this
21 coverage under the Social Security Act and
22 coverage shall be reinstated upon the filing of
23 such reports if the person remains otherwise
24 eligible.

25 9. Persons with acquired immunodeficiency syndrome
26 (AIDS) or with AIDS-related conditions with respect to whom

1 there has been a determination that but for home or
2 community-based services such individuals would require
3 the level of care provided in an inpatient hospital,
4 skilled nursing facility or intermediate care facility the
5 cost of which is reimbursed under this Article. Assistance
6 shall be provided to such persons to the maximum extent
7 permitted under Title XIX of the Federal Social Security
8 Act.

9 10. Participants in the long-term care insurance
10 partnership program established under the Illinois
11 Long-Term Care Partnership Program Act who meet the
12 qualifications for protection of resources described in
13 Section 15 of that Act.

14 11. Persons with disabilities who are employed and
15 eligible for Medicaid, pursuant to Section
16 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
17 subject to federal approval, persons with a medically
18 improved disability who are employed and eligible for
19 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
20 the Social Security Act, as provided by the Illinois
21 Department by rule. In establishing eligibility standards
22 under this paragraph 11, the Department shall, subject to
23 federal approval:

24 (a) set the income eligibility standard at not
25 lower than 350% of the federal poverty level;

26 (b) exempt retirement accounts that the person

1 cannot access without penalty before the age of 59 1/2,
2 and medical savings accounts established pursuant to
3 26 U.S.C. 220;

4 (c) allow non-exempt assets up to \$25,000 as to
5 those assets accumulated during periods of eligibility
6 under this paragraph 11; and

7 (d) continue to apply subparagraphs (b) and (c) in
8 determining the eligibility of the person under this
9 Article even if the person loses eligibility under this
10 paragraph 11.

11 12. Subject to federal approval, persons who are
12 eligible for medical assistance coverage under applicable
13 provisions of the federal Social Security Act and the
14 federal Breast and Cervical Cancer Prevention and
15 Treatment Act of 2000. Those eligible persons are defined
16 to include, but not be limited to, the following persons:

17 (1) persons who have been screened for breast or
18 cervical cancer under the U.S. Centers for Disease
19 Control and Prevention Breast and Cervical Cancer
20 Program established under Title XV of the federal
21 Public Health Services Act in accordance with the
22 requirements of Section 1504 of that Act as
23 administered by the Illinois Department of Public
24 Health; and

25 (2) persons whose screenings under the above
26 program were funded in whole or in part by funds

1 appropriated to the Illinois Department of Public
2 Health for breast or cervical cancer screening.

3 "Medical assistance" under this paragraph 12 shall be
4 identical to the benefits provided under the State's
5 approved plan under Title XIX of the Social Security Act.
6 The Department must request federal approval of the
7 coverage under this paragraph 12 within 30 days after the
8 effective date of this amendatory Act of the 92nd General
9 Assembly.

10 In addition to the persons who are eligible for medical
11 assistance pursuant to subparagraphs (1) and (2) of this
12 paragraph 12, and to be paid from funds appropriated to the
13 Department for its medical programs, any uninsured person
14 as defined by the Department in rules residing in Illinois
15 who is younger than 65 years of age, who has been screened
16 for breast and cervical cancer in accordance with standards
17 and procedures adopted by the Department of Public Health
18 for screening, and who is referred to the Department by the
19 Department of Public Health as being in need of treatment
20 for breast or cervical cancer is eligible for medical
21 assistance benefits that are consistent with the benefits
22 provided to those persons described in subparagraphs (1)
23 and (2). Medical assistance coverage for the persons who
24 are eligible under the preceding sentence is not dependent
25 on federal approval, but federal moneys may be used to pay
26 for services provided under that coverage upon federal

1 approval.

2 13. Subject to appropriation and to federal approval,
3 persons living with HIV/AIDS who are not otherwise eligible
4 under this Article and who qualify for services covered
5 under Section 5-5.04 as provided by the Illinois Department
6 by rule.

7 14. Subject to the availability of funds for this
8 purpose, the Department may provide coverage under this
9 Article to persons who reside in Illinois who are not
10 eligible under any of the preceding paragraphs and who meet
11 the income guidelines of paragraph 2(a) of this Section and
12 (i) have an application for asylum pending before the
13 federal Department of Homeland Security or on appeal before
14 a court of competent jurisdiction and are represented
15 either by counsel or by an advocate accredited by the
16 federal Department of Homeland Security and employed by a
17 not-for-profit organization in regard to that application
18 or appeal, or (ii) are receiving services through a
19 federally funded torture treatment center. Medical
20 coverage under this paragraph 14 may be provided for up to
21 24 continuous months from the initial eligibility date so
22 long as an individual continues to satisfy the criteria of
23 this paragraph 14. If an individual has an appeal pending
24 regarding an application for asylum before the Department
25 of Homeland Security, eligibility under this paragraph 14
26 may be extended until a final decision is rendered on the

1 appeal. The Department may adopt rules governing the
2 implementation of this paragraph 14.

3 15. Family Care Eligibility.

4 (a) A caretaker relative who is 19 years of age or
5 older when countable income is at or below 185% of the
6 Federal Poverty Level Guidelines, as published
7 annually in the Federal Register, for the appropriate
8 family size. A person may not spend down to become
9 eligible under this paragraph 15.

10 (b) Eligibility shall be reviewed annually.

11 (c) Caretaker relatives enrolled under this
12 paragraph 15 in families with countable income above
13 150% and at or below 185% of the Federal Poverty Level
14 Guidelines shall be counted as family members and pay
15 premiums as established under the Children's Health
16 Insurance Program Act.

17 (d) Premiums shall be billed by and payable to the
18 Department or its authorized agent, on a monthly basis.

19 (e) The premium due date is the last day of the
20 month preceding the month of coverage.

21 (f) Individuals shall have a grace period through
22 30 days of coverage to pay the premium.

23 (g) Failure to pay the full monthly premium by the
24 last day of the grace period shall result in
25 termination of coverage.

26 (h) Partial premium payments shall not be

1 refunded.

2 (i) Following termination of an individual's
3 coverage under this paragraph 15, the following action
4 is required before the individual can be re-enrolled:

5 (1) A new application must be completed and the
6 individual must be determined otherwise eligible.

7 (2) There must be full payment of premiums due
8 under this Code, the Children's Health Insurance
9 Program Act, the Covering ALL KIDS Health
10 Insurance Act, or any other healthcare program
11 administered by the Department for periods in
12 which a premium was owed and not paid for the
13 individual.

14 (3) The first month's premium must be paid if
15 there was an unpaid premium on the date the
16 individual's previous coverage was canceled.

17 The Department is authorized to implement the
18 provisions of this amendatory Act of the 95th General
19 Assembly by adopting the medical assistance rules in effect
20 as of October 1, 2007, at 89 Ill. Admin. Code 125, and at
21 89 Ill. Admin. Code 120.32 along with only those changes
22 necessary to conform to federal Medicaid requirements,
23 federal laws, and federal regulations, including but not
24 limited to Section 1931 of the Social Security Act (42
25 U.S.C. Sec. 1396u-1), as interpreted by the U.S. Department
26 of Health and Human Services, and the countable income

1 eligibility standard authorized by this paragraph 15. The
2 Department may not otherwise adopt any rule to implement
3 this increase except as authorized by law, to meet the
4 eligibility standards authorized by the federal government
5 in the Medicaid State Plan or the Title XXI Plan, or to
6 meet an order from the federal government or any court.

7 16. Subject to appropriation, uninsured persons who
8 are not otherwise eligible under this Section who have been
9 certified and referred by the Department of Public Health
10 as having been screened and found to need diagnostic
11 evaluation or treatment, or both diagnostic evaluation and
12 treatment, for prostate or testicular cancer. For the
13 purposes of this paragraph 16, uninsured persons are those
14 who do not have creditable coverage, as defined under the
15 Health Insurance Portability and Accountability Act, or
16 have otherwise exhausted any insurance benefits they may
17 have had, for prostate or testicular cancer diagnostic
18 evaluation or treatment, or both diagnostic evaluation and
19 treatment. To be eligible, a person must furnish a Social
20 Security number. A person's assets are exempt from
21 consideration in determining eligibility under this
22 paragraph 16. Such persons shall be eligible for medical
23 assistance under this paragraph 16 for so long as they need
24 treatment for the cancer. A person shall be considered to
25 need treatment if, in the opinion of the person's treating
26 physician, the person requires therapy directed toward

1 cure or palliation of prostate or testicular cancer,
2 including recurrent metastatic cancer that is a known or
3 presumed complication of prostate or testicular cancer and
4 complications resulting from the treatment modalities
5 themselves. Persons who require only routine monitoring
6 services are not considered to need treatment. "Medical
7 assistance" under this paragraph 16 shall be identical to
8 the benefits provided under the State's approved plan under
9 Title XIX of the Social Security Act. Notwithstanding any
10 other provision of law, the Department (i) does not have a
11 claim against the estate of a deceased recipient of
12 services under this paragraph 16 and (ii) does not have a
13 lien against any homestead property or other legal or
14 equitable real property interest owned by a recipient of
15 services under this paragraph 16.

16 In implementing the provisions of Public Act 96-20, the
17 Department is authorized to adopt only those rules necessary,
18 including emergency rules. Nothing in Public Act 96-20 permits
19 the Department to adopt rules or issue a decision that expands
20 eligibility for the FamilyCare Program to a person whose income
21 exceeds 185% of the Federal Poverty Level as determined from
22 time to time by the U.S. Department of Health and Human
23 Services, unless the Department is provided with express
24 statutory authority.

25 The Illinois Department and the Governor shall provide a
26 plan for coverage of the persons eligible under paragraph 7 as

1 soon as possible after July 1, 1984.

2 The eligibility of any such person for medical assistance
3 under this Article is not affected by the payment of any grant
4 under the Senior Citizens and Disabled Persons Property Tax
5 Relief and Pharmaceutical Assistance Act or any distributions
6 or items of income described under subparagraph (X) of
7 paragraph (2) of subsection (a) of Section 203 of the Illinois
8 Income Tax Act. The Department shall by rule establish the
9 amounts of assets to be disregarded in determining eligibility
10 for medical assistance, which shall at a minimum equal the
11 amounts to be disregarded under the Federal Supplemental
12 Security Income Program. The amount of assets of a single
13 person to be disregarded shall not be less than \$2,000, and the
14 amount of assets of a married couple to be disregarded shall
15 not be less than \$3,000.

16 To the extent permitted under federal law, any person found
17 guilty of a second violation of Article VIIIA shall be
18 ineligible for medical assistance under this Article, as
19 provided in Section 8A-8.

20 The eligibility of any person for medical assistance under
21 this Article shall not be affected by the receipt by the person
22 of donations or benefits from fundraisers held for the person
23 in cases of serious illness, as long as neither the person nor
24 members of the person's family have actual control over the
25 donations or benefits or the disbursement of the donations or
26 benefits.

1 (Source: P.A. 95-546, eff. 8-29-07; 95-1055, eff. 4-10-09;
2 96-20, eff. 6-30-09; 96-181, eff. 8-10-09; 96-328, eff.
3 8-11-09; 96-567, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1123,
4 eff. 1-1-11; 96-1270, eff. 7-26-10; revised 9-16-10.)

5 (305 ILCS 5/5-5.4f)

6 Sec. 5-5.4f. Intermediate care facilities for the
7 developmentally disabled quality workforce initiative.

8 (a) Legislative intent. Individuals with developmental
9 disabilities who live in community-based settings rely on
10 direct support staff for a variety of supports and services
11 essential to the ability to reach their full potential. A
12 stable, well-trained direct support workforce is critical to
13 the well-being of these individuals. State and national studies
14 have documented high rates of turnover among direct support
15 workers and confirmed that improvements in wages can help
16 reduce turnover and develop a more stable and committed
17 workforce. This Section would increase the wages and benefits
18 for direct care workers supporting individuals with
19 developmental disabilities and provide accountability by
20 ensuring that additional resources go directly to these
21 workers.

22 (b) Reimbursement. Notwithstanding any provision of
23 Section 5-5.4, in order to attract and retain a stable,
24 qualified, and healthy workforce, beginning July 1, 2010, the
25 Department of Healthcare and Family Services may reimburse an

1 individual intermediate care facility for the developmentally
2 disabled for spending incurred to provide improved wages and
3 benefits to its employees serving the individuals residing in
4 the facility. Reimbursement shall be based upon patient days
5 reported in the facility's most recent cost report. Subject to
6 available appropriations, this reimbursement shall be made
7 according to the following criteria:

8 (1) The Department shall reimburse the facility to
9 compensate for spending on improved wages and benefits for
10 its eligible employees. Eligible employees include
11 employees engaged in direct care work.

12 (2) In order to qualify for reimbursement under this
13 Section, a facility must submit to the Department, before
14 January 1 of each year, documentation of a written, legally
15 binding commitment to increase spending for the purpose of
16 providing improved wages and benefits to its eligible
17 employees during the next year. The commitment must be
18 binding as to both existing and future staff. The
19 commitment must include a method of enforcing the
20 commitment that is available to the employees or their
21 representative and is expeditious, uses a neutral
22 decision-maker, and is economical for the employees. The
23 Department must also receive documentation of the
24 facility's provision of written notice of the commitment
25 and the availability of the enforcement mechanism to the
26 employees or their representative.

1 (3) Reimbursement shall be based on the amount of
2 increased spending to be incurred by the facility for
3 improving wages and benefits that exceeds the spending
4 reported in the cost report currently used by the
5 Department. Reimbursement shall be calculated as follows:
6 the per diem equivalent of the quarterly difference between
7 the cost to provide improved wages and benefits for covered
8 eligible employees as identified in the legally binding
9 commitment and the previous period cost of wages and
10 benefits as reported in the cost report currently used by
11 the Department, subject to the limitations identified in
12 paragraph (2) of this subsection. In no event shall the per
13 diem increase be in excess of \$5.00 for any 12 month period
14 for an intermediate care facility for the developmentally
15 disabled with more than 16 beds, or in excess of \$6.00 for
16 any 12 month period for an intermediate care facility for
17 the developmentally disabled with 16 beds or less.

18 (4) Any intermediate care facility for the
19 developmentally disabled is eligible to receive
20 reimbursement under this Section. A facility's eligibility
21 to receive reimbursement shall continue as long as the
22 facility maintains eligibility under paragraph (2) of this
23 subsection and the reimbursement program continues to
24 exist.

25 (c) Audit. Reimbursement under this Section is subject to
26 audit by the Department and shall be reduced or eliminated in

1 the case of any facility that does not honor its commitment to
2 increase spending to improve the wages and benefits of its
3 employees or that decreases such spending.

4 (Source: P.A. 96-1124, eff. 7-20-10.)

5 (305 ILCS 5/5-5.4g)

6 Sec. 5-5.4g ~~5-5.4f~~. Minimum Data Set (MDS) Compliance
7 Review; preliminary findings. The Department shall establish
8 by rule a procedure for sharing preliminary Minimum Data Set
9 (MDS) Compliance Review findings with nursing facilities prior
10 to completion of the on-site review. The procedure shall
11 include, but not be limited to, notification to a nursing
12 facility of specific areas of missing documentation required
13 under 89 Ill. Adm. Code 147.75 and the federally mandated
14 resident assessment instrument as specified in 42 CFR 483.20
15 likely to be determined deficient upon conclusion of the
16 Department's quality assurance review process. Prior to the
17 conclusion of the on-site review, the facility shall be given
18 the opportunity to address the specific areas of missing
19 documentation. A facility disputing any rate change may submit
20 an appeal request pursuant to provisions established at 89 Ill.
21 Adm. Code 140.830. An appeal hearing may be requested if the
22 facility believes that the basis for reducing the facility's
23 MDS rate was in error. The facility may not offer any
24 additional documentation during the appeal hearing, but may
25 identify documentation provided during the on-site review that

1 may support a specific area of documentation deemed deficient
2 by the Department.

3 (Source: P.A. 96-1317, eff. 7-27-10; revised 9-9-10.)

4 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

5 Sec. 5-5.12. Pharmacy payments.

6 (a) Every request submitted by a pharmacy for reimbursement
7 under this Article for prescription drugs provided to a
8 recipient of aid under this Article shall include the name of
9 the prescriber or an acceptable identification number as
10 established by the Department.

11 (b) Pharmacies providing prescription drugs under this
12 Article shall be reimbursed at a rate which shall include a
13 professional dispensing fee as determined by the Illinois
14 Department, plus the current acquisition cost of the
15 prescription drug dispensed. The Illinois Department shall
16 update its information on the acquisition costs of all
17 prescription drugs no less frequently than every 30 days.
18 However, the Illinois Department may set the rate of
19 reimbursement for the acquisition cost, by rule, at a
20 percentage of the current average wholesale acquisition cost.

21 (c) (Blank).

22 (d) The Department shall not impose requirements for prior
23 approval based on a preferred drug list for anti-retroviral,
24 anti-hemophilic factor concentrates, or any atypical
25 antipsychotics, conventional antipsychotics, or

1 anticonvulsants used for the treatment of serious mental
2 illnesses until 30 days after it has conducted a study of the
3 impact of such requirements on patient care and submitted a
4 report to the Speaker of the House of Representatives and the
5 President of the Senate.

6 (e) When making determinations as to which drugs shall be
7 on a prior approval list, the Department shall include as part
8 of the analysis for this determination, the degree to which a
9 drug may affect individuals in different ways based on factors
10 including the gender of the person taking the medication.

11 (f) ~~(e)~~ The Department shall cooperate with the Department
12 of Public Health and the Department of Human Services Division
13 of Mental Health in identifying psychotropic medications that,
14 when given in a particular form, manner, duration, or frequency
15 (including "as needed") in a dosage, or in conjunction with
16 other psychotropic medications to a nursing home resident, may
17 constitute a chemical restraint or an "unnecessary drug" as
18 defined by the Nursing Home Care Act or Titles XVIII and XIX of
19 the Social Security Act and the implementing rules and
20 regulations. The Department shall require prior approval for
21 any such medication prescribed for a nursing home resident that
22 appears to be a chemical restraint or an unnecessary drug. The
23 Department shall consult with the Department of Human Services
24 Division of Mental Health in developing a protocol and criteria
25 for deciding whether to grant such prior approval.

26 (Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10;

1 revised 9-2-10.)

2 (305 ILCS 5/12-4.5) (from Ch. 23, par. 12-4.5)

3 Sec. 12-4.5. Co-operation with Federal Government.
4 Co-operate with the Federal Department of Health and Human
5 Services, or with any successor agency thereof, or with any
6 other agency of the Federal Government providing federal funds,
7 commodities, or aid, for public aid and other purposes, in any
8 reasonable manner not contrary to this Code, as may be
9 necessary to qualify for federal aid for the several public aid
10 and welfare service programs established under this Code,
11 including the costs of administration and personnel training
12 incurred thereunder, and for such other aid, welfare and
13 related programs for which federal aid may be available.

14 The Department of Human Services may supervise the
15 administration of food and shelter assistance under this
16 Section for which the Department of Human Services is
17 authorized to receive funds from federal, State and private
18 sources. Under such terms as the Department of Human Services
19 may establish, such monies may be distributed to units of local
20 government and non-profit agencies for the purpose of provision
21 of temporary shelter and food assistance. Temporary shelter
22 means emergency and transitional living arrangements,
23 including related ancillary services. Allowable costs shall
24 include remodeling costs but shall not include other costs not
25 directly related to direct service provision.

1 The Department of Human Services may provide low income
2 families and individuals appropriate supportive services on
3 site to enhance their ability to maintain independent living
4 arrangements or may contract for the provision of those
5 services on site with entities that develop or operate housing
6 developments, governmental units, community based
7 organizations, or not for profit organizations. Those living
8 arrangements may include transitional housing, single-room
9 occupancy (SRO) housing developments, or family housing
10 developments. Supportive services may include any service
11 authorized under this ~~the Public Aid~~ Code including, but not
12 limited to, services relating to substance abuse, mental
13 health, transportation, child care, or case management. When
14 appropriate, the Department of Human Services shall work with
15 other State agencies in order to coordinate services and to
16 maximize funding. The Department of Human Services shall give
17 priority for services to residents of housing developments
18 which have been funded by or have a commitment of funds from
19 the Illinois Housing Development Authority.

20 The Department of Human Services shall promulgate specific
21 rules governing the selection of Distribution Network Agencies
22 under the Federal Surplus Commodity Program including, but not
23 limited to, policies relative to the termination of contracts,
24 policies relative to fraud and abuse, appeals processes, and
25 information relative to application and selection processes.
26 The Department of Human Services shall also promulgate specific

1 rules that set forth the information required to be contained
2 in the cost reports to be submitted by each Distribution
3 Network Agency to the Department of Human Services.

4 The Department of Human Services shall cooperate with units
5 of local government and non-profit agencies in the development
6 and implementation of plans to assure the availability of
7 temporary shelter for persons without a home and/or food
8 assistance.

9 The Department of Human Services shall report annually to
10 the House and Senate Appropriations Committees of the General
11 Assembly regarding the provision of monies for such assistance
12 as provided in this Section, including the number of persons
13 served, the level and cost of food provided and the level and
14 cost of each type of shelter provided and any unmet need as to
15 food and shelter.

16 The Illinois Department of Human Services shall make such
17 reports to the Federal Department or other Federal agencies in
18 such form and containing such information as may be required,
19 and shall comply with such provisions as may be necessary to
20 assure the correctness and verification of such reports if
21 funds are contributed by the Federal Government. In cooperating
22 with any federal agency providing federal funds, commodities,
23 or aid for public aid and other purposes, the Department of
24 Human Services, with the consent of the Governor, may make
25 necessary expenditures from moneys appropriated for such
26 purposes for any of the subdivisions of public aid, for related

1 purposes, or for administration.

2 (Source: P.A. 88-332; 89-507, eff. 7-1-97; revised 9-16-10.)

3 (305 ILCS 5/12-4.40)

4 Sec. 12-4.40. Payment Recapture Audits. The Department of
5 Healthcare and Family Services is authorized to contract with
6 third-party entities to conduct Payment Recapture Audits to
7 detect and recapture payments made in error or as a result of
8 fraud or abuse. Payment Recapture Audits under this Section may
9 be performed in conjunction with similar audits performed under
10 federal authorization.

11 A Payment Recapture Audit shall include the process of
12 identifying improper payments paid to providers or other
13 entities whereby accounting specialists and fraud examination
14 specialists examine payment records and uncover such problems
15 as duplicate payments, payments for services not rendered,
16 overpayments, payments for unauthorized services, and
17 fictitious vendors. This audit may include the use of
18 professional and specialized auditors on a contingency basis,
19 with compensation tied to the identification of misspent funds.

20 The use of Payment Recapture Audits does not preclude the
21 Office of the Inspector General or any other authorized agency
22 employee from performing activities to identify and prevent
23 improper payments.

24 (Source: P.A. 96-942, eff. 6-25-10.)

1 (305 ILCS 5/12-4.41)

2 Sec. 12-4.41 ~~12-4.40~~. Public Benefits Fraud Protection
3 Task Force.

4 (a) Purpose. The purpose of the Public Benefits Fraud
5 Protection Task Force is to conduct a thorough review of the
6 nature of public assistance fraud in the State of Illinois; to
7 ascertain the feasibility of implementing a mechanism to
8 determine the pervasiveness and frequency of public assistance
9 fraud; to calculate the detriment of public assistance fraud to
10 the financial status and socio-economic status of public aid
11 recipients specifically and Illinois taxpayers generally; and
12 to determine if more stringent penalties or compassionate
13 procedures are necessary.

14 (b) Definitions. As used in this Section:

15 "Task Force" means the Public Benefits Fraud Protection
16 Task Force.

17 "Public assistance" or "public aid" includes, without
18 limitation, Medicaid, TANF, the Illinois LINK Program, General
19 Assistance, Transitional Assistance, the Supplemental
20 Nutrition Assistance Program, and the Child Care Assistance
21 Program.

22 (c) The Public Benefits Fraud Protection Task Force. The
23 Public Benefits Fraud Protection Task Force is created. The
24 Task Force shall be composed of 17 members appointed as
25 follows:

26 (1) One member of the Illinois Senate appointed by the

1 President of the Senate, who shall be co-chair to the Task
2 Force;

3 (2) One member of the Illinois Senate appointed by the
4 Senate Minority Leader;

5 (3) One member of the Illinois House of Representatives
6 appointed by the Speaker of the House of Representatives,
7 who shall be co-chair to the Task Force;

8 (4) One member of the Illinois House of Representatives
9 appointed by the House Minority Leader;

10 (5) The following persons, or their designees: the
11 Director of Public Health, the Director of Healthcare and
12 Family Services, and the Secretary of Human Services;

13 (6) The Director of the Illinois Department on Aging,
14 or his or her designee;

15 (7) The Executive Inspector General appointed by the
16 Governor, or his or her designee;

17 (8) The Inspector General of the Illinois Department of
18 Human Services, or his or her designee;

19 (9) A representative from the Illinois State Police
20 Medicaid Fraud Control Unit;

21 (10) Three persons, who are not currently employed by a
22 State agency, appointed by the Secretary of Human Services,
23 one of whom shall be a person with professional experience
24 in child care issues, one of whom shall be a person with
25 knowledge and experience in legal aid services, and one of
26 whom shall be a person with knowledge and experience in

1 poverty law;

2 (11) The Attorney General, or his or her designee;

3 (12) A representative of a union representing front
4 line State employees who administer public benefits
5 programs; and

6 (13) A representative of a statewide business
7 association.

8 (d) Compensation and qualifications. Members shall serve
9 without compensation and shall be adults and residents of
10 Illinois.

11 (e) Appointments. Appointments shall be made 90 days from
12 the effective date of this amendatory Act of the 96th General
13 Assembly.

14 (f) Hearings. The Task Force shall solicit comments from
15 stakeholders and hold public hearings before filing any report
16 required by this Section. At the public hearings, the Task
17 Force shall allow interested persons to present their views and
18 comments. The Task Force shall submit all reports required by
19 this Section to the Governor and the General Assembly. In
20 addition to the reports required by this Section, the Task
21 Force may provide, at its discretion, interim reports and
22 recommendations. The Department of Human Services shall
23 provide administrative support to the Task Force.

24 (g) Task Force duties. The Task Force shall gather
25 information and make recommendations relating to at least the
26 following topics in relation to public assistance fraud:

- 1 (1) Reviews of provider billing of public aid claims.
- 2 (2) Reviews of recipient utilization of public aid.
- 3 (3) Protocols for investigating recipient public aid
- 4 fraud.
- 5 (4) Protocols for investigating provider public aid
- 6 fraud.
- 7 (5) Reporting of alleged fraud by private citizens
- 8 through qui tam actions.
- 9 (6) Examination of current fraud prevention measures
- 10 which may hinder legitimate aid claims.
- 11 (7) Coordination between relevant agencies in fraud
- 12 investigation.
- 13 (8) Financial audit of the current costs borne by aid
- 14 recipients and Illinois government through fraud.
- 15 (9) Examination of enhanced penalties for fraudulent
- 16 recipients and providers.
- 17 (10) Enhanced whistleblower protections.
- 18 (11) Voluntary assistance from businesses and
- 19 community groups in efforts to curb fraud.
- 20 (h) Task Force recommendations. Any of the findings,
- 21 recommendations, public postings, and other relevant
- 22 information regarding the Task Force shall be made available on
- 23 the Department of Human Services' website.
- 24 (i) Reporting requirements. The Task Force shall submit
- 25 findings and recommendations to the Governor and the General
- 26 Assembly by December 31, 2011, including any necessary

1 implementing legislation, and recommendations for changes to
2 policies, rules, or procedures that are not incorporated in the
3 implementing legislation.

4 (j) Dissolution of Task Force. The Task Force shall be
5 dissolved 90 days after its report has been submitted to the
6 Governor's Office and the General Assembly.

7 (Source: P.A. 96-1346, eff. 1-1-11; revised 9-9-10.)

8 (305 ILCS 5/12-4.42)

9 Sec. 12-4.42 ~~12-4.40~~. Medicaid Revenue Maximization.

10 (a) Purpose. The General Assembly finds that there is a
11 need to make changes to the administration of services provided
12 by State and local governments in order to maximize federal
13 financial participation.

14 (b) Definitions. As used in this Section:

15 "Community Medicaid mental health services" means all
16 mental health services outlined in Section 132 of Title 59 of
17 the Illinois Administrative Code that are funded through DHS,
18 eligible for federal financial participation, and provided by a
19 community-based provider.

20 "Community-based provider" means an entity enrolled as a
21 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
22 the Illinois Administrative Code and certified to provide
23 community Medicaid mental health services in accordance with
24 Section 132 of Title 59 of the Illinois Administrative Code.

25 "DCFS" means the Department of Children and Family

1 Services.

2 "Department" means the Illinois Department of Healthcare
3 and Family Services.

4 "Developmentally disabled care facility" means an
5 intermediate care facility for the mentally retarded within the
6 meaning of Title XIX of the Social Security Act, whether public
7 or private and whether organized for profit or not-for-profit,
8 but shall not include any facility operated by the State.

9 "Developmentally disabled care provider" means a person
10 conducting, operating, or maintaining a developmentally
11 disabled care facility. For purposes of this definition,
12 "person" means any political subdivision of the State,
13 municipal corporation, individual, firm, partnership,
14 corporation, company, limited liability company, association,
15 joint stock association, or trust, or a receiver, executor,
16 trustee, guardian, or other representative appointed by order
17 of any court.

18 "DHS" means the Illinois Department of Human Services.

19 "Hospital" means an institution, place, building, or
20 agency located in this State that is licensed as a general
21 acute hospital by the Illinois Department of Public Health
22 under the Hospital Licensing Act, whether public or private and
23 whether organized for profit or not-for-profit.

24 "Long term care facility" means (i) a skilled nursing or
25 intermediate long term care facility, whether public or private
26 and whether organized for profit or not-for-profit, that is

1 subject to licensure by the Illinois Department of Public
2 Health under the Nursing Home Care Act, including a county
3 nursing home directed and maintained under Section 5-1005 of
4 the Counties Code, and (ii) a part of a hospital in which
5 skilled or intermediate long term care services within the
6 meaning of Title XVIII or XIX of the Social Security Act are
7 provided; except that the term "long term care facility" does
8 not include a facility operated solely as an intermediate care
9 facility for the mentally retarded within the meaning of Title
10 XIX of the Social Security Act.

11 "Long term care provider" means (i) a person licensed by
12 the Department of Public Health to operate and maintain a
13 skilled nursing or intermediate long term care facility or (ii)
14 a hospital provider that provides skilled or intermediate long
15 term care services within the meaning of Title XVIII or XIX of
16 the Social Security Act. For purposes of this definition,
17 "person" means any political subdivision of the State,
18 municipal corporation, individual, firm, partnership,
19 corporation, company, limited liability company, association,
20 joint stock association, or trust, or a receiver, executor,
21 trustee, guardian, or other representative appointed by order
22 of any court.

23 "State-operated developmentally disabled care facility"
24 means an intermediate care facility for the mentally retarded
25 within the meaning of Title XIX of the Social Security Act
26 operated by the State.

1 (c) Administration and deposit of Revenues. The Department
2 shall coordinate the implementation of changes required by this
3 amendatory Act of the 96th General Assembly amongst the various
4 State and local government bodies that administer programs
5 referred to in this Section.

6 Revenues generated by program changes mandated by any
7 provision in this Section, less reasonable administrative
8 costs associated with the implementation of these program
9 changes, shall be deposited into the Healthcare Provider Relief
10 Fund.

11 The Department shall issue a report to the General Assembly
12 detailing the implementation progress of this amendatory Act of
13 the 96th General Assembly as a part of the Department's Medical
14 Programs annual report for fiscal years 2010 and 2011.

15 (d) Acceleration of payment vouchers. To the extent
16 practicable and permissible under federal law, the Department
17 shall create all vouchers for long term care facilities and
18 developmentally disabled care facilities for dates of service
19 in the month in which the enhanced federal medical assistance
20 percentage (FMAP) originally set forth in the American Recovery
21 and Reinvestment Act (ARRA) expires and for dates of service in
22 the month prior to that month and shall, no later than the 15th
23 of the month in which the enhanced FMAP expires, submit these
24 vouchers to the Comptroller for payment.

25 The Department of Human Services shall create the necessary
26 documentation for State-operated developmentally disabled care

1 facilities so that the necessary data for all dates of service
2 before the expiration of the enhanced FMAP originally set forth
3 in the ARRA can be adjudicated by the Department no later than
4 the 15th of the month in which the enhanced FMAP expires.

5 (e) Billing of DHS community Medicaid mental health
6 services. No later than July 1, 2011, community Medicaid mental
7 health services provided by a community-based provider must be
8 billed directly to the Department.

9 (f) DCFS Medicaid services. The Department shall work with
10 DCFS to identify existing programs, pending qualifying
11 services, that can be converted in an economically feasible
12 manner to Medicaid in order to secure federal financial
13 revenue.

14 (g) Third Party Liability recoveries. The Department shall
15 contract with a vendor to support the Department in
16 coordinating benefits for Medicaid enrollees. The scope of work
17 shall include, at a minimum, the identification of other
18 insurance for Medicaid enrollees and the recovery of funds paid
19 by the Department when another payer was liable. The vendor may
20 be paid a percentage of actual cash recovered when practical
21 and subject to federal law.

22 (h) Public health departments. The Department shall
23 identify unreimbursed costs for persons covered by Medicaid who
24 are served by the Chicago Department of Public Health.

25 The Department shall assist the Chicago Department of
26 Public Health in determining total unreimbursed costs

1 associated with the provision of healthcare services to
2 Medicaid enrollees.

3 The Department shall determine and draw the maximum
4 allowable federal matching dollars associated with the cost of
5 Chicago Department of Public Health services provided to
6 Medicaid enrollees.

7 (i) Acceleration of hospital-based payments. The
8 Department shall, by the 10th day of the month in which the
9 enhanced FMAP originally set forth in the ARRA expires, create
10 vouchers for all State fiscal year 2011 hospital payments
11 exempt from the prompt payment requirements of the ARRA. The
12 Department shall submit these vouchers to the Comptroller for
13 payment.

14 (Source: P.A. 96-1405, eff. 7-29-10; revised 9-9-10.)

15 Section 450. The Neighborhood Redevelopment Corporation
16 Law is amended by changing Section 3 as follows:

17 (315 ILCS 20/3) (from Ch. 67 1/2, par. 253)

18 Sec. 3. Whenever used or referred to in this Act, the terms
19 defined in the Sections following this Section and preceding
20 Section 4 ~~Sections 3-1 to 3-11~~, inclusive, have the meanings
21 and inclusions therein ascribed, unless a different intent
22 clearly appears from the context.

23 (Source: Laws 1947, p. 685; revised 9-16-10.)

1 Section 455. The Senior Citizens and Disabled Persons
2 Property Tax Relief and Pharmaceutical Assistance Act is
3 amended by changing Sections 4 and 6 as follows:

4 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

5 Sec. 4. Amount of Grant.

6 (a) In general. Any individual 65 years or older or any
7 individual who will become 65 years old during the calendar
8 year in which a claim is filed, and any surviving spouse of
9 such a claimant, who at the time of death received or was
10 entitled to receive a grant pursuant to this Section, which
11 surviving spouse will become 65 years of age within the 24
12 months immediately following the death of such claimant and
13 which surviving spouse but for his or her age is otherwise
14 qualified to receive a grant pursuant to this Section, and any
15 disabled person whose annual household income is less than the
16 income eligibility limitation, as defined in subsection (a-5)
17 and whose household is liable for payment of property taxes
18 accrued or has paid rent constituting property taxes accrued
19 and is domiciled in this State at the time he or she files his
20 or her claim is entitled to claim a grant under this Act. With
21 respect to claims filed by individuals who will become 65 years
22 old during the calendar year in which a claim is filed, the
23 amount of any grant to which that household is entitled shall
24 be an amount equal to 1/12 of the amount to which the claimant
25 would otherwise be entitled as provided in this Section,

1 multiplied by the number of months in which the claimant was 65
2 in the calendar year in which the claim is filed.

3 (a-5) Income eligibility limitation. For purposes of this
4 Section, "income eligibility limitation" means an amount for
5 grant years 2008 and thereafter:

6 (1) less than \$22,218 for a household containing one
7 person;

8 (2) less than \$29,480 for a household containing 2
9 persons; or

10 (3) less than \$36,740 for a household containing 3 or
11 more persons.

12 For 2009 claim year applications submitted during calendar
13 year 2010, a household must have annual household income of
14 less than \$27,610 for a household containing one person; less
15 than \$36,635 for a household containing 2 persons; or less than
16 \$45,657 for a household containing 3 or more persons.

17 The Department on Aging may adopt rules such that on
18 January 1, 2011, and thereafter, the foregoing household income
19 eligibility limits may be changed to reflect the annual cost of
20 living adjustment in Social Security and Supplemental Security
21 Income benefits that are applicable to the year for which those
22 benefits are being reported as income on an application.

23 If a person files as a surviving spouse, then only his or
24 her income shall be counted in determining his or her household
25 income.

26 (b) Limitation. Except as otherwise provided in

1 subsections (a) and (f) of this Section, the maximum amount of
2 grant which a claimant is entitled to claim is the amount by
3 which the property taxes accrued which were paid or payable
4 during the last preceding tax year or rent constituting
5 property taxes accrued upon the claimant's residence for the
6 last preceding taxable year exceeds 3 1/2% of the claimant's
7 household income for that year but in no event is the grant to
8 exceed (i) \$700 less 4.5% of household income for that year for
9 those with a household income of \$14,000 or less or (ii) \$70 if
10 household income for that year is more than \$14,000.

11 (c) Public aid recipients. If household income in one or
12 more months during a year includes cash assistance in excess of
13 \$55 per month from the Department of Healthcare and Family
14 Services or the Department of Human Services (acting as
15 successor to the Department of Public Aid under the Department
16 of Human Services Act) which was determined under regulations
17 of that Department on a measure of need that included an
18 allowance for actual rent or property taxes paid by the
19 recipient of that assistance, the amount of grant to which that
20 household is entitled, except as otherwise provided in
21 subsection (a), shall be the product of (1) the maximum amount
22 computed as specified in subsection (b) of this Section and (2)
23 the ratio of the number of months in which household income did
24 not include such cash assistance over \$55 to the number twelve.
25 If household income did not include such cash assistance over
26 \$55 for any months during the year, the amount of the grant to

1 which the household is entitled shall be the maximum amount
2 computed as specified in subsection (b) of this Section. For
3 purposes of this paragraph (c), "cash assistance" does not
4 include any amount received under the federal Supplemental
5 Security Income (SSI) program.

6 (d) Joint ownership. If title to the residence is held
7 jointly by the claimant with a person who is not a member of
8 his or her household, the amount of property taxes accrued used
9 in computing the amount of grant to which he or she is entitled
10 shall be the same percentage of property taxes accrued as is
11 the percentage of ownership held by the claimant in the
12 residence.

13 (e) More than one residence. If a claimant has occupied
14 more than one residence in the taxable year, he or she may
15 claim only one residence for any part of a month. In the case
16 of property taxes accrued, he or she shall prorate 1/12 of the
17 total property taxes accrued on his or her residence to each
18 month that he or she owned and occupied that residence; and, in
19 the case of rent constituting property taxes accrued, shall
20 prorate each month's rent payments to the residence actually
21 occupied during that month.

22 (f) (Blank).

23 (g) Effective January 1, 2006, there is hereby established
24 a program of pharmaceutical assistance to the aged and
25 disabled, entitled the Illinois Seniors and Disabled Drug
26 Coverage Program, which shall be administered by the Department

1 of Healthcare and Family Services and the Department on Aging
2 in accordance with this subsection, to consist of coverage of
3 specified prescription drugs on behalf of beneficiaries of the
4 program as set forth in this subsection.

5 To become a beneficiary under the program established under
6 this subsection, a person must:

7 (1) be (i) 65 years of age or older or (ii) disabled;
8 and

9 (2) be domiciled in this State; and

10 (3) enroll with a qualified Medicare Part D
11 Prescription Drug Plan if eligible and apply for all
12 available subsidies under Medicare Part D; and

13 (4) for the 2006 and 2007 claim years, have a maximum
14 household income of (i) less than \$21,218 for a household
15 containing one person, (ii) less than \$28,480 for a
16 household containing 2 persons, or (iii) less than \$35,740
17 for a household containing 3 or more persons; and

18 (5) for the 2008 claim year, have a maximum household
19 income of (i) less than \$22,218 for a household containing
20 one person, (ii) \$29,480 for a household containing 2
21 persons, or (iii) \$36,740 for a household containing 3 or
22 more persons; and

23 (6) for 2009 claim year applications submitted during
24 calendar year 2010, have annual household income of less
25 than (i) \$27,610 for a household containing one person;
26 (ii) less than \$36,635 for a household containing 2

1 persons; or (iii) less than \$45,657 for a household
2 containing 3 or more persons.

3 The Department of Healthcare and Family Services may adopt
4 rules such that on January 1, 2011, and thereafter, the
5 foregoing household income eligibility limits may be changed to
6 reflect the annual cost of living adjustment in Social Security
7 and Supplemental Security Income benefits that are applicable
8 to the year for which those benefits are being reported as
9 income on an application.

10 All individuals enrolled as of December 31, 2005, in the
11 pharmaceutical assistance program operated pursuant to
12 subsection (f) of this Section and all individuals enrolled as
13 of December 31, 2005, in the SeniorCare Medicaid waiver program
14 operated pursuant to Section 5-5.12a of the Illinois Public Aid
15 Code shall be automatically enrolled in the program established
16 by this subsection for the first year of operation without the
17 need for further application, except that they must apply for
18 Medicare Part D and the Low Income Subsidy under Medicare Part
19 D. A person enrolled in the pharmaceutical assistance program
20 operated pursuant to subsection (f) of this Section as of
21 December 31, 2005, shall not lose eligibility in future years
22 due only to the fact that they have not reached the age of 65.

23 To the extent permitted by federal law, the Department may
24 act as an authorized representative of a beneficiary in order
25 to enroll the beneficiary in a Medicare Part D Prescription
26 Drug Plan if the beneficiary has failed to choose a plan and,

1 where possible, to enroll beneficiaries in the low-income
2 subsidy program under Medicare Part D or assist them in
3 enrolling in that program.

4 Beneficiaries under the program established under this
5 subsection shall be divided into the following 4 eligibility
6 groups:

7 (A) Eligibility Group 1 shall consist of beneficiaries
8 who are not eligible for Medicare Part D coverage and who
9 are:

10 (i) disabled and under age 65; or

11 (ii) age 65 or older, with incomes over 200% of the
12 Federal Poverty Level; or

13 (iii) age 65 or older, with incomes at or below
14 200% of the Federal Poverty Level and not eligible for
15 federally funded means-tested benefits due to
16 immigration status.

17 (B) Eligibility Group 2 shall consist of beneficiaries
18 who are eligible for Medicare Part D coverage.

19 (C) Eligibility Group 3 shall consist of beneficiaries
20 age 65 or older, with incomes at or below 200% of the
21 Federal Poverty Level, who are not barred from receiving
22 federally funded means-tested benefits due to immigration
23 status and are not eligible for Medicare Part D coverage.

24 If the State applies and receives federal approval for
25 a waiver under Title XIX of the Social Security Act,
26 persons in Eligibility Group 3 shall continue to receive

1 benefits through the approved waiver, and Eligibility
2 Group 3 may be expanded to include disabled persons under
3 age 65 with incomes under 200% of the Federal Poverty Level
4 who are not eligible for Medicare and who are not barred
5 from receiving federally funded means-tested benefits due
6 to immigration status.

7 (D) Eligibility Group 4 shall consist of beneficiaries
8 who are otherwise described in Eligibility Group 2 who have
9 a diagnosis of HIV or AIDS.

10 The program established under this subsection shall cover
11 the cost of covered prescription drugs in excess of the
12 beneficiary cost-sharing amounts set forth in this paragraph
13 that are not covered by Medicare. In 2006, beneficiaries shall
14 pay a co-payment of \$2 for each prescription of a generic drug
15 and \$5 for each prescription of a brand-name drug. In future
16 years, beneficiaries shall pay co-payments equal to the
17 co-payments required under Medicare Part D for "other
18 low-income subsidy eligible individuals" pursuant to 42 CFR
19 423.782(b). For individuals in Eligibility Groups 1, 2, and 3,
20 once the program established under this subsection and Medicare
21 combined have paid \$1,750 in a year for covered prescription
22 drugs, the beneficiary shall pay 20% of the cost of each
23 prescription in addition to the co-payments set forth in this
24 paragraph. For individuals in Eligibility Group 4, once the
25 program established under this subsection and Medicare
26 combined have paid \$1,750 in a year for covered prescription

1 drugs, the beneficiary shall pay 20% of the cost of each
2 prescription in addition to the co-payments set forth in this
3 paragraph unless the drug is included in the formulary of the
4 Illinois AIDS Drug Assistance Program operated by the Illinois
5 Department of Public Health and covered by the Medicare Part D
6 Prescription Drug Plan in which the beneficiary is enrolled. If
7 the drug is included in the formulary of the Illinois AIDS Drug
8 Assistance Program and covered by the Medicare Part D
9 Prescription Drug Plan in which the beneficiary is enrolled,
10 individuals in Eligibility Group 4 shall continue to pay the
11 co-payments set forth in this paragraph after the program
12 established under this subsection and Medicare combined have
13 paid \$1,750 in a year for covered prescription drugs.

14 For beneficiaries eligible for Medicare Part D coverage,
15 the program established under this subsection shall pay 100% of
16 the premiums charged by a qualified Medicare Part D
17 Prescription Drug Plan for Medicare Part D basic prescription
18 drug coverage, not including any late enrollment penalties.
19 Qualified Medicare Part D Prescription Drug Plans may be
20 limited by the Department of Healthcare and Family Services to
21 those plans that sign a coordination agreement with the
22 Department.

23 For ~~Notwithstanding Section 3.15, for~~ purposes of the
24 program established under this subsection, the term "covered
25 prescription drug" has the following meanings:

26 For Eligibility Group 1, "covered prescription drug"

1 means: (1) any cardiovascular agent or drug; (2) any
2 insulin or other prescription drug used in the treatment of
3 diabetes, including syringe and needles used to administer
4 the insulin; (3) any prescription drug used in the
5 treatment of arthritis; (4) any prescription drug used in
6 the treatment of cancer; (5) any prescription drug used in
7 the treatment of Alzheimer's disease; (6) any prescription
8 drug used in the treatment of Parkinson's disease; (7) any
9 prescription drug used in the treatment of glaucoma; (8)
10 any prescription drug used in the treatment of lung disease
11 and smoking-related illnesses; (9) any prescription drug
12 used in the treatment of osteoporosis; and (10) any
13 prescription drug used in the treatment of multiple
14 sclerosis. The Department may add additional therapeutic
15 classes by rule. The Department may adopt a preferred drug
16 list within any of the classes of drugs described in items
17 (1) through (10) of this paragraph. The specific drugs or
18 therapeutic classes of covered prescription drugs shall be
19 indicated by rule.

20 For Eligibility Group 2, "covered prescription drug"
21 means those drugs covered by the Medicare Part D
22 Prescription Drug Plan in which the beneficiary is
23 enrolled.

24 For Eligibility Group 3, "covered prescription drug"
25 means those drugs covered by the Medical Assistance Program
26 under Article V of the Illinois Public Aid Code.

1 For Eligibility Group 4, "covered prescription drug"
2 means those drugs covered by the Medicare Part D
3 Prescription Drug Plan in which the beneficiary is
4 enrolled.

5 An individual in Eligibility Group 1, 2, 3, or 4 may opt to
6 receive a \$25 monthly payment in lieu of the direct coverage
7 described in this subsection.

8 Any person otherwise eligible for pharmaceutical
9 assistance under this subsection whose covered drugs are
10 covered by any public program is ineligible for assistance
11 under this subsection to the extent that the cost of those
12 drugs is covered by the other program.

13 The Department of Healthcare and Family Services shall
14 establish by rule the methods by which it will provide for the
15 coverage called for in this subsection. Those methods may
16 include direct reimbursement to pharmacies or the payment of a
17 capitated amount to Medicare Part D Prescription Drug Plans.

18 For a pharmacy to be reimbursed under the program
19 established under this subsection, it must comply with rules
20 adopted by the Department of Healthcare and Family Services
21 regarding coordination of benefits with Medicare Part D
22 Prescription Drug Plans. A pharmacy may not charge a
23 Medicare-enrolled beneficiary of the program established under
24 this subsection more for a covered prescription drug than the
25 appropriate Medicare cost-sharing less any payment from or on
26 behalf of the Department of Healthcare and Family Services.

1 The Department of Healthcare and Family Services or the
2 Department on Aging, as appropriate, may adopt rules regarding
3 applications, counting of income, proof of Medicare status,
4 mandatory generic policies, and pharmacy reimbursement rates
5 and any other rules necessary for the cost-efficient operation
6 of the program established under this subsection.

7 (h) A qualified individual is not entitled to duplicate
8 benefits in a coverage period as a result of the changes made
9 by this amendatory Act of the 96th General Assembly.

10 (Source: P.A. 95-208, eff. 8-16-07; 95-644, eff. 10-12-07;
11 95-876, eff. 8-21-08; 96-804, eff. 1-1-10; revised 9-16-10.)

12 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

13 Sec. 6. Administration.

14 (a) In general. Upon receipt of a timely filed claim, the
15 Department shall determine whether the claimant is a person
16 entitled to a grant under this Act and the amount of grant to
17 which he is entitled under this Act. The Department may require
18 the claimant to furnish reasonable proof of the statements of
19 domicile, household income, rent paid, property taxes accrued
20 and other matters on which entitlement is based, and may
21 withhold payment of a grant until such additional proof is
22 furnished.

23 (b) Rental determination. If the Department finds that the
24 gross rent used in the computation by a claimant of rent
25 constituting property taxes accrued exceeds the fair rental

1 value for the right to occupy that residence, the Department
2 may determine the fair rental value for that residence and
3 recompute rent constituting property taxes accrued
4 accordingly.

5 (c) Fraudulent claims. The Department shall deny claims
6 which have been fraudulently prepared or when it finds that the
7 claimant has acquired title to his residence or has paid rent
8 for his residence primarily for the purpose of receiving a
9 grant under this Act.

10 (d) Pharmaceutical Assistance. The Department shall allow
11 all pharmacies licensed under the Pharmacy Practice Act to
12 participate as authorized pharmacies unless they have been
13 removed from that status for cause pursuant to the terms of
14 this Section. The Director of the Department may enter into a
15 written contract with any State agency, instrumentality or
16 political subdivision, or a fiscal intermediary for the purpose
17 of making payments to authorized pharmacies for covered
18 prescription drugs and coordinating the program of
19 pharmaceutical assistance established by this Act with other
20 programs that provide payment for covered prescription drugs.
21 Such agreement shall establish procedures for properly
22 contracting for pharmacy services, validating reimbursement
23 claims, validating compliance of dispensing pharmacists with
24 the contracts for participation required under this Section,
25 validating the reasonable costs of covered prescription drugs,
26 and otherwise providing for the effective administration of

1 this Act.

2 The Department shall promulgate rules and regulations to
3 implement and administer the program of pharmaceutical
4 assistance required by this Act, which shall include the
5 following:

6 (1) Execution of contracts with pharmacies to dispense
7 covered prescription drugs. Such contracts shall stipulate
8 terms and conditions for authorized pharmacies
9 participation and the rights of the State to terminate such
10 participation for breach of such contract or for violation
11 of this Act or related rules and regulations of the
12 Department;

13 (2) Establishment of maximum limits on the size of
14 prescriptions, new or refilled, which shall be in amounts
15 sufficient for 34 days, except as otherwise specified by
16 rule for medical or utilization control reasons;

17 (3) Establishment of liens upon any and all causes of
18 action which accrue to a beneficiary as a result of
19 injuries for which covered prescription drugs are directly
20 or indirectly required and for which the Director made
21 payment or became liable for under this Act;

22 (4) Charge or collection of payments from third parties
23 or private plans of assistance, or from other programs of
24 public assistance for any claim that is properly chargeable
25 under the assignment of benefits executed by beneficiaries
26 as a requirement of eligibility for the pharmaceutical

1 assistance identification card under this Act;

2 (4.5) Provision for automatic enrollment of
3 beneficiaries into a Medicare Discount Card program
4 authorized under the federal Medicare Modernization Act of
5 2003 (P.L. 108-391) to coordinate coverage including
6 Medicare Transitional Assistance;

7 (5) Inspection of appropriate records and audit of
8 participating authorized pharmacies to ensure contract
9 compliance, and to determine any fraudulent transactions
10 or practices under this Act;

11 (6) Annual determination of the reasonable costs of
12 covered prescription drugs for which payments are made
13 under this Act, as provided in Section 3.16 (now repealed);

14 (7) Payment to pharmacies under this Act in accordance
15 with the State Prompt Payment Act.

16 The Department shall annually report to the Governor and
17 the General Assembly by March 1st of each year on the
18 administration of pharmaceutical assistance under this Act. By
19 the effective date of this Act the Department shall determine
20 the reasonable costs of covered prescription drugs in
21 accordance with Section 3.16 of this Act (now repealed).

22 (Source: P.A. 96-328, eff. 8-11-09; revised 9-16-10.)

23 Section 460. The Abandoned Newborn Infant Protection Act is
24 amended by changing Section 35 as follows:

1 (325 ILCS 2/35)

2 Sec. 35. Information for relinquishing person.

3 (a) A hospital, police station, fire station, or emergency
4 medical facility that receives a newborn infant relinquished in
5 accordance with this Act must offer an information packet to
6 the relinquishing person and, if possible, must clearly inform
7 the relinquishing person that his or her acceptance of the
8 information is completely voluntary. The information packet
9 must include all of the following:

10 (1) (Blank).

11 (2) Written notice of the following:

12 (A) No sooner than 60 days following the date of
13 the initial relinquishment of the infant to a hospital,
14 police station, fire station, or emergency medical
15 facility, the child-placing agency or the Department
16 will commence proceedings for the termination of
17 parental rights and placement of the infant for
18 adoption.

19 (B) Failure of a parent of the infant to contact
20 the Department and petition for the return of custody
21 of the infant before termination of parental rights
22 bars any future action asserting legal rights with
23 respect to the infant.

24 (3) A resource list of providers of counseling services
25 including grief counseling, pregnancy counseling, and
26 counseling regarding adoption and other available options

1 for placement of the infant.

2 Upon request of a parent, the Department of Public Health
3 shall provide the application forms for the Illinois Adoption
4 Registry and Medical Information Exchange.

5 (b) The information packet given to a relinquishing parent
6 in accordance with this Act shall include, in addition to other
7 information required under this Act, the following:

8 (1) A brochure (with a self-mailer attached) that
9 describes this Act and the rights of birth parents,
10 including an optional section for the parent to complete
11 and mail to the Department of Children and Family Services,
12 that shall ask for basic anonymous background information
13 about the relinquished child. This brochure shall be
14 maintained by the Department on its website.

15 (2) A brochure that describes the Illinois Adoption
16 Registry, including a toll-free number and website
17 information. This brochure shall be maintained on the
18 Office of Vital Records website.

19 (3) A brochure describing postpartum health
20 information for the mother.

21 The information packet shall be designed in coordination
22 between the Office of Vital Records and the Department of
23 Children and Family Services, with the exception of the
24 resource list of providers of counseling services and adoption
25 agencies, which shall be provided by the hospital, fire
26 station, police station, sheriff's office, or emergency

1 medical facility.

2 (Source: P.A. 96-1114, eff. 7-20-10; revised 9-16-10.)

3 Section 465. The Abused and Neglected Child Reporting Act
4 is amended by changing Sections 3, 7.7, and 7.14 as follows:

5 (325 ILCS 5/3) (from Ch. 23, par. 2053)

6 Sec. 3. As used in this Act unless the context otherwise
7 requires:

8 "Adult resident" means any person between 18 and 22 years
9 of age who resides in any facility licensed by the Department
10 under the Child Care Act of 1969. For purposes of this Act, the
11 criteria set forth in the definitions of "abused child" and
12 "neglected child" shall be used in determining whether an adult
13 resident is abused or neglected.

14 "Child" means any person under the age of 18 years, unless
15 legally emancipated by reason of marriage or entry into a
16 branch of the United States armed services.

17 "Department" means Department of Children and Family
18 Services.

19 "Local law enforcement agency" means the police of a city,
20 town, village or other incorporated area or the sheriff of an
21 unincorporated area or any sworn officer of the Illinois
22 Department of State Police.

23 "Abused child" means a child whose parent or immediate
24 family member, or any person responsible for the child's

1 welfare, or any individual residing in the same home as the
2 child, or a paramour of the child's parent:

3 (a) inflicts, causes to be inflicted, or allows to be
4 inflicted upon such child physical injury, by other than
5 accidental means, which causes death, disfigurement,
6 impairment of physical or emotional health, or loss or
7 impairment of any bodily function;

8 (b) creates a substantial risk of physical injury to
9 such child by other than accidental means which would be
10 likely to cause death, disfigurement, impairment of
11 physical or emotional health, or loss or impairment of any
12 bodily function;

13 (c) commits or allows to be committed any sex offense
14 against such child, as such sex offenses are defined in the
15 Criminal Code of 1961, as amended, or in the Wrongs to
16 Children Act, and extending those definitions of sex
17 offenses to include children under 18 years of age;

18 (d) commits or allows to be committed an act or acts of
19 torture upon such child;

20 (e) inflicts excessive corporal punishment;

21 (f) commits or allows to be committed the offense of
22 female genital mutilation, as defined in Section 12-34 of
23 the Criminal Code of 1961, against the child; ~~or~~

24 (g) causes to be sold, transferred, distributed, or
25 given to such child under 18 years of age, a controlled
26 substance as defined in Section 102 of the Illinois

1 Controlled Substances Act in violation of Article IV of the
2 Illinois Controlled Substances Act or in violation of the
3 Methamphetamine Control and Community Protection Act,
4 except for controlled substances that are prescribed in
5 accordance with Article III of the Illinois Controlled
6 Substances Act and are dispensed to such child in a manner
7 that substantially complies with the prescription; ~~or-~~

8 (h) commits or allows to be committed the offense of
9 involuntary servitude, involuntary sexual servitude of a
10 minor, or trafficking in persons for forced labor or
11 services as defined in Section 10-9 of the Criminal Code of
12 1961 against the child.

13 A child shall not be considered abused for the sole reason
14 that the child has been relinquished in accordance with the
15 Abandoned Newborn Infant Protection Act.

16 "Neglected child" means any child who is not receiving the
17 proper or necessary nourishment or medically indicated
18 treatment including food or care not provided solely on the
19 basis of the present or anticipated mental or physical
20 impairment as determined by a physician acting alone or in
21 consultation with other physicians or otherwise is not
22 receiving the proper or necessary support or medical or other
23 remedial care recognized under State law as necessary for a
24 child's well-being, or other care necessary for his or her
25 well-being, including adequate food, clothing and shelter; or
26 who is abandoned by his or her parents or other person

1 responsible for the child's welfare without a proper plan of
2 care; or who has been provided with interim crisis intervention
3 services under Section 3-5 of the Juvenile Court Act of 1987
4 and whose parent, guardian, or custodian refuses to permit the
5 child to return home and no other living arrangement agreeable
6 to the parent, guardian, or custodian can be made, and the
7 parent, guardian, or custodian has not made any other
8 appropriate living arrangement for the child; or who is a
9 newborn infant whose blood, urine, or meconium contains any
10 amount of a controlled substance as defined in subsection (f)
11 of Section 102 of the Illinois Controlled Substances Act or a
12 metabolite thereof, with the exception of a controlled
13 substance or metabolite thereof whose presence in the newborn
14 infant is the result of medical treatment administered to the
15 mother or the newborn infant. A child shall not be considered
16 neglected for the sole reason that the child's parent or other
17 person responsible for his or her welfare has left the child in
18 the care of an adult relative for any period of time. A child
19 shall not be considered neglected for the sole reason that the
20 child has been relinquished in accordance with the Abandoned
21 Newborn Infant Protection Act. A child shall not be considered
22 neglected or abused for the sole reason that such child's
23 parent or other person responsible for his or her welfare
24 depends upon spiritual means through prayer alone for the
25 treatment or cure of disease or remedial care as provided under
26 Section 4 of this Act. A child shall not be considered

1 neglected or abused solely because the child is not attending
2 school in accordance with the requirements of Article 26 of The
3 School Code, as amended.

4 "Child Protective Service Unit" means certain specialized
5 State employees of the Department assigned by the Director to
6 perform the duties and responsibilities as provided under
7 Section 7.2 of this Act.

8 "Person responsible for the child's welfare" means the
9 child's parent; guardian; foster parent; relative caregiver;
10 any person responsible for the child's welfare in a public or
11 private residential agency or institution; any person
12 responsible for the child's welfare within a public or private
13 profit or not for profit child care facility; or any other
14 person responsible for the child's welfare at the time of the
15 alleged abuse or neglect, or any person who came to know the
16 child through an official capacity or position of trust,
17 including but not limited to health care professionals,
18 educational personnel, recreational supervisors, members of
19 the clergy, and volunteers or support personnel in any setting
20 where children may be subject to abuse or neglect.

21 "Temporary protective custody" means custody within a
22 hospital or other medical facility or a place previously
23 designated for such custody by the Department, subject to
24 review by the Court, including a licensed foster home, group
25 home, or other institution; but such place shall not be a jail
26 or other place for the detention of criminal or juvenile

1 offenders.

2 "An unfounded report" means any report made under this Act
3 for which it is determined after an investigation that no
4 credible evidence of abuse or neglect exists.

5 "An indicated report" means a report made under this Act if
6 an investigation determines that credible evidence of the
7 alleged abuse or neglect exists.

8 "An undetermined report" means any report made under this
9 Act in which it was not possible to initiate or complete an
10 investigation on the basis of information provided to the
11 Department.

12 "Subject of report" means any child reported to the central
13 register of child abuse and neglect established under Section
14 7.7 of this Act as an alleged victim of child abuse or neglect
15 and the parent or guardian of the alleged victim or other
16 person responsible for the alleged victim's welfare who is
17 named in the report or added to the report as an alleged
18 perpetrator of child abuse or neglect.

19 "Perpetrator" means a person who, as a result of
20 investigation, has been determined by the Department to have
21 caused child abuse or neglect.

22 "Member of the clergy" means a clergyman or practitioner of
23 any religious denomination accredited by the religious body to
24 which he or she belongs.

25 (Source: P.A. 95-443, eff. 1-1-08; 96-1196, eff. 1-1-11;
26 96-1446, eff. 8-20-10; 96-1464, eff. 8-20-10; revised

1 9-16-10.)

2 (325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

3 Sec. 7.7. There shall be a central register of all cases of
4 suspected child abuse or neglect reported and maintained by the
5 Department under this Act. Through the recording of initial,
6 preliminary, and final reports, the central register shall be
7 operated in such a manner as to enable the Department to: (1)
8 immediately identify and locate prior reports of child abuse or
9 neglect; (2) continuously monitor the current status of all
10 reports of child abuse or neglect being provided services under
11 this Act; and (3) regularly evaluate the effectiveness of
12 existing laws and programs through the development and analysis
13 of statistical and other information.

14 The Department shall maintain in the central register a
15 listing of unfounded reports where the subject of the unfounded
16 report requests that the record not be expunged because the
17 subject alleges an intentional false report was made. Such a
18 request must be made by the subject in writing to the
19 Department, within 10 days of the investigation.

20 The Department shall also maintain in the central register
21 a listing of unfounded reports where the report was classified
22 as a priority one or priority two report in accordance with the
23 Department's rules or the report was made by a person mandated
24 to report suspected abuse or neglect under this Act.

25 The Department shall maintain in the central register for 3

1 years a listing of unfounded reports involving the death of a
2 child, the sexual abuse of a child, or serious physical injury
3 to a child as defined by the Department in rules.

4 The Department shall maintain all other unfounded reports
5 for 12 months following the date of the final finding.

6 For purposes of this Section "child abuse or neglect"
7 includes abuse or neglect of an adult resident as defined in
8 this Act.

9 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
10 revised 9-16-10.)

11 (325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

12 Sec. 7.14. All reports in the central register shall be
13 classified in one of three categories: "indicated",
14 "unfounded" or "undetermined", as the case may be. After the
15 report is classified, the person making the classification
16 shall determine whether the child named in the report is the
17 subject of an action under Article II of the Juvenile Court Act
18 of 1987. If the child is the subject of an action under Article
19 II of the Juvenile Court Act, the Department shall transmit a
20 copy of the report to the guardian ad litem appointed for the
21 child under Section 2-17 of the Juvenile Court Act. All
22 information identifying the subjects of an unfounded report
23 shall be expunged from the register forthwith, except as
24 provided in Section 7.7. Unfounded reports may only be made
25 available to the Child Protective Service Unit when

1 investigating a subsequent report of suspected abuse or
2 maltreatment involving a child named in the unfounded report;
3 and to the subject of the report, provided the Department has
4 not expunged the file in accordance with Section 7.7. The Child
5 Protective Service Unit shall not indicate the subsequent
6 report solely based upon the existence of the prior unfounded
7 report or reports. Notwithstanding any other provision of law
8 to the contrary, an unfounded report shall not be admissible in
9 any judicial or administrative proceeding or action.
10 Identifying information on all other records shall be removed
11 from the register no later than 5 years after the report is
12 indicated. However, if another report is received involving the
13 same child, his sibling or offspring, or a child in the care of
14 the persons responsible for the child's welfare, or involving
15 the same alleged offender, the identifying information may be
16 maintained in the register until 5 years after the subsequent
17 case or report is closed.

18 Notwithstanding any other provision of this Section,
19 identifying information in indicated reports involving serious
20 physical injury to a child as defined by the Department in
21 rules, may be retained longer than 5 years after the report is
22 indicated or after the subsequent case or report is closed, and
23 may not be removed from the register except as provided by the
24 Department in rules. Identifying information in indicated
25 reports involving sexual penetration of a child, sexual
26 molestation of a child, sexual exploitation of a child, torture

1 of a child, or the death of a child, as defined by the
2 Department in rules, shall be retained for a period of not less
3 than 50 years after the report is indicated or after the
4 subsequent case or report is closed.

5 For purposes of this Section "child" includes an adult
6 resident as defined in this Act.

7 (Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10;
8 revised 9-16-10.)

9 Section 470. The Disposition of Veterans' Cremated Remains
10 Act is amended by changing Section 15 as follows:

11 (330 ILCS 112/15)

12 Sec. 15. Immunity. A funeral director or crematory
13 authority complying with this Act is immune from any criminal
14 or civil liability regarding the release of information
15 relating to (i) the determination of the deceased person's
16 status as a veteran, the spouse of a veteran, or the dependent
17 ~~dependant~~ child of a veteran, (ii) the availability of
18 interment or inurnment as a veteran, or (iii) the release of
19 the cremated remains to a veterans' cemetery. A funeral
20 director or crematory authority shall be immune from civil
21 liability for any act or omission under this Act, except for
22 willful or wanton misconduct. A veterans organization or
23 federally-chartered veterans service organization shall be
24 immune from civil liability for any act or omission related to

1 the disposition of cremated remains under this Act, except for
2 willful or wanton misconduct.

3 (Source: P.A. 96-81, eff. 7-27-09; revised 9-16-10.)

4 Section 475. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 1-122 and
6 1-122.1 as follows:

7 (405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

8 Sec. 1-122. Qualified examiner. "Qualified examiner" means
9 a person who is:

10 (a) a Clinical social worker as defined in this Act,

11 (b) a registered nurse with a master's degree in
12 psychiatric nursing who has 3 years of clinical training
13 and experience in the evaluation and treatment of mental
14 illness which has been acquired subsequent to any training
15 and experience which constituted a part of the degree
16 program,

17 (c) a licensed clinical professional counselor with a
18 master's or doctoral degree in counseling or psychology or
19 a similar master's or doctorate program from a regionally
20 accredited institution who has at least 3 years of
21 supervised post-master's ~~postmaster's~~ clinical
22 professional counseling experience that includes the
23 provision of mental health services for the evaluation,
24 treatment, and prevention of mental and emotional

1 disorders, or

2 (d) a licensed marriage and family therapist with a
3 master's or doctoral degree in marriage and family therapy
4 from a regionally accredited educational institution or a
5 similar master's program or from a program accredited by
6 either the Commission on Accreditation for Marriage and
7 Family Therapy or the Commission on Accreditation for
8 Counseling Related Educational Programs, who has at least 3
9 years of supervised post-master's experience as a marriage
10 and family therapist that includes the provision of mental
11 health services for the evaluation, treatment, and
12 prevention of mental and emotional disorders.

13 A social worker who is a qualified examiner shall be a
14 licensed clinical social worker under the Clinical Social Work
15 and Social Work Practice Act.

16 (Source: P.A. 96-1357, eff. 1-1-11; revised 9-16-10.)

17 (405 ILCS 5/1-122.1) (from Ch. 91 1/2, par. 1-122.1)

18 Sec. 1-122.1. "Clinical social worker" means a person who
19 (1) has a master's or doctoral degree in social work from an
20 accredited graduate school of social work and (2) has at least
21 3 years of supervised post-master's ~~postmaster's~~ clinical
22 social work practice which shall include the provision of
23 mental health services for the evaluation, treatment and
24 prevention of mental and emotional disorders.

25 (Source: P.A. 84-766; revised 9-16-10.)

1 Section 480. The Lead Poisoning Prevention Act is amended
2 by changing Section 13.1 as follows:

3 (410 ILCS 45/13.1) (from Ch. 111 1/2, par. 1313.1)

4 Sec. 13.1. Illinois Administrative Procedure ~~Procedures~~
5 Act; application ~~Application~~. The provisions of the Illinois
6 Administrative Procedure Act are adopted and shall apply to all
7 administrative rules and procedures of the Department of Public
8 Health under this Act, except that in cases of conflict between
9 the Illinois Administrative Procedure Act and this Act, the
10 provisions of this Act shall control. Section 5-35 of the
11 Illinois Administrative Procedure Act relating to procedures
12 for rule-making does not apply to the adoption of any rule
13 required by federal law in connection with which the Department
14 is precluded by law from exercising any discretion.

15 (Source: P.A. 87-175; 88-45; revised 9-16-10.)

