

AN ACT concerning warehouses.

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

Section 5. The Personal Property Storage Act is amended by changing Sections 1, 1.1, 2, 4, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 19, and 20 and by adding Sections 15.5, 15.6, 19.5, 20.1 and 20.2 as follows:

(240 ILCS 10/1) (from Ch. 111 2/3, par. 119)

Sec. 1. No person shall operate a warehouse or engage in the business of storing personal property for a compensation, or hold himself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept personal property for storage, without a license issued by the Commission ~~Illinois Department of Agriculture~~, except that licenses issued under this Act by the Illinois Commerce Commission prior to May 4, 1967 shall remain valid for all purposes unless such license is terminated, surrendered or revoked as provided in this Act, and except further that licenses issued by the Illinois Department of Agriculture under this Act prior to January 1, 2010 shall remain valid for all purposes unless such license is terminated, surrendered, or revoked as provided in this Act. Recognized fair associations shall be licensed as set forth

under the special provisions of Section 1.1. No person shall receive, hold, store or deliver any alcoholic liquors without a certificate of registration from the Department of Revenue in accordance with Article VII A of "An Act relating to alcoholic liquors", approved January 31, 1934, as heretofore and hereafter amended. The certificate of registration required by the Department of Revenue is in addition to the license required under this Act. This Act does not apply to warehouses licensed under "An Act to regulate refrigerated warehouses in the handling and storage of certain articles of food, and to repeal an Act therein named", approved May 25, 1955, as now or hereafter amended; public warehouses storing grain; garages customarily housing automobiles for in and out storage; storage of personal property in safety deposit vaults or boxes, lock boxes, and check rooms where personal effects, parcels and the like are received for temporary custody; and to the storage of personal property while it is being held in storage for scientific care for repairs or alterations, or is in the process of repair or alteration, or which is incidental to the business of manufacturing, selling, repairing, altering, cleaning, or glazing of furs or of any other garment or article of which fur forms any part thereof.

(Source: P.A. 81-158.)

(240 ILCS 10/1.1) (from Ch. 111 2/3, par. 119.1)

Sec. 1.1. Governmental fairs as set forth under the

Agricultural Fairs Act and the Illinois State Fair which store personal property for compensation or hold themselves out as offering storage or storage facilities for personal property shall be licensed under a limited special governmental fairs license. This special license shall be issued for personal property other than goods, wares, household goods, furniture and merchandise and shall be of the type of personal property as set forth by regulation of the Commission ~~Department~~. Personal property stored by these licensees shall be primarily boats, farm machinery and other similar tangible personal property as authorized by regulation of the Commission ~~Department~~. Each licensee shall have a signed contract with each depositor on forms as prescribed by the Commission ~~Department~~ and shall also comply with Section 10. If such licensee does not have a bond or legal liability policy as set forth in Section 6, then the receipt shall have stamped across its face in bold type "Not Insured." If a licensee under this Section complies with the requirements of Section 6, the licensee shall provide to the Commission ~~Department~~ evidence of such compliance as required in Section 6 of this Act. A governmental fairs licensee shall comply with all other requirements of this Act.

(Source: P.A. 81-158.)

(240 ILCS 10/2) (from Ch. 111 2/3, par. 120)

Sec. 2. Definitions. When used in this Act:

The term "Commission" means the Illinois Commerce Commission.

The term "warehouse" means any room, house, structure, building, place, yard or protected enclosure where personal property belonging to another is stored for a compensation.

The term "personal property" means all goods, wares, household goods, furniture, merchandise, or any other tangible personal property, of whatever kind, except that "grain" as defined in "The Public Grain Warehouse and Warehouse Receipts Act" is not included.

~~The term "Department" means the Illinois Department of Agriculture.~~

The term "operator", "warehouseman", or "personal property warehouseman" means any person, firm, partnership, association, or corporation owning, controlling, operating, managing or leasing any room, house, structure, building, place, yard or protected enclosure in or on which personal property is stored for a compensation within this State.

