



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4057

by Rep. Raymond Poe

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Collection Agency Act from January 1, 2016 to January 1, 2026. Amends the Collection Agency Act. Makes changes to provisions concerning definitions, exemptions, restrictions and limitations, civil penalties for unlicensed practice, qualifications for license, the Collection Agency Licensing and Disciplinary Board, powers and duties of the Department of Financial and Professional Regulation, investigations, notice and hearing, and disciplinary actions. Deletes references to "debt collectors". Replaces references to "Secretary" of the Department with "Director". Adds provisions concerning expiration, renewal and restoration of registration, returned checks, fines, unregistered practice, cease and desist, summary suspension of certificate of registration, consent orders, and confidentiality. Effective immediately.

LRB099 07226 HAF 27323 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 ~~The Collection Agency Act.~~

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and  
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;  
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Collection Agency Act.

3 Section 10. The Collection Agency Act is amended by  
4 changing Sections 2, 2.03, 2.04, 3, 4, 4.5, 5, 7, 8, 8a, 8b 8c,  
5 9, 9.1, 9.2, 9.3, 9.4, 9.7, 9.22, 11, 13.1, 13.2, 14a, 14b, 16,  
6 17, 18, 19, 20, 21, 22, 23, 24, 26, and 27 and by adding  
7 Sections 30, 35, 40, 45, 50, and 55 as follows:

8 (225 ILCS 425/2) (from Ch. 111, par. 2002)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 2. Definitions. In this Act:

11 "Address of record" means the designated address recorded  
12 by the Department in the applicant's or registrant's  
13 application file or registration file as maintained by the  
14 Department's licensure maintenance unit. It is the duty of the  
15 applicant or registrant to inform the Department of any change  
16 of address and those changes must be made either through the  
17 Department's website or by contacting the Department.

18 "Board" means the Collection Agency Licensing and  
19 Disciplinary Board.

20 "Charge-off balance" means an account principal and other  
21 legally collectible costs, expenses, and interest accrued  
22 prior to the charge-off date, less any payments or settlement.

23 "Charge-off date" means the date on which a receivable is  
24 treated as a loss or expense.

1        "Credit ~~Consumer credit~~ transaction" means a transaction  
2 between a natural person and another person in which property,  
3 service, or money is acquired on credit by that natural person  
4 from such other person primarily for personal, family, or  
5 household purposes.

6        ~~"Consumer debt" or "consumer credit" means money,~~  
7 ~~property, or their equivalent, due or owing or alleged to be~~  
8 ~~due or owing from a natural person by reason of a consumer~~  
9 ~~credit transaction.~~

10        "Creditor" means a person who extends consumer credit to a  
11 debtor.

12        "Current balance" means the charge-off balance plus any  
13 legally collectible costs, expenses, and interest, less any  
14 credits or payments.

15        "Debt" means money, property, or their equivalent which is  
16 due or owing or alleged to be due or owing from a natural  
17 person to another person.

18        "Debt buyer" means a person or entity that is engaged in  
19 the business of purchasing delinquent or charged-off consumer  
20 loans or consumer credit accounts or other delinquent consumer  
21 debt for collection purposes, whether it collects the debt  
22 itself or hires a third-party for collection or an  
23 attorney-at-law for litigation in order to collect such debt.

24        ~~"Debt collection" means any act or practice in connection~~  
25 ~~with the collection of consumer debts.~~

26        ~~"Debt collector", "collection agency", or "agency" means~~

1 ~~any person who, in the ordinary course of business, regularly,~~  
2 ~~on behalf of himself or herself or others, engages in debt~~  
3 ~~collection.~~

4 "Debtor" means a ~~natural~~ person from whom a collection  
5 agency ~~debt collector~~ seeks to collect a consumer or commercial  
6 debt that is due and owing or alleged to be due and owing from  
7 such person.

8 "Department" means ~~Division of Professional Regulation~~  
9 ~~within~~ the Department of Financial and Professional  
10 Regulation.

11 ~~"Director" means the Director of the Division of~~  
12 ~~Professional Regulation within the Department of Financial and~~  
13 ~~Professional Regulation.~~

14 "Person" means a natural person, partnership, corporation,  
15 limited liability company, trust, estate, cooperative,  
16 association, or other similar entity.

17 "Registered collection agency" means a person who is  
18 registered under this Act to engage in the practice of debt  
19 collection in Illinois.

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

22 (Source: P.A. 97-1070, eff. 1-1-13.)

23 (225 ILCS 425/2.03) (from Ch. 111, par. 2005)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 2.03. Exemptions. This Act does not apply to persons

1 whose collection activities are confined to and are directly  
2 related to the operation of a business other than that of a  
3 collection agency, and specifically does not include the  
4 following:

5 1. Banks, including trust departments, affiliates, and  
6 subsidiaries thereof, fiduciaries, and financing and  
7 lending institutions (except those who own or operate  
8 collection agencies);

9 2. Abstract companies doing an escrow business;

10 3. Real estate brokers when acting in the pursuit of  
11 their profession;

12 4. Public officers and judicial officers acting under  
13 order of a court;

14 5. Licensed attorneys at law;

15 6. Insurance companies;

16 7. Credit unions, including affiliates and  
17 subsidiaries thereof (except those who own or operate  
18 collection agencies);

19 8. Loan and finance companies, including entities  
20 licensed pursuant to the Residential Mortgage License Act  
21 of 1987;

22 9. Retail stores collecting their own accounts;

23 10. Unit Owner's Associations established under the  
24 Condominium Property Act, and their duly authorized  
25 agents, when collecting assessments from unit owners; and

26 11. Any person or business under contract with a

1 creditor to notify the creditor's debtors of a debt using  
2 only the creditor's name.

3 (Source: P.A. 95-437, eff. 1-1-08.)

4 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 2.04. Child support debt ~~indebtedness~~.

7 (a) Collection agencies ~~Persons, associations,~~  
8 ~~partnerships, corporations, or other legal entities~~ engaged in  
9 the business of collecting child support debt ~~indebtedness~~  
10 owing under a court order as provided under the Illinois Public  
11 Aid Code, the Illinois Marriage and Dissolution of Marriage  
12 Act, ~~the Non-Support of Spouse and Children Act,~~ the  
13 Non-Support Punishment Act, the Illinois Parentage Act of 1984,  
14 or similar laws of other states are not restricted (i) in the  
15 frequency of contact with an obligor who is in arrears, whether  
16 by phone, mail, or other means, (ii) from contacting the  
17 employer of an obligor who is in arrears, (iii) from publishing  
18 or threatening to publish a list of obligors in arrears, (iv)  
19 from disclosing or threatening to disclose an arrearage that  
20 the obligor disputes, but for which a verified notice of  
21 delinquency has been served under the Income Withholding for  
22 Support Act (or any of its predecessors, Section 10-16.2 of the  
23 Illinois Public Aid Code, Section 706.1 of the Illinois  
24 Marriage and Dissolution of Marriage Act, Section 22 4.1 of the  
25 Non-Support Punishment ~~of Spouse and Children~~ Act, Section 26.1

1 of the Revised Uniform Reciprocal Enforcement of Support Act,  
2 or Section 20 of the Illinois Parentage Act of 1984), or (v)  
3 from engaging in conduct that would not cause a reasonable  
4 person mental or physical illness. For purposes of this  
5 subsection, "obligor" means an individual who owes a duty to  
6 make periodic payments, under a court order, for the support of  
7 a child. "Arrearage" means the total amount of an obligor's  
8 unpaid child support obligations.

9 (a-5) A collection agency may not impose a fee or charge,  
10 including costs, for any child support payments collected  
11 through the efforts of a federal, State, or local government  
12 agency, including but not limited to child support collected  
13 from federal or State tax refunds, unemployment benefits, or  
14 Social Security benefits.

15 No collection agency that collects child support payments  
16 shall (i) impose a charge or fee, including costs, for  
17 collection of a current child support payment, (ii) fail to  
18 apply collections to current support as specified in the order  
19 for support before applying collection to arrears or other  
20 amounts, or (iii) designate a current child support payment as  
21 arrears or other amount owed. In all circumstances, the  
22 collection agency shall turn over to the obligee all support  
23 collected in a month up to the amount of current support  
24 required to be paid for that month.

25 As to any fees or charges, including costs, retained by the  
26 collection agency, that agency shall provide documentation to



1 the obligee demonstrating that the child support payments  
2 resulted from the actions of the agency.

3 After collection of the total amount or arrearage,  
4 including statutory interest, due as of the date of execution  
5 of the collection contract, no further fees may be charged.

6 (a-10) The Department ~~of Professional Regulation~~ shall  
7 determine a fee rate of not less than 25% but not greater than  
8 35%, based upon presentation by the licensees as to costs to  
9 provide the service and a fair rate of return. This rate shall  
10 be established by administrative rule.

11 Without prejudice to the determination by the Department of  
12 the appropriate rate through administrative rule, a collection  
13 agency shall impose a fee of not more than 29% of the amount of  
14 child support actually collected by the collection agency  
15 subject to the provisions of subsection (a-5). This interim  
16 rate is based upon the March 2002 General Account Office report  
17 "Child Support Enforcement", GAO-02-349. This rate shall apply  
18 until a fee rate is established by administrative rule.