16 Section 485. The Environmental Protection Act is amended by
17 changing Sections 3.330, 22.15, and 58.15 as follows:

18 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

19 Sec. 3.330. Pollution control facility.

20 (a) "Pollution control facility" is any waste storage site,
21 sanitary landfill, waste disposal site, waste transfer
22 station, waste treatment facility, or waste incinerator. This

1 includes sewers, sewage treatment plants, and any other
2 facilities owned or operated by sanitary districts organized
3 under the Metropolitan Water Reclamation District Act.

4 The following are not pollution control facilities:

5 (1) (blank);

6 (2) waste storage sites regulated under 40 CFR, Part
7 761.42;

8 (3) sites or facilities used by any person conducting a
9 waste storage, waste treatment, waste disposal, waste
10 transfer or waste incineration operation, or a combination
11 thereof, for wastes generated by such person's own
12 activities, when such wastes are stored, treated, disposed
13 of, transferred or incinerated within the site or facility
14 owned, controlled or operated by such person, or when such
15 wastes are transported within or between sites or
16 facilities owned, controlled or operated by such person;

17 (4) sites or facilities at which the State is
18 performing removal or remedial action pursuant to Section
19 22.2 or 55.3;

20 (5) abandoned quarries used solely for the disposal of
21 concrete, earth materials, gravel, or aggregate debris
22 resulting from road construction activities conducted by a
23 unit of government or construction activities due to the
24 construction and installation of underground pipes, lines,
25 conduit or wires off of the premises of a public utility
26 company which are conducted by a public utility;

1 (6) sites or facilities used by any person to
2 specifically conduct a landscape composting operation;

3 (7) regional facilities as defined in the Central
4 Midwest Interstate Low-Level Radioactive Waste Compact;

5 (8) the portion of a site or facility where coal
6 combustion wastes are stored or disposed of in accordance
7 with subdivision (r) (2) or (r) (3) of Section 21;

8 (9) the portion of a site or facility used for the
9 collection, storage or processing of waste tires as defined
10 in Title XIV;

11 (10) the portion of a site or facility used for
12 treatment of petroleum contaminated materials by
13 application onto or incorporation into the soil surface and
14 any portion of that site or facility used for storage of
15 petroleum contaminated materials before treatment. Only
16 those categories of petroleum listed in Section 57.9(a) (3)
17 are exempt under this subdivision (10);

18 (11) the portion of a site or facility where used oil
19 is collected or stored prior to shipment to a recycling or
20 energy recovery facility, provided that the used oil is
21 generated by households or commercial establishments, and
22 the site or facility is a recycling center or a business
23 where oil or gasoline is sold at retail;

24 (11.5) processing sites or facilities that receive
25 only on-specification used oil, as defined in 35 Ill.
26 Admin. Code 739, originating from used oil collectors for

1 processing that is managed under 35 Ill. Admin. Code 739 to
2 produce products for sale to off-site petroleum
3 facilities, if these processing sites or facilities are:
4 (i) located within a home rule unit of local government
5 with a population of at least 30,000 according to the 2000
6 federal census, that home rule unit of local government has
7 been designated as an Urban Round II Empowerment Zone by
8 the United States Department of Housing and Urban
9 Development, and that home rule unit of local government
10 has enacted an ordinance approving the location of the site
11 or facility and provided funding for the site or facility;
12 and (ii) in compliance with all applicable zoning
13 requirements;

14 (12) the portion of a site or facility utilizing coal
15 combustion waste for stabilization and treatment of only
16 waste generated on that site or facility when used in
17 connection with response actions pursuant to the federal
18 Comprehensive Environmental Response, Compensation, and
19 Liability Act of 1980, the federal Resource Conservation
20 and Recovery Act of 1976, or the Illinois Environmental
21 Protection Act or as authorized by the Agency;

22 (13) the portion of a site or facility that (i) accepts
23 exclusively general construction or demolition debris,
24 (ii) is located in a county with a population over
25 3,000,000 as of January 1, 2000 or in a county that is
26 contiguous to such a county, and (iii) is operated and

1 located in accordance with Section 22.38 of this Act;

2 (14) the portion of a site or facility, located within
3 a unit of local government that has enacted local zoning
4 requirements, used to accept, separate, and process
5 uncontaminated broken concrete, with or without protruding
6 metal bars, provided that the uncontaminated broken
7 concrete and metal bars are not speculatively accumulated,
8 are at the site or facility no longer than one year after
9 their acceptance, and are returned to the economic
10 mainstream in the form of raw materials or products;

11 (15) the portion of a site or facility located in a
12 county with a population over 3,000,000 that has obtained
13 local siting approval under Section 39.2 of this Act for a
14 municipal waste incinerator on or before July 1, 2005 and
15 that is used for a non-hazardous waste transfer station;

16 (16) a site or facility that temporarily holds in
17 transit for 10 days or less, non-putrescible
18 ~~non-petruscible~~ solid waste in original containers, no
19 larger in capacity than 500 gallons, provided that such
20 waste is further transferred to a recycling, disposal,
21 treatment, or storage facility on a non-contiguous site and
22 provided such site or facility complies with the applicable
23 10-day transfer requirements of the federal Resource
24 Conservation and Recovery Act of 1976 and United States
25 Department of Transportation hazardous material
26 requirements. For purposes of this Section only,

1 "non-putrescible ~~non-petruseible~~ solid waste" means waste
2 other than municipal garbage that does not rot or become
3 putrid, including, but not limited to, paints, solvent,
4 filters, and absorbents;

5 (17) the portion of a site or facility located in a
6 county with a population greater than 3,000,000 that has
7 obtained local siting approval, under Section 39.2 of this
8 Act, for a municipal waste incinerator on or before July 1,
9 2005 and that is used for wood combustion facilities for
10 energy recovery that accept and burn only wood material, as
11 included in a fuel specification approved by the Agency;

12 (18) a transfer station used exclusively for landscape
13 waste, including a transfer station where landscape waste
14 is ground to reduce its volume, where the landscape waste
15 is held no longer than 24 hours from the time it was
16 received;

17 (19) the portion of a site or facility that (i) is used
18 for the composting of food scrap, livestock waste, crop
19 residue, uncontaminated wood waste, or paper waste,
20 including, but not limited to, corrugated paper or
21 cardboard, and (ii) meets all of the following
22 requirements:

23 (A) There must not be more than a total of 30,000
24 cubic yards of livestock waste in raw form or in the
25 process of being composted at the site or facility at
26 any one time.

1 (B) All food scrap, livestock waste, crop residue,
2 uncontaminated wood waste, and paper waste must, by the
3 end of each operating day, be processed and placed into
4 an enclosed vessel in which air flow and temperature
5 are controlled, or all of the following additional
6 requirements must be met:

7 (i) The portion of the site or facility used
8 for the composting operation must include a
9 setback of at least 200 feet from the nearest
10 potable water supply well.

11 (ii) The portion of the site or facility used
12 for the composting operation must be located
13 outside the boundary of the 10-year floodplain or
14 floodproofed.

15 (iii) The portion of the site or facility used
16 for the composting operation must be located at
17 least one-eighth of a mile from the nearest
18 residence, other than a residence located on the
19 same property as the site or facility.

20 (iv) The portion of the site or facility used
21 for the composting operation must be located at
22 least one-eighth of a mile from the property line
23 of all of the following areas:

24 (I) Facilities that primarily serve to
25 house or treat people that are
26 immunocompromised or immunosuppressed, such as

1 cancer or AIDS patients; people with asthma,
2 cystic fibrosis, or bioaerosol allergies; or
3 children under the age of one year.

4 (II) Primary and secondary schools and
5 adjacent areas that the schools use for
6 recreation.

7 (III) Any facility for child care licensed
8 under Section 3 of the Child Care Act of 1969;
9 preschools; and adjacent areas that the
10 facilities or preschools use for recreation.

11 (v) By the end of each operating day, all food
12 scrap, livestock waste, crop residue,
13 uncontaminated wood waste, and paper waste must be
14 (i) processed into windrows or other piles and (ii)
15 covered in a manner that prevents scavenging by
16 birds and animals and that prevents other
17 nuisances.

18 (C) Food scrap, livestock waste, crop residue,
19 uncontaminated wood waste, paper waste, and compost
20 must not be placed within 5 feet of the water table.

21 (D) The site or facility must meet all of the
22 requirements of the Wild and Scenic Rivers Act (16
23 U.S.C. 1271 et seq.).

24 (E) The site or facility must not (i) restrict the
25 flow of a 100-year flood, (ii) result in washout of
26 food scrap, livestock waste, crop residue,

1 uncontaminated wood waste, or paper waste from a
2 100-year flood, or (iii) reduce the temporary water
3 storage capacity of the 100-year floodplain, unless
4 measures are undertaken to provide alternative storage
5 capacity, such as by providing lagoons, holding tanks,
6 or drainage around structures at the facility.

7 (F) The site or facility must not be located in any
8 area where it may pose a threat of harm or destruction
9 to the features for which:

10 (i) an irreplaceable historic or
11 archaeological site has been listed under the
12 National Historic Preservation Act (16 U.S.C. 470
13 et seq.) or the Illinois Historic Preservation
14 Act;

15 (ii) a natural landmark has been designated by
16 the National Park Service or the Illinois State
17 Historic Preservation Office; or

18 (iii) a natural area has been designated as a
19 Dedicated Illinois Nature Preserve under the
20 Illinois Natural Areas Preservation Act.

21 (G) The site or facility must not be located in an
22 area where it may jeopardize the continued existence of
23 any designated endangered species, result in the
24 destruction or adverse modification of the critical
25 habitat for such species, or cause or contribute to the
26 taking of any endangered or threatened species of

1 plant, fish, or wildlife listed under the Endangered
2 Species Act (16 U.S.C. 1531 et seq.) or the Illinois
3 Endangered Species Protection Act; ~~and~~

4 (20) the portion of a site or facility that is located
5 entirely within a home rule unit having a population of no
6 less than 120,000 and no more than 135,000, according to
7 the 2000 federal census, and that meets all of the
8 following requirements:

9 (i) the portion of the site or facility is used
10 exclusively to perform testing of a thermochemical
11 conversion technology using only woody biomass,
12 collected as landscape waste within the boundaries
13 of the home rule unit, as the hydrocarbon feedstock
14 for the production of synthetic gas in accordance
15 with Section 39.9 of this Act;

16 (ii) the portion of the site or facility is in
17 compliance with all applicable zoning
18 requirements; and

19 (iii) a complete application for a
20 demonstration permit at the portion of the site or
21 facility has been submitted to the Agency in
22 accordance with Section 39.9 of this Act within one
23 year after July 27, 2010 (the effective date of
24 Public Act 96-1314); ~~and this amendatory Act of the~~
25 ~~96th General Assembly~~

26 (21) ~~(19)~~ the portion of a site or facility used to

1 perform limited testing of a gasification conversion
2 technology in accordance with Section 39.8 of this Act and
3 for which a complete permit application has been submitted
4 to the Agency prior to one year from April 9, 2010 (the
5 effective date of Public Act 96-887) ~~this amendatory Act of~~
6 ~~the 96th General Assembly.~~

7 (b) A new pollution control facility is:

8 (1) a pollution control facility initially permitted
9 for development or construction after July 1, 1981; or

10 (2) the area of expansion beyond the boundary of a
11 currently permitted pollution control facility; or

12 (3) a permitted pollution control facility requesting
13 approval to store, dispose of, transfer or incinerate, for
14 the first time, any special or hazardous waste.

15 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;
16 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.
17 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; 96-887,
18 eff. 4-9-10; 96-1000, eff. 7-2-10; 96-1068, eff. 7-16-10;
19 96-1314, eff. 7-27-10; revised 9-2-10.)

20 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

21 Sec. 22.15. Solid Waste Management Fund; fees.

22 (a) There is hereby created within the State Treasury a
23 special fund to be known as the "Solid Waste Management Fund",
24 to be constituted from the fees collected by the State pursuant
25 to this Section and from repayments of loans made from the Fund

1 for solid waste projects. Moneys received by the Department of
2 Commerce and Economic Opportunity in repayment of loans made
3 pursuant to the Illinois Solid Waste Management Act shall be
4 deposited into the General Revenue Fund.

5 (b) The Agency shall assess and collect a fee in the amount
6 set forth herein from the owner or operator of each sanitary
7 landfill permitted or required to be permitted by the Agency to
8 dispose of solid waste if the sanitary landfill is located off
9 the site where such waste was produced and if such sanitary
10 landfill is owned, controlled, and operated by a person other
11 than the generator of such waste. The Agency shall deposit all
12 fees collected into the Solid Waste Management Fund. If a site
13 is contiguous to one or more landfills owned or operated by the
14 same person, the volumes permanently disposed of by each
15 landfill shall be combined for purposes of determining the fee
16 under this subsection.

17 (1) If more than 150,000 cubic yards of non-hazardous
18 solid waste is permanently disposed of at a site in a
19 calendar year, the owner or operator shall either pay a fee
20 of 95 cents per cubic yard or, alternatively, the owner or
21 operator may weigh the quantity of the solid waste
22 permanently disposed of with a device for which
23 certification has been obtained under the Weights and
24 Measures Act and pay a fee of \$2.00 per ton of solid waste
25 permanently disposed of. In no case shall the fee collected
26 or paid by the owner or operator under this paragraph

1 exceed \$1.55 per cubic yard or \$3.27 per ton.

2 (2) If more than 100,000 cubic yards but not more than
3 150,000 cubic yards of non-hazardous waste is permanently
4 disposed of at a site in a calendar year, the owner or
5 operator shall pay a fee of \$52,630.

6 (3) If more than 50,000 cubic yards but not more than
7 100,000 cubic yards of non-hazardous solid waste is
8 permanently disposed of at a site in a calendar year, the
9 owner or operator shall pay a fee of \$23,790.

10 (4) If more than 10,000 cubic yards but not more than
11 50,000 cubic yards of non-hazardous solid waste is
12 permanently disposed of at a site in a calendar year, the
13 owner or operator shall pay a fee of \$7,260.

14 (5) If not more than 10,000 cubic yards of
15 non-hazardous solid waste is permanently disposed of at a
16 site in a calendar year, the owner or operator shall pay a
17 fee of \$1050.

18 (c) (Blank).→

19 (d) The Agency shall establish rules relating to the
20 collection of the fees authorized by this Section. Such rules
21 shall include, but not be limited to:

22 (1) necessary records identifying the quantities of
23 solid waste received or disposed;

24 (2) the form and submission of reports to accompany the
25 payment of fees to the Agency;

26 (3) the time and manner of payment of fees to the

1 Agency, which payments shall not be more often than
2 quarterly; and

3 (4) procedures setting forth criteria establishing
4 when an owner or operator may measure by weight or volume
5 during any given quarter or other fee payment period.

6 (e) Pursuant to appropriation, all monies in the Solid
7 Waste Management Fund shall be used by the Agency and the
8 Department of Commerce and Economic Opportunity for the
9 purposes set forth in this Section and in the Illinois Solid
10 Waste Management Act, including for the costs of fee collection
11 and administration.

12 (f) The Agency is authorized to enter into such agreements
13 and to promulgate such rules as are necessary to carry out its
14 duties under this Section and the Illinois Solid Waste
15 Management Act.

16 (g) On the first day of January, April, July, and October
17 of each year, beginning on July 1, 1996, the State Comptroller
18 and Treasurer shall transfer \$500,000 from the Solid Waste
19 Management Fund to the Hazardous Waste Fund. Moneys transferred
20 under this subsection (g) shall be used only for the purposes
21 set forth in item (1) of subsection (d) of Section 22.2.

22 (h) The Agency is authorized to provide financial
23 assistance to units of local government for the performance of
24 inspecting, investigating and enforcement activities pursuant
25 to Section 4(r) at nonhazardous solid waste disposal sites.

26 (i) The Agency is authorized to support the operations of

1 an industrial materials exchange service, and to conduct
2 household waste collection and disposal programs.

3 (j) A unit of local government, as defined in the Local
4 Solid Waste Disposal Act, in which a solid waste disposal
5 facility is located may establish a fee, tax, or surcharge with
6 regard to the permanent disposal of solid waste. All fees,
7 taxes, and surcharges collected under this subsection shall be
8 utilized for solid waste management purposes, including
9 long-term monitoring and maintenance of landfills, planning,
10 implementation, inspection, enforcement and other activities
11 consistent with the Solid Waste Management Act and the Local
12 Solid Waste Disposal Act, or for any other environment-related
13 purpose, including but not limited to an environment-related
14 public works project, but not for the construction of a new
15 pollution control facility other than a household hazardous
16 waste facility. However, the total fee, tax or surcharge
17 imposed by all units of local government under this subsection
18 (j) upon the solid waste disposal facility shall not exceed:

19 (1) 60¢ per cubic yard if more than 150,000 cubic yards
20 of non-hazardous solid waste is permanently disposed of at
21 the site in a calendar year, unless the owner or operator
22 weighs the quantity of the solid waste received with a
23 device for which certification has been obtained under the
24 Weights and Measures Act, in which case the fee shall not
25 exceed \$1.27 per ton of solid waste permanently disposed
26 of.

1 (2) \$33,350 if more than 100,000 cubic yards, but not
2 more than 150,000 cubic yards, of non-hazardous waste is
3 permanently disposed of at the site in a calendar year.

4 (3) \$15,500 if more than 50,000 cubic yards, but not
5 more than 100,000 cubic yards, of non-hazardous solid waste
6 is permanently disposed of at the site in a calendar year.

7 (4) \$4,650 if more than 10,000 cubic yards, but not
8 more than 50,000 cubic yards, of non-hazardous solid waste
9 is permanently disposed of at the site in a calendar year.

10 (5) \$650 if not more than 10,000 cubic yards of
11 non-hazardous solid waste is permanently disposed of at the
12 site in a calendar year.

13 The corporate authorities of the unit of local government
14 may use proceeds from the fee, tax, or surcharge to reimburse a
15 highway commissioner whose road district lies wholly or
16 partially within the corporate limits of the unit of local
17 government for expenses incurred in the removal of
18 nonhazardous, nonfluid municipal waste that has been dumped on
19 public property in violation of a State law or local ordinance.

20 A county or Municipal Joint Action Agency that imposes a
21 fee, tax, or surcharge under this subsection may use the
22 proceeds thereof to reimburse a municipality that lies wholly
23 or partially within its boundaries for expenses incurred in the
24 removal of nonhazardous, nonfluid municipal waste that has been
25 dumped on public property in violation of a State law or local
26 ordinance.

1 If the fees are to be used to conduct a local sanitary
2 landfill inspection or enforcement program, the unit of local
3 government must enter into a written delegation agreement with
4 the Agency pursuant to subsection (r) of Section 4. The unit of
5 local government and the Agency shall enter into such a written
6 delegation agreement within 60 days after the establishment of
7 such fees. At least annually, the Agency shall conduct an audit
8 of the expenditures made by units of local government from the
9 funds granted by the Agency to the units of local government
10 for purposes of local sanitary landfill inspection and
11 enforcement programs, to ensure that the funds have been
12 expended for the prescribed purposes under the grant.

13 The fees, taxes or surcharges collected under this
14 subsection (j) shall be placed by the unit of local government
15 in a separate fund, and the interest received on the moneys in
16 the fund shall be credited to the fund. The monies in the fund
17 may be accumulated over a period of years to be expended in
18 accordance with this subsection.

19 A unit of local government, as defined in the Local Solid
20 Waste Disposal Act, shall prepare and distribute to the Agency,
21 in April of each year, a report that details spending plans for
22 monies collected in accordance with this subsection. The report
23 will at a minimum include the following:

24 (1) The total monies collected pursuant to this
25 subsection.

26 (2) The most current balance of monies collected

1 pursuant to this subsection.

2 (3) An itemized accounting of all monies expended for
3 the previous year pursuant to this subsection.

4 (4) An estimation of monies to be collected for the
5 following 3 years pursuant to this subsection.

6 (5) A narrative detailing the general direction and
7 scope of future expenditures for one, 2 and 3 years.

8 The exemptions granted under Sections 22.16 and 22.16a, and
9 under subsection ~~subsections (c) and~~ (k) of this Section, shall
10 be applicable to any fee, tax or surcharge imposed under this
11 subsection (j); except that the fee, tax or surcharge
12 authorized to be imposed under this subsection (j) may be made
13 applicable by a unit of local government to the permanent
14 disposal of solid waste after December 31, 1986, under any
15 contract lawfully executed before June 1, 1986 under which more
16 than 150,000 cubic yards (or 50,000 tons) of solid waste is to
17 be permanently disposed of, even though the waste is exempt
18 from the fee imposed by the State under subsection (b) of this
19 Section pursuant to an exemption granted under Section 22.16.

20 (k) In accordance with the findings and purposes of the
21 Illinois Solid Waste Management Act, beginning January 1, 1989
22 the fee under subsection (b) and the fee, tax or surcharge
23 under subsection (j) shall not apply to:

24 (1) Waste which is hazardous waste; or

25 (2) Waste which is pollution control waste; or

26 (3) Waste from recycling, reclamation or reuse

1 processes which have been approved by the Agency as being
2 designed to remove any contaminant from wastes so as to
3 render such wastes reusable, provided that the process
4 renders at least 50% of the waste reusable; or

5 (4) Non-hazardous solid waste that is received at a
6 sanitary landfill and composted or recycled through a
7 process permitted by the Agency; or

8 (5) Any landfill which is permitted by the Agency to
9 receive only demolition or construction debris or
10 landscape waste.

11 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05; revised
12 9-16-10.)

13 (415 ILCS 5/58.15)

14 Sec. 58.15. Brownfields Programs.

15 (A) Brownfields Redevelopment Loan Program.

16 (a) The Agency shall establish and administer a revolving
17 loan program to be known as the "Brownfields Redevelopment Loan
18 Program" for the purpose of providing loans to be used for site
19 investigation, site remediation, or both, at brownfields
20 sites. All principal, interest, and penalty payments from loans
21 made under this subsection (A) shall be deposited into the
22 Brownfields Redevelopment Fund and reused in accordance with
23 this Section.

24 (b) General requirements for loans:

25 (1) Loans shall be at or below market interest rates in

1 accordance with a formula set forth in regulations
2 promulgated under subdivision (A)(c) of this subsection
3 (A).

4 (2) Loans shall be awarded subject to availability of
5 funding based on the order of receipt of applications
6 satisfying all requirements as set forth in the regulations
7 promulgated under subdivision (A)(c) of this subsection
8 (A).

9 (3) The maximum loan amount under this subsection (A)
10 for any one project is \$1,000,000.

11 (4) In addition to any requirements or conditions
12 placed on loans by regulation, loan agreements under the
13 Brownfields Redevelopment Loan Program shall include the
14 following requirements:

15 (A) the loan recipient shall secure the loan
16 repayment obligation;

17 (B) completion of the loan repayment shall not
18 exceed 15 years or as otherwise prescribed by Agency
19 rule; and

20 (C) loan agreements shall provide for a confession
21 of judgment by the loan recipient upon default.

22 (5) Loans shall not be used to cover expenses incurred
23 prior to the approval of the loan application.

24 (6) If the loan recipient fails to make timely payments
25 or otherwise fails to meet its obligations as provided in
26 this subsection (A) or implementing regulations, the

1 Agency is authorized to pursue the collection of the
2 amounts past due, the outstanding loan balance, and the
3 costs thereby incurred, either pursuant to the Illinois
4 State Collection Act of 1986 or by any other means provided
5 by law, including the taking of title, by foreclosure or
6 otherwise, to any project or other property pledged,
7 mortgaged, encumbered, or otherwise available as security
8 or collateral.

9 (c) The Agency shall have the authority to enter into any
10 contracts or agreements that may be necessary to carry out its
11 duties or responsibilities under this subsection (A). The
12 Agency shall have the authority to promulgate regulations
13 setting forth procedures and criteria for administering the
14 Brownfields Redevelopment Loan Program. The regulations
15 promulgated by the Agency for loans under this subsection (A)
16 shall include, but need not be limited to, the following
17 elements:

- 18 (1) loan application requirements;
- 19 (2) determination of credit worthiness of the loan
20 applicant;
- 21 (3) types of security required for the loan;
- 22 (4) types of collateral, as necessary, that can be
23 pledged for the loan;
- 24 (5) special loan terms, as necessary, for securing the
25 repayment of the loan;
- 26 (6) maximum loan amounts;

- 1 (7) purposes for which loans are available;
- 2 (8) application periods and content of applications;
- 3 (9) procedures for Agency review of loan applications,
4 loan approvals or denials, and loan acceptance by the loan
5 recipient;
- 6 (10) procedures for establishing interest rates;
- 7 (11) requirements applicable to disbursement of loans
8 to loan recipients;
- 9 (12) requirements for securing loan repayment
10 obligations;
- 11 (13) conditions or circumstances constituting default;
- 12 (14) procedures for repayment of loans and delinquent
13 loans including, but not limited to, the initiation of
14 principal and interest payments following loan acceptance;
- 15 (15) loan recipient responsibilities for work
16 schedules, work plans, reports, and record keeping;
- 17 (16) evaluation of loan recipient performance,
18 including auditing and access to sites and records;
- 19 (17) requirements applicable to contracting and
20 subcontracting by the loan recipient, including
21 procurement requirements;
- 22 (18) penalties for noncompliance with loan
23 requirements and conditions, including stop-work orders,
24 termination, and recovery of loan funds; and
- 25 (19) indemnification of the State of Illinois and the
26 Agency by the loan recipient.

1 (d) Moneys in the Brownfields Redevelopment Fund may be
2 used as a source of revenue or security for the principal and
3 interest on revenue or general obligation bonds issued by the
4 State or any political subdivision or instrumentality thereof,
5 if the proceeds of those bonds will be deposited into the Fund.

6 (B) Brownfields Site Restoration Program.

7 (a) (1) The Agency, with the assistance of the Department
8 of Commerce and Economic Opportunity, must establish and
9 administer a program for the payment of remediation costs
10 to be known as the Brownfields Site Restoration Program.
11 The Agency, through the Program, shall provide Remediation
12 Applicants with financial assistance for the investigation
13 and remediation of abandoned or underutilized properties.
14 The investigation and remediation shall be performed in
15 accordance with this Title XVII of this Act.

16 (2) For each State fiscal year in which funds are made
17 available to the Agency for payment under this subsection
18 (B), the Agency must, subject to the availability of funds,
19 allocate 20% of the funds to be available to Remediation
20 Applicants within counties with populations over
21 2,000,000. The remaining funds must be made available to
22 all other Remediation Applicants in the State.

23 (3) The Agency must not approve payment in excess of
24 \$750,000 to a Remediation Applicant for remediation costs
25 incurred at a remediation site. Eligibility must be

1 determined based on a minimum capital investment in the
2 redevelopment of the site, and payment amounts must not
3 exceed the net economic benefit to the State of the
4 remediation project. In addition to these limitations, the
5 total payment to be made to an applicant must not exceed an
6 amount equal to 20% of the capital investment at the site.

7 (4) Only those remediation projects for which a No
8 Further Remediation Letter is issued by the Agency after
9 December 31, 2001 are eligible to participate in the
10 Brownfields Site Restoration Program. The program does not
11 apply to any sites that have received a No Further
12 Remediation Letter prior to December 31, 2001 or for costs
13 incurred prior to the Department of Commerce and Economic
14 Opportunity (formerly Department of Commerce and Community
15 Affairs) approving a site eligible for the Brownfields Site
16 Restoration Program.

17 (5) Brownfields Site Restoration Program funds shall
18 be subject to availability of funding and distributed based
19 on the order of receipt of applications satisfying all
20 requirements as set forth in this Section.

21 (b) Prior to applying to the Agency for payment, a
22 Remediation Applicant shall first submit to the Agency its
23 proposed remediation costs. The Agency shall make a
24 pre-application assessment, which is not to be binding upon the
25 Department of Commerce and Economic Opportunity or upon future
26 review of the project, relating only to whether the Agency has

1 adequate funding to reimburse the applicant for the remediation
2 costs if the applicant is found to be eligible for
3 reimbursement of remediation costs. If the Agency determines
4 that it is likely to have adequate funding to reimburse the
5 applicant for remediation costs, the Remediation Applicant may
6 then submit to the Department of Commerce and Economic
7 Opportunity an application for review of eligibility. The
8 Department must review the eligibility application to
9 determine whether the Remediation Applicant is eligible for the
10 payment. The application must be on forms prescribed and
11 provided by the Department of Commerce and Economic
12 Opportunity. At a minimum, the application must include the
13 following:

14 (1) Information identifying the Remediation Applicant
15 and the site for which the payment is being sought and the
16 date of acceptance into the Site Remediation Program.

17 (2) Information demonstrating that the site for which
18 the payment is being sought is abandoned or underutilized
19 property. "Abandoned property" means real property
20 previously used for, or that has the potential to be used
21 for, commercial or industrial purposes that reverted to the
22 ownership of the State, a county or municipal government,
23 or an agency thereof, through donation, purchase, tax
24 delinquency, foreclosure, default, or settlement,
25 including conveyance by deed in lieu of foreclosure; or
26 privately owned property that has been vacant for a period

1 of not less than 3 years from the time an application is
2 made to the Department of Commerce and Economic
3 Opportunity. "Underutilized property" means real property
4 of which less than 35% of the commercially usable space of
5 the property and improvements thereon are used for their
6 most commercially profitable and economically productive
7 uses.

8 (3) Information demonstrating that remediation of the
9 site for which the payment is being sought will result in a
10 net economic benefit to the State of Illinois. The "net
11 economic benefit" must be determined based on factors
12 including, but not limited to, the capital investment, the
13 number of jobs created, the number of jobs retained if it
14 is demonstrated the jobs would otherwise be lost, capital
15 improvements, the number of construction-related jobs,
16 increased sales, material purchases, other increases in
17 service and operational expenditures, and other factors
18 established by the Department of Commerce and Economic
19 Opportunity. Priority must be given to sites located in
20 areas with high levels of poverty, where the unemployment
21 rate exceeds the State average, where an enterprise zone
22 exists, or where the area is otherwise economically
23 depressed as determined by the Department of Commerce and
24 Economic Opportunity.

25 (4) An application fee in the amount set forth in
26 subdivision (B)(c) for each site for which review of an

1 application is being sought.

2 (c) The fee for eligibility reviews conducted by the
3 Department of Commerce and Economic Opportunity under this
4 subsection (B) is \$1,000 for each site reviewed. The
5 application fee must be made payable to the Department of
6 Commerce and Economic Opportunity for deposit into the
7 Workforce, Technology, and Economic Development Fund. These
8 application fees shall be used by the Department for
9 administrative expenses incurred under this subsection (B).

10 (d) Within 60 days after receipt by the Department of
11 Commerce and Economic Opportunity of an application meeting the
12 requirements of subdivision (B)(b), the Department of Commerce
13 and Economic Opportunity must issue a letter to the applicant
14 approving the application, approving the application with
15 modifications, or disapproving the application. If the
16 application is approved or approved with modifications, the
17 Department of Commerce and Economic Opportunity's letter must
18 also include its determination of the "net economic benefit" of
19 the remediation project and the maximum amount of the payment
20 to be made available to the applicant for remediation costs.
21 The payment by the Agency under this subsection (B) must not
22 exceed the "net economic benefit" of the remediation project,
23 as determined by the Department of Commerce and Economic
24 Opportunity.

25 (e) An application for a review of remediation costs must
26 not be submitted to the Agency unless the Department of

1 Commerce and Economic Opportunity has determined the
2 Remediation Applicant is eligible under subdivision (B) (d). If
3 the Department of Commerce and Economic Opportunity has
4 determined that a Remediation Applicant is eligible under
5 subdivision (B) (d), the Remediation Applicant may submit an
6 application for payment to the Agency under this subsection
7 (B). Except as provided in subdivision (B) (f), an application
8 for review of remediation costs must not be submitted until a
9 No Further Remediation Letter has been issued by the Agency and
10 recorded in the chain of title for the site in accordance with
11 Section 58.10. The Agency must review the application to
12 determine whether the costs submitted are remediation costs and
13 whether the costs incurred are reasonable. The application must
14 be on forms prescribed and provided by the Agency. At a
15 minimum, the application must include the following:

16 (1) Information identifying the Remediation Applicant
17 and the site for which the payment is being sought and the
18 date of acceptance of the site into the Site Remediation
19 Program.

20 (2) A copy of the No Further Remediation Letter with
21 official verification that the letter has been recorded in
22 the chain of title for the site and a demonstration that
23 the site for which the application is submitted is the same
24 site as the one for which the No Further Remediation Letter
25 is issued.

26 (3) A demonstration that the release of the regulated

1 substances of concern for which the No Further Remediation
2 Letter was issued was not caused or contributed to in any
3 material respect by the Remediation Applicant. The Agency
4 must make determinations as to reimbursement availability
5 consistent with rules adopted by the Pollution Control
6 Board for the administration and enforcement of Section
7 58.9 of this Act.

8 (4) A copy of the Department of Commerce and Economic
9 Opportunity's letter approving eligibility, including the
10 net economic benefit of the remediation project.

11 (5) An itemization and documentation, including
12 receipts, of the remediation costs incurred.

13 (6) A demonstration that the costs incurred are
14 remediation costs as defined in this Act and rules adopted
15 under this Act.

16 (7) A demonstration that the costs submitted for review
17 were incurred by the Remediation Applicant who received the
18 No Further Remediation Letter.

19 (8) An application fee in the amount set forth in
20 subdivision (B)(j) for each site for which review of
21 remediation costs is requested.

22 (9) Any other information deemed appropriate by the
23 Agency.

24 (f) An application for review of remediation costs may be
25 submitted to the Agency prior to the issuance of a No Further
26 Remediation Letter if the Remediation Applicant has a Remedial

1 Action Plan approved by the Agency under the terms of which the
2 Remediation Applicant will remediate groundwater for more than
3 one year. The Agency must review the application to determine
4 whether the costs submitted are remediation costs and whether
5 the costs incurred are reasonable. The application must be on
6 forms prescribed and provided by the Agency. At a minimum, the
7 application must include the following:

8 (1) Information identifying the Remediation Applicant
9 and the site for which the payment is being sought and the
10 date of acceptance of the site into the Site Remediation
11 Program.

12 (2) A copy of the Agency letter approving the Remedial
13 Action Plan.

14 (3) A demonstration that the release of the regulated
15 substances of concern for which the Remedial Action Plan
16 was approved was not caused or contributed to in any
17 material respect by the Remediation Applicant. The Agency
18 must make determinations as to reimbursement availability
19 consistent with rules adopted by the Pollution Control
20 Board for the administration and enforcement of Section
21 58.9 of this Act.

22 (4) A copy of the Department of Commerce and Economic
23 Opportunity's letter approving eligibility, including the
24 net economic benefit of the remediation project.

25 (5) An itemization and documentation, including
26 receipts, of the remediation costs incurred.

1 (6) A demonstration that the costs incurred are
2 remediation costs as defined in this Act and rules adopted
3 under this Act.

4 (7) A demonstration that the costs submitted for review
5 were incurred by the Remediation Applicant who received
6 approval of the Remediation Action Plan.

7 (8) An application fee in the amount set forth in
8 subdivision (B)(j) for each site for which review of
9 remediation costs is requested.

10 (9) Any other information deemed appropriate by the
11 Agency.

12 (g) For a Remediation Applicant seeking a payment under
13 subdivision (B)(f), until the Agency issues a No Further
14 Remediation Letter for the site, no more than 75% of the
15 allowed payment may be claimed by the Remediation Applicant.
16 The remaining 25% may be claimed following the issuance by the
17 Agency of a No Further Remediation Letter for the site. For a
18 Remediation Applicant seeking a payment under subdivision
19 (B)(e), until the Agency issues a No Further Remediation Letter
20 for the site, no payment may be claimed by the Remediation
21 Applicant.

22 (h) (1) Within 60 days after receipt by the Agency of an
23 application meeting the requirements of subdivision (B)(e)
24 or (B)(f), the Agency must issue a letter to the applicant
25 approving, disapproving, or modifying the remediation
26 costs submitted in the application. If an application is

1 disapproved or approved with modification of remediation
2 costs, then the Agency's letter must set forth the reasons
3 for the disapproval or modification.

4 (2) If a preliminary review of a budget plan has been
5 obtained under subdivision (B)(i), the Remediation
6 Applicant may submit, with the application and supporting
7 documentation under subdivision (B)(e) or (B)(f), a copy of
8 the Agency's final determination accompanied by a
9 certification that the actual remediation costs incurred
10 for the development and implementation of the Remedial
11 Action Plan are equal to or less than the costs approved in
12 the Agency's final determination on the budget plan. The
13 certification must be signed by the Remediation Applicant
14 and notarized. Based on that submission, the Agency is not
15 required to conduct further review of the costs incurred
16 for development and implementation of the Remedial Action
17 Plan and may approve costs as submitted.

18 (3) Within 35 days after receipt of an Agency letter
19 disapproving or modifying an application for approval of
20 remediation costs, the Remediation Applicant may appeal
21 the Agency's decision to the Board in the manner provided
22 for the review of permits in Section 40 of this Act.

23 (i) (1) A Remediation Applicant may obtain a preliminary
24 review of estimated remediation costs for the development
25 and implementation of the Remedial Action Plan by
26 submitting a budget plan along with the Remedial Action

1 Plan. The budget plan must be set forth on forms prescribed
2 and provided by the Agency and must include, but is not
3 limited to, line item estimates of the costs associated
4 with each line item (such as personnel, equipment, and
5 materials) that the Remediation Applicant anticipates will
6 be incurred for the development and implementation of the
7 Remedial Action Plan. The Agency must review the budget
8 plan along with the Remedial Action Plan to determine
9 whether the estimated costs submitted are remediation
10 costs and whether the costs estimated for the activities
11 are reasonable.

12 (2) If the Remedial Action Plan is amended by the
13 Remediation Applicant or as a result of Agency action, the
14 corresponding budget plan must be revised accordingly and
15 resubmitted for Agency review.

16 (3) The budget plan must be accompanied by the
17 applicable fee as set forth in subdivision (B)(j).

18 (4) Submittal of a budget plan must be deemed an
19 automatic 60-day waiver of the Remedial Action Plan review
20 deadlines set forth in this subsection (B) and rules
21 adopted under this subsection (B).

22 (5) Within the applicable period of review, the Agency
23 must issue a letter to the Remediation Applicant approving,
24 disapproving, or modifying the estimated remediation costs
25 submitted in the budget plan. If a budget plan is
26 disapproved or approved with modification of estimated

1 remediation costs, the Agency's letter must set forth the
2 reasons for the disapproval or modification.

3 (6) Within 35 days after receipt of an Agency letter
4 disapproving or modifying a budget plan, the Remediation
5 Applicant may appeal the Agency's decision to the Board in
6 the manner provided for the review of permits in Section 40
7 of this Act.

8 (j) The fees for reviews conducted by the Agency under this
9 subsection (B) are in addition to any other fees or payments
10 for Agency services rendered pursuant to the Site Remediation
11 Program and are as follows:

12 (1) The fee for an application for review of
13 remediation costs is \$1,000 for each site reviewed.

14 (2) The fee for the review of the budget plan submitted
15 under subdivision (B) (i) is \$500 for each site reviewed.

16 The application fee and the fee for the review of the
17 budget plan must be made payable to the State of Illinois, for
18 deposit into the Brownfields Redevelopment Fund.

19 (k) Moneys in the Brownfields Redevelopment Fund may be
20 used for the purposes of this Section, including payment for
21 the costs of administering this subsection (B). Any moneys
22 remaining in the Brownfields Site Restoration Program Fund on
23 the effective date of this amendatory Act of the 92nd General
24 Assembly shall be transferred to the Brownfields Redevelopment
25 Fund. Total payments made to all Remediation Applicants by the
26 Agency for purposes of this subsection (B) must not exceed

1 \$1,000,000 in State fiscal year 2002.

2 (l) The Department and the Agency are authorized to enter
3 into any contracts or agreements that may be necessary to carry
4 out their duties and responsibilities under this subsection
5 (B).

6 (m) Within 6 months after the effective date of this
7 amendatory Act of 2002, the Department of Commerce and
8 Community Affairs (now Department of Commerce and Economic
9 Opportunity) and the Agency must propose rules prescribing
10 procedures and standards for the administration of this
11 subsection (B). Within 9 months after receipt of the proposed
12 rules, the Board shall adopt on second notice, pursuant to
13 Sections 27 and 28 of this Act and the Illinois Administrative
14 Procedure ~~Procedures~~ Act, rules that are consistent with this
15 subsection (B). Prior to the effective date of rules adopted
16 under this subsection (B), the Department of Commerce and
17 Community Affairs (now Department of Commerce and Economic
18 Opportunity) and the Agency may conduct reviews of applications
19 under this subsection (B) and the Agency is further authorized
20 to distribute guidance documents on costs that are eligible or
21 ineligible as remediation costs.

22 (Source: P.A. 94-793, eff. 5-19-06; revised 9-16-10.)

23 Section 490. The Solid Waste Planning and Recycling Act is
24 amended by changing Section 7 as follows:

1 (415 ILCS 15/7) (from Ch. 85, par. 5957)

2 Sec. 7. (a) Each county shall begin implementation of its
3 waste management plan, including the recycling program, within
4 one year of adoption of the plan. The county may enter into
5 written agreements with other persons, including a
6 municipality or persons transporting municipal waste on the
7 effective date of this Act, pursuant to which the persons
8 undertake to fulfill some or all of the county's
9 responsibilities under this Act. A person who enters into an
10 agreement shall be responsible with the county for the
11 implementation of such programs.

12 (b) In implementing the recycling program, consideration
13 for the collection, marketing and disposition of recyclable
14 materials shall be given to persons engaged in the business of
15 recycling within the county on the effective date of this Act,
16 whether or not the persons were operating for profit.

17 If a township within the county is operating a recycling
18 program on the effective date of the plan which substantially
19 conforms with or exceeds the requirements of the recycling
20 program included in the plan, the township may continue to
21 operate its recycling program, and such operation shall
22 constitute, within the township, implementation of the
23 recycling program included in the plan. A township may at any
24 time adopt and implement a recycling program that is more
25 stringent than that required by the county waste management
26 plan.

1 (c) The Department shall assist counties in implementing
2 recycling programs under this Act, and may, pursuant to
3 appropriation, make grants and loans from the Solid Waste
4 Management Fund to counties or other units of local government
5 ~~governments~~ for that purpose, to be used for capital assistance
6 or for the payment of recycling diversion credits or for other
7 recycling program purposes, in accordance with such guidelines
8 as may be adopted by the Department.

9 (Source: P.A. 89-443, eff. 7-1-96; revised 9-16-10.)

10 Section 495. The Public Water Supply Operations Act is
11 amended by changing Section 3 as follows:

12 (415 ILCS 45/3) (from Ch. 111 1/2, par. 503)

13 Sec. 3. As used in this Act, unless the context requires
14 otherwise, the terms defined in the Sections following this
15 Section and preceding Section 10 ~~Sections 4 through 9,~~
16 inclusive, have the meanings ascribed therein.

17 (Source: P.A. 78-810; revised 9-16-10.)

18 Section 500. The Mercury Thermostat Collection Act is
19 amended by changing Section 25 as follows:

20 (415 ILCS 98/25)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 25. Collection goals. The collection programs

1 established by thermostat manufacturers under this Act shall be
2 designed to collectively achieve the following statewide
3 goals:

4 (a) For calendar year 2011, the collection of least 5,000
5 mercury thermostats taken out of service in the State during
6 the calendar year.

7 (b) For calendar years 2012, 2013, and 2014, the collection
8 of at least 15,000 mercury thermostats taken out of service in
9 the State during each calendar year.

10 (c) For calendar years 2015 through 2020, the collection
11 goals shall be established by the Agency. The Agency shall
12 establish collection goals no later than November 1, 2014. The
13 collection goals established by the Agency shall maximize the
14 annual collection of out-of-service mercury thermostats in the
15 State. In developing the collection goals, the Agency shall
16 take into account, at a minimum, (i) the effectiveness of
17 collection programs for out-of-service mercury thermostats in
18 the State and other states, including education and outreach
19 efforts, (ii) collection requirements in other states, (iii)
20 any reports or studies on the number of out-of-service mercury
21 thermostats that are available for collection in this State,
22 other states, and nationally, and (iv) other factors. Prior to
23 establishing the collection goals, the Agency shall consult
24 with stakeholder groups that include, at a minimum,
25 representatives of thermostat manufacturers, environmental
26 groups, thermostat wholesalers, contractors, and thermostat

1 retailers.

2 (d) The collection goals established by the Agency under
3 subsection (c) of this Section are statements of general
4 applicability under Section 1-70 of the Illinois
5 Administrative Procedure ~~Procedures~~ Act and shall be adopted in
6 accordance with the procedures of that Act. Any person
7 adversely affected by a goal established by the Agency under
8 subsection (c) of this Section may obtain a determination of
9 the validity or application of the goal by filing a petition
10 for review within 35 days after the date the adopted goal is
11 published in the Illinois Register pursuant to subsection (d)
12 of Section 40 of the Illinois Administrative Procedure
13 ~~Procedures~~ Act. Review shall be afforded directly in the
14 Appellate Court for the District in which the cause of action
15 arose and not the Circuit Court. During the pendency of the
16 review, the goal under review shall remain in effect.

17 (Source: P.A. 96-1295, eff. 7-26-10; revised 9-16-10.)

18 Section 505. The Illinois Chemical Safety Act is amended by
19 changing Section 3 as follows:

20 (430 ILCS 45/3) (from Ch. 111 1/2, par. 953)

21 Sec. 3. Definitions. For the purposes of this Act:

22 "Agency" means the Illinois Environmental Protection
23 Agency.

24 "Business" means any individual, partnership, corporation,

1 or association in the State engaged in a business operation
2 that has 5 or more full-time employees, or 20 or more part-time
3 employees, and that is properly assigned or included within one
4 of the following Standard Industrial Classifications (SIC), as
5 designated in the Standard Industrial Classification Manual
6 prepared by the Federal Office of Management and Budget:

7 2295 Coated fabrics, not rubberized;

8 2491 Wood preserving;

9 2671~~7~~ Packaging paper and plastics film, coated and
10 laminated;

11 2672 Coated and laminated paper, not elsewhere classified;

12 2812 Alkalies and chlorine;

13 2813 Industrial gases;

14 2819 Industrial inorganic chemicals, not elsewhere
15 classified;

16 2821 Plastic materials, synthetic resins, and
17 non-vulcanizable elastomers;

18 2834 Pharmaceutical preparations;

19 2842 Specialty cleaning, polishing and sanitation
20 preparations;

21 2851 Paints, varnishes, lacquers, enamels, and allied
22 products;

23 2865 Cyclic (coal tar) crudes, and cyclic intermediaries,
24 dyes and organic pigments (lakes and toners);

25 2869 Industrial organic chemicals, not elsewhere
26 classified;

1 2873 Nitrogenous fertilizer;
2 2874 Phosphatic fertilizers;
3 2879 Pesticides and agricultural chemicals, not elsewhere
4 classified;
5 2891 Adhesives and sealants;
6 2892 Explosives;
7 2911 Petroleum refining;
8 2952 Asphalt felts and coatings;
9 2999 Products of petroleum and coal, not elsewhere
10 classified;
11 3081~~7~~ Unsupported plastics, film and sheet;
12 3082 Unsupported plastics profile shapes;
13 3083 Laminated plastics plate, sheet and profile shapes;
14 3084 Plastic pipe;
15 3085 Plastic bottles;
16 3086 Plastic foam products;
17 3087 Custom compounding of purchased plastic resin;
18 3088 Plastic plumbing fixtures;
19 3089 Plastic products, not elsewhere classified;
20 3111 Leather tanning and finishing;
21 3339 Primary smelting and refining of nonferrous metals,
22 except copper and aluminum;
23 3432 Plumbing fixture fittings and trim;
24 3471 Electroplating, plating, polishing, anodizing and
25 coloring;
26 4953 Refuse systems;

1 5085 Industrial supplies;
2 5162 Plastic materials and basic forms and shapes;
3 5169 Chemicals and allied products, not elsewhere
4 classified;
5 5171 Petroleum bulk stations and terminals;
6 5172 Petroleum and petroleum products, wholesalers, except
7 bulk stations and terminals.

8 For the purposes of this Act, the SIC Code that a business
9 uses for determining its coverage under The Unemployment
10 Insurance Act shall be the SIC Code for determining the
11 applicability of this Act. On an annual basis, the Department
12 of Employment Security shall provide the IEMA with a list of
13 those regulated facilities covered by the above mentioned SIC
14 codes.

15 "Business" also means any facility not covered by the above
16 SIC codes that is subject to the provisions of Section 302 of
17 the federal Emergency Planning and Community Right-to-Know Act
18 of 1986 and that is found by the Agency to use, store, or
19 manufacture a chemical substance in a quantity that poses a
20 threat to the environment or public health. Such a
21 determination shall be based on an on-site inspection conducted
22 by the Agency and certified to the IEMA. The Agency shall also
23 conduct inspections at the request of IEMA or upon a written
24 request setting forth a justification to the IEMA from the
25 chairman of the local emergency planning committee upon
26 recommendation of the committee. The IEMA shall transmit a copy

1 of the request to the Agency. The Agency may, in the event of a
2 reportable release that occurs at any facility operated or
3 owned by a business not covered by the above SIC codes, conduct
4 inspections if the site hazard appears to warrant such action.
5 The above notwithstanding, any farm operation shall not be
6 considered as a facility subject to this definition.

7 Notwithstanding the above, for purposes of this Act,
8 "business" does not mean any facility for which the
9 requirements promulgated at Part 1910.119 of Title 29 of the
10 Code of Federal Regulations are applicable or which has
11 completed and submitted the plan required by Part 68 of Title
12 40 of the Code of Federal Regulations, provided that such
13 business conducts and documents in writing an assessment for
14 any instance where the Agency provides notice that a
15 significant release of a chemical substance has occurred at a
16 facility. Such assessment shall explain the nature, cause and
17 known effects of the release, any mitigating actions taken, and
18 preventive measures that can be employed to avoid a future
19 release. Such assessment shall be available at the facility for
20 review within 30 days after the Agency notifies the facility
21 that a significant release has occurred. The Agency may provide
22 written comments to the business following an on-site review of
23 an assessment.

24 "Chemical name" means the scientific designation of a
25 chemical in accordance with the nomenclature system developed
26 by the International Union of Pure and Applied Chemistry

1 (IUPAC) or the American Chemical Society's Chemical Abstracts
2 Service (CAS) rules of nomenclature, or a name that will
3 clearly identify the chemical for hazard evaluation purposes.

4 "Chemical substance" means any "extremely hazardous
5 substance" listed in Appendix A of 40 C.F.R. Part 355 that is
6 present at a facility in an amount in excess of its threshold
7 planning quantity, any "hazardous substance" listed in 40
8 C.F.R. Section 302.4 that is present at a facility in an amount
9 in excess of its reportable quantity or in excess of its
10 threshold planning quantity if it is also an "extremely
11 hazardous substance", and any petroleum including crude oil or
12 any fraction thereof that is present at a facility in an amount
13 exceeding 100 pounds unless it is specifically listed as a
14 "hazardous substance" or an "extremely hazardous substance".
15 "Chemical substance" does not mean any substance to the extent
16 it is used for personal, family, or household purposes or to
17 the extent it is present in the same form and concentration as
18 a product packaged for distribution to and use by the general
19 public.

20 "IEMA" means the Illinois Emergency Management Agency.

21 "Facility" means the buildings and all real property
22 contiguous thereto, and the equipment at a single location used
23 for the conduct of business.

24 "Local emergency planning committee" means the committee
25 that is appointed for an emergency planning district under the
26 provisions of Section 301 of the federal Emergency Planning and

1 Community Right-to-Know Act of 1986.

2 "Release" means any sudden spilling, leaking, pumping,
3 pouring, emitting, escaping, emptying, discharging, injecting,
4 leaching, dumping, or disposing into the environment beyond the
5 boundaries of a facility, but excludes the following:

6 (a) Any release that results in exposure to persons
7 solely within a workplace, with respect to a claim that
8 such persons may assert against their employer.

9 (b) Emissions from the engine exhaust of a motor
10 vehicle, rolling stock, aircraft, vessel, or pipeline
11 pumping station engine.

12 (c) Release of source, byproduct, or special nuclear
13 material from a nuclear incident, as those terms are
14 defined in the Atomic Energy Act of 1954, if the release is
15 subject to requirements with respect to financial
16 protection established by the Nuclear Regulatory
17 Commission under Section 170 of the Atomic Energy Act of
18 1954.

19 (d) The normal application of fertilizer.

20 "Significant release" means any release which is so
21 designated in writing by the Agency or the IEMA based upon an
22 inspection at the site of an emergency incident, or any release
23 which results in any evacuation, hospitalization, or
24 fatalities of the public.

25 (Source: P.A. 90-442, eff. 8-16-97; 90-773, eff. 8-14-98;
26 revised 9-16-10.)

1 Section 510. The Illinois Premise Alert Program (PAP) Act
2 is amended by changing Section 15 as follows:

3 (430 ILCS 132/15)

4 Sec. 15. Reporting of Special Needs Individuals.

5 (a) Public safety agencies shall make reasonable efforts to
6 publicize the Premise Alert Program (PAP) database. Means of
7 publicizing the database include, but are not limited to,
8 pamphlets and websites.

9 (b) Families, caregivers, or the individuals with
10 disabilities or special needs may contact their local law
11 enforcement agency or fire department or fire protection
12 district.

13 (c) Public safety workers are to be cognizant ~~cognitive~~ of
14 special needs individuals they may come across when they
15 respond to calls. If workers are able to identify individuals
16 who have special needs, they shall try to ascertain as
17 specifically as possible what that special need might be. The
18 public safety worker should attempt to verify the special need
19 as provided in item (2) of subsection (d).

20 (d) The disabled individual's name, date of birth, phone
21 number, and residential address or place of employment should
22 also be obtained for possible entry into the PAP database.

23 (1) Whenever possible, it is preferable that written
24 permission is obtained from a parent, guardian, family

1 member, or caregiver of the individual themselves prior to
2 being entered into the PAP database.

3 (2) No individual may be entered into a PAP database
4 unless the special need has been verified. Acceptable means
5 of verifying a special need for purposes of this program
6 shall include statements by:

7 (A) the individual,

8 (B) family members,

9 (C) friends,

10 (D) caregivers, or

11 (E) medical personnel familiar with the
12 individual.

13 (e) For public safety agencies that share the same CAD
14 database, information collected by one agency serviced by the
15 CAD database is to be disseminated to all agencies utilizing
16 that database.

17 (f) Information received at an incorrect public safety
18 agency shall be accepted and forwarded to the correct agency as
19 soon as possible.

20 (g) All information entered into the PAP database must be
21 updated every 2 years or when such information changes.

22 (Source: P.A. 96-788, eff. 8-28-09; revised 9-16-10.)

23 Section 515. The Soil Conservation Domestic Allotment Act
24 is amended by changing Section 7 as follows:

1 (505 ILCS 125/7) (from Ch. 5, par. 138g)

2 Sec. 7. The Department shall have no authority to incur any
3 obligation or liability against the State of Illinois under
4 this Act for the expenditure of funds other than the
5 expenditure of funds payable from the Soil Conservation Fund,
6 pursuant to appropriations made therefor ~~therefore~~.

7 (Source: P.A. 96-1333, eff. 7-27-10; revised 9-27-10.)

8 Section 520. The Open Space Lands Acquisition and
9 Development Act is amended by changing Section 2 as follows:

10 (525 ILCS 35/2) (from Ch. 85, par. 2102)

11 Sec. 2. As used in this Act, unless the context otherwise
12 requires, the terms defined in the Sections following this
13 Section and preceding Section 3 ~~Sections 2.01 through 2.06~~ have
14 the meanings ascribed to them in those Sections.

15 (Source: P.A. 78-938; revised 9-16-10.)

16 Section 525. The Illinois Vehicle Code is amended by
17 changing Sections 1-105, 3-110, 6-106.1, 6-109, 6-118, 6-205,
18 6-206, 6-306.5, 6-402, 6-514, 11-208.3, 11-501.1, 11-501.8,
19 11-1301.8, and 12-603.1 and by setting forth and renumbering
20 multiple versions of Sections 3-689 and 3-690 as follows:

21 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

22 Sec. 1-105. Authorized emergency vehicle. Emergency

1 vehicles of municipal departments or public service
2 corporations as are designated or authorized by proper local
3 authorities; police vehicles; vehicles of the fire department;
4 vehicles of a HazMat or technical rescue team authorized by a
5 county board under Section 5-1127 of the Counties Code;
6 ambulances; vehicles of the Illinois Emergency Management
7 Agency; mine rescue and explosives emergency response vehicles
8 of the Department of Natural Resources; vehicles of the
9 Illinois Department of Public Health; and vehicles of a
10 municipal or county emergency services and disaster agency, as
11 defined by the Illinois Emergency Management Agency Act.

12 (Source: P.A. 96-214, eff. 8-10-09; 96-986, eff. 1-1-11;
13 96-1190, eff. 7-22-10; revised 9-2-10.)

14 (625 ILCS 5/3-110) (from Ch. 95 1/2, par. 3-110)

15 Sec. 3-110. Refusing certificate of title.

16 The Secretary of State shall refuse issuance of a
17 certificate of title if any required fee is not paid or if he
18 has reasonable grounds to believe that:

19 (a) the applicant is not the owner of the vehicle;

20 (b) the application contains a false or fraudulent
21 statement; ~~or~~

22 (c) the applicant fails to furnish required information or
23 documents or any additional information the Secretary of State
24 reasonably requires; or

25 (d) the applicant has not paid to the Secretary of State

1 any fees or taxes due under this Act and have not been paid
2 upon reasonable notice and demand.

3 (Source: P.A. 77-641; revised 9-16-10.)

4 (625 ILCS 5/3-689)

5 Sec. 3-689. Share the Road license plates.

6 (a) In addition to any other special license plate, the
7 Secretary, upon receipt of all applicable fees and applications
8 made in the form prescribed by the Secretary of State, may
9 issue Share the Road license plates. The special Share the Road
10 plate issued under this Section shall be affixed only to
11 passenger vehicles of the first division and motor vehicles of
12 the second division weighing not more than 8,000 pounds. Plates
13 issued under this Section shall expire according to the
14 staggered multi-year procedure established by Section 3-414.1
15 of this Code.

16 (b) The design, color, and format of the plates shall be
17 wholly within the discretion of the Secretary of State.
18 Appropriate documentation, as determined by the Secretary,
19 must accompany each application. The Secretary, in his or her
20 discretion, shall approve and prescribe stickers or decals as
21 provided under Section 3-412.

22 (c) An applicant for the special plate shall be charged a
23 \$22 fee for original issuance in addition to the appropriate
24 registration fee. Of this fee, \$17 shall be deposited into the
25 Share the Road Fund and \$5 shall be deposited into the

1 Secretary of State Special License Plate Fund, to be used by
2 the Secretary to help defray the administrative processing
3 costs. For each registration renewal period, a \$22 fee, in
4 addition to the appropriate registration fee, shall be charged.
5 Of this fee, \$20 shall be deposited into the Share the Road
6 Fund and \$2 shall be deposited into the Secretary of State
7 Special License Plate Fund.

8 (d) The Share the Road Fund is created as a special fund in
9 the State treasury. All money in the Share the Road Fund shall
10 be paid, subject to appropriation by the General Assembly and
11 approval by the Secretary, as grants to the League of Illinois
12 Bicyclists, a not for profit corporation, for educational
13 programs instructing bicyclists and motorists how to legally
14 and more safely share the roadways.

15 (Source: P.A. 96-1006, eff. 1-1-11.)

16 (625 ILCS 5/3-690)

17 Sec. 3-690. St. Jude Children's Research Hospital Plates.

18 (a) In addition to any other special license plate, the
19 Secretary, upon receipt of all applicable fees and applications
20 made in the form prescribed by the Secretary of State, may
21 issue St. Jude Children's Research Hospital license plates. The
22 special St. Jude Children's Research Hospital plate issued
23 under this Section shall be affixed only to passenger vehicles
24 of the first division and motor vehicles of the second division
25 weighing not more than 8,000 pounds. Plates issued under this

1 Section shall expire according to the staggered multi-year
2 procedure established by Section 3-414.1 of this Code.

3 (b) The design, color, and format of the plates shall be
4 wholly within the discretion of the Secretary of State.
5 Appropriate documentation, as determined by the Secretary,
6 must accompany each application. The Secretary, in his or her
7 discretion, shall approve and prescribe stickers or decals as
8 provided under Section 3-412.

9 (c) An applicant for the special plate shall be charged a
10 \$40 fee for original issuance in addition to the appropriate
11 registration fee. Of this fee, \$25 shall be deposited into the
12 St. Jude Children's Research Fund and \$15 shall be deposited
13 into the Secretary of State Special License Plate Fund, to be
14 used by the Secretary to help defray the administrative
15 processing costs. For each registration renewal period, a \$27
16 fee, in addition to the appropriate registration fee, shall be
17 charged. Of this fee, \$25 shall be deposited into the St. Jude
18 Children's Research Fund and \$2 shall be deposited into the
19 Secretary of State Special License Plate Fund.

20 (d) The St. Jude Children's Research Fund is created as a
21 special fund in the State treasury. All money in the St. Jude
22 Children's Research Fund shall be paid, subject to
23 appropriation by the General Assembly and approval by the
24 Secretary, as grants to St. Jude Children's Research Hospital
25 for pediatric treatment and research. All interest earned on
26 moneys in the Fund shall be deposited into the Fund. The Fund

1 shall not be subject to administrative charges or chargebacks,
2 such as but not limited to those authorized under Section 8h of
3 the State Finance Act.

4 (Source: P.A. 96-1377, eff. 1-1-11.)

5 (625 ILCS 5/3-691)

6 Sec. 3-691 ~~3-689~~. Illinois Fraternal Order of Police
7 license plates.

8 (a) The Secretary, upon receipt of an application made in
9 the form prescribed by the Secretary, may issue special
10 registration plates designated as Illinois Fraternal Order of
11 Police license plates to residents of Illinois who are members
12 in good standing of the Fraternal Order of Police-Illinois
13 State Lodge and meet other eligibility requirements prescribed
14 by the Secretary of State. The special plates issued under this
15 Section shall be affixed only to passenger vehicles of the
16 first division and motor vehicles of the second division
17 weighing not more than 8,000 pounds, and recreational vehicles,
18 as defined by Section 1-169 of this Code. Plates issued under
19 this Section shall expire according to the multi-year procedure
20 established by Section 3-414.1 of this Code.

21 (b) The design and color of the plates is wholly within the
22 discretion of the Secretary, except that the Illinois Fraternal
23 Order of Police emblem shall appear on the plates. The
24 Secretary may allow the plates to be issued as vanity plates or
25 personalized under Section 3-405.1 of the Code. The Secretary

1 shall prescribe stickers or decals as provided under Section
2 3-412 of this Code. The plates are not required to designate
3 "Land of Lincoln" as prescribed in subsection (b) of Section
4 3-412 of this Code. The Secretary may, in his or her
5 discretion, allow the plates to be issued as vanity or
6 personalized plates in accordance with Section 3-405.1 of this
7 Code.

8 (c) An applicant for the special plate shall be charged a
9 \$25 fee for original issuance in addition to the appropriate
10 registration fee. Of this fee, \$10 shall be deposited into the
11 Fraternal Order of Police Fund and \$15 shall be deposited into
12 the Secretary of State Special License Plate Fund, to be used
13 by the Secretary to help defray the administrative processing
14 costs.

15 For each registration renewal period, a \$25 fee, in
16 addition to the appropriate registration fee, shall be charged.
17 Of this fee, \$23 shall be deposited into the Fraternal Order of
18 Police Fund and \$2 shall be deposited into the Secretary of
19 State Special License Plate Fund.

20 (d) The Fraternal Order of Police Fund is created as a
21 special fund in the State treasury. All money in the Fraternal
22 Order of Police Fund shall be paid, subject to appropriation,
23 as grants to the Illinois Fraternal Order of Police to increase
24 the efficiency and professionalism of law enforcement officers
25 in Illinois, to educate the public about law enforcement
26 issues, to more firmly establish the public confidence in law

1 enforcement, to create partnerships with the public, and to
2 honor the service of law enforcement officers dedicated to the
3 protection of life and property.

4 (Source: P.A. 96-1240, eff. 7-23-10; revised 9-28-10.)

5 (625 ILCS 5/3-692)

6 Sec. 3-692 ~~3-689~~. Soil and Water Conservation District
7 Plates.

8 (a) In addition to any other special license plate, the
9 Secretary, upon receipt of all applicable fees and applications
10 made in the form prescribed by the Secretary of State, may
11 issue Soil and Water Conservation District license plates. The
12 special Soil and Water Conservation District plate issued under
13 this Section shall be affixed only to passenger vehicles of the
14 first division and motor vehicles of the second division
15 weighing not more than 8,000 pounds. Plates issued under this
16 Section shall expire according to the staggered multi-year
17 procedure established by Section 3-414.1 of this Code.

18 (b) The design, color, and format of the plates shall be
19 wholly within the discretion of the Secretary of State.
20 Appropriate documentation, as determined by the Secretary,
21 must accompany each application. The Secretary, in his or her
22 discretion, shall approve and prescribe stickers or decals as
23 provided under Section 3-412.

24 (c) An applicant for the special plate shall be charged a
25 \$40 fee for original issuance in addition to the appropriate

1 registration fee. Of this fee, \$25 shall be deposited into the
2 Soil and Water Conservation District Fund and \$15 shall be
3 deposited into the Secretary of State Special License Plate
4 Fund, to be used by the Secretary to help defray the
5 administrative processing costs. For each registration renewal
6 period, a \$27 fee, in addition to the appropriate registration
7 fee, shall be charged. Of this fee, \$25 shall be deposited into
8 the Soil and Water Conservation District Fund and \$2 shall be
9 deposited into the Secretary of State Special License Plate
10 Fund.

11 (d) The Soil and Water Conservation District Fund is
12 created as a special fund in the State treasury. All money in
13 the Soil and Water Conservation District Fund shall be paid,
14 subject to appropriation by the General Assembly and approval
15 by the Secretary, as grants to Illinois soil and water
16 conservation districts for projects that conserve and restore
17 soil and water in Illinois. All interest earned on moneys in
18 the Fund shall be deposited into the Fund. The Fund shall not
19 be subject to administrative charges or chargebacks, such as
20 but not limited to those authorized under Section 8h of the
21 State Finance Act.

22 (Source: P.A. 96-1377, eff. 1-1-11; revised 9-28-10.)

23 (625 ILCS 5/3-693)

24 Sec. 3-693 ~~3-689~~. Women Veteran license plates.

25 (a) In addition to any other special license plate, the

1 Secretary, upon receipt of all applicable fees and applications
2 made in the form prescribed by the Secretary of State, may
3 issue Women Veteran license plates to residents of Illinois who
4 meet eligibility requirements prescribed by the Secretary of
5 State. The special Women Veteran plate issued under this
6 Section shall be affixed only to passenger vehicles of the
7 first division, motorcycles, and motor vehicles of the second
8 division weighing not more than 8,000 pounds. Plates issued
9 under this Section shall expire according to the staggered
10 multi-year procedure established by Section 3-414.1 of this
11 Code.

12 (b) The design, color, and format of the plates shall be
13 wholly within the discretion of the Secretary of State. The
14 Secretary may, in his or her discretion, allow the plates to be
15 issued as vanity or personalized plates in accordance with
16 Section 3-405.1 of this Code. The Secretary shall prescribe the
17 eligibility requirements and, in his or her discretion, shall
18 approve and prescribe stickers or decals as provided under
19 Section 3-412.

20 (c) An applicant shall be charged a \$15 fee for original
21 issuance in addition to the applicable registration fee. This
22 additional fee shall be deposited into the Secretary of State
23 Special License Plate Fund.

24 (Source: P.A. 96-1408, eff. 7-30-10; revised 9-28-10.)

1 Sec. 3-694 ~~3-689~~. 4-H license plates.

2 (a) The Secretary, upon receipt of all applicable fees and
3 applications made in the form prescribed by the Secretary, may
4 issue special registration plates designated as 4-H license
5 plates. The special plates issued under this Section shall be
6 affixed only to passenger vehicles of the first division and
7 motor vehicles of the second division weighing not more than
8 8,000 pounds. Plates issued under this Section shall expire
9 according to the multi-year procedure established by Section
10 3-414.1 of this Code.

11 (b) The design and color of the plates is wholly within the
12 discretion of the Secretary of State. Appropriate
13 documentation, as determined by the Secretary, shall accompany
14 the application. The Secretary, in his or her discretion, may
15 allow the plates to be issued as vanity or personalized plates
16 under Section 3-405.1 of this Code. The Secretary shall
17 prescribe stickers or decals as provided under Section 3-412 of
18 this Code.

19 (c) An applicant for the special plate shall be charged a
20 \$40 fee for original issuance in addition to the appropriate
21 registration fee. Of this fee, \$25 shall be deposited into the
22 4-H Fund and \$15 shall be deposited into the Secretary of State
23 Special License Plate Fund, to be used by the Secretary to help
24 defray the administrative processing costs.

25 For each registration renewal period, a \$12 fee, in
26 addition to the appropriate registration fee, shall be charged.

1 Of this fee, \$10 shall be deposited into the 4-H Fund and \$2
2 shall be deposited into the Secretary of State Special License
3 Plate Fund.

4 (d) The 4-H Fund is created as a special fund in the State
5 treasury. All money in the 4-H Fund shall be paid, subject to
6 appropriation by the General Assembly and approval by the
7 Secretary of State, as grants to the Illinois 4-H Foundation, a
8 tax exempt entity under Section 501(c)(3) of the Internal
9 Revenue Code, for the funding of 4-H programs in Illinois.

10 (Source: P.A. 96-1449, eff. 1-1-11; revised 9-28-10.)

11 (625 ILCS 5/3-695)

12 Sec. 3-695 ~~3-690~~. Ducks Unlimited license plates.

13 (a) The Secretary, upon receipt of all applicable fees and
14 applications made in the form prescribed by the Secretary, may
15 issue special registration plates designated as Ducks
16 Unlimited license plates. The special plates issued under this
17 Section shall be affixed only to passenger vehicles of the
18 first division or motor vehicles of the second division
19 weighing not more than 8,000 pounds. Plates issued under this
20 Section shall expire according to the multi-year procedure
21 established by Section 3-414.1 of this Code.

