



Rep. Angelo Saviano

Filed: 3/27/2012

09700HB5033ham002

LRB097 18780 PJG 68097 a

1 AMENDMENT TO HOUSE BILL 5033

2 AMENDMENT NO. _____. Amend House Bill 5033, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Currency Exchange Act is amended by
6 changing Sections 3.3 and 4 as follows:

7 (205 ILCS 405/3.3) (from Ch. 17, par. 4807)

8 Sec. 3.3. Additional public services.

9 (a) Nothing in this Act shall prevent the Secretary from
10 authorizing a currency exchange, group of currency exchanges,
11 or association of currency exchanges to render additional
12 services to the public if the services are consistent with the
13 provisions of this Act, are within its meaning, are in the best
14 interest of the public, and benefit the general welfare. A
15 currency exchange, group of currency exchanges, or association
16 of currency exchanges must request, in writing, the Secretary's

1 approval of the additional service prior to rendering such
2 additional service to the public. Any approval under this
3 Section shall be deemed an approval for all currency exchanges.
4 Any currency exchange wishing to provide an additional service
5 previously as approved by the Secretary must provide written
6 notice, on a form provided by the Department and available on
7 its website, to the Secretary 30 days prior to offering the
8 approved additional service to the public. The Secretary may
9 charge an additional service investigation fee of \$500 per
10 application for a new additional service request. The
11 additional service request shall be on a form provided by the
12 Department and available on the Department's website. Within 15
13 days after receipt by the Department of an additional service
14 request, the Secretary shall examine the additional service
15 request for completeness and notify the requester of any
16 defect. The requester must remedy the defect within 10 days
17 after the mailing of the notification of the defect by the
18 Secretary. Failure to remedy the defect within such time will
19 void the additional service request. If the Secretary
20 determines that the additional service request is complete, the
21 Secretary shall have 60 business days to approve or deny the
22 additional service request. If the additional service request
23 is denied, the Secretary shall send by United States mail
24 notice of the denial to the requester at the address set forth
25 in the additional service request. If an additional service
26 request is denied, the requester may, within 10 days after

1 receipt of the denial, make a written request to the Secretary
2 for a hearing on the additional service request denial, and the
3 Department shall have 10 business days to schedule a future
4 hearing. The hearing shall be scheduled for a date within 40
5 days after the request for the hearing. Written notice of the
6 time and place of the hearing shall be mailed to the requester
7 no later than 21 days before the date of the hearing. The
8 requester shall pay the actual cost of making the transcript of
9 the hearing prior to the Secretary's issuing his or her
10 decision following the hearing. If the Secretary denies the
11 request for a new additional service, a currency exchange shall
12 not offer the new additional service until a final
13 administrative order has been entered permitting a currency
14 exchange to offer the service. The Secretary's decision may be
15 subject to review as provided in Section 22.01 of this Act. If
16 the Secretary revokes a previously approved authorization for
17 an additional service request, the Secretary shall provide
18 written notice to all affected currency exchange licensees.
19 Upon receipt of the revocation notice, a currency exchange
20 licensee, group of currency exchange licensees, or association
21 of currency exchanges shall have 10 days to make a written
22 request to the Secretary for a hearing, and the Department
23 shall have 30 business days to schedule a future hearing.
24 Written notice of the time and place of the hearing shall be
25 mailed to the licensee no later than 10 business days before
26 the date of the hearing. The licensee shall pay the actual cost

1 of making the transcript prior to the Secretary's issuing his
2 or her decision following the hearing. The Secretary's decision
3 is subject to review as provided in Section 22.01 of this Act.
4 ~~The Secretary may, at his or her discretion, revoke any~~
5 ~~authorization under this Section on 60 days written notice to~~
6 ~~the currency exchange.~~

7 (b) (Blank).

8 (c) If the Secretary revokes authorization for a previously
9 approved additional service, the currency exchange may
10 continue to offer the additional service until a final
11 administrative order has been entered revoking the licensee's
12 previously approved authorization.

13 (Source: P.A. 97-315, eff. 1-1-12.)