19 (b) The Department shall adopt rules necessary to  
20 administer and enforce the provisions of this Section.

21 (Source: P.A. 93-896, eff. 8-10-04; 94-414, eff. 12-31-05.)

22 (225 ILCS 425/3) (from Ch. 111, par. 2006)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 3. A person, ~~association, partnership, corporation,~~  
25 ~~or other legal entity~~ acts as a collection agency when he, she,

1 or it:

2 (a) Engages in the business of collection for others of  
3 any account, bill or other debt ~~indebtedness~~;

4 (b) Receives, by assignment or otherwise, accounts,  
5 bills, or other debt ~~indebtedness~~ from any person owning or  
6 controlling 20% or more of the business receiving the  
7 assignment, with the purpose of collecting monies due on  
8 such account, bill or other debt ~~indebtedness~~;

9 (c) Sells or attempts to sell, or gives away or  
10 attempts to give away to any other person, other than one  
11 registered under this Act, any system of collection,  
12 letters, demand forms, or other printed matter where the  
13 name of any person, other than that of the creditor,  
14 appears in such a manner as to indicate, directly or  
15 indirectly, that a request or demand is being made by any  
16 person other than the creditor for the payment of the sum  
17 or sums due or asserted to be due;

18 (d) Buys accounts, bills or other debt ~~indebtedness~~ and  
19 ~~engages in collecting the same; or~~

20 (e) Uses a fictitious name in collecting its own  
21 accounts, bills, or debts with the intention of conveying  
22 to the debtor that a third party has been employed to make  
23 such collection; or -

24 (f) Engages in the business of collection of a check or  
25 other payment that is returned unpaid by the financial  
26 institution upon which it is drawn.

1 (Source: P.A. 94-414, eff. 12-31-05; 95-437, eff. 1-1-08.)

2 (225 ILCS 425/4) (from Ch. 111, par. 2007)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 4. Restrictions and limitations. No collection agency  
5 shall operate in this State or ~~, directly or indirectly engage~~  
6 ~~in the business of collecting, solicit claims for others,~~ have  
7 a sales office or ~~τ~~ a client in this State, or solicit a client  
8 in this State, ~~exercise the right to collect, or receive~~  
9 ~~payment for another of any account, bill or other indebtedness,~~  
10 without registering under this Act except that no collection  
11 agency shall be required to be licensed ~~or maintain an~~  
12 ~~established business address in this State~~ if the agency's  
13 activities in this State are limited to collecting debts from  
14 debtors located in this State by means of interstate  
15 communication, including telephone, mail, ~~or~~ facsimile  
16 transmission, electronic mail, or any other Internet  
17 communication from the agency's location in another state  
18 provided they are licensed in that state and these same  
19 privileges are permitted in that licensed state to agencies  
20 licensed in Illinois.

21 (Source: P.A. 88-363; 89-387, eff. 1-1-96.)

22 (225 ILCS 425/4.5)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 4.5. Unlicensed practice; violation; civil penalty.

1 (a) Any person who practices, offers to practice, attempts  
2 to practice, or holds oneself out to practice as a collection  
3 agency without being licensed under this Act shall, in addition  
4 to any other penalty provided by law, pay a civil penalty to  
5 the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for  
6 each offense as determined by the Department. The civil penalty  
7 shall be assessed by the Department after a hearing is held in  
8 accordance with the provisions set forth in this Act regarding  
9 the provision of a hearing for the discipline of a licensee.

10 (b) The Department has the authority and power to  
11 investigate any and all unlicensed activity. In addition to  
12 taking any other action provided under this Act, whenever the  
13 Department has reason to believe a person, ~~association,~~  
14 ~~partnership, corporation, or other legal entity~~ has violated  
15 any provision of subsection (a) of this Section, the Department  
16 may issue a rule to show cause why an order to cease and desist  
17 should not be entered against that person, ~~association,~~  
18 ~~partnership, corporation, or other legal entity~~. The rule shall  
19 clearly set forth the grounds relied upon by the Department and  
20 shall provide a period of 7 days from the date of the rule to  
21 file an answer to the satisfaction of the Department. Failure  
22 to answer to the satisfaction of the Department shall cause an  
23 order to cease and desist to be issued immediately.

24 (c) The civil penalty shall be paid within 60 days after  
25 the effective date of the order imposing the civil penalty. The  
26 order shall constitute a judgment and may be filed and

1 execution had thereon in the same manner as any judgment from  
2 any court of record.

3 (d) All moneys collected under this Section shall be  
4 deposited into the General Professions Dedicated Fund.

5 (Source: P.A. 94-414, eff. 12-31-05.)

6 (225 ILCS 425/5) (from Ch. 111, par. 2008)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 5. Application for original license. Application for  
9 license registration shall be made to the Secretary ~~Director~~ on  
10 forms provided by the Department, shall be accompanied by the  
11 required fee and shall state:

12 (1) the applicant's name and address;

13 (2) the names and addresses of the officers of the  
14 collection agency and, if the collection agency is a  
15 corporation, the names and addresses of all persons owning  
16 10% or more of the stock of such corporation, if the  
17 collection agency is a partnership, the names and addresses  
18 of all partners of the partnership holding a 10% or more  
19 interest in the partnership, ~~and,~~ if the collection agency  
20 is a limited liability company, the names and addresses of  
21 all members holding 10% or more interest in the limited  
22 liability company, and if the collection agency is any  
23 other legal business entity, the names and addresses of all  
24 persons owning 10% or more interest in the entity; and

25 (3) such other information as the Department may deem

1 necessary.

2 (Source: P.A. 94-414, eff. 12-31-05.)

3 (225 ILCS 425/7) (from Ch. 111, par. 2010)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 7. Qualifications for license. In order to be  
6 qualified to obtain a certificate or a renewal certificate  
7 under this Act, a collection agency's officers shall:

8 (a) be of good moral character and of the age of 18 years  
9 or more; and

10 (b) (blank); ~~have had at least one year experience working~~  
11 ~~in the credit field or a related area, or be qualified for an~~  
12 ~~original license under Section 6 (c) of this Act;~~

13 (c) have an acceptable credit rating, have no unsatisfied  
14 judgments; and not have been officers and owners of 10% or more  
15 interest of a former registrant under this Act whose  
16 certificates were suspended or revoked without subsequent  
17 reinstatement.

18 (Source: P.A. 89-387, eff. 1-1-96.)

19 (225 ILCS 425/8) (from Ch. 111, par. 2011)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 8. Bond requirement. ~~A Before issuing a certificate or~~  
22 ~~renewing one, the Director shall require each~~ collection agency  
23 shall be required to file and maintain in force a surety bond,  
24 issued by an insurance company authorized to transact fidelity

1 and surety business in the State of Illinois. The bond shall be  
2 for the benefit of creditors who obtain a judgment from a court  
3 of competent jurisdiction based on the failure of the agency to  
4 remit money collected on account and owed to the creditor. No  
5 action on the bond shall be commenced more than one year after  
6 the creditor obtains a judgment against the collection agency  
7 from a court of competent jurisdiction. The bond shall be in  
8 the form prescribed by the Secretary ~~Director~~ in the sum of  
9 \$25,000. The bond shall be continuous in form and run  
10 concurrently with the original and each renewal license period  
11 unless terminated by the insurance company. An insurance  
12 company may terminate a bond and avoid further liability by  
13 filing a 60-day notice of termination with the Department and  
14 at the same time sending the same notice to the agency. A  
15 certificate of registration shall be cancelled on the  
16 termination date of the agency's bond unless a new bond is  
17 filed with the Department to become effective at the  
18 termination date of the prior bond. If a certificate of  
19 registration has been cancelled under this Section, the agency  
20 must file a new application and will be considered a new  
21 applicant if it obtains a new bond.

22 (Source: P.A. 84-242.)

23 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 8a. Fees.

1        ~~(a) The Department shall provide by rule for a schedule of~~  
2 fees for the administration and enforcement of this Act,  
3 including but not limited to original licensure, renewal, and  
4 restoration, shall be set by the Department by rule. The fees  
5 shall be nonrefundable.

6        (b) All fees collected under this Act shall be deposited  
7 into the General Professions Dedicated Fund and shall be  
8 appropriated to the Department for the ordinary and contingent  
9 expenses of the Department in the administration of this Act.

10        (Source: P.A. 91-454, eff. 1-1-00.)

11        (225 ILCS 425/8b) (from Ch. 111, par. 2011b)

12        (Section scheduled to be repealed on January 1, 2016)

13        Sec. 8b. Assignment for collection. An account may be  
14 assigned to a collection agency for collection with title  
15 passing to the collection agency to enable collection of the  
16 account in the agency's name as assignee for the creditor  
17 provided:

18        (a) The assignment is manifested by a written agreement,  
19 separate from and in addition to any document intended for the  
20 purpose of listing a debt with a collection agency. The  
21 document manifesting the assignment shall specifically state  
22 and include:

23                (i) the effective date of the assignment; and

24                (ii) the consideration for the assignment.