The term "person" means any individual, firm, partnership, association or corporation.

The term "depositor" means any person, who, for himself or another, delivers or causes to be delivered for storage any personal property in and to a warehouse.

The term "for a compensation" means direct or indirect charge for storage.

The term "lot" means the unit or units of property for

which a separate account is kept by the warehouseman.

The term "storage" means the safe keeping of personal property in a warehouse.

The term "engaged in the business of storing personal property" means any person who holds himself out, by any means whatever, as accepting, or willing to accept, personal property for storage.

The term "receipt" means a warehouse receipt issued in conformity with the "Uniform Commercial Code", as heretofore and hereafter amended.

The term "warehouse representative" or "warehouse broker" means any person who, independently and not as a salaried agent of a duly licensed warehouseman, for a consideration, solicits, sells or otherwise attempts to procure deposits of personal property in personal property warehouses.

(Source: P.A. 83-1065.)

(240 ILCS 10/4) (from Ch. 111 2/3, par. 122)

Sec. 4. Applications. No person shall engage in business as a personal property warehouseman in the State of Illinois without a license therefor issued by the Commission ~~Department~~. The application for a license to engage in business as a personal property warehouseman shall be filed with the Commission ~~Department~~. Such application shall set forth the name of the applicant, the principal officers if the applicant is a corporation, the managers (if manager-managed) or the

members (if member-managed), if the applicant is a limited liability company, or the active members of a partnership if the applicant is a partnership, the location of the principal office or place of business of the applicant and the location or locations in this State at which the applicant proposes to engage in business as a personal property warehouseman, and such additional information as the Commission ~~Department~~, by regulation, may require. The application shall also set forth the location, character, and description of the building or place of the proposed warehouse, the kind of property, goods, ware, and merchandise expected to be stored therein, and the approximate number of square feet of floor space, or, if applicable, the total cubic capacity devoted to storage purposes. The Commission ~~Department~~ shall require information showing that the property to be used is reasonably suitable for warehouse purposes, that the applicant is qualified to conduct the business of storing personal property under this Act, and the applicant proposes to conduct the business in accordance with the laws of this State and the rules and regulations of the Commission ~~Department~~.

(Source: P.A. 83-1065.)

(240 ILCS 10/5) (from Ch. 111 2/3, par. 123)

Sec. 5. Inspections. Upon the filing of an application, the Commission ~~Department~~ shall cause an inspection to be made of each ~~the~~ warehouse described in the application. Additional

inspections of any warehouse may be made from time to time as the Commission ~~Department~~ deems necessary, in order to effectuate the purposes of this Act.

Such inspection or inspections may include not only the building or premises used for storage purposes but the arrangement of the goods stored, nature of goods stored, safety of the building, accessibility to goods stored, precaution against fire hazards; whether fire extinguishers, fire apparatus, or hose are in good condition; whether all lots for which warehouse receipts have been issued are in storage; and any other things necessary to determine whether the warehouse is being operated in compliance with this Act. Commission staff ~~The inspector~~ shall have the right to enter the property of any warehouseman at any reasonable time, for the purpose of making an inspection or performing any duties in connection with this Act.

If the inspection of any warehouse discloses a hazardous condition or conditions or any other violation of this Act or the Commission's rules, the operator shall, upon written notice from the Commission ~~Department~~, take proper and immediate steps to correct the condition or conditions. Failure to comply with the notice shall be grounds for rejecting an application or for revoking a license.

(Source: P.A. 83-1065.)

Sec. 6. Bond or legal liability insurance policy. Prior to the issuance of a license, the personal property warehouseman shall file with the Commission ~~Department~~ a surety bond, or legal liability insurance policy on a form prescribed by the Commission ~~Department~~, signed by the warehouseman as principal and by a responsible company authorized to execute surety bonds within the State of Illinois. The bond shall contain provisions for faithful performance by the applicant of his duties as a warehouseman in accordance with this Act, the rules and regulations thereof, and the "Uniform Commercial Code", as now or hereafter amended. Such bond shall also contain provisions for the payment of any loss or damage sustained by any depositor of property stored.

