

1 AN ACT concerning the regulation of certain financial
2 activities.

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

5 Section 5. The Currency Exchange Act is amended by
6 changing Sections 4 and 16 as follows:

7 (205 ILCS 405/4) (from Ch. 17, par. 4808)

8 Sec. 4. License application; contents; fees. Application
9 for such license shall be in writing under oath and in the
10 form prescribed and furnished by the Director. Each
11 application shall contain the following:

12 (a) The full name and address (both of residence and
13 place of business) of the applicant, and if the applicant is
14 a partnership, limited liability company, or association, of
15 every member thereof, and the name and business address if
16 the applicant is a corporation;

17 (b) The county and municipality, with street and number,
18 if any, where the community currency exchange is to be
19 conducted, if the application is for a community currency
20 exchange license;

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

24 (d) The applicant's occupation or profession; a detailed
25 statement of his business experience for the 10 years
26 immediately preceding his application; a detailed statement
27 of his finances; his present or previous connection with any
28 other currency exchange; whether he has ever been involved in
29 any civil or criminal litigation, and the material facts
30 pertaining thereto; whether he has ever been committed to any
31 penal institution or admitted to an institution for the care

1 and treatment of mentally ill persons; and the nature of
 2 applicant's occupancy of the premises to be licensed where
 3 the application is for a community currency exchange license.
 4 If the applicant is a partnership, the information specified
 5 herein shall be required of each partner. If the applicant is
 6 a corporation, the said information shall be required of each
 7 officer, director and stockholder thereof along with
 8 disclosure of their ownership interests. If the applicant is
 9 a limited liability company, the information required by this
 10 Section shall be provided with respect to each member and
 11 manager along with disclosure of their ownership interests.

12 A community currency exchange license application shall
 13 be accompanied by a fee of \$150-~~on the effective date of this~~
 14 ~~amendatory Act of 1987 and until January 1, 1989,~~ and \$180-~~on~~
 15 ~~January 1, 1989 and until January 1, 1990,~~ and \$500 ~~on and~~
 16 ~~after January 1, 1990 which fee shall be~~ for the cost of
 17 investigating the applicant. If the ownership of a licensee
 18 changes, in whole or in part, a new application must be filed
 19 pursuant to this Section along with a \$500 fee if the
 20 licensee's ownership interests have been transferred or sold
 21 to a new person or entity or a fee of \$300 if the licensee's
 22 ownership interests have been transferred or sold to a
 23 current holder or holders of the licensee's ownership
 24 interests. When the application for a community currency
 25 exchange license has been approved by the Director and the
 26 applicant so advised, an additional sum of \$150-~~on the~~
 27 ~~effective date of this amendatory Act of 1987 and until~~
 28 ~~January 1, 1989, and \$180 on January 1, 1989 and until~~
 29 ~~January 1, 1990,~~ and \$200 ~~on and after January 1, 1990~~ as an
 30 annual license fee for a period terminating on the last day
 31 of the current calendar year shall be paid to the Director by
 32 the applicant; provided, that the license fee for an
 33 applicant applying for such a license after July 1st of any
 34 year shall be \$75-~~on the effective date of this amendatory~~

1 Act--of--1987-and-until-July-17-1988,--and-\$90-on-July-17-1988
2 and-until-July-17-1989,--and \$100 on-and-after--July--17--1989
3 for the balance of such year.

4 An application for an ambulatory currency exchange
5 license shall be accompanied by a fee of \$100, which fee
6 shall be for the cost of investigating the applicant. An
7 approved applicant shall not be required to pay the initial
8 investigation fee of \$100 more than once. When the
9 application for an ambulatory currency exchange license has
10 been approved by the Director, and such applicant so advised,
11 such applicant shall pay an annual license fee of \$25 for
12 each and every location to be served by such applicant;
13 provided that such license fee for an approved applicant
14 applying for such a license after July 1st of any year shall
15 be \$12 for the balance of such year for each and every
16 location to be served by such applicant. Such an approved
17 applicant for an ambulatory currency exchange license, when
18 applying for a license with respect to a particular location,
19 shall file with the Director, at the time of filing an
20 application, a letter of memorandum, which shall be in
21 writing and under oath, signed by the owner or authorized
22 representative of the business whose employees are to be
23 served; such letter or memorandum shall contain a statement
24 that such service is desired, and that the person signing the
25 same is authorized so to do. The Director shall thereupon
26 verify the authenticity of the letter or memorandum and the
27 authority of the person who executed it, to do so.

28 (Source: P.A. 90-545, eff. 1-1-98.)