25        (b) The consideration for the assignment may be paid or



1 given either before or after the effective date of the  
2 assignment. The consideration may be contingent upon the  
3 settlement or outcome of litigation and if the debt claim being  
4 assigned has been listed with the collection agency as an  
5 account for collection, the consideration for assignment may be  
6 the same as the fee for collection.

7 (c) All assignments shall be voluntary and properly  
8 executed and acknowledged by the corporate authority or  
9 individual transferring title to the collection agency before  
10 any action can be taken in the name of the collection agency.

11 (d) No assignment shall be required by any agreement to  
12 list a debt with a collection agency as an account for  
13 collection.

14 (e) No litigation shall commence in the name of the  
15 licensee as plaintiff unless: (i) there is an assignment of the  
16 account that satisfies the requirements of this Section and  
17 (ii) the licensee is represented by a licensed attorney at law.

18 (f) If a collection agency takes assignments of accounts  
19 from 2 or more creditors against the same debtor and commences  
20 litigation against that debtor in a single action, in the name  
21 of the collection agency, then (i) the complaint must be stated  
22 in separate counts for each assignment and (ii) the debtor has  
23 an absolute right to have any count severed from the rest of  
24 the action.

25 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 425/8c) (from Ch. 111, par. 2011c)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 8c. (a) Each licensed collection agency ~~office~~ shall  
4 at all times maintain a separate bank account in which all  
5 monies received on debts ~~claims~~ shall be deposited, referred to  
6 as a "Trust Account", except that negotiable instruments  
7 received may be forwarded directly to a creditor if such  
8 procedure is provided for by a writing executed by the  
9 creditor. Monies received shall be so deposited within 5  
10 business days after posting to the agency's books of account.

11 There shall be sufficient funds in the trust account at all  
12 times to pay the creditors the amount due them.

13 (b) The trust account shall be established in a bank,  
14 savings and loan association, or other recognized depository  
15 which is federally or State insured or otherwise secured as  
16 defined by rule. Such account may be interest bearing. The  
17 licensee shall pay to the creditor interest earned on funds on  
18 deposit after the sixtieth day.

19 (c) Notwithstanding any contractual arrangement, every  
20 client of a licensee shall within 60 days after the close of  
21 each calendar month, account and pay to the licensee collection  
22 agency all sums owed to the collection agency for payments  
23 received by the client during that calendar month on debts  
24 ~~claims~~ in possession of the collection agency. If a client  
25 fails to pay the licensee any sum due under this Section, the  
26 licensee shall, in addition to other remedies provided by law,

1 have the right to offset any money due the licensee under this  
2 Section against any moneys due the client.

3 (d) Each collection agency shall keep on file the name of  
4 the bank, savings and loan association, or other recognized  
5 depository in which each trust account is maintained, the name  
6 of each trust account, and the names of the persons authorized  
7 to withdraw funds from each account.

8 The collection agency, within 30 days of the time of a  
9 change of depository or person authorized to make withdrawal,  
10 shall update its files to reflect such change.

11 An examination and audit of an agency's trust accounts may  
12 be made by the Department as the Department deems appropriate.

13 A trust account financial report shall be submitted  
14 annually on forms provided by the Department.

15 (Source: P.A. 89-387, eff. 1-1-96.)

16 (225 ILCS 425/9) (from Ch. 111, par. 2012)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 9. Disciplinary actions.

19 (a) The Department may refuse to issue or renew, or may  
20 revoke, suspend, place on probation, reprimand or take other  
21 disciplinary or non-disciplinary action as the Department may  
22 deem proper, including fines not to exceed \$5,000 for a first  
23 violation and not to \$10,000 for each violation with regard to  
24 any collection agency license ~~exceed \$10,000 for a second or~~  
25 ~~subsequent violation,~~ for any one or any combination of the

1 following causes:

2 (1) Material misstatement in furnishing information to  
3 the Department.

4 (2) ~~(1)~~ Violations of this Act or of the rules  
5 promulgated hereunder.

6 (3) ~~(2)~~ Conviction by plea of guilty or nolo  
7 contendere, finding of guilt, jury verdict, or entry of  
8 judgment or by sentencing of any crime, including, but not  
9 limited to, convictions, preceding sentences of  
10 supervision, conditional discharge, or first offender  
11 probation of the collection agency or any of the officers  
12 or owners of more than 10% interest principals of the  
13 agency of any crime under the laws of any U.S. jurisdiction  
14 that (i) is a felony, (ii) is a misdemeanor, an essential  
15 element of which is dishonesty, or (iii) is directly  
16 related to the practice of a collection agency any U.S.  
17 jurisdiction which is a felony, a misdemeanor an essential  
18 element of which is dishonesty, or of any crime which  
19 directly relates to the practice of the profession.

20 (4) Fraud or ~~(3)~~ Making any misrepresentation in  
21 applying for, or procuring, a license under this Act or in  
22 connection with applying for renewal of ~~for the purpose of~~  
23 ~~obtaining~~ a license under this Act ~~or certificate.~~

24 (5) Aiding or assisting another person in violating any  
25 provision of this Act or rules adopted under this Act.

26 (6) Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 (7) ~~(4)~~ Habitual or excessive use or addiction to  
3 alcohol, narcotics, stimulants or any other chemical agent  
4 or drug which results in the inability to practice with  
5 reasonable judgment, skill, or safety by any of the  
6 officers or owners of 10% or more interest ~~principals~~ of a  
7 collection agency.

8 (8) ~~(5)~~ Discipline by another state, the District of  
9 Columbia, a territory of the United States, U.S.  
10 ~~jurisdiction~~ or a foreign nation, if at least one of the  
11 grounds for the discipline is the same or substantially  
12 equivalent to those set forth in this Act.

13 (9) ~~(6)~~ A finding by the Department that the licensee,  
14 after having his license placed on probationary status, has  
15 violated the terms of probation.

16 (10) Willfully making or filing false records or  
17 reports in his or her practice, including, but not limited  
18 to, false records filed with State agencies or departments.

19 (11) ~~(7)~~ Practicing or attempting to practice under a  
20 false or, except as provided by law, an assumed name ~~a name~~  
21 ~~other than the name as shown on his or her license or any~~  
22 ~~other legally authorized name.~~

23 (12) ~~(8)~~ A finding by the Federal Trade Commission that  
24 a registrant ~~licensee~~ violated the federal ~~Federal~~ Fair  
25 Debt ~~and~~ Collection Practices Act or its rules.

26 (13) ~~(9)~~ Failure to file a return, or to pay the tax,

1 penalty or interest shown in a filed return, or to pay any  
2 final assessment of tax, penalty or interest, as required  
3 by any tax Act administered by the Illinois Department of  
4 Revenue until such time as the requirements of any such tax  
5 Act are satisfied.

6 (14) ~~(10)~~ Using or threatening to use force or violence  
7 to cause physical harm to a debtor, his or her family or  
8 his or her property.

9 (15) ~~(11)~~ Threatening to instigate an arrest or  
10 criminal prosecution where no basis for a criminal  
11 complaint lawfully exists.

12 (16) ~~(12)~~ Threatening the seizure, attachment or sale  
13 of a debtor's property where such action can only be taken  
14 pursuant to court order without disclosing that prior court  
15 proceedings are required.

16 (17) ~~(13)~~ Disclosing or threatening to disclose  
17 information adversely affecting a debtor's reputation for  
18 credit worthiness with knowledge the information is false.

19 (18) ~~(14)~~ Initiating or threatening to initiate  
20 communication with a debtor's employer unless there has  
21 been a default of the payment of the obligation for at  
22 least 30 days and at least 5 days prior written notice, to  
23 the last known address of the debtor, of the intention to  
24 communicate with the employer has been given to the  
25 employee, except as expressly permitted by law or court  
26 order.

1           (19) ~~(15)~~ Communicating with the debtor or any member  
2 of the debtor's family at such a time of day or night and  
3 with such frequency as to constitute harassment of the  
4 debtor or any member of the debtor's family. For purposes  
5 of this Section the following conduct shall constitute  
6 harassment:

7           (A) Communicating with the debtor or any member of  
8 his or her family in connection with the collection of  
9 any debt without the prior consent of the debtor given  
10 directly to the debt collector, or the express  
11 permission of a court of competent jurisdiction, at any  
12 unusual time or place or a time or place known or which  
13 should be known to be inconvenient to the debtor. In  
14 the absence of knowledge of circumstances to the  
15 contrary, a debt collector shall assume that the  
16 convenient time for communicating with a consumer is  
17 after 8 o'clock a.m. and before 9 o'clock p.m. local  
18 time at the debtor's location.

19           (B) The threat of publication or publication of a  
20 list of consumers who allegedly refuse to pay debts,  
21 except to a consumer reporting agency.

22           (C) The threat of advertisement or advertisement  
23 for sale of any debt to coerce payment of the debt.

24           (D) Causing a telephone to ring or engaging any  
25 person in telephone conversation repeatedly or  
26 continuously with intent to annoy, abuse, or harass any

1 person at the called number.

