

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2002 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive
9 change in the law. It reconciles conflicts that have arisen
10 from multiple amendments and enactments and makes technical
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers
13 certain Sections that have been added or amended by more than
14 one Public Act. In certain cases in which a repealed Act or
15 Section has been replaced with a successor law, this Act
16 incorporates amendments to the repealed Act or Section into
17 the successor law. This Act also corrects errors, revises
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each
20 amended Section indicates the sources in the Session Laws of
21 Illinois that were used in the preparation of the text of
22 that Section. The text of the Section included in this Act
23 is intended to reconcile the different versions of the
24 Section found in the Public Acts included in the list of
25 sources, but may not include other versions of the Section to
26 be found in Public Acts not included in the list of sources.
27 The list of sources is not a part of the text of the Section.

28 (d) Public Acts 91-937 through 92-520 were considered in
29 the preparation of the combining revisories included in this
30 Act. Many of those combining revisories contain no striking
31 or underscoring because no additional changes are being made
32 in the material that is being combined.

1 Section 4. The Regulatory Sunset Act is amended by
2 changing Sections 4.13 and 4.22 as follows:

3 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

4 Sec. 4.13. Acts repealed on December 31, 2002. The
5 following Acts are repealed on December 31, 2002:

6 The Environmental Health Practitioner Licensing Act.

7 The Naprapathic Practice Act.

8 The Wholesale Drug Distribution Licensing Act.

9 The Dietetic and Nutrition Services Practice Act.

10 The Funeral Directors and Embalmers Licensing Code.

11 The Professional Counselor and Clinical Professional
12 Counselor Licensing Act.

13 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

14 (5 ILCS 80/4.22)

15 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The
16 following Acts are ~~Act-is~~ repealed on January 1, 2012:-

17 The Detection of Deception Examiners Act.

18 The Home Inspector License Act.

19 The Interior Design Title Act.

20 The Professional Boxing Act.

21 The Real Estate Appraiser ~~Appraisers~~ Licensing Act of
22 2002.

23 The Water Well and Pump Installation Contractor's License
24 Act.

25 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;
26 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff.
27 1-1-02; 92-500, eff. 12-18-01; revised 12-26-01.)

28 (5 ILCS 80/4.12 rep.) (from Ch. 127, par. 1904.12)

29 Section. 5. The Regulatory Sunset Act is amended by
30 repealing Section 4.12.

1 Section 6. The Illinois Administrative Procedure Act is
2 amended by renumbering Section 90 (as added by P.A. 92-405)
3 as follows:

4 (5 ILCS 100/1-90)

5 Sec. 1-90. 90. Rulemaking.

6 (a) "Rulemaking" means the process and required
7 documentation for the adoption of Illinois Administrative
8 Code text.

9 (b) Required documentation.

10 (1) At the time of original proposal, rulemaking
11 documentation must consist of a notice page and new,
12 amendatory, or repealed text. New, repealed, and
13 amendatory text must be depicted in the manner required
14 by Secretary of State rule. Amendatory rulemakings must
15 indicate text deletion by striking through all text that
16 is to be omitted and must indicate text addition by
17 underlining all new text.

18 (2) At the time of adoption, documentation must
19 also include pages indicating the text of the new rule,
20 without striking and underlining, for inclusion in the
21 official Secretary of State records, the certification
22 required under Section 5-65(a), and any additional
23 documentation required by Secretary of State rule.

24 (3) For a required rulemaking adopted under Section
25 5-15, an emergency rulemaking under Section 5-45, or a
26 peremptory rulemaking under Section 5-50, the
27 documentation requirements of paragraphs (b)(1) and (2)
28 of this Section apply at the time of adoption.

29 (c) "Background text" means existing text of the
30 Illinois Administrative Code that is part of a rulemaking but
31 is not being amended by the rulemaking. Background text in
32 rulemaking documentation shall match the current text of the
33 Illinois Administrative Code.

1 (d) No material that was originally proposed in one
2 rulemaking may be combined with another proposed rulemaking
3 that was initially published without that material. However,
4 this does not preclude separate rulemakings from being
5 combined for publication at the time of adoption as
6 authorized by Secretary of State rule.

7 (Source: P.A. 92-405, eff. 8-16-01; revised 8-21-01.)

8 Section 7. The Freedom of Information Act is amended by
9 changing Sections 2 and 7 as follows:

10 (5 ILCS 140/2) (from Ch. 116, par. 202)

11 Sec. 2. Definitions. As used in this Act:

12 (a) "Public body" means any legislative, executive,
13 administrative, or advisory bodies of the State, state
14 universities and colleges, counties, townships, cities,
15 villages, incorporated towns, school districts and all other
16 municipal corporations, boards, bureaus, committees, or
17 commissions of this State, and any subsidiary bodies of any
18 of the foregoing including but not limited to committees and
19 subcommittees which are supported in whole or in part by tax
20 revenue, or which expend tax revenue. "Public body" does not
21 include a child death review team or the Illinois Child Death
22 Review Teams Executive Council established under the Child
23 Death Review Team Act.

24 (b) "Person" means any individual, corporation,
25 partnership, firm, organization or association, acting
26 individually or as a group.

27 (c) "Public records" means all records, reports, forms,
28 writings, letters, memoranda, books, papers, maps,
29 photographs, microfilms, cards, tapes, recordings, electronic
30 data processing records, recorded information and all other
31 documentary materials, regardless of physical form or
32 characteristics, having been prepared, or having been or

1 being used, received, possessed or under the control of any
2 public body. "Public records" includes, but is expressly not
3 limited to: (i) administrative manuals, procedural rules,
4 and instructions to staff, unless exempted by Section 7(p) of
5 this Act; (ii) final opinions and orders made in the
6 adjudication of cases, except an educational institution's
7 adjudication of student or employee grievance or disciplinary
8 cases; (iii) substantive rules; (iv) statements and
9 interpretations of policy which have been adopted by a public
10 body; (v) final planning policies, recommendations, and
11 decisions; (vi) factual reports, inspection reports, and
12 studies whether prepared by or for the public body; (vii) all
13 information in any account, voucher, or contract dealing with
14 the receipt or expenditure of public or other funds of public
15 bodies; (viii) the names, salaries, titles, and dates of
16 employment of all employees and officers of public bodies;
17 (ix) materials containing opinions concerning the rights of
18 the state, the public, a subdivision of state or a local
19 government, or of any private persons; (x) the name of every
20 official and the final records of voting in all proceedings
21 of public bodies; (xi) applications for any contract, permit,
22 grant, or agreement except as exempted from disclosure by
23 subsection (g) of Section 7 of this Act; (xii) each report,
24 document, study, or publication prepared by independent
25 consultants or other independent contractors for the public
26 body; (xiii) all other information required by law to be made
27 available for public inspection or copying; (xiv) information
28 relating to any grant or contract made by or between a public
29 body and another public body or private organization; (xv)
30 waiver documents filed with the State Superintendent of
31 Education or the president of the University of Illinois
32 under Section 30-12.5 of the School Code, concerning nominees
33 for General Assembly scholarships under Sections 30-9, 30-10,
34 and 30-11 of the School Code; (xvi) complaints, results of

1 complaints, and Department of Children and Family Services
2 staff findings of licensing violations at day care
3 facilities, provided that personal and identifying
4 information is not released; and (xvii) records, reports,
5 forms, writings, letters, memoranda, books, papers, and other
6 documentary information, regardless of physical form or
7 characteristics, having been prepared, or having been or
8 being used, received, possessed, or under the control of the
9 Illinois Sports Facilities Authority dealing with the receipt
10 or expenditure of public funds or other funds of the
11 Authority in connection with the reconstruction, renovation,
12 remodeling, extension, or improvement of all or substantially
13 all of an existing "facility" as that term is defined in the
14 Illinois Sports Facilities Authority Act.

15 (d) "Copying" means the reproduction of any public
16 record by means of any photographic, electronic, mechanical
17 or other process, device or means.

18 (e) "Head of the public body" means the president,
19 mayor, chairman, presiding officer, director, superintendent,
20 manager, supervisor or individual otherwise holding primary
21 executive and administrative authority for the public body,
22 or such person's duly authorized designee.

23 (f) "News media" means a newspaper or other periodical
24 issued at regular intervals whether in print or electronic
25 format, a news service whether in print or electronic format,
26 a radio station, a television station, a television network,
27 a community antenna television service, or a person or
28 corporation engaged in making news reels or other motion
29 picture news for public showing.

30 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
31 92-468, eff. 8-22-01; revised 10-10-01.)

32 (5 ILCS 140/7) (from Ch. 116, par. 207)

33 Sec. 7. Exemptions.

1 (1) The following shall be exempt from inspection and
2 copying:

3 (a) Information specifically prohibited from
4 disclosure by federal or State law or rules and
5 regulations adopted under federal or State law.

6 (b) Information that, if disclosed, would
7 constitute a clearly unwarranted invasion of personal
8 privacy, unless the disclosure is consented to in writing
9 by the individual subjects of the information. The
10 disclosure of information that bears on the public duties
11 of public employees and officials shall not be considered
12 an invasion of personal privacy. Information exempted
13 under this subsection (b) shall include but is not
14 limited to:

15 (i) files and personal information maintained
16 with respect to clients, patients, residents,
17 students or other individuals receiving social,
18 medical, educational, vocational, financial,
19 supervisory or custodial care or services directly
20 or indirectly from federal agencies or public
21 bodies;

22 (ii) personnel files and personal information
23 maintained with respect to employees, appointees or
24 elected officials of any public body or applicants
25 for those positions;

26 (iii) files and personal information
27 maintained with respect to any applicant, registrant
28 or licensee by any public body cooperating with or
29 engaged in professional or occupational
30 registration, licensure or discipline;

31 (iv) information required of any taxpayer in
32 connection with the assessment or collection of any
33 tax unless disclosure is otherwise required by State
34 statute; and

1 (v) information revealing the identity of
2 persons who file complaints with or provide
3 information to administrative, investigative, law
4 enforcement or penal agencies; provided, however,
5 that identification of witnesses to traffic
6 accidents, traffic accident reports, and rescue
7 reports may be provided by agencies of local
8 government, except in a case for which a criminal
9 investigation is ongoing, without constituting a
10 clearly unwarranted per se invasion of personal
11 privacy under this subsection.

12 (c) Records compiled by any public body for
13 administrative enforcement proceedings and any law
14 enforcement or correctional agency for law enforcement
15 purposes or for internal matters of a public body, but
16 only to the extent that disclosure would:

17 (i) interfere with pending or actually and
18 reasonably contemplated law enforcement proceedings
19 conducted by any law enforcement or correctional
20 agency;

21 (ii) interfere with pending administrative
22 enforcement proceedings conducted by any public
23 body;

24 (iii) deprive a person of a fair trial or an
25 impartial hearing;

26 (iv) unavoidably disclose the identity of a
27 confidential source or confidential information
28 furnished only by the confidential source;

29 (v) disclose unique or specialized
30 investigative techniques other than those generally
31 used and known or disclose internal documents of
32 correctional agencies related to detection,
33 observation or investigation of incidents of crime
34 or misconduct;

1 (vi) constitute an invasion of personal
2 privacy under subsection (b) of this Section;

3 (vii) endanger the life or physical safety of
4 law enforcement personnel or any other person; or

5 (viii) obstruct an ongoing criminal
6 investigation.

7 (d) Criminal history record information maintained
8 by State or local criminal justice agencies, except the
9 following which shall be open for public inspection and
10 copying:

11 (i) chronologically maintained arrest
12 information, such as traditional arrest logs or
13 blotters;

14 (ii) the name of a person in the custody of a
15 law enforcement agency and the charges for which
16 that person is being held;

17 (iii) court records that are public;

18 (iv) records that are otherwise available
19 under State or local law; or

20 (v) records in which the requesting party is
21 the individual identified, except as provided under
22 part (vii) of paragraph (c) of subsection (1) of
23 this Section.

24 "Criminal history record information" means data
25 identifiable to an individual and consisting of
26 descriptions or notations of arrests, detentions,
27 indictments, informations, pre-trial proceedings, trials,
28 or other formal events in the criminal justice system or
29 descriptions or notations of criminal charges (including
30 criminal violations of local municipal ordinances) and
31 the nature of any disposition arising therefrom,
32 including sentencing, court or correctional supervision,
33 rehabilitation and release. The term does not apply to
34 statistical records and reports in which individuals are

1 not identified and from which their identities are not
2 ascertainable, or to information that is for criminal
3 investigative or intelligence purposes.

4 (e) Records that relate to or affect the security
5 of correctional institutions and detention facilities.

6 (f) Preliminary drafts, notes, recommendations,
7 memoranda and other records in which opinions are
8 expressed, or policies or actions are formulated, except
9 that a specific record or relevant portion of a record
10 shall not be exempt when the record is publicly cited and
11 identified by the head of the public body. The exemption
12 provided in this paragraph (f) extends to all those
13 records of officers and agencies of the General Assembly
14 that pertain to the preparation of legislative documents.

15 (g) Trade secrets and commercial or financial
16 information obtained from a person or business where the
17 trade secrets or information are proprietary, privileged
18 or confidential, or where disclosure of the trade secrets
19 or information may cause competitive harm, including all
20 information determined to be confidential under Section
21 4002 of the Technology Advancement and Development Act.
22 Nothing contained in this paragraph (g) shall be
23 construed to prevent a person or business from consenting
24 to disclosure.

25 (h) Proposals and bids for any contract, grant, or
26 agreement, including information which if it were
27 disclosed would frustrate procurement or give an
28 advantage to any person proposing to enter into a
29 contractor agreement with the body, until an award or
30 final selection is made. Information prepared by or for
31 the body in preparation of a bid solicitation shall be
32 exempt until an award or final selection is made.

33 (i) Valuable formulae, computer graphic systems,
34 designs, drawings and research data obtained or produced

1 by any public body when disclosure could reasonably be
2 expected to produce private gain or public loss.

3 (j) Test questions, scoring keys and other
4 examination data used to administer an academic
5 examination or determined the qualifications of an
6 applicant for a license or employment.

7 (k) Architects' plans and engineers' technical
8 submissions for projects not constructed or developed in
9 whole or in part with public funds and for projects
10 constructed or developed with public funds, to the extent
11 that disclosure would compromise security.

12 (l) Library circulation and order records
13 identifying library users with specific materials.

14 (m) Minutes of meetings of public bodies closed to
15 the public as provided in the Open Meetings Act until the
16 public body makes the minutes available to the public
17 under Section 2.06 of the Open Meetings Act.

18 (n) Communications between a public body and an
19 attorney or auditor representing the public body that
20 would not be subject to discovery in litigation, and
21 materials prepared or compiled by or for a public body in
22 anticipation of a criminal, civil or administrative
23 proceeding upon the request of an attorney advising the
24 public body, and materials prepared or compiled with
25 respect to internal audits of public bodies.

26 (o) Information received by a primary or secondary
27 school, college or university under its procedures for
28 the evaluation of faculty members by their academic
29 peers.

30 (p) Administrative or technical information
31 associated with automated data processing operations,
32 including but not limited to software, operating
33 protocols, computer program abstracts, file layouts,
34 source listings, object modules, load modules, user

1 guides, documentation pertaining to all logical and
2 physical design of computerized systems, employee
3 manuals, and any other information that, if disclosed,
4 would jeopardize the security of the system or its data
5 or the security of materials exempt under this Section.

6 (q) Documents or materials relating to collective
7 negotiating matters between public bodies and their
8 employees or representatives, except that any final
9 contract or agreement shall be subject to inspection and
10 copying.

11 (r) Drafts, notes, recommendations and memoranda
12 pertaining to the financing and marketing transactions of
13 the public body. The records of ownership, registration,
14 transfer, and exchange of municipal debt obligations, and
15 of persons to whom payment with respect to these
16 obligations is made.

17 (s) The records, documents and information relating
18 to real estate purchase negotiations until those
19 negotiations have been completed or otherwise terminated.
20 With regard to a parcel involved in a pending or actually
21 and reasonably contemplated eminent domain proceeding
22 under Article VII of the Code of Civil Procedure,
23 records, documents and information relating to that
24 parcel shall be exempt except as may be allowed under
25 discovery rules adopted by the Illinois Supreme Court.
26 The records, documents and information relating to a real
27 estate sale shall be exempt until a sale is consummated.

28 (t) Any and all proprietary information and records
29 related to the operation of an intergovernmental risk
30 management association or self-insurance pool or jointly
31 self-administered health and accident cooperative or
32 pool.

33 (u) Information concerning a university's
34 adjudication of student or employee grievance or

1 disciplinary cases, to the extent that disclosure would
2 reveal the identity of the student or employee and
3 information concerning any public body's adjudication of
4 student or employee grievances or disciplinary cases,
5 except for the final outcome of the cases.

6 (v) Course materials or research materials used by
7 faculty members.

8 (w) Information related solely to the internal
9 personnel rules and practices of a public body.

10 (x) Information contained in or related to
11 examination, operating, or condition reports prepared by,
12 on behalf of, or for the use of a public body responsible
13 for the regulation or supervision of financial
14 institutions or insurance companies, unless disclosure is
15 otherwise required by State law.

16 (y) Information the disclosure of which is
17 restricted under Section 5-108 of the Public Utilities
18 Act.

19 (z) Manuals or instruction to staff that relate to
20 establishment or collection of liability for any State
21 tax or that relate to investigations by a public body to
22 determine violation of any criminal law.

23 (aa) Applications, related documents, and medical
24 records received by the Experimental Organ
25 Transplantation Procedures Board and any and all
26 documents or other records prepared by the Experimental
27 Organ Transplantation Procedures Board or its staff
28 relating to applications it has received.

29 (bb) Insurance or self insurance (including any
30 intergovernmental risk management association or self
31 insurance pool) claims, loss or risk management
32 information, records, data, advice or communications.

33 (cc) Information and records held by the Department
34 of Public Health and its authorized representatives

1 relating to known or suspected cases of sexually
2 transmissible disease or any information the disclosure
3 of which is restricted under the Illinois Sexually
4 Transmissible Disease Control Act.

5 (dd) Information the disclosure of which is
6 exempted under Section 30 of the Radon Industry Licensing
7 Act.

8 (ee) Firm performance evaluations under Section 55
9 of the Architectural, Engineering, and Land Surveying
10 Qualifications Based Selection Act.

11 (ff) Security portions of system safety program
12 plans, investigation reports, surveys, schedules, lists,
13 data, or information compiled, collected, or prepared by
14 or for the Regional Transportation Authority under
15 Section 2.11 of the Regional Transportation Authority Act
16 or the St. Clair County Transit District under the
17 Bi-State Transit Safety Act.

18 (gg) Information the disclosure of which is
19 restricted and exempted under Section 50 of the Illinois
20 Prepaid Tuition Act.

21 (hh) Information the disclosure of which is
22 exempted under Section 80 of the State Gift Ban Act.

23 (ii) Beginning July 1, 1999, information that would
24 disclose or might lead to the disclosure of secret or
25 confidential information, codes, algorithms, programs, or
26 private keys intended to be used to create electronic or
27 digital signatures under the Electronic Commerce Security
28 Act.

29 (jj) Information contained in a local emergency
30 energy plan submitted to a municipality in accordance
31 with a local emergency energy plan ordinance that is
32 adopted under Section 11-21.5-5 of the Illinois Municipal
33 Code.

34 (kk) Information and data concerning the

1 distribution of surcharge moneys collected and remitted
2 by wireless carriers under the Wireless Emergency
3 Telephone Safety Act.

4 (2) This Section does not authorize withholding of
5 information or limit the availability of records to the
6 public, except as stated in this Section or otherwise
7 provided in this Act.

8 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
9 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
10 8-3-01; 92-281, eff. 8-7-01; revised 10-2-01.)

11 Section 8. The State Employees Group Insurance Act of
12 1971 is amended by changing Section 3 as follows:

13 (5 ILCS 375/3) (from Ch. 127, par. 523)

14 Sec. 3. Definitions. Unless the context otherwise
15 requires, the following words and phrases as used in this Act
16 shall have the following meanings. The Department may define
17 these and other words and phrases separately for the purpose
18 of implementing specific programs providing benefits under
19 this Act.

20 (a) "Administrative service organization" means any
21 person, firm or corporation experienced in the handling of
22 claims which is fully qualified, financially sound and
23 capable of meeting the service requirements of a contract of
24 administration executed with the Department.

25 (b) "Annuitant" means (1) an employee who retires, or
26 has retired, on or after January 1, 1966 on an immediate
27 annuity under the provisions of Articles 2, 14, 15 (including
28 an employee who has retired under the optional retirement
29 program established under Section 15-158.2), paragraphs (2),
30 (3), or (5) of Section 16-106, or Article 18 of the Illinois
31 Pension Code; (2) any person who was receiving group
32 insurance coverage under this Act as of March 31, 1978 by

1 reason of his status as an annuitant, even though the annuity
2 in relation to which such coverage was provided is a
3 proportional annuity based on less than the minimum period of
4 service required for a retirement annuity in the system
5 involved; (3) any person not otherwise covered by this Act
6 who has retired as a participating member under Article 2 of
7 the Illinois Pension Code but is ineligible for the
8 retirement annuity under Section 2-119 of the Illinois
9 Pension Code; (4) the spouse of any person who is receiving a
10 retirement annuity under Article 18 of the Illinois Pension
11 Code and who is covered under a group health insurance
12 program sponsored by a governmental employer other than the
13 State of Illinois and who has irrevocably elected to waive
14 his or her coverage under this Act and to have his or her
15 spouse considered as the "annuitant" under this Act and not
16 as a "dependent"; or (5) an employee who retires, or has
17 retired, from a qualified position, as determined according
18 to rules promulgated by the Director, under a qualified local
19 government or a qualified rehabilitation facility or a
20 qualified domestic violence shelter or service. (For
21 definition of "retired employee", see (p) post).

22 (b-5) "New SERS annuitant" means a person who, on or
23 after January 1, 1998, becomes an annuitant, as defined in
24 subsection (b), by virtue of beginning to receive a
25 retirement annuity under Article 14 of the Illinois Pension
26 Code, and is eligible to participate in the basic program of
27 group health benefits provided for annuitants under this Act.

28 (b-6) "New SERS annuitant" means a person who (1) on or
29 after January 1, 1998, becomes an annuitant, as defined in
30 subsection (b), by virtue of beginning to receive a
31 retirement annuity under Article 15 of the Illinois Pension
32 Code, (2) has not made the election authorized under Section
33 15-135.1 of the Illinois Pension Code, and (3) is eligible to
34 participate in the basic program of group health benefits

1 provided for annuitants under this Act.

2 (b-7) "New TRS State annuitant" means a person who, on
3 or after July 1, 1998, becomes an annuitant, as defined in
4 subsection (b), by virtue of beginning to receive a
5 retirement annuity under Article 16 of the Illinois Pension
6 Code based on service as a teacher as defined in paragraph
7 (2), (3), or (5) of Section 16-106 of that Code, and is
8 eligible to participate in the basic program of group health
9 benefits provided for annuitants under this Act.

10 (c) "Carrier" means (1) an insurance company, a
11 corporation organized under the Limited Health Service
12 Organization Act or the Voluntary Health Services Plan Act, a
13 partnership, or other nongovernmental organization, which is
14 authorized to do group life or group health insurance
15 business in Illinois, or (2) the State of Illinois as a
16 self-insurer.

17 (d) "Compensation" means salary or wages payable on a
18 regular payroll by the State Treasurer on a warrant of the
19 State Comptroller out of any State, trust or federal fund, or
20 by the Governor of the State through a disbursing officer of
21 the State out of a trust or out of federal funds, or by any
22 Department out of State, trust, federal or other funds held
23 by the State Treasurer or the Department, to any person for
24 personal services currently performed, and ordinary or
25 accidental disability benefits under Articles 2, 14, 15
26 (including ordinary or accidental disability benefits under
27 the optional retirement program established under Section
28 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
29 Article 18 of the Illinois Pension Code, for disability
30 incurred after January 1, 1966, or benefits payable under the
31 Workers' Compensation or Occupational Diseases Act or
32 benefits payable under a sick pay plan established in
33 accordance with Section 36 of the State Finance Act.
34 "Compensation" also means salary or wages paid to an employee

1 of any qualified local government or qualified rehabilitation
2 facility or a qualified domestic violence shelter or service.