The ~~amount of such~~ bond or insurance policy shall be in the amount set by the Commission by rule. ~~is determined upon the following basis:~~

~~For less than 20,000 net square feet of floor space or for less than 50,000 net cubic feet of volume devoted to the storage of personal property, \$5,000;~~

~~For 20,000 and less than 50,000 net square feet of floor space or for 50,000 and less than 100,000 net cubic feet of volume devoted to the storage of personal property, \$10,000;~~

~~For 50,000 and less than 100,000 net square feet of floor space or for 100,000 and less than 200,000 net cubic feet of volume devoted to the storage of personal property, \$15,000;~~

~~For 100,000 and less than 200,000 net square feet of floor~~

~~space or for 200,000 and less than 300,000 net cubic feet of volume devoted to the storage of personal property, \$20,000;~~

~~For 200,000 and less than 300,000 net square feet of floor space or for 300,000 and less than 400,000 net cubic feet of volume devoted to the storage of personal property, \$25,000;~~
and

~~For 300,000 or more net square feet of floor space or for 400,000 or more net cubic feet of volume devoted to the storage of personal property, \$25,000 plus an additional \$5,000 for each additional 100,000 net square feet, or net cubic feet of volume, or fraction thereof.~~

Such bond or insurance policy is to be made payable to the People of the State of Illinois, for the use and benefit of all persons aggrieved by the failure of the operator to comply with this Act, and shall not be cancelled during the period for which any license is issued, except upon at least 90 days' notice, in writing, to the Commission ~~Department~~.

If bond other than a surety bond is filed, it must be secured by real estate having a value of not less than double the amount of such bond over and above all exemptions and liens thereon. Such bond shall be recorded and be a lien on the real estate for the amount thereof, and the recording fees paid by the applicant or operator.

Any operator may, in lieu of a bond, file with the Commission ~~Department~~ a certified copy of a legal liability insurance policy or a certificate of deposit. The principal

amount of the legal liability insurance policy and the certificate of deposit shall be the same as that required for a surety bond under this Act. Any certificate of deposit filed with the Commission ~~Department~~, in lieu of a surety bond, shall be payable to the Commission ~~Director of the Department~~ as Trustee and the interest thereon shall be made payable to the purchaser thereof.

The legal liability insurance policy shall contain a loss payable endorsement making such policy payable to the People of the State of Illinois, with the Commission ~~Director of the Department~~ as Trustee. The legal liability insurance policy shall not be cancelled during the period for which any license is issued, except upon at least 90 days' notice in writing to the Commission ~~Department~~. When in the discretion of the Commission ~~Department~~, the legal liability insurance policy or the assets of a warehouseman appear to be insufficient, when compared to his storage obligations or to meet the bond requirements of the United States, or any agency or corporation controlled by the United States when they have a contract for storage with the warehouseman, or for any other reason it may appear necessary to the Commission ~~Department~~, the Commission ~~Department~~ may require such additional bond or legal liability insurance policy as may be reasonable in the circumstances.

The Commission ~~Director of Agriculture~~ as trustee of the bond or policy shall have the authorities granted him in Section 205-410 of the Department of Agriculture Law (20 ILCS

205/205-410) and the rules and regulations adopted pursuant thereto.

Failure to keep such bond or insurance policy in effect is cause for the revocation of any license.

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

(240 ILCS 10/7) (from Ch. 111 2/3, par. 125)

Sec. 7. Fees. Each applicant shall accompany its ~~his~~ application for a personal property warehouse license with and thereafter pay to the Commission ~~Department~~ an initial fee of \$250 and an annual renewal fee of \$150, plus an annual fee of \$100 for each additional personal property warehouse operated by the applicant to keep and perpetuate the license, or such other amounts as the Commission may set by rule. The special governmental fairs annual license fee shall be \$50, or such other amount as the Commission may by regulation prescribe.

(Source: P.A. 85-528.)