29 (205 ILCS 405/16) (from Ch. 17, par. 4832)

30 Sec. 16. Annual report; investigation; costs. Each
31 licensee shall annually, on or before the 1st day of March,
32 file a report with the Director for the calendar year period
33 from January 1st through December 31st, except that the

1 report filed on or before March 15, 1990 shall cover the
2 period from October 1, 1988 through December 31, 1989, (which
3 shall be used only for the official purposes of the Director)
4 giving such relevant information as the Director may
5 reasonably require concerning, and for the purpose of
6 examining, the business and operations during the preceding
7 fiscal year period of each licensed currency exchange
8 conducted by such licensee within the State. Such report
9 shall be made under oath and shall be in the form prescribed
10 by the Director and the Director may at any time and shall at
11 least once in each year investigate the currency exchange
12 business of any licensee and of every person, partnership,
13 association, limited liability company, and corporation who
14 or which shall be engaged in the business of operating a
15 currency exchange. For that purpose, the Director shall have
16 free access to the offices and places of business and to such
17 records of all such persons, firms, partnerships,
18 associations, limited liability companies and members
19 thereof, and corporations and to the officers and directors
20 thereof that shall relate to such currency exchange business.
21 The investigation may be conducted in conjunction with
22 representatives of other State agencies or agencies of
23 another state or of the United States as determined by the
24 Director. The Director may at any time inspect the locations
25 served by an ambulatory currency exchange, for the purpose of
26 determining whether such currency exchange is complying with
27 the provisions of this Act at each location served. The
28 Director may require by subpoena the attendance of and
29 examine under oath all persons whose testimony he may require
30 relative to such business, and in such cases the Director, or
31 any qualified representative of the Director whom the
32 Director may designate, may administer oaths to all such
33 persons called as witnesses, and the Director, or any such
34 qualified representative of the Director, may conduct such

1 examinations, and there shall be paid to the Director for
2 each such examination a fee of \$150 for each day or part
3 thereof for each qualified representative designated and
4 required to conduct the examination; provided, however, that
5 in the case of an ambulatory currency exchange, such fee
6 shall be \$75 for each day or part thereof and shall not be
7 increased by reason of the number of locations served by it.
8 (Source: P.A. 90-545, eff. 1-1-98.)

9 Section 10. The Sales Finance Agency Act is amended by
10 changing Sections 6 and 10 as follows:

11 (205 ILCS 660/6) (from Ch. 17, par. 5206)

12 Sec. 6. A license fee of \$300 for the applicant's
13 principal place of business and \$100 for each additional
14 place of business for which a license is sought must be
15 submitted with an application for license made before July 1
16 of any year. If application for a license is made on July 1
17 or thereafter, a license fee of \$150 for the principal place
18 of business and of \$50 for each additional place of business
19 must accompany the application. Each license remains in
20 force until surrendered, suspended, or revoked. If the
21 application for license is denied, the original license fee
22 shall be retained by the State in reimbursement of its costs
23 of investigating that application.

24 Before the license is granted, the applicant shall prove
25 in form satisfactory to the Director, that the applicant has
26 a positive net worth of a minimum of \$30,000.

27 A licensee must pay to the Department, and the Department
28 must receive, by December 1 of each year, the renewal license
29 application on forms prescribed by the Director and \$300 for
30 the license for his principal place of business and \$100 for
31 each additional license held as a renewal license fee for the
32 succeeding calendar year. ~~Failure--to--pay--the--license--fee~~

1 ~~within--the--time-prescribed-automatically-revokes-renewal-of~~
2 ~~the-license-~~

3 (Source: P.A. 90-437, eff. 1-1-98.)

4 (205 ILCS 660/10) (from Ch. 17, par. 5223)

5 Sec. 10. Denial, revocation, fine, or suspension of
6 license.

7 (a) The Director may revoke or suspend a license or fine
8 a licensee if the licensee violates any provisions of this
9 Act.

10 (b) In every case in which a license is revoked or
11 suspended, a licensee is fined, or an application for a
12 license or renewal of a license is denied, the Director shall
13 serve notice of his or her action, including a statement of
14 the reasons for the action either personally or by certified
15 mail, return receipt requested. Service by certified mail
16 shall be deemed completed when the notice is deposited in the
17 U.S. mail.

18 (c) An order revoking or suspending a license or an
19 order denying renewal of a license shall take effect upon
20 service of the order, unless the licensee requests, in
21 writing, within 10 days after the date of service, a hearing.
22 In the event a hearing is requested, the order shall be
23 stayed until a final administrative order is entered.

24 (d) If the licensee requests a hearing, the Director
25 shall schedule a hearing within 30 days after the request for
26 a hearing unless otherwise agreed to by the parties.