3 (e) "Commission" means the State Employees Group
4 Insurance Advisory Commission authorized by this Act.
5 Commencing July 1, 1984, "Commission" as used in this Act
6 means the Illinois Economic and Fiscal Commission as
7 established by the Legislative Commission Reorganization Act
8 of 1984.

9 (f) "Contributory", when referred to as contributory
10 coverage, shall mean optional coverages or benefits elected
11 by the member toward the cost of which such member makes
12 contribution, or which are funded in whole or in part through
13 the acceptance of a reduction in earnings or the foregoing of
14 an increase in earnings by an employee, as distinguished from
15 noncontributory coverage or benefits which are paid entirely
16 by the State of Illinois without reduction of the member's
17 salary.

18 (g) "Department" means any department, institution,
19 board, commission, officer, court or any agency of the State
20 government receiving appropriations and having power to
21 certify payrolls to the Comptroller authorizing payments of
22 salary and wages against such appropriations as are made by
23 the General Assembly from any State fund, or against trust
24 funds held by the State Treasurer and includes boards of
25 trustees of the retirement systems created by Articles 2, 14,
26 15, 16 and 18 of the Illinois Pension Code. "Department"
27 also includes the Illinois Comprehensive Health Insurance
28 Board, the Board of Examiners established under the Illinois
29 Public Accounting Act, and the Illinois Rural Bond Bank.

30 (h) "Dependent", when the term is used in the context of
31 the health and life plan, means a member's spouse and any
32 unmarried child (1) from birth to age 19 including an adopted
33 child, a child who lives with the member from the time of the
34 filing of a petition for adoption until entry of an order of

1 adoption, a stepchild or recognized child who lives with the
2 member in a parent-child relationship, or a child who lives
3 with the member if such member is a court appointed guardian
4 of the child, or (2) age 19 to 23 enrolled as a full-time
5 student in any accredited school, financially dependent upon
6 the member, and eligible to be claimed as a dependent for
7 income tax purposes, or (3) age 19 or over who is mentally or
8 physically handicapped. For the health plan only, the term
9 "dependent" also includes any person enrolled prior to the
10 effective date of this Section who is dependent upon the
11 member to the extent that the member may claim such person as
12 a dependent for income tax deduction purposes; no other such
13 person may be enrolled. For the health plan only, the term
14 "dependent" also includes any person who has received after
15 June 30, 2000 an organ transplant and who is financially
16 dependent upon the member and eligible to be claimed as a
17 dependent for income tax purposes.

18 (i) "Director" means the Director of the Illinois
19 Department of Central Management Services.

20 (j) "Eligibility period" means the period of time a
21 member has to elect enrollment in programs or to select
22 benefits without regard to age, sex or health.

23 (k) "Employee" means and includes each officer or
24 employee in the service of a department who (1) receives his
25 compensation for service rendered to the department on a
26 warrant issued pursuant to a payroll certified by a
27 department or on a warrant or check issued and drawn by a
28 department upon a trust, federal or other fund or on a
29 warrant issued pursuant to a payroll certified by an elected
30 or duly appointed officer of the State or who receives
31 payment of the performance of personal services on a warrant
32 issued pursuant to a payroll certified by a Department and
33 drawn by the Comptroller upon the State Treasurer against
34 appropriations made by the General Assembly from any fund or

1 against trust funds held by the State Treasurer, and (2) is
2 employed full-time or part-time in a position normally
3 requiring actual performance of duty during not less than 1/2
4 of a normal work period, as established by the Director in
5 cooperation with each department, except that persons elected
6 by popular vote will be considered employees during the
7 entire term for which they are elected regardless of hours
8 devoted to the service of the State, and (3) except that
9 "employee" does not include any person who is not eligible by
10 reason of such person's employment to participate in one of
11 the State retirement systems under Articles 2, 14, 15 (either
12 the regular Article 15 system or the optional retirement
13 program established under Section 15-158.2) or 18, or under
14 paragraph (2), (3), or (5) of Section 16-106, of the Illinois
15 Pension Code, but such term does include persons who are
16 employed during the 6 month qualifying period under Article
17 14 of the Illinois Pension Code. Such term also includes any
18 person who (1) after January 1, 1966, is receiving ordinary
19 or accidental disability benefits under Articles 2, 14, 15
20 (including ordinary or accidental disability benefits under
21 the optional retirement program established under Section
22 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
23 Article 18 of the Illinois Pension Code, for disability
24 incurred after January 1, 1966, (2) receives total permanent
25 or total temporary disability under the Workers' Compensation
26 Act or Occupational Disease Act as a result of injuries
27 sustained or illness contracted in the course of employment
28 with the State of Illinois, or (3) is not otherwise covered
29 under this Act and has retired as a participating member
30 under Article 2 of the Illinois Pension Code but is
31 ineligible for the retirement annuity under Section 2-119 of
32 the Illinois Pension Code. However, a person who satisfies
33 the criteria of the foregoing definition of "employee" except
34 that such person is made ineligible to participate in the

1 State Universities Retirement System by clause (4) of
2 subsection (a) of Section 15-107 of the Illinois Pension Code
3 is also an "employee" for the purposes of this Act.
4 "Employee" also includes any person receiving or eligible for
5 benefits under a sick pay plan established in accordance with
6 Section 36 of the State Finance Act. "Employee" also includes
7 each officer or employee in the service of a qualified local
8 government, including persons appointed as trustees of
9 sanitary districts regardless of hours devoted to the service
10 of the sanitary district, and each employee in the service of
11 a qualified rehabilitation facility and each full-time
12 employee in the service of a qualified domestic violence
13 shelter or service, as determined according to rules
14 promulgated by the Director.

15 (l) "Member" means an employee, annuitant, retired
16 employee or survivor.

17 (m) "Optional coverages or benefits" means those
18 coverages or benefits available to the member on his or her
19 voluntary election, and at his or her own expense.

20 (n) "Program" means the group life insurance, health
21 benefits and other employee benefits designed and contracted
22 for by the Director under this Act.

23 (o) "Health plan" means a health benefits program
24 offered by the State of Illinois for persons eligible for the
25 plan.

26 (p) "Retired employee" means any person who would be an
27 annuitant as that term is defined herein but for the fact
28 that such person retired prior to January 1, 1966. Such term
29 also includes any person formerly employed by the University
30 of Illinois in the Cooperative Extension Service who would be
31 an annuitant but for the fact that such person was made
32 ineligible to participate in the State Universities
33 Retirement System by clause (4) of subsection (a) of Section
34 15-107 of the Illinois Pension Code.

1 (q) "Survivor" means a person receiving an annuity as a
2 survivor of an employee or of an annuitant. "Survivor" also
3 includes: (1) the surviving dependent of a person who
4 satisfies the definition of "employee" except that such
5 person is made ineligible to participate in the State
6 Universities Retirement System by clause (4) of subsection
7 (a) of Section 15-107 of the Illinois Pension Code; and (2)
8 the surviving dependent of any person formerly employed by
9 the University of Illinois in the Cooperative Extension
10 Service who would be an annuitant except for the fact that
11 such person was made ineligible to participate in the State
12 Universities Retirement System by clause (4) of subsection
13 (a) of Section 15-107 of the Illinois Pension Code.

14 (q-5) "New SERS survivor" means a survivor, as defined
15 in subsection (q), whose annuity is paid under Article 14 of
16 the Illinois Pension Code and is based on the death of (i) an
17 employee whose death occurs on or after January 1, 1998, or
18 (ii) a new SERS annuitant as defined in subsection (b-5).

19 (q-6) "New SURS survivor" means a survivor, as defined
20 in subsection (q), whose annuity is paid under Article 15 of
21 the Illinois Pension Code and is based on the death of (i) an
22 employee whose death occurs on or after January 1, 1998, or
23 (ii) a new SURS annuitant as defined in subsection (b-6).

24 (q-7) "New TRS State survivor" means a survivor, as
25 defined in subsection (q), whose annuity is paid under
26 Article 16 of the Illinois Pension Code and is based on the
27 death of (i) an employee who is a teacher as defined in
28 paragraph (2), (3), or (5) of Section 16-106 of that Code and
29 whose death occurs on or after July 1, 1998, or (ii) a new
30 TRS State annuitant as defined in subsection (b-7).

31 (r) "Medical services" means the services provided
32 within the scope of their licenses by practitioners in all
33 categories licensed under the Medical Practice Act of 1987.

34 (s) "Unit of local government" means any county,

1 municipality, township, school district (including a
2 combination of school districts under the Intergovernmental
3 Cooperation Act), special district or other unit, designated
4 as a unit of local government by law, which exercises limited
5 governmental powers or powers in respect to limited
6 governmental subjects, any not-for-profit association with a
7 membership that primarily includes townships and township
8 officials, that has duties that include provision of research
9 service, dissemination of information, and other acts for the
10 purpose of improving township government, and that is funded
11 wholly or partly in accordance with Section 85-15 of the
12 Township Code; any not-for-profit corporation or association,
13 with a membership consisting primarily of municipalities,
14 that operates its own utility system, and provides research,
15 training, dissemination of information, or other acts to
16 promote cooperation between and among municipalities that
17 provide utility services and for the advancement of the goals
18 and purposes of its membership; the Southern Illinois
19 Collegiate Common Market, which is a consortium of higher
20 education institutions in Southern Illinois; and the Illinois
21 Association of Park Districts. "Qualified local government"
22 means a unit of local government approved by the Director and
23 participating in a program created under subsection (i) of
24 Section 10 of this Act.

25 (t) "Qualified rehabilitation facility" means any
26 not-for-profit organization that is accredited by the
27 Commission on Accreditation of Rehabilitation Facilities or
28 certified by the Department of Human Services (as successor
29 to the Department of Mental Health and Developmental
30 Disabilities) to provide services to persons with
31 disabilities and which receives funds from the State of
32 Illinois for providing those services, approved by the
33 Director and participating in a program created under
34 subsection (j) of Section 10 of this Act.

1 (u) "Qualified domestic violence shelter or service"
2 means any Illinois domestic violence shelter or service and
3 its administrative offices funded by the Department of Human
4 Services (as successor to the Illinois Department of Public
5 Aid), approved by the Director and participating in a program
6 created under subsection (k) of Section 10.

7 (v) "TRS benefit recipient" means a person who:

8 (1) is not a "member" as defined in this Section;
9 and

10 (2) is receiving a monthly benefit or retirement
11 annuity under Article 16 of the Illinois Pension Code;
12 and

13 (3) either (i) has at least 8 years of creditable
14 service under Article 16 of the Illinois Pension Code, or
15 (ii) was enrolled in the health insurance program offered
16 under that Article on January 1, 1996, or (iii) is the
17 survivor of a benefit recipient who had at least 8 years
18 of creditable service under Article 16 of the Illinois
19 Pension Code or was enrolled in the health insurance
20 program offered under that Article on the effective date
21 of this amendatory Act of 1995, or (iv) is a recipient or
22 survivor of a recipient of a disability benefit under
23 Article 16 of the Illinois Pension Code.

24 (w) "TRS dependent beneficiary" means a person who:

25 (1) is not a "member" or "dependent" as defined in
26 this Section; and

27 (2) is a TRS benefit recipient's: (A) spouse, (B)
28 dependent parent who is receiving at least half of his or
29 her support from the TRS benefit recipient, or (C)
30 unmarried natural or adopted child who is (i) under age
31 19, or (ii) enrolled as a full-time student in an
32 accredited school, financially dependent upon the TRS
33 benefit recipient, eligible to be claimed as a dependent
34 for income tax purposes, and either is under age 24 or

1 was, on January 1, 1996, participating as a dependent
2 beneficiary in the health insurance program offered under
3 Article 16 of the Illinois Pension Code, or (iii) age 19
4 or over who is mentally or physically handicapped.

5 (x) "Military leave with pay and benefits" refers to
6 individuals in basic training for reserves, special/advanced
7 training, annual training, emergency call up, or activation
8 by the President of the United States with approved pay and
9 benefits.

10 (y) "Military leave without pay and benefits" refers to
11 individuals who enlist for active duty in a regular component
12 of the U.S. Armed Forces or other duty not specified or
13 authorized under military leave with pay and benefits.

14 (z) "Community college benefit recipient" means a person
15 who:

16 (1) is not a "member" as defined in this Section;
17 and

18 (2) is receiving a monthly survivor's annuity or
19 retirement annuity under Article 15 of the Illinois
20 Pension Code; and

21 (3) either (i) was a full-time employee of a
22 community college district or an association of community
23 college boards created under the Public Community College
24 Act (other than an employee whose last employer under
25 Article 15 of the Illinois Pension Code was a community
26 college district subject to Article VII of the Public
27 Community College Act) and was eligible to participate in
28 a group health benefit plan as an employee during the
29 time of employment with a community college district
30 (other than a community college district subject to
31 Article VII of the Public Community College Act) or an
32 association of community college boards, or (ii) is the
33 survivor of a person described in item (i).

34 (aa) "Community college dependent beneficiary" means a

1 person who:

2 (1) is not a "member" or "dependent" as defined in
3 this Section; and

4 (2) is a community college benefit recipient's: (A)
5 spouse, (B) dependent parent who is receiving at least
6 half of his or her support from the community college
7 benefit recipient, or (C) unmarried natural or adopted
8 child who is (i) under age 19, or (ii) enrolled as a
9 full-time student in an accredited school, financially
10 dependent upon the community college benefit recipient,
11 eligible to be claimed as a dependent for income tax
12 purposes and under age 23, or (iii) age 19 or over and
13 mentally or physically handicapped.

14 (Source: P.A. 91-390, eff. 7-30-99; 91-395, eff. 7-30-99;
15 91-617, eff. 8-19-99; 92-16, eff. 6-28-01; 92-186, eff.
16 1-1-02; 92-204, eff. 8-1-01; revised 9-19-01.)

17 Section 9. The Civil Administrative Code of Illinois is
18 amended by changing Section 1-5 as follows:

19 (20 ILCS 5/1-5)

20 Sec. 1-5. Articles. The Civil Administrative Code of
21 Illinois consists of the following Articles:

22 Article 1. General Provisions (20 ILCS 5/1-1 and
23 following).

24 Article 5. Departments of State Government Law (20 ILCS
25 5/5-1 and following).

26 Article 50. State Budget Law (15 ILCS 20/).

27 Article 110. Department on Aging Law (20 ILCS 110/).

28 Article 205. Department of Agriculture Law (20 ILCS
29 205/).

30 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

31 Article 310. Department of Human Services (Alcoholism and
32 Substance Abuse) Law (20 ILCS 310/).

1 Article 405. Department of Central Management Services
2 Law (20 ILCS 405/).

3 Article 510. Department of Children and Family Services
4 Powers Law (20 ILCS 510/).

5 Article 605. Department of Commerce and Community Affairs
6 Law (20 ILCS 605/).

7 Article 805. Department of Natural Resources
8 (Conservation) Law (20 ILCS 805/).

9 Article 1005. Department of Employment Security Law (20
10 ILCS 1005/).

11 Article 1405. Department of Insurance Law (20 ILCS
12 1405/).

13 Article 1505. Department of Labor Law (20 ILCS 1505/).

14 Article 1710. Department of Human Services (Mental Health
15 and Developmental Disabilities) Law (20 ILCS 1710/).

16 Article 1905. Department of Natural Resources (Mines and
17 Minerals) Law (20 ILCS 1905/).

18 Article 2005. Department of Nuclear Safety Law (20 ILCS
19 2005/).

20 Article 2105. Department of Professional Regulation Law
21 (20 ILCS 2105/).

22 Article 2205. Department of Public Aid Law (20 ILCS
23 2205/).

24 Article 2310. Department of Public Health Powers and
25 Duties Law (20 ILCS 2310/).

26 Article 2505. Department of Revenue Law (20 ILCS 2505/).

27 Article 2510. Certified Audit Program Law (20 ILCS
28 2510/).

29 Article 2605. Department of State Police Law (20 ILCS
30 2605/).

31 Article 2705. Department of Transportation Law (20 ILCS
32 2705/).

33 Article 3000. University of Illinois Exercise of
34 Functions and Duties Law (110 ILCS 355/).

1 (Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01;
2 revised 10-10-01.)

3 Section 10. The Illinois Act on the Aging is amended by
4 changing Section 4.01 as follows:

5 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

6 Sec. 4.01. Additional powers and duties of the
7 Department. In addition to powers and duties otherwise
8 provided by law, the Department shall have the following
9 powers and duties:

10 (1) To evaluate all programs, services, and facilities
11 for the aged and for minority senior citizens within the
12 State and determine the extent to which present public or
13 private programs, services and facilities meet the needs of
14 the aged.

15 (2) To coordinate and evaluate all programs, services,
16 and facilities for the Aging and for minority senior citizens
17 presently furnished by State agencies and make appropriate
18 recommendations regarding such services, programs and
19 facilities to the Governor and/or the General Assembly.

20 (3) To function as the sole State agency to develop a
21 comprehensive plan to meet the needs of the State's senior
22 citizens and the State's minority senior citizens.

23 (4) To receive and disburse State and federal funds made
24 available directly to the Department including those funds
25 made available under the Older Americans Act and the Senior
26 Community Service Employment Program for providing services
27 for senior citizens and minority senior citizens or for
28 purposes related thereto, and shall develop and administer
29 any State Plan for the Aging required by federal law.

30 (5) To solicit, accept, hold, and administer in behalf
31 of the State any grants or legacies of money, securities, or
32 property to the State of Illinois for services to senior

1 citizens and minority senior citizens or purposes related
2 thereto.

3 (6) To provide consultation and assistance to
4 communities, area agencies on aging, and groups developing
5 local services for senior citizens and minority senior
6 citizens.

7 (7) To promote community education regarding the
8 problems of senior citizens and minority senior citizens
9 through institutes, publications, radio, television and the
10 local press.

11 (8) To cooperate with agencies of the federal government
12 in studies and conferences designed to examine the needs of
13 senior citizens and minority senior citizens and to prepare
14 programs and facilities to meet those needs.

15 (9) To establish and maintain information and referral
16 sources throughout the State when not provided by other
17 agencies.

18 (10) To provide the staff support as may reasonably be
19 required by the Council and the Coordinating Committee of
20 State Agencies Serving Older Persons.

21 (11) To make and enforce rules and regulations necessary
22 and proper to the performance of its duties.

23 (12) To establish and fund programs or projects or
24 experimental facilities that are specially designed as
25 alternatives to institutional care.

26 (13) To develop a training program to train the
27 counselors presently employed by the Department's aging
28 network to provide Medicare beneficiaries with counseling and
29 advocacy in Medicare, private health insurance, and related
30 health care coverage plans. The Department shall report to
31 the General Assembly on the implementation of the training
32 program on or before December 1, 1986.

33 (14) To make a grant to an institution of higher
34 learning to study the feasibility of establishing and

1 implementing an affirmative action employment plan for the
2 recruitment, hiring, training and retraining of persons 60 or
3 more years old for jobs for which their employment would not
4 be precluded by law.

5 (15) To present one award annually in each of the
6 categories of community service, education, the performance
7 and graphic arts, and the labor force to outstanding Illinois
8 senior citizens and minority senior citizens in recognition
9 of their individual contributions to either community
10 service, education, the performance and graphic arts, or the
11 labor force. The awards shall be presented to four senior
12 citizens and minority senior citizens selected from a list of
13 44 nominees compiled annually by the Department. Nominations
14 shall be solicited from senior citizens' service providers,
15 area agencies on aging, senior citizens' centers, and senior
16 citizens' organizations. The Department shall consult with
17 the Coordinating Committee of State Agencies Serving Older
18 Persons to determine which of the nominees shall be the
19 recipient in each category of community service. The
20 Department shall establish a central location within the
21 State to be designated as the Senior Illinoisans Hall of Fame
22 for the public display of all the annual awards, or replicas
23 thereof.

24 (16) To establish multipurpose senior centers through
25 area agencies on aging and to fund those new and existing
26 multipurpose senior centers through area agencies on aging,
27 the establishment and funding to begin in such areas of the
28 State as the Department shall designate by rule and as
29 specifically appropriated funds become available.

30 (17) To develop the content and format of the
31 acknowledgment regarding non-recourse reverse mortgage loans
32 under Section 6.1 of the Illinois Banking Act; to provide
33 independent consumer information on reverse mortgages and
34 alternatives; and to refer consumers to independent

1 counseling services with expertise in reverse mortgages.

2 (18) To develop a pamphlet in English and Spanish which
3 may be used by physicians licensed to practice medicine in
4 all of its branches pursuant to the Medical Practice Act of
5 1987, pharmacists licensed pursuant to the Pharmacy Practice
6 Act of 1987, and Illinois residents 65 years of age or older
7 for the purpose of assisting physicians, pharmacists, and
8 patients in monitoring prescriptions provided by various
9 physicians and to aid persons 65 years of age or older in
10 complying with directions for proper use of pharmaceutical
11 prescriptions. The pamphlet may provide space for recording
12 information including but not limited to the following:

- 13 (a) name and telephone number of the patient;
- 14 (b) name and telephone number of the prescribing
15 physician;
- 16 (c) date of prescription;
- 17 (d) name of drug prescribed;
- 18 (e) directions for patient compliance; and
- 19 (f) name and telephone number of dispensing
20 pharmacy.

21 In developing the pamphlet, the Department shall consult
22 with the Illinois State Medical Society, the Center for
23 Minority Health Services, the Illinois Pharmacists
24 Association and senior citizens organizations. The
25 Department shall distribute the pamphlets to physicians,
26 pharmacists and persons 65 years of age or older or various
27 senior citizen organizations throughout the State.

28 (19) To conduct a study by April 1, 1994 of the
29 feasibility of implementing the Senior Companion Program
30 throughout the State for the fiscal year beginning July 1,
31 1994.

32 (20) With respect to contracts in effect on July 1,
33 1994, the Department shall increase the grant amounts so that
34 the reimbursement rates paid through the community care

1 program for chore housekeeping services and homemakers are at
2 the same rate, which shall be the higher of the 2 rates
3 currently paid. With respect to all contracts entered into,
4 renewed, or extended on or after July 1, 1994, the
5 reimbursement rates paid through the community care program
6 for chore housekeeping services and homemakers shall be the
7 same.

8 (21) From funds appropriated to the Department from the
9 Meals on Wheels Fund, a special fund in the State treasury
10 that is hereby created, and in accordance with State and
11 federal guidelines and the intrastate funding formula, to
12 make grants to area agencies on aging, designated by the
13 Department, for the sole purpose of delivering meals to
14 homebound persons 60 years of age and older.

15 (22) To distribute, through its area agencies on aging,
16 information alerting seniors on safety issues regarding
17 emergency weather conditions, including extreme heat and
18 cold, flooding, tornadoes, electrical storms, and other
19 severe storm weather. The information shall include all
20 necessary instructions for safety and all emergency telephone
21 numbers of organizations that will provide additional
22 information and assistance.

23 (23) To develop guidelines for the organization and
24 implementation of Volunteer Services Credit Programs to be
25 administered by Area Agencies on Aging or community based
26 senior service organizations. The Department shall hold
27 public hearings on the proposed guidelines for public
28 comment, suggestion, and determination of public interest.
29 The guidelines shall be based on the findings of other states
30 and of community organizations in Illinois that are currently
31 operating volunteer services credit programs or demonstration
32 volunteer services credit programs. The Department shall
33 offer guidelines for all aspects of the programs including,
34 but not limited to, the following:

- 1 (a) types of services to be offered by volunteers;
- 2 (b) types of services to be received upon the
- 3 redemption of service credits;
- 4 (c) issues of liability for the volunteers and the
- 5 administering organizations;
- 6 (d) methods of tracking service credits earned and
- 7 service credits redeemed;
- 8 (e) issues of time limits for redemption of service
- 9 credits;
- 10 (f) methods of recruitment of volunteers;
- 11 (g) utilization of community volunteers, community
- 12 service groups, and other resources for delivering
- 13 services to be received by service credit program
- 14 clients;
- 15 (h) accountability and assurance that services will
- 16 be available to individuals who have earned service
- 17 credits; and
- 18 (i) volunteer screening and qualifications.

19 The Department shall submit a written copy of the guidelines
 20 to the General Assembly by July 1, 1998.

21 (Source: P.A. 89-249, eff. 8-4-95; 89-580, eff. 1-1-97;
 22 90-251, eff. 1-1-98; revised 12-07-01.)