2 (20) ~~(16)~~ Using profane, obscene or abusive language in  
3 communicating with a debtor, his or her family or others.

4 (21) ~~(17)~~ Disclosing or threatening to disclose  
5 information relating to a debtor's debt ~~indebtedness~~ to any  
6 other person except where such other person has a  
7 legitimate business need for the information or except  
8 where such disclosure is permitted ~~regulated~~ by law.

9 (22) ~~(18)~~ Disclosing or threatening to disclose  
10 information concerning the existence of a debt which the  
11 collection agency ~~debt collector~~ knows to be ~~reasonably~~  
12 disputed by the debtor without disclosing the fact that the  
13 debtor disputes the debt.

14 (23) ~~(19)~~ Engaging in any conduct that is ~~which the~~  
15 ~~Director finds was~~ intended to cause and did cause mental  
16 or physical illness to the debtor or his or her family.

17 (24) ~~(20)~~ Attempting or threatening to enforce a right  
18 or remedy with knowledge or reason to know that the right  
19 or remedy does not exist.

20 (25) ~~(21)~~ Failing to disclose to the debtor or his or  
21 her family the corporate, partnership or proprietary name,  
22 or other trade or business name, under which the collection  
23 agency ~~debt collector~~ is engaging in debt collections and  
24 which he or she is legally authorized to use.

25 (26) ~~(22)~~ Using any form of communication which  
26 simulates legal or judicial process or which gives the



1 appearance of being authorized, issued or approved by a  
2 governmental agency or official or by an attorney at law  
3 when it is not.

4 (27) ~~(23)~~ Using any badge, uniform, or other indicia of  
5 any governmental agency or official except as authorized by  
6 law.

7 (28) ~~(24)~~ Conducting business under any name or in any  
8 manner which suggests or implies that the collection agency  
9 ~~a debt collector is bonded if such collector is or is a~~  
10 branch of or is affiliated in ~~with~~ any way with a  
11 governmental agency or court if such collection agency  
12 ~~collector~~ is not.

13 (29) ~~(25)~~ Failing to disclose, at the time of making  
14 any demand for payment, the name of the person to whom the  
15 debt claim is owed and at the request of the debtor, the  
16 address where payment is to be made and the address of the  
17 person to whom the debt claim is owed.

18 (30) ~~(26)~~ Misrepresenting the amount of the ~~claim or~~  
19 debt alleged to be owed.

20 (31) ~~(27)~~ Representing that an existing debt may be  
21 increased by the addition of attorney's fees,  
22 investigation fees or any other fees or charges when such  
23 fees or charges may not legally be added to the existing  
24 debt.

25 (32) ~~(28)~~ Representing that the collection agency ~~debt~~  
26 ~~collector~~ is an attorney at law or an agent for an attorney

1 if he or she is not.

2 (33) ~~(29)~~ Collecting or attempting to collect any  
3 interest or other charge or fee in excess of the actual  
4 debt ~~or claim~~ unless such interest or other charge or fee  
5 is expressly authorized by the agreement creating the debt  
6 ~~or claim~~ unless expressly authorized by law or unless in a  
7 commercial transaction such interest or other charge or fee  
8 is expressly authorized in a subsequent agreement. If a  
9 contingency or hourly fee arrangement (i) is established  
10 under an agreement between a collection agency and a  
11 creditor to collect a debt and (ii) is paid by a debtor  
12 pursuant to a contract between the debtor and the creditor,  
13 then that fee arrangement does not violate this Section  
14 unless the fee is unreasonable. The Department shall  
15 determine what constitutes a reasonable collection fee.

16 (34) ~~(30)~~ Communicating or threatening to communicate  
17 with a debtor when the collection agency ~~debt collector~~ is  
18 informed in writing by an attorney that the attorney  
19 represents the debtor concerning the debt ~~claim~~, ~~unless~~  
20 ~~authorized by the attorney~~. If the attorney fails to  
21 respond within a reasonable period of time, the collector  
22 may communicate with the debtor. The collector may  
23 communicate with the debtor when the attorney gives his or  
24 her consent.

25 (35) ~~(31)~~ Engaging in dishonorable, unethical, or  
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (b) The Department shall deny any license or renewal  
3 authorized by this Act to any person who has defaulted on an  
4 educational loan guaranteed by the Illinois State Scholarship  
5 Commission; however, the Department may issue a license or  
6 renewal if the person in default has established a satisfactory  
7 repayment record as determined by the Illinois State  
8 Scholarship Commission.

9 ~~No debt collector while collecting or attempting to collect~~  
10 ~~a debt shall engage in any of the Acts specified in this~~  
11 ~~Section, each of which shall be unlawful practice.~~

12 (Source: P.A. 94-414, eff. 12-31-05.)

13 (225 ILCS 425/9.1)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 9.1. Communication with persons other than debtor. Any  
16 ~~debt collector or~~ collection agency communicating with any  
17 person other than the debtor for the purpose of acquiring  
18 location information about the debtor shall:

19 (1) identify himself or herself, state that he or she  
20 is confirming or correcting location information  
21 concerning the consumer, and, ~~only if expressly requested,~~  
22 identify his or her employer;

23 (2) not state that the consumer owes any debt;

24 (3) not communicate with any person more than once  
25 unless requested to do so by the person or unless the ~~debt~~

1 ~~collector or~~ collection agency reasonably believes that  
2 the earlier response of the person is erroneous or  
3 incomplete and that the person now has correct or complete  
4 location information;

5 (4) not communicate by postcard;

6 (5) not use any language or symbol on any envelope or  
7 in the contents of any communication effected by mail or  
8 telegram that indicates that the ~~debt collector or~~  
9 collection agency is in the debt collection business or  
10 that the communication relates to the collection of a debt;  
11 and

12 (6) not communicate with any person other than the  
13 attorney after the ~~debt collector or~~ collection agency  
14 knows the debtor is represented by an attorney with regard  
15 to the subject debt and has knowledge of or can readily  
16 ascertain the attorney's name and address, ~~not communicate~~  
17 ~~with any person other than the attorney,~~ unless the  
18 attorney fails to respond within a reasonable period of  
19 time, not less than 30 days, to communication from the ~~debt~~  
20 ~~collector or~~ collection agency.

21 (Source: P.A. 95-437, eff. 1-1-08; 95-876, eff. 8-21-08.)

22 (225 ILCS 425/9.2)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 9.2. Communication in connection with debt  
25 collection.

1 (a) Without the prior consent of the debtor given directly  
2 to the ~~debt collector or~~ collection agency or the express  
3 permission of a court of competent jurisdiction, a ~~debt~~  
4 ~~collector or~~ collection agency may not communicate with a  
5 debtor in connection with the collection of any debt in any of  
6 the following circumstances:

7 (1) At any unusual time, place, or manner that is known  
8 or should be known to be inconvenient to the debtor. In the  
9 absence of knowledge of circumstances to the contrary, a  
10 ~~debt collector or~~ collection agency shall assume that the  
11 convenient time for communicating with a debtor is after  
12 8:00 ~~8 o'clock~~ a.m. and before 9:00 ~~9 o'clock~~ p.m. local  
13 time at the debtor's location.

14 (2) If the ~~debt collector or~~ collection agency knows  
15 the debtor is represented by an attorney with respect to  
16 such debt and has knowledge of or can readily ascertain,  
17 the attorney's name and address, unless the attorney fails  
18 to respond within a reasonable period of time to a  
19 communication from the ~~debt collector or~~ collection agency  
20 or unless the attorney consents to direct communication  
21 with the debtor.

22 (3) At the debtor's place of employment, if the ~~debt~~  
23 ~~collector or~~ collection agency knows or has reason to know  
24 that the debtor's employer prohibits the debtor from  
25 receiving such communication.

26 (b) Except as provided in Section 9.1 of this Act, without

1 the prior consent of the debtor given directly to the ~~debt~~  
2 ~~collector or~~ collection agency, ~~or~~ the express permission of a  
3 court of competent jurisdiction, ~~or~~ as reasonably necessary to  
4 effectuate a post judgment judicial remedy, a ~~debt collector or~~  
5 collection agency may not communicate, in connection with the  
6 collection of any debt, with any person other than the debtor,  
7 the debtor's attorney, a consumer reporting agency if otherwise  
8 permitted by law, the creditor, the attorney of the creditor,  
9 or the attorney of the collection agency.

10 (c) If a debtor notifies a ~~debt collector or~~ collection  
11 agency in writing that the debtor refuses to pay a debt or that  
12 the debtor wishes the ~~debt collector or~~ collection agency to  
13 cease further communication with the debtor, the ~~debt collector~~  
14 ~~or~~ collection agency may not communicate further with the  
15 debtor with respect to such debt, except to perform any of the  
16 following tasks:

17 (1) Advise the debtor that the ~~debt collector's or~~  
18 collection agency's further efforts are being terminated.

19 (2) Notify the debtor that the collection agency or  
20 creditor may invoke specified remedies that are ordinarily  
21 invoked by such collection agency or creditor.