22 (b) The design and color of the special plates shall be
23 wholly within the discretion of the Secretary. Appropriate
24 documentation, as determined by the Secretary, shall accompany
25 each application. The Secretary may allow the plates to be

1 issued as vanity plates or personalized plates under Section
2 3-405.1 of this Code. The Secretary shall prescribe stickers or
3 decals as provided under Section 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged a
5 \$40 fee for original issuance in addition to the appropriate
6 registration fee. Of this fee, \$25 shall be deposited into the
7 Ducks Unlimited Fund and \$15 shall be deposited into the
8 Secretary of State Special License Plate Fund, to be used by
9 the Secretary to help defray the administrative processing
10 costs.

11 For each registration renewal period, a \$27 fee, in
12 addition to the appropriate registration fee, shall be charged.
13 Of this fee, \$25 shall be deposited into the Ducks Unlimited
14 Fund and \$2 shall be deposited into the Secretary of State
15 Special License Plate Fund.

16 (d) The Ducks Unlimited Fund is created as a special fund
17 in the State treasury. All moneys in the Ducks Unlimited Fund
18 shall be paid, subject to appropriation by the General Assembly
19 and approval by the Secretary, as grants to fund wetland
20 protection, enhancement, and restoration projects in the State
21 of Illinois, to fund education and outreach for media,
22 volunteers, members, and the general public regarding
23 waterfowl and wetlands conservation in the State of Illinois,
24 and to cover the reasonable cost for Ducks Unlimited special
25 plate advertising and administration of the wetland
26 conservation projects and education program.

1 (Source: P.A. 96-1449, eff. 1-1-11; revised 9-28-10.)

2 (625 ILCS 5/6-106.1)

3 Sec. 6-106.1. School bus driver permit.

4 (a) The Secretary of State shall issue a school bus driver
5 permit to those applicants who have met all the requirements of
6 the application and screening process under this Section to
7 insure the welfare and safety of children who are transported
8 on school buses throughout the State of Illinois. Applicants
9 shall obtain the proper application required by the Secretary
10 of State from their prospective or current employer and submit
11 the completed application to the prospective or current
12 employer along with the necessary fingerprint submission as
13 required by the Department of State Police to conduct
14 fingerprint based criminal background checks on current and
15 future information available in the state system and current
16 information available through the Federal Bureau of
17 Investigation's system. Applicants who have completed the
18 fingerprinting requirements shall not be subjected to the
19 fingerprinting process when applying for subsequent permits or
20 submitting proof of successful completion of the annual
21 refresher course. Individuals who on the effective date of this
22 Act possess a valid school bus driver permit that has been
23 previously issued by the appropriate Regional School
24 Superintendent are not subject to the fingerprinting
25 provisions of this Section as long as the permit remains valid

1 and does not lapse. The applicant shall be required to pay all
2 related application and fingerprinting fees as established by
3 rule including, but not limited to, the amounts established by
4 the Department of State Police and the Federal Bureau of
5 Investigation to process fingerprint based criminal background
6 investigations. All fees paid for fingerprint processing
7 services under this Section shall be deposited into the State
8 Police Services Fund for the cost incurred in processing the
9 fingerprint based criminal background investigations. All
10 other fees paid under this Section shall be deposited into the
11 Road Fund for the purpose of defraying the costs of the
12 Secretary of State in administering this Section. All
13 applicants must:

- 14 1. be 21 years of age or older;
- 15 2. possess a valid and properly classified driver's
16 license issued by the Secretary of State;
- 17 3. possess a valid driver's license, which has not been
18 revoked, suspended, or canceled for 3 years immediately
19 prior to the date of application, or have not had his or
20 her commercial motor vehicle driving privileges
21 disqualified within the 3 years immediately prior to the
22 date of application;
- 23 4. successfully pass a written test, administered by
24 the Secretary of State, on school bus operation, school bus
25 safety, and special traffic laws relating to school buses
26 and submit to a review of the applicant's driving habits by

1 the Secretary of State at the time the written test is
2 given;

3 5. demonstrate ability to exercise reasonable care in
4 the operation of school buses in accordance with rules
5 promulgated by the Secretary of State;

6 6. demonstrate physical fitness to operate school
7 buses by submitting the results of a medical examination,
8 including tests for drug use for each applicant not subject
9 to such testing pursuant to federal law, conducted by a
10 licensed physician, an advanced practice nurse who has a
11 written collaborative agreement with a collaborating
12 physician which authorizes him or her to perform medical
13 examinations, or a physician assistant who has been
14 delegated the performance of medical examinations by his or
15 her supervising physician within 90 days of the date of
16 application according to standards promulgated by the
17 Secretary of State;

18 7. affirm under penalties of perjury that he or she has
19 not made a false statement or knowingly concealed a
20 material fact in any application for permit;

21 8. have completed an initial classroom course,
22 including first aid procedures, in school bus driver safety
23 as promulgated by the Secretary of State; and after
24 satisfactory completion of said initial course an annual
25 refresher course; such courses and the agency or
26 organization conducting such courses shall be approved by

1 the Secretary of State; failure to complete the annual
2 refresher course, shall result in cancellation of the
3 permit until such course is completed;

4 9. not have been convicted of 2 or more serious traffic
5 offenses, as defined by rule, within one year prior to the
6 date of application that may endanger the life or safety of
7 any of the driver's passengers within the duration of the
8 permit period;

9 10. not have been convicted of reckless driving,
10 aggravated reckless driving, driving while under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds or any combination thereof, or
13 reckless homicide resulting from the operation of a motor
14 vehicle within 3 years of the date of application;

15 11. not have been convicted of committing or attempting
16 to commit any one or more of the following offenses: (i)
17 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
18 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
19 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,
20 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,
21 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
22 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,
23 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
24 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
25 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,
26 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,

1 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,
2 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
3 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
4 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
5 Section 8-1, and in subsection (a) and subsection (b),
6 clause (1), of Section 12-4, and in subsection (A), clauses
7 (a) and (b), of Section 24-3, and those offenses contained
8 in Article 29D of the Criminal Code of 1961; (ii) those
9 offenses defined in the Cannabis Control Act except those
10 offenses defined in subsections (a) and (b) of Section 4,
11 and subsection (a) of Section 5 of the Cannabis Control
12 Act; (iii) those offenses defined in the Illinois
13 Controlled Substances Act; (iv) those offenses defined in
14 the Methamphetamine Control and Community Protection Act;
15 (v) any offense committed or attempted in any other state
16 or against the laws of the United States, which if
17 committed or attempted in this State would be punishable as
18 one or more of the foregoing offenses; (vi) the offenses
19 defined in Section 4.1 and 5.1 of the Wrongs to Children
20 Act; (vii) those offenses defined in Section 6-16 of the
21 Liquor Control Act of 1934; and (viii) those offenses
22 defined in the Methamphetamine Precursor Control Act; i -

23 12. not have been repeatedly involved as a driver in
24 motor vehicle collisions or been repeatedly convicted of
25 offenses against laws and ordinances regulating the
26 movement of traffic, to a degree which indicates lack of

1 ability to exercise ordinary and reasonable care in the
2 safe operation of a motor vehicle or disrespect for the
3 traffic laws and the safety of other persons upon the
4 highway;

5 13. not have, through the unlawful operation of a motor
6 vehicle, caused an accident resulting in the death of any
7 person; and

8 14. not have, within the last 5 years, been adjudged to
9 be afflicted with or suffering from any mental disability
10 or disease.

11 (b) A school bus driver permit shall be valid for a period
12 specified by the Secretary of State as set forth by rule. It
13 shall be renewable upon compliance with subsection (a) of this
14 Section.

15 (c) A school bus driver permit shall contain the holder's
16 driver's license number, legal name, residence address, zip
17 code, social security number and date of birth, a brief
18 description of the holder and a space for signature. The
19 Secretary of State may require a suitable photograph of the
20 holder.

21 (d) The employer shall be responsible for conducting a
22 pre-employment interview with prospective school bus driver
23 candidates, distributing school bus driver applications and
24 medical forms to be completed by the applicant, and submitting
25 the applicant's fingerprint cards to the Department of State
26 Police that are required for the criminal background

1 investigations. The employer shall certify in writing to the
2 Secretary of State that all pre-employment conditions have been
3 successfully completed including the successful completion of
4 an Illinois specific criminal background investigation through
5 the Department of State Police and the submission of necessary
6 fingerprints to the Federal Bureau of Investigation for
7 criminal history information available through the Federal
8 Bureau of Investigation system. The applicant shall present the
9 certification to the Secretary of State at the time of
10 submitting the school bus driver permit application.

11 (e) Permits shall initially be provisional upon receiving
12 certification from the employer that all pre-employment
13 conditions have been successfully completed, and upon
14 successful completion of all training and examination
15 requirements for the classification of the vehicle to be
16 operated, the Secretary of State shall provisionally issue a
17 School Bus Driver Permit. The permit shall remain in a
18 provisional status pending the completion of the Federal Bureau
19 of Investigation's criminal background investigation based
20 upon fingerprinting specimens submitted to the Federal Bureau
21 of Investigation by the Department of State Police. The Federal
22 Bureau of Investigation shall report the findings directly to
23 the Secretary of State. The Secretary of State shall remove the
24 bus driver permit from provisional status upon the applicant's
25 successful completion of the Federal Bureau of Investigation's
26 criminal background investigation.

1 (f) A school bus driver permit holder shall notify the
2 employer and the Secretary of State if he or she is convicted
3 in another state of an offense that would make him or her
4 ineligible for a permit under subsection (a) of this Section.
5 The written notification shall be made within 5 days of the
6 entry of the conviction. Failure of the permit holder to
7 provide the notification is punishable as a petty offense for a
8 first violation and a Class B misdemeanor for a second or
9 subsequent violation.

10 (g) Cancellation; suspension; notice and procedure.

11 (1) The Secretary of State shall cancel a school bus
12 driver permit of an applicant whose criminal background
13 investigation discloses that he or she is not in compliance
14 with the provisions of subsection (a) of this Section.

15 (2) The Secretary of State shall cancel a school bus
16 driver permit when he or she receives notice that the
17 permit holder fails to comply with any provision of this
18 Section or any rule promulgated for the administration of
19 this Section.

20 (3) The Secretary of State shall cancel a school bus
21 driver permit if the permit holder's restricted commercial
22 or commercial driving privileges are withdrawn or
23 otherwise invalidated.

24 (4) The Secretary of State may not issue a school bus
25 driver permit for a period of 3 years to an applicant who
26 fails to obtain a negative result on a drug test as

1 required in item 6 of subsection (a) of this Section or
2 under federal law.

3 (5) The Secretary of State shall forthwith suspend a
4 school bus driver permit for a period of 3 years upon
5 receiving notice that the holder has failed to obtain a
6 negative result on a drug test as required in item 6 of
7 subsection (a) of this Section or under federal law.

8 (6) The Secretary of State shall suspend a school bus
9 driver permit for a period of 3 years upon receiving notice
10 from the employer that the holder failed to perform the
11 inspection procedure set forth in subsection (a) or (b) of
12 Section 12-816 of this Code.

13 The Secretary of State shall notify the State
14 Superintendent of Education and the permit holder's
15 prospective or current employer that the applicant has (1) has
16 failed a criminal background investigation or (2) is no longer
17 eligible for a school bus driver permit; and of the related
18 cancellation of the applicant's provisional school bus driver
19 permit. The cancellation shall remain in effect pending the
20 outcome of a hearing pursuant to Section 2-118 of this Code.
21 The scope of the hearing shall be limited to the issuance
22 criteria contained in subsection (a) of this Section. A
23 petition requesting a hearing shall be submitted to the
24 Secretary of State and shall contain the reason the individual
25 feels he or she is entitled to a school bus driver permit. The
26 permit holder's employer shall notify in writing to the

1 Secretary of State that the employer has certified the removal
2 of the offending school bus driver from service prior to the
3 start of that school bus driver's next workshift. An employing
4 school board that fails to remove the offending school bus
5 driver from service is subject to the penalties defined in
6 Section 3-14.23 of the School Code. A school bus contractor who
7 violates a provision of this Section is subject to the
8 penalties defined in Section 6-106.11.

9 All valid school bus driver permits issued under this
10 Section prior to January 1, 1995, shall remain effective until
11 their expiration date unless otherwise invalidated.

12 (h) When a school bus driver permit holder who is a service
13 member is called to active duty, the employer of the permit
14 holder shall notify the Secretary of State, within 30 days of
15 notification from the permit holder, that the permit holder has
16 been called to active duty. Upon notification pursuant to this
17 subsection, (i) the Secretary of State shall characterize the
18 permit as inactive until a permit holder renews the permit as
19 provided in subsection (i) of this Section, and (ii) if a
20 permit holder fails to comply with the requirements of this
21 Section while called to active duty, the Secretary of State
22 shall not characterize the permit as invalid.

23 (i) A school bus driver permit holder who is a service
24 member returning from active duty must, within 90 days, renew a
25 permit characterized as inactive pursuant to subsection (h) of
26 this Section by complying with the renewal requirements of

1 subsection (b) of this Section.

2 (j) For purposes of subsections (h) and (i) of this
3 Section:

4 "Active duty" means active duty pursuant to an executive
5 order of the President of the United States, an act of the
6 Congress of the United States, or an order of the Governor.

7 "Service member" means a member of the Armed Services or
8 reserve forces of the United States or a member of the Illinois
9 National Guard.

10 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
11 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
12 7-22-10; revised 9-2-10.)

13 (625 ILCS 5/6-109)

14 Sec. 6-109. Examination of Applicants.

15 (a) The Secretary of State shall examine every applicant
16 for a driver's license or permit who has not been previously
17 licensed as a driver under the laws of this State or any other
18 state or country, or any applicant for renewal of such driver's
19 license or permit when such license or permit has been expired
20 for more than one year. The Secretary of State shall, subject
21 to the provisions of paragraph (c), examine every licensed
22 driver at least every 8 years, and may examine or re-examine
23 any other applicant or licensed driver, provided that during
24 the years 1984 through 1991 those drivers issued a license for
25 3 years may be re-examined not less than every 7 years or more

1 than every 10 years.

2 The Secretary of State shall require the testing of the
3 eyesight of any driver's license or permit applicant who has
4 not been previously licensed as a driver under the laws of this
5 State and shall promulgate rules and regulations to provide for
6 the orderly administration of all the provisions of this
7 Section.

8 The Secretary of State shall include at least one test
9 question that concerns the provisions of the Pedestrians with
10 Disabilities Safety Act in the question pool used for the
11 written portion of the drivers license examination within one
12 year after July 22, 2010 (the effective date of Public Act
13 96-1167) ~~this amendatory Act of the 96th General Assembly.~~

14 (b) Except as provided for those applicants in paragraph
15 (c), such examination shall include a test of the applicant's
16 eyesight, his ability to read and understand official traffic
17 control devices, his knowledge of safe driving practices and
18 the traffic laws of this State, and may include an actual
19 demonstration of the applicant's ability to exercise ordinary
20 and reasonable control of the operation of a motor vehicle, and
21 such further physical and mental examination as the Secretary
22 of State finds necessary to determine the applicant's fitness
23 to operate a motor vehicle safely on the highways, except the
24 examination of an applicant 75 years of age or older shall
25 include an actual demonstration of the applicant's ability to
26 exercise ordinary and reasonable control of the operation of a

1 motor vehicle. All portions of written and verbal examinations
2 under this Section, excepting where the English language
3 appears on facsimiles of road signs, may be given in the
4 Spanish language and, at the discretion of the Secretary of
5 State, in any other language as well as in English upon request
6 of the examinee. Deaf persons who are otherwise qualified are
7 not prohibited from being issued a license, other than a
8 commercial driver's license, under this Code.

9 (c) Re-examination for those applicants who at the time of
10 renewing their driver's license possess a driving record devoid
11 of any convictions of traffic violations or evidence of
12 committing an offense for which mandatory revocation would be
13 required upon conviction pursuant to Section 6-205 at the time
14 of renewal shall be in a manner prescribed by the Secretary in
15 order to determine an applicant's ability to safely operate a
16 motor vehicle, except that every applicant for the renewal of a
17 driver's license who is 75 years of age or older must prove, by
18 an actual demonstration, the applicant's ability to exercise
19 reasonable care in the safe operation of a motor vehicle.

20 (d) In the event the applicant is not ineligible under the
21 provisions of Section 6-103 to receive a driver's license, the
22 Secretary of State shall make provision for giving an
23 examination, either in the county where the applicant resides
24 or at a place adjacent thereto reasonably convenient to the
25 applicant, within not more than 30 days from the date said
26 application is received.

1 (e) The Secretary of State may adopt rules regarding the
2 use of foreign language interpreters during the application and
3 examination process.

4 (Source: P.A. 96-1167, eff. 7-22-10; 96-1231, eff. 7-23-10;
5 revised 9-2-10.)

6 (625 ILCS 5/6-118)

7 (Text of Section before amendment by P.A. 96-1344)

8 Sec. 6-118. Fees.

9 (a) The fee for licenses and permits under this Article is
10 as follows:

11 Original driver's license \$30

12 Original or renewal driver's license

13 issued to 18, 19 and 20 year olds 5

14 All driver's licenses for persons

15 age 69 through age 80 5

16 All driver's licenses for persons

17 age 81 through age 86 2

18 All driver's licenses for persons

19 age 87 or older 0

20 Renewal driver's license (except for

21 applicants ages 18, 19 and 20 or

22 age 69 and older) 30

23 Original instruction permit issued to

24 persons (except those age 69 and older)

25 who do not hold or have not previously

1 held an Illinois instruction permit or
2 driver's license 20
3 Instruction permit issued to any person
4 holding an Illinois driver's license
5 who wishes a change in classifications,
6 other than at the time of renewal 5
7 Any instruction permit issued to a person
8 age 69 and older 5
9 Instruction permit issued to any person,
10 under age 69, not currently holding a
11 valid Illinois driver's license or
12 instruction permit but who has
13 previously been issued either document
14 in Illinois 10
15 Restricted driving permit 8
16 Monitoring device driving permit 8
17 Duplicate or corrected driver's license
18 or permit 5
19 Duplicate or corrected restricted
20 driving permit 5
21 Duplicate or corrected monitoring
22 device driving permit 5
23 Duplicate driver's license or permit issued to
24 an active-duty member of the
25 United States Armed Forces,
26 the member's spouse, or

1 the dependent children living
 2 with the member 0
 3 Original or renewal M or L endorsement..... 5

4 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

5 The fees for commercial driver licenses and permits
 6 under Article V shall be as follows:

7 Commercial driver's license:

8 \$6 for the CDLIS/AAMVAnet Trust Fund
 9 (Commercial Driver's License Information
 10 System/American Association of Motor Vehicle
 11 Administrators network Trust Fund);
 12 \$20 for the Motor Carrier Safety Inspection Fund;
 13 \$10 for the driver's license;
 14 and \$24 for the CDL: \$60

15 Renewal commercial driver's license:

16 \$6 for the CDLIS/AAMVAnet Trust Fund;
 17 \$20 for the Motor Carrier Safety Inspection Fund;
 18 \$10 for the driver's license; and
 19 \$24 for the CDL: \$60

20 Commercial driver instruction permit

21 issued to any person holding a valid
 22 Illinois driver's license for the
 23 purpose of changing to a
 24 CDL classification: \$6 for the
 25 CDLIS/AAMVAnet Trust Fund;
 26 \$20 for the Motor Carrier

1	Safety Inspection Fund; and	
2	\$24 for the CDL classification	\$50
3	Commercial driver instruction permit	
4	issued to any person holding a valid	
5	Illinois CDL for the purpose of	
6	making a change in a classification,	
7	endorsement or restriction	\$5
8	CDL duplicate or corrected license	\$5

9 In order to ensure the proper implementation of the Uniform
10 Commercial Driver License Act, Article V of this Chapter, the
11 Secretary of State is empowered to pro-rate the \$24 fee for the
12 commercial driver's license proportionate to the expiration
13 date of the applicant's Illinois driver's license.

14 The fee for any duplicate license or permit shall be waived
15 for any person who presents the Secretary of State's office
16 with a police report showing that his license or permit was
17 stolen.

18 The fee for any duplicate license or permit shall be waived
19 for any person age 60 or older whose driver's license or permit
20 has been lost or stolen.

21 No additional fee shall be charged for a driver's license,
22 or for a commercial driver's license, when issued to the holder
23 of an instruction permit for the same classification or type of
24 license who becomes eligible for such license.

25 (b) Any person whose license or privilege to operate a
26 motor vehicle in this State has been suspended or revoked under

1 Section 3-707, any provision of Chapter 6, Chapter 11, or
 2 Section 7-205, 7-303, or 7-702 of the Family Financial
 3 Responsibility Law of this Code, shall in addition to any other
 4 fees required by this Code, pay a reinstatement fee as follows:

5	Suspension under Section 3-707	\$100
6	Summary suspension under Section 11-501.1	\$250
7	Other suspension	\$70
8	Revocation	\$500

9 However, any person whose license or privilege to operate a
 10 motor vehicle in this State has been suspended or revoked for a
 11 second or subsequent time for a violation of Section 11-501 or
 12 11-501.1 of this Code or a similar provision of a local
 13 ordinance or a similar out-of-state offense or Section 9-3 of
 14 the Criminal Code of 1961 and each suspension or revocation was
 15 for a violation of Section 11-501 or 11-501.1 of this Code or a
 16 similar provision of a local ordinance or a similar
 17 out-of-state offense or Section 9-3 of the Criminal Code of
 18 1961 shall pay, in addition to any other fees required by this
 19 Code, a reinstatement fee as follows:

20	Summary suspension under Section 11-501.1	\$500
21	Revocation	\$500

22 (c) All fees collected under the provisions of this Chapter
 23 6 shall be paid into the Road Fund in the State Treasury except
 24 as follows:

- 25 1. The following amounts shall be paid into the Driver
 26 Education Fund:

1 (A) \$16 of the \$20 fee for an original driver's
2 instruction permit;

3 (B) \$5 of the \$30 fee for an original driver's
4 license;

5 (C) \$5 of the \$30 fee for a 4 year renewal driver's
6 license;

7 (D) \$4 of the \$8 fee for a restricted driving
8 permit; and

9 (E) \$4 of the \$8 fee for a monitoring device
10 driving permit.

11 2. \$30 of the \$250 fee for reinstatement of a license
12 summarily suspended under Section 11-501.1 shall be
13 deposited into the Drunk and Drugged Driving Prevention
14 Fund. However, for a person whose license or privilege to
15 operate a motor vehicle in this State has been suspended or
16 revoked for a second or subsequent time for a violation of
17 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
18 the Criminal Code of 1961, \$190 of the \$500 fee for
19 reinstatement of a license summarily suspended under
20 Section 11-501.1, and \$190 of the \$500 fee for
21 reinstatement of a revoked license shall be deposited into
22 the Drunk and Drugged Driving Prevention Fund.

23 3. \$6 of such original or renewal fee for a commercial
24 driver's license and \$6 of the commercial driver
25 instruction permit fee when such permit is issued to any
26 person holding a valid Illinois driver's license, shall be

1 paid into the CDLIS/AAMVAnet Trust Fund.

2 4. \$30 of the \$70 fee for reinstatement of a license
3 suspended under the Family Financial Responsibility Law
4 shall be paid into the Family Responsibility Fund.

5 5. The \$5 fee for each original or renewal M or L
6 endorsement shall be deposited into the Cycle Rider Safety
7 Training Fund.

8 6. \$20 of any original or renewal fee for a commercial
9 driver's license or commercial driver instruction permit
10 shall be paid into the Motor Carrier Safety Inspection
11 Fund.

12 7. The following amounts shall be paid into the General
13 Revenue Fund:

14 (A) \$190 of the \$250 reinstatement fee for a
15 summary suspension under Section 11-501.1;

16 (B) \$40 of the \$70 reinstatement fee for any other
17 suspension provided in subsection (b) of this Section;
18 and

19 (C) \$440 of the \$500 reinstatement fee for a first
20 offense revocation and \$310 of the \$500 reinstatement
21 fee for a second or subsequent revocation.

22 (d) All of the proceeds of the additional fees imposed by
23 this amendatory Act of the 96th General Assembly shall be
24 deposited into the Capital Projects Fund.

25 (e) The additional fees imposed by this amendatory Act of
26 the 96th General Assembly shall become effective 90 days after

1 becoming law.

2 (f) As used in this Section, "active-duty member of the
3 United States Armed Forces" means a member of the Armed
4 Services or Reserve Forces of the United States or a member of
5 the Illinois National Guard who is called to active duty
6 pursuant to an executive order of the President of the United
7 States, an act of the Congress of the United States, or an
8 order of the Governor.

9 (Source: P.A. 95-855, eff. 1-1-09; 96-34, eff. 7-13-09; 96-38,
10 eff. 7-13-09; 96-1231, eff. 7-23-10; revised 9-16-10.)

11 (Text of Section after amendment by P.A. 96-1344)

12 Sec. 6-118. Fees.

13 (a) The fee for licenses and permits under this Article is
14 as follows:

15	Original driver's license	\$30
16	Original or renewal driver's license	
17	issued to 18, 19 and 20 year olds	5
18	All driver's licenses for persons	
19	age 69 through age 80	5
20	All driver's licenses for persons	
21	age 81 through age 86	2
22	All driver's licenses for persons	
23	age 87 or older	0
24	Renewal driver's license (except for	
25	applicants ages 18, 19 and 20 or	

1 age 69 and older) 30

2 Original instruction permit issued to

3 persons (except those age 69 and older)

4 who do not hold or have not previously

5 held an Illinois instruction permit or

6 driver's license 20

7 Instruction permit issued to any person

8 holding an Illinois driver's license

9 who wishes a change in classifications,

10 other than at the time of renewal 5

11 Any instruction permit issued to a person

12 age 69 and older 5

13 Instruction permit issued to any person,

14 under age 69, not currently holding a

15 valid Illinois driver's license or

16 instruction permit but who has

17 previously been issued either document

18 in Illinois 10

19 Restricted driving permit 8

20 Monitoring device driving permit 8

21 Duplicate or corrected driver's license

22 or permit 5

23 Duplicate or corrected restricted

24 driving permit 5

25 Duplicate or corrected monitoring

26 device driving permit 5

1 Duplicate driver's license or permit issued to
 2 an active-duty member of the
 3 United States Armed Forces,
 4 the member's spouse, or
 5 the dependent children living
 6 with the member 0
 7 Original or renewal M or L endorsement..... 5

8 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

9 The fees for commercial driver licenses and permits
10 under Article V shall be as follows:

11 Commercial driver's license:

12 \$6 for the CDLIS/AAMVAnet Trust Fund
 13 (Commercial Driver's License Information
 14 System/American Association of Motor Vehicle
 15 Administrators network Trust Fund);
 16 \$20 for the Motor Carrier Safety Inspection Fund;
 17 \$10 for the driver's license;
 18 and \$24 for the CDL: \$60

19 Renewal commercial driver's license:

20 \$6 for the CDLIS/AAMVAnet Trust Fund;
 21 \$20 for the Motor Carrier Safety Inspection Fund;
 22 \$10 for the driver's license; and
 23 \$24 for the CDL: \$60

24 Commercial driver instruction permit
 25 issued to any person holding a valid
 26 Illinois driver's license for the

1 purpose of changing to a
2 CDL classification: \$6 for the
3 CDLIS/AAMVAnet Trust Fund;
4 \$20 for the Motor Carrier
5 Safety Inspection Fund; and
6 \$24 for the CDL classification \$50
7 Commercial driver instruction permit
8 issued to any person holding a valid
9 Illinois CDL for the purpose of
10 making a change in a classification,
11 endorsement or restriction \$5
12 CDL duplicate or corrected license \$5

13 In order to ensure the proper implementation of the Uniform
14 Commercial Driver License Act, Article V of this Chapter, the
15 Secretary of State is empowered to pro-rate the \$24 fee for the
16 commercial driver's license proportionate to the expiration
17 date of the applicant's Illinois driver's license.

18 The fee for any duplicate license or permit shall be waived
19 for any person who presents the Secretary of State's office
20 with a police report showing that his license or permit was
21 stolen.

22 The fee for any duplicate license or permit shall be waived
23 for any person age 60 or older whose driver's license or permit
24 has been lost or stolen.

25 No additional fee shall be charged for a driver's license,
26 or for a commercial driver's license, when issued to the holder

1 of an instruction permit for the same classification or type of
2 license who becomes eligible for such license.

3 (b) Any person whose license or privilege to operate a
4 motor vehicle in this State has been suspended or revoked under
5 Section 3-707, any provision of Chapter 6, Chapter 11, or
6 Section 7-205, 7-303, or 7-702 of the Family Financial
7 Responsibility Law of this Code, shall in addition to any other
8 fees required by this Code, pay a reinstatement fee as follows:

9	Suspension under Section 3-707	\$100
10	Summary suspension under Section 11-501.1	\$250
11	Summary revocation under Section 11-501.1	\$500
12	Other suspension	\$70
13	Revocation	\$500

14 However, any person whose license or privilege to operate a
15 motor vehicle in this State has been suspended or revoked for a
16 second or subsequent time for a violation of Section 11-501 or
17 11-501.1 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense or Section 9-3 of
19 the Criminal Code of 1961 and each suspension or revocation was
20 for a violation of Section 11-501 or 11-501.1 of this Code or a
21 similar provision of a local ordinance or a similar
22 out-of-state offense or Section 9-3 of the Criminal Code of
23 1961 shall pay, in addition to any other fees required by this
24 Code, a reinstatement fee as follows:

25	Summary suspension under Section 11-501.1	\$500
26	Summary revocation under Section 11-501.1	\$500

1 Revocation \$500

2 (c) All fees collected under the provisions of this Chapter
3 6 shall be paid into the Road Fund in the State Treasury except
4 as follows:

5 1. The following amounts shall be paid into the Driver
6 Education Fund:

7 (A) \$16 of the \$20 fee for an original driver's
8 instruction permit;

9 (B) \$5 of the \$30 fee for an original driver's
10 license;

11 (C) \$5 of the \$30 fee for a 4 year renewal driver's
12 license;

13 (D) \$4 of the \$8 fee for a restricted driving
14 permit; and

15 (E) \$4 of the \$8 fee for a monitoring device
16 driving permit.

17 2. \$30 of the \$250 fee for reinstatement of a license
18 summarily suspended under Section 11-501.1 shall be
19 deposited into the Drunk and Drugged Driving Prevention
20 Fund. However, for a person whose license or privilege to
21 operate a motor vehicle in this State has been suspended or
22 revoked for a second or subsequent time for a violation of
23 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
24 the Criminal Code of 1961, \$190 of the \$500 fee for
25 reinstatement of a license summarily suspended under
26 Section 11-501.1, and \$190 of the \$500 fee for

1 reinstatement of a revoked license shall be deposited into
2 the Drunk and Drugged Driving Prevention Fund. \$190 of the
3 \$500 fee for reinstatement of a license summarily revoked
4 pursuant to Section 11-501.1 shall be deposited into the
5 Drunk and Drugged Driving Prevention Fund.

6 3. \$6 of such original or renewal fee for a commercial
7 driver's license and \$6 of the commercial driver
8 instruction permit fee when such permit is issued to any
9 person holding a valid Illinois driver's license, shall be
10 paid into the CDLIS/AAMVAnet Trust Fund.

11 4. \$30 of the \$70 fee for reinstatement of a license
12 suspended under the Family Financial Responsibility Law
13 shall be paid into the Family Responsibility Fund.

14 5. The \$5 fee for each original or renewal M or L
15 endorsement shall be deposited into the Cycle Rider Safety
16 Training Fund.

17 6. \$20 of any original or renewal fee for a commercial
18 driver's license or commercial driver instruction permit
19 shall be paid into the Motor Carrier Safety Inspection
20 Fund.

21 7. The following amounts shall be paid into the General
22 Revenue Fund:

23 (A) \$190 of the \$250 reinstatement fee for a
24 summary suspension under Section 11-501.1;

25 (B) \$40 of the \$70 reinstatement fee for any other
26 suspension provided in subsection (b) of this Section;

1 and

2 (C) \$440 of the \$500 reinstatement fee for a first
3 offense revocation and \$310 of the \$500 reinstatement
4 fee for a second or subsequent revocation.

5 (d) All of the proceeds of the additional fees imposed by
6 this amendatory Act of the 96th General Assembly shall be
7 deposited into the Capital Projects Fund.

8 (e) The additional fees imposed by this amendatory Act of
9 the 96th General Assembly shall become effective 90 days after
10 becoming law.

11 (f) As used in this Section, "active-duty member of the
12 United States Armed Forces" means a member of the Armed
13 Services or Reserve Forces of the United States or a member of
14 the Illinois National Guard who is called to active duty
15 pursuant to an executive order of the President of the United
16 States, an act of the Congress of the United States, or an
17 order of the Governor.

18 (Source: P.A. 95-855, eff. 1-1-09; 96-34, eff. 7-13-09; 96-38,
19 eff. 7-13-09; 96-1231, eff. 7-23-10; 96-1344, eff. 7-1-11;
20 revised 9-16-10.)

21 (625 ILCS 5/6-205)

22 (Text of Section before amendment by P.A. 96-1344)

23 Sec. 6-205. Mandatory revocation of license or permit;
24 Hardship cases.

25 (a) Except as provided in this Section, the Secretary of

1 State shall immediately revoke the license, permit, or driving
2 privileges of any driver upon receiving a report of the
3 driver's conviction of any of the following offenses:

4 1. Reckless homicide resulting from the operation of a
5 motor vehicle;

6 2. Violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance relating to the
8 offense of operating or being in physical control of a
9 vehicle while under the influence of alcohol, other drug or
10 drugs, intoxicating compound or compounds, or any
11 combination thereof;

12 3. Any felony under the laws of any State or the
13 federal government in the commission of which a motor
14 vehicle was used;

15 4. Violation of Section 11-401 of this Code relating to
16 the offense of leaving the scene of a traffic accident
17 involving death or personal injury;

18 5. Perjury or the making of a false affidavit or
19 statement under oath to the Secretary of State under this
20 Code or under any other law relating to the ownership or
21 operation of motor vehicles;

22 6. Conviction upon 3 charges of violation of Section
23 11-503 of this Code relating to the offense of reckless
24 driving committed within a period of 12 months;

25 7. Conviction of any offense defined in Section 4-102
26 of this Code;

1 8. Violation of Section 11-504 of this Code relating to
2 the offense of drag racing;

3 9. Violation of Chapters 8 and 9 of this Code;

4 10. Violation of Section 12-5 of the Criminal Code of
5 1961 arising from the use of a motor vehicle;

6 11. Violation of Section 11-204.1 of this Code relating
7 to aggravated fleeing or attempting to elude a peace
8 officer;

9 12. Violation of paragraph (1) of subsection (b) of
10 Section 6-507, or a similar law of any other state,
11 relating to the unlawful operation of a commercial motor
12 vehicle;

13 13. Violation of paragraph (a) of Section 11-502 of
14 this Code or a similar provision of a local ordinance if
15 the driver has been previously convicted of a violation of
16 that Section or a similar provision of a local ordinance
17 and the driver was less than 21 years of age at the time of
18 the offense;

19 14. Violation of paragraph (a) of Section 11-506 of
20 this Code or a similar provision of a local ordinance
21 relating to the offense of street racing;

22 15. A second or subsequent conviction of driving while
23 the person's driver's license, permit or privileges was
24 revoked for reckless homicide or a similar out-of-state
25 offense;

26 16. Any offense against any provision in this ~~the~~

1 ~~Illinois Vehicle~~ Code, or any local ordinance, regulating
2 the movement of traffic, when that offense was the
3 proximate cause of the death of any person. Any person
4 whose driving privileges have been revoked pursuant to this
5 paragraph may seek to have the revocation terminated or to
6 have the length of revocation reduced, by requesting an
7 administrative hearing with the Secretary of State prior to
8 the projected driver's license application eligibility
9 date.

10 (b) The Secretary of State shall also immediately revoke
11 the license or permit of any driver in the following
12 situations:

13 1. Of any minor upon receiving the notice provided for
14 in Section 5-901 of the Juvenile Court Act of 1987 that the
15 minor has been adjudicated under that Act as having
16 committed an offense relating to motor vehicles prescribed
17 in Section 4-103 of this Code;

18 2. Of any person when any other law of this State
19 requires either the revocation or suspension of a license
20 or permit;

21 3. Of any person adjudicated under the Juvenile Court
22 Act of 1987 based on an offense determined to have been
23 committed in furtherance of the criminal activities of an
24 organized gang as provided in Section 5-710 of that Act,
25 and that involved the operation or use of a motor vehicle
26 or the use of a driver's license or permit. The revocation

1 shall remain in effect for the period determined by the
2 court. Upon the direction of the court, the Secretary shall
3 issue the person a judicial driving permit, also known as a
4 JDP. The JDP shall be subject to the same terms as a JDP
5 issued under Section 6-206.1, except that the court may
6 direct that a JDP issued under this subdivision (b) (3) be
7 effective immediately.

8 (c) (1) Whenever ~~Except as provided in subsection (c 5),~~
9 ~~whenever~~ a person is convicted of any of the offenses
10 enumerated in this Section, the court may recommend and the
11 Secretary of State in his discretion, without regard to whether
12 the recommendation is made by the court may, upon application,
13 issue to the person a restricted driving permit granting the
14 privilege of driving a motor vehicle between the petitioner's
15 residence and petitioner's place of employment or within the
16 scope of the petitioner's employment related duties, or to
17 allow the petitioner to transport himself or herself or a
18 family member of the petitioner's household to a medical
19 facility for the receipt of necessary medical care or to allow
20 the petitioner to transport himself or herself to and from
21 alcohol or drug remedial or rehabilitative activity
22 recommended by a licensed service provider, or to allow the
23 petitioner to transport himself or herself or a family member
24 of the petitioner's household to classes, as a student, at an
25 accredited educational institution, or to allow the petitioner
26 to transport children, elderly persons, or disabled persons who

1 do not hold driving privileges and are living in the
2 petitioner's household to and from daycare; if the petitioner
3 is able to demonstrate that no alternative means of
4 transportation is reasonably available and that the petitioner
5 will not endanger the public safety or welfare; provided that
6 the Secretary's discretion shall be limited to cases where
7 undue hardship, as defined by the rules of the Secretary of
8 State, would result from a failure to issue the restricted
9 driving permit. Those multiple offenders identified in
10 subdivision (b)4 of Section 6-208 of this Code, however, shall
11 not be eligible for the issuance of a restricted driving
12 permit.

13 (2) If a person's license or permit is revoked or
14 suspended due to 2 or more convictions of violating Section
15 11-501 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense, or Section 9-3
17 of the Criminal Code of 1961, where the use of alcohol or
18 other drugs is recited as an element of the offense, or a
19 similar out-of-state offense, or a combination of these
20 offenses, arising out of separate occurrences, that
21 person, if issued a restricted driving permit, may not
22 operate a vehicle unless it has been equipped with an
23 ignition interlock device as defined in Section 1-129.1.

24 (3) If:

25 (A) a person's license or permit is revoked or
26 suspended 2 or more times within a 10 year period due

1 to any combination of:

2 (i) a single conviction of violating Section
3 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense,
5 or Section 9-3 of the Criminal Code of 1961, where
6 the use of alcohol or other drugs is recited as an
7 element of the offense, or a similar out-of-state
8 offense; or

9 (ii) a statutory summary suspension under
10 Section 11-501.1; or

11 (iii) a suspension pursuant to Section
12 6-203.1;

13 arising out of separate occurrences; or

14 (B) a person has been convicted of one violation of
15 Section 6-303 of this Code committed while his or her
16 driver's license, permit, or privilege was revoked
17 because of a violation of Section 9-3 of the Criminal
18 Code of 1961, relating to the offense of reckless
19 homicide where the use of alcohol or other drugs was
20 recited as an element of the offense, or a similar
21 provision of a law of another state;

22 that person, if issued a restricted driving permit, may not
23 operate a vehicle unless it has been equipped with an
24 ignition interlock device as defined in Section 1-129.1.

25 (4) The person issued a permit conditioned on the use
26 of an ignition interlock device must pay to the Secretary

1 of State DUI Administration Fund an amount not to exceed
2 \$30 per month. The Secretary shall establish by rule the
3 amount and the procedures, terms, and conditions relating
4 to these fees.

5 (5) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the operation
9 of an occupational vehicle owned or leased by that person's
10 employer when used solely for employment purposes.

11 (6) In each case the Secretary of State may issue a
12 restricted driving permit for a period he deems
13 appropriate, except that the permit shall expire within one
14 year from the date of issuance. The Secretary may not,
15 however, issue a restricted driving permit to any person
16 whose current revocation is the result of a second or
17 subsequent conviction for a violation of Section 11-501 of
18 this Code or a similar provision of a local ordinance or
19 any similar out-of-state offense, or Section 9-3 of the
20 Criminal Code of 1961, where the use of alcohol or other
21 drugs is recited as an element of the offense, or any
22 similar out-of-state offense, or any combination of these
23 offenses, until the expiration of at least one year from
24 the date of the revocation. A restricted driving permit
25 issued under this Section shall be subject to cancellation,
26 revocation, and suspension by the Secretary of State in

1 like manner and for like cause as a driver's license issued
2 under this Code may be cancelled, revoked, or suspended;
3 except that a conviction upon one or more offenses against
4 laws or ordinances regulating the movement of traffic shall
5 be deemed sufficient cause for the revocation, suspension,
6 or cancellation of a restricted driving permit. The
7 Secretary of State may, as a condition to the issuance of a
8 restricted driving permit, require the petitioner to
9 participate in a designated driver remedial or
10 rehabilitative program. The Secretary of State is
11 authorized to cancel a restricted driving permit if the
12 permit holder does not successfully complete the program.
13 However, if an individual's driving privileges have been
14 revoked in accordance with paragraph 13 of subsection (a)
15 of this Section, no restricted driving permit shall be
16 issued until the individual has served 6 months of the
17 revocation period.

18 (c-5) (Blank).

19 (c-6) If a person is convicted of a second violation of
20 operating a motor vehicle while the person's driver's license,
21 permit or privilege was revoked, where the revocation was for a
22 violation of Section 9-3 of the Criminal Code of 1961 relating
23 to the offense of reckless homicide or a similar out-of-state
24 offense, the person's driving privileges shall be revoked
25 pursuant to subdivision (a)(15) of this Section. The person may
26 not make application for a license or permit until the

1 expiration of five years from the effective date of the
2 revocation or the expiration of five years from the date of
3 release from a term of imprisonment, whichever is later.

4 (c-7) If a person is convicted of a third or subsequent
5 violation of operating a motor vehicle while the person's
6 driver's license, permit or privilege was revoked, where the
7 revocation was for a violation of Section 9-3 of the Criminal
8 Code of 1961 relating to the offense of reckless homicide or a
9 similar out-of-state offense, the person may never apply for a
10 license or permit.

11 (d) (1) Whenever a person under the age of 21 is convicted
12 under Section 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense, the
14 Secretary of State shall revoke the driving privileges of that
15 person. One year after the date of revocation, and upon
16 application, the Secretary of State may, if satisfied that the
17 person applying will not endanger the public safety or welfare,
18 issue a restricted driving permit granting the privilege of
19 driving a motor vehicle only between the hours of 5 a.m. and 9
20 p.m. or as otherwise provided by this Section for a period of
21 one year. After this one year period, and upon reapplication
22 for a license as provided in Section 6-106, upon payment of the
23 appropriate reinstatement fee provided under paragraph (b) of
24 Section 6-118, the Secretary of State, in his discretion, may
25 reinstate the petitioner's driver's license and driving
26 privileges, or extend the restricted driving permit as many

1 times as the Secretary of State deems appropriate, by
2 additional periods of not more than 12 months each.

3 (2) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or Section 9-3
7 of the Criminal Code of 1961, where the use of alcohol or
8 other drugs is recited as an element of the offense, or a
9 similar out-of-state offense, or a combination of these
10 offenses, arising out of separate occurrences, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

14 (3) If a person's license or permit is revoked or
15 suspended 2 or more times within a 10 year period due to
16 any combination of:

17 (A) a single conviction of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense, or
20 Section 9-3 of the Criminal Code of 1961, where the use
21 of alcohol or other drugs is recited as an element of
22 the offense, or a similar out-of-state offense; or

23 (B) a statutory summary suspension under Section
24 11-501.1; or

25 (C) a suspension pursuant to Section 6-203.1;
26 arising out of separate occurrences, that person, if issued

1 a restricted driving permit, may not operate a vehicle
2 unless it has been equipped with an ignition interlock
3 device as defined in Section 1-129.1.

4 (4) The person issued a permit conditioned upon the use
5 of an interlock device must pay to the Secretary of State
6 DUI Administration Fund an amount not to exceed \$30 per
7 month. The Secretary shall establish by rule the amount and
8 the procedures, terms, and conditions relating to these
9 fees.

10 (5) If the restricted driving permit is issued for
11 employment purposes, then the prohibition against driving
12 a vehicle that is not equipped with an ignition interlock
13 device does not apply to the operation of an occupational
14 vehicle owned or leased by that person's employer when used
15 solely for employment purposes.

16 (6) A restricted driving permit issued under this
17 Section shall be subject to cancellation, revocation, and
18 suspension by the Secretary of State in like manner and for
19 like cause as a driver's license issued under this Code may
20 be cancelled, revoked, or suspended; except that a
21 conviction upon one or more offenses against laws or
22 ordinances regulating the movement of traffic shall be
23 deemed sufficient cause for the revocation, suspension, or
24 cancellation of a restricted driving permit.

25 (d-5) The revocation of the license, permit, or driving
26 privileges of a person convicted of a third or subsequent

1 violation of Section 6-303 of this Code committed while his or
2 her driver's license, permit, or privilege was revoked because
3 of a violation of Section 9-3 of the Criminal Code of 1961,
4 relating to the offense of reckless homicide, or a similar
5 provision of a law of another state, is permanent. The
6 Secretary may not, at any time, issue a license or permit to
7 that person.

8 (e) This Section is subject to the provisions of the Driver
9 License Compact.

10 (f) Any revocation imposed upon any person under
11 subsections 2 and 3 of paragraph (b) that is in effect on
12 December 31, 1988 shall be converted to a suspension for a like
13 period of time.

14 (g) The Secretary of State shall not issue a restricted
15 driving permit to a person under the age of 16 years whose
16 driving privileges have been revoked under any provisions of
17 this Code.

18 (h) The Secretary of State shall require the use of
19 ignition interlock devices on all vehicles owned by a person
20 who has been convicted of a second or subsequent offense under
21 Section 11-501 of this Code or a similar provision of a local
22 ordinance. The person must pay to the Secretary of State DUI
23 Administration Fund an amount not to exceed \$30 for each month
24 that he or she uses the device. The Secretary shall establish
25 by rule and regulation the procedures for certification and use
26 of the interlock system, the amount of the fee, and the

1 procedures, terms, and conditions relating to these fees.

2 (i) (Blank).

3 (j) In accordance with 49 C.F.R. 384, the Secretary of
4 State may not issue a restricted driving permit for the
5 operation of a commercial motor vehicle to a person holding a
6 CDL whose driving privileges have been revoked, suspended,
7 cancelled, or disqualified under any provisions of this Code.

8 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
9 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
10 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
11 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11; 96-1305, eff.
12 1-1-11; revised 9-2-10.)

13 (Text of Section after amendment by P.A. 96-1344)

14 Sec. 6-205. Mandatory revocation of license or permit;
15 Hardship cases.

16 (a) Except as provided in this Section, the Secretary of
17 State shall immediately revoke the license, permit, or driving
18 privileges of any driver upon receiving a report of the
19 driver's conviction of any of the following offenses:

20 1. Reckless homicide resulting from the operation of a
21 motor vehicle;

22 2. Violation of Section 11-501 of this Code or a
23 similar provision of a local ordinance relating to the
24 offense of operating or being in physical control of a
25 vehicle while under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds, or any
2 combination thereof;

3 3. Any felony under the laws of any State or the
4 federal government in the commission of which a motor
5 vehicle was used;

6 4. Violation of Section 11-401 of this Code relating to
7 the offense of leaving the scene of a traffic accident
8 involving death or personal injury;

9 5. Perjury or the making of a false affidavit or
10 statement under oath to the Secretary of State under this
11 Code or under any other law relating to the ownership or
12 operation of motor vehicles;

13 6. Conviction upon 3 charges of violation of Section
14 11-503 of this Code relating to the offense of reckless
15 driving committed within a period of 12 months;

16 7. Conviction of any offense defined in Section 4-102
17 of this Code;

18 8. Violation of Section 11-504 of this Code relating to
19 the offense of drag racing;

20 9. Violation of Chapters 8 and 9 of this Code;

21 10. Violation of Section 12-5 of the Criminal Code of
22 1961 arising from the use of a motor vehicle;

23 11. Violation of Section 11-204.1 of this Code relating
24 to aggravated fleeing or attempting to elude a peace
25 officer;

26 12. Violation of paragraph (1) of subsection (b) of

1 Section 6-507, or a similar law of any other state,
2 relating to the unlawful operation of a commercial motor
3 vehicle;

4 13. Violation of paragraph (a) of Section 11-502 of
5 this Code or a similar provision of a local ordinance if
6 the driver has been previously convicted of a violation of
7 that Section or a similar provision of a local ordinance
8 and the driver was less than 21 years of age at the time of
9 the offense;

10 14. Violation of paragraph (a) of Section 11-506 of
11 this Code or a similar provision of a local ordinance
12 relating to the offense of street racing;

13 15. A second or subsequent conviction of driving while
14 the person's driver's license, permit or privileges was
15 revoked for reckless homicide or a similar out-of-state
16 offense;

17 16. Any offense against any provision in this ~~the~~
18 ~~Illinois Vehicle~~ Code, or any local ordinance, regulating
19 the movement of traffic, when that offense was the
20 proximate cause of the death of any person. Any person
21 whose driving privileges have been revoked pursuant to this
22 paragraph may seek to have the revocation terminated or to
23 have the length of revocation reduced, by requesting an
24 administrative hearing with the Secretary of State prior to
25 the projected driver's license application eligibility
26 date.

1 (b) The Secretary of State shall also immediately revoke
2 the license or permit of any driver in the following
3 situations:

4 1. Of any minor upon receiving the notice provided for
5 in Section 5-901 of the Juvenile Court Act of 1987 that the
6 minor has been adjudicated under that Act as having
7 committed an offense relating to motor vehicles prescribed
8 in Section 4-103 of this Code;

9 2. Of any person when any other law of this State
10 requires either the revocation or suspension of a license
11 or permit;

12 3. Of any person adjudicated under the Juvenile Court
13 Act of 1987 based on an offense determined to have been
14 committed in furtherance of the criminal activities of an
15 organized gang as provided in Section 5-710 of that Act,
16 and that involved the operation or use of a motor vehicle
17 or the use of a driver's license or permit. The revocation
18 shall remain in effect for the period determined by the
19 court. Upon the direction of the court, the Secretary shall
20 issue the person a judicial driving permit, also known as a
21 JDP. The JDP shall be subject to the same terms as a JDP
22 issued under Section 6-206.1, except that the court may
23 direct that a JDP issued under this subdivision (b)(3) be
24 effective immediately.

25 (c) (1) Whenever ~~Except as provided in subsection (c-5),~~
26 ~~whenever~~ a person is convicted of any of the offenses

1 enumerated in this Section, the court may recommend and the
2 Secretary of State in his discretion, without regard to whether
3 the recommendation is made by the court may, upon application,
4 issue to the person a restricted driving permit granting the
5 privilege of driving a motor vehicle between the petitioner's
6 residence and petitioner's place of employment or within the
7 scope of the petitioner's employment related duties, or to
8 allow the petitioner to transport himself or herself or a
9 family member of the petitioner's household to a medical
10 facility for the receipt of necessary medical care or to allow
11 the petitioner to transport himself or herself to and from
12 alcohol or drug remedial or rehabilitative activity
13 recommended by a licensed service provider, or to allow the
14 petitioner to transport himself or herself or a family member
15 of the petitioner's household to classes, as a student, at an
16 accredited educational institution, or to allow the petitioner
17 to transport children, elderly persons, or disabled persons who
18 do not hold driving privileges and are living in the
19 petitioner's household to and from daycare; if the petitioner
20 is able to demonstrate that no alternative means of
21 transportation is reasonably available and that the petitioner
22 will not endanger the public safety or welfare; provided that
23 the Secretary's discretion shall be limited to cases where
24 undue hardship, as defined by the rules of the Secretary of
25 State, would result from a failure to issue the restricted
26 driving permit. Those multiple offenders identified in

1 subdivision (b)4 of Section 6-208 of this Code, however, shall
2 not be eligible for the issuance of a restricted driving
3 permit.

4 (2) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or Section 9-3
8 of the Criminal Code of 1961, where the use of alcohol or
9 other drugs is recited as an element of the offense, or a
10 similar out-of-state offense, or a combination of these
11 offenses, arising out of separate occurrences, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (3) If:

16 (A) a person's license or permit is revoked or
17 suspended 2 or more times within a 10 year period due
18 to any combination of:

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a
21 local ordinance or a similar out-of-state offense,
22 or Section 9-3 of the Criminal Code of 1961, where
23 the use of alcohol or other drugs is recited as an
24 element of the offense, or a similar out-of-state
25 offense; or

26 (ii) a statutory summary suspension or

1 revocation under Section 11-501.1; or
2 (iii) a suspension pursuant to Section
3 6-203.1;

4 arising out of separate occurrences; or

5 (B) a person has been convicted of one violation of
6 Section 6-303 of this Code committed while his or her
7 driver's license, permit, or privilege was revoked
8 because of a violation of Section 9-3 of the Criminal
9 Code of 1961, relating to the offense of reckless
10 homicide where the use of alcohol or other drugs was
11 recited as an element of the offense, or a similar
12 provision of a law of another state;

13 that person, if issued a restricted driving permit, may not
14 operate a vehicle unless it has been equipped with an
15 ignition interlock device as defined in Section 1-129.1.

16 (4) The person issued a permit conditioned on the use
17 of an ignition interlock device must pay to the Secretary
18 of State DUI Administration Fund an amount not to exceed
19 \$30 per month. The Secretary shall establish by rule the
20 amount and the procedures, terms, and conditions relating
21 to these fees.

22 (5) If the restricted driving permit is issued for
23 employment purposes, then the prohibition against
24 operating a motor vehicle that is not equipped with an
25 ignition interlock device does not apply to the operation
26 of an occupational vehicle owned or leased by that person's

1 employer when used solely for employment purposes.

2 (6) In each case the Secretary of State may issue a
3 restricted driving permit for a period he deems
4 appropriate, except that the permit shall expire within one
5 year from the date of issuance. The Secretary may not,
6 however, issue a restricted driving permit to any person
7 whose current revocation is the result of a second or
8 subsequent conviction for a violation of Section 11-501 of
9 this Code or a similar provision of a local ordinance or
10 any similar out-of-state offense, or Section 9-3 of the
11 Criminal Code of 1961, where the use of alcohol or other
12 drugs is recited as an element of the offense, or any
13 similar out-of-state offense, or any combination of these
14 offenses, until the expiration of at least one year from
15 the date of the revocation. A restricted driving permit
16 issued under this Section shall be subject to cancellation,
17 revocation, and suspension by the Secretary of State in
18 like manner and for like cause as a driver's license issued
19 under this Code may be cancelled, revoked, or suspended;
20 except that a conviction upon one or more offenses against
21 laws or ordinances regulating the movement of traffic shall
22 be deemed sufficient cause for the revocation, suspension,
23 or cancellation of a restricted driving permit. The
24 Secretary of State may, as a condition to the issuance of a
25 restricted driving permit, require the petitioner to
26 participate in a designated driver remedial or

1 rehabilitative program. The Secretary of State is
2 authorized to cancel a restricted driving permit if the
3 permit holder does not successfully complete the program.
4 However, if an individual's driving privileges have been
5 revoked in accordance with paragraph 13 of subsection (a)
6 of this Section, no restricted driving permit shall be
7 issued until the individual has served 6 months of the
8 revocation period.

9 (c-5) (Blank).

10 (c-6) If a person is convicted of a second violation of
11 operating a motor vehicle while the person's driver's license,
12 permit or privilege was revoked, where the revocation was for a
13 violation of Section 9-3 of the Criminal Code of 1961 relating
14 to the offense of reckless homicide or a similar out-of-state
15 offense, the person's driving privileges shall be revoked
16 pursuant to subdivision (a) (15) of this Section. The person may
17 not make application for a license or permit until the
18 expiration of five years from the effective date of the
19 revocation or the expiration of five years from the date of
20 release from a term of imprisonment, whichever is later.

21 (c-7) If a person is convicted of a third or subsequent
22 violation of operating a motor vehicle while the person's
23 driver's license, permit or privilege was revoked, where the
24 revocation was for a violation of Section 9-3 of the Criminal
25 Code of 1961 relating to the offense of reckless homicide or a
26 similar out-of-state offense, the person may never apply for a

1 license or permit.

2 (d) (1) Whenever a person under the age of 21 is convicted
3 under Section 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense, the
5 Secretary of State shall revoke the driving privileges of that
6 person. One year after the date of revocation, and upon
7 application, the Secretary of State may, if satisfied that the
8 person applying will not endanger the public safety or welfare,
9 issue a restricted driving permit granting the privilege of
10 driving a motor vehicle only between the hours of 5 a.m. and 9
11 p.m. or as otherwise provided by this Section for a period of
12 one year. After this one year period, and upon reapplication
13 for a license as provided in Section 6-106, upon payment of the
14 appropriate reinstatement fee provided under paragraph (b) of
15 Section 6-118, the Secretary of State, in his discretion, may
16 reinstate the petitioner's driver's license and driving
17 privileges, or extend the restricted driving permit as many
18 times as the Secretary of State deems appropriate, by
19 additional periods of not more than 12 months each.

20 (2) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, or Section 9-3
24 of the Criminal Code of 1961, where the use of alcohol or
25 other drugs is recited as an element of the offense, or a
26 similar out-of-state offense, or a combination of these

1 offenses, arising out of separate occurrences, that
2 person, if issued a restricted driving permit, may not
3 operate a vehicle unless it has been equipped with an
4 ignition interlock device as defined in Section 1-129.1.

5 (3) If a person's license or permit is revoked or
6 suspended 2 or more times within a 10 year period due to
7 any combination of:

8 (A) a single conviction of violating Section
9 11-501 of this Code or a similar provision of a local
10 ordinance or a similar out-of-state offense, or
11 Section 9-3 of the Criminal Code of 1961, where the use
12 of alcohol or other drugs is recited as an element of
13 the offense, or a similar out-of-state offense; or

14 (B) a statutory summary suspension or revocation
15 under Section 11-501.1; or

16 (C) a suspension pursuant to Section 6-203.1;

17 arising out of separate occurrences, that person, if issued
18 a restricted driving permit, may not operate a vehicle
19 unless it has been equipped with an ignition interlock
20 device as defined in Section 1-129.1.

21 (4) The person issued a permit conditioned upon the use
22 of an interlock device must pay to the Secretary of State
23 DUI Administration Fund an amount not to exceed \$30 per
24 month. The Secretary shall establish by rule the amount and
25 the procedures, terms, and conditions relating to these
26 fees.

1 (5) If the restricted driving permit is issued for
2 employment purposes, then the prohibition against driving
3 a vehicle that is not equipped with an ignition interlock
4 device does not apply to the operation of an occupational
5 vehicle owned or leased by that person's employer when used
6 solely for employment purposes.

7 (6) A restricted driving permit issued under this
8 Section shall be subject to cancellation, revocation, and
9 suspension by the Secretary of State in like manner and for
10 like cause as a driver's license issued under this Code may
11 be cancelled, revoked, or suspended; except that a
12 conviction upon one or more offenses against laws or
13 ordinances regulating the movement of traffic shall be
14 deemed sufficient cause for the revocation, suspension, or
15 cancellation of a restricted driving permit.

16 (d-5) The revocation of the license, permit, or driving
17 privileges of a person convicted of a third or subsequent
18 violation of Section 6-303 of this Code committed while his or
19 her driver's license, permit, or privilege was revoked because
20 of a violation of Section 9-3 of the Criminal Code of 1961,
21 relating to the offense of reckless homicide, or a similar
22 provision of a law of another state, is permanent. The
23 Secretary may not, at any time, issue a license or permit to
24 that person.

25 (e) This Section is subject to the provisions of the Driver
26 License Compact.

1 (f) Any revocation imposed upon any person under
2 subsections 2 and 3 of paragraph (b) that is in effect on
3 December 31, 1988 shall be converted to a suspension for a like
4 period of time.

5 (g) The Secretary of State shall not issue a restricted
6 driving permit to a person under the age of 16 years whose
7 driving privileges have been revoked under any provisions of
8 this Code.

9 (h) The Secretary of State shall require the use of
10 ignition interlock devices on all vehicles owned by a person
11 who has been convicted of a second or subsequent offense under
12 Section 11-501 of this Code or a similar provision of a local
13 ordinance. The person must pay to the Secretary of State DUI
14 Administration Fund an amount not to exceed \$30 for each month
15 that he or she uses the device. The Secretary shall establish
16 by rule and regulation the procedures for certification and use
17 of the interlock system, the amount of the fee, and the
18 procedures, terms, and conditions relating to these fees.

19 (i) (Blank).

20 (j) In accordance with 49 C.F.R. 384, the Secretary of
21 State may not issue a restricted driving permit for the
22 operation of a commercial motor vehicle to a person holding a
23 CDL whose driving privileges have been revoked, suspended,
24 cancelled, or disqualified under any provisions of this Code.

25 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
26 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,

1 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
2 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11; 96-1305, eff.
3 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

4 (625 ILCS 5/6-206)

5 (Text of Section before amendment by P.A. 96-1344)

6 Sec. 6-206. Discretionary authority to suspend or revoke
7 license or permit; Right to a hearing.

8 (a) The Secretary of State is authorized to suspend or
9 revoke the driving privileges of any person without preliminary
10 hearing upon a showing of the person's records or other
11 sufficient evidence that the person:

12 1. Has committed an offense for which mandatory
13 revocation of a driver's license or permit is required upon
14 conviction;

15 2. Has been convicted of not less than 3 offenses
16 against traffic regulations governing the movement of
17 vehicles committed within any 12 month period. No
18 revocation or suspension shall be entered more than 6
19 months after the date of last conviction;

20 3. Has been repeatedly involved as a driver in motor
21 vehicle collisions or has been repeatedly convicted of
22 offenses against laws and ordinances regulating the
23 movement of traffic, to a degree that indicates lack of
24 ability to exercise ordinary and reasonable care in the
25 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the
2 highway;

3 4. Has by the unlawful operation of a motor vehicle
4 caused or contributed to an accident resulting in injury
5 requiring immediate professional treatment in a medical
6 facility or doctor's office to any person, except that any
7 suspension or revocation imposed by the Secretary of State
8 under the provisions of this subsection shall start no
9 later than 6 months after being convicted of violating a
10 law or ordinance regulating the movement of traffic, which
11 violation is related to the accident, or shall start not
12 more than one year after the date of the accident,
13 whichever date occurs later;

14 5. Has permitted an unlawful or fraudulent use of a
15 driver's license, identification card, or permit;

16 6. Has been lawfully convicted of an offense or
17 offenses in another state, including the authorization
18 contained in Section 6-203.1, which if committed within
19 this State would be grounds for suspension or revocation;

20 7. Has refused or failed to submit to an examination
21 provided for by Section 6-207 or has failed to pass the
22 examination;

23 8. Is ineligible for a driver's license or permit under
24 the provisions of Section 6-103;

25 9. Has made a false statement or knowingly concealed a
26 material fact or has used false information or

1 identification in any application for a license,
2 identification card, or permit;

3 10. Has possessed, displayed, or attempted to
4 fraudulently use any license, identification card, or
5 permit not issued to the person;

6 11. Has operated a motor vehicle upon a highway of this
7 State when the person's driving privilege or privilege to
8 obtain a driver's license or permit was revoked or
9 suspended unless the operation was authorized by a
10 monitoring device driving permit, judicial driving permit
11 issued prior to January 1, 2009, probationary license to
12 drive, or a restricted driving permit issued under this
13 Code;

14 12. Has submitted to any portion of the application
15 process for another person or has obtained the services of
16 another person to submit to any portion of the application
17 process for the purpose of obtaining a license,
18 identification card, or permit for some other person;

19 13. Has operated a motor vehicle upon a highway of this
20 State when the person's driver's license or permit was
21 invalid under the provisions of Sections 6-107.1 and 6-110;

22 14. Has committed a violation of Section 6-301,
23 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
24 of the Illinois Identification Card Act;

25 15. Has been convicted of violating Section 21-2 of the
26 Criminal Code of 1961 relating to criminal trespass to

1 vehicles in which case, the suspension shall be for one
2 year;

3 16. Has been convicted of violating Section 11-204 of
4 this Code relating to fleeing from a peace officer;

5 17. Has refused to submit to a test, or tests, as
6 required under Section 11-501.1 of this Code and the person
7 has not sought a hearing as provided for in Section
8 11-501.1;

9 18. Has, since issuance of a driver's license or
10 permit, been adjudged to be afflicted with or suffering
11 from any mental disability or disease;

12 19. Has committed a violation of paragraph (a) or (b)
13 of Section 6-101 relating to driving without a driver's
14 license;

15 20. Has been convicted of violating Section 6-104
16 relating to classification of driver's license;

17 21. Has been convicted of violating Section 11-402 of
18 this Code relating to leaving the scene of an accident
19 resulting in damage to a vehicle in excess of \$1,000, in
20 which case the suspension shall be for one year;

21 22. Has used a motor vehicle in violating paragraph
22 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
23 the Criminal Code of 1961 relating to unlawful use of
24 weapons, in which case the suspension shall be for one
25 year;

26 23. Has, as a driver, been convicted of committing a

1 violation of paragraph (a) of Section 11-502 of this Code
2 for a second or subsequent time within one year of a
3 similar violation;

4 24. Has been convicted by a court-martial or punished
5 by non-judicial punishment by military authorities of the
6 United States at a military installation in Illinois of or
7 for a traffic related offense that is the same as or
8 similar to an offense specified under Section 6-205 or
9 6-206 of this Code;

10 25. Has permitted any form of identification to be used
11 by another in the application process in order to obtain or
12 attempt to obtain a license, identification card, or
13 permit;

14 26. Has altered or attempted to alter a license or has
15 possessed an altered license, identification card, or
16 permit;

17 27. Has violated Section 6-16 of the Liquor Control Act
18 of 1934;

19 28. Has been convicted of the illegal possession, while
20 operating or in actual physical control, as a driver, of a
21 motor vehicle, of any controlled substance prohibited
22 under the Illinois Controlled Substances Act, any cannabis
23 prohibited under the Cannabis Control Act, or any
24 methamphetamine prohibited under the Methamphetamine
25 Control and Community Protection Act, in which case the
26 person's driving privileges shall be suspended for one

1 year, and any driver who is convicted of a second or
2 subsequent offense, within 5 years of a previous
3 conviction, for the illegal possession, while operating or
4 in actual physical control, as a driver, of a motor
5 vehicle, of any controlled substance prohibited under the
6 Illinois Controlled Substances Act, any cannabis
7 prohibited under the Cannabis Control Act, or any
8 methamphetamine prohibited under the Methamphetamine
9 Control and Community Protection Act shall be suspended for
10 5 years. Any defendant found guilty of this offense while
11 operating a motor vehicle, shall have an entry made in the
12 court record by the presiding judge that this offense did
13 occur while the defendant was operating a motor vehicle and
14 order the clerk of the court to report the violation to the
15 Secretary of State;

16 29. Has been convicted of the following offenses that
17 were committed while the person was operating or in actual
18 physical control, as a driver, of a motor vehicle: criminal
19 sexual assault, predatory criminal sexual assault of a
20 child, aggravated criminal sexual assault, criminal sexual
21 abuse, aggravated criminal sexual abuse, juvenile pimping,
22 soliciting for a juvenile prostitute and the manufacture,
23 sale or delivery of controlled substances or instruments
24 used for illegal drug use or abuse in which case the
25 driver's driving privileges shall be suspended for one
26 year;

1 30. Has been convicted a second or subsequent time for
2 any combination of the offenses named in paragraph 29 of
3 this subsection, in which case the person's driving
4 privileges shall be suspended for 5 years;

5 31. Has refused to submit to a test as required by
6 Section 11-501.6 or has submitted to a test resulting in an
7 alcohol concentration of 0.08 or more or any amount of a
8 drug, substance, or compound resulting from the unlawful
9 use or consumption of cannabis as listed in the Cannabis
10 Control Act, a controlled substance as listed in the
11 Illinois Controlled Substances Act, an intoxicating
12 compound as listed in the Use of Intoxicating Compounds
13 Act, or methamphetamine as listed in the Methamphetamine
14 Control and Community Protection Act, in which case the
15 penalty shall be as prescribed in Section 6-208.1;

16 32. Has been convicted of Section 24-1.2 of the
17 Criminal Code of 1961 relating to the aggravated discharge
18 of a firearm if the offender was located in a motor vehicle
19 at the time the firearm was discharged, in which case the
20 suspension shall be for 3 years;

21 33. Has as a driver, who was less than 21 years of age
22 on the date of the offense, been convicted a first time of
23 a violation of paragraph (a) of Section 11-502 of this Code
24 or a similar provision of a local ordinance;

25 34. Has committed a violation of Section 11-1301.5 of
26 this Code;

1 35. Has committed a violation of Section 11-1301.6 of
2 this Code;

3 36. Is under the age of 21 years at the time of arrest
4 and has been convicted of not less than 2 offenses against
5 traffic regulations governing the movement of vehicles
6 committed within any 24 month period. No revocation or
7 suspension shall be entered more than 6 months after the
8 date of last conviction;

9 37. Has committed a violation of subsection (c) of
10 Section 11-907 of this Code that resulted in damage to the
11 property of another or the death or injury of another;

12 38. Has been convicted of a violation of Section 6-20
13 of the Liquor Control Act of 1934 or a similar provision of
14 a local ordinance;

15 39. Has committed a second or subsequent violation of
16 Section 11-1201 of this Code;

17 40. Has committed a violation of subsection (a-1) of
18 Section 11-908 of this Code;

19 41. Has committed a second or subsequent violation of
20 Section 11-605.1 of this Code within 2 years of the date of
21 the previous violation, in which case the suspension shall
22 be for 90 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code;

25 43. Has received a disposition of court supervision for
26 a violation of subsection (a), (d), or (e) of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance, in which case the suspension shall be
3 for a period of 3 months;

4 44. Is under the age of 21 years at the time of arrest
5 and has been convicted of an offense against traffic
6 regulations governing the movement of vehicles after
7 having previously had his or her driving privileges
8 suspended or revoked pursuant to subparagraph 36 of this
9 Section; or

10 45. Has, in connection with or during the course of a
11 formal hearing conducted under Section 2-118 of this Code:
12 (i) committed perjury; (ii) submitted fraudulent or
13 falsified documents; (iii) submitted documents that have
14 been materially altered; or (iv) submitted, as his or her
15 own, documents that were in fact prepared or composed for
16 another person.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
18 and 27 of this subsection, license means any driver's license,
19 any traffic ticket issued when the person's driver's license is
20 deposited in lieu of bail, a suspension notice issued by the
21 Secretary of State, a duplicate or corrected driver's license,
22 a probationary driver's license or a temporary driver's
23 license.