23 Section 11. The Children and Family Services Act is
 24 amended by changing Section 7 and setting forth and
 25 renumbering multiple versions of Section 5d as follows:

26 (20 ILCS 505/5d)

27 Sec. 5d. The Direct Child Welfare Service Employee
 28 License Board.

29 (a) For purposes of this Section:

30 (1) "Board" means the Direct Child Welfare Service
 31 Employee License Board.

32 (2) "Director" means the Director of Children and

1 Family Services.

2 (b) The Direct Child Welfare Service Employee License
3 Board is created within the Department of Children and Family
4 Services and shall consist of 9 members appointed by the
5 Director. The Director shall annually designate a
6 chairperson and vice-chairperson of the Board. The
7 membership of the Board must be composed as follows: (i) 5
8 licensed professionals from the field of human services with
9 a human services degree or equivalent course work as required
10 by rule of the Department and who are in good standing within
11 their profession, at least 2 of which must be employed in the
12 private not-for-profit sector and at least one of which in
13 the public sector; (ii) 2 faculty members of an accredited
14 university who have child welfare experience and are in good
15 standing within their profession and (iii) 2 members of the
16 general public who are not licensed under this Act or a
17 similar rule and will represent consumer interests.

18 In making the first appointments, the Director shall
19 appoint 3 members to serve for a term of one year, 3 members
20 to serve for a term of 2 years, and 3 members to serve for a
21 term of 3 years, or until their successors are appointed and
22 qualified. Their successors shall be appointed to serve
23 3-year terms, or until their successors are appointed and
24 qualified. Appointments to fill unexpired vacancies shall be
25 made in the same manner as original appointments. No member
26 may be reappointed if a reappointment would cause that member
27 to serve on the Board for longer than 6 consecutive years.
28 Board membership must have reasonable representation from
29 different geographic areas of Illinois, and all members must
30 be residents of this State.

31 The Director may terminate the appointment of any member
32 for good cause, including but not limited to (i) unjustified
33 absences from Board meetings or other failure to meet Board
34 responsibilities, (ii) failure to recuse himself or herself

1 when required by subsection (c) of this Section or Department
2 rule, or (iii) failure to maintain the professional position
3 required by Department rule. No member of the Board may have
4 a pending or indicated report of child abuse or neglect or a
5 pending complaint or criminal conviction of any of the
6 offenses set forth in paragraph (b) of Section 4.2 of the
7 Child Care Act of 1969.

8 The members of the Board shall receive no compensation
9 for the performance of their duties as members, but each
10 member shall be reimbursed for his or her reasonable and
11 necessary expenses incurred in attending the meetings of the
12 Board.

13 (c) The Board shall make recommendations to the Director
14 regarding licensure rules. Board members must recuse
15 themselves from sitting on any matter involving an employee
16 of a child welfare agency at which the Board member is an
17 employee or contractual employee. The Board shall make a
18 final determination concerning revocation, suspension, or
19 reinstatement of an employee's direct child welfare service
20 license after a hearing conducted under the Department's
21 rules. Upon notification of the manner of the vote to all the
22 members, votes on a final determination may be cast in
23 person, by telephonic or electronic means, or by mail at the
24 discretion of the chairperson. A simple majority of the
25 members appointed and serving is required when Board members
26 vote by mail or by telephonic or electronic means. A
27 majority of the currently appointed and serving Board members
28 constitutes a quorum. A majority of a quorum is required
29 when a recommendation is voted on during a Board meeting. A
30 vacancy in the membership of the Board shall not impair the
31 right of a quorum to perform all the duties of the Board.
32 Board members are not personally liable in any action based
33 upon a disciplinary proceeding or otherwise for any action
34 taken in good faith as a member of the Board.

1 (d) The Director may assign Department employees to
 2 provide staffing services to the Board. The Department must
 3 promulgate any rules necessary to implement and administer
 4 the requirements of this Section.

5 (Source: P.A. 92-471, eff. 8-22-01.)

6 (20 ILCS 505/5e)

7 Sec. 5e. ~~5d.~~ Advocacy Office for Children and Families.
 8 The Department of Children and Family Services shall
 9 establish and maintain an Advocacy Office for Children and
 10 Families that shall, in addition to other duties assigned by
 11 the Director, receive and respond to complaints that may be
 12 filed by children, parents, caretakers, and relatives of
 13 children receiving child welfare services from the Department
 14 of Children and Family Services or its agents. The
 15 Department shall promulgate policies and procedures for
 16 filing, processing, investigating, and resolving the
 17 complaints. The Department shall make a final report to the
 18 complainant of its findings. If a final report is not
 19 completed, the Department shall report on its disposition
 20 every 30 days. The Advocacy Office shall include a statewide
 21 toll-free telephone number that may be used to file
 22 complaints, or to obtain information about the delivery of
 23 child welfare services by the Department or its agents. This
 24 telephone number shall be included in all appropriate notices
 25 and handbooks regarding services available through the
 26 Department.

27 (Source: P.A. 92-334, eff. 8-10-01; revised 10-17-01.)

28 (20 ILCS 505/7) (from Ch. 23, par. 5007)

29 Sec. 7. Placement of children; considerations.

30 (a) In placing any child under this Act, the Department
 31 shall place such child, as far as possible, in the care and
 32 custody of some individual holding the same religious belief

1 as the parents of the child, or with some child care facility
2 which is operated by persons of like religious faith as the
3 parents of such child.

4 (b) In placing a child under this Act, the Department
5 may place a child with a relative if the Department has
6 reason to believe that the relative will be able to
7 adequately provide for the child's safety and welfare. The
8 Department may not place a child with a relative, with the
9 exception of certain circumstances which may be waived as
10 defined by the Department in rules, if the results of a check
11 of the Law Enforcement Agency Data System (LEADS) identifies
12 a prior criminal conviction of the relative or any adult
13 member of the relative's household for any of the following
14 offenses under the Criminal Code of 1961:

- 15 (1) murder;
- 16 (1.1) solicitation of murder;
- 17 (1.2) solicitation of murder for hire;
- 18 (1.3) intentional homicide of an unborn child;
- 19 (1.4) voluntary manslaughter of an unborn child;
- 20 (1.5) involuntary manslaughter;
- 21 (1.6) reckless homicide;
- 22 (1.7) concealment of a homicidal death;
- 23 (1.8) involuntary manslaughter of an unborn child;
- 24 (1.9) reckless homicide of an unborn child;
- 25 (1.10) drug-induced homicide;
- 26 (2) a sex offense under Article 11, except offenses
27 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 28 (3) kidnapping;
- 29 (3.1) aggravated unlawful restraint;
- 30 (3.2) forcible detention;
- 31 (3.3) aiding and abetting child abduction;
- 32 (4) aggravated kidnapping;
- 33 (5) child abduction;
- 34 (6) aggravated battery of a child;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery;
- 7 (12) aggravated battery with a firearm;
- 8 (13) tampering with food, drugs, or cosmetics;
- 9 (14) drug-induced infliction of great bodily harm;
- 10 (15) aggravated stalking;
- 11 (16) home invasion;
- 12 (17) vehicular invasion;
- 13 (18) criminal transmission of HIV;
- 14 (19) criminal abuse or neglect of an elderly or
- 15 disabled person;
- 16 (20) child abandonment;
- 17 (21) endangering the life or health of a child;
- 18 (22) ritual mutilation;
- 19 (23) ritualized abuse of a child;
- 20 (24) an offense in any other state the elements of
- 21 which are similar and bear a substantial relationship to
- 22 any of the foregoing offenses.

23 For the purpose of this subsection, "relative" shall include
24 any person, 21 years of age or over, other than the parent,
25 who (i) is currently related to the child in any of the
26 following ways by blood or adoption: grandparent, sibling,
27 great-grandparent, uncle, aunt, nephew, niece, first cousin,
28 second cousin, godparent, great-uncle, or great-aunt; or (ii)
29 is the spouse of such a relative; or (iii) is the child's
30 step-father, step-mother, or adult step-brother or
31 step-sister; "relative" also includes a person related in any
32 of the foregoing ways to a sibling of a child, even though
33 the person is not related to the child, when the child and
34 its sibling are placed together with that person. A relative

1 with whom a child is placed pursuant to this subsection may,
2 but is not required to, apply for licensure as a foster
3 family home pursuant to the Child Care Act of 1969; provided,
4 however, that as of July 1, 1995, foster care payments shall
5 be made only to licensed foster family homes pursuant to the
6 terms of Section 5 of this Act.

7 (c) In placing a child under this Act, the Department
8 shall ensure that the child's health, safety, and best
9 interests are met in making a family foster care placement.
10 The Department shall consider the individual needs of the
11 child and the capacity of the prospective foster or adoptive
12 parents to meet the needs of the child. When a child must be
13 placed outside his or her home and cannot be immediately
14 returned to his or her parents or guardian, a comprehensive,
15 individualized assessment shall be performed of that child at
16 which time the needs of the child shall be determined. Only
17 if race, color, or national origin is identified as a
18 legitimate factor in advancing the child's best interests
19 shall it be considered. Race, color, or national origin
20 shall not be routinely considered in making a placement
21 decision. The Department shall make special efforts for the
22 diligent recruitment of potential foster and adoptive
23 families that reflect the ethnic and racial diversity of the
24 children for whom foster and adoptive homes are needed.
25 "Special efforts" shall include contacting and working with
26 community organizations and religious organizations and may
27 include contracting with those organizations, utilizing local
28 media and other local resources, and conducting outreach
29 activities.

30 (c-1) At the time of placement, the Department shall
31 consider concurrent planning, as described in subsection
32 (1-1) of Section 5, so that permanency may occur at the
33 earliest opportunity. Consideration should be given so that
34 if reunification fails or is delayed, the placement made is

1 the best available placement to provide permanency for the
2 child.

3 (d) The Department may accept gifts, grants, offers of
4 services, and other contributions to use in making special
5 recruitment efforts.

6 (e) The Department in placing children in adoptive or
7 foster care homes may not, in any policy or practice relating
8 to the placement of children for adoption or foster care,
9 discriminate against any child or prospective adoptive or
10 foster parent on the basis of race.

11 (Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02;
12 92-334, eff. 8-10-01; revised 10-15-01.)

13 Section 12. The Department of Commerce and Community
14 Affairs Law of the Civil Administrative Code of Illinois is
15 amended by changing Sections 605-605 and 605-710 as follows:

16 (20 ILCS 605/605-605) (was 20 ILCS 605/46.57)

17 Sec. 605-605. Illinois Product and Services Exchange Law
18 Act.

19 (a) This Section may be cited as the Illinois Product
20 and Services Exchange Law Act.

21 (b) It is hereby found and declared that many large
22 Illinois firms and government agencies are purchasing
23 products and services from vendors in locations other than
24 Illinois, and that there is a need to assist those large
25 businesses and government agencies in locating Illinois
26 vendors who can provide those products and services of equal
27 quality and at comparable or lower costs; it is further found
28 and declared that the purchase of needed products and
29 services within the State by large firms and government
30 agencies would aid the survival and expansion of small
31 businesses in Illinois and help to strengthen the State's
32 economy.

1 (c) As used in this Section, "Illinois Product and
2 Services Exchange" means a program aimed at promoting the
3 purchase of goods and services produced in Illinois by firms
4 and government agencies within the State.

5 (d) The Department shall have the authority to establish
6 and administer an Illinois Product and Services Exchange
7 Program, which may include, but is not limited to, the
8 following powers and duties:

9 (1) To accept grants, loans, or appropriations from
10 the federal government or the State or any agency or
11 instrumentality thereof, and to assess fees for any
12 services performed under the Illinois Product and
13 Services Exchange Program, to carry out the Program.

14 (2) To form an Illinois Product and Services
15 Exchange Council, made up of Illinois large firms and
16 small firms to provide advice and counsel in directing a
17 statewide Product and Services Exchange Program.

18 (3) To publicize and advertise to Illinois firms
19 and government agencies the importance and benefits of
20 buying goods and services provided by vendors located
21 within the State.

22 (4) To secure the cooperation of Illinois' large
23 firms, federal, State, and local governments, non-profit
24 agencies, and others to carry out this program.

25 (5) To match the needs for products and services of
26 business firms and government agencies with the
27 capabilities of small Illinois firms that can provide
28 those needed goods and services.

29 (6) To hold purchasing agent seminars, fairs,
30 conferences, and workshops to aid small Illinois
31 businesses in obtaining contracts for goods and services
32 from larger firms and government agencies within the
33 State.

34 (7) To assist business firms and government

1 agencies to analyze their buying activities and to find
2 ways to carry out those activities in an effective and
3 economical manner, while promoting subcontract activity
4 with small Illinois firms.

5 (8) To establish manual and electronic buying
6 directories, including stand alone computer data bases
7 that list qualified vendors and procurement
8 opportunities.

9 (9) To promote through other means the use by
10 government agencies and large businesses of products and
11 services produced by small Illinois firms.

12 (10) To subcontract, grant funds, or otherwise
13 participate with qualified private firms, existing
14 procurement centers, or other organizations that have
15 designed programs, approved in accordance with procedures
16 determined by the Department, that are aimed at assisting
17 small Illinois firms obtain contracts for products and
18 services from local government agencies and large
19 Illinois businesses.

20 (11) To develop and administer guidelines for
21 projects that provide assistance to the Department in
22 connection with the Illinois Product and Services
23 Exchange Program.

24 (Source: P.A. 91-239, eff. 1-1-00; revised 1-25-02.)

25 (20 ILCS 605/605-710)

26 Sec. 605-710. Regional tourism development
27 organizations.

28 (a) The Department may, subject to appropriation,
29 provide grants from the Tourism Promotion Fund for the
30 administrative costs of not-for-profit regional tourism
31 development organizations that assist the Department in
32 developing tourism throughout a multi-county geographical
33 area designated by the Department. Regional tourism

1 development organizations receiving funds under this Section
2 may be required by the Department to submit to audits of
3 contracts awarded by the Department to determine whether the
4 regional tourism development organization has performed all
5 contractual obligations under those contracts.

6 Every employee of a regional tourism development
7 organization receiving funds under this Section shall
8 disclose to the organization's governing board and to the
9 Department any economic interest that employee may have in
10 any entity with which the regional tourism development
11 organization has contracted or to which the regional tourism
12 development organization has granted funds.

13 (b) The Department, from moneys transferred from the
14 General Revenue Fund to the Tourism Promotion Fund and
15 appropriated from the Tourism Promotion Fund, shall first
16 provide funding of \$5,000,000 annually to a governmental
17 entity with at least 2,000,000 square feet of exhibition
18 space that has as part of its duties the promotion of
19 cultural, scientific and trade exhibits and events within a
20 county with a population of more than 3,000,000, to be used
21 for any of the governmental entity's general corporate
22 purposes.

23 (Source: P.A. 92-11, eff. 6-11-01; 92-38, eff. 6-28-01;
24 revised 9-18-01.)

25 Section 13. The Interagency Wetland Policy Act of 1989
26 is amended by changing Section 2-1 as follows:

27 (20 ILCS 830/2-1) (from Ch. 96 1/2, par. 9702-1)

28 Sec. 2-1. Interagency Wetlands Committee. An Interagency
29 Wetlands Committee, chaired by the Director of Natural
30 Resources or his or her representative, is established. The
31 Directors of the following agencies, or their respective
32 representatives representative, shall serve as members of the

1 Committee:

2 Capital ~~Capitel~~ Development Board,
3 Department of Agriculture,
4 Department of Commerce and Community Affairs,
5 Environmental Protection Agency,
6 Department of Transportation, and
7 Historic Preservation Agency.

8 The Interagency Wetlands Committee shall also include 2
9 additional persons with relevant expertise designated by the
10 Director of Natural Resources.

11 The Interagency Wetlands Committee shall advise the
12 Director in the administration of this Act. This will
13 include:

14 (a) Developing rules and regulations for the
15 implementation and administration of this Act.

16 (b) Establishing guidelines for developing
17 individual Agency Action Plans.

18 (c) Developing and adopting technical procedures
19 for the consistent identification, delineation and
20 evaluation of existing wetlands and quantification of
21 their functional values and the evaluation of wetland
22 restoration or creation projects.

23 (d) Developing a research program for wetland
24 function, restoration and creation.

25 (e) Preparing reports, including:

26 (1) A biennial report to the Governor and the
27 General Assembly on the impact of State supported
28 activities on wetlands.

29 (2) A comprehensive report on the status of
30 the State's wetland resources, including
31 recommendations for additional programs, by January
32 15, 1991.

33 (f) Development of educational materials to promote
34 the protection of wetlands.

1 (Source: P.A. 89-445, eff. 2-7-96; revised 12-2-01.)

2 Section 14. The Department of State Police Law of the
3 Civil Administrative Code of Illinois is amended by changing
4 Sections 2605-302 and 2605-555 as follows:

5 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)
6 Sec. 2605-302. Arrest reports.

7 (a) When an individual is arrested, the following
8 information must be made available to the news media for
9 inspection and copying:

10 (1) Information that identifies the individual,
11 including the name, age, address, and photograph, when
12 and if available.

13 (2) Information detailing any charges relating to
14 the arrest.

15 (3) The time and location of the arrest.

16 (4) The name of the investigating or arresting law
17 enforcement agency.

18 (5) If the individual is incarcerated, the amount
19 of any bail or bond.

20 (6) If the individual is incarcerated, the time and
21 date that the individual was received, discharged, or
22 transferred from the arresting agency's custody.

23 (b) The information required by this Section must be
24 made available to the news media for inspection and copying
25 as soon as practicable, but in no event shall the time period
26 exceed 72 hours from the arrest. The information described
27 in items (3), (4), (5), and (6) of subsection (a), however,
28 may be withheld if it is determined that disclosure would (i)
29 interfere with pending or actually and reasonably
30 contemplated law enforcement proceedings conducted by any law
31 enforcement or correctional agency; (ii) endanger the life or
32 physical safety of law enforcement or correctional personnel

1 or any other person; or (iii) compromise the security of any
2 correctional facility.

3 (c) For the purposes of this Section, the term "news
4 media" means personnel of a newspaper or other periodical
5 issued at regular intervals whether in print or electronic
6 format, a news service whether in print or electronic format,
7 a radio station, a television station, a television network,
8 a community antenna television service, or a person or
9 corporation engaged in making news reels or other motion
10 picture news for public showing.

11 (d) Each law enforcement or correctional agency may
12 charge fees for arrest records, but in no instance may the
13 fee exceed the actual cost of copying and reproduction. The
14 fees may not include the cost of the labor used to reproduce
15 the arrest record.

16 (e) The provisions of this Section do not supersede the
17 confidentiality provisions for arrest records of the Juvenile
18 Court Act of 1987.

19 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;
20 incorporates 92-335, eff. 8-10-01; revised 9-17-01.)

21 (20 ILCS 2605/2605-555)

22 Sec. 2605-555. Pilot program; Project Exile.

23 (a) The Department shall establish a Project Exile pilot
24 program to combat gun violence.

25 (b) Through the pilot program, the Department, in
26 coordination with local law enforcement agencies, State's
27 Attorneys, and United States Attorneys, shall, to the extent
28 possible, encourage the prosecution in federal court of all
29 persons who illegally use, attempt to use, or threaten to use
30 firearms against the person or property of another, of all
31 persons who use or possess a firearm in connection with a
32 violation of the Cannabis Control Act or the Illinois
33 Controlled Substances Act, all persons who have been

1 convicted of a felony under the laws of this State or any
2 other jurisdiction who possess any weapon prohibited under
3 Section 24-1 of the Criminal Code of 1961 or any firearm or
4 any firearm ammunition, and of all persons who use or possess
5 a firearm in connection with a violation of an order of
6 protection issued under the Illinois Domestic Violence Act of
7 1986 or Article 112A of the Code of Criminal Procedure of
8 1963 or in connection with the offense of domestic battery.
9 The program shall also encourage public outreach by law
10 enforcement agencies.

11 (c) There is created the Project Exile Fund, a special
12 fund in the State treasury. Moneys appropriated for the
13 purposes of Project Exile and moneys from any other private
14 or public source, including without limitation grants from
15 the Department of Commerce and Community Affairs, shall be
16 deposited into the Fund. Moneys in the Fund, subject to
17 appropriation, may be used by the Department of State Police
18 to develop and administer the Project Exile pilot program.

19 (d) The Department shall report to the General Assembly
20 by March 1, 2003 regarding the implementation and effects of
21 the Project Exile pilot program and shall by that date make
22 recommendations to the General Assembly for changes in the
23 program that the Department deems appropriate.

24 The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report with the
26 Speaker, the Minority Leader, and the Clerk of the House of
27 Representatives, and with the President, the Minority Leader,
28 and the Secretary of the Senate, and with the Legislative
29 Research Unit, as required by Section 3.1 of the General
30 Assembly Organization Act, and filing such additional copies
31 with the State Government Report Distribution Center for the
32 General Assembly as is required under paragraph (t) of
33 Section 7 of the State Library Act.

34 (Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01;

1 revised 10-15-01.)

2 Section 15. The Criminal Identification Act is amended
3 by changing Section 5 as follows:

4 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

5 Sec. 5. Arrest reports; expungement.

6 (a) All policing bodies of this State shall furnish to
7 the Department, daily, in the form and detail the Department
8 requires, fingerprints and descriptions of all persons who
9 are arrested on charges of violating any penal statute of
10 this State for offenses that are classified as felonies and
11 Class A or B misdemeanors and of all minors of the age of 10
12 and over who have been arrested for an offense which would be
13 a felony if committed by an adult, and may forward such
14 fingerprints and descriptions for minors arrested for Class A
15 or B misdemeanors. Moving or nonmoving traffic violations
16 under the Illinois Vehicle Code shall not be reported except
17 for violations of Chapter 4, Section 11-204.1, or Section
18 11-501 of that Code. In addition, conservation offenses, as
19 defined in the Supreme Court Rule 501(c), that are classified
20 as Class B misdemeanors shall not be reported.

21 Whenever an adult or minor prosecuted as an adult, not
22 having previously been convicted of any criminal offense or
23 municipal ordinance violation, charged with a violation of a
24 municipal ordinance or a felony or misdemeanor, is acquitted
25 or released without being convicted, whether the acquittal or
26 release occurred before, on, or after the effective date of
27 this amendatory Act of 1991, the Chief Judge of the circuit
28 wherein the charge was brought, any judge of that circuit
29 designated by the Chief Judge, or in counties of less than
30 3,000,000 inhabitants, the presiding trial judge at the
31 defendant's trial may upon verified petition of the defendant
32 order the record of arrest expunged from the official records

1 of the arresting authority and the Department and order that
2 the records of the clerk of the circuit court be sealed until
3 further order of the court upon good cause shown and the name
4 of the defendant obliterated on the official index required
5 to be kept by the circuit court clerk under Section 16 of the
6 Clerks of Courts Act, but the order shall not affect any
7 index issued by the circuit court clerk before the entry of
8 the order. The Department may charge the petitioner a fee
9 equivalent to the cost of processing any order to expunge or
10 seal the records, and the fee shall be deposited into the
11 State Police Services Fund. The records of those arrests,
12 however, that result in a disposition of supervision for any
13 offense shall not be expunged from the records of the
14 arresting authority or the Department nor impounded by the
15 court until 2 years after discharge and dismissal of
16 supervision. Those records that result from a supervision
17 for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or
18 11-503 of the Illinois Vehicle Code or a similar provision of
19 a local ordinance, or for a violation of Section 12-3.2,
20 12-15 or 16A-3 of the Criminal Code of 1961, or probation
21 under Section 10 of the Cannabis Control Act, Section 410 of
22 the Illinois Controlled Substances Act, Section 12-4.3(b)(1)
23 and (2) of the Criminal Code of 1961 (as those provisions
24 existed before their deletion by Public Act 89-313), Section
25 10-102 of the Illinois Alcoholism and Other Drug Dependency
26 Act when the judgment of conviction has been vacated, Section
27 40-10 of the Alcoholism and Other Drug Abuse and Dependency
28 Act when the judgment of conviction has been vacated, or
29 Section 10 of the Steroid Control Act shall not be expunged
30 from the records of the arresting authority nor impounded by
31 the court until 5 years after termination of probation or
32 supervision. Those records that result from a supervision
33 for a violation of Section 11-501 of the Illinois Vehicle
34 Code or a similar provision of a local ordinance, shall not

1 be expunged. All records set out above may be ordered by the
2 court to be expunged from the records of the arresting
3 authority and impounded by the court after 5 years, but shall
4 not be expunged by the Department, but shall, on court order
5 be sealed by the Department and may be disseminated by the
6 Department only as required by law or to the arresting
7 authority, the State's Attorney, and the court upon a later
8 arrest for the same or a similar offense or for the purpose
9 of sentencing for any subsequent felony. Upon conviction for
10 any offense, the Department of Corrections shall have access
11 to all sealed records of the Department pertaining to that
12 individual.