(240 ILCS 10/8) (from Ch. 111 2/3, par. 126)

Sec. 8. Issuance and period of license. Upon compliance with this Act by the applicant, the Commission ~~Department~~ shall issue a license or licenses to such applicant which is valid for one year from the date of its issuance unless said license is suspended or revoked after due process in accordance with this Act.

(Source: P.A. 83-1065.)

(240 ILCS 10/10) (from Ch. 111 2/3, par. 128)

Sec. 10. Warehouse Receipts. Every operator shall, upon the receipt of personal property for storage, issue and deliver to the depositor a negotiable or a non-negotiable warehouse receipt.

Negotiable warehouse receipt forms, complying in every respect with subsection (2) of Section 7-202 of the "Uniform Commercial Code", approved July 31, 1961, as amended, must be printed in a form prescribed by the Commission ~~Department~~, and prenumbered by a bonded printer. Negotiable warehouse receipt forms must be kept under lock and key at the office of the warehouse operator. A register must be kept of each negotiable warehouse receipt issued. Endorsements shall be made on the negotiable warehouse receipt of any partial deliveries of goods covered by such receipt. Delivery of goods covered by a negotiable warehouse receipt without surrender of such negotiable warehouse receipt shall be prohibited.

Non-negotiable warehouse receipts shall conform with subsection (2) of Section 7-202 of the "Uniform Commercial Code", approved July 31, 1961, as amended.

The property of each depositor shall be specifically designated under a lot, product code, batch, or other control unit agreed upon by the warehouseman and depositor. Said designation shall also appear on the receipt for the purpose of identification, and a separate account and record shall be kept

for each customer's property.

No operator shall issue any receipt unless the same shall state on the face thereof in conspicuous type whether or not such goods are insured for the benefit of the depositor against fire or any other casualty.

(Source: P.A. 83-1065.)

(240 ILCS 10/12) (from Ch. 111 2/3, par. 130)

Sec. 12. Advertisements.

It is unlawful for any person, firm, partnership, association, limited liability company, or corporation to hold himself, themselves, or itself out as a warehouseman or advertise for, or solicit business as a warehouseman without first complying with this Act; or advertising as being an insured warehouse unless the insurance is for the benefit of the depositor against fire or other casualties; or to use any stationery, cards, signs or other advertisements of a false, fraudulent, deceptive or misleading nature; or use the word storage, in any way, in connection with the business unless engaged in the storage business and licensed as a warehouse operator under this Act.

A personal property warehouseman has authority to use the services of warehouse representatives or warehouse brokers in Illinois provided the names and addresses of such warehouse representatives or warehouse brokers are listed on the license application of the personal property warehouseman.

No person shall set himself out to be a warehouse representative or a warehouse broker, or do business as such, without first being so listed by a duly licensed warehouseman. A warehouseman may, by giving written notice in duplicate to the Commission ~~Department~~, amend his license application at any time to add or delete the name or names of warehouse representatives or warehouse brokers retained by him.

(Source: P.A. 77-1341.)

(240 ILCS 10/14) (from Ch. 111 2/3, par. 132)

Sec. 14. Authority of Commission staff ~~inspectors~~-Police power.

Commission staff ~~Inspectors of the Department~~ have full power and authority in the performance of their official duties to enter into or upon any place, building or premises of any warehouse at any reasonable time for the purpose of inspecting such warehouse operating under this Act, and the books and records of the operator thereof, or for the purpose of obtaining any information pertaining to the manner in which such warehouse business is being conducted. Any such Commission staff ~~inspector~~ has the same powers as are now held by or hereafter conferred upon, any regular law enforcement officer to arrest, with or without formal warrant, any violator or violators of this Act.

(Source: Laws 1967, p. 451.)

(240 ILCS 10/15) (from Ch. 111 2/3, par. 133)

Sec. 15. Interference with or impersonation of Commission staff inspector.