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be, provided
2 that a certified copy of a stay order of a court is filed with
3 the Secretary of State. If the conviction is affirmed on
4 appeal, the date of the conviction shall relate back to the
5 time the original judgment of conviction was entered and the 6
6 month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or
8 permit of any person as authorized in this Section, the
9 Secretary of State shall immediately notify the person in
10 writing of the revocation or suspension. The notice to be
11 deposited in the United States mail, postage prepaid, to the
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's
14 license of a person under subsection 2 of paragraph (a) of
15 this Section, a person's privilege to operate a vehicle as
16 an occupation shall not be suspended, provided an affidavit
17 is properly completed, the appropriate fee received, and a
18 permit issued prior to the effective date of the
19 suspension, unless 5 offenses were committed, at least 2 of
20 which occurred while operating a commercial vehicle in
21 connection with the driver's regular occupation. All other
22 driving privileges shall be suspended by the Secretary of
23 State. Any driver prior to operating a vehicle for
24 occupational purposes only must submit the affidavit on
25 forms to be provided by the Secretary of State setting
26 forth the facts of the person's occupation. The affidavit

1 shall also state the number of offenses committed while
2 operating a vehicle in connection with the driver's regular
3 occupation. The affidavit shall be accompanied by the
4 driver's license. Upon receipt of a properly completed
5 affidavit, the Secretary of State shall issue the driver a
6 permit to operate a vehicle in connection with the driver's
7 regular occupation only. Unless the permit is issued by the
8 Secretary of State prior to the date of suspension, the
9 privilege to drive any motor vehicle shall be suspended as
10 set forth in the notice that was mailed under this Section.
11 If an affidavit is received subsequent to the effective
12 date of this suspension, a permit may be issued for the
13 remainder of the suspension period.

14 The provisions of this subparagraph shall not apply to
15 any driver required to possess a CDL for the purpose of
16 operating a commercial motor vehicle.

17 Any person who falsely states any fact in the affidavit
18 required herein shall be guilty of perjury under Section
19 6-302 and upon conviction thereof shall have all driving
20 privileges revoked without further rights.

21 3. At the conclusion of a hearing under Section 2-118
22 of this Code, the Secretary of State shall either rescind
23 or continue an order of revocation or shall substitute an
24 order of suspension; or, good cause appearing therefor,
25 rescind, continue, change, or extend the order of
26 suspension. If the Secretary of State does not rescind the

1 order, the Secretary may upon application, to relieve undue
2 hardship (as defined by the rules of the Secretary of
3 State), issue a restricted driving permit granting the
4 privilege of driving a motor vehicle between the
5 petitioner's residence and petitioner's place of
6 employment or within the scope of the petitioner's
7 employment related duties, or to allow the petitioner to
8 transport himself or herself, or a family member of the
9 petitioner's household to a medical facility, to receive
10 necessary medical care, to allow the petitioner to
11 transport himself or herself to and from alcohol or drug
12 remedial or rehabilitative activity recommended by a
13 licensed service provider, or to allow the petitioner to
14 transport himself or herself or a family member of the
15 petitioner's household to classes, as a student, at an
16 accredited educational institution, or to allow the
17 petitioner to transport children, elderly persons, or
18 disabled persons who do not hold driving privileges and are
19 living in the petitioner's household to and from daycare.
20 The petitioner must demonstrate that no alternative means
21 of transportation is reasonably available and that the
22 petitioner will not endanger the public safety or welfare.
23 Those multiple offenders identified in subdivision (b)4 of
24 Section 6-208 of this Code, however, shall not be eligible
25 for the issuance of a restricted driving permit.

26 (A) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating
2 Section 11-501 of this Code or a similar provision of a
3 local ordinance or a similar out-of-state offense, or
4 Section 9-3 of the Criminal Code of 1961, where the use
5 of alcohol or other drugs is recited as an element of
6 the offense, or a similar out-of-state offense, or a
7 combination of these offenses, arising out of separate
8 occurrences, that person, if issued a restricted
9 driving permit, may not operate a vehicle unless it has
10 been equipped with an ignition interlock device as
11 defined in Section 1-129.1.

12 (B) If a person's license or permit is revoked or
13 suspended 2 or more times within a 10 year period due
14 to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense
18 or Section 9-3 of the Criminal Code of 1961, where
19 the use of alcohol or other drugs is recited as an
20 element of the offense, or a similar out-of-state
21 offense; or

22 (ii) a statutory summary suspension under
23 Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the
4 use of an ignition interlock device must pay to the
5 Secretary of State DUI Administration Fund an amount
6 not to exceed \$30 per month. The Secretary shall
7 establish by rule the amount and the procedures, terms,
8 and conditions relating to these fees.

9 (D) If the restricted driving permit is issued for
10 employment purposes, then the prohibition against
11 operating a motor vehicle that is not equipped with an
12 ignition interlock device does not apply to the
13 operation of an occupational vehicle owned or leased by
14 that person's employer when used solely for employment
15 purposes.

16 (E) In each case the Secretary may issue a
17 restricted driving permit for a period deemed
18 appropriate, except that all permits shall expire
19 within one year from the date of issuance. The
20 Secretary may not, however, issue a restricted driving
21 permit to any person whose current revocation is the
22 result of a second or subsequent conviction for a
23 violation of Section 11-501 of this Code or a similar
24 provision of a local ordinance or any similar
25 out-of-state offense, or Section 9-3 of the Criminal
26 Code of 1961, where the use of alcohol or other drugs

1 is recited as an element of the offense, or any similar
2 out-of-state offense, or any combination of those
3 offenses, until the expiration of at least one year
4 from the date of the revocation. A restricted driving
5 permit issued under this Section shall be subject to
6 cancellation, revocation, and suspension by the
7 Secretary of State in like manner and for like cause as
8 a driver's license issued under this Code may be
9 cancelled, revoked, or suspended; except that a
10 conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation,
13 suspension, or cancellation of a restricted driving
14 permit. The Secretary of State may, as a condition to
15 the issuance of a restricted driving permit, require
16 the applicant to participate in a designated driver
17 remedial or rehabilitative program. The Secretary of
18 State is authorized to cancel a restricted driving
19 permit if the permit holder does not successfully
20 complete the program.

21 (c-3) In the case of a suspension under paragraph 43 of
22 subsection (a), reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 suspension is in effect, be privileged information and for use
25 only by the courts, police officers, prosecuting authorities,
26 the driver licensing administrator of any other state, the

1 Secretary of State, or the parent or legal guardian of a driver
2 under the age of 18. However, beginning January 1, 2008, if the
3 person is a CDL holder, the suspension shall also be made
4 available to the driver licensing administrator of any other
5 state, the U.S. Department of Transportation, and the affected
6 driver or motor carrier or prospective motor carrier upon
7 request.

8 (c-4) In the case of a suspension under paragraph 43 of
9 subsection (a), the Secretary of State shall notify the person
10 by mail that his or her driving privileges and driver's license
11 will be suspended one month after the date of the mailing of
12 the notice.

13 (c-5) The Secretary of State may, as a condition of the
14 reissuance of a driver's license or permit to an applicant
15 whose driver's license or permit has been suspended before he
16 or she reached the age of 21 years pursuant to any of the
17 provisions of this Section, require the applicant to
18 participate in a driver remedial education course and be
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted
23 driving permit to a person under the age of 16 years whose
24 driving privileges have been suspended or revoked under any
25 provisions of this Code.

26 (f) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been suspended, revoked,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
6 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
7 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
8 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
9 96-1305, eff. 1-1-11; revised 9-2-10.)

10 (Text of Section after amendment by P.A. 96-1344)

11 Sec. 6-206. Discretionary authority to suspend or revoke
12 license or permit; Right to a hearing.

13 (a) The Secretary of State is authorized to suspend or
14 revoke the driving privileges of any person without preliminary
15 hearing upon a showing of the person's records or other
16 sufficient evidence that the person:

17 1. Has committed an offense for which mandatory
18 revocation of a driver's license or permit is required upon
19 conviction;

20 2. Has been convicted of not less than 3 offenses
21 against traffic regulations governing the movement of
22 vehicles committed within any 12 month period. No
23 revocation or suspension shall be entered more than 6
24 months after the date of last conviction;

25 3. Has been repeatedly involved as a driver in motor

1 vehicle collisions or has been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree that indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 4. Has by the unlawful operation of a motor vehicle
9 caused or contributed to an accident resulting in injury
10 requiring immediate professional treatment in a medical
11 facility or doctor's office to any person, except that any
12 suspension or revocation imposed by the Secretary of State
13 under the provisions of this subsection shall start no
14 later than 6 months after being convicted of violating a
15 law or ordinance regulating the movement of traffic, which
16 violation is related to the accident, or shall start not
17 more than one year after the date of the accident,
18 whichever date occurs later;

19 5. Has permitted an unlawful or fraudulent use of a
20 driver's license, identification card, or permit;

21 6. Has been lawfully convicted of an offense or
22 offenses in another state, including the authorization
23 contained in Section 6-203.1, which if committed within
24 this State would be grounds for suspension or revocation;

25 7. Has refused or failed to submit to an examination
26 provided for by Section 6-207 or has failed to pass the

1 examination;

2 8. Is ineligible for a driver's license or permit under
3 the provisions of Section 6-103;

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

8 10. Has possessed, displayed, or attempted to
9 fraudulently use any license, identification card, or
10 permit not issued to the person;

11 11. Has operated a motor vehicle upon a highway of this
12 State when the person's driving privilege or privilege to
13 obtain a driver's license or permit was revoked or
14 suspended unless the operation was authorized by a
15 monitoring device driving permit, judicial driving permit
16 issued prior to January 1, 2009, probationary license to
17 drive, or a restricted driving permit issued under this
18 Code;

19 12. Has submitted to any portion of the application
20 process for another person or has obtained the services of
21 another person to submit to any portion of the application
22 process for the purpose of obtaining a license,
23 identification card, or permit for some other person;

24 13. Has operated a motor vehicle upon a highway of this
25 State when the person's driver's license or permit was
26 invalid under the provisions of Sections 6-107.1 and 6-110;

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
3 of the Illinois Identification Card Act;

4 15. Has been convicted of violating Section 21-2 of the
5 Criminal Code of 1961 relating to criminal trespass to
6 vehicles in which case, the suspension shall be for one
7 year;

8 16. Has been convicted of violating Section 11-204 of
9 this Code relating to fleeing from a peace officer;

10 17. Has refused to submit to a test, or tests, as
11 required under Section 11-501.1 of this Code and the person
12 has not sought a hearing as provided for in Section
13 11-501.1;

14 18. Has, since issuance of a driver's license or
15 permit, been adjudged to be afflicted with or suffering
16 from any mental disability or disease;

17 19. Has committed a violation of paragraph (a) or (b)
18 of Section 6-101 relating to driving without a driver's
19 license;

20 20. Has been convicted of violating Section 6-104
21 relating to classification of driver's license;

22 21. Has been convicted of violating Section 11-402 of
23 this Code relating to leaving the scene of an accident
24 resulting in damage to a vehicle in excess of \$1,000, in
25 which case the suspension shall be for one year;

26 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 relating to unlawful use of
3 weapons, in which case the suspension shall be for one
4 year;

5 23. Has, as a driver, been convicted of committing a
6 violation of paragraph (a) of Section 11-502 of this Code
7 for a second or subsequent time within one year of a
8 similar violation;

9 24. Has been convicted by a court-martial or punished
10 by non-judicial punishment by military authorities of the
11 United States at a military installation in Illinois of or
12 for a traffic related offense that is the same as or
13 similar to an offense specified under Section 6-205 or
14 6-206 of this Code;

15 25. Has permitted any form of identification to be used
16 by another in the application process in order to obtain or
17 attempt to obtain a license, identification card, or
18 permit;

19 26. Has altered or attempted to alter a license or has
20 possessed an altered license, identification card, or
21 permit;

22 27. Has violated Section 6-16 of the Liquor Control Act
23 of 1934;

24 28. Has been convicted of the illegal possession, while
25 operating or in actual physical control, as a driver, of a
26 motor vehicle, of any controlled substance prohibited

1 under the Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act, in which case the
5 person's driving privileges shall be suspended for one
6 year, and any driver who is convicted of a second or
7 subsequent offense, within 5 years of a previous
8 conviction, for the illegal possession, while operating or
9 in actual physical control, as a driver, of a motor
10 vehicle, of any controlled substance prohibited under the
11 Illinois Controlled Substances Act, any cannabis
12 prohibited under the Cannabis Control Act, or any
13 methamphetamine prohibited under the Methamphetamine
14 Control and Community Protection Act shall be suspended for
15 5 years. Any defendant found guilty of this offense while
16 operating a motor vehicle, shall have an entry made in the
17 court record by the presiding judge that this offense did
18 occur while the defendant was operating a motor vehicle and
19 order the clerk of the court to report the violation to the
20 Secretary of State;

21 29. Has been convicted of the following offenses that
22 were committed while the person was operating or in actual
23 physical control, as a driver, of a motor vehicle: criminal
24 sexual assault, predatory criminal sexual assault of a
25 child, aggravated criminal sexual assault, criminal sexual
26 abuse, aggravated criminal sexual abuse, juvenile pimping,

1 soliciting for a juvenile prostitute and the manufacture,
2 sale or delivery of controlled substances or instruments
3 used for illegal drug use or abuse in which case the
4 driver's driving privileges shall be suspended for one
5 year;

6 30. Has been convicted a second or subsequent time for
7 any combination of the offenses named in paragraph 29 of
8 this subsection, in which case the person's driving
9 privileges shall be suspended for 5 years;

10 31. Has refused to submit to a test as required by
11 Section 11-501.6 or has submitted to a test resulting in an
12 alcohol concentration of 0.08 or more or any amount of a
13 drug, substance, or compound resulting from the unlawful
14 use or consumption of cannabis as listed in the Cannabis
15 Control Act, a controlled substance as listed in the
16 Illinois Controlled Substances Act, an intoxicating
17 compound as listed in the Use of Intoxicating Compounds
18 Act, or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act, in which case the
20 penalty shall be as prescribed in Section 6-208.1;

21 32. Has been convicted of Section 24-1.2 of the
22 Criminal Code of 1961 relating to the aggravated discharge
23 of a firearm if the offender was located in a motor vehicle
24 at the time the firearm was discharged, in which case the
25 suspension shall be for 3 years;

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this Code
3 or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of
5 this Code;

6 35. Has committed a violation of Section 11-1301.6 of
7 this Code;

8 36. Is under the age of 21 years at the time of arrest
9 and has been convicted of not less than 2 offenses against
10 traffic regulations governing the movement of vehicles
11 committed within any 24 month period. No revocation or
12 suspension shall be entered more than 6 months after the
13 date of last conviction;

14 37. Has committed a violation of subsection (c) of
15 Section 11-907 of this Code that resulted in damage to the
16 property of another or the death or injury of another;

17 38. Has been convicted of a violation of Section 6-20
18 of the Liquor Control Act of 1934 or a similar provision of
19 a local ordinance;

20 39. Has committed a second or subsequent violation of
21 Section 11-1201 of this Code;

22 40. Has committed a violation of subsection (a-1) of
23 Section 11-908 of this Code;

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code within 2 years of the date of
26 the previous violation, in which case the suspension shall

1 be for 90 days;

2 42. Has committed a violation of subsection (a-1) of
3 Section 11-1301.3 of this Code;

4 43. Has received a disposition of court supervision for
5 a violation of subsection (a), (d), or (e) of Section 6-20
6 of the Liquor Control Act of 1934 or a similar provision of
7 a local ordinance, in which case the suspension shall be
8 for a period of 3 months;

9 44. Is under the age of 21 years at the time of arrest
10 and has been convicted of an offense against traffic
11 regulations governing the movement of vehicles after
12 having previously had his or her driving privileges
13 suspended or revoked pursuant to subparagraph 36 of this
14 Section; or

15 45. Has, in connection with or during the course of a
16 formal hearing conducted under Section 2-118 of this Code:
17 (i) committed perjury; (ii) submitted fraudulent or
18 falsified documents; (iii) submitted documents that have
19 been materially altered; or (iv) submitted, as his or her
20 own, documents that were in fact prepared or composed for
21 another person.

22 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
23 and 27 of this subsection, license means any driver's license,
24 any traffic ticket issued when the person's driver's license is
25 deposited in lieu of bail, a suspension notice issued by the
26 Secretary of State, a duplicate or corrected driver's license,

1 a probationary driver's license or a temporary driver's
2 license.

3 (b) If any conviction forming the basis of a suspension or
4 revocation authorized under this Section is appealed, the
5 Secretary of State may rescind or withhold the entry of the
6 order of suspension or revocation, as the case may be, provided
7 that a certified copy of a stay order of a court is filed with
8 the Secretary of State. If the conviction is affirmed on
9 appeal, the date of the conviction shall relate back to the
10 time the original judgment of conviction was entered and the 6
11 month limitation prescribed shall not apply.

12 (c) 1. Upon suspending or revoking the driver's license or
13 permit of any person as authorized in this Section, the
14 Secretary of State shall immediately notify the person in
15 writing of the revocation or suspension. The notice to be
16 deposited in the United States mail, postage prepaid, to the
17 last known address of the person.

18 2. If the Secretary of State suspends the driver's
19 license of a person under subsection 2 of paragraph (a) of
20 this Section, a person's privilege to operate a vehicle as
21 an occupation shall not be suspended, provided an affidavit
22 is properly completed, the appropriate fee received, and a
23 permit issued prior to the effective date of the
24 suspension, unless 5 offenses were committed, at least 2 of
25 which occurred while operating a commercial vehicle in
26 connection with the driver's regular occupation. All other

1 driving privileges shall be suspended by the Secretary of
2 State. Any driver prior to operating a vehicle for
3 occupational purposes only must submit the affidavit on
4 forms to be provided by the Secretary of State setting
5 forth the facts of the person's occupation. The affidavit
6 shall also state the number of offenses committed while
7 operating a vehicle in connection with the driver's regular
8 occupation. The affidavit shall be accompanied by the
9 driver's license. Upon receipt of a properly completed
10 affidavit, the Secretary of State shall issue the driver a
11 permit to operate a vehicle in connection with the driver's
12 regular occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended as
15 set forth in the notice that was mailed under this Section.
16 If an affidavit is received subsequent to the effective
17 date of this suspension, a permit may be issued for the
18 remainder of the suspension period.

19 The provisions of this subparagraph shall not apply to
20 any driver required to possess a CDL for the purpose of
21 operating a commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section
24 6-302 and upon conviction thereof shall have all driving
25 privileges revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118

1 of this Code, the Secretary of State shall either rescind
2 or continue an order of revocation or shall substitute an
3 order of suspension; or, good cause appearing therefor,
4 rescind, continue, change, or extend the order of
5 suspension. If the Secretary of State does not rescind the
6 order, the Secretary may upon application, to relieve undue
7 hardship (as defined by the rules of the Secretary of
8 State), issue a restricted driving permit granting the
9 privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of
11 employment or within the scope of the petitioner's
12 employment related duties, or to allow the petitioner to
13 transport himself or herself, or a family member of the
14 petitioner's household to a medical facility, to receive
15 necessary medical care, to allow the petitioner to
16 transport himself or herself to and from alcohol or drug
17 remedial or rehabilitative activity recommended by a
18 licensed service provider, or to allow the petitioner to
19 transport himself or herself or a family member of the
20 petitioner's household to classes, as a student, at an
21 accredited educational institution, or to allow the
22 petitioner to transport children, elderly persons, or
23 disabled persons who do not hold driving privileges and are
24 living in the petitioner's household to and from daycare.
25 The petitioner must demonstrate that no alternative means
26 of transportation is reasonably available and that the

1 petitioner will not endanger the public safety or welfare.
2 Those multiple offenders identified in subdivision (b)4 of
3 Section 6-208 of this Code, however, shall not be eligible
4 for the issuance of a restricted driving permit.

5 (A) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating
7 Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense, or
9 Section 9-3 of the Criminal Code of 1961, where the use
10 of alcohol or other drugs is recited as an element of
11 the offense, or a similar out-of-state offense, or a
12 combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted
14 driving permit, may not operate a vehicle unless it has
15 been equipped with an ignition interlock device as
16 defined in Section 1-129.1.

17 (B) If a person's license or permit is revoked or
18 suspended 2 or more times within a 10 year period due
19 to any combination of:

20 (i) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense
23 or Section 9-3 of the Criminal Code of 1961, where
24 the use of alcohol or other drugs is recited as an
25 element of the offense, or a similar out-of-state
26 offense; or

1 (ii) a statutory summary suspension or
2 revocation under Section 11-501.1; or

3 (iii) a suspension under Section 6-203.1;
4 arising out of separate occurrences; that person, if
5 issued a restricted driving permit, may not operate a
6 vehicle unless it has been equipped with an ignition
7 interlock device as defined in Section 1-129.1.

8 (C) The person issued a permit conditioned upon the
9 use of an ignition interlock device must pay to the
10 Secretary of State DUI Administration Fund an amount
11 not to exceed \$30 per month. The Secretary shall
12 establish by rule the amount and the procedures, terms,
13 and conditions relating to these fees.

14 (D) If the restricted driving permit is issued for
15 employment purposes, then the prohibition against
16 operating a motor vehicle that is not equipped with an
17 ignition interlock device does not apply to the
18 operation of an occupational vehicle owned or leased by
19 that person's employer when used solely for employment
20 purposes.

21 (E) In each case the Secretary may issue a
22 restricted driving permit for a period deemed
23 appropriate, except that all permits shall expire
24 within one year from the date of issuance. The
25 Secretary may not, however, issue a restricted driving
26 permit to any person whose current revocation is the

1 result of a second or subsequent conviction for a
2 violation of Section 11-501 of this Code or a similar
3 provision of a local ordinance or any similar
4 out-of-state offense, or Section 9-3 of the Criminal
5 Code of 1961, where the use of alcohol or other drugs
6 is recited as an element of the offense, or any similar
7 out-of-state offense, or any combination of those
8 offenses, until the expiration of at least one year
9 from the date of the revocation. A restricted driving
10 permit issued under this Section shall be subject to
11 cancellation, revocation, and suspension by the
12 Secretary of State in like manner and for like cause as
13 a driver's license issued under this Code may be
14 cancelled, revoked, or suspended; except that a
15 conviction upon one or more offenses against laws or
16 ordinances regulating the movement of traffic shall be
17 deemed sufficient cause for the revocation,
18 suspension, or cancellation of a restricted driving
19 permit. The Secretary of State may, as a condition to
20 the issuance of a restricted driving permit, require
21 the applicant to participate in a designated driver
22 remedial or rehabilitative program. The Secretary of
23 State is authorized to cancel a restricted driving
24 permit if the permit holder does not successfully
25 complete the program.

26 (c-3) In the case of a suspension under paragraph 43 of

1 subsection (a), reports received by the Secretary of State
2 under this Section shall, except during the actual time the
3 suspension is in effect, be privileged information and for use
4 only by the courts, police officers, prosecuting authorities,
5 the driver licensing administrator of any other state, the
6 Secretary of State, or the parent or legal guardian of a driver
7 under the age of 18. However, beginning January 1, 2008, if the
8 person is a CDL holder, the suspension shall also be made
9 available to the driver licensing administrator of any other
10 state, the U.S. Department of Transportation, and the affected
11 driver or motor carrier or prospective motor carrier upon
12 request.

13 (c-4) In the case of a suspension under paragraph 43 of
14 subsection (a), the Secretary of State shall notify the person
15 by mail that his or her driving privileges and driver's license
16 will be suspended one month after the date of the mailing of
17 the notice.

18 (c-5) The Secretary of State may, as a condition of the
19 reissuance of a driver's license or permit to an applicant
20 whose driver's license or permit has been suspended before he
21 or she reached the age of 21 years pursuant to any of the
22 provisions of this Section, require the applicant to
23 participate in a driver remedial education course and be
24 retested under Section 6-109 of this Code.

25 (d) This Section is subject to the provisions of the
26 Drivers License Compact.

1 (e) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been suspended or revoked under any
4 provisions of this Code.

5 (f) In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been suspended, revoked,
9 cancelled, or disqualified under any provisions of this Code.

10 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
11 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
12 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
13 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
14 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

15 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

16 Sec. 6-306.5. Failure to pay fine or penalty for standing,
17 parking, compliance, or automated traffic law violations;
18 suspension of driving privileges.

19 (a) Upon receipt of a certified report, as prescribed by
20 subsection (c) of this Section, from any municipality or county
21 stating that the owner of a registered vehicle ~~has~~: (1) has
22 failed to pay any fine or penalty due and owing as a result of
23 10 or more violations of a municipality's or county's vehicular
24 standing, parking, or compliance regulations established by
25 ordinance pursuant to Section 11-208.3 of this Code, (2) has

1 failed to pay any fine or penalty due and owing as a result of 5
2 offenses for automated traffic violations as defined in Section
3 11-208.6 or 11-1201.1, or (3) is more than 14 days in default
4 of a payment plan pursuant to which a suspension had been
5 terminated under subsection (c) of this Section, the Secretary
6 of State shall suspend the driving privileges of such person in
7 accordance with the procedures set forth in this Section. The
8 Secretary shall also suspend the driving privileges of an owner
9 of a registered vehicle upon receipt of a certified report, as
10 prescribed by subsection (f) of this Section, from any
11 municipality or county stating that such person has failed to
12 satisfy any fines or penalties imposed by final judgments for 5
13 or more automated traffic law violations or 10 or more
14 violations of local standing, parking, or compliance
15 regulations after exhaustion of judicial review procedures.

16 (b) Following receipt of the certified report of the
17 municipality or county as specified in this Section, the
18 Secretary of State shall notify the person whose name appears
19 on the certified report that the person's drivers license will
20 be suspended at the end of a specified period of time unless
21 the Secretary of State is presented with a notice from the
22 municipality or county certifying that the fine or penalty due
23 and owing the municipality or county has been paid or that
24 inclusion of that person's name on the certified report was in
25 error. The Secretary's notice shall state in substance the
26 information contained in the municipality's or county's

1 certified report to the Secretary, and shall be effective as
2 specified by subsection (c) of Section 6-211 of this Code.

3 (c) The report of the appropriate municipal or county
4 official notifying the Secretary of State of unpaid fines or
5 penalties pursuant to this Section shall be certified and shall
6 contain the following:

7 (1) The name, last known address as recorded with the
8 Secretary of State, as provided by the lessor of the cited
9 vehicle at the time of lease, or as recorded in a United
10 States Post Office approved database if any notice sent
11 under Section 11-208.3 of this Code is returned as
12 undeliverable, and drivers license number of the person who
13 failed to pay the fine or penalty or who has defaulted in a
14 payment plan and the registration number of any vehicle
15 known to be registered to such person in this State.

16 (2) The name of the municipality or county making the
17 report pursuant to this Section.

18 (3) A statement that the municipality or county sent a
19 notice of impending drivers license suspension as
20 prescribed by ordinance enacted pursuant to Section
21 11-208.3 of this Code or a notice of default in a payment
22 plan, to the person named in the report at the address
23 recorded with the Secretary of State or at the last address
24 known to the lessor of the cited vehicle at the time of
25 lease or, if any notice sent under Section 11-208.3 of this
26 Code is returned as undeliverable, at the last known

1 address recorded in a United States Post Office approved
2 database; the date on which such notice was sent; and the
3 address to which such notice was sent. In a municipality or
4 county with a population of 1,000,000 or more, the report
5 shall also include a statement that the alleged violator's
6 State vehicle registration number and vehicle make, if
7 specified on the automated traffic law violation notice,
8 are correct as they appear on the citations.

9 (4) A unique identifying reference number for each
10 request of suspension sent whenever a person has failed to
11 pay the fine or penalty or has defaulted on a payment plan.

12 (d) Any municipality or county making a certified report to
13 the Secretary of State pursuant to this Section shall notify
14 the Secretary of State, in a form prescribed by the Secretary,
15 whenever a person named in the certified report has paid the
16 previously reported fine or penalty, whenever a person named in
17 the certified report has entered into a payment plan pursuant
18 to which the municipality or county has agreed to terminate the
19 suspension, or whenever the municipality or county determines
20 that the original report was in error. A certified copy of such
21 notification shall also be given upon request and at no
22 additional charge to the person named therein. Upon receipt of
23 the municipality's or county's notification or presentation of
24 a certified copy of such notification, the Secretary of State
25 shall terminate the suspension.

26 (e) Any municipality or county making a certified report to

1 the Secretary of State pursuant to this Section shall also by
2 ordinance establish procedures for persons to challenge the
3 accuracy of the certified report. The ordinance shall also
4 state the grounds for such a challenge, which may be limited to
5 (1) the person not having been the owner or lessee of the
6 vehicle or vehicles receiving 10 or more standing, parking, or
7 compliance violation notices or 5 or more automated traffic law
8 violations on the date or dates such notices were issued; and
9 (2) the person having already paid the fine or penalty for the
10 10 or more standing, parking, or compliance violations or 5 or
11 more automated traffic law violations indicated on the
12 certified report.

13 (f) Any municipality or county, other than a municipality
14 or county establishing vehicular standing, parking, and
15 compliance regulations pursuant to Section 11-208.3 or
16 automated traffic law regulations under Section 11-208.6 or
17 11-1201.1, may also cause a suspension of a person's drivers
18 license pursuant to this Section. Such municipality or county
19 may invoke this sanction by making a certified report to the
20 Secretary of State upon a person's failure to satisfy any fine
21 or penalty imposed by final judgment for 10 or more violations
22 of local standing, parking, or compliance regulations or 5 or
23 more automated traffic law violations after exhaustion of
24 judicial review procedures, but only if:

25 (1) the municipality or county complies with the
26 provisions of this Section in all respects except in regard

1 to enacting an ordinance pursuant to Section 11-208.3;

2 (2) the municipality or county has sent a notice of
3 impending drivers license suspension as prescribed by an
4 ordinance enacted pursuant to subsection (g) of this
5 Section; and

6 (3) in municipalities or counties with a population of
7 1,000,000 or more, the municipality or county has verified
8 that the alleged violator's State vehicle registration
9 number and vehicle make are correct as they appear on the
10 citations.

11 (g) Any municipality or county, other than a municipality
12 or county establishing standing, parking, and compliance
13 regulations pursuant to Section 11-208.3 or automated traffic
14 law regulations under Section 11-208.6 or 11-1201.1, may
15 provide by ordinance for the sending of a notice of impending
16 drivers license suspension to the person who has failed to
17 satisfy any fine or penalty imposed by final judgment for 10 or
18 more violations of local standing, parking, or compliance
19 regulations or 5 or more automated traffic law violations after
20 exhaustion of judicial review procedures. An ordinance so
21 providing shall specify that the notice sent to the person
22 liable for any fine or penalty shall state that failure to pay
23 the fine or penalty owing within 45 days of the notice's date
24 will result in the municipality or county notifying the
25 Secretary of State that the person's drivers license is
26 eligible for suspension pursuant to this Section. The notice of

1 impending drivers license suspension shall be sent by first
2 class United States mail, postage prepaid, to the address
3 recorded with the Secretary of State or at the last address
4 known to the lessor of the cited vehicle at the time of lease
5 or, if any notice sent under Section 11-208.3 of this Code is
6 returned as undeliverable, to the last known address recorded
7 in a United States Post Office approved database.

8 (h) An administrative hearing to contest an impending
9 suspension or a suspension made pursuant to this Section may be
10 had upon filing a written request with the Secretary of State.
11 The filing fee for this hearing shall be \$20, to be paid at the
12 time the request is made. A municipality or county which files
13 a certified report with the Secretary of State pursuant to this
14 Section shall reimburse the Secretary for all reasonable costs
15 incurred by the Secretary as a result of the filing of the
16 report, including but not limited to the costs of providing the
17 notice required pursuant to subsection (b) and the costs
18 incurred by the Secretary in any hearing conducted with respect
19 to the report pursuant to this subsection and any appeal from
20 such a hearing.

21 (i) The provisions of this Section shall apply on and after
22 January 1, 1988.

23 (j) For purposes of this Section, the term "compliance
24 violation" is defined as in Section 11-208.3.

25 (Source: P.A. 96-478, eff. 1-1-10; 96-1184, eff. 7-22-10;
26 96-1386, eff. 7-29-10; revised 9-16-10.)

1 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

2 Sec. 6-402. Qualifications of driver training schools. In
3 order to qualify for a license to operate a driver training
4 school, each applicant must:

5 (a) be of good moral character;

6 (b) be at least 21 years of age;

7 (c) maintain an established place of business open to
8 the public which meets the requirements of Section 6-403
9 through 6-407;

10 (d) maintain bodily injury and property damage
11 liability insurance on motor vehicles while used in driving
12 instruction, insuring the liability of the driving school,
13 the driving instructors and any person taking instruction
14 in at least the following amounts: \$50,000 for bodily
15 injury to or death of one person in any one accident and,
16 subject to said limit for one person, \$100,000 for bodily
17 injury to or death of 2 or more persons in any one accident
18 and the amount of \$10,000 for damage to property of others
19 in any one accident. Evidence of such insurance coverage in
20 the form of a certificate from the insurance carrier shall
21 be filed with the Secretary of State, and such certificate
22 shall stipulate that the insurance shall not be cancelled
23 except upon 10 days prior written notice to the Secretary
24 of State. The decal showing evidence of insurance shall be
25 affixed to the windshield of the vehicle;

1 (e) provide a continuous surety company bond in the
2 principal sum of \$10,000 for a non-accredited school,
3 \$40,000 for a CDL or teenage accredited school, \$60,000 for
4 a CDL accredited and teenage accredited school, \$50,000 for
5 a CDL or teenage accredited school with 3 ~~three~~ or more
6 licensed branches, \$70,000 for a CDL accredited and teenage
7 accredited school with 3 ~~three~~ or more licensed branches
8 for the protection of the contractual rights of students in
9 such form as will meet with the approval of the Secretary
10 of State and written by a company authorized to do business
11 in this State. However, the aggregate liability of the
12 surety for all breaches of the condition of the bond in no
13 event shall exceed the principal sum of \$10,000 for a
14 non-accredited school, \$40,000 for a CDL or teenage
15 accredited school, \$60,000 for a CDL accredited and teenage
16 accredited school, \$50,000 for a CDL or teenage accredited
17 school with 3 ~~three~~ or more licensed branches, \$70,000 for
18 a CDL accredited and teenage accredited school with 3 ~~three~~
19 or more licensed branches. The surety on any such bond may
20 cancel such bond on giving 30 days notice thereof in
21 writing to the Secretary of State and shall be relieved of
22 liability for any breach of any conditions of the bond
23 which occurs after the effective date of cancellation;

24 (f) have the equipment necessary to the giving of
25 proper instruction in the operation of motor vehicles;

26 (g) have and use a business telephone listing for all

1 business purposes;

2 (h) pay to the Secretary of State an application fee of
3 \$500 and \$50 for each branch application; and

4 (i) authorize an investigation to include a
5 fingerprint based background check to determine if the
6 applicant has ever been convicted of a crime and if so, the
7 disposition of those convictions. The authorization shall
8 indicate the scope of the inquiry and the agencies that may
9 be contacted. Upon this authorization, the Secretary of
10 State may request and receive information and assistance
11 from any federal, State, or local governmental agency as
12 part of the authorized investigation. Each applicant shall
13 have his or her fingerprints submitted to the Department of
14 State Police in the form and manner prescribed by the
15 Department of State Police. The fingerprints shall be
16 checked against the Department of State Police and Federal
17 Bureau of Investigation criminal history record
18 information databases. The Department of State Police
19 shall charge a fee for conducting the criminal history
20 records check, which shall be deposited in the State Police
21 Services Fund and shall not exceed the actual cost of the
22 records check. The applicant shall be required to pay all
23 related fingerprint fees including, but not limited to, the
24 amounts established by the Department of State Police and
25 the Federal Bureau of Investigation to process fingerprint
26 based criminal background investigations. The Department

1 of State Police shall provide information concerning any
2 criminal convictions and disposition of criminal
3 convictions brought against the applicant upon request of
4 the Secretary of State provided that the request is made in
5 the form and manner required by the Department of the State
6 Police. Unless otherwise prohibited by law, the
7 information derived from the investigation including the
8 source of the information and any conclusions or
9 recommendations derived from the information by the
10 Secretary of State shall be provided to the applicant, or
11 his designee, upon request to the Secretary of State, prior
12 to any final action by the Secretary of State on the
13 application. Any criminal convictions and disposition
14 information obtained by the Secretary of State shall be
15 confidential and may not be transmitted outside the Office
16 of the Secretary of State, except as required herein, and
17 may not be transmitted to anyone within the Office of the
18 Secretary of State except as needed for the purpose of
19 evaluating the applicant. The information obtained from
20 the investigation may be maintained by the Secretary of
21 State or any agency to which the information was
22 transmitted. Only information and standards, which bear a
23 reasonable and rational relation to the performance of a
24 driver training school owner, shall be used by the
25 Secretary of State. Any employee of the Secretary of State
26 who gives or causes to be given away any confidential

1 information concerning any criminal charges or disposition
2 of criminal charges of an applicant shall be guilty of a
3 Class A misdemeanor, unless release of the information is
4 authorized by this Section.

5 No license shall be issued under this Section to a person
6 who is a spouse, offspring, sibling, parent, grandparent,
7 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
8 of the person whose license to do business at that location has
9 been revoked or denied or to a person who was an officer or
10 employee of a business firm that has had its license revoked or
11 denied, unless the Secretary of State is satisfied the
12 application was submitted in good faith and not for the purpose
13 or effect of defeating the intent of this Code.

14 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
15 96-1062, eff. 7-14-10; revised 7-22-10.)

16 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

17 Sec. 6-514. Commercial Driver's License (CDL) -
18 Disqualifications.

19 (a) A person shall be disqualified from driving a
20 commercial motor vehicle for a period of not less than 12
21 months for the first violation of:

22 (1) Refusing to submit to or failure to complete a test
23 or tests to determine the driver's blood concentration of
24 alcohol, other drug, or both, while driving a commercial
25 motor vehicle or, if the driver is a CDL holder, while

1 driving a non-CMV; or

2 (2) Operating a commercial motor vehicle while the
3 alcohol concentration of the person's blood, breath or
4 urine is at least 0.04, or any amount of a drug, substance,
5 or compound in the person's blood or urine resulting from
6 the unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, or methamphetamine as
9 listed in the Methamphetamine Control and Community
10 Protection Act as indicated by a police officer's sworn
11 report or other verified evidence; or operating a
12 non-commercial motor vehicle while the alcohol
13 concentration of the person's blood, breath, or urine was
14 above the legal limit defined in Section 11-501.1 or
15 11-501.8 or any amount of a drug, substance, or compound in
16 the person's blood or urine resulting from the unlawful use
17 or consumption of cannabis listed in the Cannabis Control
18 Act, a controlled substance listed in the Illinois
19 Controlled Substances Act, or methamphetamine as listed in
20 the Methamphetamine Control and Community Protection Act
21 as indicated by a police officer's sworn report or other
22 verified evidence while holding a commercial driver's
23 license; or

24 (3) Conviction for a first violation of:

25 (i) Driving a commercial motor vehicle or, if the
26 driver is a CDL holder, driving a non-CMV while under

1 the influence of alcohol, or any other drug, or
2 combination of drugs to a degree which renders such
3 person incapable of safely driving; or

4 (ii) Knowingly leaving the scene of an accident
5 while operating a commercial motor vehicle or, if the
6 driver is a CDL holder, while driving a non-CMV; or

7 (iii) Driving a commercial motor vehicle or, if the
8 driver is a CDL holder, driving a non-CMV while
9 committing any felony; or

10 (iv) Driving a commercial motor vehicle while the
11 person's driving privileges or driver's license or
12 permit is revoked, suspended, or cancelled or the
13 driver is disqualified from operating a commercial
14 motor vehicle; or

15 (v) Causing a fatality through the negligent
16 operation of a commercial motor vehicle, including but
17 not limited to the crimes of motor vehicle
18 manslaughter, homicide by a motor vehicle, and
19 negligent homicide.

20 As used in this subdivision (a)(3)(v), "motor
21 vehicle manslaughter" means the offense of involuntary
22 manslaughter if committed by means of a vehicle;
23 "homicide by a motor vehicle" means the offense of
24 first degree murder or second degree murder, if either
25 offense is committed by means of a vehicle; and
26 "negligent homicide" means reckless homicide under

1 Section 9-3 of the Criminal Code of 1961 and aggravated
2 driving under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof under subdivision (d)(1)(F) of
5 Section 11-501 of this Code.

6 If any of the above violations or refusals occurred
7 while transporting hazardous material(s) required to be
8 placarded, the person shall be disqualified for a period of
9 not less than 3 years.

10 (b) A person is disqualified for life for a second
11 conviction of any of the offenses specified in paragraph (a),
12 or any combination of those offenses, arising from 2 or more
13 separate incidents.

14 (c) A person is disqualified from driving a commercial
15 motor vehicle for life if the person either (i) uses a
16 commercial motor vehicle in the commission of any felony
17 involving the manufacture, distribution, or dispensing of a
18 controlled substance, or possession with intent to
19 manufacture, distribute or dispense a controlled substance or
20 (ii) if the person is a CDL holder, uses a non-CMV in the
21 commission of a felony involving any of those activities.

22 (d) The Secretary of State may, when the United States
23 Secretary of Transportation so authorizes, issue regulations
24 in which a disqualification for life under paragraph (b) may be
25 reduced to a period of not less than 10 years. If a reinstated
26 driver is subsequently convicted of another disqualifying

1 offense, as specified in subsection (a) of this Section, he or
2 she shall be permanently disqualified for life and shall be
3 ineligible to again apply for a reduction of the lifetime
4 disqualification.

5 (e) A person is disqualified from driving a commercial
6 motor vehicle for a period of not less than 2 months if
7 convicted of 2 serious traffic violations, committed in a
8 commercial motor vehicle, non-CMV while holding a CDL, or any
9 combination thereof, arising from separate incidents,
10 occurring within a 3 year period, provided the serious traffic
11 violation committed in a non-CMV would result in the suspension
12 or revocation of the CDL holder's non-CMV privileges. However,
13 a person will be disqualified from driving a commercial motor
14 vehicle for a period of not less than 4 months if convicted of
15 3 serious traffic violations, committed in a commercial motor
16 vehicle, non-CMV while holding a CDL, or any combination
17 thereof, arising from separate incidents, occurring within a 3
18 year period, provided the serious traffic violation committed
19 in a non-CMV would result in the suspension or revocation of
20 the CDL holder's non-CMV privileges. If all the convictions
21 occurred in a non-CMV, the disqualification shall be entered
22 only if the convictions would result in the suspension or
23 revocation of the CDL holder's non-CMV privileges.

24 (e-1) (Blank).

25 (f) Notwithstanding any other provision of this Code, any
26 driver disqualified from operating a commercial motor vehicle,

1 pursuant to this UCDLA, shall not be eligible for restoration
2 of commercial driving privileges during any such period of
3 disqualification.

4 (g) After suspending, revoking, or cancelling a commercial
5 driver's license, the Secretary of State must update the
6 driver's records to reflect such action within 10 days. After
7 suspending or revoking the driving privilege of any person who
8 has been issued a CDL or commercial driver instruction permit
9 from another jurisdiction, the Secretary shall originate
10 notification to such issuing jurisdiction within 10 days.

11 (h) The "disqualifications" referred to in this Section
12 shall not be imposed upon any commercial motor vehicle driver,
13 by the Secretary of State, unless the prohibited action(s)
14 occurred after March 31, 1992.

15 (i) A person is disqualified from driving a commercial
16 motor vehicle in accordance with the following:

17 (1) For 6 months upon a first conviction of paragraph
18 (2) of subsection (b) or subsection (b-3) of Section 6-507
19 of this Code.

20 (2) For 2 years upon a second conviction of paragraph
21 (2) of subsection (b) or subsection (b-3) or any
22 combination of paragraphs (2) or (3) of subsection (b) or
23 subsections (b-3) or (b-5) of Section 6-507 of this Code
24 within a 10-year period if the second conviction is a
25 violation of paragraph (2) of subsection (b) or subsection
26 (b-3).

1 (3) For 3 years upon a third or subsequent conviction
2 of paragraph (2) of subsection (b) or subsection (b-3) or
3 any combination of paragraphs (2) or (3) of subsection (b)
4 or subsections (b-3) or (b-5) of Section 6-507 of this Code
5 within a 10-year period if the third or subsequent
6 conviction is a violation of paragraph (2) of subsection
7 (b) or subsection (b-3).

8 (4) For one year upon a first conviction of paragraph
9 (3) of subsection (b) or subsection (b-5) of Section 6-507
10 of this Code.

11 (5) For 3 years upon a second conviction of paragraph
12 (3) of subsection (b) or subsection (b-5) or any
13 combination of paragraphs (2) or (3) of subsection (b) or
14 subsections (b-3) or (b-5) of Section 6-507 of this Code
15 within a 10-year period if the second conviction is a
16 violation of paragraph (3) of subsection (b) or (b-5).

17 (6) For 5 years upon a third or subsequent conviction
18 of paragraph (3) of subsection (b) or subsection (b-5) or
19 any combination of paragraphs (2) or (3) of subsection (b)
20 or subsections (b-3) or (b-5) of Section 6-507 of this Code
21 within a 10-year period if the third or subsequent
22 conviction is a violation of paragraph (3) of subsection
23 (b) or (b-5).

24 (j) Disqualification for railroad-highway grade crossing
25 violation.

26 (1) General rule. A driver who is convicted of a

1 violation of a federal, State, or local law or regulation
2 pertaining to one of the following 6 offenses at a
3 railroad-highway grade crossing must be disqualified from
4 operating a commercial motor vehicle for the period of time
5 specified in paragraph (2) of this subsection (j) if the
6 offense was committed while operating a commercial motor
7 vehicle:

8 (i) For drivers who are not required to always
9 stop, failing to slow down and check that the tracks
10 are clear of an approaching train or railroad track
11 equipment, as described in subsection (a-5) of Section
12 11-1201 of this Code;

13 (ii) For drivers who are not required to always
14 stop, failing to stop before reaching the crossing, if
15 the tracks are not clear, as described in subsection
16 (a) of Section 11-1201 of this Code;

17 (iii) For drivers who are always required to stop,
18 failing to stop before driving onto the crossing, as
19 described in Section 11-1202 of this Code;

20 (iv) For all drivers, failing to have sufficient
21 space to drive completely through the crossing without
22 stopping, as described in subsection (b) of Section
23 11-1425 of this Code;

24 (v) For all drivers, failing to obey a traffic
25 control device or the directions of an enforcement
26 official at the crossing, as described in subdivision

1 (a)2 of Section 11-1201 of this Code;

2 (vi) For all drivers, failing to negotiate a
3 crossing because of insufficient undercarriage
4 clearance, as described in subsection (d-1) of Section
5 11-1201 of this Code.

6 (2) Duration of disqualification for railroad-highway
7 grade crossing violation.

8 (i) First violation. A driver must be disqualified
9 from operating a commercial motor vehicle for not less
10 than 60 days if the driver is convicted of a violation
11 described in paragraph (1) of this subsection (j) and,
12 in the three-year period preceding the conviction, the
13 driver had no convictions for a violation described in
14 paragraph (1) of this subsection (j).

15 (ii) Second violation. A driver must be
16 disqualified from operating a commercial motor vehicle
17 for not less than 120 days if the driver is convicted
18 of a violation described in paragraph (1) of this
19 subsection (j) and, in the three-year period preceding
20 the conviction, the driver had one other conviction for
21 a violation described in paragraph (1) of this
22 subsection (j) that was committed in a separate
23 incident.

24 (iii) Third or subsequent violation. A driver must
25 be disqualified from operating a commercial motor
26 vehicle for not less than one year if the driver is

1 convicted of a violation described in paragraph (1) of
2 this subsection (j) and, in the three-year period
3 preceding the conviction, the driver had 2 or more
4 other convictions for violations described in
5 paragraph (1) of this subsection (j) that were
6 committed in separate incidents.

7 (k) Upon notification of a disqualification of a driver's
8 commercial motor vehicle privileges imposed by the U.S.
9 Department of Transportation, Federal Motor Carrier Safety
10 Administration, in accordance with 49 C.F.R. 383.52, the
11 Secretary of State shall immediately record to the driving
12 record the notice of disqualification and confirm to the driver
13 the action that has been taken.

14 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10;
15 96-1080, eff. 7-16-10; 96-1244, eff. 1-1-11; revised 9-2-10.)

16 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

17 Sec. 11-208.3. Administrative adjudication of violations
18 of traffic regulations concerning the standing, parking, or
19 condition of vehicles and automated traffic law violations.

20 (a) Any municipality or county may provide by ordinance for
21 a system of administrative adjudication of vehicular standing
22 and parking violations and vehicle compliance violations as
23 defined in this subsection and automated traffic law violations
24 as defined in Section 11-208.6 or 11-1201.1. The administrative
25 system shall have as its purpose the fair and efficient

1 enforcement of municipal or county regulations through the
2 administrative adjudication of automated traffic law
3 violations and violations of municipal or county ordinances
4 regulating the standing and parking of vehicles, the condition
5 and use of vehicle equipment, and the display of municipal or
6 county wheel tax licenses within the municipality's or county's
7 borders. The administrative system shall only have authority to
8 adjudicate civil offenses carrying fines not in excess of \$500
9 or requiring the completion of a traffic education program, or
10 both, that occur after the effective date of the ordinance
11 adopting such a system under this Section. For purposes of this
12 Section, "compliance violation" means a violation of a
13 municipal or county regulation governing the condition or use
14 of equipment on a vehicle or governing the display of a
15 municipal or county wheel tax license.

16 (b) Any ordinance establishing a system of administrative
17 adjudication under this Section shall provide for:

18 (1) A traffic compliance administrator authorized to
19 adopt, distribute and process parking, compliance, and
20 automated traffic law violation notices and other notices
21 required by this Section, collect money paid as fines and
22 penalties for violation of parking and compliance
23 ordinances and automated traffic law violations, and
24 operate an administrative adjudication system. The traffic
25 compliance administrator also may make a certified report
26 to the Secretary of State under Section 6-306.5.

1 (2) A parking, standing, compliance, or automated
2 traffic law violation notice that shall specify the date,
3 time, and place of violation of a parking, standing,
4 compliance, or automated traffic law regulation; the
5 particular regulation violated; any requirement to
6 complete a traffic education program; the fine and any
7 penalty that may be assessed for late payment or failure to
8 complete a required traffic education program, or both,
9 when so provided by ordinance; the vehicle make and state
10 registration number; and the identification number of the
11 person issuing the notice. With regard to automated traffic
12 law violations, vehicle make shall be specified on the
13 automated traffic law violation notice if the make is
14 available and readily discernible. With regard to
15 municipalities or counties with a population of 1 million
16 or more, it shall be grounds for dismissal of a parking
17 violation if the state registration number or vehicle make
18 specified is incorrect. The violation notice shall state
19 that the completion of any required traffic education
20 program, the payment of any indicated fine, and the payment
21 of any applicable penalty for late payment or failure to
22 complete a required traffic education program, or both,
23 shall operate as a final disposition of the violation. The
24 notice also shall contain information as to the
25 availability of a hearing in which the violation may be
26 contested on its merits. The violation notice shall specify

1 the time and manner in which a hearing may be had.

2 (3) Service of the parking, standing, or compliance
3 violation notice by affixing the original or a facsimile of
4 the notice to an unlawfully parked vehicle or by handing
5 the notice to the operator of a vehicle if he or she is
6 present and service of an automated traffic law violation
7 notice by mail to the address of the registered owner of
8 the cited vehicle as recorded with the Secretary of State
9 within 30 days after the Secretary of State notifies the
10 municipality or county of the identity of the owner of the
11 vehicle, but in no event later than 90 days after the
12 violation. A person authorized by ordinance to issue and
13 serve parking, standing, and compliance violation notices
14 shall certify as to the correctness of the facts entered on
15 the violation notice by signing his or her name to the
16 notice at the time of service or in the case of a notice
17 produced by a computerized device, by signing a single
18 certificate to be kept by the traffic compliance
19 administrator attesting to the correctness of all notices
20 produced by the device while it was under his or her
21 control. In the case of an automated traffic law violation,
22 the ordinance shall require a determination by a technician
23 employed or contracted by the municipality or county that,
24 based on inspection of recorded images, the motor vehicle
25 was being operated in violation of Section 11-208.6 or
26 11-1201.1 or a local ordinance. If the technician

1 determines that the vehicle entered the intersection as
2 part of a funeral procession or in order to yield the
3 right-of-way to an emergency vehicle, a citation shall not
4 be issued. In municipalities with a population of less than
5 1,000,000 inhabitants and counties with a population of
6 less than 3,000,000 inhabitants, the automated traffic law
7 ordinance shall require that all determinations by a
8 technician that a motor vehicle was being operated in
9 violation of Section 11-208.6 or 11-1201.1 or a local
10 ordinance must be reviewed and approved by a law
11 enforcement officer or retired law enforcement officer of
12 the municipality or county issuing the violation. In
13 municipalities with a population of 1,000,000 or more
14 inhabitants and counties with a population of 3,000,000 or
15 more inhabitants, the automated traffic law ordinance
16 shall require that all determinations by a technician that
17 a motor vehicle was being operated in violation of Section
18 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
19 and approved by a law enforcement officer or retired law
20 enforcement officer of the municipality or county issuing
21 the violation or by an additional fully-trained reviewing
22 technician who is not employed by the contractor who
23 employs the technician who made the initial determination.
24 As used in this paragraph, "fully-trained reviewing
25 technician" means a person who has received at least 40
26 hours of supervised training in subjects which shall

1 include image inspection and interpretation, the elements
2 necessary to prove a violation, license plate
3 identification, and traffic safety and management. In all
4 municipalities and counties, the automated traffic law
5 ordinance shall require that no additional fee shall be
6 charged to the alleged violator for exercising his or her
7 right to an administrative hearing, and persons shall be
8 given at least 25 days following an administrative hearing
9 to pay any civil penalty imposed by a finding that Section
10 11-208.6 or 11-1201.1 or a similar local ordinance has been
11 violated. The original or a facsimile of the violation
12 notice or, in the case of a notice produced by a
13 computerized device, a printed record generated by the
14 device showing the facts entered on the notice, shall be
15 retained by the traffic compliance administrator, and
16 shall be a record kept in the ordinary course of business.
17 A parking, standing, compliance, or automated traffic law
18 violation notice issued, signed and served in accordance
19 with this Section, a copy of the notice, or the computer
20 generated record shall be prima facie correct and shall be
21 prima facie evidence of the correctness of the facts shown
22 on the notice. The notice, copy, or computer generated
23 record shall be admissible in any subsequent
24 administrative or legal proceedings.

25 (4) An opportunity for a hearing for the registered
26 owner of the vehicle cited in the parking, standing,

1 compliance, or automated traffic law violation notice in
2 which the owner may contest the merits of the alleged
3 violation, and during which formal or technical rules of
4 evidence shall not apply; provided, however, that under
5 Section 11-1306 of this Code the lessee of a vehicle cited
6 in the violation notice likewise shall be provided an
7 opportunity for a hearing of the same kind afforded the
8 registered owner. The hearings shall be recorded, and the
9 person conducting the hearing on behalf of the traffic
10 compliance administrator shall be empowered to administer
11 oaths and to secure by subpoena both the attendance and
12 testimony of witnesses and the production of relevant books
13 and papers. Persons appearing at a hearing under this
14 Section may be represented by counsel at their expense. The
15 ordinance may also provide for internal administrative
16 review following the decision of the hearing officer.

17 (5) Service of additional notices, sent by first class
18 United States mail, postage prepaid, to the address of the
19 registered owner of the cited vehicle as recorded with the
20 Secretary of State or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database,
23 or, under Section 11-1306 of this Code, to the lessee of
24 the cited vehicle at the last address known to the lessor
25 of the cited vehicle at the time of lease or, if any notice
26 to that address is returned as undeliverable, to the last

1 known address recorded in a United States Post Office
2 approved database. The service shall be deemed complete as
3 of the date of deposit in the United States mail. The
4 notices shall be in the following sequence and shall
5 include but not be limited to the information specified
6 herein:

7 (i) A second notice of parking, standing, or
8 compliance violation. This notice shall specify the
9 date and location of the violation cited in the
10 parking, standing, or compliance violation notice, the
11 particular regulation violated, the vehicle make and
12 state registration number, any requirement to complete
13 a traffic education program, the fine and any penalty
14 that may be assessed for late payment or failure to
15 complete a traffic education program, or both, when so
16 provided by ordinance, the availability of a hearing in
17 which the violation may be contested on its merits, and
18 the time and manner in which the hearing may be had.
19 The notice of violation shall also state that failure
20 to complete a required traffic education program, to
21 pay the indicated fine and any applicable penalty, or
22 to appear at a hearing on the merits in the time and
23 manner specified, will result in a final determination
24 of violation liability for the cited violation in the
25 amount of the fine or penalty indicated, and that, upon
26 the occurrence of a final determination of violation

1 liability for the failure, and the exhaustion of, or
2 failure to exhaust, available administrative or
3 judicial procedures for review, any incomplete traffic
4 education program or any unpaid fine or penalty, or
5 both, will constitute a debt due and owing the
6 municipality or county.

7 (ii) A notice of final determination of parking,
8 standing, compliance, or automated traffic law
9 violation liability. This notice shall be sent
10 following a final determination of parking, standing,
11 compliance, or automated traffic law violation
12 liability and the conclusion of judicial review
13 procedures taken under this Section. The notice shall
14 state that the incomplete traffic education program or
15 the unpaid fine or penalty, or both, is a debt due and
16 owing the municipality or county. The notice shall
17 contain warnings that failure to complete any required
18 traffic education program or to pay any fine or penalty
19 due and owing the municipality or county, or both,
20 within the time specified may result in the
21 municipality's or county's filing of a petition in the
22 Circuit Court to have the incomplete traffic education
23 program or unpaid fine or penalty, or both, rendered a
24 judgment as provided by this Section, or may result in
25 suspension of the person's drivers license for failure
26 to complete a traffic education program or to pay fines

1 or penalties, or both, for 10 or more parking
2 violations under Section 6-306.5 or 5 or more automated
3 traffic law violations under Section 11-208.6.

4 (6) A notice of impending drivers license suspension.

5 This notice shall be sent to the person liable for failure
6 to complete a required traffic education program or to pay
7 any fine or penalty that remains due and owing, or both, on
8 10 or more parking violations or 5 or more unpaid automated
9 traffic law violations. The notice shall state that failure
10 to complete a required traffic education program or to pay
11 the fine or penalty owing, or both, within 45 days of the
12 notice's date will result in the municipality or county
13 notifying the Secretary of State that the person is
14 eligible for initiation of suspension proceedings under
15 Section 6-306.5 of this Code. The notice shall also state
16 that the person may obtain a photostatic copy of an
17 original ticket imposing a fine or penalty by sending a
18 self addressed, stamped envelope to the municipality or
19 county along with a request for the photostatic copy. The
20 notice of impending drivers license suspension shall be
21 sent by first class United States mail, postage prepaid, to
22 the address recorded with the Secretary of State or, if any
23 notice to that address is returned as undeliverable, to the
24 last known address recorded in a United States Post Office
25 approved database.

26 (7) Final determinations of violation liability. A

1 final determination of violation liability shall occur
2 following failure to complete the required traffic
3 education program or to pay the fine or penalty, or both,
4 after a hearing officer's determination of violation
5 liability and the exhaustion of or failure to exhaust any
6 administrative review procedures provided by ordinance.
7 Where a person fails to appear at a hearing to contest the
8 alleged violation in the time and manner specified in a
9 prior mailed notice, the hearing officer's determination
10 of violation liability shall become final: (A) upon denial
11 of a timely petition to set aside that determination, or
12 (B) upon expiration of the period for filing the petition
13 without a filing having been made.

14 (8) A petition to set aside a determination of parking,
15 standing, compliance, or automated traffic law violation
16 liability that may be filed by a person owing an unpaid
17 fine or penalty. A petition to set aside a determination of
18 liability may also be filed by a person required to
19 complete a traffic education program. The petition shall be
20 filed with and ruled upon by the traffic compliance
21 administrator in the manner and within the time specified
22 by ordinance. The grounds for the petition may be limited
23 to: (A) the person not having been the owner or lessee of
24 the cited vehicle on the date the violation notice was
25 issued, (B) the person having already completed the
26 required traffic education program or paid the fine or

1 penalty, or both, for the violation in question, and (C)
2 excusable failure to appear at or request a new date for a
3 hearing. With regard to municipalities or counties with a
4 population of 1 million or more, it shall be grounds for
5 dismissal of a parking violation if the state registration
6 number, or vehicle make if specified, is incorrect. After
7 the determination of parking, standing, compliance, or
8 automated traffic law violation liability has been set
9 aside upon a showing of just cause, the registered owner
10 shall be provided with a hearing on the merits for that
11 violation.

12 (9) Procedures for non-residents. Procedures by which
13 persons who are not residents of the municipality or county
14 may contest the merits of the alleged violation without
15 attending a hearing.

16 (10) A schedule of civil fines for violations of
17 vehicular standing, parking, compliance, or automated
18 traffic law regulations enacted by ordinance pursuant to
19 this Section, and a schedule of penalties for late payment
20 of the fines or failure to complete required traffic
21 education programs, provided, however, that the total
22 amount of the fine and penalty for any one violation shall
23 not exceed \$250, except as provided in subsection (c) of
24 Section 11-1301.3 of this Code.

25 (11) Other provisions as are necessary and proper to
26 carry into effect the powers granted and purposes stated in

1 this Section.

2 (c) Any municipality or county establishing vehicular
3 standing, parking, compliance, or automated traffic law
4 regulations under this Section may also provide by ordinance
5 for a program of vehicle immobilization for the purpose of
6 facilitating enforcement of those regulations. The program of
7 vehicle immobilization shall provide for immobilizing any
8 eligible vehicle upon the public way by presence of a restraint
9 in a manner to prevent operation of the vehicle. Any ordinance
10 establishing a program of vehicle immobilization under this
11 Section shall provide:

12 (1) Criteria for the designation of vehicles eligible
13 for immobilization. A vehicle shall be eligible for
14 immobilization when the registered owner of the vehicle has
15 accumulated the number of incomplete traffic education
16 programs or unpaid final determinations of parking,
17 standing, compliance, or automated traffic law violation
18 liability, or both, as determined by ordinance.

19 (2) A notice of impending vehicle immobilization and a
20 right to a hearing to challenge the validity of the notice
21 by disproving liability for the incomplete traffic
22 education programs or unpaid final determinations of
23 parking, standing, compliance, or automated traffic law
24 violation liability, or both, listed on the notice.

25 (3) The right to a prompt hearing after a vehicle has
26 been immobilized or subsequently towed without the

1 completion of the required traffic education program or
2 payment of the outstanding fines and penalties on parking,
3 standing, compliance, or automated traffic law violations,
4 or both, for which final determinations have been issued.
5 An order issued after the hearing is a final administrative
6 decision within the meaning of Section 3-101 of the Code of
7 Civil Procedure.

8 (4) A post immobilization and post-towing notice
9 advising the registered owner of the vehicle of the right
10 to a hearing to challenge the validity of the impoundment.

11 (d) Judicial review of final determinations of parking,
12 standing, compliance, or automated traffic law violations and
13 final administrative decisions issued after hearings regarding
14 vehicle immobilization and impoundment made under this Section
15 shall be subject to the provisions of the Administrative Review
16 Law.

17 (e) Any fine, penalty, incomplete traffic education
18 program, or part of any fine or any penalty remaining unpaid
19 after the exhaustion of, or the failure to exhaust,
20 administrative remedies created under this Section and the
21 conclusion of any judicial review procedures shall be a debt
22 due and owing the municipality or county and, as such, may be
23 collected in accordance with applicable law. Completion of any
24 required traffic education program and payment in full of any
25 fine or penalty resulting from a standing, parking, compliance,
26 or automated traffic law violation shall constitute a final

1 disposition of that violation.

2 (f) After the expiration of the period within which
3 judicial review may be sought for a final determination of
4 parking, standing, compliance, or automated traffic law
5 violation, the municipality or county may commence a proceeding
6 in the Circuit Court for purposes of obtaining a judgment on
7 the final determination of violation. Nothing in this Section
8 shall prevent a municipality or county from consolidating
9 multiple final determinations of parking, standing,
10 compliance, or automated traffic law violations against a
11 person in a proceeding. Upon commencement of the action, the
12 municipality or county shall file a certified copy or record of
13 the final determination of parking, standing, compliance, or
14 automated traffic law violation, which shall be accompanied by
15 a certification that recites facts sufficient to show that the
16 final determination of violation was issued in accordance with
17 this Section and the applicable municipal or county ordinance.
18 Service of the summons and a copy of the petition may be by any
19 method provided by Section 2-203 of the Code of Civil Procedure
20 or by certified mail, return receipt requested, provided that
21 the total amount of fines and penalties for final
22 determinations of parking, standing, compliance, or automated
23 traffic law violations does not exceed \$2500. If the court is
24 satisfied that the final determination of parking, standing,
25 compliance, or automated traffic law violation was entered in
26 accordance with the requirements of this Section and the

1 applicable municipal or county ordinance, and that the
2 registered owner or the lessee, as the case may be, had an
3 opportunity for an administrative hearing and for judicial
4 review as provided in this Section, the court shall render
5 judgment in favor of the municipality or county and against the
6 registered owner or the lessee for the amount indicated in the
7 final determination of parking, standing, compliance, or
8 automated traffic law violation, plus costs. The judgment shall
9 have the same effect and may be enforced in the same manner as
10 other judgments for the recovery of money.

11 (g) The fee for participating in a traffic education
12 program under this Section shall not exceed \$25.

13 A low-income individual required to complete a traffic
14 education program under this Section who provides proof of
15 eligibility for the federal earned income tax credit under
16 Section 32 of the Internal Revenue Code or the Illinois earned
17 income tax credit under Section 212 of the Illinois Income Tax
18 Act shall not be required to pay any fee for participating in a
19 required traffic education program.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;
21 96-478, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1016, eff.
22 1-1-11; 96-1386, eff. 7-29-10; revised 9-16-10.)

23 (625 ILCS 5/11-501.1)

24 (Text of Section before amendment by P.A. 96-1344)

25 Sec. 11-501.1. Suspension of drivers license; statutory

1 summary alcohol, other drug or drugs, or intoxicating compound
2 or compounds related suspension; implied consent.

3 (a) Any person who drives or is in actual physical control
4 of a motor vehicle upon the public highways of this State shall
5 be deemed to have given consent, subject to the provisions of
6 Section 11-501.2, to a chemical test or tests of blood, breath,
7 or urine for the purpose of determining the content of alcohol,
8 other drug or drugs, or intoxicating compound or compounds or
9 any combination thereof in the person's blood if arrested, as
10 evidenced by the issuance of a Uniform Traffic Ticket, for any
11 offense as defined in Section 11-501 or a similar provision of
12 a local ordinance, or if arrested for violating Section 11-401.
13 The test or tests shall be administered at the direction of the
14 arresting officer. The law enforcement agency employing the
15 officer shall designate which of the aforesaid tests shall be
16 administered. A urine test may be administered even after a
17 blood or breath test or both has been administered. For
18 purposes of this Section, an Illinois law enforcement officer
19 of this State who is investigating the person for any offense
20 defined in Section 11-501 may travel into an adjoining state,
21 where the person has been transported for medical care, to
22 complete an investigation and to request that the person submit
23 to the test or tests set forth in this Section. The
24 requirements of this Section that the person be arrested are
25 inapplicable, but the officer shall issue the person a Uniform
26 Traffic Ticket for an offense as defined in Section 11-501 or a

1 similar provision of a local ordinance prior to requesting that
2 the person submit to the test or tests. The issuance of the
3 Uniform Traffic Ticket shall not constitute an arrest, but
4 shall be for the purpose of notifying the person that he or she
5 is subject to the provisions of this Section and of the
6 officer's belief of the existence of probable cause to arrest.
7 Upon returning to this State, the officer shall file the
8 Uniform Traffic Ticket with the Circuit Clerk of the county
9 where the offense was committed, and shall seek the issuance of
10 an arrest warrant or a summons for the person.

11 (b) Any person who is dead, unconscious, or who is
12 otherwise in a condition rendering the person incapable of
13 refusal, shall be deemed not to have withdrawn the consent
14 provided by paragraph (a) of this Section and the test or tests
15 may be administered, subject to the provisions of Section
16 11-501.2.

17 (c) A person requested to submit to a test as provided
18 above shall be warned by the law enforcement officer requesting
19 the test that a refusal to submit to the test will result in
20 the statutory summary suspension of the person's privilege to
21 operate a motor vehicle, as provided in Section 6-208.1 of this
22 Code, and will also result in the disqualification of the
23 person's privilege to operate a commercial motor vehicle, as
24 provided in Section 6-514 of this Code, if the person is a CDL
25 holder. The person shall also be warned by the law enforcement
26 officer that if the person submits to the test or tests

1 provided in paragraph (a) of this Section and the alcohol
2 concentration in the person's blood or breath is 0.08 or
3 greater, or any amount of a drug, substance, or compound
4 resulting from the unlawful use or consumption of cannabis as
5 covered by the Cannabis Control Act, a controlled substance
6 listed in the Illinois Controlled Substances Act, an
7 intoxicating compound listed in the Use of Intoxicating
8 Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act is
10 detected in the person's blood or urine, a statutory summary
11 suspension of the person's privilege to operate a motor
12 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
13 Code, and a disqualification of the person's privilege to
14 operate a commercial motor vehicle, as provided in Section
15 6-514 of this Code, if the person is a CDL holder, will be
16 imposed.