22 (3) Notify the debtor that the collection agency or  
23 creditor intends to invoke a specified remedy.

24 If such notice from the debtor is made by mail,  
25 notification shall be complete upon receipt.

26 (d) For the purposes of this Section, "debtor" includes the

1 debtor's spouse, parent (if the debtor is a minor), guardian,  
2 executor, or administrator.

3 (Source: P.A. 95-437, eff. 1-1-08.)

4 (225 ILCS 425/9.3)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 9.3. Validation of debts.

7 (a) Within 5 days after the initial communication with a  
8 debtor in connection with the collection of any debt, a ~~debt~~  
9 ~~collector or~~ collection agency shall, unless the following  
10 information is contained in the initial communication or the  
11 debtor has paid the debt, send the debtor a written notice with  
12 each of the following disclosures:

13 (1) The amount of the debt.

14 (2) The name of the creditor to whom the debt is owed.

15 (3) That, unless the debtor, within 30 days after  
16 receipt of the notice, disputes the validity of the debt,  
17 or any portion thereof, the debt will be assumed to be  
18 valid by the ~~debt collector or~~ collection agency.

19 (4) That, if the debtor notifies the ~~debt collector or~~  
20 collection agency in writing within the 30-day period that  
21 the debt, or any portion thereof, is disputed, the ~~debt~~  
22 ~~collector or~~ collection agency will obtain verification of  
23 the debt or a copy of a judgment against the debtor and a  
24 copy of the verification or judgment will be mailed to the  
25 debtor by the ~~debt collector or~~ collection agency.

1           (5) ~~The~~ ~~That upon the debtor's written request within~~  
2           ~~the 30-day period, the debt collector or~~ collection agency  
3           will provide the debtor with the name and address of the  
4           original creditor, if different from the current creditor.  
5           If the disclosures required under this subsection (a) are  
6           placed on the back of the notice, the front of the notice  
7           shall contain a statement notifying debtors of that fact.

8           (b) If the debtor notifies the ~~debt collector or~~ collection  
9           agency in writing within the 30-day period set forth in  
10          paragraph (3) of subsection (a) of this Section that the debt,  
11          or any portion thereof, is disputed ~~or that the debtor requests~~  
12          ~~the name and address of the original creditor,~~ the ~~debt~~  
13          ~~collector or~~ collection agency shall cease collection of the  
14          debt, or any disputed portion thereof, until the ~~debt collector~~  
15          ~~or~~ collection agency obtains verification of the debt or a copy  
16          of a judgment ~~or the name and address of the original creditor~~  
17          and mails a copy of the verification or judgment ~~or name and~~  
18          ~~address of the original creditor~~ to the debtor.

19          (c) The failure of a debtor to dispute the validity of a  
20          debt under this Section shall not be construed by any court as  
21          an admission of liability by the debtor.

22          (Source: P.A. 95-437, eff. 1-1-08.)

23                 (225 ILCS 425/9.4)

24                 (Section scheduled to be repealed on January 1, 2016)

25                 Sec. 9.4. Debt collection as a result of identity theft.



1           (a) Upon receipt from a debtor of all of the following  
2 information, a ~~debt collector or~~ collection agency must cease  
3 collection activities until completion of the review provided  
4 in subsection (d) of this Section:

5           (1) A copy of a police report filed by the debtor  
6 alleging that the debtor is the victim of an identity theft  
7 crime for the specific debt being collected by the  
8 collection agency ~~debt collector~~.

9           (2) The debtor's written statement that the debtor  
10 claims to be the victim of identity theft with respect to  
11 the specific debt being collected by the collection agency  
12 ~~debt collector~~, including (i) a Federal Trade Commission's  
13 Affidavit of Identity Theft, (ii) an Illinois Attorney  
14 General ID Theft Affidavit, or (iii) a written statement  
15 that certifies that the representations are true, correct,  
16 and contain no material omissions of fact to the best  
17 knowledge and belief of the person submitting the  
18 certification. This written statement must contain or be  
19 accompanied by, each of the following, to the extent that  
20 an item listed below is relevant to the debtor's allegation  
21 of identity theft with respect to the debt in question:

22           (A) A statement that the debtor is a victim of  
23 identity theft.

24           (B) A copy of the debtor's driver's license or  
25 identification card, as issued by this State.

26           (C) Any other identification document that

1 supports the statement of identity theft.

2 (D) Specific facts supporting the claim of  
3 identity theft, if available.

4 (E) Any explanation showing that the debtor did not  
5 incur the debt.

6 (F) Any available correspondence disputing the  
7 debt after transaction information has been provided  
8 to the debtor.

9 (G) Documentation of the residence of the debtor at  
10 the time of the alleged debt, which may include copies  
11 of bills and statements, such as utility bills, tax  
12 statements, or other statements from businesses sent  
13 to the debtor and showing that the debtor lived at  
14 another residence at the time the debt was incurred.

15 (H) A telephone number for contacting the debtor  
16 concerning any additional information or questions or  
17 direction that further communications to the debtor be  
18 in writing only, with the mailing address specified in  
19 the statement.

20 (I) To the extent the debtor has information  
21 concerning who may have incurred the debt, the  
22 identification of any person whom the debtor believes  
23 is responsible.

24 (J) An express statement that the debtor did not  
25 authorize the use of the debtor's name or personal  
26 information for incurring the debt.

1 (b) A written certification submitted pursuant to item  
2 (iii) of paragraph (2) of subsection (a) of this Section shall  
3 be sufficient if it is in substantially the following form:

4 "I certify that the representations made are true, correct,  
5 and contain no material omissions of fact known to me.

6 (Signature)

7 (Date)"

8 (c) If a debtor notifies a ~~debt collector or~~ collection  
9 agency orally that he or she is a victim of identity theft, the  
10 ~~debt collector or~~ collection agency shall notify the debtor  
11 orally or in writing, that the debtor's claim must be in  
12 writing. If a debtor notifies a ~~debt collector or~~ collection  
13 agency in writing that he or she is a victim of identity theft,  
14 but omits information required pursuant to this Section, and if  
15 the ~~debt collector or~~ collection agency continues ~~does not~~  
16 ~~cease~~ collection activities, the ~~debt collector or~~ collection  
17 agency must provide written notice to the debtor of the  
18 additional information that is required or send the debtor a  
19 copy of the Federal Trade Commission's ~~Affidavit of~~ Identity  
20 Theft Affidavit form.

21 (d) Upon receipt of the complete statement and information  
22 described in subsection (a) of this Section, the collection  
23 agency ~~debt collector~~ shall review and consider all of the

1 information provided by the debtor and other information  
2 available to the ~~debt collector or~~ collection agency in its  
3 file or from the creditor. The ~~debt collector or~~ collection  
4 agency may recommence debt collection activities only upon  
5 making a good faith determination that the information does not  
6 establish that the debtor is not responsible for the specific  
7 debt in question. The ~~debt collector or~~ collection agency must  
8 notify the debtor ~~consumer~~ in writing of that determination and  
9 the basis for that determination before proceeding with any  
10 further collection activities. The ~~debt collector's or~~  
11 collection agency's determination shall be based on all of the  
12 information provided by the debtor and other information  
13 available to the ~~debt collector or~~ collection agency in its  
14 file or from the creditor.

15 (e) No inference or presumption that the debt is valid or  
16 invalid or that the debtor is liable or not liable for the debt  
17 may arise if the ~~debt collector or~~ collection agency decides  
18 after the review described in subsection (d) to cease or  
19 recommence the debt collection activities. The exercise or  
20 non-exercise of rights under this Section is not a waiver of  
21 any other right or defense of the debtor or collection agency  
22 ~~debt collector~~.

23 (f) A ~~debt collector or~~ collection agency that (i) ceases  
24 collection activities under this Section, (ii) does not  
25 recommence those collection activities, and (iii) furnishes  
26 adverse information to a consumer credit reporting agency, must

1 notify the consumer credit reporting agency to delete that  
2 adverse information.

3 (Source: P.A. 95-437, eff. 1-1-08.)

4 (225 ILCS 425/9.7)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 9.7. Enforcement under the Consumer Fraud and  
7 Deceptive Business Practices Act. The Attorney General may  
8 enforce the knowing violation of Section 9 (except for items  
9 (2) through (4), (7) through (9), (11) through (13), and (22)  
10 ~~(1) through (9) and (19)~~ of subsection (a)), 9.1, 9.2, 9.3, or  
11 9.4 of this Act as an unlawful practice under the Consumer  
12 Fraud and Deceptive Business Practices Act.

13 (Source: P.A. 95-437, eff. 1-1-08.)

14 (225 ILCS 425/9.22) (from Ch. 111, par. 2034)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 9.22. Administrative Procedure Act. The Illinois  
17 Administrative Procedure Act is hereby expressly adopted and  
18 incorporated herein as if all of the provisions of that Act  
19 were included in this Act, except that the provision of  
20 subsection (d) of Section 10-65 of the Illinois Administrative  
21 Procedure Act that provides that at hearings the licensee has  
22 the right to show compliance with all lawful requirements for  
23 retention, continuation or renewal of the license is  
24 specifically excluded. For the purposes of this Act the notice

1 required under Section 10-25 of the Administrative Procedure  
2 Act is deemed sufficient when mailed to the ~~last known~~ address  
3 of record of a party.