No person shall in any way or manner obstruct, hinder or molest any Commission staff member ~~warehouse inspector~~ in the performance of his duties as required by this Act. It is unlawful for any person to falsely represent that he is a Commission staff member ~~warehouse inspector~~ or to falsely represent that he is authorized to inspect warehouses on behalf of the Commission Department, or to demand of any operator the examination or production of the records of such operator unless he is a duly authorized Commission staff member ~~inspector of the Department~~.

(Source: Laws 1967, p. 451.)

(240 ILCS 10/15.5 new)

Sec. 15.5. Jurisdiction. The jurisdiction of the Commission under this Act extends to personal property warehouses, the operators of those warehouses, and to other activities specifically set forth in this Act.

(240 ILCS 10/15.6 new)

Sec. 15.6. Enumeration of powers. The Commission has the power to:

(1) Administer and enforce the provisions of this Act.

(2) Regulate the entry, exit, and services of personal

property warehouses and operators.

(3) Protect the public safety through insurance and safety standards.

(4) Adopt appropriate rules setting forth the standards and procedures by which it will administer and enforce this Act.

(5) Conduct hearings and investigations, on its own motion or the motion of a person.

(6) Adjudicate disputes, hear complaints or other petitions for relief, and settle those matters by stipulation or agreement.

(7) Create special procedures for the receipt and handling of consumer complaints.

(8) Employ such persons as are needed to administer and enforce this Act, in such capacities as they are needed, whether as hearings examiners, special examiners, enforcement officers, investigators, or otherwise.

(9) Initiate and participate in proceedings in the federal or State courts, and in proceedings before federal or other State agencies, to the extent necessary to effectuate the purposes of this Act, provided that participation in specific proceedings is directed, in writing, by the Commission.

(240 ILCS 10/16) (from Ch. 111 2/3, par. 134)

Sec. 16. Rules and regulations.

The Commission ~~Department~~ has the authority to exercise general supervision and regulation over all warehouses

included under this Act, and has authority to make all necessary rules and regulations, and adopt forms of application, bond, receipt, and such other forms as may be required to effectuate the purposes of this Act.

(Source: Laws 1967, p. 451.)

(240 ILCS 10/17) (from Ch. 111 2/3, par. 135)

Sec. 17. Violations, Administrative Action and Review.

Violations of this Act shall be classified as follows:

(a) Category I Violations, which include:

(i) Technical violations causing no harm to persons or property.

(ii) Prior practices or conditions that have been voluntarily remedied.

Category I violations shall be handled by a warning notice issued by the Commission ~~Department~~ to the warehouseman stating that such practices shall not be allowed to recur. Receipt of such notice shall be acknowledged by the warehouseman.

(b) Category II Violations, which include:

(i) Practices or conditions that if continued could cause significant loss to depositors.

(ii) Practices or conditions that if continued could cause serious hazard to public health or safety.

(iii) Operating a personal property warehouse without a license.

The Commission ~~Department~~ may, upon its own motion and shall

upon the verified complaint in writing of any person setting forth facts which if proved would constitute a Category II violation, investigate the actions of any person or persons operating a personal property warehouse. The Commission ~~Department~~ shall issue a formal notice to the warehouse operator that he is required to take proper and immediate steps to correct the practices or conditions, and that failure to do so could be cause for revocation of license and other legal penalties as provided in this Act. The warehouse operator shall, if he believes that the complaint is improper, unjust, or unfounded, request a hearing which shall be set up in conformance with established practice for Commission administrative hearings. If the warehouse operator fails to correct the alleged practices or conditions, or fails to request a hearing within a stipulated time, his license shall be revoked, and the Commission may impose civil penalties in the amount provided under the Illinois Commercial Transportation Law. The Commission ~~Department~~ may also seek appropriate judicial action. In the case of practices or conditions that constitute serious hazard to public health or safety, the Commission ~~Department~~ shall cooperate with the appropriate federal, state, and local agencies or authorities.

(c) Category III Violations, which include:

(i) Conversion of a depositor's goods to the warehouseman's own use.