17 A person who is under the age of 21 at the time the person
18 is requested to submit to a test as provided above shall, in
19 addition to the warnings provided for in this Section, be
20 further warned by the law enforcement officer requesting the
21 test that if the person submits to the test or tests provided
22 in paragraph (a) of this Section and the alcohol concentration
23 in the person's blood or breath is greater than 0.00 and less
24 than 0.08, a suspension of the person's privilege to operate a
25 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
26 of this Code, will be imposed. The results of this test shall

1 be admissible in a civil or criminal action or proceeding
2 arising from an arrest for an offense as defined in Section
3 11-501 of this Code or a similar provision of a local ordinance
4 or pursuant to Section 11-501.4 in prosecutions for reckless
5 homicide brought under the Criminal Code of 1961. These test
6 results, however, shall be admissible only in actions or
7 proceedings directly related to the incident upon which the
8 test request was made.

9 (d) If the person refuses testing or submits to a test that
10 discloses an alcohol concentration of 0.08 or more, or any
11 amount of a drug, substance, or intoxicating compound in the
12 person's breath, blood, or urine resulting from the unlawful
13 use or consumption of cannabis listed in the Cannabis Control
14 Act, a controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound listed in the Use of
16 Intoxicating Compounds Act, or methamphetamine as listed in the
17 Methamphetamine Control and Community Protection Act, the law
18 enforcement officer shall immediately submit a sworn report to
19 the circuit court of venue and the Secretary of State,
20 certifying that the test or tests was or were requested under
21 paragraph (a) and the person refused to submit to a test, or
22 tests, or submitted to testing that disclosed an alcohol
23 concentration of 0.08 or more.

24 (e) Upon receipt of the sworn report of a law enforcement
25 officer submitted under paragraph (d), the Secretary of State
26 shall enter the statutory summary suspension and

1 disqualification for the periods specified in Sections 6-208.1
2 and 6-514, respectively, and effective as provided in paragraph
3 (g).

4 If the person is a first offender as defined in Section
5 11-500 of this Code, and is not convicted of a violation of
6 Section 11-501 of this Code or a similar provision of a local
7 ordinance, then reports received by the Secretary of State
8 under this Section shall, except during the actual time the
9 Statutory Summary Suspension is in effect, be privileged
10 information and for use only by the courts, police officers,
11 prosecuting authorities or the Secretary of State, unless the
12 person is a CDL holder, is operating a commercial motor vehicle
13 or vehicle required to be placarded for hazardous materials, in
14 which case the suspension shall not be privileged. Reports
15 received by the Secretary of State under this Section shall
16 also be made available to the parent or guardian of a person
17 under the age of 18 years that holds an instruction permit or a
18 graduated driver's license, regardless of whether the
19 statutory summary suspension is in effect.

20 (f) The law enforcement officer submitting the sworn report
21 under paragraph (d) shall serve immediate notice of the
22 statutory summary suspension on the person and the suspension
23 and disqualification shall be effective as provided in
24 paragraph (g). In cases where the blood alcohol concentration
25 of 0.08 or greater or any amount of a drug, substance, or
26 compound resulting from the unlawful use or consumption of

1 cannabis as covered by the Cannabis Control Act, a controlled
2 substance listed in the Illinois Controlled Substances Act, an
3 intoxicating compound listed in the Use of Intoxicating
4 Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act is
6 established by a subsequent analysis of blood or urine
7 collected at the time of arrest, the arresting officer or
8 arresting agency shall give notice as provided in this Section
9 or by deposit in the United States mail of the notice in an
10 envelope with postage prepaid and addressed to the person at
11 his address as shown on the Uniform Traffic Ticket and the
12 statutory summary suspension and disqualification shall begin
13 as provided in paragraph (g). The officer shall confiscate any
14 Illinois driver's license or permit on the person at the time
15 of arrest. If the person has a valid driver's license or
16 permit, the officer shall issue the person a receipt, in a form
17 prescribed by the Secretary of State, that will allow that
18 person to drive during the periods provided for in paragraph
19 (g). The officer shall immediately forward the driver's license
20 or permit to the circuit court of venue along with the sworn
21 report provided for in paragraph (d).

22 (g) The statutory summary suspension and disqualification
23 referred to in this Section shall take effect on the 46th day
24 following the date the notice of the statutory summary
25 suspension was given to the person.

26 (h) The following procedure shall apply whenever a person

1 is arrested for any offense as defined in Section 11-501 or a
2 similar provision of a local ordinance:

3 Upon receipt of the sworn report from the law enforcement
4 officer, the Secretary of State shall confirm the statutory
5 summary suspension by mailing a notice of the effective date of
6 the suspension to the person and the court of venue. The
7 Secretary of State shall also mail notice of the effective date
8 of the disqualification to the person. However, should the
9 sworn report be defective by not containing sufficient
10 information or be completed in error, the confirmation of the
11 statutory summary suspension shall not be mailed to the person
12 or entered to the record; instead, the sworn report shall be
13 forwarded to the court of venue with a copy returned to the
14 issuing agency identifying any defect.

15 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;
16 95-876, eff. 8-21-08; 96-1080, eff. 7-16-10.)

17 (Text of Section after amendment by P.A. 96-1344)

18 Sec. 11-501.1. Suspension of drivers license; statutory
19 summary alcohol, other drug or drugs, or intoxicating compound
20 or compounds related suspension or revocation; implied
21 consent.

22 (a) Any person who drives or is in actual physical control
23 of a motor vehicle upon the public highways of this State shall
24 be deemed to have given consent, subject to the provisions of
25 Section 11-501.2, to a chemical test or tests of blood, breath,

1 or urine for the purpose of determining the content of alcohol,
2 other drug or drugs, or intoxicating compound or compounds or
3 any combination thereof in the person's blood if arrested, as
4 evidenced by the issuance of a Uniform Traffic Ticket, for any
5 offense as defined in Section 11-501 or a similar provision of
6 a local ordinance, or if arrested for violating Section 11-401.
7 The test or tests shall be administered at the direction of the
8 arresting officer. The law enforcement agency employing the
9 officer shall designate which of the aforesaid tests shall be
10 administered. A urine test may be administered even after a
11 blood or breath test or both has been administered. For
12 purposes of this Section, an Illinois law enforcement officer
13 of this State who is investigating the person for any offense
14 defined in Section 11-501 may travel into an adjoining state,
15 where the person has been transported for medical care, to
16 complete an investigation and to request that the person submit
17 to the test or tests set forth in this Section. The
18 requirements of this Section that the person be arrested are
19 inapplicable, but the officer shall issue the person a Uniform
20 Traffic Ticket for an offense as defined in Section 11-501 or a
21 similar provision of a local ordinance prior to requesting that
22 the person submit to the test or tests. The issuance of the
23 Uniform Traffic Ticket shall not constitute an arrest, but
24 shall be for the purpose of notifying the person that he or she
25 is subject to the provisions of this Section and of the
26 officer's belief of the existence of probable cause to arrest.

1 Upon returning to this State, the officer shall file the
2 Uniform Traffic Ticket with the Circuit Clerk of the county
3 where the offense was committed, and shall seek the issuance of
4 an arrest warrant or a summons for the person.

5 (b) Any person who is dead, unconscious, or who is
6 otherwise in a condition rendering the person incapable of
7 refusal, shall be deemed not to have withdrawn the consent
8 provided by paragraph (a) of this Section and the test or tests
9 may be administered, subject to the provisions of Section
10 11-501.2.

11 (c) A person requested to submit to a test as provided
12 above shall be warned by the law enforcement officer requesting
13 the test that a refusal to submit to the test will result in
14 the statutory summary suspension of the person's privilege to
15 operate a motor vehicle, as provided in Section 6-208.1 of this
16 Code, and will also result in the disqualification of the
17 person's privilege to operate a commercial motor vehicle, as
18 provided in Section 6-514 of this Code, if the person is a CDL
19 holder. The person shall also be warned that a refusal to
20 submit to the test, when the person was involved in a motor
21 vehicle accident that caused personal injury or death to
22 another, will result in the statutory summary revocation of the
23 person's privilege to operate a motor vehicle, as provided in
24 Section 6-208.1, and will also result in the disqualification
25 of the person's privilege to operate a commercial motor
26 vehicle, as provided in Section 6-514 of this Code, if the

1 person is a CDL holder. The person shall also be warned by the
2 law enforcement officer that if the person submits to the test
3 or tests provided in paragraph (a) of this Section and the
4 alcohol concentration in the person's blood or breath is 0.08
5 or greater, or any amount of a drug, substance, or compound
6 resulting from the unlawful use or consumption of cannabis as
7 covered by the Cannabis Control Act, a controlled substance
8 listed in the Illinois Controlled Substances Act, an
9 intoxicating compound listed in the Use of Intoxicating
10 Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act is
12 detected in the person's blood or urine, a statutory summary
13 suspension of the person's privilege to operate a motor
14 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
15 Code, and a disqualification of the person's privilege to
16 operate a commercial motor vehicle, as provided in Section
17 6-514 of this Code, if the person is a CDL holder, will be
18 imposed.

19 A person who is under the age of 21 at the time the person
20 is requested to submit to a test as provided above shall, in
21 addition to the warnings provided for in this Section, be
22 further warned by the law enforcement officer requesting the
23 test that if the person submits to the test or tests provided
24 in paragraph (a) of this Section and the alcohol concentration
25 in the person's blood or breath is greater than 0.00 and less
26 than 0.08, a suspension of the person's privilege to operate a

1 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
2 of this Code, will be imposed. The results of this test shall
3 be admissible in a civil or criminal action or proceeding
4 arising from an arrest for an offense as defined in Section
5 11-501 of this Code or a similar provision of a local ordinance
6 or pursuant to Section 11-501.4 in prosecutions for reckless
7 homicide brought under the Criminal Code of 1961. These test
8 results, however, shall be admissible only in actions or
9 proceedings directly related to the incident upon which the
10 test request was made.

11 (d) If the person refuses testing or submits to a test that
12 discloses an alcohol concentration of 0.08 or more, or any
13 amount of a drug, substance, or intoxicating compound in the
14 person's breath, blood, or urine resulting from the unlawful
15 use or consumption of cannabis listed in the Cannabis Control
16 Act, a controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer shall immediately submit a sworn report to
21 the circuit court of venue and the Secretary of State,
22 certifying that the test or tests was or were requested under
23 paragraph (a) and the person refused to submit to a test, or
24 tests, or submitted to testing that disclosed an alcohol
25 concentration of 0.08 or more.

26 (e) Upon receipt of the sworn report of a law enforcement

1 officer submitted under paragraph (d), the Secretary of State
2 shall enter the statutory summary suspension or revocation and
3 disqualification for the periods specified in Sections 6-208.1
4 and 6-514, respectively, and effective as provided in paragraph
5 (g).

6 If the person is a first offender as defined in Section
7 11-500 of this Code, and is not convicted of a violation of
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance, then reports received by the Secretary of State
10 under this Section shall, except during the actual time the
11 Statutory Summary Suspension is in effect, be privileged
12 information and for use only by the courts, police officers,
13 prosecuting authorities or the Secretary of State, unless the
14 person is a CDL holder, is operating a commercial motor vehicle
15 or vehicle required to be placarded for hazardous materials, in
16 which case the suspension shall not be privileged. Reports
17 received by the Secretary of State under this Section shall
18 also be made available to the parent or guardian of a person
19 under the age of 18 years that holds an instruction permit or a
20 graduated driver's license, regardless of whether the
21 statutory summary suspension is in effect. A statutory summary
22 revocation shall not be privileged information.

23 (f) The law enforcement officer submitting the sworn report
24 under paragraph (d) shall serve immediate notice of the
25 statutory summary suspension or revocation on the person and
26 the suspension or revocation and disqualification shall be

1 effective as provided in paragraph (g). In cases where the
2 blood alcohol concentration of 0.08 or greater or any amount of
3 a drug, substance, or compound resulting from the unlawful use
4 or consumption of cannabis as covered by the Cannabis Control
5 Act, a controlled substance listed in the Illinois Controlled
6 Substances Act, an intoxicating compound listed in the Use of
7 Intoxicating Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act is
9 established by a subsequent analysis of blood or urine
10 collected at the time of arrest, the arresting officer or
11 arresting agency shall give notice as provided in this Section
12 or by deposit in the United States mail of the notice in an
13 envelope with postage prepaid and addressed to the person at
14 his address as shown on the Uniform Traffic Ticket and the
15 statutory summary suspension and disqualification shall begin
16 as provided in paragraph (g). The officer shall confiscate any
17 Illinois driver's license or permit on the person at the time
18 of arrest. If the person has a valid driver's license or
19 permit, the officer shall issue the person a receipt, in a form
20 prescribed by the Secretary of State, that will allow that
21 person to drive during the periods provided for in paragraph
22 (g). The officer shall immediately forward the driver's license
23 or permit to the circuit court of venue along with the sworn
24 report provided for in paragraph (d).

25 (g) The statutory summary suspension or revocation and
26 disqualification referred to in this Section shall take effect

1 on the 46th day following the date the notice of the statutory
2 summary suspension or revocation was given to the person.

3 (h) The following procedure shall apply whenever a person
4 is arrested for any offense as defined in Section 11-501 or a
5 similar provision of a local ordinance:

6 Upon receipt of the sworn report from the law enforcement
7 officer, the Secretary of State shall confirm the statutory
8 summary suspension or revocation by mailing a notice of the
9 effective date of the suspension or revocation to the person
10 and the court of venue. The Secretary of State shall also mail
11 notice of the effective date of the disqualification to the
12 person. However, should the sworn report be defective by not
13 containing sufficient information or be completed in error, the
14 confirmation of the statutory summary suspension or revocation
15 shall not be mailed to the person or entered to the record;
16 instead, the sworn report shall be forwarded to the court of
17 venue with a copy returned to the issuing agency identifying
18 any defect.

19 (i) As used in this Section, "personal injury" includes any
20 Type A injury as indicated on the traffic accident report
21 completed by a law enforcement officer that requires immediate
22 professional attention in either a doctor's office or a medical
23 facility. A Type A injury includes severely bleeding wounds,
24 distorted extremities, and injuries that require the injured
25 party to be carried from the scene.

26 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;

1 95-876, eff. 8-21-08; 96-1080, eff. 7-16-10; 96-1344, eff.
2 7-1-11; revised 9-2-10.)

3 (625 ILCS 5/11-501.8)

4 (Text of Section before amendment by P.A. 96-1344)

5 Sec. 11-501.8. Suspension of driver's license; persons
6 under age 21.

7 (a) A person who is less than 21 years of age and who
8 drives or is in actual physical control of a motor vehicle upon
9 the public highways of this State shall be deemed to have given
10 consent to a chemical test or tests of blood, breath, or urine
11 for the purpose of determining the alcohol content of the
12 person's blood if arrested, as evidenced by the issuance of a
13 Uniform Traffic Ticket for any violation of the Illinois
14 Vehicle Code or a similar provision of a local ordinance, if a
15 police officer has probable cause to believe that the driver
16 has consumed any amount of an alcoholic beverage based upon
17 evidence of the driver's physical condition or other first hand
18 knowledge of the police officer. The test or tests shall be
19 administered at the direction of the arresting officer. The law
20 enforcement agency employing the officer shall designate which
21 of the aforesaid tests shall be administered. A urine test may
22 be administered even after a blood or breath test or both has
23 been administered.

24 (b) A person who is dead, unconscious, or who is otherwise
25 in a condition rendering that person incapable of refusal,

1 shall be deemed not to have withdrawn the consent provided by
2 paragraph (a) of this Section and the test or tests may be
3 administered subject to the following provisions:

4 (i) Chemical analysis of the person's blood, urine,
5 breath, or other bodily substance, to be considered valid
6 under the provisions of this Section, shall have been
7 performed according to standards promulgated by the
8 Department of State Police by an individual possessing a
9 valid permit issued by that Department for this purpose.
10 The Director of State Police is authorized to approve
11 satisfactory techniques or methods, to ascertain the
12 qualifications and competence of individuals to conduct
13 analyses, to issue permits that shall be subject to
14 termination or revocation at the direction of that
15 Department, and to certify the accuracy of breath testing
16 equipment. The Department of State Police shall prescribe
17 regulations as necessary.

18 (ii) When a person submits to a blood test at the
19 request of a law enforcement officer under the provisions
20 of this Section, only a physician authorized to practice
21 medicine, a registered nurse, or other qualified person
22 trained in venipuncture and acting under the direction of a
23 licensed physician may withdraw blood for the purpose of
24 determining the alcohol content therein. This limitation
25 does not apply to the taking of breath or urine specimens.

26 (iii) The person tested may have a physician, qualified

1 technician, chemist, registered nurse, or other qualified
2 person of his or her own choosing administer a chemical
3 test or tests in addition to any test or tests administered
4 at the direction of a law enforcement officer. The failure
5 or inability to obtain an additional test by a person shall
6 not preclude the consideration of the previously performed
7 chemical test.

8 (iv) Upon a request of the person who submits to a
9 chemical test or tests at the request of a law enforcement
10 officer, full information concerning the test or tests
11 shall be made available to the person or that person's
12 attorney.

13 (v) Alcohol concentration means either grams of
14 alcohol per 100 milliliters of blood or grams of alcohol
15 per 210 liters of breath.

16 (vi) If a driver is receiving medical treatment as a
17 result of a motor vehicle accident, a physician licensed to
18 practice medicine, registered nurse, or other qualified
19 person trained in venipuncture and acting under the
20 direction of a licensed physician shall withdraw blood for
21 testing purposes to ascertain the presence of alcohol upon
22 the specific request of a law enforcement officer. However,
23 that testing shall not be performed until, in the opinion
24 of the medical personnel on scene, the withdrawal can be
25 made without interfering with or endangering the
26 well-being of the patient.

1 (c) A person requested to submit to a test as provided
2 above shall be warned by the law enforcement officer requesting
3 the test that a refusal to submit to the test, or submission to
4 the test resulting in an alcohol concentration of more than
5 0.00, may result in the loss of that person's privilege to
6 operate a motor vehicle and may result in the disqualification
7 of the person's privilege to operate a commercial motor
8 vehicle, as provided in Section 6-514 of this Code, if the
9 person is a CDL holder. The loss of driving privileges shall be
10 imposed in accordance with Section 6-208.2 of this Code.

11 (d) If the person refuses testing or submits to a test that
12 discloses an alcohol concentration of more than 0.00, the law
13 enforcement officer shall immediately submit a sworn report to
14 the Secretary of State on a form prescribed by the Secretary of
15 State, certifying that the test or tests were requested under
16 subsection (a) and the person refused to submit to a test or
17 tests or submitted to testing which disclosed an alcohol
18 concentration of more than 0.00. The law enforcement officer
19 shall submit the same sworn report when a person under the age
20 of 21 submits to testing under Section 11-501.1 of this Code
21 and the testing discloses an alcohol concentration of more than
22 0.00 and less than 0.08.

23 Upon receipt of the sworn report of a law enforcement
24 officer, the Secretary of State shall enter the suspension and
25 disqualification on the individual's driving record and the
26 suspension and disqualification shall be effective on the 46th

1 day following the date notice of the suspension was given to
2 the person. If this suspension is the individual's first
3 driver's license suspension under this Section, reports
4 received by the Secretary of State under this Section shall,
5 except during the time the suspension is in effect, be
6 privileged information and for use only by the courts, police
7 officers, prosecuting authorities, the Secretary of State, or
8 the individual personally, unless the person is a CDL holder,
9 is operating a commercial motor vehicle or vehicle required to
10 be placarded for hazardous materials, in which case the
11 suspension shall not be privileged. Reports received by the
12 Secretary of State under this Section shall also be made
13 available to the parent or guardian of a person under the age
14 of 18 years that holds an instruction permit or a graduated
15 driver's license, regardless of whether the suspension is in
16 effect.

17 The law enforcement officer submitting the sworn report
18 shall serve immediate notice of this suspension on the person
19 and the suspension and disqualification shall be effective on
20 the 46th day following the date notice was given.

21 In cases where the blood alcohol concentration of more than
22 0.00 is established by a subsequent analysis of blood or urine,
23 the police officer or arresting agency shall give notice as
24 provided in this Section or by deposit in the United States
25 mail of that notice in an envelope with postage prepaid and
26 addressed to that person at his last known address and the loss

1 of driving privileges shall be effective on the 46th day
2 following the date notice was given.

3 Upon receipt of the sworn report of a law enforcement
4 officer, the Secretary of State shall also give notice of the
5 suspension and disqualification to the driver by mailing a
6 notice of the effective date of the suspension and
7 disqualification to the individual. However, should the sworn
8 report be defective by not containing sufficient information or
9 be completed in error, the notice of the suspension and
10 disqualification shall not be mailed to the person or entered
11 to the driving record, but rather the sworn report shall be
12 returned to the issuing law enforcement agency.

13 (e) A driver may contest this suspension and
14 disqualification by requesting an administrative hearing with
15 the Secretary of State in accordance with Section 2-118 of this
16 Code. An individual whose blood alcohol concentration is shown
17 to be more than 0.00 is not subject to this Section if he or she
18 consumed alcohol in the performance of a religious service or
19 ceremony. An individual whose blood alcohol concentration is
20 shown to be more than 0.00 shall not be subject to this Section
21 if the individual's blood alcohol concentration resulted only
22 from ingestion of the prescribed or recommended dosage of
23 medicine that contained alcohol. The petition for that hearing
24 shall not stay or delay the effective date of the impending
25 suspension. The scope of this hearing shall be limited to the
26 issues of:

1 (1) whether the police officer had probable cause to
2 believe that the person was driving or in actual physical
3 control of a motor vehicle upon the public highways of the
4 State and the police officer had reason to believe that the
5 person was in violation of any provision of the Illinois
6 Vehicle Code or a similar provision of a local ordinance;
7 and

8 (2) whether the person was issued a Uniform Traffic
9 Ticket for any violation of the Illinois Vehicle Code or a
10 similar provision of a local ordinance; and

11 (3) whether the police officer had probable cause to
12 believe that the driver had consumed any amount of an
13 alcoholic beverage based upon the driver's physical
14 actions or other first-hand knowledge of the police
15 officer; and

16 (4) whether the person, after being advised by the
17 officer that the privilege to operate a motor vehicle would
18 be suspended if the person refused to submit to and
19 complete the test or tests, did refuse to submit to or
20 complete the test or tests to determine the person's
21 alcohol concentration; and

22 (5) whether the person, after being advised by the
23 officer that the privileges to operate a motor vehicle
24 would be suspended if the person submits to a chemical test
25 or tests and the test or tests disclose an alcohol
26 concentration of more than 0.00, did submit to and complete

1 the test or tests that determined an alcohol concentration
2 of more than 0.00; and

3 (6) whether the test result of an alcohol concentration
4 of more than 0.00 was based upon the person's consumption
5 of alcohol in the performance of a religious service or
6 ceremony; and

7 (7) whether the test result of an alcohol concentration
8 of more than 0.00 was based upon the person's consumption
9 of alcohol through ingestion of the prescribed or
10 recommended dosage of medicine.

11 At the conclusion of the hearing held under Section 2-118
12 of this Code, the Secretary of State may rescind, continue, or
13 modify the suspension and disqualification. If the Secretary of
14 State does not rescind the suspension and disqualification, a
15 restricted driving permit may be granted by the Secretary of
16 State upon application being made and good cause shown. A
17 restricted driving permit may be granted to relieve undue
18 hardship by allowing driving for employment, educational, and
19 medical purposes as outlined in item (3) of part (c) of Section
20 6-206 of this Code. The provisions of item (3) of part (c) of
21 Section 6-206 of this Code and of subsection (f) of that
22 Section shall apply. The Secretary of State shall promulgate
23 rules providing for participation in an alcohol education and
24 awareness program or activity, a drug education and awareness
25 program or activity, or both as a condition to the issuance of
26 a restricted driving permit for suspensions imposed under this

1 Section.

2 (f) The results of any chemical testing performed in
3 accordance with subsection (a) of this Section are not
4 admissible in any civil or criminal proceeding, except that the
5 results of the testing may be considered at a hearing held
6 under Section 2-118 of this Code. However, the results of the
7 testing may not be used to impose driver's license sanctions
8 under Section 11-501.1 of this Code. A law enforcement officer
9 may, however, pursue a statutory summary suspension of driving
10 privileges under Section 11-501.1 of this Code if other
11 physical evidence or first hand knowledge forms the basis of
12 that suspension.

13 (g) This Section applies only to drivers who are under age
14 21 at the time of the issuance of a Uniform Traffic Ticket for
15 a violation of the Illinois Vehicle Code or a similar provision
16 of a local ordinance, and a chemical test request is made under
17 this Section.

18 (h) The action of the Secretary of State in suspending,
19 revoking, cancelling, or disqualifying any license or permit
20 shall be subject to judicial review in the Circuit Court of
21 Sangamon County or in the Circuit Court of Cook County, and the
22 provisions of the Administrative Review Law and its rules are
23 hereby adopted and shall apply to and govern every action for
24 the judicial review of final acts or decisions of the Secretary
25 of State under this Section.

26 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;

1 95-627, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1080, eff.
2 7-16-10.)

3 (Text of Section after amendment by P.A. 96-1344)

4 Sec. 11-501.8. Suspension of driver's license; persons
5 under age 21.

6 (a) A person who is less than 21 years of age and who
7 drives or is in actual physical control of a motor vehicle upon
8 the public highways of this State shall be deemed to have given
9 consent to a chemical test or tests of blood, breath, or urine
10 for the purpose of determining the alcohol content of the
11 person's blood if arrested, as evidenced by the issuance of a
12 Uniform Traffic Ticket for any violation of the Illinois
13 Vehicle Code or a similar provision of a local ordinance, if a
14 police officer has probable cause to believe that the driver
15 has consumed any amount of an alcoholic beverage based upon
16 evidence of the driver's physical condition or other first hand
17 knowledge of the police officer. The test or tests shall be
18 administered at the direction of the arresting officer. The law
19 enforcement agency employing the officer shall designate which
20 of the aforesaid tests shall be administered. A urine test may
21 be administered even after a blood or breath test or both has
22 been administered.

23 (b) A person who is dead, unconscious, or who is otherwise
24 in a condition rendering that person incapable of refusal,
25 shall be deemed not to have withdrawn the consent provided by

1 paragraph (a) of this Section and the test or tests may be
2 administered subject to the following provisions:

3 (i) Chemical analysis of the person's blood, urine,
4 breath, or other bodily substance, to be considered valid
5 under the provisions of this Section, shall have been
6 performed according to standards promulgated by the
7 Department of State Police by an individual possessing a
8 valid permit issued by that Department for this purpose.
9 The Director of State Police is authorized to approve
10 satisfactory techniques or methods, to ascertain the
11 qualifications and competence of individuals to conduct
12 analyses, to issue permits that shall be subject to
13 termination or revocation at the direction of that
14 Department, and to certify the accuracy of breath testing
15 equipment. The Department of State Police shall prescribe
16 regulations as necessary.

17 (ii) When a person submits to a blood test at the
18 request of a law enforcement officer under the provisions
19 of this Section, only a physician authorized to practice
20 medicine, a registered nurse, or other qualified person
21 trained in venipuncture and acting under the direction of a
22 licensed physician may withdraw blood for the purpose of
23 determining the alcohol content therein. This limitation
24 does not apply to the taking of breath or urine specimens.

25 (iii) The person tested may have a physician, qualified
26 technician, chemist, registered nurse, or other qualified

1 person of his or her own choosing administer a chemical
2 test or tests in addition to any test or tests administered
3 at the direction of a law enforcement officer. The failure
4 or inability to obtain an additional test by a person shall
5 not preclude the consideration of the previously performed
6 chemical test.

7 (iv) Upon a request of the person who submits to a
8 chemical test or tests at the request of a law enforcement
9 officer, full information concerning the test or tests
10 shall be made available to the person or that person's
11 attorney.

12 (v) Alcohol concentration means either grams of
13 alcohol per 100 milliliters of blood or grams of alcohol
14 per 210 liters of breath.

15 (vi) If a driver is receiving medical treatment as a
16 result of a motor vehicle accident, a physician licensed to
17 practice medicine, registered nurse, or other qualified
18 person trained in venipuncture and acting under the
19 direction of a licensed physician shall withdraw blood for
20 testing purposes to ascertain the presence of alcohol upon
21 the specific request of a law enforcement officer. However,
22 that testing shall not be performed until, in the opinion
23 of the medical personnel on scene, the withdrawal can be
24 made without interfering with or endangering the
25 well-being of the patient.

26 (c) A person requested to submit to a test as provided

1 above shall be warned by the law enforcement officer requesting
2 the test that a refusal to submit to the test, or submission to
3 the test resulting in an alcohol concentration of more than
4 0.00, may result in the loss of that person's privilege to
5 operate a motor vehicle and may result in the disqualification
6 of the person's privilege to operate a commercial motor
7 vehicle, as provided in Section 6-514 of this Code, if the
8 person is a CDL holder. The loss of driving privileges shall be
9 imposed in accordance with Section 6-208.2 of this Code.

10 (d) If the person refuses testing or submits to a test that
11 discloses an alcohol concentration of more than 0.00, the law
12 enforcement officer shall immediately submit a sworn report to
13 the Secretary of State on a form prescribed by the Secretary of
14 State, certifying that the test or tests were requested under
15 subsection (a) and the person refused to submit to a test or
16 tests or submitted to testing which disclosed an alcohol
17 concentration of more than 0.00. The law enforcement officer
18 shall submit the same sworn report when a person under the age
19 of 21 submits to testing under Section 11-501.1 of this Code
20 and the testing discloses an alcohol concentration of more than
21 0.00 and less than 0.08.

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary of State shall enter the suspension and
24 disqualification on the individual's driving record and the
25 suspension and disqualification shall be effective on the 46th
26 day following the date notice of the suspension was given to

1 the person. If this suspension is the individual's first
2 driver's license suspension under this Section, reports
3 received by the Secretary of State under this Section shall,
4 except during the time the suspension is in effect, be
5 privileged information and for use only by the courts, police
6 officers, prosecuting authorities, the Secretary of State, or
7 the individual personally, unless the person is a CDL holder,
8 is operating a commercial motor vehicle or vehicle required to
9 be placarded for hazardous materials, in which case the
10 suspension shall not be privileged. Reports received by the
11 Secretary of State under this Section shall also be made
12 available to the parent or guardian of a person under the age
13 of 18 years that holds an instruction permit or a graduated
14 driver's license, regardless of whether the suspension is in
15 effect.

16 The law enforcement officer submitting the sworn report
17 shall serve immediate notice of this suspension on the person
18 and the suspension and disqualification shall be effective on
19 the 46th day following the date notice was given.

20 In cases where the blood alcohol concentration of more than
21 0.00 is established by a subsequent analysis of blood or urine,
22 the police officer or arresting agency shall give notice as
23 provided in this Section or by deposit in the United States
24 mail of that notice in an envelope with postage prepaid and
25 addressed to that person at his last known address and the loss
26 of driving privileges shall be effective on the 46th day

1 following the date notice was given.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall also give notice of the
4 suspension and disqualification to the driver by mailing a
5 notice of the effective date of the suspension and
6 disqualification to the individual. However, should the sworn
7 report be defective by not containing sufficient information or
8 be completed in error, the notice of the suspension and
9 disqualification shall not be mailed to the person or entered
10 to the driving record, but rather the sworn report shall be
11 returned to the issuing law enforcement agency.

12 (e) A driver may contest this suspension and
13 disqualification by requesting an administrative hearing with
14 the Secretary of State in accordance with Section 2-118 of this
15 Code. An individual whose blood alcohol concentration is shown
16 to be more than 0.00 is not subject to this Section if he or she
17 consumed alcohol in the performance of a religious service or
18 ceremony. An individual whose blood alcohol concentration is
19 shown to be more than 0.00 shall not be subject to this Section
20 if the individual's blood alcohol concentration resulted only
21 from ingestion of the prescribed or recommended dosage of
22 medicine that contained alcohol. The petition for that hearing
23 shall not stay or delay the effective date of the impending
24 suspension. The scope of this hearing shall be limited to the
25 issues of:

26 (1) whether the police officer had probable cause to

1 believe that the person was driving or in actual physical
2 control of a motor vehicle upon the public highways of the
3 State and the police officer had reason to believe that the
4 person was in violation of any provision of the Illinois
5 Vehicle Code or a similar provision of a local ordinance;
6 and

7 (2) whether the person was issued a Uniform Traffic
8 Ticket for any violation of the Illinois Vehicle Code or a
9 similar provision of a local ordinance; and

10 (3) whether the police officer had probable cause to
11 believe that the driver had consumed any amount of an
12 alcoholic beverage based upon the driver's physical
13 actions or other first-hand knowledge of the police
14 officer; and

15 (4) whether the person, after being advised by the
16 officer that the privilege to operate a motor vehicle would
17 be suspended if the person refused to submit to and
18 complete the test or tests, did refuse to submit to or
19 complete the test or tests to determine the person's
20 alcohol concentration; and

21 (5) whether the person, after being advised by the
22 officer that the privileges to operate a motor vehicle
23 would be suspended if the person submits to a chemical test
24 or tests and the test or tests disclose an alcohol
25 concentration of more than 0.00, did submit to and complete
26 the test or tests that determined an alcohol concentration

1 of more than 0.00; and

2 (6) whether the test result of an alcohol concentration
3 of more than 0.00 was based upon the person's consumption
4 of alcohol in the performance of a religious service or
5 ceremony; and

6 (7) whether the test result of an alcohol concentration
7 of more than 0.00 was based upon the person's consumption
8 of alcohol through ingestion of the prescribed or
9 recommended dosage of medicine.

10 At the conclusion of the hearing held under Section 2-118
11 of this Code, the Secretary of State may rescind, continue, or
12 modify the suspension and disqualification. If the Secretary of
13 State does not rescind the suspension and disqualification, a
14 restricted driving permit may be granted by the Secretary of
15 State upon application being made and good cause shown. A
16 restricted driving permit may be granted to relieve undue
17 hardship by allowing driving for employment, educational, and
18 medical purposes as outlined in item (3) of part (c) of Section
19 6-206 of this Code. The provisions of item (3) of part (c) of
20 Section 6-206 of this Code and of subsection (f) of that
21 Section shall apply. The Secretary of State shall promulgate
22 rules providing for participation in an alcohol education and
23 awareness program or activity, a drug education and awareness
24 program or activity, or both as a condition to the issuance of
25 a restricted driving permit for suspensions imposed under this
26 Section.

1 (f) The results of any chemical testing performed in
2 accordance with subsection (a) of this Section are not
3 admissible in any civil or criminal proceeding, except that the
4 results of the testing may be considered at a hearing held
5 under Section 2-118 of this Code. However, the results of the
6 testing may not be used to impose driver's license sanctions
7 under Section 11-501.1 of this Code. A law enforcement officer
8 may, however, pursue a statutory summary suspension or
9 revocation of driving privileges under Section 11-501.1 of this
10 Code if other physical evidence or first hand knowledge forms
11 the basis of that suspension or revocation.

12 (g) This Section applies only to drivers who are under age
13 21 at the time of the issuance of a Uniform Traffic Ticket for
14 a violation of the Illinois Vehicle Code or a similar provision
15 of a local ordinance, and a chemical test request is made under
16 this Section.

17 (h) The action of the Secretary of State in suspending,
18 revoking, cancelling, or disqualifying any license or permit
19 shall be subject to judicial review in the Circuit Court of
20 Sangamon County or in the Circuit Court of Cook County, and the
21 provisions of the Administrative Review Law and its rules are
22 hereby adopted and shall apply to and govern every action for
23 the judicial review of final acts or decisions of the Secretary
24 of State under this Section.

25 (Source: P.A. 95-201, eff. 1-1-08; 95-382, eff. 8-23-07;
26 95-627, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1080, eff.

1 7-16-10; 96-1344, eff. 7-1-11; revised 9-2-10.)

2 (625 ILCS 5/11-1301.8)

3 Sec. 11-1301.8. Obstruction of parking places for persons
4 with disabilities.

5 (a) No property owner shall allow any unreasonable
6 obstruction of a designated aisle or parking place specifically
7 reserved for persons with disabilities after 24 hours following
8 the conclusion of an adverse weather event.

9 (b) No property owner shall allow the accumulation of
10 debris or large objects, such as trash containers, to
11 unreasonably obstruct any designated aisle or parking place
12 specifically reserved for persons with disabilities without
13 providing suitable and equivalent alternative parking spaces
14 on-site.

15 (c) This Section shall apply to both public and private
16 property where any designated aisle or parking place is
17 specifically reserved for persons with disabilities, by the
18 posting of an official sign as designated under Section 11-301
19 of this Code.

20 (d) A person who violates this Section shall be guilty of a
21 petty offense and pay a fine of not more than \$250.

22 (Source: P.A. 96-1125, eff. 1-1-11; revised 9-16-10.)

23 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

24 Sec. 12-603.1. Driver and passenger required to use safety

1 belts, exceptions and penalty.

2 (a) Each driver and front seat passenger of a motor vehicle
3 operated on a street or highway in this State shall wear a
4 properly adjusted and fastened seat safety belt; except that, a
5 child less than 8 years of age shall be protected as required
6 pursuant to the Child Passenger Protection Act. Each driver
7 under the age of 18 years and each of the driver's passengers
8 under the age of 19 years of a motor vehicle operated on a
9 street or highway in this State shall wear a properly adjusted
10 and fastened seat safety belt. Every passenger under the age of
11 19 in a vehicle being driven by a person over the age of 18 who
12 committed an offense against traffic regulations governing the
13 movement of vehicles or any violation of this Section or
14 Section 6-107 of this Code within 6 months prior to the
15 driver's 18th birthday and was subsequently convicted of the
16 violation, shall wear a properly adjusted and fastened seat
17 safety belt, until such time as a period of 6 consecutive
18 months has elapsed without the driver receiving an additional
19 violation and subsequent conviction of an offense against
20 traffic regulations governing the movement of vehicles or any
21 violation of this Section or Section 6-107 of this Code. Each
22 driver of a motor vehicle transporting a child 8 years of age
23 or more, but less than 16 years of age, shall secure the child
24 in a properly adjusted and fastened seat safety belt as
25 required under the Child Passenger Protection Act. Each driver
26 of a motor vehicle transporting a passenger who is unable, due

1 to infirmity, illness, or age, to properly adjust and fasten a
2 seat safety belt and is not exempted from wearing a seat safety
3 belt under subsection (b) shall secure the passenger in a
4 properly adjusted and fastened seat safety belt as required
5 under this Section.

6 (b) Paragraph (a) shall not apply to any of the following:

7 1. A driver or passenger frequently stopping and
8 leaving the vehicle or delivering property from the
9 vehicle, if the speed of the vehicle between stops does not
10 exceed 15 miles per hour.

11 2. A driver or passenger possessing a written statement
12 from a physician that such person is unable, for medical or
13 physical reasons, to wear a seat safety belt.

14 3. A driver or passenger possessing an official
15 certificate or license endorsement issued by the
16 appropriate agency in another state or country indicating
17 that the driver is unable for medical, physical, or other
18 valid reasons to wear a seat safety belt.

19 4. A driver operating a motor vehicle in reverse.

20 5. A motor vehicle with a model year prior to 1965.

21 6. A motorcycle or motor driven cycle.

22 7. A moped.

23 8. A motor vehicle which is not required to be equipped
24 with seat safety belts under federal law.

25 9. A motor vehicle operated by a rural letter carrier
26 of the United States postal service while performing duties

1 as a rural letter carrier.

2 (c) Failure to wear a seat safety belt in violation of this
3 Section shall not be considered evidence of negligence, shall
4 not limit the liability of an insurer, and shall not diminish
5 any recovery for damages arising out of the ownership,
6 maintenance, or operation of a motor vehicle.

7 (d) A violation of this Section shall be a petty offense
8 and subject to a fine not to exceed \$25.

9 (e) (Blank).

10 (f) A law enforcement officer may not search or inspect a
11 motor vehicle, its contents, the driver, or a passenger solely
12 because of a violation of this Section.

13 (Source: P.A. 95-310, eff. 1-1-08; 95-331, eff. 8-21-07;
14 96-554, eff. 1-1-10; 96-991, eff. 1-1-11; revised 7-22-10.)

15 Section 530. The Child Passenger Protection Act is amended
16 by changing Section 4b as follows:

17 (625 ILCS 25/4b)

18 Sec. 4b. Children 8 years of age or older but under the age
19 of 19; seat belts. Every person under the age of 18 years, when
20 transporting a child 8 years of age or older but under the age
21 of 19 years, as provided in Section 4 of this Act, shall be
22 responsible for securing that child in a properly adjusted and
23 fastened seat safety belt or an appropriate child restraint
24 system. This Section shall also apply to each driver over the

1 age of 18 years who committed an offense against traffic
2 regulations governing the movement of vehicles or any violation
3 of Section 6-107 or Section 12-603.1 of the Illinois Vehicle
4 ~~this~~ Code in the 6 months prior to the driver's 18th birthday
5 and was subsequently convicted of the violation, until such
6 time as a period of 6 consecutive months has elapsed without an
7 additional violation and subsequent conviction of an offense
8 against traffic regulations governing the movement of vehicles
9 or any violation of Section 6-107 or Section 12-603.1 of the
10 Illinois Vehicle ~~this~~ Code.

11 (Source: P.A. 95-310, eff. 1-1-08; 96-607, eff. 8-24-09;
12 revised 9-16-10.)

13 Section 535. The Snowmobile Registration and Safety Act is
14 amended by changing Section 3-1 as follows:

15 (625 ILCS 40/3-1) (from Ch. 95 1/2, par. 603-1)

16 (Text of Section before amendment by P.A. 96-1291)

17 Sec. 3-1. Operation of Unnumbered Snowmobiles. Except as
18 hereinafter provided, no person shall, after the effective date
19 of this Act, operate any snowmobile within this State unless
20 such snowmobile has been registered and numbered in accordance
21 with the provisions of this Article, and unless ~~(1)~~ the
22 certificate of number awarded to such snowmobile is in full
23 force and effect.

24 (Source: P.A. 81-702; revised 9-16-10.)

1 (Text of Section after amendment by P.A. 96-1291)

2 Sec. 3-1. Operation of Unnumbered Snowmobiles.

3 (a) Except as hereinafter provided, no person who is a
4 resident of this State shall, after the effective date of this
5 Act, operate any snowmobile within this State unless such
6 snowmobile has been registered and numbered in accordance with
7 the provisions of this Article, and unless ~~(1)~~ the certificate
8 of number awarded to such snowmobile is in full force and
9 effect. A person who is not a resident of this State and who
10 operates a snowmobile within this State may register that
11 snowmobile in this State, but in the event that he or she does
12 not, and he or she is not otherwise exempt under subsection (c)
13 of Section 3-12 of this Article, he or she must obtain and
14 display a trail use sticker in accordance with Section 3-12 of
15 this Article.

16 (b) A person convicted of violating this Section is guilty
17 of a petty offense.

18 (Source: P.A. 96-1291, eff. 4-1-11; revised 9-16-10.)

19 Section 540. The Clerks of Courts Act is amended by
20 changing Section 27.5 as follows:

21 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

22 Sec. 27.5. (a) All fees, fines, costs, additional
23 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk that equals an
2 amount less than \$55, except restitution under Section 5-5-6 of
3 the Unified Code of Corrections, reimbursement for the costs of
4 an emergency response as provided under Section 11-501 of the
5 Illinois Vehicle Code, any fees collected for attending a
6 traffic safety program under paragraph (c) of Supreme Court
7 Rule 529, any fee collected on behalf of a State's Attorney
8 under Section 4-2002 of the Counties Code or a sheriff under
9 Section 4-5001 of the Counties Code, or any cost imposed under
10 Section 124A-5 of the Code of Criminal Procedure of 1963, for
11 convictions, orders of supervision, or any other disposition
12 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, and except as otherwise
16 provided in this Section, shall be disbursed within 60 days
17 after receipt by the circuit clerk as follows: 47% shall be
18 disbursed to the entity authorized by law to receive the fine
19 imposed in the case; 12% shall be disbursed to the State
20 Treasurer; and 41% shall be disbursed to the county's general
21 corporate fund. Of the 12% disbursed to the State Treasurer,
22 1/6 shall be deposited by the State Treasurer into the Violent
23 Crime Victims Assistance Fund, 1/2 shall be deposited into the
24 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
25 be deposited into the Drivers Education Fund. For fiscal years
26 1992 and 1993, amounts deposited into the Violent Crime Victims

1 Assistance Fund, the Traffic and Criminal Conviction Surcharge
2 Fund, or the Drivers Education Fund shall not exceed 110% of
3 the amounts deposited into those funds in fiscal year 1991. Any
4 amount that exceeds the 110% limit shall be distributed as
5 follows: 50% shall be disbursed to the county's general
6 corporate fund and 50% shall be disbursed to the entity
7 authorized by law to receive the fine imposed in the case. Not
8 later than March 1 of each year the circuit clerk shall submit
9 a report of the amount of funds remitted to the State Treasurer
10 under this Section during the preceding year based upon
11 independent verification of fines and fees. All counties shall
12 be subject to this Section, except that counties with a
13 population under 2,000,000 may, by ordinance, elect not to be
14 subject to this Section. For offenses subject to this Section,
15 judges shall impose one total sum of money payable for
16 violations. The circuit clerk may add on no additional amounts
17 except for amounts that are required by Sections 27.3a and
18 27.3c of this Act, Section 16-104c of the Illinois Vehicle
19 Code, and subsection (a) of Section 5-1101 of the Counties
20 Code, unless those amounts are specifically waived by the
21 judge. With respect to money collected by the circuit clerk as
22 a result of forfeiture of bail, ex parte judgment or guilty
23 plea pursuant to Supreme Court Rule 529, the circuit clerk
24 shall first deduct and pay amounts required by Sections 27.3a
25 and 27.3c of this Act. Unless a court ordered payment schedule
26 is implemented or fee requirements are waived pursuant to a

1 court order, the circuit clerk may add to any unpaid fees and
2 costs a delinquency amount equal to 5% of the unpaid fees that
3 remain unpaid after 30 days, 10% of the unpaid fees that remain
4 unpaid after 60 days, and 15% of the unpaid fees that remain
5 unpaid after 90 days. Notice to those parties may be made by
6 signage posting or publication. The additional delinquency
7 amounts collected under this Section shall be deposited in the
8 Circuit Court Clerk Operation and Administrative Fund to be
9 used to defray administrative costs incurred by the circuit
10 clerk in performing the duties required to collect and disburse
11 funds. This Section is a denial and limitation of home rule
12 powers and functions under subsection (h) of Section 6 of
13 Article VII of the Illinois Constitution.

14 (b) The following amounts must be remitted to the State
15 Treasurer for deposit into the Illinois Animal Abuse Fund:

16 (1) 50% of the amounts collected for felony offenses
17 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
18 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
19 Animals Act and Section 26-5 of the Criminal Code of 1961;

20 (2) 20% of the amounts collected for Class A and Class
21 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
22 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
23 for Animals Act and Section 26-5 of the Criminal Code of
24 1961; and

25 (3) 50% of the amounts collected for Class C
26 misdemeanors under Sections 4.01 and 7.1 of the Humane Care

1 for Animals Act and Section 26-5 of the Criminal Code of
2 1961.

3 (c) Any person who receives a disposition of court
4 supervision for a violation of the Illinois Vehicle Code or a
5 similar provision of a local ordinance shall, in addition to
6 any other fines, fees, and court costs, pay an additional fee
7 of \$29, to be disbursed as provided in Section 16-104c of the
8 Illinois Vehicle Code. In addition to the fee of \$29, the
9 person shall also pay a fee of \$6, if not waived by the court.
10 If this \$6 fee is collected, \$5.50 of the fee shall be
11 deposited into the Circuit Court Clerk Operation and
12 Administrative Fund created by the Clerk of the Circuit Court
13 and 50 cents of the fee shall be deposited into the Prisoner
14 Review Board Vehicle and Equipment Fund in the State treasury.

15 (d) Any person convicted of, pleading guilty to, or placed
16 on supervision for a serious traffic violation, as defined in
17 Section 1-187.001 of the Illinois Vehicle Code, a violation of
18 Section 11-501 of the Illinois Vehicle Code, or a violation of
19 a similar provision of a local ordinance shall pay an
20 additional fee of \$35, to be disbursed as provided in Section
21 16-104d of that Code.

22 This subsection (d) becomes inoperative 7 years after the
23 effective date of Public Act 95-154.

24 (e) In all counties having a population of 3,000,000 or
25 more inhabitants:

26 (1) A person who is found guilty of or pleads guilty to

1 violating subsection (a) of Section 11-501 of the Illinois
2 Vehicle Code, including any person placed on court
3 supervision for violating subsection (a), shall be fined
4 \$750 as provided for by subsection (f) of Section 11-501.01
5 of the Illinois Vehicle Code, payable to the circuit clerk,
6 who shall distribute the money pursuant to subsection (f)
7 of Section 11-501.01 of the Illinois Vehicle Code.

8 (2) When a crime laboratory DUI analysis fee of \$150,
9 provided for by Section 5-9-1.9 of the Unified Code of
10 Corrections is assessed, it shall be disbursed by the
11 circuit clerk as provided by subsection (f) of Section
12 5-9-1.9 of the Unified Code of Corrections.

13 (3) When a fine for a violation of subsection (a) of
14 Section 11-605 of the Illinois Vehicle Code is \$150 or
15 greater, the additional \$50 which is charged as provided
16 for by subsection (f) of Section 11-605 of the Illinois
17 Vehicle Code shall be disbursed by the circuit clerk to a
18 school district or districts for school safety purposes as
19 provided by subsection (f) of Section 11-605.

20 (4) When a fine for a violation of subsection (a) of
21 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
22 greater, the additional \$50 which is charged as provided
23 for by subsection (c) of Section 11-1002.5 of the Illinois
24 Vehicle Code shall be disbursed by the circuit clerk to a
25 school district or districts for school safety purposes as
26 provided by subsection (c) of Section 11-1002.5 of the

1 Illinois Vehicle Code.

2 (5) When a mandatory drug court fee of up to \$5 is
3 assessed as provided in subsection (f) of Section 5-1101 of
4 the Counties Code, it shall be disbursed by the circuit
5 clerk as provided in subsection (f) of Section 5-1101 of
6 the Counties Code.

7 (6) When a mandatory teen court, peer jury, youth
8 court, or other youth diversion program fee is assessed as
9 provided in subsection (e) of Section 5-1101 of the
10 Counties Code, it shall be disbursed by the circuit clerk
11 as provided in subsection (e) of Section 5-1101 of the
12 Counties Code.

13 (7) When a Children's Advocacy Center fee is assessed
14 pursuant to subsection (f-5) of Section 5-1101 of the
15 Counties Code, it shall be disbursed by the circuit clerk
16 as provided in subsection (f-5) of Section 5-1101 of the
17 Counties Code.

18 (8) When a victim impact panel fee is assessed pursuant
19 to subsection (b) of Section 11-501.01 of the Illinois
20 Vehicle Code, it shall be disbursed by the circuit clerk to
21 the victim impact panel to be attended by the defendant.

22 (9) When a new fee collected in traffic cases is
23 enacted after January 1, 2010 (the effective date of Public
24 Act 96-735), it shall be excluded from the percentage
25 disbursement provisions of this Section unless otherwise
26 indicated by law.

1 (f) Any person who receives a disposition of court
2 supervision for a violation of Section 11-501 of the Illinois
3 Vehicle Code shall, in addition to any other fines, fees, and
4 court costs, pay an additional fee of \$50, which shall be
5 collected by the circuit clerk and then remitted to the State
6 Treasurer for deposit into the Roadside Memorial Fund, a
7 special fund in the State treasury. However, the court may
8 waive the fee if full restitution is complied with. Subject to
9 appropriation, all moneys in the Roadside Memorial Fund shall
10 be used by the Department of Transportation to pay fees imposed
11 under subsection (f) of Section 20 of the Roadside Memorial
12 Act. The fee shall be remitted by the circuit clerk within one
13 month after receipt to the State Treasurer for deposit into the
14 Roadside Memorial Fund.

15 (g) For any conviction or disposition of court supervision
16 for a violation of Section 11-1429 of the Illinois Vehicle
17 Code, the circuit clerk shall distribute the fines paid by the
18 person as specified by subsection (h) of Section 11-1429 of the
19 Illinois Vehicle Code.

20 (Source: P.A. 95-154, eff. 10-13-07; 95-428, eff. 8-24-07;
21 95-876, eff. 8-21-08; 96-286, eff. 8-11-09; 96-576, eff.
22 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735,
23 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10;
24 96-1342, eff. 1-1-11; revised 9-16-10.)

25 Section 545. The Juvenile Court Act of 1987 is amended by

1 changing Section 3-7 and by renumbering Sections 7A-120 and
2 7A-125 as follows:

3 (705 ILCS 405/3-7) (from Ch. 37, par. 803-7)

4 Sec. 3-7. Taking into temporary custody.

5 (1) A law enforcement officer may, without a warrant, take
6 into temporary custody a minor (a) whom the officer with
7 reasonable cause believes to be a minor requiring authoritative
8 intervention; (b) who has been adjudged a ward of the court and
9 has escaped from any commitment ordered by the court under this
10 Act; ~~or~~ (c) who is found in any street or public place
11 suffering from any sickness or injury which requires care,
12 medical treatment or hospitalization; or (d) whom the officer
13 with reasonable cause believes to be a minor in need of
14 supervision under Section 3-40.

15 (2) Whenever a petition has been filed under Section 3-15
16 and the court finds that the conduct and behavior of the minor
17 may endanger the health, person, welfare, or property of
18 himself or others or that the circumstances of his home
19 environment may endanger his health, person, welfare or
20 property, a warrant may be issued immediately to take the minor
21 into custody.

22 (3) The taking of a minor into temporary custody under this
23 Section is not an arrest nor does it constitute a police
24 record.

25 (4) No minor taken into temporary custody shall be placed

1 in a jail, municipal lockup, detention center, or secure
2 correctional facility.

3 (Source: P.A. 96-1087, eff. 1-1-11; revised 9-16-10.)

4 (705 ILCS 405/5-7A-120)

5 Sec. 5-7A-120 ~~7A-120~~. Escape; failure to comply with a
6 condition of the juvenile electronic home monitoring detention
7 program. A minor charged with or adjudicated delinquent for an
8 act that, if committed by an adult, would constitute a felony
9 or misdemeanor, conditionally released from the supervising
10 authority through a juvenile electronic home monitoring
11 detention program, who knowingly violates a condition of the
12 juvenile electronic home monitoring detention program shall be
13 adjudicated a delinquent minor for such act and shall be
14 subject to an additional sentencing order under Section 5-710.

15 (Source: P.A. 96-293, eff. 1-1-10; revised 2-22-10.)

16 (705 ILCS 405/5-7A-125)

17 Sec. 5-7A-125 ~~7A-125~~. Consent of the participant. Before
18 entering an order for commitment for juvenile electronic home
19 detention, the supervising authority shall inform the
20 participant and other persons residing in the home of the
21 nature and extent of the approved electronic monitoring devices
22 by doing the following:

23 (A) Securing the written consent of the participant in
24 the program to comply with the rules and regulations of the

1 program as stipulated in paragraphs (A) through (I) of
2 Section 5-7A-115.

3 (B) Where possible, securing the written consent of
4 other persons residing in the home of the participant,
5 including the parent or legal guardian of the minor and of
6 the person in whose name the telephone is registered, at
7 the time of the order or commitment for electronic home
8 detention is entered and acknowledge the nature and extent
9 of approved electronic monitoring devices.

10 (C) Ensure that the approved electronic devices are
11 minimally intrusive upon the privacy of the participant and
12 other persons residing in the home while remaining in
13 compliance with paragraphs (B) through (D) of Section
14 5-7A-115.

15 (Source: P.A. 96-293, eff. 1-1-10; revised 2-22-10.)

16 Section 550. The Criminal Code of 1961 is amended by
17 renumbering Section 9-3-1.5 and by changing Sections 11-9.1,
18 11-19.3, 12-2, 14-3, 16G-15, 31A-1.2, and 36-1 as follows:

19 (720 ILCS 5/9-3.5)

20 Sec. 9-3.5 ~~9-3-1.5~~. Concealment of death.

21 (a) For purposes of this Section, "conceal" means the
22 performing of some act or acts for the purpose of preventing or
23 delaying the discovery of a death. "Conceal" means something
24 more than simply withholding knowledge or failing to disclose

1 information.

2 (b) A person commits the offense of concealment of death
3 when he or she knowingly conceals the death of any other person
4 who died by other than homicidal means.

5 (c) A person commits the offense of concealment of death
6 when he or she knowingly moves the body of a dead person from
7 its place of death, with the intent of concealing information
8 regarding the place or manner of death of that person, or the
9 identity of any person with information regarding the death of
10 that person. This subsection shall not apply to any movement of
11 the body of a dead person by medical personnel, fire fighters,
12 law enforcement officers, coroners, medical examiners, or
13 licensed funeral directors, or by any person acting at the
14 direction of medical personnel, fire fighters, law enforcement
15 officers, coroners, medical examiners, or licensed funeral
16 directors.

17 (d) Sentence. Concealment of death is a Class 4 felony.
18 (Source: P.A. 96-1361, eff. 1-1-11; revised 8-30-10.)

19 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

20 Sec. 11-9.1. Sexual exploitation of a child.

21 (a) Any person commits sexual exploitation of a child if in
22 the presence or virtual presence, or both, of a child and with
23 intent or knowledge that a child or one whom he or she believes
24 to be a child would view his or her acts, that person:

25 (1) engages in a sexual act; or

1 (2) exposes his or her sex organs, anus or breast for
2 the purpose of sexual arousal or gratification of such
3 person or the child or one whom he or she believes to be a
4 child.

5 (a-5) A person commits sexual exploitation of a child who
6 knowingly entices, coerces, or persuades a child to remove the
7 child's clothing for the purpose of sexual arousal or
8 gratification of the person or the child, or both.

9 (b) Definitions. As used in this Section:

10 "Sexual act" means masturbation, sexual conduct or sexual
11 penetration as defined in Section 12-12 of this Code.

12 "Sex offense" means any violation of Article 11 of this
13 Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,
14 12-16, or 12-16.2 of this Code.

15 "Child" means a person under 17 years of age.

16 "Virtual presence" means an environment that is created
17 with software and presented to the user and or receiver via the
18 Internet, in such a way that the user appears in front of the
19 receiver on the computer monitor or screen or hand held
20 portable electronic device, usually through a web camming
21 program. "Virtual presence" includes primarily experiencing
22 through sight or sound, or both, a video image that can be
23 explored interactively at a personal computer or hand held
24 communication device, or both.

25 "Webcam" means a video capturing device connected to a
26 computer or computer network that is designed to take digital

1 photographs or live or recorded video which allows for the live
2 transmission to an end user over the Internet.

3 (c) Sentence.

4 (1) Sexual exploitation of a child is a Class A
5 misdemeanor. A second or subsequent violation of this
6 Section or a substantially similar law of another state is
7 a Class 4 felony.

8 (2) Sexual exploitation of a child is a Class 4 felony
9 if the person has been previously convicted of a sex
10 offense.

11 (3) Sexual exploitation of a child is a Class 4 felony
12 if the victim was under 13 years of age at the time of the
13 commission of the offense.

14 (4) Sexual exploitation of a child is a Class 4 felony
15 if committed by a person 18 years of age or older who is on
16 or within 500 feet of elementary or secondary school
17 grounds when children are present on the grounds.

18 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;
19 revised 9-16-10.)

20 (720 ILCS 5/11-19.3)

21 Sec. 11-19.3. Vehicle impoundment.

22 (a) In addition to any other penalty provided by law, a
23 peace officer who arrests a person for a violation of Section
24 10-9, 11-14 ~~10-14~~, 11-14.1, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, or 11-19.2 of this

1 Code, may tow and impound any vehicle used by the person in the
2 commission of the offense. The person arrested for one or more
3 such violations shall be charged a \$1,000 fee, to be paid to
4 the unit of government that made the arrest. The person may
5 recover the vehicle from the impound after a minimum of 2 hours
6 after arrest upon payment of the fee.

7 (b) \$500 of the fee shall be distributed to the unit of
8 government whose peace officers made the arrest, for the costs
9 incurred by the unit of government to tow and impound the
10 vehicle. Upon the defendant's conviction of one or more of the
11 offenses in connection with which the vehicle was impounded and
12 the fee imposed under this Section, the remaining \$500 of the
13 fee shall be deposited into the Violent Crime Victims
14 Assistance Fund and shall be used by the Department of Human
15 Services to make grants to non-governmental organizations to
16 provide services for persons encountered during the course of
17 an investigation into any violation of Section 10-9, 11-14,
18 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
19 11-18.1, 11-19, 11-19.1, or 11-19.2 of this Code, provided such
20 persons constitute prostituted persons or other victims of
21 human trafficking.

22 (c) Upon the presentation by the defendant of a signed
23 court order showing that the defendant has been acquitted of
24 all of the offenses in connection with which a vehicle was
25 impounded and a fee imposed under this Section, or that the
26 charges against the defendant for those offenses have been

1 dismissed, the unit of government shall refund the \$1,000 fee
2 to the defendant.

3 (Source: P.A. 96-1464, eff. 8-20-10; revised 11-4-10.)

4 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

5 Sec. 12-2. Aggravated assault.

6 (a) A person commits an aggravated assault, when, in
7 committing an assault, he:

8 (1) Uses a deadly weapon, an air rifle as defined in
9 the Air Rifle Act, or any device manufactured and designed
10 to be substantially similar in appearance to a firearm,
11 other than by discharging a firearm in the direction of
12 another person, a peace officer, a person summoned or
13 directed by a peace officer, a correctional officer, a
14 private security officer, or a fireman or in the direction
15 of a vehicle occupied by another person, a peace officer, a
16 person summoned or directed by a peace officer, a
17 correctional officer, a private security officer, or a
18 fireman while the officer or fireman is engaged in the
19 execution of any of his official duties, or to prevent the
20 officer or fireman from performing his official duties, or
21 in retaliation for the officer or fireman performing his
22 official duties;

23 (2) Is hooded, robed or masked in such manner as to
24 conceal his identity or any device manufactured and
25 designed to be substantially similar in appearance to a

1 firearm;

2 (3) Knows the individual assaulted to be a teacher or
3 other person employed in any school and such teacher or
4 other employee is upon the grounds of a school or grounds
5 adjacent thereto, or is in any part of a building used for
6 school purposes;

7 (4) Knows the individual assaulted to be a supervisor,
8 director, instructor or other person employed in any park
9 district and such supervisor, director, instructor or
10 other employee is upon the grounds of the park or grounds
11 adjacent thereto, or is in any part of a building used for
12 park purposes;

13 (5) Knows the individual assaulted to be a caseworker,
14 investigator, or other person employed by the Department of
15 Healthcare and Family Services (formerly State Department
16 of Public Aid), a County Department of Public Aid, or the
17 Department of Human Services (acting as successor to the
18 Illinois Department of Public Aid under the Department of
19 Human Services Act) and such caseworker, investigator, or
20 other person is upon the grounds of a public aid office or
21 grounds adjacent thereto, or is in any part of a building
22 used for public aid purposes, or upon the grounds of a home
23 of a public aid applicant, recipient or any other person
24 being interviewed or investigated in the employee's
25 discharge of his duties, or on grounds adjacent thereto, or
26 is in any part of a building in which the applicant,

1 recipient, or other such person resides or is located;

2 (6) Knows the individual assaulted to be a peace
3 officer, a community policing volunteer, a private
4 security officer, or a fireman while the officer or fireman
5 is engaged in the execution of any of his official duties,
6 or to prevent the officer, community policing volunteer, or
7 fireman from performing his official duties, or in
8 retaliation for the officer, community policing volunteer,
9 or fireman performing his official duties, and the assault
10 is committed other than by the discharge of a firearm in
11 the direction of the officer or fireman or in the direction
12 of a vehicle occupied by the officer or fireman;

13 (7) Knows the individual assaulted to be an emergency
14 medical technician - ambulance, emergency medical
15 technician - intermediate, emergency medical technician -
16 paramedic, ambulance driver or other medical assistance or
17 first aid personnel engaged in the execution of any of his
18 official duties, or to prevent the emergency medical
19 technician - ambulance, emergency medical technician -
20 intermediate, emergency medical technician - paramedic,
21 ambulance driver, or other medical assistance or first aid
22 personnel from performing his official duties, or in
23 retaliation for the emergency medical technician -
24 ambulance, emergency medical technician - intermediate,
25 emergency medical technician - paramedic, ambulance
26 driver, or other medical assistance or first aid personnel

1 performing his official duties;

2 (8) Knows the individual assaulted to be the driver,
3 operator, employee or passenger of any transportation
4 facility or system engaged in the business of
5 transportation of the public for hire and the individual
6 assaulted is then performing in such capacity or then using
7 such public transportation as a passenger or using any area
8 of any description designated by the transportation
9 facility or system as a vehicle boarding, departure, or
10 transfer location;

11 (9) Or the individual assaulted is on or about a public
12 way, public property, or public place of accommodation or
13 amusement;

14 (9.5) Is, or the individual assaulted is, in or about a
15 publicly or privately owned sports or entertainment arena,
16 stadium, community or convention hall, special event
17 center, amusement facility, or a special event center in a
18 public park during any 24-hour period when a professional
19 sporting event, National Collegiate Athletic Association
20 (NCAA)-sanctioned sporting event, United States Olympic
21 Committee-sanctioned sporting event, or International
22 Olympic Committee-sanctioned sporting event is taking
23 place in this venue;

24 (10) Knows the individual assaulted to be an employee
25 of the State of Illinois, a municipal corporation therein
26 or a political subdivision thereof, engaged in the

1 performance of his authorized duties as such employee;

2 (11) Knowingly and without legal justification,
3 commits an assault on a physically handicapped person;

4 (12) Knowingly and without legal justification,
5 commits an assault on a person 60 years of age or older;

6 (13) Discharges a firearm, other than from a motor
7 vehicle;

8 (13.5) Discharges a firearm from a motor vehicle;

9 (14) Knows the individual assaulted to be a
10 correctional officer, while the officer is engaged in the
11 execution of any of his or her official duties, or to
12 prevent the officer from performing his or her official
13 duties, or in retaliation for the officer performing his or
14 her official duties;

15 (14.5) Knows the individual assaulted to be a probation
16 officer, as defined in the Probation and Probation Officers
17 Act, while the officer is engaged in the execution of any
18 of his or her official duties, or to prevent the officer
19 from performing his or her official duties, or in
20 retaliation for the officer performing his or her official
21 duties;

22 (15) Knows the individual assaulted to be a
23 correctional employee or an employee or officer of the
24 Department of Human Services supervising or controlling
25 sexually dangerous persons or sexually violent persons, or
26 an employee of a subcontractor of the Department of Human

1 Services supervising or controlling sexually dangerous
2 persons or sexually violent persons, while the employee or
3 officer is engaged in the execution of any of his or her
4 official duties, or to prevent the employee or officer from
5 performing his or her official duties, or in retaliation
6 for the employee or officer performing his or her official
7 duties, and the assault is committed other than by the
8 discharge of a firearm in the direction of the employee or
9 officer or in the direction of a vehicle occupied by the
10 employee or officer;

11 (16) Knows the individual assaulted to be an employee
12 of a police or sheriff's department, or a person who is
13 employed by a municipality and whose duties include traffic
14 control, engaged in the performance of his or her official
15 duties as such employee;

16 (17) Knows the individual assaulted to be a sports
17 official or coach at any level of competition and the act
18 causing the assault to the sports official or coach
19 occurred within an athletic facility or an indoor or
20 outdoor playing field or within the immediate vicinity of
21 the athletic facility or an indoor or outdoor playing field
22 at which the sports official or coach was an active
23 participant in the athletic contest held at the athletic
24 facility. For the purposes of this paragraph (17), "sports
25 official" means a person at an athletic contest who
26 enforces the rules of the contest, such as an umpire or

1 referee; and "coach" means a person recognized as a coach
2 by the sanctioning authority that conducted the athletic
3 contest;

4 (18) Knows the individual assaulted to be an emergency
5 management worker, while the emergency management worker
6 is engaged in the execution of any of his or her official
7 duties, or to prevent the emergency management worker from
8 performing his or her official duties, or in retaliation
9 for the emergency management worker performing his or her
10 official duties, and the assault is committed other than by
11 the discharge of a firearm in the direction of the
12 emergency management worker or in the direction of a
13 vehicle occupied by the emergency management worker; or

14 (19) Knows the individual assaulted to be a utility
15 worker, while the utility worker is engaged in the
16 execution of his or her duties, or to prevent the utility
17 worker from performing his or her duties, or in retaliation
18 for the utility worker performing his or her duties. In
19 this paragraph (19), "utility worker" means a person
20 employed by a public utility as defined in Section 3-105 of
21 the Public Utilities Act and also includes an employee of a
22 municipally owned utility, an employee of a cable
23 television company, an employee of an electric cooperative
24 as defined in Section 3-119 of the Public Utilities Act, an
25 independent contractor or an employee of an independent
26 contractor working on behalf of a cable television company,

1 public utility, municipally owned utility, or an electric
2 cooperative, or an employee of a telecommunications
3 carrier as defined in Section 13-202 of the Public
4 Utilities Act, an independent contractor or an employee of
5 an independent contractor working on behalf of a
6 telecommunications carrier, or an employee of a telephone
7 or telecommunications cooperative as defined in Section
8 13-212 of the Public Utilities Act, or an independent
9 contractor or an employee of an independent contractor
10 working on behalf of a telephone or telecommunications
11 cooperative.

12 (a-5) A person commits an aggravated assault when he or she
13 knowingly and without lawful justification shines or flashes a
14 laser gunsight or other laser device that is attached or
15 affixed to a firearm, or used in concert with a firearm, so
16 that the laser beam strikes near or in the immediate vicinity
17 of any person.

18 (a-10) A person commits an aggravated assault when he or
19 she knowingly and without justification operates a motor
20 vehicle in a manner which places a person in reasonable
21 apprehension of being struck by a moving vehicle.