13 (a-5) Those records maintained by the Department for
14 persons arrested prior to their 17th birthday shall be
15 expunged as provided in Section 5-915 of the Juvenile Court
16 Act of 1987.

17 (b) Whenever a person has been convicted of a crime or
18 of the violation of a municipal ordinance, in the name of a
19 person whose identity he has stolen or otherwise come into
20 possession of, the aggrieved person from whom the identity
21 was stolen or otherwise obtained without authorization, upon
22 learning of the person having been arrested using his
23 identity, may, upon verified petition to the chief judge of
24 the circuit wherein the arrest was made, have a court order
25 entered nunc pro tunc by the chief judge to correct the
26 arrest record, conviction record, if any, and all official
27 records of the arresting authority, the Department, other
28 criminal justice agencies, the prosecutor, and the trial
29 court concerning such arrest, if any, by removing his name
30 from all such records in connection with the arrest and
31 conviction, if any, and by inserting in the records the name
32 of the offender, if known or ascertainable, in lieu of the
33 aggrieved's has name. The records of the clerk of the
34 circuit court clerk shall be sealed until further order of

1 the court upon good cause shown and the name of the aggrieved
2 person obliterated on the official index required to be kept
3 by the circuit court clerk under Section 16 of the Clerks of
4 Courts Act, but the order shall not affect any index issued
5 by the circuit court clerk before the entry of the order.
6 Nothing in this Section shall limit the Department of State
7 Police or other criminal justice agencies or prosecutors from
8 listing under an offender's name the false names he or she
9 has used. For purposes of this Section, convictions for
10 moving and nonmoving traffic violations other than
11 convictions for violations of Chapter 4, Section 11-204.1 or
12 Section 11-501 of the Illinois Vehicle Code shall not be a
13 bar to expunging the record of arrest and court records for
14 violation of a misdemeanor or municipal ordinance.

15 (c) Whenever a person who has been convicted of an
16 offense is granted a pardon by the Governor which
17 specifically authorizes expungement, he may, upon verified
18 petition to the chief judge of the circuit where the person
19 had been convicted, any judge of the circuit designated by
20 the Chief Judge, or in counties of less than 3,000,000
21 inhabitants, the presiding trial judge at the defendant's
22 trial, may have a court order entered expunging the record of
23 arrest from the official records of the arresting authority
24 and order that the records of the clerk of the circuit court
25 and the Department be sealed until further order of the court
26 upon good cause shown or as otherwise provided herein, and
27 the name of the defendant obliterated from the official index
28 requested to be kept by the circuit court clerk under Section
29 16 of the Clerks of Courts Act in connection with the arrest
30 and conviction for the offense for which he had been pardoned
31 but the order shall not affect any index issued by the
32 circuit court clerk before the entry of the order. All
33 records sealed by the Department may be disseminated by the
34 Department only as required by law or to the arresting

1 authority, the State's Attorney, and the court upon a later
2 arrest for the same or similar offense or for the purpose of
3 sentencing for any subsequent felony. Upon conviction for
4 any subsequent offense, the Department of Corrections shall
5 have access to all sealed records of the Department
6 pertaining to that individual. Upon entry of the order of
7 expungement, the clerk of the circuit court shall promptly
8 mail a copy of the order to the person who was pardoned.

9 (c-5) Whenever a person has been convicted of criminal
10 sexual assault, aggravated criminal sexual assault, predatory
11 criminal sexual assault of a child, criminal sexual abuse, or
12 aggravated criminal sexual abuse, the victim of that offense
13 may request that the State's Attorney of the county in which
14 the conviction occurred file a verified petition with the
15 presiding trial judge at the defendant's trial to have a
16 court order entered to seal the records of the clerk of the
17 circuit court in connection with the proceedings of the trial
18 court concerning that offense. However, the records of the
19 arresting authority and the Department of State Police
20 concerning the offense shall not be sealed. The court, upon
21 good cause shown, shall make the records of the clerk of the
22 circuit court in connection with the proceedings of the trial
23 court concerning the offense available for public inspection.

24 (d) Notice of the petition for subsections (a), (b), and
25 (c) shall be served upon the State's Attorney or prosecutor
26 charged with the duty of prosecuting the offense, the
27 Department of State Police, the arresting agency and the
28 chief legal officer of the unit of local government affecting
29 the arrest. Unless the State's Attorney or prosecutor, the
30 Department of State Police, the arresting agency or such
31 chief legal officer objects to the petition within 30 days
32 from the date of the notice, the court shall enter an order
33 granting or denying the petition. The clerk of the court
34 shall promptly mail a copy of the order to the person, the

1 arresting agency, the prosecutor, the Department of State
2 Police and such other criminal justice agencies as may be
3 ordered by the judge.

4 (e) Nothing herein shall prevent the Department of State
5 Police from maintaining all records of any person who is
6 admitted to probation upon terms and conditions and who
7 fulfills those terms and conditions pursuant to Section 10 of
8 the Cannabis Control Act, Section 410 of the Illinois
9 Controlled Substances Act, Section 12-4.3 of the Criminal
10 Code of 1961, Section 10-102 of the Illinois Alcoholism and
11 Other Drug Dependency Act, Section 40-10 of the Alcoholism
12 and Other Drug Abuse and Dependency Act, or Section 10 of the
13 Steroid Control Act.

14 (f) No court order issued pursuant to the expungement
15 provisions of this Section shall become final for purposes of
16 appeal until 30 days after notice is received by the
17 Department. Any court order contrary to the provisions of
18 this Section is void.

19 (g) Except as otherwise provided in subsection (c-5) of
20 this Section, the court shall not order the sealing or
21 expungement of the arrest records and records of the circuit
22 court clerk of any person granted supervision for or
23 convicted of any sexual offense committed against a minor
24 under 18 years of age. For the purposes of this Section,
25 "sexual offense committed against a minor" includes but is
26 not limited to the offenses of indecent solicitation of a
27 child or criminal sexual abuse when the victim of such
28 offense is under 18 years of age.

29 (Source: P.A. 90-590, eff. 1-1-00; 91-295, eff. 1-1-00;
30 91-357, eff. 7-29-99; revised 12-3-01.)

31 Section 16. The Department of Veterans Affairs Act is
32 amended by changing Section 2 as follows:

1 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

2 Sec. 2. Powers and duties. The Department shall have
3 the following powers and duties:

4 To perform such acts at the request of any veteran, or
5 his or her spouse, surviving spouse or dependents as shall be
6 reasonably necessary or reasonably incident to obtaining or
7 endeavoring to obtain for the requester any advantage,
8 benefit or emolument accruing or due to such person under any
9 law of the United States, the State of Illinois or any other
10 state or governmental agency by reason of the service of such
11 veteran, and in pursuance thereof shall:

12 1. Contact veterans, their survivors and dependents
13 and advise them of the benefits of state and federal laws
14 and assist them in obtaining such benefits;

15 2. Establish field offices and direct the
16 activities of the personnel assigned to such offices;

17 3. Create a volunteer field force of accredited
18 representatives, representing educational institutions,
19 labor organizations, veterans organizations, employers,
20 churches, and farm organizations;

21 4. Conduct informational and training services;

22 5. Conduct educational programs through newspapers,
23 periodicals and radio for the specific purpose of
24 disseminating information affecting veterans and their
25 dependents;

26 6. Coordinate the services and activities of all
27 state departments having services and resources affecting
28 veterans and their dependents;

29 7. Encourage and assist in the coordination of
30 agencies within counties giving service to veterans and
31 their dependents;

32 8. Cooperate with veterans organizations and other
33 governmental agencies;

34 9. Make, alter, amend and promulgate reasonable

1 rules and procedures for the administration of this Act;
2 and

3 10. Make and publish annual reports to the Governor
4 regarding the administration and general operation of the
5 Department; and-

6 11. Encourage the State to implement more programs
7 to address the wide range of issues faced by Persian Gulf
8 War Veterans, especially those who took part in combat,
9 by creating an official commission to further study
10 Persian Gulf War Diseases. The commission shall consist
11 of 9 members appointed as follows: the Speaker and
12 Minority Leader of the House of Representatives and the
13 President and Minority Leader of the Senate shall each
14 appoint one member from the General Assembly, the
15 Governor shall appoint 4 members to represent veterans'
16 organizations, and the Department shall appoint one
17 member. The commission members shall serve without
18 compensation.

19 The Department may accept and hold on behalf of the
20 State, if for the public interest, a grant, gift, devise or
21 bequest of money or property to the Department made for the
22 general benefit of Illinois veterans, including the conduct
23 of informational and training services by the Department and
24 other authorized purposes of the Department. The Department
25 shall cause each grant, gift, devise or bequest to be kept as
26 a distinct fund and shall invest such funds in the manner
27 provided by the Public Funds Investment Act, as now or
28 hereafter amended, and shall make such reports as may be
29 required by the Comptroller concerning what funds are so held
30 and the manner in which such funds are invested. The
31 Department may make grants from these funds for the general
32 benefit of Illinois veterans. Grants from these funds,
33 except for the funds established under Sections 2.01a and
34 2.03, shall be subject to appropriation.

1 The Department has the power to make grants, from funds
2 appropriated from the Korean War Veterans National Museum and
3 Library Fund, to private organizations for the benefit of the
4 Korean War Veterans National Museum and Library.

5 (Source: P.A. 92-198, eff. 8-1-01; revised 9-18-01.)

6 Section 17. The Illinois Development Finance Authority
7 Act is amended by changing Section 5 as follows:

8 (20 ILCS 3505/5) (from Ch. 48, par. 850.05)

9 Sec. 5. All official acts of the Authority shall require
10 the approval of at least 9 members. It shall be the duty of
11 the Authority to promote employment within those areas of the
12 State duly certified from time to time by the Department of
13 Commerce and Community Affairs as areas of critical labor
14 surplus. To this end the Authority shall utilize the powers
15 herein conferred upon it to assist in the development and
16 construction or acquisition of industrial projects within
17 such areas of the State.

18 The Authority is hereby authorized to utilize its powers
19 with respect to prospective industrial projects to be located
20 at any given time within any general areas then currently
21 certified by the Department of Commerce and Community Affairs
22 as areas of critical labor surplus. In addition, upon being
23 requested to utilize its powers with respect to a prospective
24 industrial project to be located outside of any areas then
25 currently certified as areas of critical labor surplus, the
26 Authority may refer such request to the Department of
27 Commerce and Community Affairs for its determination as to
28 whether the proposed location is within any specific area of
29 critical labor surplus not hitherto generally certified. If
30 the proposed location is certified by the Department as being
31 within an area of critical labor surplus, the Authority may
32 similarly utilize its powers with respect to such prospective

1 industrial project.

2 In evaluating the eligibility of any prospective
3 industrial project to be located within any area of critical
4 labor surplus, the Authority shall consider, (1) the
5 financial responsibility of the prospective applicant and
6 user, and (2) the relationship between the amount of funds to
7 be provided by exercise of powers of the Authority and the
8 degree to which the project (A) will contribute to creation
9 or retention of employment, including employment in the
10 construction industry, (B) will contribute to the economic
11 development of the area in which the industrial project is
12 located and (C) will produce goods or services for which
13 there is a need or demand.

14 (Source: P.A. 92-212, eff. 8-2-01; revised 12-3-01.)

15 Section 18. The State Finance Act is amended by setting
16 forth and renumbering multiple versions of Sections 5.545,
17 5.546, and 6z-51 as follows:

18 (30 ILCS 105/5.543)

19 Sec. 5.543. ~~5.545~~. The Energy Infrastructure Fund.

20 (Source: P.A. 92-12, eff. 7-1-01; revised 10-19-01.)

21 (30 ILCS 105/5.544)

22 Sec. 5.544. ~~5.546~~. The Energy Efficiency Investment Fund.

23 (Source: P.A. 92-12, eff. 6-30-01; revised 10-19-01.)

24 (30 ILCS 105/5.545)

25 Sec. 5.545. The Digital Divide Elimination Fund.

26 (Source: P.A. 92-22, eff. 6-30-01.)

27 (30 ILCS 105/5.546)

28 Sec. 5.546. The Digital Divide Elimination Infrastructure
29 Fund.

1 (Source: P.A. 92-22, eff. 6-30-01.)

2 (30 ILCS 105/5.547)

3 Sec. 5.547. ~~5-545-~~ The Medical Special Purposes Trust
4 Fund.

5 (Source: P.A. 92-37, eff. 7-1-01; revised 10-19-01.)

6 (30 ILCS 105/5.548)

7 Sec. 5.548. ~~5-545-~~ The Child Support Administrative
8 Fund.

9 (Source: P.A. 92-44, eff. 7-1-01; revised 19-19-01.)

10 (30 ILCS 105/5.552)

11 Sec. 5.552. ~~5-545-~~ The ICCB Adult Education Fund.

12 (Source: P.A. 92-49, eff. 7-9-01; revised 10-19-01.)

13 (30 ILCS 105/5.553)

14 Sec. 5.553. ~~5-545-~~ The Medicaid Buy-In Program Revolving
15 Fund.

16 (Source: P.A. 92-163, eff. 7-25-01; revised 10-19-01.)

17 (30 ILCS 105/5.554)

18 Sec. 5.554. ~~5-545-~~ The Korean War Veterans National
19 Museum and Library Fund.

20 (Source: P.A. 92-198, eff. 8-1-01; revised 10-19-01.)

21 (30 ILCS 105/5.555)

22 Sec. 5.555. ~~5-545-~~ The Corporate Headquarters Relocation
23 Assistance Fund.

24 (Source: P.A. 92-207, eff. 8-1-01; revised 10-19-01.)

25 (30 ILCS 105/5.556)

26 Sec. 5.556. ~~5-545-~~ The Statewide Economic Development
27 Fund.

1 (Source: P.A. 92-208, eff. 8-2-01; revised 10-19-01.)

2 (30 ILCS 105/5.557)

3 Sec. 5.557. ~~5-545-~~ The Real Estate Audit Fund.

4 (Source: P.A. 92-217, eff. 8-2-01; revised 10-19-01.)

5 (30 ILCS 105/5.558)

6 Sec. 5.558. ~~5-545-~~ The Home Inspector Administration
7 Fund.

8 (Source: P.A. 92-239, eff. 8-3-01; revised 10-19-01.)

9 (30 ILCS 105/5.559)

10 Sec. 5.559. ~~5-545-~~~~5-546-~~ The Project Exile Fund.

11 (Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01;
12 revised 10-19-01.)

13 (30 ILCS 105/5.560)

14 Sec. 5.560. ~~5-545-~~ The Illinois AgriFIRST Program Fund.

15 (Source: P.A. 92-346, eff. 8-14-01; revised 10-19-01.)

16 (30 ILCS 105/5.561)

17 Sec. 5.561. ~~5-545-~~ The Secretary of State DUI
18 Administration Fund.

19 (Source: P.A. 92-418, eff. 8-17-01; revised 10-19-01.)

20 (30 ILCS 105/5.562)

21 Sec. 5.562. ~~5-545-~~ The Illinois Future Teacher Corps
22 Scholarship Fund.

23 (Source: P.A. 92-445, eff. 8-17-01; revised 10-19-01.)

24 (30 ILCS 105/5.563)

25 Sec. 5.563. ~~5-545-~~ The Illinois Animal Abuse Fund.

26 (Source: P.A. 92-454, eff. 1-1-02; revised 10-19-01.)

1 (30 ILCS 105/5.564)

2 Sec. 5.564. ~~5-545-~~ The Marine Corps Scholarship Fund.

3 (Source: P.A. 92-467, eff. 1-1-02; revised 10-19-01.)

4 (30 ILCS 105/5.565)

5 Sec. 5.565. ~~5-545-~~ The Chicago and Northeast Illinois
6 District Council of Carpenters Fund.

7 (Source: P.A. 92-477, eff. 1-1-02; revised 10-19-01.)

8 (30 ILCS 105/5.566)

9 Sec. 5.566. ~~5-545-~~ The Brownfields Site Restoration
10 Program Fund. Subsections (b) and (c) of Section 5 of this
11 Act do not apply to this Fund.

12 (Source: P.A. 92-486, eff. 1-1-02; revised 10-19-01.)

13 (30 ILCS 105/5.567)

14 Sec. 5.567. ~~5-545-~~ The Secretary of State Police Services
15 Fund.

16 (Source: P.A. 92-501, eff. 12-19-01; revised 12-28-01.)

17 (30 ILCS 105/5.568)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 Sec. 5.568. ~~5-545-~~ The Pet Overpopulation Control Fund.

21 (Source: P.A. 92-520, eff. 6-1-02; revised 1-16-02.)

22 (30 ILCS 105/6z-51)

23 Sec. 6z-51. Budget Stabilization Fund.

24 (a) The Budget Stabilization Fund, a special fund in the
25 State Treasury, shall consist of moneys appropriated or
26 transferred to that Fund, as provided in Section 6z-43 and as
27 otherwise provided by law.

28 (b) The State Comptroller may direct the State Treasurer
29 to transfer moneys from the Budget Stabilization Fund to the

1 General Revenue Fund in order to meet deficits resulting from
2 timing variations between disbursements and the receipt of
3 funds within a fiscal year. Any moneys so borrowed shall be
4 repaid by June 30 of the fiscal year in which they were
5 borrowed.

6 (Source: P.A. 92-11, eff. 6-11-01.)

7 (30 ILCS 105/6z-54)

8 Sec. 6z-54. ~~6z-51~~. The Energy Infrastructure Fund.

9 (a) The Energy Infrastructure Fund is created as a
10 special fund in the State treasury.

11 (b) Money in the Energy Infrastructure Fund shall, if
12 and when the State of Illinois issues any bonded indebtedness
13 for financial assistance to new electric generating
14 facilities, as provided in Section 605-332 of the Department
15 of Commerce and Community Affairs Law of the Civil
16 Administrative Code of Illinois, be set aside and used for
17 the purpose of paying and discharging annually the principal
18 and interest on that bonded indebtedness then due and
19 payable, and for no other purpose.

20 In addition to other transfers to the General Obligation
21 Bond Retirement and Interest Fund made pursuant to Section 15
22 of the General Obligation Bond Act, upon each delivery of
23 bonds issued for financial assistance to new electric
24 generating facilities under Section 605-332 of the Department
25 of Commerce and Community Affairs Law of the Civil
26 Administrative Code of Illinois, the State Comptroller shall
27 compute and certify to the State Treasurer the total amount
28 of principal and interest, and premium, if any, on such bonds
29 during the then current and each succeeding fiscal year. On
30 or before the last day of each month, the State Treasurer and
31 the State Comptroller shall transfer from the Energy
32 Infrastructure Fund to the General Obligation Bond Retirement
33 and Interest Fund an amount sufficient to pay the aggregate

1 of the principal of, interest on, and premium, if any, on the
2 bonds payable on their next payment date, divided by the
3 number of monthly transfers occurring between the last
4 previous payment date (or the delivery date if no payment
5 date has yet occurred) and the next succeeding payment date.

6 (c) To the extent that moneys in the Energy
7 Infrastructure Fund, in the opinion of the Governor and the
8 Director of the Bureau of the Budget, are in excess of 125%
9 of the maximum debt service in any fiscal year, such surplus
10 shall, subject to appropriation, be used by the Department of
11 Commerce and Community Affairs for financial assistance under
12 other coal development programs administered by the
13 Department, in accordance with the rules of the Department or
14 for other State purposes subject to appropriation.

15 (Source: P.A. 92-12, eff. 7-1-01; revised 10-17-01.)

16 (30 ILCS 105/6z-55)

17 Sec. ~~6z-55~~. ~~6z-51~~. Statewide Economic Development Fund.

18 (a) The Statewide Economic Development Fund is created as a
19 special fund in the State treasury. Moneys in the Fund shall
20 be used, subject to appropriation, for the purpose of
21 statewide economic development activities.

22 (Source: P.A. 92-208, eff. 8-2-01; revised 10-17-01.)

23 Section 19. The State Real Property Leasing Act is
24 amended by changing Section 1.5 as follows:

25 (30 ILCS 562/1.5)

26 Sec. 1.5. Leasing to tax delinquents prohibited. A
27 State agency shall not lease any real property to a person
28 who is delinquent in paying any real property taxes on a
29 leasehold estate under Section 9-195 of the Property Tax
30 Code. If a State agency receives notice ~~under Section 21-63~~
31 ~~of the Property Tax Code~~ that a lessee of property under the

1 agency's control is delinquent in paying property taxes, the
2 agency shall notify the lessee that the lessee has 60 days to
3 pay the delinquent taxes, plus penalties and interest, if
4 any, or the lease shall be terminated. If the lessee fails
5 to submit proof to the agency that the lessee has paid the
6 taxes, penalties, and interest, the agency shall terminate
7 the lease. A person whose lease was terminated under this
8 Section is not allowed to lease State-owned real property or
9 bid on a lease for State-owned real property for a period of
10 2 years after the termination of the lease.

11 ~~Within 60--days-after-the-effective-date-of-this-Act-and~~
12 ~~within~~ 60 days after entering into an agreement to lease
13 State-owned real property, the State agency leasing the
14 State-owned real property shall notify the county clerk of
15 the county in which the real property is located of the name
16 and mailing address of the lessee.

17 (Source: P.A. 88-676, eff. 12-14-94; revised 12-13-01.)

18 Section 20. The State Property Control Act is amended by
19 changing Section 1.02 as follows:

20 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

21 Sec. 1.02. "Property" means State owned property and
22 includes all real estate, with the exception of rights of way
23 for State water resource and highway improvements, traffic
24 signs and traffic signals, and with the exception of common
25 school property; and all tangible personal property with the
26 exception of properties specifically exempted by the
27 administrator, provided that any property originally
28 classified as real property which has been detached from its
29 structure shall be classified as personal property.

30 "Property" does not include property owned by the
31 Illinois Medical District Commission and leased or occupied
32 by others for purposes permitted under the Illinois Medical

1 District Act. "Property" also does not include property
2 owned and held by the Illinois Medical District Commission
3 for redevelopment.

4 "Property" does not include that property described under
5 Section 5 of Public Act 92-371 ~~this--amendatory--Act--of--the~~
6 ~~92nd--General--Assembly~~ with respect to depositing the net
7 proceeds from the sale or exchange of the property as
8 provided in Section 10 of that ~~this-amendatory Act of the~~
9 ~~92nd-General-Assembly~~.

10 (Source: P.A. 92-371, eff. 8-15-01; revised 10-9-01.)

11 Section 21. The Downstate Public Transportation Act is
12 amended by changing Section 2-2.04 as follows:

13 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

14 Sec. 2-2.04. "Eligible operating expenses" means all
15 expenses required for public transportation, including
16 employee wages and benefits, materials, fuels, supplies,
17 rental of facilities, taxes other than income taxes, payment
18 made for debt service (including principal and interest) on
19 publicly owned equipment or facilities, and any other
20 expenditure which is an operating expense according to
21 standard accounting practices for the providing of public
22 transportation. Eligible operating expenses shall not include
23 allowances: (a) for depreciation whether funded or unfunded;
24 (b) for amortization of any intangible costs; (c) for debt
25 service on capital acquired with the assistance of capital
26 grant funds provided by the State of Illinois; (d) for
27 profits or return on investment; (e) for excessive payment to
28 associated entities; (f) for Comprehensive Employment
29 Training Act expenses; (g) for costs reimbursed under
30 Sections 6 and 8 of the "Urban Mass Transportation Act of
31 1964", as amended; (h) for entertainment expenses; (i) for
32 charter expenses; (j) for fines and penalties; (k) for

1 charitable donations; (l) for interest expense on long term
2 borrowing and debt retirement other than on publicly owned
3 equipment or facilities; (m) for income taxes; or (n) for
4 such other expenses as the Department may determine
5 consistent with federal Department of Transportation
6 regulations or requirements.

