

1 AMENDMENT TO HOUSE BILL 2282

2 AMENDMENT NO. _____. Amend House Bill 2282 by replacing
3 the title with the following:

4 "AN ACT concerning currency exchanges."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Currency Exchange Act is amended by
8 changing Section 6 as follows:

9 (205 ILCS 405/6) (from Ch. 17, par. 4813)

10 Sec. 6. Insurance against loss. Every applicant for a
11 license hereunder shall, after his application for a license
12 has been approved, file with and have approved by the
13 Director, a policy or policies of insurance issued by an
14 insurance company or indemnity company authorized to do
15 business under the law of this State, which shall insure the
16 applicant against loss by theft, burglary, robbery or forgery
17 in a principal sum as hereinafter provided; if the average
18 amount of cash and liquid funds to be kept on hand in the
19 office of the community currency exchange during the year
20 will not be in excess of \$10,000 the policy or policies shall
21 be in the principal sum of \$10,000. If such average amount

1 will be in excess of \$10,000, the policy or policies shall be
2 for an additional principal sum of \$500 for each \$1,000 or
3 fraction thereof of such excess over the original \$10,000.
4 From time to time, the Director may determine the amount of
5 cash and liquid funds on hand in the office of any community
6 currency exchange and shall require the licensee to submit
7 additional policies if the same are determined to be
8 necessary in accordance with the requirements of this
9 Section.

10 Any such policy or policies, with respect to forgery, may
11 carry a condition that the community currency exchange
12 assumes the first \$1,000 \$100 of each claim thereunder.

13 Before an ambulatory currency exchange shall sell or
14 issue money orders, it shall file with and have approved by
15 the Director, a policy or policies of insurance issued by an
16 insurance company or indemnity company authorized to do
17 business under the laws of this State, which shall insure
18 such ambulatory currency exchange against loss by theft,
19 burglary, robbery, forgery or embezzlement in the principal
20 sum of not less than \$500,000. If the average amount of cash
21 and liquid funds to be kept on hand during the year will
22 exceed \$500,000, the policy or policies shall be for an
23 additional principal sum of \$500 for each \$1,000 or fraction
24 thereof in excess of \$500,000. From time to time the Director
25 may determine the amount of cash and liquid funds kept on
26 hand by an ambulatory currency exchange and shall require it
27 to submit such additional policies as are determined to be
28 required within the limits of this Section. No ambulatory
29 currency exchange subject to this Section shall be required
30 to furnish more than one policy of insurance if the policy
31 furnished insures it against the foregoing losses at all
32 locations served by it.

33 Any such policy may contain a condition that the insured
34 assumes a portion of the loss, provided the insured shall

1 file with such policy a sworn financial statement indicating
2 its ability to act as self-insurer in the amount of such
3 deductible portion of the policy without prejudice to the
4 safety of any funds belonging to its customers. If the
5 Director is not satisfied as to the financial ability of the
6 ambulatory currency exchange, he may require it to deposit
7 cash or United States Government Bonds in the amount of part
8 or all of the deductible portion of the policy.

9 (Source: P.A. 86-432.)

10 Section 10. The Uniform Disposition of Unclaimed
11 Property Act is amended by changing Section 11 as follows:

12 (765 ILCS 1025/11) (from Ch. 141, par. 111)

13 Sec. 11. (a) Except as otherwise provided in subsection
14 (c) of Section 4, every person holding funds or other
15 property, tangible or intangible, presumed abandoned under
16 this Act shall report and remit all abandoned property
17 specified in the report to the State Treasurer with respect
18 to the property as hereinafter provided. The State Treasurer
19 may exempt any businesses from the reporting requirement if
20 he deems such businesses unlikely to be holding unclaimed
21 property.