14 (205 ILCS 405/4) (from Ch. 17, par. 4808)

15 Sec. 4. License application; contents; fees. Application
16 for such license shall be in writing under oath and in the form
17 prescribed and furnished by the Secretary. Each application
18 shall contain the following:

19 (a) The full name and address (both of residence and
20 place of business) of the applicant, and if the applicant
21 is a partnership, limited liability company, or
22 association, of every member thereof, and the name and
23 business address if the applicant is a corporation;

24 (b) The county and municipality, with street and
25 number, if any, where the community currency exchange is to

1 be conducted, if the application is for a community
2 currency exchange license;

3 (c) If the application is for an ambulatory currency
4 exchange license, the name and address of the employer at
5 each location to be served by it; and

6 (d) The applicant's occupation or profession; a
7 detailed statement of the applicant's ~~his~~ business
8 experience for the 10 years immediately preceding the ~~his~~
9 application; a detailed statement of the applicant's ~~his~~
10 finances; the applicant's ~~his~~ present or previous
11 connection with any other currency exchange; whether the
12 applicant ~~he~~ has ever been involved in any civil or
13 criminal litigation, and the material facts pertaining
14 thereto; whether the applicant ~~he~~ has ever been committed
15 to any penal institution or admitted to an institution for
16 the care and treatment of mentally ill persons; and the
17 nature of applicant's occupancy of the premises to be
18 licensed where the application is for a community currency
19 exchange license. If the applicant is a partnership, the
20 information specified herein shall be required of each
21 partner. If the applicant is a corporation, the said
22 information shall be required of each officer, director and
23 stockholder thereof along with disclosure of their
24 ownership interests. If the applicant is a limited
25 liability company, the information required by this
26 Section shall be provided with respect to each member and

1 manager along with disclosure of their ownership
2 interests.

3 A community currency exchange license application shall be
4 accompanied by a fee of \$500, prior to January 1, 2012. After
5 January 1, 2012 the fee shall be \$750. After January 1, 2014
6 the fee shall be \$1,000~~7~~ for the cost of investigating the
7 applicant. If the ownership of a licensee changes, in whole or
8 in part, a new application must be filed pursuant to this
9 Section along with a \$500 fee if the licensee's ownership
10 interests have been transferred or sold to a new person or
11 entity or a fee of \$300 if the licensee's ownership interests
12 have been transferred or sold to a current holder or holders of
13 the licensee's ownership interests. When the application for a
14 community currency exchange license has been approved by the
15 Secretary and the applicant so advised, an additional sum of
16 \$400 as an annual license fee for a period terminating on the
17 last day of the current calendar year shall be paid to the
18 Secretary by the applicant; provided, that the license fee for
19 an applicant applying for such a license after July 1st of any
20 year shall be \$200 for the balance of such year. Upon receipt
21 of a community currency exchange license application, the
22 Secretary shall examine the application for completeness and
23 notify the applicant in writing of any defect within 15 days
24 after receipt. The applicant must remedy the defect within 10
25 days after the mailing of the notification of the defect by the
26 Secretary. Failure to timely remedy the defect will void the

1 application. Once the Secretary determines that the
2 application is complete, the Secretary shall have 90 business
3 days to approve or deny the application. If the application is
4 denied, the Secretary shall send by United States mail notice
5 of the denial to the applicant at the address set forth in the
6 application. If an application is denied, the applicant may,
7 within 10 days after the date of the notice of denial, make a
8 written request to the Secretary for a hearing on the
9 application, and the Secretary shall, within 10 days, set a
10 time and place for the hearing. The hearing shall be scheduled
11 for a date within 40 days after the request for the hearing.
12 Written notice of the time and place of the hearing shall be
13 mailed to the applicant no later than 15 business days before
14 the date of the hearing. The applicant shall pay the actual
15 cost of making the transcript of the hearing prior to the
16 Secretary's issuing his or her decision. The Secretary's
17 decision is subject to review as provided in Section 22.01 of
18 this Act.

19 An application for an ambulatory currency exchange license
20 shall be accompanied by a fee of \$100, which fee shall be for
21 the cost of investigating the applicant. An approved applicant
22 shall not be required to pay the initial investigation fee of
23 \$100 more than once. When the application for an ambulatory
24 currency exchange license has been approved by the Secretary,
25 and such applicant so advised, such applicant shall pay an
26 annual license fee of \$25 for each and every location to be

1 served by such applicant; provided that such license fee for an
2 approved applicant applying for such a license after July 1st
3 of any year shall be \$12 for the balance of such year for each
4 and every location to be served by such applicant. Such an
5 approved applicant for an ambulatory currency exchange
6 license, when applying for a license with respect to a
7 particular location, shall file with the Secretary, at the time
8 of filing an application, a letter of memorandum, which shall
9 be in writing and under oath, signed by the owner or authorized
10 representative of the business whose employees are to be
11 served; such letter or memorandum shall contain a statement
12 that such service is desired, and that the person signing the
13 same is authorized so to do. The Secretary shall thereupon
14 verify the authenticity of the letter or memorandum and the
15 authority of the person who executed it, to do so.

16 The Department shall have 45 business days to approve or
17 deny a currency exchange licensee's request to purchase another
18 currency exchange.

19 (Source: P.A. 97-315, eff. 1-1-12.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."