22 (b) Sentence.

23 Aggravated assault as defined in paragraphs (1) through (5)
24 and (8) through (12) and (17) and (19) of subsection (a) of
25 this Section is a Class A misdemeanor. Aggravated assault as
26 defined in paragraphs (13), (14), (14.5), and (15) of

1 subsection (a) of this Section and as defined in subsection
2 (a-5) or (a-10) of this Section is a Class 4 felony. Aggravated
3 assault as defined in paragraphs (6) and (16) of subsection (a)
4 of this Section is a Class A misdemeanor if a Category I,
5 Category II, or Category III weapon is not used in the
6 commission of the assault. Aggravated assault as defined in
7 paragraphs (6) and (16) of subsection (a) of this Section is a
8 Class 4 felony if a Category I, Category II, or Category III
9 weapon is used in the commission of the assault. Aggravated
10 assault as defined in paragraphs (7) and (18) of subsection (a)
11 of this Section is a Class A misdemeanor if a firearm is not
12 used in the commission of the assault. Aggravated assault as
13 defined in paragraphs (7) and (18) of subsection (a) of this
14 Section is a Class 4 felony if a firearm is used in the
15 commission of the assault. Aggravated assault as defined in
16 subsection (a-10) where the victim was a person defined in
17 paragraph (6) or paragraph (13.5) of subsection (a) is a Class
18 3 felony. For the purposes of this subsection (b), "Category I
19 weapon", "Category II weapon", and "Category III weapon" have
20 the meanings ascribed to those terms in subsection (c) of
21 Section 33A-1 of this Code.

22 (c) For the purposes of paragraphs (1) and (6) of
23 subsection (a), "private security officer" means a registered
24 employee of a private security contractor agency under the
25 Private Detective, Private Alarm, Private Security,
26 Fingerprint Vendor, and Locksmith Act of 2004.

1 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
2 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
3 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; 96-1000,
4 eff. 7-2-10; 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10;
5 revised 9-16-10.)

6 (720 ILCS 5/14-3)

7 Sec. 14-3. Exemptions. The following activities shall be
8 exempt from the provisions of this Article:

9 (a) Listening to radio, wireless and television
10 communications of any sort where the same are publicly made;

11 (b) Hearing conversation when heard by employees of any
12 common carrier by wire incidental to the normal course of their
13 employment in the operation, maintenance or repair of the
14 equipment of such common carrier by wire so long as no
15 information obtained thereby is used or divulged by the hearer;

16 (c) Any broadcast by radio, television or otherwise whether
17 it be a broadcast or recorded for the purpose of later
18 broadcasts of any function where the public is in attendance
19 and the conversations are overheard incidental to the main
20 purpose for which such broadcasts are then being made;

21 (d) Recording or listening with the aid of any device to
22 any emergency communication made in the normal course of
23 operations by any federal, state or local law enforcement
24 agency or institutions dealing in emergency services,
25 including, but not limited to, hospitals, clinics, ambulance

1 services, fire fighting agencies, any public utility,
2 emergency repair facility, civilian defense establishment or
3 military installation;

4 (e) Recording the proceedings of any meeting required to be
5 open by the Open Meetings Act, as amended;

6 (f) Recording or listening with the aid of any device to
7 incoming telephone calls of phone lines publicly listed or
8 advertised as consumer "hotlines" by manufacturers or
9 retailers of food and drug products. Such recordings must be
10 destroyed, erased or turned over to local law enforcement
11 authorities within 24 hours from the time of such recording and
12 shall not be otherwise disseminated. Failure on the part of the
13 individual or business operating any such recording or
14 listening device to comply with the requirements of this
15 subsection shall eliminate any civil or criminal immunity
16 conferred upon that individual or business by the operation of
17 this Section;

18 (g) With prior notification to the State's Attorney of the
19 county in which it is to occur, recording or listening with the
20 aid of any device to any conversation where a law enforcement
21 officer, or any person acting at the direction of law
22 enforcement, is a party to the conversation and has consented
23 to it being intercepted or recorded under circumstances where
24 the use of the device is necessary for the protection of the
25 law enforcement officer or any person acting at the direction
26 of law enforcement, in the course of an investigation of a

1 forcible felony, a felony offense of involuntary servitude,
2 involuntary sexual servitude of a minor, or trafficking in
3 persons for forced labor or services under Section 10-9 of this
4 Code, an offense involving prostitution, solicitation of a
5 sexual act, or pandering, a felony violation of the Illinois
6 Controlled Substances Act, a felony violation of the Cannabis
7 Control Act, a felony violation of the Methamphetamine Control
8 and Community Protection Act, any "streetgang related" or
9 "gang-related" felony as those terms are defined in the
10 Illinois Streetgang Terrorism Omnibus Prevention Act, or any
11 felony offense involving any weapon listed in paragraphs (1)
12 through (11) of subsection (a) of Section 24-1 of this Code.
13 Any recording or evidence derived as the result of this
14 exemption shall be inadmissible in any proceeding, criminal,
15 civil or administrative, except (i) where a party to the
16 conversation suffers great bodily injury or is killed during
17 such conversation, or (ii) when used as direct impeachment of a
18 witness concerning matters contained in the interception or
19 recording. The Director of the Department of State Police shall
20 issue regulations as are necessary concerning the use of
21 devices, retention of tape recordings, and reports regarding
22 their use;

23 (g-5) With approval of the State's Attorney of the county
24 in which it is to occur, recording or listening with the aid of
25 any device to any conversation where a law enforcement officer,
26 or any person acting at the direction of law enforcement, is a

1 party to the conversation and has consented to it being
2 intercepted or recorded in the course of an investigation of
3 any offense defined in Article 29D of this Code. In all such
4 cases, an application for an order approving the previous or
5 continuing use of an eavesdropping device must be made within
6 48 hours of the commencement of such use. In the absence of
7 such an order, or upon its denial, any continuing use shall
8 immediately terminate. The Director of State Police shall issue
9 rules as are necessary concerning the use of devices, retention
10 of tape recordings, and reports regarding their use.

11 Any recording or evidence obtained or derived in the course
12 of an investigation of any offense defined in Article 29D of
13 this Code shall, upon motion of the State's Attorney or
14 Attorney General prosecuting any violation of Article 29D, be
15 reviewed in camera with notice to all parties present by the
16 court presiding over the criminal case, and, if ruled by the
17 court to be relevant and otherwise admissible, it shall be
18 admissible at the trial of the criminal case.

19 This subsection (g-5) is inoperative on and after January
20 1, 2005. No conversations recorded or monitored pursuant to
21 this subsection (g-5) shall be inadmissible in a court of law
22 by virtue of the repeal of this subsection (g-5) on January 1,
23 2005;

24 (g-6) With approval of the State's Attorney of the county
25 in which it is to occur, recording or listening with the aid of
26 any device to any conversation where a law enforcement officer,

1 or any person acting at the direction of law enforcement, is a
2 party to the conversation and has consented to it being
3 intercepted or recorded in the course of an investigation of
4 involuntary servitude, involuntary sexual servitude of a
5 minor, trafficking in persons for forced labor or services,
6 child pornography, aggravated child pornography, indecent
7 solicitation of a child, child abduction, luring of a minor,
8 sexual exploitation of a child, predatory criminal sexual
9 assault of a child, aggravated criminal sexual abuse in which
10 the victim of the offense was at the time of the commission of
11 the offense under 18 years of age, criminal sexual abuse by
12 force or threat of force in which the victim of the offense was
13 at the time of the commission of the offense under 18 years of
14 age, or aggravated criminal sexual assault in which the victim
15 of the offense was at the time of the commission of the offense
16 under 18 years of age. In all such cases, an application for an
17 order approving the previous or continuing use of an
18 eavesdropping device must be made within 48 hours of the
19 commencement of such use. In the absence of such an order, or
20 upon its denial, any continuing use shall immediately
21 terminate. The Director of State Police shall issue rules as
22 are necessary concerning the use of devices, retention of
23 recordings, and reports regarding their use. Any recording or
24 evidence obtained or derived in the course of an investigation
25 of involuntary servitude, involuntary sexual servitude of a
26 minor, trafficking in persons for forced labor or services,

1 child pornography, aggravated child pornography, indecent
2 solicitation of a child, child abduction, luring of a minor,
3 sexual exploitation of a child, predatory criminal sexual
4 assault of a child, aggravated criminal sexual abuse in which
5 the victim of the offense was at the time of the commission of
6 the offense under 18 years of age, criminal sexual abuse by
7 force or threat of force in which the victim of the offense was
8 at the time of the commission of the offense under 18 years of
9 age, or aggravated criminal sexual assault in which the victim
10 of the offense was at the time of the commission of the offense
11 under 18 years of age shall, upon motion of the State's
12 Attorney or Attorney General prosecuting any case involving
13 involuntary servitude, involuntary sexual servitude of a
14 minor, trafficking in persons for forced labor or services,
15 child pornography, aggravated child pornography, indecent
16 solicitation of a child, child abduction, luring of a minor,
17 sexual exploitation of a child, predatory criminal sexual
18 assault of a child, aggravated criminal sexual abuse in which
19 the victim of the offense was at the time of the commission of
20 the offense under 18 years of age, criminal sexual abuse by
21 force or threat of force in which the victim of the offense was
22 at the time of the commission of the offense under 18 years of
23 age, or aggravated criminal sexual assault in which the victim
24 of the offense was at the time of the commission of the offense
25 under 18 years of age, be reviewed in camera with notice to all
26 parties present by the court presiding over the criminal case,

1 and, if ruled by the court to be relevant and otherwise
2 admissible, it shall be admissible at the trial of the criminal
3 case. Absent such a ruling, any such recording or evidence
4 shall not be admissible at the trial of the criminal case;

5 (h) Recordings made simultaneously with the use of an
6 in-car video camera recording of an oral conversation between a
7 uniformed peace officer, who has identified his or her office,
8 and a person in the presence of the peace officer whenever (i)
9 an officer assigned a patrol vehicle is conducting an
10 enforcement stop; or (ii) patrol vehicle emergency lights are
11 activated or would otherwise be activated if not for the need
12 to conceal the presence of law enforcement.

13 For the purposes of this subsection (h), "enforcement stop"
14 means an action by a law enforcement officer in relation to
15 enforcement and investigation duties, including but not
16 limited to, traffic stops, pedestrian stops, abandoned vehicle
17 contacts, motorist assists, commercial motor vehicle stops,
18 roadside safety checks, requests for identification, or
19 responses to requests for emergency assistance;

20 (h-5) Recordings of utterances made by a person while in
21 the presence of a uniformed peace officer and while an occupant
22 of a police vehicle including, but not limited to, (i)
23 recordings made simultaneously with the use of an in-car video
24 camera and (ii) recordings made in the presence of the peace
25 officer utilizing video or audio systems, or both, authorized
26 by the law enforcement agency;

1 (h-10) Recordings made simultaneously with a video camera
2 recording during the use of a taser or similar weapon or device
3 by a peace officer if the weapon or device is equipped with
4 such camera;

5 (h-15) Recordings made under subsection (h), (h-5), or
6 (h-10) shall be retained by the law enforcement agency that
7 employs the peace officer who made the recordings for a storage
8 period of 90 days, unless the recordings are made as a part of
9 an arrest or the recordings are deemed evidence in any
10 criminal, civil, or administrative proceeding and then the
11 recordings must only be destroyed upon a final disposition and
12 an order from the court. Under no circumstances shall any
13 recording be altered or erased prior to the expiration of the
14 designated storage period. Upon completion of the storage
15 period, the recording medium may be erased and reissued for
16 operational use;

17 (i) Recording of a conversation made by or at the request
18 of a person, not a law enforcement officer or agent of a law
19 enforcement officer, who is a party to the conversation, under
20 reasonable suspicion that another party to the conversation is
21 committing, is about to commit, or has committed a criminal
22 offense against the person or a member of his or her immediate
23 household, and there is reason to believe that evidence of the
24 criminal offense may be obtained by the recording;

25 (j) The use of a telephone monitoring device by either (1)
26 a corporation or other business entity engaged in marketing or

1 opinion research or (2) a corporation or other business entity
2 engaged in telephone solicitation, as defined in this
3 subsection, to record or listen to oral telephone solicitation
4 conversations or marketing or opinion research conversations
5 by an employee of the corporation or other business entity
6 when:

7 (i) the monitoring is used for the purpose of service
8 quality control of marketing or opinion research or
9 telephone solicitation, the education or training of
10 employees or contractors engaged in marketing or opinion
11 research or telephone solicitation, or internal research
12 related to marketing or opinion research or telephone
13 solicitation; and

14 (ii) the monitoring is used with the consent of at
15 least one person who is an active party to the marketing or
16 opinion research conversation or telephone solicitation
17 conversation being monitored.

18 No communication or conversation or any part, portion, or
19 aspect of the communication or conversation made, acquired, or
20 obtained, directly or indirectly, under this exemption (j), may
21 be, directly or indirectly, furnished to any law enforcement
22 officer, agency, or official for any purpose or used in any
23 inquiry or investigation, or used, directly or indirectly, in
24 any administrative, judicial, or other proceeding, or divulged
25 to any third party.

26 When recording or listening authorized by this subsection

1 (j) on telephone lines used for marketing or opinion research
2 or telephone solicitation purposes results in recording or
3 listening to a conversation that does not relate to marketing
4 or opinion research or telephone solicitation; the person
5 recording or listening shall, immediately upon determining
6 that the conversation does not relate to marketing or opinion
7 research or telephone solicitation, terminate the recording or
8 listening and destroy any such recording as soon as is
9 practicable.

10 Business entities that use a telephone monitoring or
11 telephone recording system pursuant to this exemption (j) shall
12 provide current and prospective employees with notice that the
13 monitoring or recordings may occur during the course of their
14 employment. The notice shall include prominent signage
15 notification within the workplace.

16 Business entities that use a telephone monitoring or
17 telephone recording system pursuant to this exemption (j) shall
18 provide their employees or agents with access to personal-only
19 telephone lines which may be pay telephones, that are not
20 subject to telephone monitoring or telephone recording.

21 For the purposes of this subsection (j), "telephone
22 solicitation" means a communication through the use of a
23 telephone by live operators:

24 (i) soliciting the sale of goods or services;

25 (ii) receiving orders for the sale of goods or
26 services;

- 1 (iii) assisting in the use of goods or services; or
2 (iv) engaging in the solicitation, administration, or
3 collection of bank or retail credit accounts.

4 For the purposes of this subsection (j), "marketing or
5 opinion research" means a marketing or opinion research
6 interview conducted by a live telephone interviewer engaged by
7 a corporation or other business entity whose principal business
8 is the design, conduct, and analysis of polls and surveys
9 measuring the opinions, attitudes, and responses of
10 respondents toward products and services, or social or
11 political issues, or both;

12 (k) Electronic recordings, including but not limited to, a
13 motion picture, videotape, digital, or other visual or audio
14 recording, made of a custodial interrogation of an individual
15 at a police station or other place of detention by a law
16 enforcement officer under Section 5-401.5 of the Juvenile Court
17 Act of 1987 or Section 103-2.1 of the Code of Criminal
18 Procedure of 1963;

19 (l) Recording the interview or statement of any person when
20 the person knows that the interview is being conducted by a law
21 enforcement officer or prosecutor and the interview takes place
22 at a police station that is currently participating in the
23 Custodial Interview Pilot Program established under the
24 Illinois Criminal Justice Information Act;

25 (m) An electronic recording, including but not limited to,
26 a motion picture, videotape, digital, or other visual or audio

1 recording, made of the interior of a school bus while the
2 school bus is being used in the transportation of students to
3 and from school and school-sponsored activities, when the
4 school board has adopted a policy authorizing such recording,
5 notice of such recording policy is included in student
6 handbooks and other documents including the policies of the
7 school, notice of the policy regarding recording is provided to
8 parents of students, and notice of such recording is clearly
9 posted on the door of and inside the school bus.

10 Recordings made pursuant to this subsection (m) shall be
11 confidential records and may only be used by school officials
12 (or their designees) and law enforcement personnel for
13 investigations, school disciplinary actions and hearings,
14 proceedings under the Juvenile Court Act of 1987, and criminal
15 prosecutions, related to incidents occurring in or around the
16 school bus;

17 (n) Recording or listening to an audio transmission from a
18 microphone placed by a person under the authority of a law
19 enforcement agency inside a bait car surveillance vehicle while
20 simultaneously capturing a photographic or video image;

21 (o) The use of an eavesdropping camera or audio device
22 during an ongoing hostage or barricade situation by a law
23 enforcement officer or individual acting on behalf of a law
24 enforcement officer when the use of such device is necessary to
25 protect the safety of the general public, hostages, or law
26 enforcement officers or anyone acting on their behalf; and

1 (p) Recording or listening with the aid of any device to
2 incoming telephone calls of phone lines publicly listed or
3 advertised as the "CPS Violence Prevention Hotline" but only
4 where the notice of recording is given at the beginning of each
5 call as required by Section 34-21.8 of the School Code. The
6 recordings may be retained only by the Chicago Police
7 Department or other law enforcement authorities, and shall not
8 be otherwise retained or disseminated.

9 (Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07;
10 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff.
11 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff.
12 8-25-09; 96-1000, eff. 7-2-10; 96-1425, eff. 1-1-11; 96-1464,
13 eff. 8-20-10; revised 9-16-10.)

14 (720 ILCS 5/16G-15)

15 Sec. 16G-15. Identity theft.

16 (a) A person commits the offense of identity theft when he
17 or she knowingly:

18 (1) uses any personal identifying information or
19 personal identification document of another person to
20 fraudulently obtain credit, money, goods, services, or
21 other property;

22 (2) uses any personal identification information or
23 personal identification document of another with intent to
24 commit any felony theft or other felony violation of State
25 law not set forth in paragraph (1) of this subsection (a);

1 ~~or~~

2 (3) obtains, records, possesses, sells, transfers,
3 purchases, or manufactures any personal identification
4 information or personal identification document of another
5 with intent to commit or to aid or abet another in
6 committing any felony theft or other felony violation of
7 State law; ~~or~~

8 (4) uses, obtains, records, possesses, sells,
9 transfers, purchases, or manufactures any personal
10 identification information or personal identification
11 document of another knowing that such personal
12 identification information or personal identification
13 documents were stolen or produced without lawful
14 authority; ~~or~~

15 (5) uses, transfers, or possesses document-making
16 implements to produce false identification or false
17 documents with knowledge that they will be used by the
18 person or another to commit any felony theft or other
19 felony violation of State law; ~~or~~

20 (6) uses any personal identification information or
21 personal identification document of another to portray
22 himself or herself as that person, or otherwise, for the
23 purpose of gaining access to any personal identification
24 information or personal identification document of that
25 person, without the prior express permission of that
26 person; ~~or~~

1 (7) uses any personal identification information or
2 personal identification document of another for the
3 purpose of gaining access to any record of the actions
4 taken, communications made or received, or other
5 activities or transactions of that person, without the
6 prior express permission of that person;~~; or~~

7 (8) in the course of applying for a building permit
8 with a unit of a local government, provides the license
9 number of a roofing contractor whom he or she does not
10 intend to have perform the work on the roofing portion of
11 the project;it.~~It~~ is an affirmative defense to
12 prosecution under this paragraph (8) that the building
13 permit applicant promptly informed the unit of local
14 government that issued the building permit of any change in
15 the roofing contractor;or~~.~~

16 (9) ~~(8)~~ in the course of applying for a building permit
17 with a unit of local government, provides the license
18 number of a fire sprinkler contractor whom he or she does
19 not intend to have perform the work on the fire sprinkler
20 portion of the project;it.~~It~~ is an affirmative defense to
21 prosecution under this paragraph (9) ~~(8)~~ that the building
22 permit applicant promptly informed the unit of local
23 government that issued the building permit of any change in
24 the fire sprinkler contractor.

25 (b) Knowledge shall be determined by an evaluation of all
26 circumstances surrounding the use of the other person's

1 identifying information or document.

2 (c) When a charge of identity theft of credit, money,
3 goods, services, or other property exceeding a specified value
4 is brought the value of the credit, money, goods, services, or
5 other property is an element of the offense to be resolved by
6 the trier of fact as either exceeding or not exceeding the
7 specified value.

8 (d) Sentence.

9 (1) A person convicted of identity theft in violation
10 of paragraph (1) of subsection (a) shall be sentenced as
11 follows:

12 (A) Identity theft of credit, money, goods,
13 services, or other property not exceeding \$300 in value
14 is a Class 4 felony. A person who has been previously
15 convicted of identity theft of less than \$300 who is
16 convicted of a second or subsequent offense of identity
17 theft of less than \$300 is guilty of a Class 3 felony.
18 A person who has been convicted of identity theft of
19 less than \$300 who has been previously convicted of any
20 type of theft, robbery, armed robbery, burglary,
21 residential burglary, possession of burglary tools,
22 home invasion, home repair fraud, aggravated home
23 repair fraud, or financial exploitation of an elderly
24 or disabled person is guilty of a Class 3 felony.
25 Identity theft of credit, money, goods, services, or
26 other property not exceeding \$300 in value when the

1 victim of the identity theft is an active duty member
2 of the Armed Services or Reserve Forces of the United
3 States or of the Illinois National Guard serving in a
4 foreign country is a Class 3 felony. A person who has
5 been previously convicted of identity theft of less
6 than \$300 who is convicted of a second or subsequent
7 offense of identity theft of less than \$300 when the
8 victim of the identity theft is an active duty member
9 of the Armed Services or Reserve Forces of the United
10 States or of the Illinois National Guard serving in a
11 foreign country is guilty of a Class 2 felony. A person
12 who has been convicted of identity theft of less than
13 \$300 when the victim of the identity theft is an active
14 duty member of the Armed Services or Reserve Forces of
15 the United States or of the Illinois National Guard
16 serving in a foreign country who has been previously
17 convicted of any type of theft, robbery, armed robbery,
18 burglary, residential burglary, possession of burglary
19 tools, home invasion, home repair fraud, aggravated
20 home repair fraud, or financial exploitation of an
21 elderly or disabled person is guilty of a Class 2
22 felony. When a person has any such prior conviction,
23 the information or indictment charging that person
24 shall state the prior conviction so as to give notice
25 of the State's intention to treat the charge as a Class
26 3 felony. The fact of the prior conviction is not an

1 element of the offense and may not be disclosed to the
2 jury during trial unless otherwise permitted by issues
3 properly raised during the trial.

4 (B) Identity theft of credit, money, goods,
5 services, or other property exceeding \$300 and not
6 exceeding \$2,000 in value is a Class 3 felony. Identity
7 theft of credit, money, goods, services, or other
8 property exceeding \$300 and not exceeding \$2,000 in
9 value when the victim of the identity theft is an
10 active duty member of the Armed Services or Reserve
11 Forces of the United States or of the Illinois National
12 Guard serving in a foreign country is a Class 2 felony.

13 (C) Identity theft of credit, money, goods,
14 services, or other property exceeding \$2,000 and not
15 exceeding \$10,000 in value is a Class 2 felony.
16 Identity theft of credit, money, goods, services, or
17 other property exceeding \$2,000 and not exceeding
18 \$10,000 in value when the victim of the identity theft
19 is an active duty member of the Armed Services or
20 Reserve Forces of the United States or of the Illinois
21 National Guard serving in a foreign country is a Class
22 1 felony.

23 (D) Identity theft of credit, money, goods,
24 services, or other property exceeding \$10,000 and not
25 exceeding \$100,000 in value is a Class 1 felony.
26 Identity theft of credit, money, goods, services, or

1 other property exceeding \$10,000 and not exceeding
2 \$100,000 in value when the victim of the identity theft
3 is an active duty member of the Armed Services or
4 Reserve Forces of the United States or of the Illinois
5 National Guard serving in a foreign country is a Class
6 X felony.

7 (E) Identity theft of credit, money, goods,
8 services, or other property exceeding \$100,000 in
9 value is a Class X felony.

10 (2) A person convicted of any offense enumerated in
11 paragraphs (2) through (7) of subsection (a) is guilty of a
12 Class 3 felony. A person convicted of any offense
13 enumerated in paragraphs (2) through (7) of subsection (a)
14 when the victim of the identity theft is an active duty
15 member of the Armed Services or Reserve Forces of the
16 United States or of the Illinois National Guard serving in
17 a foreign country is guilty of a Class 2 felony.

18 (3) A person convicted of any offense enumerated in
19 paragraphs (2) through (5) of subsection (a) a second or
20 subsequent time is guilty of a Class 2 felony. A person
21 convicted of any offense enumerated in paragraphs (2)
22 through (5) of subsection (a) a second or subsequent time
23 when the victim of the identity theft is an active duty
24 member of the Armed Services or Reserve Forces of the
25 United States or of the Illinois National Guard serving in
26 a foreign country is guilty of a Class 1 felony.

1 (4) A person who, within a 12 month period, is found in
2 violation of any offense enumerated in paragraphs (2)
3 through (7) of subsection (a) with respect to the
4 identifiers of, or other information relating to, 3 or more
5 separate individuals, at the same time or consecutively, is
6 guilty of a Class 2 felony. A person who, within a 12 month
7 period, is found in violation of any offense enumerated in
8 paragraphs (2) through (7) of subsection (a) with respect
9 to the identifiers of, or other information relating to, 3
10 or more separate individuals, at the same time or
11 consecutively, when the victim of the identity theft is an
12 active duty member of the Armed Services or Reserve Forces
13 of the United States or of the Illinois National Guard
14 serving in a foreign country is guilty of a Class 1 felony.

15 (5) A person convicted of identity theft in violation
16 of paragraph (2) of subsection (a) who uses any personal
17 identification information or personal identification
18 document of another to purchase methamphetamine
19 manufacturing material as defined in Section 10 of the
20 Methamphetamine Control and Community Protection Act with
21 the intent to unlawfully manufacture methamphetamine is
22 guilty of a Class 2 felony for a first offense and a Class
23 1 felony for a second or subsequent offense. A person
24 convicted of identity theft in violation of paragraph (2)
25 of subsection (a) who uses any personal identification
26 information or personal identification document of another

1 to purchase methamphetamine manufacturing material as
2 defined in Section 10 of the Methamphetamine Control and
3 Community Protection Act with the intent to unlawfully
4 manufacture methamphetamine when the victim of the
5 identity theft is an active duty member of the Armed
6 Services or Reserve Forces of the United States or of the
7 Illinois National Guard serving in a foreign country is
8 guilty of a Class 1 felony for a first offense and a Class
9 X felony for a second or subsequent offense.

10 (6) A person convicted of identity theft in violation
11 of paragraph (8) or (9) of subsection (a) of this Section
12 is ~~shall be~~ guilty of a Class 4 felony.

13 (Source: P.A. 95-60, eff. 1-1-08; 95-331, eff. 8-21-07;
14 96-1324, eff. 7-27-10; 96-1455, eff. 8-20-10; revised
15 9-16-10.)

16 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

17 Sec. 31A-1.2. Unauthorized bringing of contraband into a
18 penal institution by an employee; unauthorized possessing of
19 contraband in a penal institution by an employee; unauthorized
20 delivery of contraband in a penal institution by an employee.

21 (a) A person commits the offense of unauthorized bringing
22 of contraband into a penal institution by an employee when a
23 person who is an employee knowingly and without authority of
24 any person designated or authorized to grant such authority:

25 (1) brings or attempts to bring an item of contraband

1 listed in subsection (d) (4) into a penal institution, or

2 (2) causes or permits another to bring an item of
3 contraband listed in subsection (d) (4) into a penal
4 institution.

5 (b) A person commits the offense of unauthorized possession
6 of contraband in a penal institution by an employee when a
7 person who is an employee knowingly and without authority of
8 any person designated or authorized to grant such authority
9 possesses contraband listed in subsection (d) (4) in a penal
10 institution, regardless of the intent with which he possesses
11 it.

12 (c) A person commits the offense of unauthorized delivery
13 of contraband in a penal institution by an employee when a
14 person who is an employee knowingly and without authority of
15 any person designated or authorized to grant such authority:

16 (1) delivers or possesses with intent to deliver an
17 item of contraband to any inmate of a penal institution, or

18 (2) conspires to deliver or solicits the delivery of an
19 item of contraband to any inmate of a penal institution, or

20 (3) causes or permits the delivery of an item of
21 contraband to any inmate of a penal institution, or

22 (4) permits another person to attempt to deliver an
23 item of contraband to any inmate of a penal institution.

24 (d) For purpose of this Section, the words and phrases
25 listed below shall be defined as follows:

26 (1) "Penal Institution" shall have the meaning

1 ascribed to it in subsection (c)(1) of Section 31A-1.1 of
2 this Code;

3 (2) "Employee" means any elected or appointed officer,
4 trustee or employee of a penal institution or of the
5 governing authority of the penal institution, or any person
6 who performs services for the penal institution pursuant to
7 contract with the penal institution or its governing
8 authority.

9 (3) "Deliver" or "delivery" means the actual,
10 constructive or attempted transfer of possession of an item
11 of contraband, with or without consideration, whether or
12 not there is an agency relationship;

13 (4) "Item of contraband" means any of the following:

14 (i) "Alcoholic liquor" as such term is defined in
15 Section 1-3.05 of the Liquor Control Act of 1934.

16 (ii) "Cannabis" as such term is defined in
17 subsection (a) of Section 3 of the Cannabis Control
18 Act.

19 (iii) "Controlled substance" as such term is
20 defined in the Illinois Controlled Substances Act.

21 (iii-a) "Methamphetamine" as such term is defined
22 in the Illinois Controlled Substances Act or the
23 Methamphetamine Control and Community Protection Act.

24 (iv) "Hypodermic syringe" or hypodermic needle, or
25 any instrument adapted for use of controlled
26 substances or cannabis by subcutaneous injection.

1 (v) "Weapon" means any knife, dagger, dirk, billy,
2 razor, stiletto, broken bottle, or other piece of glass
3 which could be used as a dangerous weapon. Such term
4 includes any of the devices or implements designated in
5 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1
6 of this Act, or any other dangerous weapon or
7 instrument of like character.

8 (vi) "Firearm" means any device, by whatever name
9 known, which is designed to expel a projectile or
10 projectiles by the action of an explosion, expansion of
11 gas or escape of gas, including but not limited to:

12 (A) any pneumatic gun, spring gun, or B-B gun
13 which expels a single globular projectile not
14 exceeding .18 inch in diameter; or

15 (B) any device used exclusively for signaling
16 or safety and required or recommended by the United
17 States Coast Guard or the Interstate Commerce
18 Commission; or

19 (C) any device used exclusively for the firing
20 of stud cartridges, explosive rivets or industrial
21 ammunition; or

22 (D) any device which is powered by electrical
23 charging units, such as batteries, and which fires
24 one or several barbs attached to a length of wire
25 and which, upon hitting a human, can send out
26 current capable of disrupting the person's nervous

1 system in such a manner as to render him incapable
2 of normal functioning, commonly referred to as a
3 stun gun or taser.

4 (vii) "Firearm ammunition" means any
5 self-contained cartridge or shotgun shell, by whatever
6 name known, which is designed to be used or adaptable
7 to use in a firearm, including but not limited to:

8 (A) any ammunition exclusively designed for
9 use with a device used exclusively for signaling or
10 safety and required or recommended by the United
11 States Coast Guard or the Interstate Commerce
12 Commission; or

13 (B) any ammunition designed exclusively for
14 use with a stud or rivet driver or other similar
15 industrial ammunition.

16 (viii) "Explosive" means, but is not limited to,
17 bomb, bombshell, grenade, bottle or other container
18 containing an explosive substance of over one-quarter
19 ounce for like purposes such as black powder bombs and
20 Molotov cocktails or artillery projectiles.

21 (ix) "Tool to defeat security mechanisms" means,
22 but is not limited to, handcuff or security restraint
23 key, tool designed to pick locks, popper, or any device
24 or instrument used to or capable of unlocking or
25 preventing from locking any handcuff or security
26 restraints, doors to cells, rooms, gates or other areas

1 of the penal institution.

2 (x) "Cutting tool" means, but is not limited to,
3 hacksaw blade, wirecutter, or device, instrument or
4 file capable of cutting through metal.

5 (xi) "Electronic contraband" means, but is not
6 limited to, any electronic, video recording device,
7 computer, or cellular communications equipment,
8 including, but not limited to, cellular telephones,
9 cellular telephone batteries, videotape recorders,
10 pagers, computers, and computer peripheral equipment.

11 For a violation of subsection (a) or (b) involving a
12 cellular telephone or cellular telephone battery, the
13 defendant must intend to provide the cellular telephone or
14 cellular telephone battery to any inmate in a penal
15 institution, or to use the cellular telephone or cellular
16 telephone battery at the direction of an inmate or for the
17 benefit of any inmate of a penal institution.

18 (e) A violation of paragraphs (a) or (b) of this Section
19 involving alcohol is a Class 4 felony. A violation of paragraph
20 (a) or (b) of this Section involving cannabis is a Class 2
21 felony. A violation of paragraph (a) or (b) involving any
22 amount of a controlled substance classified in Schedules III,
23 IV or V of Article II of the Illinois Controlled Substances Act
24 is a Class 1 felony. A violation of paragraph (a) or (b) of
25 this Section involving any amount of a controlled substance
26 classified in Schedules I or II of Article II of the Illinois

1 Controlled Substances Act is a Class X felony. A violation of
2 paragraph (a) or (b) involving an item of contraband listed in
3 paragraph (iv) of subsection (d)(4) is a Class X felony. A
4 violation of paragraph (a) or (b) involving an item of
5 contraband listed in paragraph (v), (ix), (x), or (xi) of
6 subsection (d)(4) is a Class 1 felony. A violation of paragraph
7 (a) or (b) involving an item of contraband listed in paragraphs
8 (vi), (vii) or (viii) of subsection (d)(4) is a Class X felony.

9 (f) A violation of paragraph (c) of this Section involving
10 alcoholic liquor is a Class 3 felony. A violation of paragraph
11 (c) involving cannabis is a Class 1 felony. A violation of
12 paragraph (c) involving any amount of a controlled substance
13 classified in Schedules III, IV or V of Article II of the
14 Illinois Controlled Substances Act is a Class X felony. A
15 violation of paragraph (c) involving any amount of a controlled
16 substance classified in Schedules I or II of Article II of the
17 Illinois Controlled Substances Act is a Class X felony for
18 which the minimum term of imprisonment shall be 8 years. A
19 violation of paragraph (c) involving an item of contraband
20 listed in paragraph (iv) of subsection (d)(4) is a Class X
21 felony for which the minimum term of imprisonment shall be 8
22 years. A violation of paragraph (c) involving an item of
23 contraband listed in paragraph (v), (ix), (x), or (xi) of
24 subsection (d)(4) is a Class X felony for which the minimum
25 term of imprisonment shall be 10 years. A violation of
26 paragraph (c) involving an item of contraband listed in

1 paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a
2 Class X felony for which the minimum term of imprisonment shall
3 be 12 years.

4 (g) Items confiscated may be retained for use by the
5 Department of Corrections or disposed of as deemed appropriate
6 by the Chief Administrative Officer in accordance with
7 Department rules or disposed of as required by law.

8 (h) For a violation of subsection (a) or (b) involving
9 items described in clause (i), (v), (vi), (vii), (ix), (x), or
10 (xi) of paragraph (4) of subsection (d), such items shall not
11 be considered to be in a penal institution when they are
12 secured in an employee's locked, private motor vehicle parked
13 on the grounds of a penal institution.

14 (Source: P.A. 95-962, eff. 1-1-09; 96-328, eff. 8-11-09;
15 96-1112, eff. 1-1-11; 96-1325, eff. 7-27-10; revised 9-2-10.)

16 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

17 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
18 with the knowledge and consent of the owner in the commission
19 of, or in the attempt to commit as defined in Section 8-4 of
20 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
21 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
22 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if
23 the theft is of precious metal or of scrap metal, 18-2, 19-1,
24 19-2, 19-3, 20-1, 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or
25 29D-15.2 of this Code, paragraph (a) of Section 12-4 of this

1 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or
2 (d) of Section 12-16 of this Code, or paragraph (a)(6) or
3 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24
4 or 26 of the Cigarette Tax Act if the vessel, vehicle or
5 aircraft contains more than 10 cartons of such cigarettes; (c)
6 Section 28, 29 or 30 of the Cigarette Use Tax Act if the
7 vessel, vehicle or aircraft contains more than 10 cartons of
8 such cigarettes; (d) Section 44 of the Environmental Protection
9 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving
10 under the influence of alcohol or other drug or drugs,
11 intoxicating compound or compounds or any combination thereof
12 under Section 11-501 of the Illinois Vehicle Code during a
13 period in which his or her driving privileges are revoked or
14 suspended where the revocation or suspension was for driving
15 under the influence of alcohol or other drug or drugs,
16 intoxicating compound or compounds or any combination thereof,
17 Section 11-501.1, paragraph (b) of Section 11-401, or for
18 reckless homicide as defined in Section 9-3 of the Criminal
19 Code of 1961; (2) driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof and has been previously convicted of
22 reckless homicide or a similar provision of a law of another
23 state relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds as an
26 element of the offense or the person has previously been

1 convicted of committing a violation of driving under the
2 influence of alcohol or other drug or drugs, intoxicating
3 compound or compounds or any combination thereof and was
4 involved in a motor vehicle accident that resulted in death,
5 great bodily harm, or permanent disability or disfigurement to
6 another, when the violation was a proximate cause of the death
7 or injuries; (3) the person committed a violation of driving
8 under the influence of alcohol or other drug or drugs,
9 intoxicating compound or compounds or any combination thereof
10 under Section 11-501 of the Illinois Vehicle Code or a similar
11 provision for the third or subsequent time; (4) the person
12 committed the violation while he or she did not possess a
13 driver's license or permit or a restricted driving permit or a
14 judicial driving permit or a monitoring device driving permit;
15 or (5) the person committed the violation while he or she knew
16 or should have known that the vehicle he or she was driving was
17 not covered by a liability insurance policy, ~~or (d) (1) (I)~~; (g)
18 an offense described in subsection (g) of Section 6-303 of the
19 Illinois Vehicle Code; or (h) an offense described in
20 subsection (e) of Section 6-101 of the Illinois Vehicle Code;
21 may be seized and delivered forthwith to the sheriff of the
22 county of seizure.

23 Within 15 days after such delivery the sheriff shall give
24 notice of seizure to each person according to the following
25 method: Upon each such person whose right, title or interest is
26 of record in the office of the Secretary of State, the

1 Secretary of Transportation, the Administrator of the Federal
2 Aviation Agency, or any other Department of this State, or any
3 other state of the United States if such vessel, vehicle or
4 aircraft is required to be so registered, as the case may be,
5 by mailing a copy of the notice by certified mail to the
6 address as given upon the records of the Secretary of State,
7 the Department of Aeronautics, Department of Public Works and
8 Buildings or any other Department of this State or the United
9 States if such vessel, vehicle or aircraft is required to be so
10 registered. Within that 15 day period the sheriff shall also
11 notify the State's Attorney of the county of seizure about the
12 seizure.

13 In addition, any mobile or portable equipment used in the
14 commission of an act which is in violation of Section 7g of the
15 Metropolitan Water Reclamation District Act shall be subject to
16 seizure and forfeiture under the same procedures provided in
17 this Article for the seizure and forfeiture of vessels,
18 vehicles and aircraft, and any such equipment shall be deemed a
19 vessel, vehicle or aircraft for purposes of this Article.

20 When a person discharges a firearm at another individual
21 from a vehicle with the knowledge and consent of the owner of
22 the vehicle and with the intent to cause death or great bodily
23 harm to that individual and as a result causes death or great
24 bodily harm to that individual, the vehicle shall be subject to
25 seizure and forfeiture under the same procedures provided in
26 this Article for the seizure and forfeiture of vehicles used in

1 violations of clauses (a), (b), (c), or (d) of this Section.

2 If the spouse of the owner of a vehicle seized for an
3 offense described in subsection (g) of Section 6-303 of the
4 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
5 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
6 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
7 Code makes a showing that the seized vehicle is the only source
8 of transportation and it is determined that the financial
9 hardship to the family as a result of the seizure outweighs the
10 benefit to the State from the seizure, the vehicle may be
11 forfeited to the spouse or family member and the title to the
12 vehicle shall be transferred to the spouse or family member who
13 is properly licensed and who requires the use of the vehicle
14 for employment or family transportation purposes. A written
15 declaration of forfeiture of a vehicle under this Section shall
16 be sufficient cause for the title to be transferred to the
17 spouse or family member. The provisions of this paragraph shall
18 apply only to one forfeiture per vehicle. If the vehicle is the
19 subject of a subsequent forfeiture proceeding by virtue of a
20 subsequent conviction of either spouse or the family member,
21 the spouse or family member to whom the vehicle was forfeited
22 under the first forfeiture proceeding may not utilize the
23 provisions of this paragraph in another forfeiture proceeding.
24 If the owner of the vehicle seized owns more than one vehicle,
25 the procedure set out in this paragraph may be used for only
26 one vehicle.

1 Property declared contraband under Section 40 of the
2 Illinois Streetgang Terrorism Omnibus Prevention Act may be
3 seized and forfeited under this Article.

4 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
5 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
6 1-1-11; revised 9-16-10.)

7 Section 555. The Code of Criminal Procedure of 1963 is
8 amended by changing Sections 107-2, 111-4, and 112A-17 as
9 follows:

10 (725 ILCS 5/107-2) (from Ch. 38, par. 107-2)

11 Sec. 107-2. ~~(1)~~ Arrest by Peace Officer.

12 (1) A peace officer may arrest a person when:

13 (a) He has a warrant commanding that such person be
14 arrested; or

15 (b) He has reasonable grounds to believe that a warrant
16 for the person's arrest has been issued in this State or in
17 another jurisdiction; or

18 (c) He has reasonable grounds to believe that the
19 person is committing or has committed an offense.

20 (2) Whenever a peace officer arrests a person, the officer
21 shall question the arrestee as to whether he or she has any
22 children under the age of 18 living with him or her who may be
23 neglected as a result of the arrest or otherwise. The peace
24 officer shall assist the arrestee in the placement of the

1 children with a relative or other responsible person designated
2 by the arrestee. If the peace officer has reasonable cause to
3 believe that a child may be a neglected child as defined in the
4 Abused and Neglected Child Reporting Act, he shall report it
5 immediately to the Department of Children and Family Services
6 as provided in that Act.

7 (3) A peace officer who executes a warrant of arrest in
8 good faith beyond the geographical limitation of the warrant
9 shall not be liable for false arrest.

10 (Source: P.A. 86-298; revised 9-16-10.)

11 (725 ILCS 5/111-4)

12 Sec. 111-4. Joinder of offenses and defendants.

13 (a) Two or more offenses may be charged in the same
14 indictment, information or complaint in a separate count for
15 each offense if the offenses charged, whether felonies or
16 misdemeanors or both, are based on the same act or on 2 or more
17 acts which are part of the same comprehensive transaction.

18 (b) Two or more defendants may be charged in the same
19 indictment, information or complaint if they are alleged to
20 have participated in the same act or in the same comprehensive
21 transaction out of which the offense or offenses arose. Such
22 defendants may be charged in one or more counts together or
23 separately and all of the defendants need not be charged in
24 each count.

25 (c) Two or more acts or transactions in violation of any

1 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
2 8A-5 of the Illinois Public Aid Code, Section 14 of the
3 Illinois Wage Payment and Collection Act, Sections 16-1,
4 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16A-3, 16B-2,
5 16C-2, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30, 16H-45,
6 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-7, 17-8, 17-9 or 17-10 of
7 the Criminal Code of 1961 and Section 118 of Division I of the
8 Criminal Jurisprudence Act, may be charged as a single offense
9 in a single count of the same indictment, information or
10 complaint, if such acts or transactions by one or more
11 defendants are in furtherance of a single intention and design
12 or if the property, labor or services obtained are of the same
13 person or are of several persons having a common interest in
14 such property, labor or services. In such a charge, the period
15 between the dates of the first and the final such acts or
16 transactions may be alleged as the date of the offense and, if
17 any such act or transaction by any defendant was committed in
18 the county where the prosecution was commenced, such county may
19 be alleged as the county of the offense.

20 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09;
21 96-1207, eff. 7-22-10; 96-1407, eff. 1-1-11; revised 9-2-10.)

22 (725 ILCS 5/112A-17) (from Ch. 38, par. 112A-17)

23 Sec. 112A-17. Emergency order of protection.

24 (a) Prerequisites. An emergency order of protection shall
25 issue if petitioner satisfies the requirements of this

1 subsection for one or more of the requested remedies. For each
2 remedy requested, petitioner shall establish that:

3 (1) The court has jurisdiction under Section 112A-9;

4 (2) The requirements of Section 112A-14 are satisfied;

5 and

6 (3) There is good cause to grant the remedy, regardless
7 of prior service of process or of notice upon the
8 respondent, because:

9 (i) For the remedies of "prohibition of abuse"
10 described in Section 112A-14(b)(1), "stay away order
11 and additional prohibitions" described in Section
12 112A-14(b)(3), "removal or concealment of minor child"
13 described in Section 112A-14(b)(8), "order to appear"
14 described in Section 112A-14(b)(9), "physical care and
15 possession of the minor child" described in Section
16 112A-14(b)(5), "protection of property" described in
17 Section 112A-14(b)(11), "prohibition of entry"
18 described in Section 112A-14(b)(14), "prohibition of
19 firearm possession" described in Section
20 112A-14(b)(14.5), "prohibition of access to records"
21 described in Section 112A-14(b)(15), and "injunctive
22 relief" described in Section 112A-14(b)(16), the harm
23 which that remedy is intended to prevent would be
24 likely to occur if the respondent were given any prior
25 notice, or greater notice than was actually given, of
26 the petitioner's efforts to obtain judicial relief;

1 (ii) For the remedy of "grant of exclusive
2 possession of residence" described in Section
3 112A-14(b)(2), the immediate danger of further abuse
4 of petitioner by respondent, if petitioner chooses or
5 had chosen to remain in the residence or household
6 while respondent was given any prior notice or greater
7 notice than was actually given of petitioner's efforts
8 to obtain judicial relief, outweighs the hardships to
9 respondent of an emergency order granting petitioner
10 exclusive possession of the residence or household.
11 This remedy shall not be denied because petitioner has
12 or could obtain temporary shelter elsewhere while
13 prior notice is given to respondent, unless the
14 hardships to respondent from exclusion from the home
15 substantially outweigh those to petitioner.

16 (iii) For the remedy of "possession of personal
17 property" described in Section 112A-14(b)(10),
18 improper disposition of the personal property would be
19 likely to occur if respondent were given any prior
20 notice, or greater notice than was actually given, of
21 petitioner's efforts to obtain judicial relief, or
22 petitioner has an immediate and pressing need for
23 possession of that property.

24 An emergency order may not include the counseling, legal
25 custody, payment of support or monetary compensation remedies.

26 (b) Appearance by respondent. If respondent appears in

1 court for this hearing for an emergency order, he or she may
2 elect to file a general appearance and testify. Any resulting
3 order may be an emergency order, governed by this Section.
4 Notwithstanding the requirements of this Section, if all
5 requirements of Section 112A-18 have been met, the Court may
6 issue a 30-day interim order.

7 (c) Emergency orders: court holidays and evenings.

8 (1) Prerequisites. When the court is unavailable at the
9 close of business, the petitioner may file a petition for a
10 21-day emergency order before any available circuit judge
11 or associate judge who may grant relief under this Article.
12 If the judge finds that there is an immediate and present
13 danger of abuse to petitioner and that petitioner has
14 satisfied the prerequisites set forth in subsection (a) of
15 Section 112A-17, that judge may issue an emergency order of
16 protection.

17 (1.5) Issuance of order. The chief judge of the circuit
18 court may designate for each county in the circuit at least
19 one judge to be reasonably available to issue orally, by
20 telephone, by facsimile, or otherwise, an emergency order
21 of protection at all times, whether or not the court is in
22 session.

23 (2) Certification and transfer. The judge who issued
24 the order under this Section shall promptly communicate or
25 convey the order to the sheriff to facilitate the entry of
26 the order into the Law Enforcement Agencies Data System by

1 the Department of State Police pursuant to Section 112A-28.
2 Any order issued under this Section and any documentation
3 in support thereof shall be certified on the next court day
4 to the appropriate court. The clerk of that court shall
5 immediately assign a case number, file the petition, order
6 and other documents with the court and enter the order of
7 record and file it with the sheriff for service, in
8 accordance with Section 112A-22. Filing the petition shall
9 commence proceedings for further relief, under Section
10 112A-2. Failure to comply with the requirements of this
11 subsection shall not affect the validity of the order.

12 (Source: P.A. 96-1239, eff. 1-1-11; 96-1241, eff. 1-1-11;
13 revised 9-2-10.)

14 Section 560. The Unified Code of Corrections is amended by
15 changing Sections 3-6-3, 3-12-3a, 3-14-1.5, 5-4-1, 5-5-3.2,
16 5-6-1, and 5-8-1 as follows:

17 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

18 Sec. 3-6-3. Rules and Regulations for Early Release.

19 (a) (1) The Department of Corrections shall prescribe
20 rules and regulations for the early release on account of
21 good conduct of persons committed to the Department which
22 shall be subject to review by the Prisoner Review Board.

23 (2) The rules and regulations on early release shall
24 provide, with respect to offenses listed in clause (i),

1 (ii), or (iii) of this paragraph (2) committed on or after
2 June 19, 1998 or with respect to the offense listed in
3 clause (iv) of this paragraph (2) committed on or after
4 June 23, 2005 (the effective date of Public Act 94-71) or
5 with respect to offense listed in clause (vi) committed on
6 or after June 1, 2008 (the effective date of Public Act
7 95-625) or with respect to the offense of being an armed
8 habitual criminal committed on or after August 2, 2005 (the
9 effective date of Public Act 94-398) or with respect to the
10 offenses listed in clause (v) of this paragraph (2)
11 committed on or after August 13, 2007 (the effective date
12 of Public Act 95-134) or with respect to the offense of
13 aggravated domestic battery committed on or after July 23,
14 2010 (the effective date of Public Act 96-1224) ~~this~~
15 ~~amendatory Act of the 96th General Assembly~~, the following:

16 (i) that a prisoner who is serving a term of
17 imprisonment for first degree murder or for the offense
18 of terrorism shall receive no good conduct credit and
19 shall serve the entire sentence imposed by the court;

20 (ii) that a prisoner serving a sentence for attempt
21 to commit first degree murder, solicitation of murder,
22 solicitation of murder for hire, intentional homicide
23 of an unborn child, predatory criminal sexual assault
24 of a child, aggravated criminal sexual assault,
25 criminal sexual assault, aggravated kidnapping,
26 aggravated battery with a firearm, heinous battery,

1 methamphetamine-related child endangerment, money
2 laundering pursuant to clause (c) (4) or (5) of Section
3 29B-1 of the Criminal Code of 1961, or a Class X felony
4 conviction for delivery of a controlled substance,
5 possession of a controlled substance with intent to
6 manufacture or deliver, calculated criminal drug
7 conspiracy, criminal drug conspiracy, street gang
8 criminal drug conspiracy, participation in
9 methamphetamine manufacturing, aggravated
10 participation in methamphetamine manufacturing,
11 delivery of methamphetamine, possession with intent to
12 deliver methamphetamine, aggravated delivery of
13 methamphetamine, aggravated possession with intent to
14 deliver methamphetamine, methamphetamine conspiracy
15 when the substance containing the controlled substance
16 or methamphetamine is 100 grams or more shall receive
17 no more than 7.5 days good conduct credit for each
18 month of his or her sentence of imprisonment;

19 (vi) that a prisoner serving a sentence for a
20 second or subsequent offense of luring a minor shall
21 receive no more than 4.5 days of good conduct credit
22 for each month of his or her sentence of imprisonment;
23 and

24 (vii) that a prisoner serving a sentence for
25 aggravated domestic battery shall receive no more than
26 4.5 days of good conduct credit for each month of his

1 or her sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or
5 after June 23, 2005 (the effective date of Public Act
6 94-71) or subdivision (a)(2)(v) committed on or after
7 August 13, 2007 (the effective date of Public Act 95-134)
8 or subdivision (a)(2)(vi) committed on or after June 1,
9 2008 (the effective date of Public Act 95-625) or
10 subdivision (a)(2)(vii) committed on or after July 23, 2010
11 (the effective date of Public Act 96-1224) ~~this amendatory~~
12 ~~Act of the 96th General Assembly,~~ and other than the
13 offense of aggravated driving under the influence of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof as defined in
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code, and other than
18 the offense of aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof as defined in
21 subparagraph (C) of paragraph (1) of subsection (d) of
22 Section 11-501 of the Illinois Vehicle Code committed on or
23 after January 1, 2011 (the effective date of Public Act
24 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
25 the rules and regulations shall provide that a prisoner who
26 is serving a term of imprisonment shall receive one day of

1 good conduct credit for each day of his or her sentence of
2 imprisonment or recommitment under Section 3-3-9. Each day
3 of good conduct credit shall reduce by one day the
4 prisoner's period of imprisonment or recommitment under
5 Section 3-3-9.

6 (2.2) A prisoner serving a term of natural life
7 imprisonment or a prisoner who has been sentenced to death
8 shall receive no good conduct credit.

9 (2.3) The rules and regulations on early release shall
10 provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, shall receive no more than 4.5 days
16 of good conduct credit for each month of his or her
17 sentence of imprisonment.

18 (2.4) The rules and regulations on early release shall
19 provide with respect to the offenses of aggravated battery
20 with a machine gun or a firearm equipped with any device or
21 attachment designed or used for silencing the report of a
22 firearm or aggravated discharge of a machine gun or a
23 firearm equipped with any device or attachment designed or
24 used for silencing the report of a firearm, committed on or
25 after July 15, 1999 (the effective date of Public Act
26 91-121), that a prisoner serving a sentence for any of

1 these offenses shall receive no more than 4.5 days of good
2 conduct credit for each month of his or her sentence of
3 imprisonment.

4 (2.5) The rules and regulations on early release shall
5 provide that a prisoner who is serving a sentence for
6 aggravated arson committed on or after July 27, 2001 (the
7 effective date of Public Act 92-176) shall receive no more
8 than 4.5 days of good conduct credit for each month of his
9 or her sentence of imprisonment.

10 (2.6) The rules and regulations on early release shall
11 provide that a prisoner who is serving a sentence for
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (C) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code committed on or after January 1, 2011
17 (the effective date of Public Act 96-1230) ~~this amendatory~~
18 ~~Act of the 96th General Assembly,~~ shall receive no more
19 than 4.5 days of good conduct credit for each month of his
20 or her sentence of imprisonment.

21 (3) The rules and regulations shall also provide that
22 the Director may award up to 180 days additional good
23 conduct credit for meritorious service in specific
24 instances as the Director deems proper; except that no more
25 than 90 days of good conduct credit for meritorious service
26 shall be awarded to any prisoner who is serving a sentence

1 for conviction of first degree murder, reckless homicide
2 while under the influence of alcohol or any other drug, or
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof as defined in subparagraph (F) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
8 predatory criminal sexual assault of a child, aggravated
9 criminal sexual assault, criminal sexual assault, deviate
10 sexual assault, aggravated criminal sexual abuse,
11 aggravated indecent liberties with a child, indecent
12 liberties with a child, child pornography, heinous
13 battery, aggravated battery of a spouse, aggravated
14 battery of a spouse with a firearm, stalking, aggravated
15 stalking, aggravated battery of a child, endangering the
16 life or health of a child, or cruelty to a child.
17 Notwithstanding the foregoing, good conduct credit for
18 meritorious service shall not be awarded on a sentence of
19 imprisonment imposed for conviction of: (i) one of the
20 offenses enumerated in subdivision (a)(2)(i), (ii), or
21 (iii) when the offense is committed on or after June 19,
22 1998 or subdivision (a)(2)(iv) when the offense is
23 committed on or after June 23, 2005 (the effective date of
24 Public Act 94-71) or subdivision (a)(2)(v) when the offense
25 is committed on or after August 13, 2007 (the effective
26 date of Public Act 95-134) or subdivision (a)(2)(vi) when

1 the offense is committed on or after June 1, 2008 (the
2 effective date of Public Act 95-625) or subdivision
3 (a)(2)(vii) when the offense is committed on or after July
4 23, 2010 (the effective date of Public Act 96-1224) ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~, (ii)
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, (iii) one of the offenses enumerated
11 in subdivision (a)(2.4) when the offense is committed on or
12 after July 15, 1999 (the effective date of Public Act
13 91-121), (iv) aggravated arson when the offense is
14 committed on or after July 27, 2001 (the effective date of
15 Public Act 92-176), ~~or~~ (v) offenses that may subject the
16 offender to commitment under the Sexually Violent Persons
17 Commitment Act, or (vi) ~~(v)~~ aggravated driving under the
18 influence of alcohol, other drug or drugs, or intoxicating
19 compound or compounds, or any combination thereof as
20 defined in subparagraph (C) of paragraph (1) of subsection
21 (d) of Section 11-501 of the Illinois Vehicle Code
22 committed on or after January 1, 2011 (the effective date
23 of Public Act 96-1230) ~~this amendatory Act of the 96th~~
24 ~~General Assembly~~.

25 The Director shall not award good conduct credit for
26 meritorious service under this paragraph (3) to an inmate

1 unless the inmate has served a minimum of 60 days of the
2 sentence; except nothing in this paragraph shall be
3 construed to permit the Director to extend an inmate's
4 sentence beyond that which was imposed by the court. Prior
5 to awarding credit under this paragraph (3), the Director
6 shall make a written determination that the inmate:

7 (A) is eligible for good conduct credit for
8 meritorious service;

9 (B) has served a minimum of 60 days, or as close to
10 60 days as the sentence will allow; and

11 (C) has met the eligibility criteria established
12 by rule.

13 The Director shall determine the form and content of
14 the written determination required in this subsection.

15 (4) The rules and regulations shall also provide that
16 the good conduct credit accumulated and retained under
17 paragraph (2.1) of subsection (a) of this Section by any
18 inmate during specific periods of time in which such inmate
19 is engaged full-time in substance abuse programs,
20 correctional industry assignments, or educational programs
21 provided by the Department under this paragraph (4) and
22 satisfactorily completes the assigned program as
23 determined by the standards of the Department, shall be
24 multiplied by a factor of 1.25 for program participation
25 before August 11, 1993 and 1.50 for program participation
26 on or after that date. However, no inmate shall be eligible

1 for the additional good conduct credit under this paragraph
2 (4) or (4.1) of this subsection (a) while assigned to a
3 boot camp or electronic detention, or if convicted of an
4 offense enumerated in subdivision (a)(2)(i), (ii), or
5 (iii) of this Section that is committed on or after June
6 19, 1998 or subdivision (a)(2)(iv) of this Section that is
7 committed on or after June 23, 2005 (the effective date of
8 Public Act 94-71) or subdivision (a)(2)(v) of this Section
9 that is committed on or after August 13, 2007 (the
10 effective date of Public Act 95-134) or subdivision
11 (a)(2)(vi) when the offense is committed on or after June
12 1, 2008 (the effective date of Public Act 95-625) or
13 subdivision (a)(2)(vii) when the offense is committed on or
14 after July 23, 2010 (the effective date of Public Act
15 96-1224) ~~this amendatory Act of the 96th General Assembly,~~
16 or if convicted of aggravated driving under the influence
17 of alcohol, other drug or drugs, or intoxicating compound
18 or compounds~~7~~ or any combination thereof as defined in
19 subparagraph (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code, or if
21 convicted of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds~~7~~ or any combination thereof as defined in
24 subparagraph (C) of paragraph (1) of subsection (d) of
25 Section 11-501 of the Illinois Vehicle Code committed on or
26 after January 1, 2011 (the effective date of Public Act

1 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
2 or if convicted of an offense enumerated in paragraph
3 (a)(2.4) of this Section that is committed on or after July
4 15, 1999 (the effective date of Public Act 91-121), or
5 first degree murder, a Class X felony, criminal sexual
6 assault, felony criminal sexual abuse, aggravated criminal
7 sexual abuse, aggravated battery with a firearm, or any
8 predecessor or successor offenses with the same or
9 substantially the same elements, or any inchoate offenses
10 relating to the foregoing offenses. No inmate shall be
11 eligible for the additional good conduct credit under this
12 paragraph (4) who (i) has previously received increased
13 good conduct credit under this paragraph (4) and has
14 subsequently been convicted of a felony, or (ii) has
15 previously served more than one prior sentence of
16 imprisonment for a felony in an adult correctional
17 facility.

18 Educational, vocational, substance abuse and
19 correctional industry programs under which good conduct
20 credit may be increased under this paragraph (4) and
21 paragraph (4.1) of this subsection (a) shall be evaluated
22 by the Department on the basis of documented standards. The
23 Department shall report the results of these evaluations to
24 the Governor and the General Assembly by September 30th of
25 each year. The reports shall include data relating to the
26 recidivism rate among program participants.

1 Availability of these programs shall be subject to the
2 limits of fiscal resources appropriated by the General
3 Assembly for these purposes. Eligible inmates who are
4 denied immediate admission shall be placed on a waiting
5 list under criteria established by the Department. The
6 inability of any inmate to become engaged in any such
7 programs by reason of insufficient program resources or for
8 any other reason established under the rules and
9 regulations of the Department shall not be deemed a cause
10 of action under which the Department or any employee or
11 agent of the Department shall be liable for damages to the
12 inmate.

13 (4.1) The rules and regulations shall also provide that
14 an additional 60 days of good conduct credit shall be
15 awarded to any prisoner who passes the high school level
16 Test of General Educational Development (GED) while the
17 prisoner is incarcerated. The good conduct credit awarded
18 under this paragraph (4.1) shall be in addition to, and
19 shall not affect, the award of good conduct under any other
20 paragraph of this Section, but shall also be pursuant to
21 the guidelines and restrictions set forth in paragraph (4)
22 of subsection (a) of this Section. The good conduct credit
23 provided for in this paragraph shall be available only to
24 those prisoners who have not previously earned a high
25 school diploma or a GED. If, after an award of the GED good
26 conduct credit has been made and the Department determines

1 that the prisoner was not eligible, then the award shall be
2 revoked.

3 (4.5) The rules and regulations on early release shall
4 also provide that when the court's sentencing order
5 recommends a prisoner for substance abuse treatment and the
6 crime was committed on or after September 1, 2003 (the
7 effective date of Public Act 93-354), the prisoner shall
8 receive no good conduct credit awarded under clause (3) of
9 this subsection (a) unless he or she participates in and
10 completes a substance abuse treatment program. The
11 Director may waive the requirement to participate in or
12 complete a substance abuse treatment program and award the
13 good conduct credit in specific instances if the prisoner
14 is not a good candidate for a substance abuse treatment
15 program for medical, programming, or operational reasons.
16 Availability of substance abuse treatment shall be subject
17 to the limits of fiscal resources appropriated by the
18 General Assembly for these purposes. If treatment is not
19 available and the requirement to participate and complete
20 the treatment has not been waived by the Director, the
21 prisoner shall be placed on a waiting list under criteria
22 established by the Department. The Director may allow a
23 prisoner placed on a waiting list to participate in and
24 complete a substance abuse education class or attend
25 substance abuse self-help meetings in lieu of a substance
26 abuse treatment program. A prisoner on a waiting list who

1 is not placed in a substance abuse program prior to release
2 may be eligible for a waiver and receive good conduct
3 credit under clause (3) of this subsection (a) at the
4 discretion of the Director.

5 (4.6) The rules and regulations on early release shall
6 also provide that a prisoner who has been convicted of a
7 sex offense as defined in Section 2 of the Sex Offender
8 Registration Act shall receive no good conduct credit
9 unless he or she either has successfully completed or is
10 participating in sex offender treatment as defined by the
11 Sex Offender Management Board. However, prisoners who are
12 waiting to receive such treatment, but who are unable to do
13 so due solely to the lack of resources on the part of the
14 Department, may, at the Director's sole discretion, be
15 awarded good conduct credit at such rate as the Director
16 shall determine.

17 (5) Whenever the Department is to release any inmate
18 earlier than it otherwise would because of a grant of good
19 conduct credit for meritorious service given at any time
20 during the term, the Department shall give reasonable
21 notice of the impending release not less than 14 days prior
22 to the date of the release to the State's Attorney of the
23 county where the prosecution of the inmate took place, and
24 if applicable, the State's Attorney of the county into
25 which the inmate will be released. The Department must also
26 make identification information and a recent photo of the

1 inmate being released accessible on the Internet by means
2 of a hyperlink labeled "Community Notification of Inmate
3 Early Release" on the Department's World Wide Web homepage.
4 The identification information shall include the inmate's:
5 name, any known alias, date of birth, physical
6 characteristics, residence address, commitment offense and
7 county where conviction was imposed. The identification
8 information shall be placed on the website within 3 days of
9 the inmate's release and the information may not be removed
10 until either: completion of the first year of mandatory
11 supervised release or return of the inmate to custody of
12 the Department.

13 (b) Whenever a person is or has been committed under
14 several convictions, with separate sentences, the sentences
15 shall be construed under Section 5-8-4 in granting and
16 forfeiting of good time.

17 (c) The Department shall prescribe rules and regulations
18 for revoking good conduct credit, or suspending or reducing the
19 rate of accumulation of good conduct credit for specific rule
20 violations, during imprisonment. These rules and regulations
21 shall provide that no inmate may be penalized more than one
22 year of good conduct credit for any one infraction.

23 When the Department seeks to revoke, suspend or reduce the
24 rate of accumulation of any good conduct credits for an alleged
25 infraction of its rules, it shall bring charges therefor
26 against the prisoner sought to be so deprived of good conduct

1 credits before the Prisoner Review Board as provided in
2 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
3 amount of credit at issue exceeds 30 days or when during any 12
4 month period, the cumulative amount of credit revoked exceeds
5 30 days except where the infraction is committed or discovered
6 within 60 days of scheduled release. In those cases, the
7 Department of Corrections may revoke up to 30 days of good
8 conduct credit. The Board may subsequently approve the
9 revocation of additional good conduct credit, if the Department
10 seeks to revoke good conduct credit in excess of 30 days.
11 However, the Board shall not be empowered to review the
12 Department's decision with respect to the loss of 30 days of
13 good conduct credit within any calendar year for any prisoner
14 or to increase any penalty beyond the length requested by the
15 Department.

16 The Director of the Department of Corrections, in
17 appropriate cases, may restore up to 30 days good conduct
18 credits which have been revoked, suspended or reduced. Any
19 restoration of good conduct credits in excess of 30 days shall
20 be subject to review by the Prisoner Review Board. However, the
21 Board may not restore good conduct credit in excess of the
22 amount requested by the Director.

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of good conduct credit.

2 (d) If a lawsuit is filed by a prisoner in an Illinois or
3 federal court against the State, the Department of Corrections,
4 or the Prisoner Review Board, or against any of their officers
5 or employees, and the court makes a specific finding that a
6 pleading, motion, or other paper filed by the prisoner is
7 frivolous, the Department of Corrections shall conduct a
8 hearing to revoke up to 180 days of good conduct credit by
9 bringing charges against the prisoner sought to be deprived of
10 the good conduct credits before the Prisoner Review Board as
11 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
12 If the prisoner has not accumulated 180 days of good conduct
13 credit at the time of the finding, then the Prisoner Review
14 Board may revoke all good conduct credit accumulated by the
15 prisoner.

16 For purposes of this subsection (d):

17 (1) "Frivolous" means that a pleading, motion, or other
18 filing which purports to be a legal document filed by a
19 prisoner in his or her lawsuit meets any or all of the
20 following criteria:

21 (A) it lacks an arguable basis either in law or in
22 fact;

23 (B) it is being presented for any improper purpose,
24 such as to harass or to cause unnecessary delay or
25 needless increase in the cost of litigation;

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

5 (D) the allegations and other factual contentions
6 do not have evidentiary support or, if specifically so
7 identified, are not likely to have evidentiary support
8 after a reasonable opportunity for further
9 investigation or discovery; or

10 (E) the denials of factual contentions are not
11 warranted on the evidence, or if specifically so
12 identified, are not reasonably based on a lack of
13 information or belief.

14 (2) "Lawsuit" means a motion pursuant to Section 116-3
15 of the Code of Criminal Procedure of 1963, a habeas corpus
16 action under Article X of the Code of Civil Procedure or
17 under federal law (28 U.S.C. 2254), a petition for claim
18 under the Court of Claims Act, an action under the federal
19 Civil Rights Act (42 U.S.C. 1983), or a second or
20 subsequent petition for post-conviction relief under
21 Article 122 of the Code of Criminal Procedure of 1963
22 whether filed with or without leave of court or a second or
23 subsequent petition for relief from judgment under Section
24 2-1401 of the Code of Civil Procedure.

25 (e) Nothing in Public Act 90-592 or 90-593 affects the
26 validity of Public Act 89-404.

1 (f) Whenever the Department is to release any inmate who
2 has been convicted of a violation of an order of protection
3 under Section 12-30 of the Criminal Code of 1961, earlier than
4 it otherwise would because of a grant of good conduct credit,
5 the Department, as a condition of such early release, shall
6 require that the person, upon release, be placed under
7 electronic surveillance as provided in Section 5-8A-7 of this
8 Code.

9 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
10 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
11 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
12 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
13 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

14 (730 ILCS 5/3-12-3a) (from Ch. 38, par. 1003-12-3a)

15 Sec. 3-12-3a. ~~(a)~~ Contracts, leases, and business
16 agreements.

17 (a) The Department shall promulgate such rules and policies
18 as it deems necessary to establish, manage, and operate its
19 Illinois Correctional Industries division for the purpose of
20 utilizing committed persons in the manufacture of food stuffs,
21 finished goods or wares. To the extent not inconsistent with
22 the function and role of the ICI, the Department may enter into
23 a contract, lease, or other type of business agreement, not to
24 exceed 20 years, with any private corporation, partnership,
25 person, or other business entity for the purpose of utilizing

1 committed persons in the provision of services or for any other
2 business or commercial enterprise deemed by the Department to
3 be consistent with proper training and rehabilitation of
4 committed persons.

5 Illinois Correctional Industries' spending authority shall
6 be separate and apart from the Department's budget and
7 appropriations. Control of Illinois Correctional Industries
8 accounting processes and budget requests to the General
9 Assembly, other budgetary processes, audits by the Office of
10 the Auditor General, and computer processes shall be returned
11 to Illinois Correctional Industries.