22 (b) The information shall be obtained in one or more
23 reports as required by the State Treasurer. The information
24 shall be verified and shall include:

25 (1) The name, social security or federal tax
26 identification number, if known, and last known address,
27 including zip code, of each person appearing from the
28 records of the holder to be the owner of any property of
29 the value of \$25 or more presumed abandoned under this
30 Act;

31 (2) In case of unclaimed funds of life insurance
32 corporations the full name of the insured and any

1 beneficiary or annuitant and the last known address
2 according to the life insurance corporation's records;

3 (3) The date when the property became payable,
4 demandable, or returnable, and the date of the last
5 transaction with the owner with respect to the property;
6 and

7 (4) Other information which the State Treasurer
8 prescribes by rule as necessary for the administration of
9 this Act.

10 (c) If the person holding property presumed abandoned is
11 a successor to other persons who previously held the property
12 for the owner, or if the holder has changed his name while
13 holding the property, he shall file with his report all prior
14 known names and addresses of each holder of the property.

15 (d) The report and remittance of the property specified
16 in the report shall be filed by banking organizations,
17 financial organizations, insurance companies other than life
18 insurance corporations, and governmental entities before
19 November 1 of each year as of June 30 next preceding. The
20 report and remittance of the property specified in the report
21 shall be filed by business associations, utilities, and life
22 insurance corporations before May 1 of each year as of
23 December 31 next preceding. The Director may postpone the
24 reporting date upon written request by any person required to
25 file a report.

26 (d-5) Notwithstanding the foregoing, currency exchanges
27 shall be required to report and remit property specified in
28 the report within 30 days after the conclusion of its annual
29 examination by Department of Financial Institutions. As part
30 of the examination of a currency exchange, the Department of
31 Financial Institutions shall ensure that the currency
32 exchange submits a complete unclaimed property report using
33 the State Treasurer's formatted diskette reporting program or
34 an alternative reporting format approved by the State

1 Treasurer. The Department of Financial Institutions shall
2 provide the State Treasurer with an accounting of the money
3 orders located in the course of the annual examination
4 including the amount of service fees deducted and the date of
5 the conclusion of the examination.

6 (e) Before filing the annual report, the holder of
7 property presumed abandoned under this Act shall communicate
8 with the owner at his last known address if any address is
9 known to the holder, setting forth the provisions hereof
10 necessary to occur in order to prevent abandonment from being
11 presumed. If the holder has not communicated with the owner
12 at his last known address at least 120 days before the
13 deadline for filing the annual report, the holder shall mail,
14 at least 60 days before that deadline, a letter by first
15 class mail to the owner at his last known address unless any
16 address is shown to be inaccurate, setting forth the
17 provisions hereof necessary to prevent abandonment from being
18 presumed.

19 (f) Verification, if made by a partnership, shall be
20 executed by a partner; if made by an unincorporated
21 association or private corporation, by an officer; and if
22 made by a public corporation, by its chief fiscal officer.

23 (g) Any person who has possession of property which he
24 has reason to believe will be reportable in the future as
25 unclaimed property, may report and deliver it prior to the
26 date required for such reporting in accordance with this
27 Section and is then relieved of responsibility as provided in
28 Section 14.

29 (h) (1) Records pertaining to presumptively abandoned
30 property held by a trust division or trust department or by a
31 trust company, or affiliate of any of the foregoing that
32 provides nondealer corporate custodial services for
33 securities or securities transactions, organized under the
34 laws of this or another state or the United States shall be

1 retained until the property is delivered to the State
2 Treasurer.

3 As of January 1, 1998, this subdivision (h)(1) shall not
4 be applicable unless the Department of Financial Institutions
5 has commenced, but not finalized, an examination of the
6 holder as of that date and the property is included in a
7 final examination report for the period covered by the
8 examination.

9 (2) In the case of all other holders commencing on the
10 effective date of this amendatory Act of 1993, property
11 records for the period required for presumptive abandonment
12 plus the 9 years immediately preceding the beginning of that
13 period shall be retained for 5 years after the property was
14 reportable.

15 (i) The State Treasurer may promulgate rules
16 establishing the format and media to be used by a holder in
17 submitting reports required under this Act.

18 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99.)

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