4 (Source: P.A. 88-45.)

5 (225 ILCS 425/11) (from Ch. 111, par. 2036)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 11. Informal conferences. Informal conferences shall  
8 be conducted with at least one member of the ~~Licensing and~~  
9 ~~Disciplinary~~ Board in attendance. Notwithstanding any  
10 provisions concerning the conduct of hearings and  
11 recommendations for disciplinary actions, the Department has  
12 the authority to negotiate agreements with licensees  
13 ~~registrants~~ and applicants resulting in disciplinary or  
14 non-disciplinary consent orders. The consent orders may  
15 provide for any of the forms of discipline provided in this  
16 Act. The consent orders shall provide that they were not  
17 entered into as a result of any coercion by the Department.

18 (Source: P.A. 89-387, eff. 1-1-96.)

19 (225 ILCS 425/13.1) (from Ch. 111, par. 2038.1)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 13.1. Collection Agency Licensing and Disciplinary  
22 Board; members; qualifications; duties.

23 (a) There is created in the Department the Collection  
24 Agency Licensing and Disciplinary Board composed of 7 members

1 appointed by the Secretary ~~Director~~. Five members of the Board  
2 shall be employed in a collection agency registered under this  
3 Act and 2 members of the Board shall represent the general  
4 public, ~~and~~ shall not be employed by or possess an ownership  
5 interest in any collection agency registered under this Act, ~~and~~  
6 and shall have no family or business connection with the  
7 practice of collection agencies.

8 (b) Each of the members appointed to the Board, except for  
9 the public members, shall have at least 5 years of active  
10 collection agency experience.

11 (c) The Board shall annually elect a chairperson ~~chairman~~  
12 ~~from among its members and shall meet at least twice each year.~~  
13 The members of the Board shall receive no compensation for  
14 their services, but shall be reimbursed for their necessary  
15 ~~actual~~ expenses as authorized by the Department while engaged  
16 in incurred in the performance of their duties.

17 (d) Members shall serve for a term of 4 years and until  
18 their successors are appointed and qualified. No Board member,  
19 ~~after the effective date of this amendatory Act of 1995,~~ shall  
20 be appointed to more than 2 full consecutive terms. A partial  
21 term of more than 2 years shall be considered a full term ~~The~~  
22 ~~initial terms created by this amendatory Act of 1995 shall~~  
23 ~~count as full terms for the purposes of reappointment to the~~  
24 ~~Board.~~ Appointments to fill vacancies for the unexpired portion  
25 of a vacated term shall be made in the same manner as original  
26 appointments. All members shall serve until their successors

1 are appointed and qualified.

2 (e) The Secretary may remove any member of the Board for  
3 cause at any time before the expiration of his or her term. The  
4 Secretary shall be the sole arbiter of cause.

5 (f) The majority of the Board shall constitute a quorum. A  
6 vacancy in the membership of the Board shall not impair the  
7 right of a quorum to exercise all the duties of the Board.

8 (g) Members of the Board shall be immune from suit in any  
9 action based upon disciplinary proceedings or other acts  
10 performed in good faith as members of the Board.

11 ~~The appointments of those Board members currently~~  
12 ~~appointed shall end upon the effective date of this amendatory~~  
13 ~~Act of 1995, and those Board members currently sitting at the~~  
14 ~~effective date of this amendatory Act of 1995, shall be~~  
15 ~~reappointed to the following terms by and in the discretion of~~  
16 ~~the Director:~~

17 ~~(1) one member shall be appointed for one year;~~

18 ~~(2) two members shall be appointed to serve 2 years;~~

19 ~~(3) two members shall be appointed to serve 3 years;~~

20 ~~and~~

21 ~~(4) two members shall be appointed to serve for 4~~  
22 ~~years.~~

23 ~~All members shall serve until their successors are appointed~~  
24 ~~and qualified.~~

25 ~~The Board members appointed to terms by this amendatory Act~~  
26 ~~of 1995 shall be appointed as soon as possible after the~~



1 ~~effective date of this amendatory Act of 1995.~~

2 (Source: P.A. 89-387, eff. 1-1-96.)

3 (225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 13.2. Powers and duties of Department. The Department  
6 shall exercise the powers and duties prescribed by the Civil  
7 Administrative Code of Illinois for the administration of  
8 licensing Acts and shall exercise such other powers and duties  
9 necessary for effectuating the purposes of this Act.

10 ~~The Director shall promulgate rules consistent with the~~  
11 ~~provisions of this Act, for its administration and enforcement,~~  
12 ~~and may prescribe forms which shall be issued in connection~~  
13 ~~therewith. The rules shall include standards and criteria for~~  
14 ~~licensure and certification, and professional conduct and~~  
15 ~~discipline.~~

16 ~~The Department shall consult with the Board in promulgating~~  
17 ~~rules.~~

18 Subject to the provisions of this Act, the Department may:

19 (1) Conduct hearings on proceedings to refuse to issue  
20 or renew or to revoke registrations or suspend, place on  
21 probation, or reprimand persons registered under this Act.

22 (2) Formulate rules required for the administration of  
23 this Act.

24 (3) Obtain written recommendations from the Board  
25 regarding standards of professional conduct, formal

1 disciplinary actions and the formulation of rules  
2 affecting these matters. Notice of proposed rulemaking  
3 shall be transmitted to the Board and the Department shall  
4 review the Board's responses and any recommendations made  
5 therein. ~~The Department shall notify the Board in writing~~  
6 ~~with explanations of deviations from the Board's~~  
7 ~~recommendations and responses.~~ The Department may ~~shall~~  
8 solicit the advice of the Board on any matter relating to  
9 the administration and enforcement of this Act.

10 (4) Maintain rosters of the names and addresses of all  
11 registrants, and all persons whose registrations have been  
12 suspended, revoked, or denied renewal for cause within the  
13 previous calendar year. These rosters shall be available  
14 upon written request and payment of the required fee as  
15 established by rule.

16 (Source: P.A. 86-615.)

17 (225 ILCS 425/14a) (from Ch. 111, par. 2039a)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 14a. Unlicensed practice; Injunctions. The practice  
20 as a collection agency by any person ~~entity~~ not holding a valid  
21 and current license under this Act is declared to be inimical  
22 to the public welfare, to constitute a public nuisance, and to  
23 cause irreparable harm to the public welfare. The Secretary  
24 ~~Director~~, the Attorney General, the State's Attorney of any  
25 county in the State, or any person may maintain an action in

1 the name of the People of the State of Illinois, and may apply  
2 for injunctive relief in any circuit court to enjoin such  
3 entity from engaging in such practice. Upon the filing of a  
4 verified petition in such court, the court, if satisfied by  
5 affidavit or otherwise that such entity has been engaged in  
6 such practice without a valid and current license, may enter a  
7 temporary restraining order without notice or bond, enjoining  
8 the defendant from such further practice. Only the showing of  
9 non-licensure ~~nonlicensure~~, by affidavit or otherwise, is  
10 necessary in order for a temporary injunction to issue. A copy  
11 of the verified complaint shall be served upon the defendant  
12 and the proceedings shall thereafter be conducted as in other  
13 civil cases except as modified by this Section. If it is  
14 established that the defendant has been or is engaged in such  
15 unlawful practice, the court may enter an order or judgment  
16 perpetually enjoining the defendant from further practice. In  
17 all proceedings hereunder, the court, in its discretion, may  
18 apportion the costs among the parties interested in the action,  
19 including cost of filing the complaint, service of process,  
20 witness fees and expenses, court reporter charges and  
21 reasonable attorneys' fees. In case of violation of any  
22 injunctive order entered under the provisions of this Section,  
23 the court may summarily try and punish the offender for  
24 contempt of court. Such injunction proceedings shall be in  
25 addition to, and not in lieu of, all penalties and other  
26 remedies provided in this Act.

1 (Source: P.A. 86-615.)

2 (225 ILCS 425/14b) (from Ch. 111, par. 2039b)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 14b. Penalty of unlawful practice; Second and  
5 subsequent offenses. Any entity that practices or offers to  
6 practice as a collection agency in this State without being  
7 licensed for that purpose, or whose license is ~~has been~~  
8 suspended, ~~or~~ revoked, or expired, or that violates any of the  
9 provisions of this Act for which no specific penalty has been  
10 provided herein, is guilty of a Class A misdemeanor.

11 Any entity that has been previously convicted under any of  
12 the provisions of this Act and that subsequently violates any  
13 of the provisions of this Act is guilty of a Class 4 felony. In  
14 addition, whenever any entity is punished as a subsequent  
15 offender under this Section, the Secretary ~~Director~~ shall  
16 proceed to obtain a permanent injunction against such entity  
17 under Section 14a of this Act.

18 (Source: P.A. 86-615.)