12 (b) The Department shall be permitted to construct
13 buildings on State property for the purposes identified in
14 subsection (a) and to lease for a period not to exceed 20 years
15 any building or portion thereof on State property for the
16 purposes identified in subsection (a).

17 (c) Any contract or other business agreement referenced in
18 subsection (a) shall include a provision requiring that all
19 committed persons assigned receive in connection with their
20 assignment such vocational training and/or apprenticeship
21 programs as the Department deems appropriate.

22 (d) Committed persons assigned in accordance with this
23 Section shall be compensated in accordance with the provisions
24 of Section 3-12-5.

25 (Source: P.A. 96-877, eff. 7-1-10; 96-943, eff. 7-1-10; revised
26 9-16-10.)

1 (730 ILCS 5/3-14-1.5)

2 Sec. 3-14-1.5. Parole agents and parole supervisors;
3 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and
4 Section 24-1.6 of the Criminal Code of 1961 do not apply to
5 parole agents and parole supervisors who meet the following
6 conditions:

7 (1) The parole agent or parole supervisor must receive
8 training in the use of firearms while off-duty conducted by the
9 Illinois Law Enforcement Training Standards Board and be
10 certified as having successfully completing such training by
11 the Board. The Board shall determine the amount of such
12 training and the course content for such training. The parole
13 agent or parole supervisor shall requalify for the firearms
14 training annually at a State range certified by the Illinois
15 Law Enforcement Training Standards Board. The expenses of such
16 retraining shall be paid by the parole agent or parole
17 supervisor and moneys for such requalification shall be
18 expended at the request of the Illinois Law Enforcement
19 Training Standards Board.

20 (2) The parole agent or parole supervisor shall purchase
21 such firearm at his or her own expense and shall register the
22 firearm with the Illinois Department of State Police and with
23 any other local law enforcement agencies that require such
24 registration.

25 (3) The parole agent or parole supervisor may not carry any

1 Illinois Department of Corrections State issued firearm while
2 off-duty. A person who violates this paragraph (3) is subject
3 to disciplinary action by the Illinois Department of
4 Corrections.

5 (4) Parole agents and supervisors who are discharged from
6 employment of the Illinois Department of Corrections shall no
7 longer be considered law enforcement officials and all their
8 rights as law enforcement officials shall be revoked
9 permanently.

10 (Source: P.A. 96-230, eff. 1-1-10; revised 9-16-10.)

11 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

12 Sec. 5-4-1. Sentencing Hearing.

13 (a) Except when the death penalty is sought under hearing
14 procedures otherwise specified, after a determination of
15 guilt, a hearing shall be held to impose the sentence. However,
16 prior to the imposition of sentence on an individual being
17 sentenced for an offense based upon a charge for a violation of
18 Section 11-501 of the Illinois Vehicle Code or a similar
19 provision of a local ordinance, the individual must undergo a
20 professional evaluation to determine if an alcohol or other
21 drug abuse problem exists and the extent of such a problem.
22 Programs conducting these evaluations shall be licensed by the
23 Department of Human Services. However, if the individual is not
24 a resident of Illinois, the court may, in its discretion,
25 accept an evaluation from a program in the state of such

1 individual's residence. The court may in its sentencing order
2 approve an eligible defendant for placement in a Department of
3 Corrections impact incarceration program as provided in
4 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
5 order recommend a defendant for placement in a Department of
6 Corrections substance abuse treatment program as provided in
7 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
8 upon the defendant being accepted in a program by the
9 Department of Corrections. At the hearing the court shall:

10 (1) consider the evidence, if any, received upon the
11 trial;

12 (2) consider any presentence reports;

13 (3) consider the financial impact of incarceration
14 based on the financial impact statement filed with the
15 clerk of the court by the Department of Corrections;

16 (4) consider evidence and information offered by the
17 parties in aggravation and mitigation;

18 (4.5) consider substance abuse treatment, eligibility
19 screening, and an assessment, if any, of the defendant by
20 an agent designated by the State of Illinois to provide
21 assessment services for the Illinois courts;

22 (5) hear arguments as to sentencing alternatives;

23 (6) afford the defendant the opportunity to make a
24 statement in his own behalf;

25 (7) afford the victim of a violent crime or a violation
26 of Section 11-501 of the Illinois Vehicle Code, or a

1 similar provision of a local ordinance, or a qualified
2 individual affected by: (i) a violation of Section 405,
3 405.1, 405.2, or 407 of the Illinois Controlled Substances
4 Act or a violation of Section 55 or Section 65 of the
5 Methamphetamine Control and Community Protection Act, or
6 (ii) a Class 4 felony violation of Section 11-14, 11-15,
7 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of
8 1961, committed by the defendant the opportunity to make a
9 statement concerning the impact on the victim and to offer
10 evidence in aggravation or mitigation; provided that the
11 statement and evidence offered in aggravation or
12 mitigation must first be prepared in writing in conjunction
13 with the State's Attorney before it may be presented orally
14 at the hearing. Any sworn testimony offered by the victim
15 is subject to the defendant's right to cross-examine. All
16 statements and evidence offered under this paragraph (7)
17 shall become part of the record of the court. For the
18 purpose of this paragraph (7), "qualified individual"
19 means any person who (i) lived or worked within the
20 territorial jurisdiction where the offense took place when
21 the offense took place; and (ii) is familiar with various
22 public places within the territorial jurisdiction where
23 the offense took place when the offense took place. For the
24 purposes of this paragraph (7), "qualified individual"
25 includes any peace officer, or any member of any duly
26 organized State, county, or municipal peace unit assigned

1 to the territorial jurisdiction where the offense took
2 place when the offense took place;

3 (8) in cases of reckless homicide afford the victim's
4 spouse, guardians, parents or other immediate family
5 members an opportunity to make oral statements;

6 (9) in cases involving a felony sex offense as defined
7 under the Sex Offender Management Board Act, consider the
8 results of the sex offender evaluation conducted pursuant
9 to Section 5-3-2 of this Act; and

10 (10) make a finding of whether a motor vehicle was used
11 in the commission of the offense for which the defendant is
12 being sentenced.

13 (b) All sentences shall be imposed by the judge based upon
14 his independent assessment of the elements specified above and
15 any agreement as to sentence reached by the parties. The judge
16 who presided at the trial or the judge who accepted the plea of
17 guilty shall impose the sentence unless he is no longer sitting
18 as a judge in that court. Where the judge does not impose
19 sentence at the same time on all defendants who are convicted
20 as a result of being involved in the same offense, the
21 defendant or the State's Attorney may advise the sentencing
22 court of the disposition of any other defendants who have been
23 sentenced.

24 (c) In imposing a sentence for a violent crime or for an
25 offense of operating or being in physical control of a vehicle
26 while under the influence of alcohol, any other drug or any

1 combination thereof, or a similar provision of a local
2 ordinance, when such offense resulted in the personal injury to
3 someone other than the defendant, the trial judge shall specify
4 on the record the particular evidence, information, factors in
5 mitigation and aggravation or other reasons that led to his
6 sentencing determination. The full verbatim record of the
7 sentencing hearing shall be filed with the clerk of the court
8 and shall be a public record.

9 (c-1) In imposing a sentence for the offense of aggravated
10 kidnapping for ransom, home invasion, armed robbery,
11 aggravated vehicular hijacking, aggravated discharge of a
12 firearm, or armed violence with a category I weapon or category
13 II weapon, the trial judge shall make a finding as to whether
14 the conduct leading to conviction for the offense resulted in
15 great bodily harm to a victim, and shall enter that finding and
16 the basis for that finding in the record.

17 (c-2) If the defendant is sentenced to prison, other than
18 when a sentence of natural life imprisonment or a sentence of
19 death is imposed, at the time the sentence is imposed the judge
20 shall state on the record in open court the approximate period
21 of time the defendant will serve in custody according to the
22 then current statutory rules and regulations for early release
23 found in Section 3-6-3 and other related provisions of this
24 Code. This statement is intended solely to inform the public,
25 has no legal effect on the defendant's actual release, and may
26 not be relied on by the defendant on appeal.

1 The judge's statement, to be given after pronouncing the
2 sentence, other than when the sentence is imposed for one of
3 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
4 shall include the following:

5 "The purpose of this statement is to inform the public of
6 the actual period of time this defendant is likely to spend in
7 prison as a result of this sentence. The actual period of
8 prison time served is determined by the statutes of Illinois as
9 applied to this sentence by the Illinois Department of
10 Corrections and the Illinois Prisoner Review Board. In this
11 case, assuming the defendant receives all of his or her good
12 conduct credit, the period of estimated actual custody is ...
13 years and ... months, less up to 180 days additional good
14 conduct credit for meritorious service. If the defendant,
15 because of his or her own misconduct or failure to comply with
16 the institutional regulations, does not receive those credits,
17 the actual time served in prison will be longer. The defendant
18 may also receive an additional one-half day good conduct credit
19 for each day of participation in vocational, industry,
20 substance abuse, and educational programs as provided for by
21 Illinois statute."

22 When the sentence is imposed for one of the offenses
23 enumerated in paragraph (a)(3) of Section 3-6-3, other than
24 when the sentence is imposed for one of the offenses enumerated
25 in paragraph (a)(2) of Section 3-6-3 committed on or after June
26 19, 1998, and other than when the sentence is imposed for

1 reckless homicide as defined in subsection (e) of Section 9-3
2 of the Criminal Code of 1961 if the offense was committed on or
3 after January 1, 1999, and other than when the sentence is
4 imposed for aggravated arson if the offense was committed on or
5 after July 27, 2001 (the effective date of Public Act 92-176),
6 and other than when the sentence is imposed for aggravated
7 driving under the influence of alcohol, other drug or drugs, or
8 intoxicating compound or compounds, or any combination thereof
9 as defined in subparagraph (C) of paragraph (1) of subsection
10 (d) of Section 11-501 of the Illinois Vehicle Code committed on
11 or after January 1, 2011 (the effective date of Public Act
12 96-1230) ~~this amendatory Act of the 96th General Assembly~~, the
13 judge's statement, to be given after pronouncing the sentence,
14 shall include the following:

15 "The purpose of this statement is to inform the public of
16 the actual period of time this defendant is likely to spend in
17 prison as a result of this sentence. The actual period of
18 prison time served is determined by the statutes of Illinois as
19 applied to this sentence by the Illinois Department of
20 Corrections and the Illinois Prisoner Review Board. In this
21 case, assuming the defendant receives all of his or her good
22 conduct credit, the period of estimated actual custody is ...
23 years and ... months, less up to 90 days additional good
24 conduct credit for meritorious service. If the defendant,
25 because of his or her own misconduct or failure to comply with
26 the institutional regulations, does not receive those credits,

1 the actual time served in prison will be longer. The defendant
2 may also receive an additional one-half day good conduct credit
3 for each day of participation in vocational, industry,
4 substance abuse, and educational programs as provided for by
5 Illinois statute."

6 When the sentence is imposed for one of the offenses
7 enumerated in paragraph (a)(2) of Section 3-6-3, other than
8 first degree murder, and the offense was committed on or after
9 June 19, 1998, and when the sentence is imposed for reckless
10 homicide as defined in subsection (e) of Section 9-3 of the
11 Criminal Code of 1961 if the offense was committed on or after
12 January 1, 1999, and when the sentence is imposed for
13 aggravated driving under the influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds, or any
15 combination thereof as defined in subparagraph (F) of paragraph
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
17 Code, and when the sentence is imposed for aggravated arson if
18 the offense was committed on or after July 27, 2001 (the
19 effective date of Public Act 92-176), and when the sentence is
20 imposed for aggravated driving under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof as defined in subparagraph (C) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code committed on or after January 1, 2011
25 (the effective date of Public Act 96-1230) ~~this amendatory Act~~
26 ~~of the 96th General Assembly,~~ the judge's statement, to be

1 given after pronouncing the sentence, shall include the
2 following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois as
7 applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, the defendant is entitled to no more than 4 1/2 days of
10 good conduct credit for each month of his or her sentence of
11 imprisonment. Therefore, this defendant will serve at least 85%
12 of his or her sentence. Assuming the defendant receives 4 1/2
13 days credit for each month of his or her sentence, the period
14 of estimated actual custody is ... years and ... months. If the
15 defendant, because of his or her own misconduct or failure to
16 comply with the institutional regulations receives lesser
17 credit, the actual time served in prison will be longer."

18 When a sentence of imprisonment is imposed for first degree
19 murder and the offense was committed on or after June 19, 1998,
20 the judge's statement, to be given after pronouncing the
21 sentence, shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois as
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is not entitled to good conduct credit.
3 Therefore, this defendant will serve 100% of his or her
4 sentence."

5 When the sentencing order recommends placement in a
6 substance abuse program for any offense that results in
7 incarceration in a Department of Corrections facility and the
8 crime was committed on or after September 1, 2003 (the
9 effective date of Public Act 93-354), the judge's statement, in
10 addition to any other judge's statement required under this
11 Section, to be given after pronouncing the sentence, shall
12 include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois as
17 applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant shall receive no good conduct credit under
20 clause (3) of subsection (a) of Section 3-6-3 until he or she
21 participates in and completes a substance abuse treatment
22 program or receives a waiver from the Director of Corrections
23 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

24 (c-4) Before the sentencing hearing and as part of the
25 presentence investigation under Section 5-3-1, the court shall
26 inquire of the defendant whether the defendant is currently

1 serving in or is a veteran of the Armed Forces of the United
2 States. If the defendant is currently serving in the Armed
3 Forces of the United States or is a veteran of the Armed Forces
4 of the United States and has been diagnosed as having a mental
5 illness by a qualified psychiatrist or clinical psychologist or
6 physician, the court may:

7 (1) order that the officer preparing the presentence
8 report consult with the United States Department of
9 Veterans Affairs, Illinois Department of Veterans'
10 Affairs, or another agency or person with suitable
11 knowledge or experience for the purpose of providing the
12 court with information regarding treatment options
13 available to the defendant, including federal, State, and
14 local programming; and

15 (2) consider the treatment recommendations of any
16 diagnosing or treating mental health professionals
17 together with the treatment options available to the
18 defendant in imposing sentence.

19 For the purposes of this subsection (c-4), "qualified
20 psychiatrist" means a reputable physician licensed in Illinois
21 to practice medicine in all its branches, who has specialized
22 in the diagnosis and treatment of mental and nervous disorders
23 for a period of not less than 5 years.

24 (c-6) In imposing a sentence, the trial judge shall
25 specify, on the record, the particular evidence and other
26 reasons which led to his or her determination that a motor

1 vehicle was used in the commission of the offense.

2 (d) When the defendant is committed to the Department of
3 Corrections, the State's Attorney shall and counsel for the
4 defendant may file a statement with the clerk of the court to
5 be transmitted to the department, agency or institution to
6 which the defendant is committed to furnish such department,
7 agency or institution with the facts and circumstances of the
8 offense for which the person was committed together with all
9 other factual information accessible to them in regard to the
10 person prior to his commitment relative to his habits,
11 associates, disposition and reputation and any other facts and
12 circumstances which may aid such department, agency or
13 institution during its custody of such person. The clerk shall
14 within 10 days after receiving any such statements transmit a
15 copy to such department, agency or institution and a copy to
16 the other party, provided, however, that this shall not be
17 cause for delay in conveying the person to the department,
18 agency or institution to which he has been committed.

19 (e) The clerk of the court shall transmit to the
20 department, agency or institution, if any, to which the
21 defendant is committed, the following:

22 (1) the sentence imposed;

23 (2) any statement by the court of the basis for
24 imposing the sentence;

25 (3) any presentence reports;

26 (3.5) any sex offender evaluations;

1 (3.6) any substance abuse treatment eligibility
2 screening and assessment of the defendant by an agent
3 designated by the State of Illinois to provide assessment
4 services for the Illinois courts;

5 (4) the number of days, if any, which the defendant has
6 been in custody and for which he is entitled to credit
7 against the sentence, which information shall be provided
8 to the clerk by the sheriff;

9 (4.1) any finding of great bodily harm made by the
10 court with respect to an offense enumerated in subsection
11 (c-1);

12 (5) all statements filed under subsection (d) of this
13 Section;

14 (6) any medical or mental health records or summaries
15 of the defendant;

16 (7) the municipality where the arrest of the offender
17 or the commission of the offense has occurred, where such
18 municipality has a population of more than 25,000 persons;

19 (8) all statements made and evidence offered under
20 paragraph (7) of subsection (a) of this Section; and

21 (9) all additional matters which the court directs the
22 clerk to transmit.

23 (f) In cases in which the court finds that a motor vehicle
24 was used in the commission of the offense for which the
25 defendant is being sentenced, the clerk of the court shall,
26 within 5 days thereafter, forward a report of such conviction

1 to the Secretary of State.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;
3 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; revised 9-16-10.)

4 (730 ILCS 5/5-5-3.2)

5 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
6 Sentencing.

7 (a) The following factors shall be accorded weight in favor
8 of imposing a term of imprisonment or may be considered by the
9 court as reasons to impose a more severe sentence under Section
10 5-8-1 or Article 4.5 of Chapter V:

11 (1) the defendant's conduct caused or threatened
12 serious harm;

13 (2) the defendant received compensation for committing
14 the offense;

15 (3) the defendant has a history of prior delinquency or
16 criminal activity;

17 (4) the defendant, by the duties of his office or by
18 his position, was obliged to prevent the particular offense
19 committed or to bring the offenders committing it to
20 justice;

21 (5) the defendant held public office at the time of the
22 offense, and the offense related to the conduct of that
23 office;

24 (6) the defendant utilized his professional reputation
25 or position in the community to commit the offense, or to

1 afford him an easier means of committing it;

2 (7) the sentence is necessary to deter others from
3 committing the same crime;

4 (8) the defendant committed the offense against a
5 person 60 years of age or older or such person's property;

6 (9) the defendant committed the offense against a
7 person who is physically handicapped or such person's
8 property;

9 (10) by reason of another individual's actual or
10 perceived race, color, creed, religion, ancestry, gender,
11 sexual orientation, physical or mental disability, or
12 national origin, the defendant committed the offense
13 against (i) the person or property of that individual; (ii)
14 the person or property of a person who has an association
15 with, is married to, or has a friendship with the other
16 individual; or (iii) the person or property of a relative
17 (by blood or marriage) of a person described in clause (i)
18 or (ii). For the purposes of this Section, "sexual
19 orientation" means heterosexuality, homosexuality, or
20 bisexuality;

21 (11) the offense took place in a place of worship or on
22 the grounds of a place of worship, immediately prior to,
23 during or immediately following worship services. For
24 purposes of this subparagraph, "place of worship" shall
25 mean any church, synagogue or other building, structure or
26 place used primarily for religious worship;

1 (12) the defendant was convicted of a felony committed
2 while he was released on bail or his own recognizance
3 pending trial for a prior felony and was convicted of such
4 prior felony, or the defendant was convicted of a felony
5 committed while he was serving a period of probation,
6 conditional discharge, or mandatory supervised release
7 under subsection (d) of Section 5-8-1 for a prior felony;

8 (13) the defendant committed or attempted to commit a
9 felony while he was wearing a bulletproof vest. For the
10 purposes of this paragraph (13), a bulletproof vest is any
11 device which is designed for the purpose of protecting the
12 wearer from bullets, shot or other lethal projectiles;

13 (14) the defendant held a position of trust or
14 supervision such as, but not limited to, family member as
15 defined in Section 12-12 of the Criminal Code of 1961,
16 teacher, scout leader, baby sitter, or day care worker, in
17 relation to a victim under 18 years of age, and the
18 defendant committed an offense in violation of Section
19 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
20 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
21 against that victim;

22 (15) the defendant committed an offense related to the
23 activities of an organized gang. For the purposes of this
24 factor, "organized gang" has the meaning ascribed to it in
25 Section 10 of the Streetgang Terrorism Omnibus Prevention
26 Act;

1 (16) the defendant committed an offense in violation of
2 one of the following Sections while in a school, regardless
3 of the time of day or time of year; on any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related activity; on
6 the real property of a school; or on a public way within
7 1,000 feet of the real property comprising any school:
8 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
9 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
10 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
11 33A-2 of the Criminal Code of 1961;

12 (16.5) the defendant committed an offense in violation
13 of one of the following Sections while in a day care
14 center, regardless of the time of day or time of year; on
15 the real property of a day care center, regardless of the
16 time of day or time of year; or on a public way within
17 1,000 feet of the real property comprising any day care
18 center, regardless of the time of day or time of year:
19 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
20 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
21 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
22 33A-2 of the Criminal Code of 1961;

23 (17) the defendant committed the offense by reason of
24 any person's activity as a community policing volunteer or
25 to prevent any person from engaging in activity as a
26 community policing volunteer. For the purpose of this

1 Section, "community policing volunteer" has the meaning
2 ascribed to it in Section 2-3.5 of the Criminal Code of
3 1961;

4 (18) the defendant committed the offense in a nursing
5 home or on the real property comprising a nursing home. For
6 the purposes of this paragraph (18), "nursing home" means a
7 skilled nursing or intermediate long term care facility
8 that is subject to license by the Illinois Department of
9 Public Health under the Nursing Home Care Act or the MR/DD
10 Community Care Act;

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card Act and has now committed either a
15 felony violation of the Firearm Owners Identification Card
16 Act or an act of armed violence while armed with a firearm;

17 (20) the defendant (i) committed the offense of
18 reckless homicide under Section 9-3 of the Criminal Code of
19 1961 or the offense of driving under the influence of
20 alcohol, other drug or drugs, intoxicating compound or
21 compounds or any combination thereof under Section 11-501
22 of the Illinois Vehicle Code or a similar provision of a
23 local ordinance and (ii) was operating a motor vehicle in
24 excess of 20 miles per hour over the posted speed limit as
25 provided in Article VI of Chapter 11 of the Illinois
26 Vehicle Code;

1 (21) the defendant (i) committed the offense of
2 reckless driving or aggravated reckless driving under
3 Section 11-503 of the Illinois Vehicle Code and (ii) was
4 operating a motor vehicle in excess of 20 miles per hour
5 over the posted speed limit as provided in Article VI of
6 Chapter 11 of the Illinois Vehicle Code;

7 (22) the defendant committed the offense against a
8 person that the defendant knew, or reasonably should have
9 known, was a member of the Armed Forces of the United
10 States serving on active duty. For purposes of this clause
11 (22), the term "Armed Forces" means any of the Armed Forces
12 of the United States, including a member of any reserve
13 component thereof or National Guard unit called to active
14 duty;

15 (23) the defendant committed the offense against a
16 person who was elderly, disabled, or infirm by taking
17 advantage of a family or fiduciary relationship with the
18 elderly, disabled, or infirm person;

19 (24) the defendant committed any offense under Section
20 11-20.1 of the Criminal Code of 1961 and possessed 100 or
21 more images;

22 (25) the defendant committed the offense while the
23 defendant or the victim was in a train, bus, or other
24 vehicle used for public transportation; ~~or~~

25 (26) the defendant committed the offense of child
26 pornography or aggravated child pornography, specifically

1 including paragraph (1), (2), (3), (4), (5), or (7) of
2 subsection (a) of Section 11-20.1 of the Criminal Code of
3 1961 where a child engaged in, solicited for, depicted in,
4 or posed in any act of sexual penetration or bound,
5 fettered, or subject to sadistic, masochistic, or
6 sadomasochistic abuse in a sexual context and specifically
7 including paragraph (1), (2), (3), (4), (5), or (7) of
8 subsection (a) of Section 11-20.3 of the Criminal Code of
9 1961 where a child engaged in, solicited for, depicted in,
10 or posed in any act of sexual penetration or bound,
11 fettered, or subject to sadistic, masochistic, or
12 sadomasochistic abuse in a sexual context; or

13 (27) the defendant committed the offense of first
14 degree murder, assault, aggravated assault, battery,
15 aggravated battery, robbery, armed robbery, or aggravated
16 robbery against a person who was a veteran and the
17 defendant knew, or reasonably should have known, that the
18 person was a veteran performing duties as a representative
19 of a veterans' organization. For the purposes of this
20 paragraph (27), "veteran" means an Illinois resident who
21 has served as a member of the United States Armed Forces, a
22 member of the Illinois National Guard, or a member of the
23 United States Reserve Forces; and "veterans' organization"
24 means an organization comprised of members of which
25 substantially all are individuals who are veterans or
26 spouses, widows, or widowers of veterans, the primary

1 purpose of which is to promote the welfare of its members
2 and to provide assistance to the general public in such a
3 way as to confer a public benefit.

4 For the purposes of this Section:

5 "School" is defined as a public or private elementary or
6 secondary school, community college, college, or university.

7 "Day care center" means a public or private State certified
8 and licensed day care center as defined in Section 2.09 of the
9 Child Care Act of 1969 that displays a sign in plain view
10 stating that the property is a day care center.

11 "Public transportation" means the transportation or
12 conveyance of persons by means available to the general public,
13 and includes paratransit services.

14 (b) The following factors, related to all felonies, may be
15 considered by the court as reasons to impose an extended term
16 sentence under Section 5-8-2 upon any offender:

17 (1) When a defendant is convicted of any felony, after
18 having been previously convicted in Illinois or any other
19 jurisdiction of the same or similar class felony or greater
20 class felony, when such conviction has occurred within 10
21 years after the previous conviction, excluding time spent
22 in custody, and such charges are separately brought and
23 tried and arise out of different series of acts; or

24 (2) When a defendant is convicted of any felony and the
25 court finds that the offense was accompanied by
26 exceptionally brutal or heinous behavior indicative of

1 wanton cruelty; or

2 (3) When a defendant is convicted of any felony
3 committed against:

4 (i) a person under 12 years of age at the time of
5 the offense or such person's property;

6 (ii) a person 60 years of age or older at the time
7 of the offense or such person's property; or

8 (iii) a person physically handicapped at the time
9 of the offense or such person's property; or

10 (4) When a defendant is convicted of any felony and the
11 offense involved any of the following types of specific
12 misconduct committed as part of a ceremony, rite,
13 initiation, observance, performance, practice or activity
14 of any actual or ostensible religious, fraternal, or social
15 group:

16 (i) the brutalizing or torturing of humans or
17 animals;

18 (ii) the theft of human corpses;

19 (iii) the kidnapping of humans;

20 (iv) the desecration of any cemetery, religious,
21 fraternal, business, governmental, educational, or
22 other building or property; or

23 (v) ritualized abuse of a child; or

24 (5) When a defendant is convicted of a felony other
25 than conspiracy and the court finds that the felony was
26 committed under an agreement with 2 or more other persons

1 to commit that offense and the defendant, with respect to
2 the other individuals, occupied a position of organizer,
3 supervisor, financier, or any other position of management
4 or leadership, and the court further finds that the felony
5 committed was related to or in furtherance of the criminal
6 activities of an organized gang or was motivated by the
7 defendant's leadership in an organized gang; or

8 (6) When a defendant is convicted of an offense
9 committed while using a firearm with a laser sight attached
10 to it. For purposes of this paragraph, "laser sight" has
11 the meaning ascribed to it in Section 24.6-5 of the
12 Criminal Code of 1961; or

13 (7) When a defendant who was at least 17 years of age
14 at the time of the commission of the offense is convicted
15 of a felony and has been previously adjudicated a
16 delinquent minor under the Juvenile Court Act of 1987 for
17 an act that if committed by an adult would be a Class X or
18 Class 1 felony when the conviction has occurred within 10
19 years after the previous adjudication, excluding time
20 spent in custody; or

21 (8) When a defendant commits any felony and the
22 defendant used, possessed, exercised control over, or
23 otherwise directed an animal to assault a law enforcement
24 officer engaged in the execution of his or her official
25 duties or in furtherance of the criminal activities of an
26 organized gang in which the defendant is engaged.

1 (c) The following factors may be considered by the court as
2 reasons to impose an extended term sentence under Section 5-8-2
3 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

4 (1) When a defendant is convicted of first degree
5 murder, after having been previously convicted in Illinois
6 of any offense listed under paragraph (c)(2) of Section
7 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
8 within 10 years after the previous conviction, excluding
9 time spent in custody, and the charges are separately
10 brought and tried and arise out of different series of
11 acts.

12 (1.5) When a defendant is convicted of first degree
13 murder, after having been previously convicted of domestic
14 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
15 (720 ILCS 5/12-3.3) committed on the same victim or after
16 having been previously convicted of violation of an order
17 of protection (720 ILCS 5/12-30) in which the same victim
18 was the protected person.

19 (2) When a defendant is convicted of voluntary
20 manslaughter, second degree murder, involuntary
21 manslaughter, or reckless homicide in which the defendant
22 has been convicted of causing the death of more than one
23 individual.

24 (3) When a defendant is convicted of aggravated
25 criminal sexual assault or criminal sexual assault, when
26 there is a finding that aggravated criminal sexual assault

1 or criminal sexual assault was also committed on the same
2 victim by one or more other individuals, and the defendant
3 voluntarily participated in the crime with the knowledge of
4 the participation of the others in the crime, and the
5 commission of the crime was part of a single course of
6 conduct during which there was no substantial change in the
7 nature of the criminal objective.

8 (4) If the victim was under 18 years of age at the time
9 of the commission of the offense, when a defendant is
10 convicted of aggravated criminal sexual assault or
11 predatory criminal sexual assault of a child under
12 subsection (a)(1) of Section 12-14.1 of the Criminal Code
13 of 1961 (720 ILCS 5/12-14.1).

14 (5) When a defendant is convicted of a felony violation
15 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
16 5/24-1) and there is a finding that the defendant is a
17 member of an organized gang.

18 (6) When a defendant was convicted of unlawful use of
19 weapons under Section 24-1 of the Criminal Code of 1961
20 (720 ILCS 5/24-1) for possessing a weapon that is not
21 readily distinguishable as one of the weapons enumerated in
22 Section 24-1 of the Criminal Code of 1961 (720 ILCS
23 5/24-1).

24 (7) When a defendant is convicted of an offense
25 involving the illegal manufacture of a controlled
26 substance under Section 401 of the Illinois Controlled

1 Substances Act (720 ILCS 570/401), the illegal manufacture
2 of methamphetamine under Section 25 of the Methamphetamine
3 Control and Community Protection Act (720 ILCS 646/25), or
4 the illegal possession of explosives and an emergency
5 response officer in the performance of his or her duties is
6 killed or injured at the scene of the offense while
7 responding to the emergency caused by the commission of the
8 offense. In this paragraph, "emergency" means a situation
9 in which a person's life, health, or safety is in jeopardy;
10 and "emergency response officer" means a peace officer,
11 community policing volunteer, fireman, emergency medical
12 technician-ambulance, emergency medical
13 technician-intermediate, emergency medical
14 technician-paramedic, ambulance driver, other medical
15 assistance or first aid personnel, or hospital emergency
16 room personnel.

17 (d) For the purposes of this Section, "organized gang" has
18 the meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (e) The court may impose an extended term sentence under
21 Article 4.5 of Chapter V upon an offender who has been
22 convicted of a felony violation of Section 12-13, 12-14,
23 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
24 victim of the offense is under 18 years of age at the time of
25 the commission of the offense and, during the commission of the
26 offense, the victim was under the influence of alcohol,

1 regardless of whether or not the alcohol was supplied by the
2 offender; and the offender, at the time of the commission of
3 the offense, knew or should have known that the victim had
4 consumed alcohol.

5 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
6 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
7 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
8 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff.
9 7-2-10; 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390,
10 eff. 1-1-11; revised 9-16-10.)

11 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

12 Sec. 5-6-1. Sentences of Probation and of Conditional
13 Discharge and Disposition of Supervision. The General Assembly
14 finds that in order to protect the public, the criminal justice
15 system must compel compliance with the conditions of probation
16 by responding to violations with swift, certain and fair
17 punishments and intermediate sanctions. The Chief Judge of each
18 circuit shall adopt a system of structured, intermediate
19 sanctions for violations of the terms and conditions of a
20 sentence of probation, conditional discharge or disposition of
21 supervision.

22 (a) Except where specifically prohibited by other
23 provisions of this Code, the court shall impose a sentence of
24 probation or conditional discharge upon an offender unless,
25 having regard to the nature and circumstance of the offense,

1 and to the history, character and condition of the offender,
2 the court is of the opinion that:

3 (1) his imprisonment or periodic imprisonment is
4 necessary for the protection of the public; or

5 (2) probation or conditional discharge would deprecate
6 the seriousness of the offender's conduct and would be
7 inconsistent with the ends of justice; or

8 (3) a combination of imprisonment with concurrent or
9 consecutive probation when an offender has been admitted
10 into a drug court program under Section 20 of the Drug
11 Court Treatment Act is necessary for the protection of the
12 public and for the rehabilitation of the offender.

13 The court shall impose as a condition of a sentence of
14 probation, conditional discharge, or supervision, that the
15 probation agency may invoke any sanction from the list of
16 intermediate sanctions adopted by the chief judge of the
17 circuit court for violations of the terms and conditions of the
18 sentence of probation, conditional discharge, or supervision,
19 subject to the provisions of Section 5-6-4 of this Act.

20 (b) The court may impose a sentence of conditional
21 discharge for an offense if the court is of the opinion that
22 neither a sentence of imprisonment nor of periodic imprisonment
23 nor of probation supervision is appropriate.

24 (b-1) Subsections (a) and (b) of this Section do not apply
25 to a defendant charged with a misdemeanor or felony under the
26 Illinois Vehicle Code or reckless homicide under Section 9-3 of

1 the Criminal Code of 1961 if the defendant within the past 12
2 months has been convicted of or pleaded guilty to a misdemeanor
3 or felony under the Illinois Vehicle Code or reckless homicide
4 under Section 9-3 of the Criminal Code of 1961.

5 (c) The court may, upon a plea of guilty or a stipulation
6 by the defendant of the facts supporting the charge or a
7 finding of guilt, defer further proceedings and the imposition
8 of a sentence, and enter an order for supervision of the
9 defendant, if the defendant is not charged with: (i) a Class A
10 misdemeanor, as defined by the following provisions of the
11 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
12 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
13 paragraph (1) through (5), (8), (10), and (11) of subsection
14 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
15 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
16 Act; or (iii) a felony. If the defendant is not barred from
17 receiving an order for supervision as provided in this
18 subsection, the court may enter an order for supervision after
19 considering the circumstances of the offense, and the history,
20 character and condition of the offender, if the court is of the
21 opinion that:

22 (1) the offender is not likely to commit further
23 crimes;

24 (2) the defendant and the public would be best served
25 if the defendant were not to receive a criminal record; and

26 (3) in the best interests of justice an order of

1 supervision is more appropriate than a sentence otherwise
2 permitted under this Code.

3 (c-5) Subsections (a), (b), and (c) of this Section do not
4 apply to a defendant charged with a second or subsequent
5 violation of Section 6-303 of the Illinois Vehicle Code
6 committed while his or her driver's license, permit or
7 privileges were revoked because of a violation of Section 9-3
8 of the Criminal Code of 1961, relating to the offense of
9 reckless homicide, or a similar provision of a law of another
10 state.

11 (d) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance when
14 the defendant has previously been:

15 (1) convicted for a violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance or any similar law or ordinance of another state;
18 or

19 (2) assigned supervision for a violation of Section
20 11-501 of the Illinois Vehicle Code or a similar provision
21 of a local ordinance or any similar law or ordinance of
22 another state; or

23 (3) pleaded guilty to or stipulated to the facts
24 supporting a charge or a finding of guilty to a violation
25 of Section 11-503 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance or any similar law or

1 ordinance of another state, and the plea or stipulation was
2 the result of a plea agreement.

3 The court shall consider the statement of the prosecuting
4 authority with regard to the standards set forth in this
5 Section.

6 (e) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Section 16A-3 of the Criminal
8 Code of 1961 if said defendant has within the last 5 years
9 been:

10 (1) convicted for a violation of Section 16A-3 of the
11 Criminal Code of 1961; or

12 (2) assigned supervision for a violation of Section
13 16A-3 of the Criminal Code of 1961.

14 The court shall consider the statement of the prosecuting
15 authority with regard to the standards set forth in this
16 Section.

17 (f) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Sections 15-111, 15-112,
19 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
20 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance.

22 (g) Except as otherwise provided in paragraph (i) of this
23 Section, the provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 3-707, 3-708, 3-710,
25 or 5-401.3 of the Illinois Vehicle Code or a similar provision
26 of a local ordinance if the defendant has within the last 5

1 years been:

2 (1) convicted for a violation of Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance; or

5 (2) assigned supervision for a violation of Section
6 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
7 Code or a similar provision of a local ordinance.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (h) The provisions of paragraph (c) shall not apply to a
12 defendant under the age of 21 years charged with violating a
13 serious traffic offense as defined in Section 1-187.001 of the
14 Illinois Vehicle Code:

15 (1) unless the defendant, upon payment of the fines,
16 penalties, and costs provided by law, agrees to attend and
17 successfully complete a traffic safety program approved by
18 the court under standards set by the Conference of Chief
19 Circuit Judges. The accused shall be responsible for
20 payment of any traffic safety program fees. If the accused
21 fails to file a certificate of successful completion on or
22 before the termination date of the supervision order, the
23 supervision shall be summarily revoked and conviction
24 entered. The provisions of Supreme Court Rule 402 relating
25 to pleas of guilty do not apply in cases when a defendant
26 enters a guilty plea under this provision; or

1 (2) if the defendant has previously been sentenced
2 under the provisions of paragraph (c) on or after January
3 1, 1998 for any serious traffic offense as defined in
4 Section 1-187.001 of the Illinois Vehicle Code.

5 (h-1) The provisions of paragraph (c) shall not apply to a
6 defendant under the age of 21 years charged with an offense
7 against traffic regulations governing the movement of vehicles
8 or any violation of Section 6-107 or Section 12-603.1 of the
9 Illinois Vehicle Code, unless the defendant, upon payment of
10 the fines, penalties, and costs provided by law, agrees to
11 attend and successfully complete a traffic safety program
12 approved by the court under standards set by the Conference of
13 Chief Circuit Judges. The accused shall be responsible for
14 payment of any traffic safety program fees. If the accused
15 fails to file a certificate of successful completion on or
16 before the termination date of the supervision order, the
17 supervision shall be summarily revoked and conviction entered.
18 The provisions of Supreme Court Rule 402 relating to pleas of
19 guilty do not apply in cases when a defendant enters a guilty
20 plea under this provision.

21 (i) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 3-707 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance if the
24 defendant has been assigned supervision for a violation of
25 Section 3-707 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance.

1 (j) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 6-303 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance when
4 the revocation or suspension was for a violation of Section
5 11-501 or a similar provision of a local ordinance or a
6 violation of Section 11-501.1 or paragraph (b) of Section
7 11-401 of the Illinois Vehicle Code if the defendant has within
8 the last 10 years been:

9 (1) convicted for a violation of Section 6-303 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance; or

12 (2) assigned supervision for a violation of Section
13 6-303 of the Illinois Vehicle Code or a similar provision
14 of a local ordinance.

15 (k) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating any provision of the Illinois
17 Vehicle Code or a similar provision of a local ordinance that
18 governs the movement of vehicles if, within the 12 months
19 preceding the date of the defendant's arrest, the defendant has
20 been assigned court supervision on 2 occasions for a violation
21 that governs the movement of vehicles under the Illinois
22 Vehicle Code or a similar provision of a local ordinance. The
23 provisions of this paragraph (k) do not apply to a defendant
24 charged with violating Section 11-501 of the Illinois Vehicle
25 Code or a similar provision of a local ordinance.

26 (1) A defendant charged with violating any provision of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance who receives a disposition of supervision under
3 subsection (c) shall pay an additional fee of \$29, to be
4 collected as provided in Sections 27.5 and 27.6 of the Clerks
5 of Courts Act. In addition to the \$29 fee, the person shall
6 also pay a fee of \$6, which, if not waived by the court, shall
7 be collected as provided in Sections 27.5 and 27.6 of the
8 Clerks of Courts Act. The \$29 fee shall be disbursed as
9 provided in Section 16-104c of the Illinois Vehicle Code. If
10 the \$6 fee is collected, \$5.50 of the fee shall be deposited
11 into the Circuit Court Clerk Operation and Administrative Fund
12 created by the Clerk of the Circuit Court and 50 cents of the
13 fee shall be deposited into the Prisoner Review Board Vehicle
14 and Equipment Fund in the State treasury.

15 (m) Any person convicted of, pleading guilty to, or placed
16 on supervision for a serious traffic violation, as defined in
17 Section 1-187.001 of the Illinois Vehicle Code, a violation of
18 Section 11-501 of the Illinois Vehicle Code, or a violation of
19 a similar provision of a local ordinance shall pay an
20 additional fee of \$35, to be disbursed as provided in Section
21 16-104d of that Code.

22 This subsection (m) becomes inoperative 7 years after
23 October 13, 2007 (the effective date of Public Act 95-154).

24 (n) The provisions of paragraph (c) shall not apply to any
25 person under the age of 18 who commits an offense against
26 traffic regulations governing the movement of vehicles or any

1 violation of Section 6-107 or Section 12-603.1 of the Illinois
2 Vehicle Code, except upon personal appearance of the defendant
3 in court and upon the written consent of the defendant's parent
4 or legal guardian, executed before the presiding judge. The
5 presiding judge shall have the authority to waive this
6 requirement upon the showing of good cause by the defendant.

7 (o) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 6-303 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance when
10 the suspension was for a violation of Section 11-501.1 of the
11 Illinois Vehicle Code and when:

12 (1) at the time of the violation of Section 11-501.1 of
13 the Illinois Vehicle Code, the defendant was a first
14 offender pursuant to Section 11-500 of the Illinois Vehicle
15 Code and the defendant failed to obtain a monitoring device
16 driving permit; or

17 (2) at the time of the violation of Section 11-501.1 of
18 the Illinois Vehicle Code, the defendant was a first
19 offender pursuant to Section 11-500 of the Illinois Vehicle
20 Code, had subsequently obtained a monitoring device
21 driving permit, but was driving a vehicle not equipped with
22 a breath alcohol ignition interlock device as defined in
23 Section 1-129.1 of the Illinois Vehicle Code.

24 (p) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating subsection (b) of Section
26 11-601.5 of the Illinois Vehicle Code or a similar provision of

1 a local ordinance.

2 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
3 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
4 95-428, eff. 8-24-07; 95-876, eff. 8-21-08; 96-253, eff.
5 8-11-09; 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625,
6 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1002, eff. 1-1-11;
7 96-1175, eff. 9-20-10; revised 9-16-10.)

8 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

9 Sec. 5-8-1. Natural life imprisonment; enhancements for
10 use of a firearm; mandatory supervised release terms.

11 (a) Except as otherwise provided in the statute defining
12 the offense or in Article 4.5 of Chapter V, a sentence of
13 imprisonment for a felony shall be a determinate sentence set
14 by the court under this Section, according to the following
15 limitations:

16 (1) for first degree murder,

17 (a) (blank),

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection (a) (1) (c)
22 of this Section, that any of the aggravating factors
23 listed in subsection (b) or (b-5) of Section 9-1 of the
24 Criminal Code of 1961 are present, the court may
25 sentence the defendant to a term of natural life

1 imprisonment, or

2 (c) the court shall sentence the defendant to a
3 term of natural life imprisonment when the death
4 penalty is not imposed if the defendant,

5 (i) has previously been convicted of first
6 degree murder under any state or federal law, or

7 (ii) is a person who, at the time of the
8 commission of the murder, had attained the age of
9 17 or more and is found guilty of murdering an
10 individual under 12 years of age; or, irrespective
11 of the defendant's age at the time of the
12 commission of the offense, is found guilty of
13 murdering more than one victim, or

14 (iii) is found guilty of murdering a peace
15 officer, fireman, or emergency management worker
16 when the peace officer, fireman, or emergency
17 management worker was killed in the course of
18 performing his official duties, or to prevent the
19 peace officer or fireman from performing his
20 official duties, or in retaliation for the peace
21 officer, fireman, or emergency management worker
22 from performing his official duties, and the
23 defendant knew or should have known that the
24 murdered individual was a peace officer, fireman,
25 or emergency management worker, or

26 (iv) is found guilty of murdering an employee

1 of an institution or facility of the Department of
2 Corrections, or any similar local correctional
3 agency, when the employee was killed in the course
4 of performing his official duties, or to prevent
5 the employee from performing his official duties,
6 or in retaliation for the employee performing his
7 official duties, or

8 (v) is found guilty of murdering an emergency
9 medical technician - ambulance, emergency medical
10 technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver or other
12 medical assistance or first aid person while
13 employed by a municipality or other governmental
14 unit when the person was killed in the course of
15 performing official duties or to prevent the
16 person from performing official duties or in
17 retaliation for performing official duties and the
18 defendant knew or should have known that the
19 murdered individual was an emergency medical
20 technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver, or other
23 medical assistant or first aid personnel, or

24 (vi) is a person who, at the time of the
25 commission of the murder, had not attained the age
26 of 17, and is found guilty of murdering a person

1 under 12 years of age and the murder is committed
2 during the course of aggravated criminal sexual
3 assault, criminal sexual assault, or aggravated
4 kidnaping, or

5 (vii) is found guilty of first degree murder
6 and the murder was committed by reason of any
7 person's activity as a community policing
8 volunteer or to prevent any person from engaging in
9 activity as a community policing volunteer. For
10 the purpose of this Section, "community policing
11 volunteer" has the meaning ascribed to it in
12 Section 2-3.5 of the Criminal Code of 1961.

13 For purposes of clause (v), "emergency medical
14 technician - ambulance", "emergency medical technician
15 - intermediate", "emergency medical technician -
16 paramedic", have the meanings ascribed to them in the
17 Emergency Medical Services (EMS) Systems Act.

18 (d) (i) if the person committed the offense while
19 armed with a firearm, 15 years shall be added to
20 the term of imprisonment imposed by the court;

21 (ii) if, during the commission of the offense,
22 the person personally discharged a firearm, 20
23 years shall be added to the term of imprisonment
24 imposed by the court;

25 (iii) if, during the commission of the
26 offense, the person personally discharged a

1 firearm that proximately caused great bodily harm,
2 permanent disability, permanent disfigurement, or
3 death to another person, 25 years or up to a term
4 of natural life shall be added to the term of
5 imprisonment imposed by the court.

6 (2) (blank);

7 (2.5) for a person convicted under the circumstances
8 described in paragraph (3) of subsection (b) of Section
9 12-13, paragraph (2) of subsection (d) of Section 12-14,
10 paragraph (1.2) of subsection (b) of Section 12-14.1, or
11 paragraph (2) of subsection (b) of Section 12-14.1 of the
12 Criminal Code of 1961, the sentence shall be a term of
13 natural life imprisonment.

14 (b) (Blank).

15 (c) (Blank).

16 (d) Subject to earlier termination under Section 3-3-8, the
17 parole or mandatory supervised release term shall be as
18 follows:

19 (1) for first degree murder or a Class X felony except
20 for the offenses of predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, and criminal
22 sexual assault if committed on or after the effective date
23 of this amendatory Act of the 94th General Assembly and
24 except for the offense of aggravated child pornography
25 under Section 11-20.3 of the Criminal Code of 1961, if
26 committed on or after January 1, 2009, 3 years;

1 (2) for a Class 1 felony or a Class 2 felony except for
2 the offense of criminal sexual assault if committed on or
3 after the effective date of this amendatory Act of the 94th
4 General Assembly and except for the offenses of manufacture
5 and dissemination of child pornography under clauses
6 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
7 of 1961, if committed on or after January 1, 2009, 2 years;

8 (3) for a Class 3 felony or a Class 4 felony, 1 year;

9 (4) for defendants who commit the offense of predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, or criminal sexual assault, on or after the
12 effective date of this amendatory Act of the 94th General
13 Assembly, or who commit the offense of aggravated child
14 pornography, manufacture of child pornography, or
15 dissemination of child pornography after January 1, 2009,
16 the term of mandatory supervised release shall range from a
17 minimum of 3 years to a maximum of the natural life of the
18 defendant;

19 (5) if the victim is under 18 years of age, for a
20 second or subsequent offense of aggravated criminal sexual
21 abuse or felony criminal sexual abuse, 4 years, at least
22 the first 2 years of which the defendant shall serve in an
23 electronic home detention program under Article 8A of
24 Chapter V of this Code;

25 (6) for a felony domestic battery, aggravated domestic
26 battery, stalking, aggravated stalking, and a felony

1 violation of an order of protection, 4 years.

2 (e) (Blank).

3 (f) (Blank).

4 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
5 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.
6 7-22-10; 96-1475, eff. 1-1-11; revised 9-16-10.)

7 Section 565. The Sex Offender Registration Act is amended
8 by changing Sections 3 and 6 as follows:

9 (730 ILCS 150/3)

10 Sec. 3. Duty to register.

11 (a) A sex offender, as defined in Section 2 of this Act, or
12 sexual predator shall, within the time period prescribed in
13 subsections (b) and (c), register in person and provide
14 accurate information as required by the Department of State
15 Police. Such information shall include a current photograph,
16 current address, current place of employment, the sex
17 offender's or sexual predator's telephone number, including
18 cellular telephone number, the employer's telephone number,
19 school attended, all e-mail addresses, instant messaging
20 identities, chat room identities, and other Internet
21 communications identities that the sex offender uses or plans
22 to use, all Uniform Resource Locators (URLs) registered or used
23 by the sex offender, all blogs and other Internet sites
24 maintained by the sex offender or to which the sex offender has

1 uploaded any content or posted any messages or information,
2 extensions of the time period for registering as provided in
3 this Article and, if an extension was granted, the reason why
4 the extension was granted and the date the sex offender was
5 notified of the extension. The information shall also include a
6 copy of the terms and conditions of parole or release signed by
7 the sex offender and given to the sex offender by his or her
8 supervising officer, the county of conviction, license plate
9 numbers for every vehicle registered in the name of the sex
10 offender, the age of the sex offender at the time of the
11 commission of the offense, the age of the victim at the time of
12 the commission of the offense, and any distinguishing marks
13 located on the body of the sex offender. A sex offender
14 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
15 Criminal Code of 1961 shall provide all Internet protocol (IP)
16 addresses in his or her residence, registered in his or her
17 name, accessible at his or her place of employment, or
18 otherwise under his or her control or custody. If the sex
19 offender is a child sex offender as defined in Section 11-9.3
20 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
21 report to the registering agency whether he or she is living in
22 a household with a child under 18 years of age who is not his or
23 her own child, provided that his or her own child is not the
24 victim of the sex offense. The sex offender or sexual predator
25 shall register:

26 (1) with the chief of police in the municipality in

1 which he or she resides or is temporarily domiciled for a
2 period of time of 3 or more days, unless the municipality
3 is the City of Chicago, in which case he or she shall
4 register at the Chicago Police Department Headquarters; or

5 (2) with the sheriff in the county in which he or she
6 resides or is temporarily domiciled for a period of time of
7 3 or more days in an unincorporated area or, if
8 incorporated, no police chief exists.

9 If the sex offender or sexual predator is employed at or
10 attends an institution of higher education, he or she shall
11 register:

12 (i) with the chief of police in the municipality in
13 which he or she is employed at or attends an institution of
14 higher education, unless the municipality is the City of
15 Chicago, in which case he or she shall register at the
16 Chicago Police Department Headquarters; or

17 (ii) with the sheriff in the county in which he or she
18 is employed or attends an institution of higher education
19 located in an unincorporated area, or if incorporated, no
20 police chief exists.

21 For purposes of this Article, the place of residence or
22 temporary domicile is defined as any and all places where the
23 sex offender resides for an aggregate period of time of 3 or
24 more days during any calendar year. Any person required to
25 register under this Article who lacks a fixed address or
26 temporary domicile must notify, in person, the agency of

1 jurisdiction of his or her last known address within 3 days
2 after ceasing to have a fixed residence.

3 A sex offender or sexual predator who is temporarily absent
4 from his or her current address of registration for 3 or more
5 days shall notify the law enforcement agency having
6 jurisdiction of his or her current registration, including the
7 itinerary for travel, in the manner provided in Section 6 of
8 this Act for notification to the law enforcement agency having
9 jurisdiction of change of address.

10 Any person who lacks a fixed residence must report weekly,
11 in person, with the sheriff's office of the county in which he
12 or she is located in an unincorporated area, or with the chief
13 of police in the municipality in which he or she is located.
14 The agency of jurisdiction will document each weekly
15 registration to include all the locations where the person has
16 stayed during the past 7 days.

17 The sex offender or sexual predator shall provide accurate
18 information as required by the Department of State Police. That
19 information shall include the sex offender's or sexual
20 predator's current place of employment.

21 (a-5) An out-of-state student or out-of-state employee
22 shall, within 3 days after beginning school or employment in
23 this State, register in person and provide accurate information
24 as required by the Department of State Police. Such information
25 will include current place of employment, school attended, and
26 address in state of residence. A sex offender convicted under

1 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code
2 of 1961 shall provide all Internet protocol (IP) addresses in
3 his or her residence, registered in his or her name, accessible
4 at his or her place of employment, or otherwise under his or
5 her control or custody. The out-of-state student or
6 out-of-state employee shall register:

7 (1) with the chief of police in the municipality in
8 which he or she attends school or is employed for a period
9 of time of 5 or more days or for an aggregate period of
10 time of more than 30 days during any calendar year, unless
11 the municipality is the City of Chicago, in which case he
12 or she shall register at the Chicago Police Department
13 Headquarters; or

14 (2) with the sheriff in the county in which he or she
15 attends school or is employed for a period of time of 5 or
16 more days or for an aggregate period of time of more than
17 30 days during any calendar year in an unincorporated area
18 or, if incorporated, no police chief exists.

19 The out-of-state student or out-of-state employee shall
20 provide accurate information as required by the Department of
21 State Police. That information shall include the out-of-state
22 student's current place of school attendance or the
23 out-of-state employee's current place of employment.

24 (a-10) Any law enforcement agency registering sex
25 offenders or sexual predators in accordance with subsections
26 (a) or (a-5) of this Section shall forward to the Attorney

1 General a copy of sex offender registration forms from persons
2 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
3 Criminal Code of 1961, including periodic and annual
4 registrations under Section 6 of this Act.

5 (b) Any sex offender, as defined in Section 2 of this Act,
6 or sexual predator, regardless of any initial, prior, or other
7 registration, shall, within 3 days of beginning school, or
8 establishing a residence, place of employment, or temporary
9 domicile in any county, register in person as set forth in
10 subsection (a) or (a-5).

11 (c) The registration for any person required to register
12 under this Article shall be as follows:

13 (1) Any person registered under the Habitual Child Sex
14 Offender Registration Act or the Child Sex Offender
15 Registration Act prior to January 1, 1996, shall be deemed
16 initially registered as of January 1, 1996; however, this
17 shall not be construed to extend the duration of
18 registration set forth in Section 7.

19 (2) Except as provided in subsection (c) (4), any person
20 convicted or adjudicated prior to January 1, 1996, whose
21 liability for registration under Section 7 has not expired,
22 shall register in person prior to January 31, 1996.

23 (2.5) Except as provided in subsection (c) (4), any
24 person who has not been notified of his or her
25 responsibility to register shall be notified by a criminal
26 justice entity of his or her responsibility to register.

1 Upon notification the person must then register within 3
2 days of notification of his or her requirement to register.
3 If notification is not made within the offender's 10 year
4 registration requirement, and the Department of State
5 Police determines no evidence exists or indicates the
6 offender attempted to avoid registration, the offender
7 will no longer be required to register under this Act.

8 (3) Except as provided in subsection (c)(4), any person
9 convicted on or after January 1, 1996, shall register in
10 person within 3 days after the entry of the sentencing
11 order based upon his or her conviction.

12 (4) Any person unable to comply with the registration
13 requirements of this Article because he or she is confined,
14 institutionalized, or imprisoned in Illinois on or after
15 January 1, 1996, shall register in person within 3 days of
16 discharge, parole or release.

17 (5) The person shall provide positive identification
18 and documentation that substantiates proof of residence at
19 the registering address.

20 (6) The person shall pay a \$100 initial registration
21 fee and a \$100 annual renewal fee. The fees shall be used
22 by the registering agency for official purposes. The agency
23 shall establish procedures to document receipt and use of
24 the funds. The law enforcement agency having jurisdiction
25 may waive the registration fee if it determines that the
26 person is indigent and unable to pay the registration fee.

1 Thirty dollars for the initial registration fee and \$30 of
2 the annual renewal fee shall be used by the registering
3 agency for official purposes. Ten dollars of the initial
4 registration fee and \$10 of the annual fee shall be
5 deposited into the Sex Offender Management Board Fund under
6 Section 19 of the Sex Offender Management Board Act. Money
7 deposited into the Sex Offender Management Board Fund shall
8 be administered by the Sex Offender Management Board and
9 shall be used to fund practices endorsed or required by the
10 Sex Offender Management Board Act including but not limited
11 to sex offenders evaluation, treatment, or monitoring
12 programs that are or may be developed, as well as for
13 administrative costs, including staff, incurred by the
14 Board. Thirty dollars of the initial registration fee and
15 \$30 of the annual renewal fee shall be deposited into the
16 Sex Offender Registration Fund and shall be used by the
17 Department of State Police to maintain and update the
18 Illinois State Police Sex Offender Registry. Thirty
19 dollars of the initial registration fee and \$30 of the
20 annual renewal fee shall be deposited into the Attorney
21 General Sex Offender Awareness, Training, and Education
22 Fund. Moneys deposited into the Fund shall be used by the
23 Attorney General to administer the I-SORT program and to
24 alert and educate the public, victims, and witnesses of
25 their rights under various victim notification laws and for
26 training law enforcement agencies, State's Attorneys, and

1 medical providers of their legal duties concerning the
2 prosecution and investigation of sex offenses.

3 (d) Within 3 days after obtaining or changing employment
4 and, if employed on January 1, 2000, within 5 days after that
5 date, a person required to register under this Section must
6 report, in person to the law enforcement agency having
7 jurisdiction, the business name and address where he or she is
8 employed. If the person has multiple businesses or work
9 locations, every business and work location must be reported to
10 the law enforcement agency having jurisdiction.

11 (Source: P.A. 95-229, eff. 8-16-07; 95-579, eff. 6-1-08;
12 95-640, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
13 8-21-08; 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11; 96-1097,
14 eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff. 1-1-11;
15 revised 9-2-10.)

16 (730 ILCS 150/6)

17 Sec. 6. Duty to report; change of address, school, or
18 employment; duty to inform. A person who has been adjudicated
19 to be sexually dangerous or is a sexually violent person and is
20 later released, or found to be no longer sexually dangerous or
21 no longer a sexually violent person and discharged, or
22 convicted of a violation of this Act after July 1, 2005, shall
23 report in person to the law enforcement agency with whom he or
24 she last registered no later than 90 days after the date of his
25 or her last registration and every 90 days thereafter and at

1 such other times at the request of the law enforcement agency
2 not to exceed 4 times a year. Such sexually dangerous or
3 sexually violent person must report all new or changed e-mail
4 addresses, all new or changed instant messaging identities, all
5 new or changed chat room identities, and all other new or
6 changed Internet communications identities that the sexually
7 dangerous or sexually violent person uses or plans to use, all
8 new or changed Uniform Resource Locators (URLs) registered or
9 used by the sexually dangerous or sexually violent person, and
10 all new or changed blogs and other Internet sites maintained by
11 the sexually dangerous or sexually violent person or to which
12 the sexually dangerous or sexually violent person has uploaded
13 any content or posted any messages or information. Any person
14 who lacks a fixed residence must report weekly, in person, to
15 the appropriate law enforcement agency where the sex offender
16 is located. Any other person who is required to register under
17 this Article shall report in person to the appropriate law
18 enforcement agency with whom he or she last registered within
19 one year from the date of last registration and every year
20 thereafter and at such other times at the request of the law
21 enforcement agency not to exceed 4 times a year. If any person
22 required to register under this Article lacks a fixed residence
23 or temporary domicile, he or she must notify, in person, the
24 agency of jurisdiction of his or her last known address within
25 3 days after ceasing to have a fixed residence and if the
26 offender leaves the last jurisdiction of residence, he or she,

1 must within 3 days after leaving register in person with the
2 new agency of jurisdiction. If any other person required to
3 register under this Article changes his or her residence
4 address, place of employment, telephone number, cellular
5 telephone number, or school, he or she shall report in person,
6 to the law enforcement agency with whom he or she last
7 registered, his or her new address, change in employment,
8 telephone number, cellular telephone number, or school, all new
9 or changed e-mail addresses, all new or changed instant
10 messaging identities, all new or changed chat room identities,
11 and all other new or changed Internet communications identities
12 that the sex offender uses or plans to use, all new or changed
13 Uniform Resource Locators (URLs) registered or used by the sex
14 offender, and all new or changed blogs and other Internet sites
15 maintained by the sex offender or to which the sex offender has
16 uploaded any content or posted any messages or information, and
17 register, in person, with the appropriate law enforcement
18 agency within the time period specified in Section 3. If the
19 sex offender is a child sex offender as defined in Section
20 11-9.3 or 11-9.4 of the Criminal Code of 1961, the sex offender
21 shall within 3 days after beginning to reside in a household
22 with a child under 18 years of age who is not his or her own
23 child, provided that his or her own child is not the victim of
24 the sex offense, report that information to the registering law
25 enforcement agency. The law enforcement agency shall, within 3
26 days of the reporting in person by the person required to

1 register under this Article, notify the Department of State
2 Police of the new place of residence, change in employment,
3 telephone number, cellular telephone number, or school.

4 If any person required to register under this Article
5 intends to establish a residence or employment outside of the
6 State of Illinois, at least 10 days before establishing that
7 residence or employment, he or she shall report in person to
8 the law enforcement agency with which he or she last registered
9 of his or her out-of-state intended residence or employment.
10 The law enforcement agency with which such person last
11 registered shall, within 3 days after the reporting in person
12 of the person required to register under this Article of an
13 address or employment change, notify the Department of State
14 Police. The Department of State Police shall forward such
15 information to the out-of-state law enforcement agency having
16 jurisdiction in the form and manner prescribed by the
17 Department of State Police.

18 (Source: P.A. 95-229, eff. 8-16-07; 95-331, eff. 8-21-07;
19 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1094, eff.
20 1-1-11; 96-1104, eff. 1-1-11; revised 9-2-10.)

21 Section 570. The Child Murderer and Violent Offender
22 Against Youth Registration Act is amended by changing Section 5
23 as follows:

24 (730 ILCS 154/5)

1 Sec. 5. Definitions.

2 (a) As used in this Act, "violent offender against youth"
3 means any person who is:

4 (1) charged pursuant to Illinois law, or any
5 substantially similar federal, Uniform Code of Military
6 Justice, sister state, or foreign country law, with a
7 violent offense against youth set forth in subsection (b)
8 of this Section or the attempt to commit an included
9 violent offense against youth, and:

10 (A) is convicted of such offense or an attempt to
11 commit such offense; or

12 (B) is found not guilty by reason of insanity of
13 such offense or an attempt to commit such offense; or

14 (C) is found not guilty by reason of insanity
15 pursuant to subsection (c) of Section 104-25 of the
16 Code of Criminal Procedure of 1963 of such offense or
17 an attempt to commit such offense; or

18 (D) is the subject of a finding not resulting in an
19 acquittal at a hearing conducted pursuant to
20 subsection (a) of Section 104-25 of the Code of
21 Criminal Procedure of 1963 for the alleged commission
22 or attempted commission of such offense; or

23 (E) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or
26 foreign country law substantially similar to

1 subsection (c) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 of such offense or of the
3 attempted commission of such offense; or

4 (F) is the subject of a finding not resulting in an
5 acquittal at a hearing conducted pursuant to a federal,
6 Uniform Code of Military Justice, sister state, or
7 foreign country law substantially similar to
8 subsection (c) of Section 104-25 of the Code of
9 Criminal Procedure of 1963 for the alleged violation or
10 attempted commission of such offense; or

11 (2) adjudicated a juvenile delinquent as the result of
12 committing or attempting to commit an act which, if
13 committed by an adult, would constitute any of the offenses
14 specified in subsection (b) or (c-5) of this Section or a
15 violation of any substantially similar federal, Uniform
16 Code of Military Justice, sister state, or foreign country
17 law, or found guilty under Article V of the Juvenile Court
18 Act of 1987 of committing or attempting to commit an act
19 which, if committed by an adult, would constitute any of
20 the offenses specified in subsection (b) or (c-5) of this
21 Section or a violation of any substantially similar
22 federal, Uniform Code of Military Justice, sister state, or
23 foreign country law.

24 Convictions that result from or are connected with the same
25 act, or result from offenses committed at the same time, shall
26 be counted for the purpose of this Act as one conviction. Any

1 conviction set aside pursuant to law is not a conviction for
2 purposes of this Act.

3 For purposes of this Section, "convicted" shall have the
4 same meaning as "adjudicated". For the purposes of this Act, a
5 person who is defined as a violent offender against youth as a
6 result of being adjudicated a juvenile delinquent under
7 paragraph (2) of this subsection (a) upon attaining 17 years of
8 age shall be considered as having committed the violent offense
9 against youth on or after the 17th birthday of the violent
10 offender against youth. Registration of juveniles upon
11 attaining 17 years of age shall not extend the original
12 registration of 10 years from the date of conviction.

13 (b) As used in this Act, "violent offense against youth"
14 means:

15 (1) A violation of any of the following Sections of the
16 Criminal Code of 1961, when the victim is a person under 18
17 years of age and the offense was committed on or after
18 January 1, 1996:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint),
23 12-3.2 (domestic battery),
24 12-3.3 (aggravated domestic battery),
25 12-4 (aggravated battery),
26 12-4.1 (heinous battery),

1 12-4.3 (aggravated battery of a child),
2 12-4.4 (aggravated battery of an unborn child),
3 12-33 (ritualized abuse of a child).

4 An attempt to commit any of these offenses.

5 (2) First degree murder under Section 9-1 of the
6 Criminal Code of 1961, when the victim was a person under
7 18 years of age and the defendant was at least 17 years of
8 age at the time of the commission of the offense.

9 (3) Child abduction under paragraph (10) of subsection
10 (b) of Section 10-5 of the Criminal Code of 1961 committed
11 by luring or attempting to lure a child under the age of 16
12 into a motor vehicle, building, house trailer, or dwelling
13 place without the consent of the parent or lawful custodian
14 of the child for other than a lawful purpose and the
15 offense was committed on or after January 1, 1998.

16 (4) A violation or attempted violation of ~~any of~~ the
17 following Section ~~Sections~~ of the Criminal Code of 1961
18 when the offense was committed on or after July 1, 1999:

19 10-4 (forcible detention, if the victim is under 18
20 years of age).

21 (4.1) Involuntary manslaughter under Section 9-3 of
22 the Criminal Code of 1961 where baby shaking was the
23 proximate cause of death of the victim of the offense.

24 (4.2) Endangering the life or health of a child under
25 Section 12-21.6 of the Criminal Code of 1961 that results
26 in the death of the child where baby shaking was the

1 proximate cause of the death of the child.

2 (5) A violation of any former law of this State
3 substantially equivalent to any offense listed in this
4 subsection (b).

5 (c) A conviction for an offense of federal law, Uniform
6 Code of Military Justice, or the law of another state or a
7 foreign country that is substantially equivalent to any offense
8 listed in subsections (b) and (c-5) of this Section shall
9 constitute a conviction for the purpose of this Act.

10 (c-5) A person at least 17 years of age at the time of the
11 commission of the offense who is convicted of first degree
12 murder under Section 9-1 of the Criminal Code of 1961, against
13 a person under 18 years of age, shall be required to register
14 for natural life. A conviction for an offense of federal,
15 Uniform Code of Military Justice, sister state, or foreign
16 country law that is substantially equivalent to any offense
17 listed in this subsection (c-5) shall constitute a conviction
18 for the purpose of this Act. This subsection (c-5) applies to a
19 person who committed the offense before June 1, 1996 only if
20 the person is incarcerated in an Illinois Department of
21 Corrections facility on August 20, 2004.

22 (d) As used in this Act, "law enforcement agency having
23 jurisdiction" means the Chief of Police in each of the
24 municipalities in which the violent offender against youth
25 expects to reside, work, or attend school (1) upon his or her
26 discharge, parole or release or (2) during the service of his

1 or her sentence of probation or conditional discharge, or the
2 Sheriff of the county, in the event no Police Chief exists or
3 if the offender intends to reside, work, or attend school in an
4 unincorporated area. "Law enforcement agency having
5 jurisdiction" includes the location where out-of-state
6 students attend school and where out-of-state employees are
7 employed or are otherwise required to register.

8 (e) As used in this Act, "supervising officer" means the
9 assigned Illinois Department of Corrections parole agent or
10 county probation officer.

11 (f) As used in this Act, "out-of-state student" means any
12 violent offender against youth who is enrolled in Illinois, on
13 a full-time or part-time basis, in any public or private
14 educational institution, including, but not limited to, any
15 secondary school, trade or professional institution, or
16 institution of higher learning.

17 (g) As used in this Act, "out-of-state employee" means any
18 violent offender against youth who works in Illinois,
19 regardless of whether the individual receives payment for
20 services performed, for a period of time of 10 or more days or
21 for an aggregate period of time of 30 or more days during any
22 calendar year. Persons who operate motor vehicles in the State
23 accrue one day of employment time for any portion of a day
24 spent in Illinois.

25 (h) As used in this Act, "school" means any public or
26 private educational institution, including, but not limited

1 to, any elementary or secondary school, trade or professional
2 institution, or institution of higher education.

3 (i) As used in this Act, "fixed residence" means any and
4 all places that a violent offender against youth resides for an
5 aggregate period of time of 5 or more days in a calendar year.

6 (j) As used in this Act, "baby shaking" means the vigorous
7 shaking of an infant or a young child that may result in
8 bleeding inside the head and cause one or more of the following
9 conditions: irreversible brain damage; blindness, retinal
10 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal
11 cord injury, including paralysis; seizures; learning
12 disability; central nervous system injury; closed head injury;
13 rib fracture; subdural hematoma; or death.

14 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
15 revised 9-2-10.)