7 With respect to participants other than any Metro-East
8 Transit District participant and those receiving federal
9 research development and demonstration funds pursuant to
10 Section 6 of the "Urban Mass Transportation Act of 1964", as
11 amended, during the fiscal year ending June 30, 1979, the
12 maximum eligible operating expenses for any such participant
13 in any fiscal year after Fiscal Year 1980 shall be the amount
14 appropriated for such participant for the fiscal year ending
15 June 30, 1980, plus in each year a 10% increase over the
16 maximum established for the preceding fiscal year. For
17 Fiscal Year 1980 the maximum eligible operating expenses for
18 any such participant shall be the amount of projected
19 operating expenses upon which the appropriation for such
20 participant for Fiscal Year 1980 is based.

21 With respect to participants receiving federal research
22 development and demonstration operating assistance funds for
23 operating assistance pursuant to Section 6 of the "Urban Mass
24 Transportation Act of 1964", as amended, during the fiscal
25 year ending June 30, 1979, the maximum eligible operating
26 expenses for any such participant in any fiscal year after
27 Fiscal Year 1980 shall not exceed such participant's eligible
28 operating expenses for the fiscal year ending June 30, 1980,
29 plus in each year a 10% increase over the maximum established
30 for the preceding fiscal year. For Fiscal Year 1980, the
31 maximum eligible operating expenses for any such participant
32 shall be the eligible operating expenses incurred during such
33 fiscal year, or projected operating expenses upon which the
34 appropriation for such participant for the Fiscal Year 1980

1 is based; whichever is less.

2 With respect to all participants other than any
3 Metro-East Transit District participant, the maximum eligible
4 operating expenses for any such participant in any fiscal
5 year after Fiscal Year 1985 shall be the amount appropriated
6 for such participant for the fiscal year ending June 30,
7 1985, plus in each year a 10% increase over the maximum
8 established for the preceding year. For Fiscal Year 1985,
9 the maximum eligible operating expenses for any such
10 participant shall be the amount of projected operating
11 expenses upon which the appropriation for such participant
12 for Fiscal Year 1985 is based.

13 With respect to any mass transit district participant
14 that has increased its district boundaries by annexing
15 counties since 1998 and is maintaining a level of local
16 financial support, including all income and revenues, equal
17 to or greater than the level in the State fiscal year ending
18 June 30, 2001, the maximum eligible operating expenses for
19 any State fiscal year after 2002 shall be the amount
20 appropriated for that participant for the State fiscal year
21 ending June 30, 2002, plus, in each State fiscal year, a 10%
22 increase over the preceding State fiscal year. For State
23 fiscal year 2002, the maximum eligible operating expenses for
24 any such participant shall be the amount of projected
25 operating expenses upon which the appropriation for that
26 participant for State fiscal year 2002 is based. For that
27 participant, eligible operating expenses for State fiscal
28 year 2002 in excess of the eligible operating expenses for
29 the State fiscal year ending June 30, 2001, plus 10%, must
30 be attributed to the provision of services in the newly
31 annexed counties.

32 With respect to a participant that receives an initial
33 appropriation in State fiscal year 2002, the maximum eligible
34 operating expenses for any State fiscal year after 2003 shall

1 be the amount appropriated for that participant for the State
 2 fiscal year ending June 30, 2003, plus, in each year, a 10%
 3 increase over the preceding year. For State fiscal year
 4 2003, the maximum eligible operating expenses for any such
 5 participant shall be the amount of projected operating
 6 expenses upon which the appropriation for that participant
 7 for State fiscal year 2003 is based. ~~For Fiscal Year 2002~~
 8 (Source: P.A. 92-258, eff. 8-7-01; 92-464, eff. 8-22-01;
 9 revised 10-15-01.)

10 Section 22. The State Mandates Act is amended by
 11 changing Sections 8.24 and 8.25 as follows:

12 (30 ILCS 805/8.24)

13 Sec. 8.24. ~~8-25.~~ Exempt mandate. Notwithstanding
 14 Sections 6 and 8 of this Act, no reimbursement by the State
 15 is required for the implementation of any mandate created by
 16 Public Act 91-699, 91-722, 91-834, 91-852, 91-870, 91-885,
 17 91-887, ~~or 91-897, 91-939, or 91-954.~~ ~~this amendatory Act of~~
 18 ~~the 91st General Assembly.~~
 19 (Source: P.A. 91-699, eff. 1-1-01; 91-722, eff. 6-2-00;
 20 91-834, eff. 1-1-01; 91-852, eff. 6-22-00; 91-870, eff.
 21 6-22-00; 91-885, eff. 7-6-00; 91-887, eff. 7-6-00; 91-897,
 22 eff. 7-6-00; 91-939, eff. 2-1-01; 91-954, eff. 1-1-02; 92-16,
 23 eff. 6-28-01; revised 7-23-01.)

24 (30 ILCS 805/8.25)

25 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
 26 and 8 of this Act, no reimbursement by the State is required
 27 for the implementation of any mandate created by Public Act
 28 92-36, 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388,
 29 92-416, 92-424, or 92-465. ~~this amendatory Act of the 92nd~~
 30 ~~General Assembly.~~
 31 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01;

1 92-52, eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff.
 2 1-1-02; 92-281, eff. 8-7-01; 92-382, eff. 8-16-01; 92-388,
 3 eff. 1-1-02; 92-416, eff. 8-17-01; 92-424, eff. 8-17-01;
 4 92-465, eff. 1-1-02; revised 10-17-01.)

5 Section 23. The Illinois Income Tax Act is amended by
 6 changing Sections 201, 203, 509, and 510 and setting forth
 7 and renumbering multiple versions of Section 507V as follows:

8 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

9 Sec. 201. Tax Imposed.

10 (a) In general. A tax measured by net income is hereby
 11 imposed on every individual, corporation, trust and estate
 12 for each taxable year ending after July 31, 1969 on the
 13 privilege of earning or receiving income in or as a resident
 14 of this State. Such tax shall be in addition to all other
 15 occupation or privilege taxes imposed by this State or by any
 16 municipal corporation or political subdivision thereof.

17 (b) Rates. The tax imposed by subsection (a) of this
 18 Section shall be determined as follows, except as adjusted by
 19 subsection (d-1):

20 (1) In the case of an individual, trust or estate,
 21 for taxable years ending prior to July 1, 1989, an amount
 22 equal to 2 1/2% of the taxpayer's net income for the
 23 taxable year.

24 (2) In the case of an individual, trust or estate,
 25 for taxable years beginning prior to July 1, 1989 and
 26 ending after June 30, 1989, an amount equal to the sum of
 27 (i) 2 1/2% of the taxpayer's net income for the period
 28 prior to July 1, 1989, as calculated under Section 202.3,
 29 and (ii) 3% of the taxpayer's net income for the period
 30 after June 30, 1989, as calculated under Section 202.3.

31 (3) In the case of an individual, trust or estate,
 32 for taxable years beginning after June 30, 1989, an

1 amount equal to 3% of the taxpayer's net income for the
2 taxable year.

3 (4) (Blank).

4 (5) (Blank).

5 (6) In the case of a corporation, for taxable years
6 ending prior to July 1, 1989, an amount equal to 4% of
7 the taxpayer's net income for the taxable year.

8 (7) In the case of a corporation, for taxable years
9 beginning prior to July 1, 1989 and ending after June 30,
10 1989, an amount equal to the sum of (i) 4% of the
11 taxpayer's net income for the period prior to July 1,
12 1989, as calculated under Section 202.3, and (ii) 4.8% of
13 the taxpayer's net income for the period after June 30,
14 1989, as calculated under Section 202.3.

15 (8) In the case of a corporation, for taxable years
16 beginning after June 30, 1989, an amount equal to 4.8% of
17 the taxpayer's net income for the taxable year.

18 (c) Personal Property Tax Replacement Income Tax.
19 Beginning on July 1, 1979 and thereafter, in addition to such
20 income tax, there is also hereby imposed the Personal
21 Property Tax Replacement Income Tax measured by net income on
22 every corporation (including Subchapter S corporations),
23 partnership and trust, for each taxable year ending after
24 June 30, 1979. Such taxes are imposed on the privilege of
25 earning or receiving income in or as a resident of this
26 State. The Personal Property Tax Replacement Income Tax
27 shall be in addition to the income tax imposed by subsections
28 (a) and (b) of this Section and in addition to all other
29 occupation or privilege taxes imposed by this State or by any
30 municipal corporation or political subdivision thereof.

31 (d) Additional Personal Property Tax Replacement Income
32 Tax Rates. The personal property tax replacement income tax
33 imposed by this subsection and subsection (c) of this Section
34 in the case of a corporation, other than a Subchapter S

1 corporation and except as adjusted by subsection (d-1), shall
2 be an additional amount equal to 2.85% of such taxpayer's net
3 income for the taxable year, except that beginning on January
4 1, 1981, and thereafter, the rate of 2.85% specified in this
5 subsection shall be reduced to 2.5%, and in the case of a
6 partnership, trust or a Subchapter S corporation shall be an
7 additional amount equal to 1.5% of such taxpayer's net income
8 for the taxable year.

9 (d-1) Rate reduction for certain foreign insurers. In
10 the case of a foreign insurer, as defined by Section 35A-5 of
11 the Illinois Insurance Code, whose state or country of
12 domicile imposes on insurers domiciled in Illinois a
13 retaliatory tax (excluding any insurer whose premiums from
14 reinsurance assumed are 50% or more of its total insurance
15 premiums as determined under paragraph (2) of subsection (b)
16 of Section 304, except that for purposes of this
17 determination premiums from reinsurance do not include
18 premiums from inter-affiliate reinsurance arrangements),
19 beginning with taxable years ending on or after December 31,
20 1999, the sum of the rates of tax imposed by subsections (b)
21 and (d) shall be reduced (but not increased) to the rate at
22 which the total amount of tax imposed under this Act, net of
23 all credits allowed under this Act, shall equal (i) the total
24 amount of tax that would be imposed on the foreign insurer's
25 net income allocable to Illinois for the taxable year by such
26 foreign insurer's state or country of domicile if that net
27 income were subject to all income taxes and taxes measured by
28 net income imposed by such foreign insurer's state or country
29 of domicile, net of all credits allowed or (ii) a rate of
30 zero if no such tax is imposed on such income by the foreign
31 insurer's state of domicile. For the purposes of this
32 subsection (d-1), an inter-affiliate includes a mutual
33 insurer under common management.

34 (1) For the purposes of subsection (d-1), in no

1 event shall the sum of the rates of tax imposed by
2 subsections (b) and (d) be reduced below the rate at
3 which the sum of:

4 (A) the total amount of tax imposed on such
5 foreign insurer under this Act for a taxable year,
6 net of all credits allowed under this Act, plus

7 (B) the privilege tax imposed by Section 409
8 of the Illinois Insurance Code, the fire insurance
9 company tax imposed by Section 12 of the Fire
10 Investigation Act, and the fire department taxes
11 imposed under Section 11-10-1 of the Illinois
12 Municipal Code,

13 equals 1.25% of the net taxable premiums written for the
14 taxable year, as described by subsection (1) of Section
15 409 of the Illinois Insurance Code. This paragraph will
16 in no event increase the rates imposed under subsections
17 (b) and (d).

18 (2) Any reduction in the rates of tax imposed by
19 this subsection shall be applied first against the rates
20 imposed by subsection (b) and only after the tax imposed
21 by subsection (a) net of all credits allowed under this
22 Section other than the credit allowed under subsection
23 (i) has been reduced to zero, against the rates imposed
24 by subsection (d).

25 This subsection (d-1) is exempt from the provisions of
26 Section 250.

27 (e) Investment credit. A taxpayer shall be allowed a
28 credit against the Personal Property Tax Replacement Income
29 Tax for investment in qualified property.

30 (1) A taxpayer shall be allowed a credit equal to
31 .5% of the basis of qualified property placed in service
32 during the taxable year, provided such property is placed
33 in service on or after July 1, 1984. There shall be
34 allowed an additional credit equal to .5% of the basis of

1 qualified property placed in service during the taxable
2 year, provided such property is placed in service on or
3 after July 1, 1986, and the taxpayer's base employment
4 within Illinois has increased by 1% or more over the
5 preceding year as determined by the taxpayer's employment
6 records filed with the Illinois Department of Employment
7 Security. Taxpayers who are new to Illinois shall be
8 deemed to have met the 1% growth in base employment for
9 the first year in which they file employment records with
10 the Illinois Department of Employment Security. The
11 provisions added to this Section by Public Act 85-1200
12 (and restored by Public Act 87-895) shall be construed as
13 declaratory of existing law and not as a new enactment.
14 If, in any year, the increase in base employment within
15 Illinois over the preceding year is less than 1%, the
16 additional credit shall be limited to that percentage
17 times a fraction, the numerator of which is .5% and the
18 denominator of which is 1%, but shall not exceed .5%.
19 The investment credit shall not be allowed to the extent
20 that it would reduce a taxpayer's liability in any tax
21 year below zero, nor may any credit for qualified
22 property be allowed for any year other than the year in
23 which the property was placed in service in Illinois. For
24 tax years ending on or after December 31, 1987, and on or
25 before December 31, 1988, the credit shall be allowed for
26 the tax year in which the property is placed in service,
27 or, if the amount of the credit exceeds the tax liability
28 for that year, whether it exceeds the original liability
29 or the liability as later amended, such excess may be
30 carried forward and applied to the tax liability of the 5
31 taxable years following the excess credit years if the
32 taxpayer (i) makes investments which cause the creation
33 of a minimum of 2,000 full-time equivalent jobs in
34 Illinois, (ii) is located in an enterprise zone

1 established pursuant to the Illinois Enterprise Zone Act
2 and (iii) is certified by the Department of Commerce and
3 Community Affairs as complying with the requirements
4 specified in clause (i) and (ii) by July 1, 1986. The
5 Department of Commerce and Community Affairs shall notify
6 the Department of Revenue of all such certifications
7 immediately. For tax years ending after December 31,
8 1988, the credit shall be allowed for the tax year in
9 which the property is placed in service, or, if the
10 amount of the credit exceeds the tax liability for that
11 year, whether it exceeds the original liability or the
12 liability as later amended, such excess may be carried
13 forward and applied to the tax liability of the 5 taxable
14 years following the excess credit years. The credit shall
15 be applied to the earliest year for which there is a
16 liability. If there is credit from more than one tax year
17 that is available to offset a liability, earlier credit
18 shall be applied first.

19 (2) The term "qualified property" means property
20 which:

21 (A) is tangible, whether new or used,
22 including buildings and structural components of
23 buildings and signs that are real property, but not
24 including land or improvements to real property that
25 are not a structural component of a building such as
26 landscaping, sewer lines, local access roads,
27 fencing, parking lots, and other appurtenances;

28 (B) is depreciable pursuant to Section 167 of
29 the Internal Revenue Code, except that "3-year
30 property" as defined in Section 168(c)(2)(A) of that
31 Code is not eligible for the credit provided by this
32 subsection (e);

33 (C) is acquired by purchase as defined in
34 Section 179(d) of the Internal Revenue Code;

1 (D) is used in Illinois by a taxpayer who is
2 primarily engaged in manufacturing, or in mining
3 coal or fluorite, or in retailing; and

4 (E) has not previously been used in Illinois
5 in such a manner and by such a person as would
6 qualify for the credit provided by this subsection
7 (e) or subsection (f).

8 (3) For purposes of this subsection (e),
9 "manufacturing" means the material staging and production
10 of tangible personal property by procedures commonly
11 regarded as manufacturing, processing, fabrication, or
12 assembling which changes some existing material into new
13 shapes, new qualities, or new combinations. For purposes
14 of this subsection (e) the term "mining" shall have the
15 same meaning as the term "mining" in Section 613(c) of
16 the Internal Revenue Code. For purposes of this
17 subsection (e), the term "retailing" means the sale of
18 tangible personal property or services rendered in
19 conjunction with the sale of tangible consumer goods or
20 commodities.

21 (4) The basis of qualified property shall be the
22 basis used to compute the depreciation deduction for
23 federal income tax purposes.

24 (5) If the basis of the property for federal income
25 tax depreciation purposes is increased after it has been
26 placed in service in Illinois by the taxpayer, the amount
27 of such increase shall be deemed property placed in
28 service on the date of such increase in basis.

29 (6) The term "placed in service" shall have the
30 same meaning as under Section 46 of the Internal Revenue
31 Code.

32 (7) If during any taxable year, any property ceases
33 to be qualified property in the hands of the taxpayer
34 within 48 months after being placed in service, or the

1 situs of any qualified property is moved outside Illinois
2 within 48 months after being placed in service, the
3 Personal Property Tax Replacement Income Tax for such
4 taxable year shall be increased. Such increase shall be
5 determined by (i) recomputing the investment credit which
6 would have been allowed for the year in which credit for
7 such property was originally allowed by eliminating such
8 property from such computation and, (ii) subtracting such
9 recomputed credit from the amount of credit previously
10 allowed. For the purposes of this paragraph (7), a
11 reduction of the basis of qualified property resulting
12 from a redetermination of the purchase price shall be
13 deemed a disposition of qualified property to the extent
14 of such reduction.

15 (8) Unless the investment credit is extended by
16 law, the basis of qualified property shall not include
17 costs incurred after December 31, 2003, except for costs
18 incurred pursuant to a binding contract entered into on
19 or before December 31, 2003.

20 (9) Each taxable year ending before December 31,
21 2000, a partnership may elect to pass through to its
22 partners the credits to which the partnership is entitled
23 under this subsection (e) for the taxable year. A
24 partner may use the credit allocated to him or her under
25 this paragraph only against the tax imposed in
26 subsections (c) and (d) of this Section. If the
27 partnership makes that election, those credits shall be
28 allocated among the partners in the partnership in
29 accordance with the rules set forth in Section 704(b) of
30 the Internal Revenue Code, and the rules promulgated
31 under that Section, and the allocated amount of the
32 credits shall be allowed to the partners for that taxable
33 year. The partnership shall make this election on its
34 Personal Property Tax Replacement Income Tax return for

1 that taxable year. The election to pass through the
2 credits shall be irrevocable.

3 For taxable years ending on or after December 31,
4 2000, a partner that qualifies its partnership for a
5 subtraction under subparagraph (I) of paragraph (2) of
6 subsection (d) of Section 203 or a shareholder that
7 qualifies a Subchapter S corporation for a subtraction
8 under subparagraph (S) of paragraph (2) of subsection (b)
9 of Section 203 shall be allowed a credit under this
10 subsection (e) equal to its share of the credit earned
11 under this subsection (e) during the taxable year by the
12 partnership or Subchapter S corporation, determined in
13 accordance with the determination of income and
14 distributive share of income under Sections 702 and 704
15 and Subchapter S of the Internal Revenue Code. This
16 paragraph is exempt from the provisions of Section 250.

17 (f) Investment credit; Enterprise Zone.

18 (1) A taxpayer shall be allowed a credit against
19 the tax imposed by subsections (a) and (b) of this
20 Section for investment in qualified property which is
21 placed in service in an Enterprise Zone created pursuant
22 to the Illinois Enterprise Zone Act. For partners,
23 shareholders of Subchapter S corporations, and owners of
24 limited liability companies, if the liability company is
25 treated as a partnership for purposes of federal and
26 State income taxation, there shall be allowed a credit
27 under this subsection (f) to be determined in accordance
28 with the determination of income and distributive share
29 of income under Sections 702 and 704 and Subchapter S of
30 the Internal Revenue Code. The credit shall be .5% of
31 the basis for such property. The credit shall be
32 available only in the taxable year in which the property
33 is placed in service in the Enterprise Zone and shall not
34 be allowed to the extent that it would reduce a

1 taxpayer's liability for the tax imposed by subsections
2 (a) and (b) of this Section to below zero. For tax years
3 ending on or after December 31, 1985, the credit shall be
4 allowed for the tax year in which the property is placed
5 in service, or, if the amount of the credit exceeds the
6 tax liability for that year, whether it exceeds the
7 original liability or the liability as later amended,
8 such excess may be carried forward and applied to the tax
9 liability of the 5 taxable years following the excess
10 credit year. The credit shall be applied to the earliest
11 year for which there is a liability. If there is credit
12 from more than one tax year that is available to offset a
13 liability, the credit accruing first in time shall be
14 applied first.

15 (2) The term qualified property means property
16 which:

17 (A) is tangible, whether new or used,
18 including buildings and structural components of
19 buildings;

20 (B) is depreciable pursuant to Section 167 of
21 the Internal Revenue Code, except that "3-year
22 property" as defined in Section 168(c)(2)(A) of that
23 Code is not eligible for the credit provided by this
24 subsection (f);

25 (C) is acquired by purchase as defined in
26 Section 179(d) of the Internal Revenue Code;

27 (D) is used in the Enterprise Zone by the
28 taxpayer; and

29 (E) has not been previously used in Illinois
30 in such a manner and by such a person as would
31 qualify for the credit provided by this subsection
32 (f) or subsection (e).

33 (3) The basis of qualified property shall be the
34 basis used to compute the depreciation deduction for

1 federal income tax purposes.

2 (4) If the basis of the property for federal income
3 tax depreciation purposes is increased after it has been
4 placed in service in the Enterprise Zone by the taxpayer,
5 the amount of such increase shall be deemed property
6 placed in service on the date of such increase in basis.

7 (5) The term "placed in service" shall have the
8 same meaning as under Section 46 of the Internal Revenue
9 Code.

10 (6) If during any taxable year, any property ceases
11 to be qualified property in the hands of the taxpayer
12 within 48 months after being placed in service, or the
13 situs of any qualified property is moved outside the
14 Enterprise Zone within 48 months after being placed in
15 service, the tax imposed under subsections (a) and (b) of
16 this Section for such taxable year shall be increased.
17 Such increase shall be determined by (i) recomputing the
18 investment credit which would have been allowed for the
19 year in which credit for such property was originally
20 allowed by eliminating such property from such
21 computation, and (ii) subtracting such recomputed credit
22 from the amount of credit previously allowed. For the
23 purposes of this paragraph (6), a reduction of the basis
24 of qualified property resulting from a redetermination of
25 the purchase price shall be deemed a disposition of
26 qualified property to the extent of such reduction.

27 (g) Jobs Tax Credit; Enterprise Zone and Foreign Trade
28 Zone or Sub-Zone.

29 (1) A taxpayer conducting a trade or business in an
30 enterprise zone or a High Impact Business designated by
31 the Department of Commerce and Community Affairs
32 conducting a trade or business in a federally designated
33 Foreign Trade Zone or Sub-Zone shall be allowed a credit
34 against the tax imposed by subsections (a) and (b) of

1 this Section in the amount of \$500 per eligible employee
2 hired to work in the zone during the taxable year.

3 (2) To qualify for the credit:

4 (A) the taxpayer must hire 5 or more eligible
5 employees to work in an enterprise zone or federally
6 designated Foreign Trade Zone or Sub-Zone during the
7 taxable year;

8 (B) the taxpayer's total employment within the
9 enterprise zone or federally designated Foreign
10 Trade Zone or Sub-Zone must increase by 5 or more
11 full-time employees beyond the total employed in
12 that zone at the end of the previous tax year for
13 which a jobs tax credit under this Section was
14 taken, or beyond the total employed by the taxpayer
15 as of December 31, 1985, whichever is later; and

16 (C) the eligible employees must be employed
17 180 consecutive days in order to be deemed hired for
18 purposes of this subsection.

19 (3) An "eligible employee" means an employee who
20 is:

21 (A) Certified by the Department of Commerce
22 and Community Affairs as "eligible for services"
23 pursuant to regulations promulgated in accordance
24 with Title II of the Job Training Partnership Act,
25 Training Services for the Disadvantaged or Title III
26 of the Job Training Partnership Act, Employment and
27 Training Assistance for Dislocated Workers Program.

28 (B) Hired after the enterprise zone or
29 federally designated Foreign Trade Zone or Sub-Zone
30 was designated or the trade or business was located
31 in that zone, whichever is later.

32 (C) Employed in the enterprise zone or Foreign
33 Trade Zone or Sub-Zone. An employee is employed in
34 an enterprise zone or federally designated Foreign

1 Trade Zone or Sub-Zone if his services are rendered
2 there or it is the base of operations for the
3 services performed.

4 (D) A full-time employee working 30 or more
5 hours per week.

6 (4) For tax years ending on or after December 31,
7 1985 and prior to December 31, 1988, the credit shall be
8 allowed for the tax year in which the eligible employees
9 are hired. For tax years ending on or after December 31,
10 1988, the credit shall be allowed for the tax year
11 immediately following the tax year in which the eligible
12 employees are hired. If the amount of the credit exceeds
13 the tax liability for that year, whether it exceeds the
14 original liability or the liability as later amended,
15 such excess may be carried forward and applied to the tax
16 liability of the 5 taxable years following the excess
17 credit year. The credit shall be applied to the earliest
18 year for which there is a liability. If there is credit
19 from more than one tax year that is available to offset a
20 liability, earlier credit shall be applied first.