19 (225 ILCS 425/16)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 16. Investigation; notice and hearing. The Department  
22 may investigate the actions or qualifications of any applicant  
23 or of any person rendering or offering to render collection  
24 agency services or any person ~~or persons~~ holding or claiming to

1 hold a license as a collection agency certificate of  
2 registration. The Department shall, before refusing to issue or  
3 renew, suspending or revoking, suspending, placing on  
4 probation, reprimanding, or taking any other disciplinary  
5 action under Section 9 of this Act ~~any certificate of~~  
6 ~~registration~~, at least 30 days before the date set for the  
7 hearing, (i) notify the accused in writing of the charges made  
8 and the time and place for the hearing on the charges, (ii) of  
9 ~~the charges before the Board~~, direct him or her to file his or  
10 her written answer ~~thereto~~ to the charges with the Department  
11 under oath ~~Board~~ within 20 days after the service on him or her  
12 of the notice, and (iii) inform the accused ~~him or her~~ that if  
13 he or she fails to file an answer default will be taken against  
14 him or her or ~~and~~ his or her license certificate of  
15 ~~registration~~ may be suspended, ~~or~~ revoked, or placed on  
16 probation, or other disciplinary action may be taken with  
17 regard to the registration, including limiting the scope,  
18 nature, or extent of his or her practice, as the Department may  
19 consider proper. ~~This written notice may be served by personal~~  
20 ~~delivery or certified mail to the respondent at the address of~~  
21 ~~his or her last notification to the Department. In case the~~  
22 ~~person fails to file an answer after receiving notice, his or~~  
23 ~~her license or certificate may, in the discretion of the~~  
24 ~~Department, be suspended, revoked, or placed on probationary~~  
25 ~~status, or the Department may take whatever disciplinary action~~  
26 ~~is considered proper, including limiting the scope, nature, or~~

1 ~~extent of the person's practice or the imposition of a fine,~~  
2 ~~without a hearing, if the act or acts charged constitute~~  
3 ~~sufficient grounds for such action under this Act. The written~~  
4 ~~answer shall be served by personal delivery, certified~~  
5 ~~delivery, or certified or registered mail to the Department. At~~  
6 the time and place fixed in the notice, the Department shall  
7 proceed to hear the charges. The parties or their counsel shall  
8 be accorded ample opportunity to present any pertinent  
9 statements, testimony, evidence, and arguments ~~as may be~~  
10 ~~pertinent to the charges or to the defense thereto.~~ The  
11 Department may continue the hearing from time to time ~~Board~~  
12 ~~shall be notified and may attend.~~ Nothing in this Section shall  
13 be construed to require that a hearing be commenced and  
14 completed in one day. At the discretion of the Secretary  
15 ~~Director~~, after having first received the recommendation of the  
16 Board, the accused person's certificate of registration may be  
17 suspended or revoked, if the evidence constitutes sufficient  
18 grounds for such action under this Act. If the person fails to  
19 file an answer after receiving notice, his or her license may,  
20 in the discretion of the Department, be suspended, revoked, or  
21 placed on probation, or the Department may take whatever  
22 disciplinary action it considers proper, including limiting  
23 the scope, nature, or extent of the person's practice or the  
24 imposition of a fine, without a hearing, if the act or acts  
25 charged constitute sufficient grounds for such action under  
26 this Act. This written notice may be served by personal

1 delivery or certified mail to the respondent at the address of  
2 record.

3 (Source: P.A. 89-387, eff. 1-1-96.)

4 (225 ILCS 425/17)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 17. Record of hearing; transcript. The Department, at  
7 its expense, shall preserve a record of all proceedings at the  
8 formal hearing of any case. The notice of hearing, complaint,  
9 all ~~and~~ other documents in the nature of pleadings, ~~and~~ written  
10 motions filed in the proceedings, the transcript of testimony,  
11 the report of the Board, and orders of the Department shall be  
12 in the record of the proceedings. If the respondent orders from  
13 the reporting service and pays for a transcript of the record  
14 within the time for filing a motion for rehearing under Section  
15 20, the 20 calendar day period within which a motion may be  
16 filed shall commence upon the delivery of the transcript to the  
17 respondent ~~The Department shall furnish a transcript of the~~  
18 ~~record to any person interested in the hearing upon payment of~~  
19 ~~the fee required under Section 2105-115 of the Department of~~  
20 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (225 ILCS 425/18)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 18. Subpoenas; oaths; attendance of witnesses.

1       (a) The Department has ~~shall have~~ the power to subpoena  
2 documents, books, records, or other materials and to bring  
3 before it any person and to take testimony either orally or by  
4 deposition, or both, with the same fees and mileage and in the  
5 same manner as prescribed in civil cases in the courts of this  
6 State.

7       (b) The Secretary ~~Director~~, the designated hearing  
8 officer, and every member of the Board has ~~shall have~~ power to  
9 administer oaths to witnesses at any hearing that the  
10 Department is authorized to conduct and any other oaths  
11 authorized in any Act administered by the Department.

12       (c) Any circuit court may, upon application of the  
13 Department or designee or of the applicant or licensee,  
14 ~~registrant, or person holding a certificate of registration~~  
15 against whom proceedings under this Act are pending, enter an  
16 order requiring the attendance of witnesses and their  
17 testimony, and the production of documents, papers, files,  
18 books, and records in connection with any hearing or  
19 investigations. The court may compel obedience to its order by  
20 proceedings for contempt.

21 (Source: P.A. 89-387, eff. 1-1-96.)

22 (225 ILCS 425/19)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 19. Findings and recommendations ~~Board report~~. At the  
25 conclusion of the hearing, the Board shall present to the



1 ~~Secretary Director~~ a written report of its findings of fact,  
2 conclusions of law, and recommendations. The report shall  
3 contain a finding whether or not the accused person violated  
4 this Act or the rules adopted under this Act or failed to  
5 comply with the conditions required in this Act or those rules.  
6 The Board shall specify the nature of the violation or failure  
7 to comply and shall make its recommendations to the Secretary  
8 ~~Director.~~

9 The report of findings of fact, conclusions of law, and  
10 recommendation of the Board shall be the basis for the  
11 Department's order for refusing to issue, restore, or renew a  
12 license, or otherwise disciplining a licensee, refusal or for  
13 the granting of a license certificate of registration. If the  
14 ~~Secretary Director~~ disagrees ~~in any regard~~ with the report,  
15 findings of fact, conclusions of law, and recommendations  
16 ~~report~~ of the Board, the Secretary Director may issue an order  
17 in contravention of the Board's recommendations ~~report.~~ ~~The~~  
18 ~~Director shall provide a written report to the Board on any~~  
19 ~~deviation and shall specify with particularity the reasons for~~  
20 ~~that action in the final order.~~ The finding is not admissible  
21 in evidence against the person in a criminal prosecution  
22 brought for the violation of this Act, but the hearing and  
23 finding are ~~is~~ not a bar to a criminal prosecution brought for  
24 the violation of this Act.

25 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 425/20)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 20. Board; rehearing ~~Motion for rehearing~~. At the  
4 conclusion of the hearing ~~In any hearing involving the~~  
5 ~~discipline of a registrant~~, a copy of the Board's report shall  
6 be served upon the applicant or licensee ~~respondent~~ by the  
7 Department, either personally or as provided in this Act for  
8 the service of the notice of hearing. Within 20 calendar days  
9 after the service, the applicant or licensee ~~respondent~~ may  
10 present to the Department a motion in writing for a rehearing  
11 which shall specify the particular grounds for rehearing. The  
12 Department may respond to the motion for rehearing within 20  
13 days after its service on the Department, and the applicant or  
14 licensee may reply within 7 days thereafter. If no motion for  
15 rehearing is filed, then upon the expiration of the time  
16 specified for filing a motion, or if a motion for rehearing is  
17 denied, then upon denial, the Secretary ~~Director~~ may enter an  
18 order in accordance with the recommendations of the Board,  
19 except as provided for in Section 19. If the applicant or  
20 licensee ~~respondent~~ orders a transcript of the record from the  
21 reporting service and pays for it within the time for filing a  
22 motion for rehearing, the 20 ~~calendar~~ day period within which a  
23 motion for rehearing may be filed shall commence upon the  
24 delivery of the transcript to the applicant or licensee  
25 ~~respondent~~.

26 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 425/21)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 21. Secretary; rehearing ~~Rehearing~~. Whenever the  
4 Secretary ~~Director~~ is not satisfied that substantial justice  
5 has been done in the revocation, suspension, or refusal to  
6 issue, restore, or renew a license, or other discipline of an  
7 applicant or licensee ~~a certificate of registration,~~ the  
8 Secretary ~~Director~~ may order a rehearing by the same or other  
9 examiners.

10 (Source: P.A. 89-387, eff. 1-1-96.)