16 Section 575. The Code of Civil Procedure is amended by
17 changing Sections 15-1501.5, 15-1504.1, and 15-1508 as
18 follows:

19 (735 ILCS 5/15-1501.5)

20 Sec. 15-1501.5. Return from combat stay. In addition to any
21 rights and obligations provided under the federal
22 Servicemembers ~~Service members~~ Civil Relief Act, whenever it is
23 determined in a foreclosure proceeding that the mortgagor
24 defendant is a person who was deployed to a combat or combat

1 support posting while on active military duty and serving
2 overseas within the previous 12 months, the court must stay the
3 proceedings for a period of 90 days upon application to the
4 court by the mortgagor defendant. "Active military duty" means,
5 for purposes of this Section, service on active duty as a
6 member of the Armed Forces of the United States, the Illinois
7 National Guard, or any reserve component of the Armed Forces of
8 the United States.

9 (Source: P.A. 96-901, eff. 1-1-11; revised 9-16-10.)

10 (735 ILCS 5/15-1504.1)

11 Sec. 15-1504.1. Filing fee for Foreclosure Prevention
12 Program Fund.

13 (a) With respect to residential real estate, at the time of
14 the filing of a foreclosure complaint, the plaintiff shall pay
15 to the clerk of the court in which the foreclosure complaint is
16 filed a fee of \$50 for deposit into the Foreclosure Prevention
17 Program Fund, a special fund created in the State treasury. The
18 clerk shall remit the fee to the State Treasurer as provided in
19 this Section to be expended for the purposes set forth in
20 Section 7.30 of the Illinois Housing Development Act. All fees
21 paid by plaintiffs to the clerk of the court as provided in
22 this Section shall be disbursed within 60 days after receipt by
23 the clerk of the court as follows: (i) 98% to the State
24 Treasurer for deposit into the Foreclosure Prevention
25 ~~Counseling~~ Program Fund, and (ii) 2% to the clerk of the court

1 for administrative expenses related to implementation of this
2 Section.

3 (b) Not later than March 1 of each year, the clerk of the
4 court shall submit to the Illinois Housing Development
5 Authority a report of the funds collected and remitted pursuant
6 to this Section during the preceding year.

7 (Source: P.A. 96-1419, eff. 10-1-10; revised 9-16-10.)

8 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

9 Sec. 15-1508. Report of Sale and Confirmation of Sale.

10 (a) Report. The person conducting the sale shall promptly
11 make a report to the court, which report shall include a copy
12 of all receipts and, if any, certificate of sale.

13 (b) Hearing. Upon motion and notice in accordance with
14 court rules applicable to motions generally, which motion shall
15 not be made prior to sale, the court shall conduct a hearing to
16 confirm the sale. Unless the court finds that (i) a notice
17 required in accordance with subsection (c) of Section 15-1507
18 was not given, (ii) the terms of sale were unconscionable,
19 (iii) the sale was conducted fraudulently, or (iv) ~~that~~ justice
20 was otherwise not done, the court shall then enter an order
21 confirming the sale. The confirmation order shall include a
22 name, address, and telephone number of the holder of the
23 certificate of sale or deed issued pursuant to that certificate
24 or, if no certificate or deed was issued, the purchaser, whom a
25 municipality or county may contact with concerns about the real

1 estate. The confirmation order may also:

2 (1) approve the mortgagee's fees and costs arising
3 between the entry of the judgment of foreclosure and the
4 confirmation hearing, those costs and fees to be allowable
5 to the same extent as provided in the note and mortgage and
6 in Section 15-1504;

7 (2) provide for a personal judgment against any party
8 for a deficiency; and

9 (3) determine the priority of the judgments of parties
10 who deferred proving the priority pursuant to subsection
11 (h) of Section 15-1506, but the court shall not defer
12 confirming the sale pending the determination of such
13 priority.

14 (b-5) Notice with respect to residential real estate. With
15 respect to residential real estate, the notice required under
16 subsection (b) of this Section shall be sent to the mortgagor
17 even if the mortgagor has previously been held in default. In
18 the event the mortgagor has filed an appearance, the notice
19 shall be sent to the address indicated on the appearance. In
20 all other cases, the notice shall be sent to the mortgagor at
21 the common address of the foreclosed property. The notice shall
22 be sent by first class mail. Unless the right to possession has
23 been previously terminated by the court, the notice shall
24 include the following language in 12-point boldface
25 capitalized type:

26 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO

1 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
2 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
3 ILLINOIS MORTGAGE FORECLOSURE LAW.

4 (b-10) Notice of confirmation order sent to municipality or
5 county. A copy of the confirmation order required under
6 subsection (b) shall be sent to the municipality in which the
7 foreclosed property is located, or to the county within the
8 boundary of which the foreclosed property is located if the
9 foreclosed property is located in an unincorporated territory.
10 A municipality or county must clearly publish on its website a
11 single address to which such notice shall be sent. If a
12 municipality or county does not maintain a website, then the
13 municipality or county must publicly post in its main office a
14 single address to which such notice shall be sent. In the event
15 that a municipality or county has not complied with the
16 publication requirement in this subsection (b-10), then such
17 notice to the municipality or county shall be provided pursuant
18 to Section 2-211 of the Code of Civil Procedure.

19 (c) Failure to Give Notice. If any sale is held without
20 compliance with subsection (c) of Section 15-1507 of this
21 Article, any party entitled to the notice provided for in
22 paragraph (3) of that subsection (c) who was not so notified
23 may, by motion supported by affidavit made prior to
24 confirmation of such sale, ask the court which entered the
25 judgment to set aside the sale. Any such party shall guarantee
26 or secure by bond a bid equal to the successful bid at the

1 prior sale, unless the party seeking to set aside the sale is
2 the mortgagor, the real estate sold at the sale is residential
3 real estate, and the mortgagor occupies the residential real
4 estate at the time the motion is filed. In that event, no
5 guarantee or bond shall be required of the mortgagor. Any
6 subsequent sale is subject to the same notice requirement as
7 the original sale.

8 (d) Validity of Sale. Except as provided in subsection (c)
9 of Section 15-1508, no sale under this Article shall be held
10 invalid or be set aside because of any defect in the notice
11 thereof or in the publication of the same, or in the
12 proceedings of the officer conducting the sale, except upon
13 good cause shown in a hearing pursuant to subsection (b) of
14 Section 15-1508. At any time after a sale has occurred, any
15 party entitled to notice under paragraph (3) of subsection (c)
16 of Section 15-1507 may recover from the mortgagee any damages
17 caused by the mortgagee's failure to comply with such paragraph
18 (3). Any party who recovers damages in a judicial proceeding
19 brought under this subsection may also recover from the
20 mortgagee the reasonable expenses of litigation, including
21 reasonable attorney's fees.

22 (d-5) Making Home Affordable Program. The court that
23 entered the judgment shall set aside a sale held pursuant to
24 Section 15-1507, upon motion of the mortgagor at any time prior
25 to the confirmation of the sale, if the mortgagor proves by a
26 preponderance of the evidence that (i) the mortgagor has

1 applied for assistance under the Making Home Affordable Program
2 established by the United States Department of the Treasury
3 pursuant to the Emergency Economic Stabilization Act of 2008,
4 as amended by the American Recovery and Reinvestment Act of
5 2009, and (ii) the mortgaged real estate was sold in material
6 violation of the program's requirements for proceeding to a
7 judicial sale. The provisions of this subsection (d-5), except
8 for this sentence, shall become inoperative on January 1, 2013
9 for all actions filed under this Article after December 31,
10 2012, in which the mortgagor did not apply for assistance under
11 the Making Home Affordable Program on or before December 31,
12 2012.

13 (e) Deficiency Judgment. In any order confirming a sale
14 pursuant to the judgment of foreclosure, the court shall also
15 enter a personal judgment for deficiency against any party (i)
16 if otherwise authorized and (ii) to the extent requested in the
17 complaint and proven upon presentation of the report of sale in
18 accordance with Section 15-1508. Except as otherwise provided
19 in this Article, a judgment may be entered for any balance of
20 money that may be found due to the plaintiff, over and above
21 the proceeds of the sale or sales, and enforcement may be had
22 for the collection of such balance, the same as when the
23 judgment is solely for the payment of money. Such judgment may
24 be entered, or enforcement had, only in cases where personal
25 service has been had upon the persons personally liable for the
26 mortgage indebtedness, unless they have entered their

1 appearance in the foreclosure action.

2 (f) Satisfaction. Upon confirmation of the sale, the
3 judgment stands satisfied to the extent of the sale price less
4 expenses and costs. If the order confirming the sale includes a
5 deficiency judgment, the judgment shall become a lien in the
6 manner of any other judgment for the payment of money.

7 (g) The order confirming the sale shall include,
8 notwithstanding any previous orders awarding possession during
9 the pendency of the foreclosure, an award to the purchaser of
10 possession of the mortgaged real estate, as of the date 30 days
11 after the entry of the order, against the parties to the
12 foreclosure whose interests have been terminated.

13 An order of possession authorizing the removal of a person
14 from possession of the mortgaged real estate shall be entered
15 and enforced only against those persons personally named as
16 individuals in the complaint or the petition under subsection
17 (h) of Section 15-1701 and in the order of possession and shall
18 not be entered and enforced against any person who is only
19 generically described as an unknown owner or nonrecord claimant
20 or by another generic designation in the complaint.

21 Notwithstanding the preceding paragraph, the failure to
22 personally name, include, or seek an award of possession of the
23 mortgaged real estate against a person in the confirmation
24 order shall not abrogate any right that the purchaser may have
25 to possession of the mortgaged real estate and to maintain a
26 proceeding against that person for possession under Article 9

1 of this Code or subsection (h) of Section 15-1701; and
2 possession against a person who (1) has not been personally
3 named as a party to the foreclosure and (2) has not been
4 provided an opportunity to be heard in the foreclosure
5 proceeding may be sought only by maintaining a proceeding under
6 Article 9 of this Code or subsection (h) of Section 15-1701.

7 (Source: P.A. 95-826, eff. 8-14-08; 96-265, eff. 8-11-09;
8 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; revised 9-16-10.)

9 Section 580. The Eminent Domain Act is amended by changing
10 Section 15-5-15 as follows:

11 (735 ILCS 30/15-5-15)

12 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70
13 through 75. The following provisions of law may include express
14 grants of the power to acquire property by condemnation or
15 eminent domain:

16 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport
17 authorities; for public airport facilities.

18 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport
19 authorities; for removal of airport hazards.

20 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport
21 authorities; for reduction of the height of objects or
22 structures.

23 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate

1 airport authorities; for general purposes.

2 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority
3 Act; Kankakee River Valley Area Airport Authority; for
4 acquisition of land for airports.

5 (70 ILCS 200/2-20); Civic Center Code; civic center
6 authorities; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan
10 Exposition, Auditorium and Office Building Authority; for
11 grounds, centers, buildings, and parking.

12 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic
15 Center Authority; for grounds, centers, buildings, and
16 parking.

17 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park
18 District Civic Center Authority; for grounds, centers,
19 buildings, and parking.

20 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic
23 Center Authority; for grounds, centers, buildings, and
24 parking.

25 (70 ILCS 200/60-30); Civic Center Code; Collinsville
26 Metropolitan Exposition, Auditorium and Office Building

1 Authority; for grounds, centers, buildings, and parking.
2 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic
3 Center Authority; for grounds, centers, buildings, and
4 parking.

5 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan
6 Exposition, Auditorium and Office Building Authority; for
7 grounds, centers, buildings, and parking.

8 (70 ILCS 200/80-15); Civic Center Code; DuPage County
9 Metropolitan Exposition, Auditorium and Office Building
10 Authority; for grounds, centers, buildings, and parking.

11 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan
12 Exposition, Auditorium and Office Building Authority; for
13 grounds, centers, buildings, and parking.

14 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan
15 Exposition, Auditorium and Office Building Authority; for
16 grounds, centers, buildings, and parking.

17 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic
18 Center Authority; for grounds, centers, buildings, and
19 parking.

20 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic
21 Center Authority; for grounds, centers, buildings, and
22 parking.

23 (70 ILCS 200/120-25); Civic Center Code; Jefferson County
24 Metropolitan Exposition, Auditorium and Office Building
25 Authority; for grounds, centers, buildings, and parking.

26 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County

1 Civic Center Authority; for grounds, centers, buildings,
2 and parking.

3 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham
4 Metropolitan Exposition, Auditorium and Office Building
5 Authority; for grounds, centers, buildings, and parking.

6 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic
9 Center Authority; for grounds, centers, buildings, and
10 parking.

11 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan
12 Civic Center Authority; for grounds, centers, buildings,
13 and parking.

14 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/165-35); Civic Center Code; Melrose Park
17 Metropolitan Exposition Auditorium and Office Building
18 Authority; for grounds, centers, buildings, and parking.

19 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan
20 Exposition, Auditorium and Office Building Authorities;
21 for general purposes.

22 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center
25 Authority; for grounds, centers, buildings, and parking.

26 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center

1 Authority; for grounds, centers, buildings, and parking.
2 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center
3 Authority; for grounds, centers, buildings, and parking.
4 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center
5 Authority; for grounds, centers, buildings, and parking.
6 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center
7 Authority; for grounds, centers, buildings, and parking.
8 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City
9 Civic Center Authority; for grounds, centers, buildings,
10 and parking.
11 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan
12 Exposition, Auditorium and Office Building Authority; for
13 grounds, centers, buildings, and parking.
14 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic
15 Center Authority; for grounds, centers, buildings, and
16 parking.
17 (70 ILCS 200/230-35); Civic Center Code; River Forest
18 Metropolitan Exposition, Auditorium and Office Building
19 Authority; for grounds, centers, buildings, and parking.
20 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center
21 Authority; for grounds, centers, buildings, and parking.
22 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center
23 Authority; for grounds, centers, buildings, and parking.
24 (70 ILCS 200/255-20); Civic Center Code; Springfield
25 Metropolitan Exposition and Auditorium Authority; for
26 grounds, centers, and parking.

1 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan
2 Exposition, Auditorium and Office Building Authority; for
3 grounds, centers, buildings, and parking.

4 (70 ILCS 200/265-20); Civic Center Code; Vermilion County
5 Metropolitan Exposition, Auditorium and Office Building
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic
10 Center Authority; for grounds, centers, buildings, and
11 parking.

12 (70 ILCS 200/280-20); Civic Center Code; Will County
13 Metropolitan Exposition and Auditorium Authority; for
14 grounds, centers, and parking.

15 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority
16 Act; Metropolitan Pier and Exposition Authority; for
17 general purposes, including quick-take power.

18 (70 ILCS 405/22.04); Soil and Water Conservation Districts Act;
19 soil and water conservation districts; for general
20 purposes.

21 (70 ILCS 410/10 and 410/12); Conservation District Act;
22 conservation districts; for open space, wildland, scenic
23 roadway, pathway, outdoor recreation, or other
24 conservation benefits.

25 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center
26 Redevelopment Commission Act; Chanute-Rantoul National

1 Aviation Center Redevelopment Commission; for general
2 purposes.

3 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;
4 Fort Sheridan Redevelopment Commission; for general
5 purposes or to carry out comprehensive or redevelopment
6 plans.

7 (70 ILCS 520/8); Southwestern Illinois Development Authority
8 Act; Southwestern Illinois Development Authority; for
9 general purposes, including quick-take power.

10 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;
11 drainage districts; for general purposes.

12 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;
13 corporate authorities; for construction and maintenance of
14 works.

15 (70 ILCS 705/10); Fire Protection District Act; fire protection
16 districts; for general purposes.

17 (70 ILCS 750/20); Flood Prevention District Act; flood
18 prevention districts; for general purposes.

19 (70 ILCS 805/6); Downstate Forest Preserve District Act;
20 certain forest preserve districts; for general purposes.

21 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;
22 certain forest preserve districts; for recreational and
23 cultural facilities.

24 (70 ILCS 810/8); Cook County Forest Preserve District Act;
25 Forest Preserve District of Cook County; for general
26 purposes.

1 (70 ILCS 810/38); Cook County Forest Preserve District Act;
2 Forest Preserve District of Cook County; for recreational
3 facilities.

4 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital
5 districts; for hospitals or hospital facilities.

6 (70 ILCS 915/3); Illinois Medical District Act; Illinois
7 Medical District Commission; for general purposes.

8 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois
9 Medical District Commission; quick-take power for the
10 Illinois State Police Forensic Science Laboratory
11 (obsolete).

12 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;
13 tuberculosis sanitarium districts; for tuberculosis
14 sanitariums.

15 (70 ILCS 925/20); Mid-Illinois Medical District Act;
16 Mid-Illinois Medical District; for general purposes.

17 (70 ILCS 930/20); Mid-America Medical District Act;
18 Mid-America Medical District Commission; for general
19 purposes.

20 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito
21 abatement districts; for general purposes.

22 (70 ILCS 1105/8); Museum District Act; museum districts; for
23 general purposes.

24 (70 ILCS 1205/7-1); Park District Code; park districts; for
25 streets and other purposes.

26 (70 ILCS 1205/8-1); Park District Code; park districts; for

1 parks.

2 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park
3 districts; for airports and landing fields.

4 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park
5 districts; for State land abutting public water and certain
6 access rights.

7 (70 ILCS 1205/11.1-3); Park District Code; park districts; for
8 harbors.

9 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;
10 park districts; for street widening.

11 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control
12 Act; park districts; for parks, boulevards, driveways,
13 parkways, viaducts, bridges, or tunnels.

14 (70 ILCS 1250/2); Park Commissioners Street Control (1889) Act;
15 park districts; for boulevards or driveways.

16 (70 ILCS 1290/1); Park District Aquarium and Museum Act;
17 municipalities or park districts; for aquariums or
18 museums.

19 (70 ILCS 1305/2); Park District Airport Zoning Act; park
20 districts; for restriction of the height of structures.

21 (70 ILCS 1310/5); Park District Elevated Highway Act; park
22 districts; for elevated highways.

23 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park
24 District; for parks and other purposes.

25 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park
26 District; for parking lots or garages.

1 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park
2 District; for harbors.

3 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation
4 Act; Lincoln Park Commissioners; for land and interests in
5 land, including riparian rights.

6 (70 ILCS 1801/30); Alexander-Cairo Port District Act;
7 Alexander-Cairo Port District; for general purposes.

8 (70 ILCS 1805/8); Havana Regional Port District Act; Havana
9 Regional Port District; for general purposes.

10 (70 ILCS 1810/7); Illinois International Port District Act;
11 Illinois International Port District; for general
12 purposes.

13 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;
14 Illinois Valley Regional Port District; for general
15 purposes.

16 (70 ILCS 1820/4); Jackson-Union Counties Regional Port
17 District Act; Jackson-Union Counties Regional Port
18 District; for removal of airport hazards or reduction of
19 the height of objects or structures.

20 (70 ILCS 1820/5); Jackson-Union Counties Regional Port
21 District Act; Jackson-Union Counties Regional Port
22 District; for general purposes.

23 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet
24 Regional Port District; for removal of airport hazards.

25 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet
26 Regional Port District; for reduction of the height of

1 objects or structures.

2 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet
3 Regional Port District; for removal of hazards from ports
4 and terminals.

5 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet
6 Regional Port District; for general purposes.

7 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;
8 Kaskaskia Regional Port District; for removal of hazards
9 from ports and terminals.

10 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;
11 Kaskaskia Regional Port District; for general purposes.

12 (70 ILCS 1831/30); Massac-Metropolis Port District Act;
13 Massac-Metropolis Port District; for general purposes.

14 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt.
15 Carmel Regional Port District; for removal of airport
16 hazards.

17 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt.
18 Carmel Regional Port District; for reduction of the height
19 of objects or structures.

20 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.
21 Carmel Regional Port District; for general purposes.

22 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca
23 Regional Port District; for removal of airport hazards.

24 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca
25 Regional Port District; for reduction of the height of
26 objects or structures.

1 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca
2 Regional Port District; for general purposes.

3 (70 ILCS 1850/4); Shawneetown Regional Port District Act;
4 Shawneetown Regional Port District; for removal of airport
5 hazards or reduction of the height of objects or
6 structures.

7 (70 ILCS 1850/5); Shawneetown Regional Port District Act;
8 Shawneetown Regional Port District; for general purposes.

9 (70 ILCS 1855/4); Southwest Regional Port District Act;
10 Southwest Regional Port District; for removal of airport
11 hazards or reduction of the height of objects or
12 structures.

13 (70 ILCS 1855/5); Southwest Regional Port District Act;
14 Southwest Regional Port District; for general purposes.

15 (70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City
16 Regional Port District; for removal of airport hazards.

17 (70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City
18 Regional Port District; for the development of facilities.

19 (70 ILCS 1863/11); Upper Mississippi River International Port
20 District Act; Upper Mississippi River International Port
21 District; for general purposes.

22 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port
23 District; for removal of airport hazards.

24 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port
25 District; for restricting the height of objects or
26 structures.

1 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port
2 District; for the development of facilities.

3 (70 ILCS 1870/8); White County Port District Act; White County
4 Port District; for the development of facilities.

5 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad
6 Terminal Authority (Chicago); for general purposes.

7 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority
8 Act; Grand Avenue Railroad Relocation Authority; for
9 general purposes, including quick-take power (now
10 obsolete).

11 (70 ILCS 2105/9b); River Conservancy Districts Act; river
12 conservancy districts; for general purposes.

13 (70 ILCS 2105/10a); River Conservancy Districts Act; river
14 conservancy districts; for corporate purposes.

15 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary
16 districts; for corporate purposes.

17 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary
18 districts; for improvements and works.

19 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary
20 districts; for access to property.

21 (70 ILCS 2305/8); North Shore Sanitary District Act; North
22 Shore Sanitary District; for corporate purposes.

23 (70 ILCS 2305/15); North Shore Sanitary District Act; North
24 Shore Sanitary District; for improvements.

25 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary
26 District of Decatur; for carrying out agreements to sell,

1 convey, or disburse treated wastewater to a private entity.
2 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary
3 districts; for corporate purposes.

4 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary
5 districts; for improvements.

6 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of
7 1917; sanitary districts; for waterworks.

8 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary
9 districts; for public sewer and water utility treatment
10 works.

11 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary
12 districts; for dams or other structures to regulate water
13 flow.

14 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;
15 Metropolitan Water Reclamation District; for corporate
16 purposes.

17 (70 ILCS 2605/16); Metropolitan Water Reclamation District
18 Act; Metropolitan Water Reclamation District; quick-take
19 power for improvements.

20 (70 ILCS 2605/17); Metropolitan Water Reclamation District
21 Act; Metropolitan Water Reclamation District; for bridges.

22 (70 ILCS 2605/35); Metropolitan Water Reclamation District
23 Act; Metropolitan Water Reclamation District; for widening
24 and deepening a navigable stream.

25 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary
26 districts; for corporate purposes.

1 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary
2 districts; for improvements.

3 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936;
4 sanitary districts; for drainage systems.

5 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary
6 districts; for dams or other structures to regulate water
7 flow.

8 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary
9 districts; for water supply.

10 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary
11 districts; for waterworks.

12 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;
13 Metro-East Sanitary District; for corporate purposes.

14 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;
15 Metro-East Sanitary District; for access to property.

16 (70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary
17 districts; for sewerage systems.

18 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;
19 Illinois Sports Facilities Authority; quick-take power for
20 its corporate purposes (obsolete).

21 (70 ILCS 3405/16); Surface Water Protection District Act;
22 surface water protection districts; for corporate
23 purposes.

24 (70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago
25 Transit Authority; for transportation systems.

26 (70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago

1 Transit Authority; for general purposes.

2 (70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago
3 Transit Authority; for general purposes, including
4 railroad property.

5 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;
6 local mass transit districts; for general purposes.

7 (70 ILCS 3615/2.13); Regional Transportation Authority Act;
8 Regional Transportation Authority; for general purposes.

9 (70 ILCS 3705/8 and 3705/12); Public Water District Act; public
10 water districts; for waterworks.

11 (70 ILCS 3705/23a); Public Water District Act; public water
12 districts; for sewerage properties.

13 (70 ILCS 3705/23e); Public Water District Act; public water
14 districts; for combined waterworks and sewerage systems.

15 (70 ILCS 3715/6); Water Authorities Act; water authorities; for
16 facilities to ensure adequate water supply.

17 (70 ILCS 3715/27); Water Authorities Act; water authorities;
18 for access to property.

19 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library
20 trustees; for library buildings.

21 (75 ILCS 16/30-55.80); Public Library District Act of 1991;
22 public library districts; for general purposes.

23 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate
24 authorities of city or park district, or board of park
25 commissioners; for free public library buildings.

26 (Source: P.A. 95-693, eff. 11-5-07; incorporates 96-838, eff.

1 12-16-09; 96-1000, eff. 7-2-10; incorporates 96-1015, eff.
2 7-8-10; revised 9-7-10.)

3 Section 585. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by changing
5 Section 11 as follows:

6 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

7 Sec. 11. Disclosure of records and communications. Records
8 and communications may be disclosed:

9 (i) in accordance with the provisions of the Abused and
10 Neglected Child Reporting Act, subsection (u) of Section 5
11 of the Children and Family Services Act, or Section 7.4 of
12 the Child Care Act of 1969;

13 (ii) when, and to the extent, a therapist, in his or
14 her sole discretion, determines that disclosure is
15 necessary to initiate or continue civil commitment or
16 involuntary treatment proceedings under the laws of this
17 State or to otherwise protect the recipient or other person
18 against a clear, imminent risk of serious physical or
19 mental injury or disease or death being inflicted upon the
20 recipient or by the recipient on himself or another;

21 (iii) when, and to the extent disclosure is, in the
22 sole discretion of the therapist, necessary to the
23 provision of emergency medical care to a recipient who is
24 unable to assert or waive his or her rights hereunder;

1 (iv) when disclosure is necessary to collect sums or
2 receive third party payment representing charges for
3 mental health or developmental disabilities services
4 provided by a therapist or agency to a recipient under
5 Chapter V of the Mental Health and Developmental
6 Disabilities Code or to transfer debts under the
7 Uncollected State Claims Act; however, disclosure shall be
8 limited to information needed to pursue collection, and the
9 information so disclosed shall not be used for any other
10 purposes nor shall it be redisclosed except in connection
11 with collection activities;

12 (v) when requested by a family member, the Department
13 of Human Services may assist in the location of the
14 interment site of a deceased recipient who is interred in a
15 cemetery established under Section 26 ~~100-26~~ of the Mental
16 Health and Developmental Disabilities Administrative Act;

17 (vi) in judicial proceedings under Article VIII of
18 Chapter III and Article V of Chapter IV of the Mental
19 Health and Developmental Disabilities Code and proceedings
20 and investigations preliminary thereto, to the State's
21 Attorney for the county or residence of a person who is the
22 subject of such proceedings, or in which the person is
23 found, or in which the facility is located, to the attorney
24 representing the recipient in the judicial proceedings, to
25 any person or agency providing mental health services that
26 are the subject of the proceedings and to that person's or

1 agency's attorney, to any court personnel, including but
2 not limited to judges and circuit court clerks, and to a
3 guardian ad litem if one has been appointed by the court,
4 provided that the information so disclosed shall not be
5 utilized for any other purpose nor be redisclosed except in
6 connection with the proceedings or investigations;

7 (vii) when, and to the extent disclosure is necessary
8 to comply with the requirements of the Census Bureau in
9 taking the federal Decennial Census;

10 (viii) when, and to the extent, in the therapist's sole
11 discretion, disclosure is necessary to warn or protect a
12 specific individual against whom a recipient has made a
13 specific threat of violence where there exists a
14 therapist-recipient relationship or a special
15 recipient-individual relationship;

16 (ix) in accordance with the Sex Offender Registration
17 Act;

18 (x) in accordance with the Rights of Crime Victims and
19 Witnesses Act;

20 (xi) in accordance with Section 6 of the Abused and
21 Neglected Long Term Care Facility Residents Reporting Act;
22 and

23 (xii) in accordance with Section 55 of the Abuse of
24 Adults with Disabilities Intervention Act.

25 Any person, institution, or agency, under this Act,
26 participating in good faith in the making of a report under the

1 Abused and Neglected Child Reporting Act or in the disclosure
2 of records and communications under this Section, shall have
3 immunity from any liability, civil, criminal or otherwise, that
4 might result by reason of such action. For the purpose of any
5 proceeding, civil or criminal, arising out of a report or
6 disclosure under this Section, the good faith of any person,
7 institution, or agency so reporting or disclosing shall be
8 presumed.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-466, eff. 8-14-09;
10 revised 9-16-10.)

11 Section 590. The Adoption Act is amended by changing
12 Section 18.1b as follows:

13 (750 ILCS 50/18.1b)

14 Sec. 18.1b. The Illinois Adoption Registry Application.
15 The Illinois Adoption Registry Application shall substantially
16 include the following:

17 (a) General Information. The Illinois Adoption Registry
18 Application shall include the space to provide Information
19 about the registrant including his or her surname, given name
20 or names, social security number (optional), mailing address,
21 home telephone number, gender, date and place of birth, and the
22 date of registration. If applicable and known to the
23 registrant, he or she may include the maiden surname of the
24 birth mother, any subsequent surnames of the birth mother, the

1 surname of the birth father, the given name or names of the
2 birth parents, the dates and places of birth of the birth
3 parents, the surname and given name or names of the adopted
4 person prior to adoption, the gender and date and place of
5 birth of the adopted or surrendered person, the name of the
6 adopted person following his or her adoption and the state and
7 county where the judgment of adoption was finalized.

8 (b) Medical Information Exchange Questionnaire. In
9 recognition of the importance of medical information and of
10 recent discoveries regarding the genetic origin of many medical
11 conditions and diseases all registrants shall be asked to
12 voluntarily complete a Medical Information Exchange
13 Questionnaire.

14 (1) For birth relatives, the Medical Information
15 Exchange Questionnaire shall include a comprehensive
16 check-list of medical conditions and diseases including
17 those of genetic origin. Birth relatives shall be asked to
18 indicate all genetically-inherited diseases and conditions
19 on this list which are known to exist in the adopted or
20 surrendered person's birth family at the time of
21 registration. In addition, all birth relatives shall be
22 apprised of the Registry's provisions for voluntarily
23 submitting information about their and their family's
24 medical histories on a confidential, ongoing basis.

25 (2) Adopted and surrendered persons and their adoptive
26 parents, legal guardians, adult children, and surviving

1 spouses shall be asked to indicate all
2 genetically-inherited diseases and medical conditions with
3 which the adopted or surrendered person or, if applicable,
4 his or her children have been diagnosed since birth.

5 (3) The Medical Information Exchange Questionnaire
6 shall include a space where the registrant may authorize
7 the release of the Medical Information Exchange
8 Questionnaire to specified registered parties and a
9 disclaimer informing registrants that the Department of
10 Public Health cannot guarantee the accuracy of medical
11 information exchanged through the Registry.

12 (c) Written statement. All registrants shall be given the
13 opportunity to voluntarily file a written statement with the
14 Registry. This statement shall be submitted in the space
15 provided. No written statement submitted to the Registry shall
16 include identifying information pertaining to any person other
17 than the registrant who submitted it. Any such identifying
18 information shall be redacted by the Department or returned for
19 removal of identifying information.

20 (d) Exchange of information. All registrants may indicate
21 their wishes regarding contact and the exchange of identifying
22 and/or medical information with any other registrant by
23 completing an Information Exchange Authorization or a Denial of
24 Information Exchange.

25 (1) Information Exchange Authorization. Adopted or
26 surrendered persons 21 years of age or over who are

1 interested in exchanging identifying and/or medical
2 information or would welcome contact with one or more of
3 their birth relatives; birth parents who are interested in
4 exchanging identifying and/or medical information or would
5 welcome contact with an adopted or surrendered person 21
6 years of age or over, or one or more of his or her adoptive
7 parents, legal guardians, adult children, or a surviving
8 spouse; birth siblings 21 years of age or over who were
9 adopted or surrendered and who are interested in exchanging
10 identifying and/or medical information or would welcome
11 contact with an adopted or surrendered person, or one or
12 more of his or her adoptive parents, legal guardians, adult
13 children, or a surviving spouse; birth siblings 21 years of
14 age or over who were not surrendered and who have submitted
15 proof of death for any common birth parent who did not file
16 a Denial of Information Exchange prior to his or her death,
17 and who are interested in exchanging identifying and/or
18 medical information or would welcome contact with an
19 adopted or surrendered person, or one or more of his or her
20 adoptive parents, legal guardians, adult children, or a
21 surviving spouse; birth aunts and birth uncles 21 years of
22 age or over who have submitted birth certificates for
23 themselves and a deceased birth parent naming at least one
24 common biological parent as well as proof of death for a
25 deceased birth parent and who are interested in exchanging
26 identifying and/or medical information or would welcome

1 contact with an adopted or surrendered person 21 years of
2 age or over, or one or more of his or her adoptive parents,
3 legal guardians, adult children or a surviving spouse;
4 adoptive parents or legal guardians of adopted or
5 surrendered persons under the age of 21 who are interested
6 in exchanging identifying and/or medical information or
7 would welcome contact with one or more of the adopted or
8 surrendered person's birth relatives; adoptive parents and
9 legal guardians of deceased adopted or surrendered persons
10 21 years of age or over who have submitted proof of death
11 for a deceased adopted or surrendered person who did not
12 file a Denial of Information Exchange prior to his or her
13 death and who are interested in exchanging identifying
14 and/or medical information or would welcome contact with
15 one or more of the adopted or surrendered person's birth
16 relatives; adult children of deceased adopted or
17 surrendered persons who have submitted a birth certificate
18 naming the adopted or surrendered person as their
19 biological parent and proof of death for an adopted or
20 surrendered person who did not file a Denial of Information
21 Exchange prior to his or her death; and surviving spouses
22 of deceased adopted or surrendered persons who have
23 submitted a marriage certificate naming an adopted or
24 surrendered person as their deceased wife or husband and
25 proof of death for an adopted or surrendered person who did
26 not file a Denial of Information Exchange prior to his or

1 her death and who are interested in exchanging identifying
2 and/or medical information or would welcome contact with
3 one or more of the adopted or surrendered person's birth
4 relatives may specify with whom they wish to exchange
5 identifying information by filing an Information Exchange
6 Authorization.

7 (2) Denial of Information Exchange. Adopted or
8 surrendered persons 21 years of age or over who do not wish
9 to exchange identifying information or establish contact
10 with one or more of their birth relatives may specify with
11 whom they do not wish to exchange identifying information
12 or do not wish to establish contact by filing a Denial of
13 Information Exchange. Birth relatives who do not wish to
14 establish contact with an adopted or surrendered person or
15 one or more of his or her adoptive parents, legal
16 guardians, or adult children may specify with whom they do
17 not wish to exchange identifying information or do not wish
18 to establish contact by filing a Denial of Information
19 Exchange. Birth parents who wish to prohibit the release of
20 their identifying information on the original birth
21 certificate released to an adult adopted or surrendered
22 person who was born after January 1, 1946, or to the
23 surviving adult child or surviving spouse of a deceased
24 adopted or surrendered person who was born after January 1,
25 1946, may do so by filing a Denial with the Registry on or
26 before December 31, 2010. As of January 1, 2011, birth

1 parents who wish to prohibit the release of identifying
2 information on the non-certified copy of the original birth
3 certificate released to an adult adopted surrendered
4 person or to the surviving adult child or surviving spouse
5 of a deceased adopted or surrendered person may do so by
6 selecting Option E on a Birth Parent Preference Form and
7 filing the Form with the Registry. Adoptive parents or
8 legal guardians of adopted or surrendered persons under the
9 age of 21 who do not wish to establish contact with one or
10 more of the adopted or surrendered person's birth relatives
11 may specify with whom they do not wish to exchange
12 identifying information by filing a Denial of Information
13 Exchange. Adoptive parents, adult children, and surviving
14 spouses of deceased adoptees who do not wish to exchange
15 identifying information or establish contact with one or
16 more of the adopted or surrendered person's birth relatives
17 may specify with whom they do not wish to exchange
18 identifying information or do not wish to establish contact
19 by filing a Denial of Information Exchange.

20 (3) Birth Parent Preference Form. Beginning January 1,
21 2011, birth parents who are eligible to register with the
22 Illinois Adoption Registry and Medical Information
23 Exchange and who wish to communicate their wishes regarding
24 contact and/or the release of their identifying
25 information on the non-certified copy of the original birth
26 certificate released to an adult adopted or surrendered

1 person or the surviving adult child or surviving spouse of
2 a deceased adopted or surrendered person who has requested
3 a copy of the adopted or surrendered person's original
4 birth certificate by filing a Request for a Non-Certified
5 Copy of an Original Birth Certificate pursuant to
6 subsection (e) of this Section, may file a Birth Parent
7 Preference Form with the Registry. All Birth Parent
8 Preference Forms on file with the Registry at the time of
9 receipt of a Request for a Non-Certified Copy of an
10 Original Birth Certificate from an adult adopted or
11 surrendered person or the surviving adult child or
12 surviving spouse of a deceased adopted or surrendered
13 person shall be forwarded to the relevant adopted or
14 surrendered person or surviving adult child or surviving
15 spouse of a deceased adopted or surrendered person along
16 with a non-certified copy of the adopted or surrendered
17 person's original birth certificate as outlined in
18 subsection (e) of this Section.

19 (e) Procedures for requesting a non-certified copy of an
20 original birth certificate by an adult adopted or surrendered
21 person or by a surviving adult child or surviving spouse of a
22 deceased adopted or surrendered person:

23 (1) On or after the effective date of this amendatory
24 Act of the 96th General Assembly, any adult adopted or
25 surrendered person who was born in Illinois prior to
26 January 1, 1946, may complete and file with the Registry a

1 Request for a Non-Certified Copy of an Original Birth
2 Certificate. The Registry shall provide such adult adopted
3 or surrendered person with an unaltered, non-certified
4 copy of his or her original birth certificate upon receipt
5 of the Request for a Non-Certified Copy of an Original
6 Birth Certificate. Additionally, in cases where an adopted
7 or surrendered person born in Illinois prior to January 1,
8 1946, is deceased, and one of his or her surviving adult
9 children or his or her surviving spouse has registered with
10 the Registry, he or she may complete and file with the
11 Registry a Request for a Non-Certified Copy of an Original
12 Birth Certificate. The Registry shall provide such
13 surviving adult child or surviving spouse with an
14 unaltered, non-certified copy of the adopted or
15 surrendered person's original birth certificate upon
16 receipt of the Request for a Non-Certified Copy of an
17 Original Birth Certificate.

18 (2) Beginning November 15, 2011, any adult adopted or
19 surrendered person who was born in Illinois on or after
20 January 1, 1946, may complete and file with the Registry a
21 Request for a Non-certified Copy of an Original Birth
22 Certificate. Additionally, in cases where the adopted or
23 surrendered person is deceased and one of his or her
24 surviving adult children or his or her surviving spouse has
25 registered with the Registry, he or she may complete and
26 file with the Registry a Request for a Non-Certified Copy

1 of an Original Birth Certificate. Upon receipt of such
2 request from an adult adopted or surrendered person or from
3 one of his or her surviving adult children or his or her
4 surviving spouse, the Registry shall:

5 (i) Determine if there is a Denial of Information
6 Exchange which was filed by a birth parent named on the
7 original birth certificate prior to January 1, 2011. If
8 a Denial was filed by a birth parent named on the
9 original birth certificate prior to January 1, 2011,
10 and there is no proof of death in the Registry file for
11 the birth parent who filed said Denial, the Registry
12 shall inform the requesting adult adopted or
13 surrendered person or the requesting surviving adult
14 child or surviving spouse of a deceased adopted or
15 surrendered person that they may receive a
16 non-certified copy of the original birth certificate
17 from which all identifying information pertaining to
18 the birth parent who filed the Denial has been
19 redacted. A requesting adult adopted or surrendered
20 person shall also be informed in writing of his or her
21 right to petition the court for the appointment of a
22 confidential intermediary pursuant to Section 18.3a of
23 this Act and, if applicable, to conduct a search
24 through an agency post-adoption search program once 5
25 years have elapsed since the birth parent filed the
26 Denial of Information Exchange with the Registry.

1 (ii) Determine if a birth parent named on the
2 original birth certificate has filed a Birth Parent
3 Preference Form. If one of the birth parents named on
4 the original birth certificate filed a Birth Parent
5 Preference Form and selected Option A, B, C, or D, the
6 Registry shall forward to the adult adopted or
7 surrendered person or to the surviving adult child or
8 surviving spouse of a deceased adopted or surrendered
9 person a copy of the Birth Parent Preference Form. If
10 one of the birth parents named on the original birth
11 certificate filed a Birth Parent Preference Form and
12 selected Option E, and there is no proof of death in
13 the Registry file for the birth parent who filed said
14 Birth Parent Preference Form, the Registry shall
15 inform the requesting adult adopted or surrendered
16 person or the requesting surviving adult child or
17 surviving spouse of a deceased adopted or surrendered
18 person that he or she may receive a non-certified copy
19 of the original birth certificate from which
20 identifying information pertaining to the birth parent
21 who completed the Birth Parent Preference Form has been
22 redacted per the birth parent's specifications on the
23 Form. The Registry shall forward to the adult adopted
24 or surrendered person or to the surviving adult child
25 or surviving spouse of a deceased adopted or
26 surrendered person a copy of the Birth Parent

1 Preference Form filed by the birth parent from which
2 identifying information has been redacted per the
3 birth parent's specifications on the Form. The
4 requesting adult adopted or surrendered person shall
5 also be informed in writing of his or her right to
6 petition the court for the appointment of a
7 confidential intermediary pursuant to Section 18.3a of
8 this Act, and, if applicable, to conduct a search
9 through an agency post-adoption search program once 5
10 years have elapsed since the birth parent filed the
11 Birth Parent Preference Form, on which Option E was
12 selected, with the Registry.

13 (iii) Determine if a birth parent named on the
14 original birth certificate has filed an Information
15 Exchange Authorization.

16 (iv) If the Registry has confirmed that a
17 requesting adult adopted or surrendered person or the
18 parent of a requesting adult child of a deceased
19 adopted or surrendered person or the husband or wife of
20 a requesting surviving spouse was not the object of a
21 Denial of Information Exchange filed by a birth parent
22 on or before December 31, 2010, and that no birth
23 parent named on the original birth certificate has
24 filed a Birth Parent Preference Form where Option E was
25 selected prior to the receipt of a Request for a
26 Non-Certified Copy of an Original Birth Certificate,

1 the Registry shall provide the adult adopted or
2 surrendered person or his or her surviving adult child
3 or surviving spouse with an unaltered non-certified
4 copy of the adopted or surrendered person's original
5 birth certificate.

6 (3) In cases where the Registry receives a Birth Parent
7 Preference Form from a birth parent subsequent to the
8 release of the non-certified copy of the original birth
9 certificate to an adult adopted or surrendered person or to
10 the surviving adult child or surviving spouse of a deceased
11 adopted or surrendered person, the Birth Parent Preference
12 Form shall be immediately forwarded to the adult adopted or
13 surrendered person or to the surviving adult child or
14 surviving spouse of the deceased adopted or surrendered
15 person and the birth parent who filed the form shall be
16 informed that the relevant original birth certificate has
17 already been released.

18 (4) A copy of the original birth certificate shall only
19 be released to adopted or surrendered persons who were born
20 in Illinois; to surviving adult children or surviving
21 spouses of deceased adopted or surrendered persons who were
22 born in Illinois; or to 2 registered parties who have both
23 consented to the release of a non-certified copy of the
24 original birth certificate to one another through the
25 Registry when the birth of the relevant adopted or
26 surrendered person took place in Illinois.

1 (5) In cases where the Registry receives a Request for
2 a Non-Certified Copy of an Original Birth Certificate from
3 an adult adopted or surrendered person who has not
4 completed a Registry application and the file of that
5 adopted or surrendered person includes an Information
6 Exchange Authorization or Medical Information Exchange
7 Questionnaire from one or more of his or her birth
8 relatives, the Registry shall so inform the adult adopted
9 or surrendered person and forward Registry application
10 forms to him or her along with a non-certified copy of the
11 original birth certificate consistent with the procedures
12 outlined in this subsection (e).

13 (6) In cases where a birth parent registered with the
14 Registry and filed a Medical Information Exchange
15 Questionnaire prior to the effective date of this
16 amendatory Act of the 96th General Assembly but gave no
17 indication as to his or her wishes regarding contact or the
18 sharing of identifying information, the Registry shall
19 contact the birth parent by written letter prior to January
20 1, 2011, and provide him or her with the opportunity to
21 indicate his or her preference regarding contact and the
22 sharing of identifying information by submitting a Birth
23 Parent Preference Form to the Registry prior to November 1,
24 2011.

25 (7) In cases where the Registry cannot locate a copy of
26 the original birth certificate in the Registry file, they

1 shall be authorized to request a copy of the original birth
2 certificate from the Illinois county where the birth took
3 place for placement in the Registry file.

4 (8) Adopted and surrendered persons who wish to have
5 their names placed with the Illinois Adoption Registry and
6 Medical Information Exchange may do so by completing a
7 Registry application at any time, but completing a Registry
8 application shall not be required for adopted and
9 surrendered persons who seek only to obtain a copy of their
10 original birth certificate or any relevant Birth Parent
11 Preference Forms through the Registry.

12 (9) In cases where a birth parent filed a Denial of
13 Information Exchange with the Registry prior to January 1,
14 2011, or filed a Birth Parent Preference Form with the
15 Registry and selected Option E after January 1, 2011, and a
16 proof of death for the birth parent who filed the Denial or
17 the Birth Parent Preference Form has been filed with the
18 Registry by either a confidential intermediary or a
19 surviving relative of the deceased birth parent, the
20 Registry shall be authorized to release an unaltered
21 non-certified copy of the original birth certificate to an
22 adult adopted or surrendered person or to the surviving
23 adult child or surviving spouse of a deceased adopted or
24 surrendered person who has filed a Request for a
25 Non-Certified Copy of the Original Birth Certificate with
26 the Registry.

1 (10) On and after the effective date of this amendatory
2 Act of the 96th General Assembly, in cases where all birth
3 parents named on the original birth certificate of an
4 adopted or surrendered person born after January 1, 1946,
5 are deceased and copies of death certificates for all birth
6 parents named on the original birth certificate have been
7 filed with the Registry by either a confidential
8 intermediary or a surviving relative of the deceased birth
9 parent, the Registry shall be authorized to release a
10 non-certified copy of the original birth certificate to the
11 adopted or surrendered person upon receipt of his or her
12 Request for a Non-Certified Copy of an Original Birth
13 Certificate.

14 (f) A registrant may complete all or any part of the
15 Illinois Adoption Registry Application. All Illinois Adoption
16 Registry Applications, Information Exchange Authorizations,
17 Denials of Information Exchange, requests to revoke an
18 Information Exchange Authorization or Denial of Information
19 Exchange, and affidavits submitted to the Registry shall be
20 accompanied by proof of identification. ▯

21 (Source: P.A. 96-895, eff. 5-21-10; revised 9-2-10.)

22 Section 595. The Disposition of Remains Act is amended by
23 changing Section 5 as follows:

24 (755 ILCS 65/5)

1 Sec. 5. Right to control disposition; priority. Unless a
2 decedent has left directions in writing for the disposition or
3 designated an agent to direct the disposition of the decedent's
4 remains as provided in Section 65 of the Crematory Regulation
5 Act or in subsection (a) of Section 40 of this Act, the
6 following persons, in the priority listed, have the right to
7 control the disposition, including cremation, of the
8 decedent's remains and are liable for the reasonable costs of
9 the disposition:

10 (1) the person designated in a written instrument that
11 satisfies the provisions of Sections 10 and 15 of this Act;

12 (2) any person serving as executor or legal
13 representative of the decedent's estate and acting
14 according to the decedent's written instructions contained
15 in the decedent's will;

16 (3) the individual who was the spouse of the decedent
17 at the time of the decedent's death;

18 (4) the sole surviving competent adult child of the
19 decedent, or if there is more than one surviving competent
20 adult child of the decedent, the majority of the surviving
21 competent adult children; however, less than one-half of
22 the surviving adult children shall be vested with the
23 rights and duties of this Section if they have used
24 reasonable efforts to notify all other surviving competent
25 adult children of their instructions and are not aware of
26 any opposition to those instructions on the part of more

1 than one-half of all surviving competent adult children;

2 (5) the surviving competent parents of the decedent; if
3 one of the surviving competent parents is absent, the
4 remaining competent parent shall be vested with the rights
5 and duties of this Act after reasonable efforts have been
6 unsuccessful in locating the absent surviving competent
7 parent;

8 (6) the surviving competent adult person or persons
9 respectively in the next degrees of kindred or, if there is
10 more than one surviving competent adult person of the same
11 degree of kindred, the majority of those persons; less than
12 the majority of surviving competent adult persons of the
13 same degree of kindred shall be vested with the rights and
14 duties of this Act if those persons have used reasonable
15 efforts to notify all other surviving competent adult
16 persons of the same degree of kindred of their instructions
17 and are not aware of any opposition to those instructions
18 on the part of one-half or more of all surviving competent
19 adult persons of the same degree of kindred;

20 (7) in the case of indigents or any other individuals
21 whose final disposition is the responsibility of the State
22 or any of its instrumentalities, a public administrator,
23 medical examiner, coroner, State appointed guardian, or
24 any other public official charged with arranging the final
25 disposition of the decedent;

26 (8) in the case of individuals who have donated their

1 bodies to science, or whose death occurred in a nursing
2 home or other private institution, who have executed
3 cremation authorization forms under Section 65 of the
4 Crematory Regulation Act and the institution is charged
5 with making arrangements for the final disposition of the
6 decedent, a representative of the institution; or

7 (9) any other person or organization that is willing to
8 assume legal and financial responsibility.

9 As used in Section, "adult" means any individual who has
10 reached his or her eighteenth birthday.

11 Notwithstanding ~~Notwithstanding~~ provisions to the
12 contrary, in the case of decedents who die while serving as
13 members of the United States Armed Forces, the Illinois
14 National Guard, or the United States Reserved Forces, as
15 defined in Section 1481 of Title 10 of the United States Code,
16 and who have executed the required U.S. Department of Defense
17 Record of Emergency Data Form (DD Form 93), or successor form,
18 the person designated in such form to direct disposition of the
19 decedent's remains shall have the right to control the
20 disposition, including cremation, of the decedent's remains.

21 (Source: P.A. 96-1243, eff. 7-23-10; revised 9-16-10.)

22 Section 600. The Illinois Human Rights Act is amended by
23 changing Section 6-101 as follows:

24 (775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

1 Sec. 6-101. Additional Civil Rights Violations. It is a
2 civil rights violation for a person, or for two or more persons
3 to conspire, to:

4 (A) Retaliation. Retaliate against a person because he
5 or she has opposed that which he or she reasonably and in
6 good faith believes to be unlawful discrimination, sexual
7 harassment in employment or sexual harassment in
8 elementary, secondary, and higher education,
9 discrimination based on citizenship status in employment,
10 or because he or she has made a charge, filed a complaint,
11 testified, assisted, or participated in an investigation,
12 proceeding, or hearing under this Act;

13 (B) Aiding and Abetting; Coercion. Aid, abet, compel or
14 coerce a person to commit any violation of this Act;

15 (C) Interference. Wilfully interfere with the
16 performance of a duty or the exercise of a power by the
17 Commission or one of its members or representatives or the
18 Department or one of its officers or employees.

19 ~~(D)~~ Definitions. For the purposes of this Section, "sexual
20 harassment" and "citizenship status" shall have the same
21 meaning as defined in Section 2-101 of this Act.

22 (Source: P.A. 96-1319, eff. 7-27-10; revised 9-27-10.)

23 Section 605. The Business Corporation Act of 1983 is
24 amended by changing Section 5.05 as follows:

1 (805 ILCS 5/5.05) (from Ch. 32, par. 5.05)

2 Sec. 5.05. Registered office and registered agent. Each
3 domestic corporation and each foreign corporation having
4 authority to transact business in this State shall have and
5 continuously maintain in this State:

6 (a) A registered office which may be, but need not be,
7 the same as its place of business in this State.

8 (b) A registered agent, which agent may be either an
9 individual, resident in this State, whose business office
10 is identical with such registered office, or a domestic or
11 foreign corporation, limited liability company, limited
12 partnership, or limited liability partnership authorized
13 to transact business in this State that is authorized by
14 its statement of purpose to act as such agent, having a
15 business office identical with such registered office.

16 (c) The address, including street and number, or rural
17 route number, of the initial registered office, and the
18 name of the initial registered agent of each corporation
19 organized under this Act shall be stated in its articles of
20 incorporation; and of each foreign corporation shall be
21 stated in its application for authority to transact
22 business in this State.

23 ~~(d)~~ In the event of dissolution of a corporation, either
24 voluntary, administrative, or judicial, the registered agent
25 and the registered office of the corporation on record with the
26 Secretary of State on the date of the issuance of the

1 certificate or judgment of dissolution shall be an agent of the
2 corporation upon whom claims can be served or service of
3 process can be had during the 5-year, ~~five-year~~
4 post-dissolution period provided in Section 12.80 of this Act,
5 unless such agent resigns or the corporation properly reports a
6 change of registered office or registered agent.

7 ~~(e)~~ In the event of revocation of the authority of a
8 foreign corporation to transact business in this State, the
9 registered agent and the registered office of the corporation
10 on record with the Secretary of State on the date of the
11 issuance of the certificate of revocation shall be an agent of
12 the corporation upon whom claims can be served or service of
13 process can be had, unless such agent resigns.

14 (Source: P.A. 96-988, eff. 7-2-10; revised 9-16-10.)

15 Section 610. The Professional Service Corporation Act is
16 amended by changing Section 3 as follows:

17 (805 ILCS 10/3) (from Ch. 32, par. 415-3)

18 Sec. 3. In this Act the terms defined in the Sections
19 following this Section and preceding Section 4 ~~Sections 3.1~~
20 ~~through 3.5~~ have the meanings ascribed to them in those
21 Sections unless a contrary meaning is clear from the context.

22 (Source: P.A. 76-1283; revised 9-16-10.)

23 Section 615. The Consumer Fraud and Deceptive Business

1 Practices Act is amended by changing Sections 2Z and 2DDD and
2 by setting forth and renumbering multiple versions of Section
3 2III as follows:

4 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

5 Sec. 2Z. Violations of other Acts. Any person who knowingly
6 violates the Automotive Repair Act, the Automotive Collision
7 Repair Act, the Home Repair and Remodeling Act, the Dance
8 Studio Act, the Physical Fitness Services Act, the Hearing
9 Instrument Consumer Protection Act, the Illinois Union Label
10 Act, the Job Referral and Job Listing Services Consumer
11 Protection Act, the Travel Promotion Consumer Protection Act,
12 the Credit Services Organizations Act, the Automatic Telephone
13 Dialers Act, the Pay-Per-Call Services Consumer Protection
14 Act, the Telephone Solicitations Act, the Illinois Funeral or
15 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
16 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
17 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
18 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
19 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
20 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
21 Internet Caller Identification Act, paragraph (6) of
22 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
23 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
24 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
25 Residential Real Property Disclosure Act, the Automatic

1 Contract Renewal Act, or the Personal Information Protection
2 Act commits an unlawful practice within the meaning of this
3 Act.

4 (Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876,
5 eff. 8-21-08; 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;
6 96-1376, eff. 7-29-10; revised 9-2-10.)

7 (815 ILCS 505/2DDD)

8 Sec. 2DDD. Alternative gas suppliers.

9 (a) Definitions.

10 (1) "Alternative gas supplier" has the same meaning as
11 in Section 19-105 of the Public Utilities Act.

12 (2) "Gas utility" has the same meaning as in Section
13 19-105 of the Public Utilities Act.

14 (b) It is an unfair or deceptive act or practice within the
15 meaning of Section 2 of this Act for any person to violate any
16 provision of this Section.

17 (c) Solicitation.

18 (1) An alternative gas supplier shall not misrepresent
19 the affiliation of any alternative supplier with the gas
20 utility, governmental bodies, or consumer groups.

21 (2) If any sales solicitation, agreement, contract, or
22 verification is translated into another language and
23 provided to a customer, all of the documents must be
24 provided to the customer in that other language.

25 (3) An alternative gas supplier shall clearly and

1 conspicuously disclose the following information to all
2 customers:

3 (A) the prices, terms, and conditions of the
4 products and services being sold to the customer;

5 (B) where the solicitation occurs in person,
6 including through door-to-door solicitation, the
7 salesperson's name;

8 (C) the alternative gas supplier's contact
9 information, including the address, phone number, and
10 website;

11 (D) contact information for the Illinois Commerce
12 Commission, including the toll-free number for
13 consumer complaints and website;

14 (E) a statement of the customer's right to rescind
15 the offer within 10 business days of the date on the
16 utility's notice confirming the customer's decision to
17 switch suppliers, as well as phone numbers for the
18 supplier and utility that the consumer may use to
19 rescind the contract; and

20 (F) the amount of the early termination fee, if
21 any.

22 (4) Except as provided in paragraph (5) of this
23 subsection (c), an alternative gas supplier shall send the
24 information described in paragraph (3) of this subsection
25 (c) to all customers within one business day of the
26 authorization of a switch.

1 (5) An alternative gas supplier engaging in
2 door-to-door solicitation of consumers shall provide the
3 information described in paragraph (3) of this subsection
4 (c) during all door-to-door solicitations that result in a
5 customer deciding to switch their supplier.

6 (d) Customer Authorization. An alternative gas supplier
7 shall not submit or execute a change in a customer's selection
8 of a natural gas provider unless and until (i) the alternative
9 gas supplier first discloses all material terms and conditions
10 of the offer to the customer; (ii) the alternative gas supplier
11 has obtained the customer's express agreement to accept the
12 offer after the disclosure of all material terms and conditions
13 of the offer; and (iii) the alternative gas supplier has
14 confirmed the request for a change in accordance with one of
15 the following procedures:

16 (1) The alternative gas supplier has obtained the
17 customer's written or electronically signed authorization
18 in a form that meets the following requirements:

19 (A) An alternative gas supplier shall obtain any
20 necessary written or electronically signed
21 authorization from a customer for a change in natural
22 gas service by using a letter of agency as specified in
23 this Section. Any letter of agency that does not
24 conform with this Section is invalid.

25 (B) The letter of agency shall be a separate
26 document (or an easily separable document containing

1 only the authorization language described in item (E)
2 of this paragraph (1)) whose sole purpose is to
3 authorize a natural gas provider change. The letter of
4 agency must be signed and dated by the customer
5 requesting the natural gas provider change.

6 (C) The letter of agency shall not be combined with
7 inducements of any kind on the same document.

8 (D) Notwithstanding items (A) and (B) of this
9 paragraph (1), the letter of agency may be combined
10 with checks that contain only the required letter of
11 agency language prescribed in item (E) of this
12 paragraph (1) and the necessary information to make the
13 check a negotiable instrument. The letter of agency
14 check shall not contain any promotional language or
15 material. The letter of agency check shall contain in
16 easily readable, bold face type on the face of the
17 check, a notice that the consumer is authorizing a
18 natural gas provider change by signing the check. The
19 letter of agency language also shall be placed near the
20 signature line on the back of the check.

21 (E) At a minimum, the letter of agency must be
22 printed with a print of sufficient size to be clearly
23 legible, and must contain clear and unambiguous
24 language that confirms:

25 (i) the customer's billing name and address;

26 (ii) the decision to change the natural gas

1 provider from the current provider to the
2 prospective alternative gas supplier;

3 (iii) the terms, conditions, and nature of the
4 service to be provided to the customer, including,
5 but not limited to, the rates for the service
6 contracted for by the customer; and

7 (iv) that the customer understands that any
8 natural gas provider selection the customer
9 chooses may involve a charge to the customer for
10 changing the customer's natural gas provider.

11 (F) Letters of agency shall not suggest or require
12 that a customer take some action in order to retain the
13 customer's current natural gas provider.

14 (G) If any portion of a letter of agency is
15 translated into another language, then all portions of
16 the letter of agency must be translated into that
17 language.

18 (2) An appropriately qualified independent third party
19 has obtained, in accordance with the procedures set forth
20 in this paragraph (2), the customer's oral authorization to
21 change natural gas providers that confirms and includes
22 appropriate verification data. The independent third party
23 must (i) not be owned, managed, controlled, or directed by
24 the alternative gas supplier or the alternative gas
25 supplier's marketing agent; (ii) not have any financial
26 incentive to confirm provider change requests for the

1 alternative gas supplier or the alternative gas supplier's
2 marketing agent; and (iii) operate in a location physically
3 separate from the alternative gas supplier or the
4 alternative gas supplier's marketing agent. Automated
5 third-party verification systems and 3-way conference
6 calls may be used for verification purposes so long as the
7 other requirements of this paragraph (2) are satisfied. A
8 alternative gas supplier or alternative gas supplier's
9 sales representative initiating a 3-way conference call or
10 a call through an automated verification system must drop
11 off the call once the 3-way connection has been
12 established. All third-party verification methods shall
13 elicit, at a minimum, the following information:

14 (A) the identity of the customer;

15 (B) confirmation that the person on the call is
16 authorized to make the provider change;

17 (C) confirmation that the person on the call wants
18 to make the provider change;

19 (D) the names of the providers affected by the
20 change;

21 (E) the service address of the service to be
22 switched; and

23 (F) the price of the service to be provided and the
24 material terms and conditions of the service being
25 offered, including whether any early termination fees
26 apply.

1 Third-party verifiers may not market the alternative
2 gas supplier's services. All third-party verifications
3 shall be conducted in the same language that was used in
4 the underlying sales transaction and shall be recorded in
5 their entirety. Submitting alternative gas suppliers shall
6 maintain and preserve audio records of verification of
7 customer authorization for a minimum period of 2 years
8 after obtaining the verification. Automated systems must
9 provide customers with an option to speak with a live
10 person at any time during the call.

11 (3) The alternative gas supplier has obtained the
12 customer's electronic authorization to change ~~in~~ natural
13 gas service via telephone. Such authorization must elicit
14 the information in paragraph (2)(A) through (F) of this
15 subsection (d). Alternative gas suppliers electing to
16 confirm sales electronically shall establish one or more
17 toll-free telephone numbers exclusively for that purpose.
18 Calls to the number or numbers shall ~~will~~ connect a
19 customer to a voice response unit, or similar mechanism,
20 that makes a date-stamped, time-stamped recording of the
21 required information regarding the alternative gas
22 supplier change.

23 The alternative gas supplier shall not use such
24 electronic authorization systems to market its services.

25 (4) When a consumer initiates the call to the
26 prospective alternative gas supplier, in order to enroll

1 the consumer as a customer, the prospective alternative gas
2 supplier must, with the consent of the customer, make a
3 date-stamped, time-stamped audio recording that elicits,
4 at a minimum, the following information:

5 (A) the identity of the customer;

6 (B) confirmation that the person on the call is
7 authorized to make the provider change;

8 (C) confirmation that the person on the call wants
9 to make the provider change;

10 (D) the names of the providers affected by the
11 change;

12 (E) the service address of the service to be
13 switched; and

14 (F) the price of the service to be supplied and the
15 material terms and conditions of the service being
16 offered, including whether any early termination fees
17 apply.

18 Submitting alternative gas suppliers shall maintain
19 and preserve the audio records containing the information
20 set forth above for a minimum period of 2 years.

21 (5) In the event that a customer enrolls for service
22 from an alternative gas supplier via an Internet website,
23 the alternative gas supplier shall obtain an
24 electronically signed letter of agency in accordance with
25 paragraph (1) of this subsection (d) and any customer
26 information shall be protected in accordance with all

1 applicable statutes and rules. In addition, an alternative
2 gas supplier shall provide the following when marketing via
3 an Internet website:

4 (A) The Internet enrollment website shall, at a
5 minimum, include:

6 (i) a copy of the alternative gas supplier's
7 customer contract, which clearly and conspicuously
8 discloses all terms and conditions; and

9 (ii) a conspicuous prompt for the customer to
10 print or save a copy of the contract.

11 (B) Any electronic version of the contract shall be
12 identified by version number, in order to ensure the
13 ability to verify the particular contract to which the
14 customer assents.

15 (C) Throughout the duration of the alternative gas
16 supplier's contract with a customer, the alternative
17 gas supplier shall retain and, within 3 business days
18 of the customer's request, provide to the customer an
19 e-mail, paper, or facsimile of the terms and conditions
20 of the numbered contract version to which the customer
21 assents.

22 (D) The alternative gas supplier shall provide a
23 mechanism by which both the submission and receipt of
24 the electronic letter of agency are recorded by time
25 and date.

26 (E) After the customer completes the electronic

1 letter of agency, the alternative gas supplier shall
2 disclose conspicuously through its website that the
3 customer has been enrolled and the alternative gas
4 supplier shall provide the customer an enrollment
5 confirmation number.

6 (6) When a customer is solicited in person by the
7 alternative gas supplier's sales agent, the alternative
8 gas supplier may only obtain the customer's authorization
9 to change natural gas service through the method provided
10 for in paragraph (2) of this subsection (d).

11 Alternative gas suppliers must be in compliance with the
12 provisions of this subsection (d) within 90 days after the
13 effective date of this amendatory Act of the 95th General
14 Assembly.

15 (e) Early Termination.

16 (1) Any agreement that contains an early termination
17 clause shall disclose the amount of the early termination
18 fee, provided that any early termination fee or penalty
19 shall not exceed \$50 total, regardless of whether or not
20 the agreement is a multiyear agreement.

21 (2) In any agreement that contains an early termination
22 clause, an alternative gas supplier shall provide the
23 customer the opportunity to terminate the agreement
24 without any termination fee or penalty within 10 business
25 days after the date of the first bill issued to the
26 customer for products or services provided by the

1 alternative gas supplier. The agreement shall disclose the
2 opportunity and provide a toll-free phone number that the
3 customer may call in order to terminate the agreement.

4 (f) The alternative gas supplier shall provide each
5 customer the opportunity to rescind its agreement without
6 penalty within 10 business days after the date on the gas
7 utility notice to the customer. The alternative gas supplier
8 shall disclose to the customer all of the following:

9 (1) that the gas utility shall send a notice confirming
10 the switch;

11 (2) that from the date the utility issues the notice
12 confirming the switch, the customer shall have 10 business
13 days before the switch will become effective;

14 (3) that the customer may contact the gas utility or
15 the alternative gas supplier to rescind the switch within
16 10 business days; and

17 (4) the contact information for the gas utility and the
18 alternative gas supplier.

19 The alternative gas supplier disclosure shall be included
20 in its sales solicitations, contracts, and all applicable sales
21 verification scripts.

22 (g) The provisions of this Section shall apply only to
23 alternative gas suppliers serving or seeking to serve
24 residential and small commercial customers and only to the
25 extent such alternative gas suppliers provide services to
26 residential and small commercial customers.

1 (Source: P.A. 95-1051, eff. 4-10-09; revised 9-16-10.)

2 (815 ILCS 505/2III)

3 Sec. 2III. Seller's shipments of similar merchandise to
4 consumer. If a consumer purchases merchandise, it is an
5 unlawful practice under this Act for the seller of the
6 merchandise to periodically send and debit the consumer's
7 account for shipments of similar merchandise, unless the
8 consumer has agreed, by express request or consent, to receive
9 such periodic shipments of merchandise. The seller must clearly
10 and conspicuously disclose any minimum purchase requirement
11 and how the consumer may cancel periodic shipments.

12 (Source: P.A. 96-1306, eff. 7-27-10.)

13 (815 ILCS 505/2JJJ)

14 Sec. 2JJJ ~~2III~~. Violations of the Debt Settlement Consumer
15 Protection Act. Any person who violates the Debt Settlement
16 Consumer Protection Act commits an unlawful practice within the
17 meaning of this Act.

18 (Source: P.A. 96-1420, eff. 8-3-10; revised 9-24-10.)

19 Section 620. The Illinois Equipment Fair Dealership Law is
20 amended by changing Section 7 as follows:

21 (815 ILCS 715/7) (from Ch. 5, par. 1507)

22 Sec. 7. The provisions of this Act shall not require the

1 repurchase from a retailer of:

2 (1) Any repair part which has a limited storage life
3 and is in a deteriorated condition;

4 (2) Any repair part which is in a broken or damaged
5 package;

6 (3) Any single repair part which is priced as a set of
7 two or more items;

8 (4) Any repair part which because of its condition is
9 not resalable as a new part without repackaging or
10 reconditioning;

11 (5) Any inventory for which the retailer is unable to
12 furnish evidence, satisfactory to the wholesaler,
13 manufacturer or distributor, of title, free and clear of
14 all claims, liens and encumbrances;

15 (6) Any inventory which the retailer desires to keep,
16 provided the retailer has a contractual right to do so;

17 (7) Any outdoor power equipment including but not
18 limited to all-terrain vehicles or off-highway
19 motorcycles, farm implements, farm machinery, attachments
20 and accessories, construction equipment, industrial
21 equipment, attachments and accessories which are not in
22 new, unused, undamaged, or complete condition;

23 (8) Any repair parts which are not in new, unused, or
24 undamaged condition;

25 (9) Any outdoor power equipment including but not
26 limited to all-terrain vehicles or off-highway

1 motorcycles, farm implements, farm machinery, attachments
2 or accessories, construction equipment, industrial
3 equipment, attachments or accessories which were purchased
4 24 months or more prior to notice of termination of the
5 contract;

6 (10) Any inventory which was ordered by the retailer on
7 or after the date of notification of termination of the
8 contract;

9 (11) Any inventory which was acquired by the retailer
10 from any source other than the wholesaler, manufacturer or
11 distributor;

12 (12) Any repair parts not listed in the manufacturers'
13 current price list in effect at date of notice of
14 termination or classified as obsolete by the manufacturer.
15 However, this exception to the repurchase requirement
16 shall apply only if the wholesaler, manufacturer or
17 distributor provided the retailer with the opportunity to
18 return the parts prior to notice of termination of the
19 dealership.

20 (Source: P.A. 96-1155, eff. 7-21-10; revised 9-27-10.)

21 Section 625. The Employee Blood Donation Leave Act is
22 amended by changing Section 3 as follows:

23 (820 ILCS 149/3)

24 Sec. 3. Purpose. This Act is intended to provide time off

1 with pay to allow employees of units of local government
2 ~~governments~~, boards of election commissioners, or private
3 employers in the State of Illinois to donate blood.
4 (Source: P.A. 94-33, eff. 1-1-06; revised 9-16-10.)

5 Section 995. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 996. No revival or extension. This Act does not
13 revive or extend any Section or Act otherwise repealed.

14 Section 999. Effective date. This Act takes effect upon
15 becoming law.

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