21 (5) The Department of Revenue shall promulgate such
22 rules and regulations as may be deemed necessary to carry
23 out the purposes of this subsection (g).

24 (6) The credit shall be available for eligible
25 employees hired on or after January 1, 1986.

26 (h) Investment credit; High Impact Business.

27 (1) Subject to subsections (b) and (b-5) of Section
28 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall
29 be allowed a credit against the tax imposed by
30 subsections (a) and (b) of this Section for investment in
31 qualified property which is placed in service by a
32 Department of Commerce and Community Affairs designated
33 High Impact Business. The credit shall be .5% of the
34 basis for such property. The credit shall not be

1 available (i) until the minimum investments in qualified
2 property set forth in subdivision (a)(3)(A) of Section
3 5.5 of the Illinois Enterprise Zone Act have been
4 satisfied or (ii) until the time authorized in subsection
5 (b-5) of the Illinois Enterprise Zone Act for entities
6 designated as High Impact Businesses under subdivisions
7 (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the
8 Illinois Enterprise Zone Act, and shall not be allowed to
9 the extent that it would reduce a taxpayer's liability
10 for the tax imposed by subsections (a) and (b) of this
11 Section to below zero. The credit applicable to such
12 investments shall be taken in the taxable year in which
13 such investments have been completed. The credit for
14 additional investments beyond the minimum investment by a
15 designated high impact business authorized under
16 subdivision (a)(3)(A) of Section 5.5 of the Illinois
17 Enterprise Zone Act shall be available only in the
18 taxable year in which the property is placed in service
19 and shall not be allowed to the extent that it would
20 reduce a taxpayer's liability for the tax imposed by
21 subsections (a) and (b) of this Section to below zero.
22 For tax years ending on or after December 31, 1987, the
23 credit shall be allowed for the tax year in which the
24 property is placed in service, or, if the amount of the
25 credit exceeds the tax liability for that year, whether
26 it exceeds the original liability or the liability as
27 later amended, such excess may be carried forward and
28 applied to the tax liability of the 5 taxable years
29 following the excess credit year. The credit shall be
30 applied to the earliest year for which there is a
31 liability. If there is credit from more than one tax
32 year that is available to offset a liability, the credit
33 accruing first in time shall be applied first.

34 Changes made in this subdivision (h)(1) by Public

1 Act 88-670 restore changes made by Public Act 85-1182 and
2 reflect existing law.

3 (2) The term qualified property means property
4 which:

5 (A) is tangible, whether new or used,
6 including buildings and structural components of
7 buildings;

8 (B) is depreciable pursuant to Section 167 of
9 the Internal Revenue Code, except that "3-year
10 property" as defined in Section 168(c)(2)(A) of that
11 Code is not eligible for the credit provided by this
12 subsection (h);

13 (C) is acquired by purchase as defined in
14 Section 179(d) of the Internal Revenue Code; and

15 (D) is not eligible for the Enterprise Zone
16 Investment Credit provided by subsection (f) of this
17 Section.

18 (3) The basis of qualified property shall be the
19 basis used to compute the depreciation deduction for
20 federal income tax purposes.

21 (4) If the basis of the property for federal income
22 tax depreciation purposes is increased after it has been
23 placed in service in a federally designated Foreign Trade
24 Zone or Sub-Zone located in Illinois by the taxpayer, the
25 amount of such increase shall be deemed property placed
26 in service on the date of such increase in basis.

27 (5) The term "placed in service" shall have the
28 same meaning as under Section 46 of the Internal Revenue
29 Code.

30 (6) If during any taxable year ending on or before
31 December 31, 1996, any property ceases to be qualified
32 property in the hands of the taxpayer within 48 months
33 after being placed in service, or the situs of any
34 qualified property is moved outside Illinois within 48

1 months after being placed in service, the tax imposed
2 under subsections (a) and (b) of this Section for such
3 taxable year shall be increased. Such increase shall be
4 determined by (i) recomputing the investment credit which
5 would have been allowed for the year in which credit for
6 such property was originally allowed by eliminating such
7 property from such computation, and (ii) subtracting such
8 recomputed credit from the amount of credit previously
9 allowed. For the purposes of this paragraph (6), a
10 reduction of the basis of qualified property resulting
11 from a redetermination of the purchase price shall be
12 deemed a disposition of qualified property to the extent
13 of such reduction.

14 (7) Beginning with tax years ending after December
15 31, 1996, if a taxpayer qualifies for the credit under
16 this subsection (h) and thereby is granted a tax
17 abatement and the taxpayer relocates its entire facility
18 in violation of the explicit terms and length of the
19 contract under Section 18-183 of the Property Tax Code,
20 the tax imposed under subsections (a) and (b) of this
21 Section shall be increased for the taxable year in which
22 the taxpayer relocated its facility by an amount equal to
23 the amount of credit received by the taxpayer under this
24 subsection (h).

25 (i) Credit for Personal Property Tax Replacement Income
26 Tax. A credit shall be allowed against the tax imposed by
27 subsections (a) and (b) of this Section for the tax imposed
28 by subsections (c) and (d) of this Section. This credit
29 shall be computed by multiplying the tax imposed by
30 subsections (c) and (d) of this Section by a fraction, the
31 numerator of which is base income allocable to Illinois and
32 the denominator of which is Illinois base income, and further
33 multiplying the product by the tax rate imposed by
34 subsections (a) and (b) of this Section.

1 Any credit earned on or after December 31, 1986 under
2 this subsection which is unused in the year the credit is
3 computed because it exceeds the tax liability imposed by
4 subsections (a) and (b) for that year (whether it exceeds the
5 original liability or the liability as later amended) may be
6 carried forward and applied to the tax liability imposed by
7 subsections (a) and (b) of the 5 taxable years following the
8 excess credit year. This credit shall be applied first to
9 the earliest year for which there is a liability. If there
10 is a credit under this subsection from more than one tax year
11 that is available to offset a liability the earliest credit
12 arising under this subsection shall be applied first.

13 If, during any taxable year ending on or after December
14 31, 1986, the tax imposed by subsections (c) and (d) of this
15 Section for which a taxpayer has claimed a credit under this
16 subsection (i) is reduced, the amount of credit for such tax
17 shall also be reduced. Such reduction shall be determined by
18 recomputing the credit to take into account the reduced tax
19 imposed by subsections ~~subsectien~~ (c) and (d). If any
20 portion of the reduced amount of credit has been carried to a
21 different taxable year, an amended return shall be filed for
22 such taxable year to reduce the amount of credit claimed.

23 (j) Training expense credit. Beginning with tax years
24 ending on or after December 31, 1986, a taxpayer shall be
25 allowed a credit against the tax imposed by subsections
26 ~~subsectien~~ (a) and (b) under this Section for all amounts
27 paid or accrued, on behalf of all persons employed by the
28 taxpayer in Illinois or Illinois residents employed outside
29 of Illinois by a taxpayer, for educational or vocational
30 training in semi-technical or technical fields or
31 semi-skilled or skilled fields, which were deducted from
32 gross income in the computation of taxable income. The
33 credit against the tax imposed by subsections (a) and (b)
34 shall be 1.6% of such training expenses. For partners,

1 shareholders of subchapter S corporations, and owners of
2 limited liability companies, if the liability company is
3 treated as a partnership for purposes of federal and State
4 income taxation, there shall be allowed a credit under this
5 subsection (j) to be determined in accordance with the
6 determination of income and distributive share of income
7 under Sections 702 and 704 and subchapter S of the Internal
8 Revenue Code.

9 Any credit allowed under this subsection which is unused
10 in the year the credit is earned may be carried forward to
11 each of the 5 taxable years following the year for which the
12 credit is first computed until it is used. This credit shall
13 be applied first to the earliest year for which there is a
14 liability. If there is a credit under this subsection from
15 more than one tax year that is available to offset a
16 liability the earliest credit arising under this subsection
17 shall be applied first.

18 (k) Research and development credit.

19 Beginning with tax years ending after July 1, 1990, a
20 taxpayer shall be allowed a credit against the tax imposed by
21 subsections (a) and (b) of this Section for increasing
22 research activities in this State. The credit allowed
23 against the tax imposed by subsections (a) and (b) shall be
24 equal to 6 1/2% of the qualifying expenditures for increasing
25 research activities in this State. For partners,
26 shareholders of subchapter S corporations, and owners of
27 limited liability companies, if the liability company is
28 treated as a partnership for purposes of federal and State
29 income taxation, there shall be allowed a credit under this
30 subsection to be determined in accordance with the
31 determination of income and distributive share of income
32 under Sections 702 and 704 and subchapter S of the Internal
33 Revenue Code.

34 For purposes of this subsection, "qualifying

1 expenditures" means the qualifying expenditures as defined
2 for the federal credit for increasing research activities
3 which would be allowable under Section 41 of the Internal
4 Revenue Code and which are conducted in this State,
5 "qualifying expenditures for increasing research activities
6 in this State" means the excess of qualifying expenditures
7 for the taxable year in which incurred over qualifying
8 expenditures for the base period, "qualifying expenditures
9 for the base period" means the average of the qualifying
10 expenditures for each year in the base period, and "base
11 period" means the 3 taxable years immediately preceding the
12 taxable year for which the determination is being made.

13 Any credit in excess of the tax liability for the taxable
14 year may be carried forward. A taxpayer may elect to have the
15 unused credit shown on its final completed return carried
16 over as a credit against the tax liability for the following
17 5 taxable years or until it has been fully used, whichever
18 occurs first.

19 If an unused credit is carried forward to a given year
20 from 2 or more earlier years, that credit arising in the
21 earliest year will be applied first against the tax liability
22 for the given year. If a tax liability for the given year
23 still remains, the credit from the next earliest year will
24 then be applied, and so on, until all credits have been used
25 or no tax liability for the given year remains. Any
26 remaining unused credit or credits then will be carried
27 forward to the next following year in which a tax liability
28 is incurred, except that no credit can be carried forward to
29 a year which is more than 5 years after the year in which the
30 expense for which the credit is given was incurred.

31 Unless extended by law, the credit shall not include
32 costs incurred after December 31, 2004, except for costs
33 incurred pursuant to a binding contract entered into on or
34 before December 31, 2004.

1 No inference shall be drawn from this amendatory Act of
2 the 91st General Assembly in construing this Section for
3 taxable years beginning before January 1, 1999.

4 (1) Environmental Remediation Tax Credit.

5 (i) For tax years ending after December 31, 1997
6 and on or before December 31, 2001, a taxpayer shall be
7 allowed a credit against the tax imposed by subsections
8 (a) and (b) of this Section for certain amounts paid for
9 unreimbursed eligible remediation costs, as specified in
10 this subsection. For purposes of this Section,
11 "unreimbursed eligible remediation costs" means costs
12 approved by the Illinois Environmental Protection Agency
13 ("Agency") under Section 58.14 of the Environmental
14 Protection Act that were paid in performing environmental
15 remediation at a site for which a No Further Remediation
16 Letter was issued by the Agency and recorded under
17 Section 58.10 of the Environmental Protection Act. The
18 credit must be claimed for the taxable year in which
19 Agency approval of the eligible remediation costs is
20 granted. The credit is not available to any taxpayer if
21 the taxpayer or any related party caused or contributed
22 to, in any material respect, a release of regulated
23 substances on, in, or under the site that was identified
24 and addressed by the remedial action pursuant to the Site
25 Remediation Program of the Environmental Protection Act.
26 After the Pollution Control Board rules are adopted
27 pursuant to the Illinois Administrative Procedure Act for
28 the administration and enforcement of Section 58.9 of the
29 Environmental Protection Act, determinations as to credit
30 availability for purposes of this Section shall be made
31 consistent with those rules. For purposes of this
32 Section, "taxpayer" includes a person whose tax
33 attributes the taxpayer has succeeded to under Section
34 381 of the Internal Revenue Code and "related party"

1 includes the persons disallowed a deduction for losses by
2 paragraphs (b), (c), and (f)(1) of Section 267 of the
3 Internal Revenue Code by virtue of being a related
4 taxpayer, as well as any of its partners. The credit
5 allowed against the tax imposed by subsections (a) and
6 (b) shall be equal to 25% of the unreimbursed eligible
7 remediation costs in excess of \$100,000 per site, except
8 that the \$100,000 threshold shall not apply to any site
9 contained in an enterprise zone as determined by the
10 Department of Commerce and Community Affairs. The total
11 credit allowed shall not exceed \$40,000 per year with a
12 maximum total of \$150,000 per site. For partners and
13 shareholders of subchapter S corporations, there shall be
14 allowed a credit under this subsection to be determined
15 in accordance with the determination of income and
16 distributive share of income under Sections 702 and 704
17 and subchapter S of the Internal Revenue Code.

18 (ii) A credit allowed under this subsection that is
19 unused in the year the credit is earned may be carried
20 forward to each of the 5 taxable years following the year
21 for which the credit is first earned until it is used.
22 The term "unused credit" does not include any amounts of
23 unreimbursed eligible remediation costs in excess of the
24 maximum credit per site authorized under paragraph (i).
25 This credit shall be applied first to the earliest year
26 for which there is a liability. If there is a credit
27 under this subsection from more than one tax year that is
28 available to offset a liability, the earliest credit
29 arising under this subsection shall be applied first. A
30 credit allowed under this subsection may be sold to a
31 buyer as part of a sale of all or part of the remediation
32 site for which the credit was granted. The purchaser of
33 a remediation site and the tax credit shall succeed to
34 the unused credit and remaining carry-forward period of

1 the seller. To perfect the transfer, the assignor shall
2 record the transfer in the chain of title for the site
3 and provide written notice to the Director of the
4 Illinois Department of Revenue of the assignor's intent
5 to sell the remediation site and the amount of the tax
6 credit to be transferred as a portion of the sale. In no
7 event may a credit be transferred to any taxpayer if the
8 taxpayer or a related party would not be eligible under
9 the provisions of subsection (i).

10 (iii) For purposes of this Section, the term "site"
11 shall have the same meaning as under Section 58.2 of the
12 Environmental Protection Act.

13 (m) Education expense credit.

14 Beginning with tax years ending after December 31, 1999,
15 a taxpayer who is the custodian of one or more qualifying
16 pupils shall be allowed a credit against the tax imposed by
17 subsections (a) and (b) of this Section for qualified
18 education expenses incurred on behalf of the qualifying
19 pupils. The credit shall be equal to 25% of qualified
20 education expenses, but in no event may the total credit
21 under this Section claimed by a family that is the custodian
22 of qualifying pupils exceed \$500. In no event shall a credit
23 under this subsection reduce the taxpayer's liability under
24 this Act to less than zero. This subsection is exempt from
25 the provisions of Section 250 of this Act.

26 For purposes of this subsection:~

27 "Qualifying pupils" means individuals who (i) are
28 residents of the State of Illinois, (ii) are under the age of
29 21 at the close of the school year for which a credit is
30 sought, and (iii) during the school year for which a credit
31 is sought were full-time pupils enrolled in a kindergarten
32 through twelfth grade education program at any school, as
33 defined in this subsection.

34 "Qualified education expense" means the amount incurred

1 on behalf of a qualifying pupil in excess of \$250 for
2 tuition, book fees, and lab fees at the school in which the
3 pupil is enrolled during the regular school year.

4 "School" means any public or nonpublic elementary or
5 secondary school in Illinois that is in compliance with Title
6 VI of the Civil Rights Act of 1964 and attendance at which
7 satisfies the requirements of Section 26-1 of the School
8 Code, except that nothing shall be construed to require a
9 child to attend any particular public or nonpublic school to
10 qualify for the credit under this Section.

11 "Custodian" means, with respect to qualifying pupils, an
12 Illinois resident who is a parent, the parents, a legal
13 guardian, or the legal guardians of the qualifying pupils.

14 (Source: P.A. 91-9, eff. 1-1-00; 91-357, eff. 7-29-99;
15 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860, eff.
16 6-22-00; 91-913, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
17 6-28-01; revised 12-3-01.)

18 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

19 Sec. 203. Base income defined.

20 (a) Individuals.

21 (1) In general. In the case of an individual, base
22 income means an amount equal to the taxpayer's adjusted
23 gross income for the taxable year as modified by
24 paragraph (2).

25 (2) Modifications. The adjusted gross income
26 referred to in paragraph (1) shall be modified by adding
27 thereto the sum of the following amounts:

28 (A) An amount equal to all amounts paid or
29 accrued to the taxpayer as interest or dividends
30 during the taxable year to the extent excluded from
31 gross income in the computation of adjusted gross
32 income, except stock dividends of qualified public
33 utilities described in Section 305(e) of the

1 Internal Revenue Code;

2 (B) An amount equal to the amount of tax
3 imposed by this Act to the extent deducted from
4 gross income in the computation of adjusted gross
5 income for the taxable year;

6 (C) An amount equal to the amount received
7 during the taxable year as a recovery or refund of
8 real property taxes paid with respect to the
9 taxpayer's principal residence under the Revenue Act
10 of 1939 and for which a deduction was previously
11 taken under subparagraph (L) of this paragraph (2)
12 prior to July 1, 1991, the retrospective application
13 date of Article 4 of Public Act 87-17. In the case
14 of multi-unit or multi-use structures and farm
15 dwellings, the taxes on the taxpayer's principal
16 residence shall be that portion of the total taxes
17 for the entire property which is attributable to
18 such principal residence;

19 (D) An amount equal to the amount of the
20 capital gain deduction allowable under the Internal
21 Revenue Code, to the extent deducted from gross
22 income in the computation of adjusted gross income;

23 (D-5) An amount, to the extent not included in
24 adjusted gross income, equal to the amount of money
25 withdrawn by the taxpayer in the taxable year from a
26 medical care savings account and the interest earned
27 on the account in the taxable year of a withdrawal
28 pursuant to subsection (b) of Section 20 of the
29 Medical Care Savings Account Act or subsection (b)
30 of Section 20 of the Medical Care Savings Account
31 Act of 2000; and

32 (D-10) For taxable years ending after December
33 31, 1997, an amount equal to any eligible
34 remediation costs that the individual deducted in

1 computing adjusted gross income and for which the
2 individual claims a credit under subsection (1) of
3 Section 201;

4 and by deducting from the total so obtained the sum of
5 the following amounts:

6 (E) For taxable years ending before December
7 31, 2001, any amount included in such total in
8 respect of any compensation (including but not
9 limited to any compensation paid or accrued to a
10 serviceman while a prisoner of war or missing in
11 action) paid to a resident by reason of being on
12 active duty in the Armed Forces of the United States
13 and in respect of any compensation paid or accrued
14 to a resident who as a governmental employee was a
15 prisoner of war or missing in action, and in respect
16 of any compensation paid to a resident in 1971 or
17 thereafter for annual training performed pursuant to
18 Sections 502 and 503, Title 32, United States Code
19 as a member of the Illinois National Guard. For
20 taxable years ending on or after December 31, 2001,
21 any amount included in such total in respect of any
22 compensation (including but not limited to any
23 compensation paid or accrued to a serviceman while a
24 prisoner of war or missing in action) paid to a
25 resident by reason of being a member of any
26 component of the Armed Forces of the United States
27 and in respect of any compensation paid or accrued
28 to a resident who as a governmental employee was a
29 prisoner of war or missing in action, and in respect
30 of any compensation paid to a resident in 2001 or
31 thereafter by reason of being a member of the
32 Illinois National Guard. The provisions of this
33 amendatory Act of the 92nd General Assembly are
34 exempt from the provisions of Section 250;

1 (F) An amount equal to all amounts included in
2 such total pursuant to the provisions of Sections
3 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
4 408 of the Internal Revenue Code, or included in
5 such total as distributions under the provisions of
6 any retirement or disability plan for employees of
7 any governmental agency or unit, or retirement
8 payments to retired partners, which payments are
9 excluded in computing net earnings from self
10 employment by Section 1402 of the Internal Revenue
11 Code and regulations adopted pursuant thereto;

12 (G) The valuation limitation amount;

13 (H) An amount equal to the amount of any tax
14 imposed by this Act which was refunded to the
15 taxpayer and included in such total for the taxable
16 year;

17 (I) An amount equal to all amounts included in
18 such total pursuant to the provisions of Section 111
19 of the Internal Revenue Code as a recovery of items
20 previously deducted from adjusted gross income in
21 the computation of taxable income;

22 (J) An amount equal to those dividends
23 included in such total which were paid by a
24 corporation which conducts business operations in an
25 Enterprise Zone or zones created under the Illinois
26 Enterprise Zone Act, and conducts substantially all
27 of its operations in an Enterprise Zone or zones;

28 (K) An amount equal to those dividends
29 included in such total that were paid by a
30 corporation that conducts business operations in a
31 federally designated Foreign Trade Zone or Sub-Zone
32 and that is designated a High Impact Business
33 located in Illinois; provided that dividends
34 eligible for the deduction provided in subparagraph

1 (J) of paragraph (2) of this subsection shall not be
2 eligible for the deduction provided under this
3 subparagraph (K);

4 (L) For taxable years ending after December
5 31, 1983, an amount equal to all social security
6 benefits and railroad retirement benefits included
7 in such total pursuant to Sections 72(r) and 86 of
8 the Internal Revenue Code;

9 (M) With the exception of any amounts
10 subtracted under subparagraph (N), an amount equal
11 to the sum of all amounts disallowed as deductions
12 by (i) Sections 171(a) (2), and 265(2) of the
13 Internal Revenue Code of 1954, as now or hereafter
14 amended, and all amounts of expenses allocable to
15 interest and disallowed as deductions by Section
16 265(1) of the Internal Revenue Code of 1954, as now
17 or hereafter amended; and (ii) for taxable years
18 ending on or after August 13, 1999, Sections
19 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
20 Internal Revenue Code; the provisions of this
21 subparagraph are exempt from the provisions of
22 Section 250;

23 (N) An amount equal to all amounts included in
24 such total which are exempt from taxation by this
25 State either by reason of its statutes or
26 Constitution or by reason of the Constitution,
27 treaties or statutes of the United States; provided
28 that, in the case of any statute of this State that
29 exempts income derived from bonds or other
30 obligations from the tax imposed under this Act, the
31 amount exempted shall be the interest net of bond
32 premium amortization;

33 (O) An amount equal to any contribution made
34 to a job training project established pursuant to

1 the Tax Increment Allocation Redevelopment Act;

2 (P) An amount equal to the amount of the
3 deduction used to compute the federal income tax
4 credit for restoration of substantial amounts held
5 under claim of right for the taxable year pursuant
6 to Section 1341 of the Internal Revenue Code of
7 1986;

8 (Q) An amount equal to any amounts included in
9 such total, received by the taxpayer as an
10 acceleration in the payment of life, endowment or
11 annuity benefits in advance of the time they would
12 otherwise be payable as an indemnity for a terminal
13 illness;

14 (R) An amount equal to the amount of any
15 federal or State bonus paid to veterans of the
16 Persian Gulf War;

17 (S) An amount, to the extent included in
18 adjusted gross income, equal to the amount of a
19 contribution made in the taxable year on behalf of
20 the taxpayer to a medical care savings account
21 established under the Medical Care Savings Account
22 Act or the Medical Care Savings Account Act of 2000
23 to the extent the contribution is accepted by the
24 account administrator as provided in that Act;

25 (T) An amount, to the extent included in
26 adjusted gross income, equal to the amount of
27 interest earned in the taxable year on a medical
28 care savings account established under the Medical
29 Care Savings Account Act or the Medical Care Savings
30 Account Act of 2000 on behalf of the taxpayer, other
31 than interest added pursuant to item (D-5) of this
32 paragraph (2);

33 (U) For one taxable year beginning on or after
34 January 1, 1994, an amount equal to the total amount

1 of tax imposed and paid under subsections (a) and
2 (b) of Section 201 of this Act on grant amounts
3 received by the taxpayer under the Nursing Home
4 Grant Assistance Act during the taxpayer's taxable
5 years 1992 and 1993;

6 (V) Beginning with tax years ending on or
7 after December 31, 1995 and ending with tax years
8 ending on or before December 31, 2004, an amount
9 equal to the amount paid by a taxpayer who is a
10 self-employed taxpayer, a partner of a partnership,
11 or a shareholder in a Subchapter S corporation for
12 health insurance or long-term care insurance for
13 that taxpayer or that taxpayer's spouse or
14 dependents, to the extent that the amount paid for
15 that health insurance or long-term care insurance
16 may be deducted under Section 213 of the Internal
17 Revenue Code of 1986, has not been deducted on the
18 federal income tax return of the taxpayer, and does
19 not exceed the taxable income attributable to that
20 taxpayer's income, self-employment income, or
21 Subchapter S corporation income; except that no
22 deduction shall be allowed under this item (V) if
23 the taxpayer is eligible to participate in any
24 health insurance or long-term care insurance plan of
25 an employer of the taxpayer or the taxpayer's
26 spouse. The amount of the health insurance and
27 long-term care insurance subtracted under this item
28 (V) shall be determined by multiplying total health
29 insurance and long-term care insurance premiums paid
30 by the taxpayer times a number that represents the
31 fractional percentage of eligible medical expenses
32 under Section 213 of the Internal Revenue Code of
33 1986 not actually deducted on the taxpayer's federal
34 income tax return;

1 (W) For taxable years beginning on or after
2 January 1, 1998, all amounts included in the
3 taxpayer's federal gross income in the taxable year
4 from amounts converted from a regular IRA to a Roth
5 IRA. This paragraph is exempt from the provisions of
6 Section 250;

7 (X) For taxable year 1999 and thereafter, an
8 amount equal to the amount of any (i) distributions,
9 to the extent includible in gross income for federal
10 income tax purposes, made to the taxpayer because of
11 his or her status as a victim of persecution for
12 racial or religious reasons by Nazi Germany or any
13 other Axis regime or as an heir of the victim and
14 (ii) items of income, to the extent includible in
15 gross income for federal income tax purposes,
16 attributable to, derived from or in any way related
17 to assets stolen from, hidden from, or otherwise
18 lost to a victim of persecution for racial or
19 religious reasons by Nazi Germany or any other Axis
20 regime immediately prior to, during, and immediately
21 after World War II, including, but not limited to,
22 interest on the proceeds receivable as insurance
23 under policies issued to a victim of persecution for
24 racial or religious reasons by Nazi Germany or any
25 other Axis regime by European insurance companies
26 immediately prior to and during World War II;
27 provided, however, this subtraction from federal
28 adjusted gross income does not apply to assets
29 acquired with such assets or with the proceeds from
30 the sale of such assets; provided, further, this
31 paragraph shall only apply to a taxpayer who was the
32 first recipient of such assets after their recovery
33 and who is a victim of persecution for racial or
34 religious reasons by Nazi Germany or any other Axis

1 regime or as an heir of the victim. The amount of
2 and the eligibility for any public assistance,
3 benefit, or similar entitlement is not affected by
4 the inclusion of items (i) and (ii) of this
5 paragraph in gross income for federal income tax
6 purposes. This paragraph is exempt from the
7 provisions of Section 250; and

8 (Y) For taxable years beginning on or after
9 January 1, 2002, moneys contributed in the taxable
10 year to a College Savings Pool account under Section
11 16.5 of the State Treasurer Act. This subparagraph
12 (Y) is exempt from the provisions of Section 250.