27 (e) The hearing shall be held at the time and place
28 designated by the Director. The Director and any
29 administrative law judge designated by him or her shall have
30 the power to administer oaths and affirmations, subpoena
31 witnesses and compel their attendance, take evidence, and
32 require the production of books, papers, correspondence, and
33 other records or information that he or she considers

1 relevant or material to the inquiry.

2 (f) The costs for the administrative hearing shall be
3 set by rule.

4 (g) The Director shall have the authority to prescribe
5 rules for the administration of this Section.

6 (Source: P.A. 90-437, eff. 1-1-98.)

7 Section 15. The Consumer Installment Loan Act is amended
8 by changing Sections 2, 8, and 11 as follows:

9 (205 ILCS 670/2) (from Ch. 17, par. 5402)

10 Sec. 2. Application; fees; positive net worth.
11 Application for such license shall be in writing, and in the
12 form prescribed by the Director. Such applicant at the time
13 of making such application shall pay to the Director the sum
14 of \$300 as an application fee and the additional sum of \$300
15 as an annual license fee, for a period terminating on the
16 last day of the current calendar year; provided that if the
17 application is filed after June 30th in any year, such
18 license fee shall be 1/2 of the annual license fee for such
19 year.

20 Before the license is granted, every applicant shall
21 prove in form satisfactory to the Director that the applicant
22 has and will maintain a positive net worth of a minimum of
23 \$30,000. Every applicant and licensee shall maintain a
24 surety bond in the principal sum of \$25,000 ~~\$17,000~~ issued by
25 a bonding company authorized to do business in this State and
26 which shall be approved by the Director. Such bond shall run
27 to the Director and shall be for the benefit of any consumer
28 person who incurs damages as a result of any violation of the
29 Act or rules by ~~the-actions-of~~ a licensee ~~and-who-is-lawfully~~
30 ~~awarded-such-damages-pursuant-to-an-appropriate-court--order.~~

31 If the Director finds at any time that a bond is of
32 insufficient size, is insecure, exhausted, or otherwise

1 doubtful, an additional bond in such amount as determined by
2 the Director shall be filed by the licensee within 30 days
3 after written demand therefor by the Director. "Net worth"
4 means total assets minus total liabilities.

5 (Source: P.A. 90-437, eff. 1-1-98; 90-575, eff. 3-20-98.)

6 (205 ILCS 670/8) (from Ch. 17, par. 5408)

7 Sec. 8. Annual license fee - Expenses. ~~Every licensee~~
8 ~~shall, on or~~ Before the 15th day of each December, a licensee
9 must pay to the Director, and the Department must receive,
10 the annual license fee required by Section 2 for the next
11 succeeding calendar year. The license shall expire on the
12 first of January unless the license fee has been paid prior
13 thereto.

14 In addition to such license fee, the reasonable expense
15 of any examination, investigation or custody by the Director
16 under any provisions of this Act shall be borne by the
17 licensee.

18 If a licensee fails to renew his or her license by the
19 31st day of December, it shall automatically expire and the
20 licensee is not entitled to a hearing; however, the Director,
21 in his or her discretion, may reinstate an expired license
22 upon payment of the annual renewal fee and proof of good
23 cause for failure to renew.

24 (Source: P.A. 90-437, eff. 1-1-98.)

25 (205 ILCS 670/11) (from Ch. 17, par. 5411)

26 Sec. 11. Books and records - Reports.

27 (a) Every licensee shall retain and use in his business
28 or at another location approved by the Director such records
29 as are required by the Director to enable the Director to
30 determine whether the licensee is complying with the
31 provisions of this Act and the rules and regulations
32 promulgated pursuant to this Act. Every licensee shall

1 preserve the records of any loan for at least 2 years after
2 making the final entry for such loan. Accounting systems
3 maintained in whole or in part by mechanical or electronic
4 data processing methods which provide information equivalent
5 to that otherwise required and follow generally accepted
6 accounting principles are acceptable for that purpose, if
7 approved by the Director in writing.

8 (b) Each licensee shall annually, on or before the first
9 day of March, file a report with the Director giving such
10 relevant information as the Director may reasonably require
11 concerning the business and operations during the preceding
12 calendar year of each licensed place of business conducted by
13 the licensee. The report must be received by the Department
14 on or before March 1. The report shall be made under oath
15 and in a form prescribed by the Director. Whenever a licensee
16 operates 2 or more licensed offices or whenever 2 or more
17 affiliated licensees operate licensed offices, a composite
18 report of such group of licensed offices may be filed in lieu
19 of individual reports. The Director may make and publish
20 annually an analysis and recapitulation of such reports. The
21 Director may fine each licensee \$25 for each day beyond March
22 1 such report is filed.

23 (Source: P.A. 90-437, eff. 1-1-98.)