11 (225 ILCS 425/22)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 22. Appointment of a hearing ~~Hearing~~ officer. The  
14 Secretary has ~~Director shall have~~ the authority to appoint any  
15 attorney duly licensed to practice law in the State of Illinois  
16 to serve as the hearing officer in any action for refusal to  
17 issue, restore, or renew a certificate of registration or to  
18 discipline a licensee ~~registrant or person holding a~~  
19 ~~certificate of registration~~. The hearing officer shall have  
20 full authority to conduct the hearing. A Board member or  
21 members may, but are not required to, attend hearings. The  
22 hearing officer shall report his or her findings of fact,  
23 conclusions of law, and recommendations to the Board ~~and the~~  
24 ~~Director~~. The Board shall ~~have 60 calendar days from receipt of~~

1 ~~the report to~~ review the report of the hearing officer and  
2 present its findings of fact, conclusions of law, and  
3 recommendations to the Secretary and to all parties to the  
4 proceeding Director. ~~If the Board fails to present its report~~  
5 ~~within the 60 calendar day period, the Director may issue an~~  
6 ~~order based on the report of the hearing officer.~~ If the  
7 Secretary ~~Director~~ disagrees with the recommendation of the  
8 Board or of the hearing officer, the Secretary ~~Director~~ may  
9 issue an order in contravention of the recommendation.

10 (Source: P.A. 89-387, eff. 1-1-96.)

11 (225 ILCS 425/23)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 23. Order or ~~+~~ certified copy; prima facie proof. An  
14 order or a certified copy thereof ~~of an order~~, over the seal of  
15 the Department and purporting to be signed by the Secretary  
16 ~~Director~~, shall be prima facie proof that ~~of the following~~:

17 (1) ~~That~~ the signature is the genuine signature of the  
18 Secretary; Director.

19 (2) ~~That~~ the Secretary ~~Director~~ is duly appointed and  
20 qualified; and ~~-~~

21 (3) ~~That~~ the Board and its ~~the Board~~ members are qualified  
22 to act.

23 (Source: P.A. 89-387, eff. 1-1-96.)

24 (225 ILCS 425/24)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 24. Restoration of certificate of registration from  
3 discipline. At any time after the successful completion of a  
4 term of indefinite probation, suspension or revocation of any  
5 certificate of registration, the Department may restore the  
6 certificate of registration to the registrant, ~~accused person~~  
7 upon the written recommendation of the Board, unless after an  
8 investigation and a hearing the Secretary Board determines that  
9 restoration is not in the public interest. No person whose  
10 certificate of registration or authority has been revoked as  
11 authorized in this Act may apply for restoration of that  
12 certificate or authority until such time as provided for in the  
13 Civil Administrative Code of Illinois.

14 (Source: P.A. 89-387, eff. 1-1-96.)

15 (225 ILCS 425/26)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 26. Administrative review; venue ~~Review Law~~.

18 (a) All final administrative decisions of the Department  
19 are subject to judicial review under the Administrative Review  
20 Law and its rules. The term "administrative decision" is  
21 defined as in Section 3-101 of the Code of Civil Procedure.

22 (b) Proceedings for judicial review shall be commenced in  
23 the circuit court of the county in which the party applying for  
24 review resides, but if the party is not a resident of Illinois  
25 ~~this State~~, the venue shall be in Sangamon County.

1 (Source: P.A. 89-387, eff. 1-1-96.)

2 (225 ILCS 425/27)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 27. Certifications ~~Certification~~ of record; costs  
5 ~~receipt~~. The Department shall not be required to certify any  
6 record to the court or file any answer in court or otherwise  
7 appear in any court in a judicial review proceeding, unless and  
8 until ~~there is filed in the court, with the complaint, a~~  
9 ~~receipt from~~ the Department has received from the plaintiff  
10 ~~acknowledging~~ payment of the costs of furnishing and certifying  
11 the record, which costs shall be determined by the Department.  
12 Failure on the part of the plaintiff to file a receipt in court  
13 shall be grounds for dismissal of the action.

14 (Source: P.A. 89-387, eff. 1-1-96.)

15 (225 ILCS 425/30 new)

16 Sec. 30. Expiration, renewal and restoration of  
17 registration. The expiration date and renewal period for each  
18 registration shall be set by rule. A collection agency whose  
19 registration has expired may reinstate its registration at any  
20 time within 5 years after the expiration thereof, by making a  
21 renewal application and by paying the required fee.

22 However, any registered collection agency whose  
23 certificate of registration has expired while the individual  
24 registered or while a shareholder, partner, or member owning

1 50% or more of the interest in the collection agency has  
2 expired while he or she was (i) on active duty with the Armed  
3 Forces of the United States or called into service or training  
4 by the State militia; or (ii) in training or education under  
5 the supervision of the United States preliminary to induction  
6 into the military service, may have his or her certificate of  
7 registration renewed, restored, or reinstated without paying  
8 any lapsed renewal fee, restoration fee, or reinstatement fee  
9 if, within 2 years after termination of the service, training  
10 or education, he or she furnishes the Department with  
11 satisfactory evidence of service, training or education and it  
12 has been terminated under honorable conditions.

13 Any collection agency whose registration has expired for  
14 more than 5 years may have it restored by applying to the  
15 Department, paying the required fee, and filing acceptable  
16 proof of fitness to have the registration restored as set by  
17 rule.

18 (225 ILCS 425/35 new)

19 Sec. 35. Returned checks; fines. Any person who delivers a  
20 check or other payment to the Department that is returned to  
21 the Department unpaid by the financial institution upon which  
22 it is drawn shall pay to the Department, in addition to the  
23 amount already owed to the Department, a fine of \$50. The fines  
24 imposed by this Section are in addition to any other discipline  
25 provided under this Act for unregistered practice or practice

1 on a non-renewed registration. The Department shall notify the  
2 entity that payment of fees and fines shall be paid to the  
3 Department by certified check or money order within 30 calendar  
4 days of the notification. If, after the expiration of 30 days  
5 from the date of notification, the person has failed to submit  
6 the necessary remittance, the Department shall automatically  
7 terminate the registration or deny the application, without  
8 hearing. If, after termination or denial, the entity seeks a  
9 registration, it shall apply to the Department for restoration  
10 or issuance of the registration and pay all fees and fines due  
11 to the Department. The Department may establish a fee for the  
12 processing of an application for restoration of a registration  
13 to pay all expenses of processing this application. The  
14 Secretary may waive the fines due under this Section in  
15 individual cases where the Secretary finds that the fines would  
16 be unreasonable or unnecessarily burdensome.

17 (225 ILCS 425/40 new)

18 Sec. 40. Unregistered practice; cease and desist.  
19 Whenever, in the opinion of the Department, a person violates  
20 any provision of this Act, the Department may issue a rule to  
21 show cause why an order to cease and desist should not be  
22 entered against that person. The rule shall clearly set forth  
23 the grounds relied upon by the Department and shall allow at  
24 least 7 days from the date of the rule to file an answer  
25 satisfactory to the Department. Failure to answer to the



1 satisfaction of the Department shall cause an order to cease  
2 and desist to be issued.

3 (225 ILCS 425/45 new)

4 Sec. 45. Summary suspension of certificate of  
5 registration. The Secretary may summarily suspend the  
6 certificate of registration of a certified collection agency  
7 without a hearing, simultaneously with the institution of  
8 proceedings for a hearing provided for in Section 16 of this  
9 Act, if the Secretary finds that evidence in the Secretary's  
10 possession indicates that the continuation of practice by a  
11 registered collection agency would constitute an imminent  
12 danger to the public. In the event that the Secretary summarily  
13 suspends the registration of a certified collection agency  
14 without a hearing, a hearing must be commenced within 30 days  
15 after the suspension has occurred and concluded as  
16 expeditiously as practical.

17 (225 ILCS 425/50 new)

18 Sec. 50. Consent order. At any point in the proceedings as  
19 provided in Sections 9.5, 11, 14a, 16, and 45, both parties may  
20 agree to a negotiated consent order. The consent order shall be  
21 final upon signature of the Secretary.

22 (225 ILCS 425/55 new)

23 Sec. 55. Confidentiality. All information collected by the

1 Department in the course of an examination or investigation of  
2 a registrant or applicant, including, but not limited to, any  
3 complaint against a registrant filed with the Department and  
4 information collected to investigate any such complaint, shall  
5 be maintained for the confidential use of the Department and  
6 shall not be disclosed other than in the course of a formal  
7 hearing as determined by the Department. The Department may not  
8 disclose the information to anyone other than law enforcement  
9 officials, other regulatory agencies that have an appropriate  
10 regulatory interest as determined by the Secretary, or a  
11 party presenting a lawful subpoena to the Department.  
12 Information and documents disclosed to a federal, State,  
13 county, or local law enforcement agency shall not be disclosed  
14 by the agency for any purpose to any other agency or person. A  
15 formal complaint filed against the registrant by the Department  
16 or any order issued by the Department against a registrant or  
17 applicant shall be a public record, except as otherwise  
18 prohibited by law.

19 (225 ILCS 425/6 rep.)

20 (225 ILCS 425/6a rep.)

21 (225 ILCS 425/10 rep.)

22 (225 ILCS 425/13 rep.)

23 (225 ILCS 425/13.3 rep.)

24 (225 ILCS 425/14 rep.)

25 Section 15. The Collection Agency Act is amended by

1       repealing Sections 6, 6a, 10, 13, 13.3, and 14.

2               Section 99. Effective date. This Act takes effect upon  
3       becoming law.

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