13 (b) Corporations.

14 (1) In general. In the case of a corporation, base
15 income means an amount equal to the taxpayer's taxable
16 income for the taxable year as modified by paragraph (2).

17 (2) Modifications. The taxable income referred to
18 in paragraph (1) shall be modified by adding thereto the
19 sum of the following amounts:

20 (A) An amount equal to all amounts paid or
21 accrued to the taxpayer as interest and all
22 distributions received from regulated investment
23 companies during the taxable year to the extent
24 excluded from gross income in the computation of
25 taxable income;

26 (B) An amount equal to the amount of tax
27 imposed by this Act to the extent deducted from
28 gross income in the computation of taxable income
29 for the taxable year;

30 (C) In the case of a regulated investment
31 company, an amount equal to the excess of (i) the
32 net long-term capital gain for the taxable year,
33 over (ii) the amount of the capital gain dividends
34 designated as such in accordance with Section

1 852(b)(3)(C) of the Internal Revenue Code and any
2 amount designated under Section 852(b)(3)(D) of the
3 Internal Revenue Code, attributable to the taxable
4 year (this amendatory Act of 1995 (Public Act 89-89)
5 is declarative of existing law and is not a new
6 enactment);

7 (D) The amount of any net operating loss
8 deduction taken in arriving at taxable income, other
9 than a net operating loss carried forward from a
10 taxable year ending prior to December 31, 1986;

11 (E) For taxable years in which a net operating
12 loss carryback or carryforward from a taxable year
13 ending prior to December 31, 1986 is an element of
14 taxable income under paragraph (1) of subsection (e)
15 or subparagraph (E) of paragraph (2) of subsection
16 (e), the amount by which addition modifications
17 other than those provided by this subparagraph (E)
18 exceeded subtraction modifications in such earlier
19 taxable year, with the following limitations applied
20 in the order that they are listed:

21 (i) the addition modification relating to
22 the net operating loss carried back or forward
23 to the taxable year from any taxable year
24 ending prior to December 31, 1986 shall be
25 reduced by the amount of addition modification
26 under this subparagraph (E) which related to
27 that net operating loss and which was taken
28 into account in calculating the base income of
29 an earlier taxable year, and

30 (ii) the addition modification relating
31 to the net operating loss carried back or
32 forward to the taxable year from any taxable
33 year ending prior to December 31, 1986 shall
34 not exceed the amount of such carryback or

1 carryforward;

2 For taxable years in which there is a net
3 operating loss carryback or carryforward from more
4 than one other taxable year ending prior to December
5 31, 1986, the addition modification provided in this
6 subparagraph (E) shall be the sum of the amounts
7 computed independently under the preceding
8 provisions of this subparagraph (E) for each such
9 taxable year; and

10 (E-5) For taxable years ending after December
11 31, 1997, an amount equal to any eligible
12 remediation costs that the corporation deducted in
13 computing adjusted gross income and for which the
14 corporation claims a credit under subsection (l) of
15 Section 201;

16 and by deducting from the total so obtained the sum of
17 the following amounts:

18 (F) An amount equal to the amount of any tax
19 imposed by this Act which was refunded to the
20 taxpayer and included in such total for the taxable
21 year;

22 (G) An amount equal to any amount included in
23 such total under Section 78 of the Internal Revenue
24 Code;

25 (H) In the case of a regulated investment
26 company, an amount equal to the amount of exempt
27 interest dividends as defined in subsection (b) (5)
28 of Section 852 of the Internal Revenue Code, paid to
29 shareholders for the taxable year;

30 (I) With the exception of any amounts
31 subtracted under subparagraph (J), an amount equal
32 to the sum of all amounts disallowed as deductions
33 by (i) Sections 171(a) (2), and 265(a)(2) and
34 amounts disallowed as interest expense by Section

1 291(a)(3) of the Internal Revenue Code, as now or
2 hereafter amended, and all amounts of expenses
3 allocable to interest and disallowed as deductions
4 by Section 265(a)(1) of the Internal Revenue Code,
5 as now or hereafter amended; and (ii) for taxable
6 years ending on or after August 13, 1999, Sections
7 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i)
8 of the Internal Revenue Code; the provisions of this
9 subparagraph are exempt from the provisions of
10 Section 250;

11 (J) An amount equal to all amounts included in
12 such total which are exempt from taxation by this
13 State either by reason of its statutes or
14 Constitution or by reason of the Constitution,
15 treaties or statutes of the United States; provided
16 that, in the case of any statute of this State that
17 exempts income derived from bonds or other
18 obligations from the tax imposed under this Act, the
19 amount exempted shall be the interest net of bond
20 premium amortization;

21 (K) An amount equal to those dividends
22 included in such total which were paid by a
23 corporation which conducts business operations in an
24 Enterprise Zone or zones created under the Illinois
25 Enterprise Zone Act and conducts substantially all
26 of its operations in an Enterprise Zone or zones;

27 (L) An amount equal to those dividends
28 included in such total that were paid by a
29 corporation that conducts business operations in a
30 federally designated Foreign Trade Zone or Sub-Zone
31 and that is designated a High Impact Business
32 located in Illinois; provided that dividends
33 eligible for the deduction provided in subparagraph
34 (K) of paragraph 2 of this subsection shall not be

1 eligible for the deduction provided under this
2 subparagraph (L);

3 (M) For any taxpayer that is a financial
4 organization within the meaning of Section 304(c) of
5 this Act, an amount included in such total as
6 interest income from a loan or loans made by such
7 taxpayer to a borrower, to the extent that such a
8 loan is secured by property which is eligible for
9 the Enterprise Zone Investment Credit. To determine
10 the portion of a loan or loans that is secured by
11 property eligible for a Section 201(f) investment
12 credit to the borrower, the entire principal amount
13 of the loan or loans between the taxpayer and the
14 borrower should be divided into the basis of the
15 Section 201(f) investment credit property which
16 secures the loan or loans, using for this purpose
17 the original basis of such property on the date that
18 it was placed in service in the Enterprise Zone.
19 The subtraction modification available to taxpayer
20 in any year under this subsection shall be that
21 portion of the total interest paid by the borrower
22 with respect to such loan attributable to the
23 eligible property as calculated under the previous
24 sentence;

25 (M-1) For any taxpayer that is a financial
26 organization within the meaning of Section 304(c) of
27 this Act, an amount included in such total as
28 interest income from a loan or loans made by such
29 taxpayer to a borrower, to the extent that such a
30 loan is secured by property which is eligible for
31 the High Impact Business Investment Credit. To
32 determine the portion of a loan or loans that is
33 secured by property eligible for a Section 201(h)
34 investment credit to the borrower, the entire

1 principal amount of the loan or loans between the
2 taxpayer and the borrower should be divided into the
3 basis of the Section 201(h) investment credit
4 property which secures the loan or loans, using for
5 this purpose the original basis of such property on
6 the date that it was placed in service in a
7 federally designated Foreign Trade Zone or Sub-Zone
8 located in Illinois. No taxpayer that is eligible
9 for the deduction provided in subparagraph (M) of
10 paragraph (2) of this subsection shall be eligible
11 for the deduction provided under this subparagraph
12 (M-1). The subtraction modification available to
13 taxpayers in any year under this subsection shall be
14 that portion of the total interest paid by the
15 borrower with respect to such loan attributable to
16 the eligible property as calculated under the
17 previous sentence;

18 (N) Two times any contribution made during the
19 taxable year to a designated zone organization to
20 the extent that the contribution (i) qualifies as a
21 charitable contribution under subsection (c) of
22 Section 170 of the Internal Revenue Code and (ii)
23 must, by its terms, be used for a project approved
24 by the Department of Commerce and Community Affairs
25 under Section 11 of the Illinois Enterprise Zone
26 Act;

27 (O) An amount equal to: (i) 85% for taxable
28 years ending on or before December 31, 1992, or, a
29 percentage equal to the percentage allowable under
30 Section 243(a)(1) of the Internal Revenue Code of
31 1986 for taxable years ending after December 31,
32 1992, of the amount by which dividends included in
33 taxable income and received from a corporation that
34 is not created or organized under the laws of the

1 United States or any state or political subdivision
2 thereof, including, for taxable years ending on or
3 after December 31, 1988, dividends received or
4 deemed received or paid or deemed paid under
5 Sections 951 through 964 of the Internal Revenue
6 Code, exceed the amount of the modification provided
7 under subparagraph (G) of paragraph (2) of this
8 subsection (b) which is related to such dividends;
9 plus (ii) 100% of the amount by which dividends,
10 included in taxable income and received, including,
11 for taxable years ending on or after December 31,
12 1988, dividends received or deemed received or paid
13 or deemed paid under Sections 951 through 964 of the
14 Internal Revenue Code, from any such corporation
15 specified in clause (i) that would but for the
16 provisions of Section 1504 (b) (3) of the Internal
17 Revenue Code be treated as a member of the
18 affiliated group which includes the dividend
19 recipient, exceed the amount of the modification
20 provided under subparagraph (G) of paragraph (2) of
21 this subsection (b) which is related to such
22 dividends;

23 (P) An amount equal to any contribution made
24 to a job training project established pursuant to
25 the Tax Increment Allocation Redevelopment Act;

26 (Q) An amount equal to the amount of the
27 deduction used to compute the federal income tax
28 credit for restoration of substantial amounts held
29 under claim of right for the taxable year pursuant
30 to Section 1341 of the Internal Revenue Code of
31 1986;

32 (R) In the case of an attorney-in-fact with
33 respect to whom an interinsurer or a reciprocal
34 insurer has made the election under Section 835 of

1 the Internal Revenue Code, 26 U.S.C. 835, an amount
2 equal to the excess, if any, of the amounts paid or
3 incurred by that interinsurer or reciprocal insurer
4 in the taxable year to the attorney-in-fact over the
5 deduction allowed to that interinsurer or reciprocal
6 insurer with respect to the attorney-in-fact under
7 Section 835(b) of the Internal Revenue Code for the
8 taxable year; and

9 (S) For taxable years ending on or after
10 December 31, 1997, in the case of a Subchapter S
11 corporation, an amount equal to all amounts of
12 income allocable to a shareholder subject to the
13 Personal Property Tax Replacement Income Tax imposed
14 by subsections (c) and (d) of Section 201 of this
15 Act, including amounts allocable to organizations
16 exempt from federal income tax by reason of Section
17 501(a) of the Internal Revenue Code. This
18 subparagraph (S) is exempt from the provisions of
19 Section 250.

20 (3) Special rule. For purposes of paragraph (2)
21 (A), "gross income" in the case of a life insurance
22 company, for tax years ending on and after December 31,
23 1994, shall mean the gross investment income for the
24 taxable year.

25 (c) Trusts and estates.

26 (1) In general. In the case of a trust or estate,
27 base income means an amount equal to the taxpayer's
28 taxable income for the taxable year as modified by
29 paragraph (2).

30 (2) Modifications. Subject to the provisions of
31 paragraph (3), the taxable income referred to in
32 paragraph (1) shall be modified by adding thereto the sum
33 of the following amounts:

34 (A) An amount equal to all amounts paid or

1 accrued to the taxpayer as interest or dividends
2 during the taxable year to the extent excluded from
3 gross income in the computation of taxable income;

4 (B) In the case of (i) an estate, \$600; (ii) a
5 trust which, under its governing instrument, is
6 required to distribute all of its income currently,
7 \$300; and (iii) any other trust, \$100, but in each
8 such case, only to the extent such amount was
9 deducted in the computation of taxable income;

10 (C) An amount equal to the amount of tax
11 imposed by this Act to the extent deducted from
12 gross income in the computation of taxable income
13 for the taxable year;

14 (D) The amount of any net operating loss
15 deduction taken in arriving at taxable income, other
16 than a net operating loss carried forward from a
17 taxable year ending prior to December 31, 1986;

18 (E) For taxable years in which a net operating
19 loss carryback or carryforward from a taxable year
20 ending prior to December 31, 1986 is an element of
21 taxable income under paragraph (1) of subsection (e)
22 or subparagraph (E) of paragraph (2) of subsection
23 (e), the amount by which addition modifications
24 other than those provided by this subparagraph (E)
25 exceeded subtraction modifications in such taxable
26 year, with the following limitations applied in the
27 order that they are listed:

28 (i) the addition modification relating to
29 the net operating loss carried back or forward
30 to the taxable year from any taxable year
31 ending prior to December 31, 1986 shall be
32 reduced by the amount of addition modification
33 under this subparagraph (E) which related to
34 that net operating loss and which was taken

1 into account in calculating the base income of
2 an earlier taxable year, and

3 (ii) the addition modification relating
4 to the net operating loss carried back or
5 forward to the taxable year from any taxable
6 year ending prior to December 31, 1986 shall
7 not exceed the amount of such carryback or
8 carryforward;

9 For taxable years in which there is a net
10 operating loss carryback or carryforward from more
11 than one other taxable year ending prior to December
12 31, 1986, the addition modification provided in this
13 subparagraph (E) shall be the sum of the amounts
14 computed independently under the preceding
15 provisions of this subparagraph (E) for each such
16 taxable year;

17 (F) For taxable years ending on or after
18 January 1, 1989, an amount equal to the tax deducted
19 pursuant to Section 164 of the Internal Revenue Code
20 if the trust or estate is claiming the same tax for
21 purposes of the Illinois foreign tax credit under
22 Section 601 of this Act;

23 (G) An amount equal to the amount of the
24 capital gain deduction allowable under the Internal
25 Revenue Code, to the extent deducted from gross
26 income in the computation of taxable income; and

27 (G-5) For taxable years ending after December
28 31, 1997, an amount equal to any eligible
29 remediation costs that the trust or estate deducted
30 in computing adjusted gross income and for which the
31 trust or estate claims a credit under subsection (1)
32 of Section 201;

33 and by deducting from the total so obtained the sum of
34 the following amounts:

1 (H) An amount equal to all amounts included in
2 such total pursuant to the provisions of Sections
3 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and
4 408 of the Internal Revenue Code or included in such
5 total as distributions under the provisions of any
6 retirement or disability plan for employees of any
7 governmental agency or unit, or retirement payments
8 to retired partners, which payments are excluded in
9 computing net earnings from self employment by
10 Section 1402 of the Internal Revenue Code and
11 regulations adopted pursuant thereto;

12 (I) The valuation limitation amount;

13 (J) An amount equal to the amount of any tax
14 imposed by this Act which was refunded to the
15 taxpayer and included in such total for the taxable
16 year;

17 (K) An amount equal to all amounts included in
18 taxable income as modified by subparagraphs (A),
19 (B), (C), (D), (E), (F) and (G) which are exempt
20 from taxation by this State either by reason of its
21 statutes or Constitution or by reason of the
22 Constitution, treaties or statutes of the United
23 States; provided that, in the case of any statute of
24 this State that exempts income derived from bonds or
25 other obligations from the tax imposed under this
26 Act, the amount exempted shall be the interest net
27 of bond premium amortization;

28 (L) With the exception of any amounts
29 subtracted under subparagraph (K), an amount equal
30 to the sum of all amounts disallowed as deductions
31 by (i) Sections 171(a) (2) and 265(a)(2) of the
32 Internal Revenue Code, as now or hereafter amended,
33 and all amounts of expenses allocable to interest
34 and disallowed as deductions by Section 265(1) of

1 the Internal Revenue Code of 1954, as now or
2 hereafter amended; and (ii) for taxable years ending
3 on or after August 13, 1999, Sections 171(a)(2),
4 265, 280C, and 832(b)(5)(B)(i) of the Internal
5 Revenue Code; the provisions of this subparagraph
6 are exempt from the provisions of Section 250;

7 (M) An amount equal to those dividends
8 included in such total which were paid by a
9 corporation which conducts business operations in an
10 Enterprise Zone or zones created under the Illinois
11 Enterprise Zone Act and conducts substantially all
12 of its operations in an Enterprise Zone or Zones;

13 (N) An amount equal to any contribution made
14 to a job training project established pursuant to
15 the Tax Increment Allocation Redevelopment Act;

16 (O) An amount equal to those dividends
17 included in such total that were paid by a
18 corporation that conducts business operations in a
19 federally designated Foreign Trade Zone or Sub-Zone
20 and that is designated a High Impact Business
21 located in Illinois; provided that dividends
22 eligible for the deduction provided in subparagraph
23 (M) of paragraph (2) of this subsection shall not be
24 eligible for the deduction provided under this
25 subparagraph (O);

26 (P) An amount equal to the amount of the
27 deduction used to compute the federal income tax
28 credit for restoration of substantial amounts held
29 under claim of right for the taxable year pursuant
30 to Section 1341 of the Internal Revenue Code of
31 1986; and

32 (Q) For taxable year 1999 and thereafter, an
33 amount equal to the amount of any (i) distributions,
34 to the extent includible in gross income for federal

1 income tax purposes, made to the taxpayer because of
2 his or her status as a victim of persecution for
3 racial or religious reasons by Nazi Germany or any
4 other Axis regime or as an heir of the victim and
5 (ii) items of income, to the extent includible in
6 gross income for federal income tax purposes,
7 attributable to, derived from or in any way related
8 to assets stolen from, hidden from, or otherwise
9 lost to a victim of persecution for racial or
10 religious reasons by Nazi Germany or any other Axis
11 regime immediately prior to, during, and immediately
12 after World War II, including, but not limited to,
13 interest on the proceeds receivable as insurance
14 under policies issued to a victim of persecution for
15 racial or religious reasons by Nazi Germany or any
16 other Axis regime by European insurance companies
17 immediately prior to and during World War II;
18 provided, however, this subtraction from federal
19 adjusted gross income does not apply to assets
20 acquired with such assets or with the proceeds from
21 the sale of such assets; provided, further, this
22 paragraph shall only apply to a taxpayer who was the
23 first recipient of such assets after their recovery
24 and who is a victim of persecution for racial or
25 religious reasons by Nazi Germany or any other Axis
26 regime or as an heir of the victim. The amount of
27 and the eligibility for any public assistance,
28 benefit, or similar entitlement is not affected by
29 the inclusion of items (i) and (ii) of this
30 paragraph in gross income for federal income tax
31 purposes. This paragraph is exempt from the
32 provisions of Section 250.

33 (3) Limitation. The amount of any modification
34 otherwise required under this subsection shall, under

1 regulations prescribed by the Department, be adjusted by
2 any amounts included therein which were properly paid,
3 credited, or required to be distributed, or permanently
4 set aside for charitable purposes pursuant to Internal
5 Revenue Code Section 642(c) during the taxable year.

6 (d) Partnerships.

7 (1) In general. In the case of a partnership, base
8 income means an amount equal to the taxpayer's taxable
9 income for the taxable year as modified by paragraph (2).

10 (2) Modifications. The taxable income referred to
11 in paragraph (1) shall be modified by adding thereto the
12 sum of the following amounts:

13 (A) An amount equal to all amounts paid or
14 accrued to the taxpayer as interest or dividends
15 during the taxable year to the extent excluded from
16 gross income in the computation of taxable income;

17 (B) An amount equal to the amount of tax
18 imposed by this Act to the extent deducted from
19 gross income for the taxable year;

20 (C) The amount of deductions allowed to the
21 partnership pursuant to Section 707 (c) of the
22 Internal Revenue Code in calculating its taxable
23 income; and

24 (D) An amount equal to the amount of the
25 capital gain deduction allowable under the Internal
26 Revenue Code, to the extent deducted from gross
27 income in the computation of taxable income;

28 and by deducting from the total so obtained the following
29 amounts:

30 (E) The valuation limitation amount;

31 (F) An amount equal to the amount of any tax
32 imposed by this Act which was refunded to the
33 taxpayer and included in such total for the taxable
34 year;

1 (G) An amount equal to all amounts included in
2 taxable income as modified by subparagraphs (A),
3 (B), (C) and (D) which are exempt from taxation by
4 this State either by reason of its statutes or
5 Constitution or by reason of the Constitution,
6 treaties or statutes of the United States; provided
7 that, in the case of any statute of this State that
8 exempts income derived from bonds or other
9 obligations from the tax imposed under this Act, the
10 amount exempted shall be the interest net of bond
11 premium amortization;

12 (H) Any income of the partnership which
13 constitutes personal service income as defined in
14 Section 1348 (b) (1) of the Internal Revenue Code
15 (as in effect December 31, 1981) or a reasonable
16 allowance for compensation paid or accrued for
17 services rendered by partners to the partnership,
18 whichever is greater;

19 (I) An amount equal to all amounts of income
20 distributable to an entity subject to the Personal
21 Property Tax Replacement Income Tax imposed by
22 subsections (c) and (d) of Section 201 of this Act
23 including amounts distributable to organizations
24 exempt from federal income tax by reason of Section
25 501(a) of the Internal Revenue Code;

26 (J) With the exception of any amounts
27 subtracted under subparagraph (G), an amount equal
28 to the sum of all amounts disallowed as deductions
29 by (i) Sections 171(a) (2), and 265(2) of the
30 Internal Revenue Code of 1954, as now or hereafter
31 amended, and all amounts of expenses allocable to
32 interest and disallowed as deductions by Section
33 265(1) of the Internal Revenue Code, as now or
34 hereafter amended; and (ii) for taxable years ending

1 on or after August 13, 1999, Sections 171(a)(2),
2 265, 280C, and 832(b)(5)(B)(i) of the Internal
3 Revenue Code; the provisions of this subparagraph
4 are exempt from the provisions of Section 250;

5 (K) An amount equal to those dividends
6 included in such total which were paid by a
7 corporation which conducts business operations in an
8 Enterprise Zone or zones created under the Illinois
9 Enterprise Zone Act, enacted by the 82nd General
10 Assembly, and which does not conduct such operations
11 other than in an Enterprise Zone or Zones;

12 (L) An amount equal to any contribution made
13 to a job training project established pursuant to
14 the Real Property Tax Increment Allocation
15 Redevelopment Act;

16 (M) An amount equal to those dividends
17 included in such total that were paid by a
18 corporation that conducts business operations in a
19 federally designated Foreign Trade Zone or Sub-Zone
20 and that is designated a High Impact Business
21 located in Illinois; provided that dividends
22 eligible for the deduction provided in subparagraph
23 (K) of paragraph (2) of this subsection shall not be
24 eligible for the deduction provided under this
25 subparagraph (M); and

26 (N) An amount equal to the amount of the
27 deduction used to compute the federal income tax
28 credit for restoration of substantial amounts held
29 under claim of right for the taxable year pursuant
30 to Section 1341 of the Internal Revenue Code of
31 1986.