(ii) Practices or conditions that have caused significant

loss or damage to depositors.

The Commission ~~Department~~ may, upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proved would constitute a Category III violation, investigate the actions of any person or persons operating a personal property warehouse. The Commission ~~Department~~ shall issue a formal notice to the warehouse operator that he is required to take proper and immediate steps to correct the practices or conditions, and that failure to do so will be cause for revocation of license and additional legal penalties as provided in this Act. The warehouse operator shall, if he believes that the alleged violation is unfounded, request a hearing which shall be set up in conformance with established practice for administrative hearings. If the warehouse operator fails to correct the alleged practices or conditions, or fails to request a hearing within a stipulated time, the operator's license shall be revoked, and the Commission may impose civil penalties in the amount provided under the Illinois Commercial Transportation Law. The Commission may also seek appropriate judicial action.

In connection with any investigation or hearing conducted by the Commission ~~Department~~ under this Act, the Commission ~~Department~~, over the signature of the Chairman of the Commission ~~Director~~, is authorized to issue subpoenas and to bring before the Commission ~~Department~~ any person or persons in this State and to take testimony either orally or by deposition

or by exhibit. The Chairman of the Commission ~~Director~~ is authorized to issue subpoenas for any or all documents relating to complainant records. The Chairman of the Commission ~~Director~~ or his designee may administer oaths to witnesses at any hearing which the Commission ~~Department~~ is authorized by law to conduct.

The Illinois Administrative Procedure Act, as amended, and the rules and regulations adopted thereunder shall apply to and govern all administrative actions taken by the Commission ~~Department~~, where applicable, unless otherwise prescribed by this Act. Judicial review of final administrative decisions may be had in accordance with the provisions of the Administrative Review Law, as now or hereafter amended.

(Source: P.A. 83-1065.)

(240 ILCS 10/19) (from Ch. 111 2/3, par. 137)

Sec. 19. Penalty. Any person who engages in business as a personal property warehouseman without securing a license or who does not have a valid license, or who commits one or more Category II or Category III violations of this Act, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent the Commission ~~Director or his duly authorized agent~~ in the performance of its ~~his~~ duty in connection with this Act, or who refuses to permit inspection of his premises or records as provided in this Act shall be guilty of a Class B misdemeanor for the first violation, and be guilty of a Class A

misdemeanor for each subsequent violation. In addition, the Commission may impose civil penalties in the amount provided under the Illinois Commercial Transportation Law. In case of a continuing violation or violations, each day that each violation occurs constitutes a separate and distinct offense.

It shall be the duty of each State's Attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in the circuit court without delay, provided that the Commission Director has previously given the warehouseman involved an administrative hearing as provided for in this Act.

The Commission Director may apply for and the circuit court may grant a temporary restraining order or preliminary or permanent injunction restraining any person from committing or continuing to commit a Category II or III violation.

(Source: P.A. 83-1065.)

(240 ILCS 10/19.5 new)

Sec. 19.5. Disposition of funds. All fees and fines collected by the Commission under this Act shall be paid into the Transportation Regulatory Fund in the State treasury. The money in that fund may be used to defray the expenses of the administration of this Act.

(240 ILCS 10/20) (from Ch. 111 2/3, par. 138)

Sec. 20. Power to enforce.

The Commission ~~Department~~ has full power and authority to carry out this Act.

(Source: Laws 1967, p. 451.)

(240 ILCS 10/20.1 new)

Sec. 20.1. Grandfathered rules. Rules promulgated by the Illinois Department of Agriculture under this Act shall remain valid until amended or repealed by the Commission. All references in those rules to the "Department" shall, on and after the effective date of this amendatory Act of the 96th General Assembly, be deemed references to the "Commission". All references in those rules to the "Director" shall, on and after the effective date of this amendatory Act of the 96th General Assembly, be deemed references to the "Executive Director of the Commission.

(240 ILCS 10/20.2 new)

Sec. 20.2. Applicability of Illinois Commercial Transportation Law. Except as provided elsewhere in this Act, Subchapter I, Articles II, III, V, VI, & VII, and Subchapter II of the Illinois Commercial Transportation Law apply to the Commission in the administration and enforcement of this Act.

Section 10. The Illinois Vehicle Code is amended by changing Section 18c-1603 as follows:

(625 ILCS 5/18c-1603) (from Ch. 95 1/2, par. 18c-1603)

Sec. 18c-1603. Expenditures from the Transportation Regulatory Fund.

(1) Authorization of Expenditures from the Fund. Monies deposited in the Transportation Regulatory Fund shall be expended only for the administration and enforcement of this Chapter and Chapter 18a. Moneys in the Fund may also be used to administer the Personal Property Storage Act.

(2) Allocation of Expenses to the Fund.

(a) Expenses Allocated Entirely to the Transportation Regulatory Fund. All expenses of the Transportation Division shall be allocated to the Transportation Regulatory Fund, provided that they were:

(i) Incurred by and for staff employed within the Transportation Division and accountable, directly or through a program director or staff supervisor, to the Transportation Division manager;

(ii) Incurred exclusively in the administration and enforcement of this Chapter and Chapter 18a; and

(iii) Authorized by the Transportation Division manager.

(b) Expenses Partially Allocated to the Transportation Regulatory Fund. A portion of expenses for the following persons and activities may be allocated to the Transportation Regulatory Fund:

(i) The Executive Director, his deputies and

personal assistants, and their clerical support;

(ii) The legislative liaison activities of the Office of Legislative Affairs, its constituent elements and successors;

(iii) The activities of the Bureau of Planning and Operations on the effective date of this amendatory Act of the 94th General Assembly, exclusive of the Chief Clerk's office;

(iv) The payroll expenses of Commissioners' assistants;

(v) The internal auditor;

(vi) The in-state travel expenses of the Commissioners to and from the offices of the Commission; and

(vii) The Public Affairs Group, its constituent elements, and its successors.

(c) Allocation Methodology for Expenses Other Than Commissioners' Assistants. The portion of total expenses (other than commissioners' assistants' expenses) allocated to the Transportation Regulatory Fund under paragraph (b) of this subsection shall be the portion of staff time spent exclusively on administration and enforcement of this Chapter and Chapter 18a, as shown by a time study updated at least once each 6 months.

(d) (Blank).

(e) Allocation methodology for Commissioners'

Assistants Expenses. Five percent of the payroll expenses of commissioners' assistants may be allocated to the Transportation Regulatory Fund.

(f) Expenses not allocable to the Transportation Regulatory Fund. No expenses shall be allocated to or paid from the Transportation Regulatory Fund except as expressly authorized in paragraphs (a) through (e) of this subsection. In particular, no expenses shall be allocated to the Fund which were incurred by or in relation to the following persons and activities:

(i) Commissioners' travel, except as otherwise provided in paragraphs (b) and (c) of this subsection;

(ii) Commissioners' assistants except as otherwise provided in paragraphs (b) and (e) of this subsection;

(iii) The Policy Analysis and Research Division, its constituent elements and successors;

(iv) The Chief Clerk's office, its constituent elements and successors;

(v) The Hearing Examiners Division, its constituent elements and successors, and any hearing examiners or hearings conducted, in whole or in part, outside the Transportation Division;

(vi) (Blank);

(vii) The Office of General Counsel, its constituent elements and successors, including but not limited to the Office of Public Utility Counsel and any

legal staff in the office of the executive director, but not including the personal assistant serving as staff counsel to the executive director as provided in Section 18c-1204(2) and the Office of Transportation Counsel; and

(viii) Any other expenses or portion thereof not expressly authorized in this subsection to be allocated to the Fund.

The constituent elements of the foregoing shall, for purposes of this Section be their constituent elements on the effective date of this amendatory Act of 1987.

(3) (Blank).

(4) (Blank).

(Source: P.A. 94-839, eff. 6-6-06.)

Section 99. Effective date. This Act takes effect January 1, 2010.