32 (e) Gross income; adjusted gross income; taxable income.

33 (1) In general. Subject to the provisions of
34 paragraph (2) and subsection (b) (3), for purposes of

1 this Section and Section 803(e), a taxpayer's gross
2 income, adjusted gross income, or taxable income for the
3 taxable year shall mean the amount of gross income,
4 adjusted gross income or taxable income properly
5 reportable for federal income tax purposes for the
6 taxable year under the provisions of the Internal Revenue
7 Code. Taxable income may be less than zero. However, for
8 taxable years ending on or after December 31, 1986, net
9 operating loss carryforwards from taxable years ending
10 prior to December 31, 1986, may not exceed the sum of
11 federal taxable income for the taxable year before net
12 operating loss deduction, plus the excess of addition
13 modifications over subtraction modifications for the
14 taxable year. For taxable years ending prior to December
15 31, 1986, taxable income may never be an amount in excess
16 of the net operating loss for the taxable year as defined
17 in subsections (c) and (d) of Section 172 of the Internal
18 Revenue Code, provided that when taxable income of a
19 corporation (other than a Subchapter S corporation),
20 trust, or estate is less than zero and addition
21 modifications, other than those provided by subparagraph
22 (E) of paragraph (2) of subsection (b) for corporations
23 or subparagraph (E) of paragraph (2) of subsection (c)
24 for trusts and estates, exceed subtraction modifications,
25 an addition modification must be made under those
26 subparagraphs for any other taxable year to which the
27 taxable income less than zero (net operating loss) is
28 applied under Section 172 of the Internal Revenue Code or
29 under subparagraph (E) of paragraph (2) of this
30 subsection (e) applied in conjunction with Section 172 of
31 the Internal Revenue Code.

32 (2) Special rule. For purposes of paragraph (1) of
33 this subsection, the taxable income properly reportable
34 for federal income tax purposes shall mean:

1 (A) Certain life insurance companies. In the
2 case of a life insurance company subject to the tax
3 imposed by Section 801 of the Internal Revenue Code,
4 life insurance company taxable income, plus the
5 amount of distribution from pre-1984 policyholder
6 surplus accounts as calculated under Section 815a of
7 the Internal Revenue Code;

8 (B) Certain other insurance companies. In the
9 case of mutual insurance companies subject to the
10 tax imposed by Section 831 of the Internal Revenue
11 Code, insurance company taxable income;

12 (C) Regulated investment companies. In the
13 case of a regulated investment company subject to
14 the tax imposed by Section 852 of the Internal
15 Revenue Code, investment company taxable income;

16 (D) Real estate investment trusts. In the
17 case of a real estate investment trust subject to
18 the tax imposed by Section 857 of the Internal
19 Revenue Code, real estate investment trust taxable
20 income;

21 (E) Consolidated corporations. In the case of
22 a corporation which is a member of an affiliated
23 group of corporations filing a consolidated income
24 tax return for the taxable year for federal income
25 tax purposes, taxable income determined as if such
26 corporation had filed a separate return for federal
27 income tax purposes for the taxable year and each
28 preceding taxable year for which it was a member of
29 an affiliated group. For purposes of this
30 subparagraph, the taxpayer's separate taxable income
31 shall be determined as if the election provided by
32 Section 243(b) (2) of the Internal Revenue Code had
33 been in effect for all such years;

34 (F) Cooperatives. In the case of a

1 cooperative corporation or association, the taxable
2 income of such organization determined in accordance
3 with the provisions of Section 1381 through 1388 of
4 the Internal Revenue Code;

5 (G) Subchapter S corporations. In the case
6 of: (i) a Subchapter S corporation for which there
7 is in effect an election for the taxable year under
8 Section 1362 of the Internal Revenue Code, the
9 taxable income of such corporation determined in
10 accordance with Section 1363(b) of the Internal
11 Revenue Code, except that taxable income shall take
12 into account those items which are required by
13 Section 1363(b)(1) of the Internal Revenue Code to
14 be separately stated; and (ii) a Subchapter S
15 corporation for which there is in effect a federal
16 election to opt out of the provisions of the
17 Subchapter S Revision Act of 1982 and have applied
18 instead the prior federal Subchapter S rules as in
19 effect on July 1, 1982, the taxable income of such
20 corporation determined in accordance with the
21 federal Subchapter S rules as in effect on July 1,
22 1982; and

23 (H) Partnerships. In the case of a
24 partnership, taxable income determined in accordance
25 with Section 703 of the Internal Revenue Code,
26 except that taxable income shall take into account
27 those items which are required by Section 703(a)(1)
28 to be separately stated but which would be taken
29 into account by an individual in calculating his
30 taxable income.

31 (f) Valuation limitation amount.

32 (1) In general. The valuation limitation amount
33 referred to in subsections (a) (2) (G), (c) (2) (I) and
34 (d)(2) (E) is an amount equal to:

1 (A) The sum of the pre-August 1, 1969
2 appreciation amounts (to the extent consisting of
3 gain reportable under the provisions of Section 1245
4 or 1250 of the Internal Revenue Code) for all
5 property in respect of which such gain was reported
6 for the taxable year; plus

7 (B) The lesser of (i) the sum of the
8 pre-August 1, 1969 appreciation amounts (to the
9 extent consisting of capital gain) for all property
10 in respect of which such gain was reported for
11 federal income tax purposes for the taxable year, or
12 (ii) the net capital gain for the taxable year,
13 reduced in either case by any amount of such gain
14 included in the amount determined under subsection
15 (a) (2) (F) or (c) (2) (H).

16 (2) Pre-August 1, 1969 appreciation amount.

17 (A) If the fair market value of property
18 referred to in paragraph (1) was readily
19 ascertainable on August 1, 1969, the pre-August 1,
20 1969 appreciation amount for such property is the
21 lesser of (i) the excess of such fair market value
22 over the taxpayer's basis (for determining gain) for
23 such property on that date (determined under the
24 Internal Revenue Code as in effect on that date), or
25 (ii) the total gain realized and reportable for
26 federal income tax purposes in respect of the sale,
27 exchange or other disposition of such property.

28 (B) If the fair market value of property
29 referred to in paragraph (1) was not readily
30 ascertainable on August 1, 1969, the pre-August 1,
31 1969 appreciation amount for such property is that
32 amount which bears the same ratio to the total gain
33 reported in respect of the property for federal
34 income tax purposes for the taxable year, as the

1 number of full calendar months in that part of the
2 taxpayer's holding period for the property ending
3 July 31, 1969 bears to the number of full calendar
4 months in the taxpayer's entire holding period for
5 the property.

6 (C) The Department shall prescribe such
7 regulations as may be necessary to carry out the
8 purposes of this paragraph.

9 (g) Double deductions. Unless specifically provided
10 otherwise, nothing in this Section shall permit the same item
11 to be deducted more than once.

12 (h) Legislative intention. Except as expressly provided
13 by this Section there shall be no modifications or
14 limitations on the amounts of income, gain, loss or deduction
15 taken into account in determining gross income, adjusted
16 gross income or taxable income for federal income tax
17 purposes for the taxable year, or in the amount of such items
18 entering into the computation of base income and net income
19 under this Act for such taxable year, whether in respect of
20 property values as of August 1, 1969 or otherwise.

21 (Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99;
22 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff.
23 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16,
24 eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01;
25 revised 9-21-01.)

26 (35 ILCS 5/507V)

27 Sec. 507V. National World War II Memorial Fund checkoff.
28 The Department must print on its standard individual income
29 tax form a provision indicating that if the taxpayer wishes
30 to contribute to the National World War II Memorial Fund, as
31 authorized by this amendatory Act of the 91st General
32 Assembly, he or she may do so by stating the amount of the

1 contribution (not less than \$1) on the return and that the
 2 contribution will reduce the taxpayer's refund or increase
 3 the amount of payment to accompany the return. Failure to
 4 remit any amount of increased payment reduces the
 5 contribution accordingly. This Section does not apply to any
 6 amended return.

7 (Source: P.A. 91-833, eff. 1-1-01; 91-836, eff. 1-1-01.)

8 (35 ILCS 5/507W)

9 Sec. 507W. ~~507V~~. Korean War Veterans National Museum and
 10 Library Fund checkoff. Beginning with taxable years ending
 11 on or after December 31, 2001, the Department shall print on
 12 its standard individual income tax form a provision
 13 indicating that if the taxpayer wishes to contribute to the
 14 Korean War Veterans National Museum and Library Fund, as
 15 authorized by this amendatory Act of the 92nd General
 16 Assembly, he or she may do so by stating the amount of the
 17 contribution (not less than \$1) on the return and that the
 18 contribution will reduce the taxpayer's refund or increase
 19 the amount of payment to accompany the return. Failure to
 20 remit any amount of increased payment shall reduce the
 21 contribution accordingly. This Section shall not apply to
 22 any amended return.

23 (Source: P.A. 92-198, eff. 8-1-01; revised 10-17-01.)

24 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

25 (Text of Section before amendment by P.A. 92-84)

26 Sec. 509. Tax checkoff explanations. All individual
 27 income tax return forms shall contain appropriate
 28 explanations and spaces to enable the taxpayers to designate
 29 contributions to the Child Abuse Prevention Fund, to the
 30 Community Health Center Care Fund, to the Illinois Wildlife
 31 Preservation Fund as required by the Illinois Non-Game
 32 Wildlife Protection Act, to the Alzheimer's Disease Research

1 Fund as required by the Alzheimer's Disease Research Act, to
2 the Assistance to the Homeless Fund as required by this Act,
3 to the Heritage Preservation Fund as required by the Heritage
4 Preservation Act, to the Child Care Expansion Program Fund as
5 required by the Child Care Expansion Program Act, to the Ryan
6 White AIDS Victims Assistance Fund, to the Assistive
7 Technology for Persons with Disabilities Fund, to the
8 Domestic Violence Shelter and Service Fund, to the United
9 States Olympians Assistance Fund, to the Youth Drug Abuse
10 Prevention Fund, to the Persian Gulf Conflict Veterans Fund,
11 to the Literacy Advancement Fund, to the Ryan White Pediatric
12 and Adult AIDS Fund, to the Illinois Special Olympics
13 Checkoff Fund, to the Penny Severns Breast and Cervical
14 Cancer Research Fund, to the Korean War Memorial Fund, to the
15 Heart Disease Treatment and Prevention Fund, to the
16 Hemophilia Treatment Fund, to the Mental Health Research
17 Fund, to the Children's Cancer Fund, to the American Diabetes
18 Association Fund, to the National World War II Memorial Fund,
19 to the Prostate Cancer Research Fund, to the Korean War
20 Veterans National Museum and Library Fund, and to the Meals
21 on Wheels Fund. Each form shall contain a statement that the
22 contributions will reduce the taxpayer's refund or increase
23 the amount of payment to accompany the return. Failure to
24 remit any amount of increased payment shall reduce the
25 contribution accordingly.

26 If, on October 1 of any year, the total contributions to
27 any one of the funds made under this Section do not equal
28 \$100,000 or more, the explanations and spaces for designating
29 contributions to the fund shall be removed from the
30 individual income tax return forms for the following and all
31 subsequent years and all subsequent contributions to the fund
32 shall be refunded to the taxpayer.

33 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;
34 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.

1 1-1-01; 92-198, eff. 8-1-01.)

2 (Text of Section after amendment by P.A. 92-84)

3 Sec. 509. Tax checkoff explanations. All individual
4 income tax return forms shall contain appropriate
5 explanations and spaces to enable the taxpayers to designate
6 contributions to the Child Abuse Prevention Fund, to the
7 Illinois Wildlife Preservation Fund as required by the
8 Illinois Non-Game Wildlife Protection Act, to the Alzheimer's
9 Disease Research Fund as required by the Alzheimer's Disease
10 Research Act, to the Assistance to the Homeless Fund as
11 required by this Act, to the Penny Severns Breast and
12 Cervical Cancer Research Fund, to the National World War II
13 Memorial Fund, and to the Prostate Cancer Research Fund, and
14 to the Korean War Veterans National Museum and Library Fund⁷.
15 Each form shall contain a statement that the contributions
16 will reduce the taxpayer's refund or increase the amount of
17 payment to accompany the return. Failure to remit any amount
18 of increased payment shall reduce the contribution
19 accordingly.

20 If, on October 1 of any year, the total contributions to
21 any one of the funds made under this Section do not equal
22 \$100,000 or more, the explanations and spaces for designating
23 contributions to the fund shall be removed from the
24 individual income tax return forms for the following and all
25 subsequent years and all subsequent contributions to the fund
26 shall be refunded to the taxpayer.

27 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;
28 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.
29 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised
30 9-12-01.)

31 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

32 (Text of Section before amendment by P.A. 92-84)

33 Sec. 510. Determination of amounts contributed. The

1 Department shall determine the total amount contributed to
2 each of the following: the Child Abuse Prevention Fund, the
3 Illinois Wildlife Preservation Fund, the Community Health
4 Center Care Fund, the Assistance to the Homeless Fund, the
5 Alzheimer's Disease Research Fund, the Heritage Preservation
6 Fund, the Child Care Expansion Program Fund, the Ryan White
7 AIDS Victims Assistance Fund, the Assistive Technology for
8 Persons with Disabilities Fund, the Domestic Violence Shelter
9 and Service Fund, the United States Olympians Assistance
10 Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf
11 Conflict Veterans Fund, the Literacy Advancement Fund, the
12 Ryan White Pediatric and Adult AIDS Fund, the Illinois
13 Special Olympics Checkoff Fund, the Penny Severns Breast and
14 Cervical Cancer Research Fund, the Korean War Memorial Fund,
15 the Heart Disease Treatment and Prevention Fund, the
16 Hemophilia Treatment Fund, the Mental Health Research Fund,
17 the Children's Cancer Fund, the American Diabetes
18 Association Fund, the National World War II Memorial Fund,
19 the Prostate Cancer Research Fund, the Korean War Veterans
20 National Museum and Library Fund, and the Meals on Wheels
21 Fund; and shall notify the State Comptroller and the State
22 Treasurer of the amounts to be transferred from the General
23 Revenue Fund to each fund, and upon receipt of such
24 notification the State Treasurer and Comptroller shall
25 transfer the amounts.

26 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;
27 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff.
28 8-1-01.)

29 (Text of Section after amendment by P.A. 92-84)

30 Sec. 510. Determination of amounts contributed. The
31 Department shall determine the total amount contributed to
32 each of the following: the Child Abuse Prevention Fund, the
33 Illinois Wildlife Preservation Fund, the Assistance to the

1 Homeless Fund, the Alzheimer's Disease Research Fund, the
2 Penny Severns Breast and Cervical Cancer Research Fund, the
3 National World War II Memorial Fund, and the Prostate Cancer
4 Research Fund, and the Korean War Veterans National Museum
5 and Library Fund; and shall notify the State Comptroller and
6 the State Treasurer of the amounts to be transferred from the
7 General Revenue Fund to each fund, and upon receipt of such
8 notification the State Treasurer and Comptroller shall
9 transfer the amounts.

10 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;
11 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02;
12 92-198, eff. 8-1-01; revised 9-12-01.)

13 Section 24. The Economic Development for a Growing
14 Economy Tax Credit Act is amended by changing Section 5-5 as
15 follows:

16 (35 ILCS 10/5-5)

17 Sec. 5-5. Definitions. As used in this Act:

18 "Agreement" means the Agreement between a Taxpayer and
19 the Department under the provisions of Section 5-50 of this
20 Act.

21 "Applicant" means a Taxpayer that is operating a business
22 located or that the Taxpayer plans to locate within the State
23 of Illinois and that is engaged in interstate or intrastate
24 commerce for the purpose of manufacturing, processing,
25 assembling, warehousing, or distributing products, conducting
26 research and development, providing tourism services, or
27 providing services in interstate commerce, office industries,
28 or agricultural processing, but excluding retail, retail
29 food, health, or professional services. "Applicant" does not
30 include a Taxpayer who closes or substantially reduces an
31 operation at one location in the State and relocates
32 substantially the same operation to another location in the

1 State. This does not prohibit a Taxpayer from expanding its
2 operations at another location in the State, provided that
3 existing operations of a similar nature located within the
4 State are not closed or substantially reduced. This also
5 does not prohibit a Taxpayer from moving its operations from
6 one location in the State to another location in the State
7 for the purpose of expanding the operation provided that the
8 Department determines that expansion cannot reasonably be
9 accommodated within the municipality in which the business is
10 located, or in the case of a business located in an
11 incorporated area of the county, within the county in which
12 the business is located, after conferring with the chief
13 elected official of the municipality or county and taking
14 into consideration any evidence offered by the municipality
15 or county regarding the ability to accommodate expansion
16 within the municipality or county.

17 "Committee" means the Illinois Business Investment
18 Committee created under Section 5-25 of this Act within the
19 Illinois Economic Development Board.

20 "Credit" means the amount agreed to between the
21 Department and Applicant under this Act, but not to exceed
22 the Incremental Income Tax attributable to the Applicant's
23 project.

24 "Department" means the Department of Commerce and
25 Community Affairs.

26 "Director" means the Director of Commerce and Community
27 Affairs.

28 "Full-time Employee" means an individual who is employed
29 for consideration for at least 35 hours each week or who
30 renders any other standard of service generally accepted by
31 industry custom or practice as full-time employment.

32 "Incremental Income Tax" means the total amount withheld
33 during the taxable year from the compensation of New
34 Employees under Article 7 of the Illinois Income Tax Act

1 arising from employment at a project that is the subject of
2 an Agreement.

3 "New Employee" means:

4 (a) A Full-time Employee first employed by a
5 Taxpayer in the project that is the subject of an
6 Agreement and who is hired after the Taxpayer enters into
7 the tax credit Agreement.

8 (b) The term "New Employee" does not include:

9 (1) an employee of the Taxpayer who performs a
10 job that was previously performed by another
11 employee, if that job existed for at least 6 months
12 before hiring the employee;

13 (2) an employee of the Taxpayer who was
14 previously employed in Illinois by a Related Member
15 of the Taxpayer and whose employment was shifted to
16 the Taxpayer after the Taxpayer entered into the tax
17 credit Agreement; or

18 (3) a child, grandchild, parent, or spouse,
19 other than a spouse who is legally separated from
20 the individual, of any individual who has a direct
21 or an indirect ownership interest of at least 5% in
22 the profits, capital, or value of the Taxpayer.

23 (c) Notwithstanding paragraph (1) of subsection
24 (b), an employee may be considered a New Employee under
25 the Agreement if the employee performs a job that was
26 previously performed by an employee who was:

27 (1) treated under the Agreement as a New
28 Employee; and

29 (2) promoted by the Taxpayer to another job.

30 (d) Notwithstanding subsection (a), the Department
31 may award Credit to an Applicant with respect to an
32 employee hired prior to the date of the Agreement if:

33 (1) the Applicant is in receipt of a letter
34 from the Department stating an intent to enter into

1 a credit Agreement;

2 (2) the letter described in paragraph (1) is
3 issued by the Department not later than 15 days
4 after the effective date of this Act; and

5 (3) the employee was hired after the date the
6 letter described in paragraph (1) was issued.

7 "Noncompliance Date" means, in the case of a Taxpayer
8 that is not complying with the requirements of the Agreement
9 or the provisions of this Act, the day following the last
10 date upon which the Taxpayer was in compliance with the
11 requirements of the Agreement and the provisions of this Act,
12 as determined by the Director, pursuant to Section 5-65.

13 "Pass Through Entity" means an entity that is exempt from
14 the tax under subsection (b) or (c) of Section 205 of the
15 Illinois Income Tax Act.

16 "Related Member" means a person that, with respect to the
17 Taxpayer during any portion of the taxable year, is any one
18 of the following:

19 (1) An individual stockholder, if the stockholder
20 and the members of the stockholder's family (as defined
21 in Section 318 of the Internal Revenue Code) own
22 directly, indirectly, beneficially, or constructively, in
23 the aggregate, at least 50% of the value of the
24 Taxpayer's outstanding stock.

25 (2) A partnership, estate, or trust and any partner
26 or beneficiary, if the partnership, estate, or trust, and
27 its partners or beneficiaries own directly, indirectly,
28 beneficially, or constructively, in the aggregate, at
29 least 50% of the profits, capital ~~equity~~, stock, or
30 value of the Taxpayer.

31 (3) A corporation, and any party related to the
32 corporation in a manner that would require an attribution
33 of stock from the corporation to the party or from the
34 party to the corporation under the attribution rules of

1 Section 318 of the Internal Revenue Code, if the Taxpayer
2 owns directly, indirectly, beneficially, or
3 constructively at least 50% of the value of the
4 corporation's outstanding stock.

5 (4) A corporation and any party related to that
6 corporation in a manner that would require an attribution
7 of stock from the corporation to the party or from the
8 party to the corporation under the attribution rules of
9 Section 318 of the Internal Revenue Code, if the
10 corporation and all such related parties own in the
11 aggregate at least 50% of the profits, capital, stock, or
12 value of the Taxpayer.

13 (5) A person to or from whom there is attribution
14 of stock ownership in accordance with Section 1563(e) of
15 the Internal Revenue Code, except, for purposes of
16 determining whether a person is a Related Member under
17 this paragraph, 20% shall be substituted for 5% wherever
18 5% appears in Section 1563(e) of the Internal Revenue
19 Code.

20 "Taxpayer" means an individual, corporation, partnership,
21 or other entity that has any Illinois Income Tax liability.
22 (Source: P.A. 91-476, eff. 8-11-99; revised 12-04-01.)

23 Section 25. The Use Tax Act is amended by changing
24 Sections 3-5 and 9 as follows:

25 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

26 Sec. 3-5. Exemptions. Use of the following tangible
27 personal property is exempt from the tax imposed by this Act:

28 (1) Personal property purchased from a corporation,
29 society, association, foundation, institution, or
30 organization, other than a limited liability company, that is
31 organized and operated as a not-for-profit service enterprise
32 for the benefit of persons 65 years of age or older if the

1 personal property was not purchased by the enterprise for the
2 purpose of resale by the enterprise.

3 (2) Personal property purchased by a not-for-profit
4 Illinois county fair association for use in conducting,
5 operating, or promoting the county fair.

6 (3) Personal property purchased by a not-for-profit arts
7 or cultural organization that establishes, by proof required
8 by the Department by rule, that it has received an exemption
9 under Section 501(c)(3) of the Internal Revenue Code and that
10 is organized and operated primarily for the presentation or
11 support of arts or cultural programming, activities, or
12 services. These organizations include, but are not limited
13 to, music and dramatic arts organizations such as symphony
14 orchestras and theatrical groups, arts and cultural service
15 organizations, local arts councils, visual arts
16 organizations, and media arts organizations. On and after the
17 effective date of this amendatory Act of the 92nd General
18 Assembly, however, an entity otherwise eligible for this
19 exemption shall not make tax-free purchases unless it has an
20 active identification number issued by the Department.

21 (4) Personal property purchased by a governmental body,
22 by a corporation, society, association, foundation, or
23 institution organized and operated exclusively for
24 charitable, religious, or educational purposes, or by a
25 not-for-profit corporation, society, association, foundation,
26 institution, or organization that has no compensated officers
27 or employees and that is organized and operated primarily for
28 the recreation of persons 55 years of age or older. A limited
29 liability company may qualify for the exemption under this
30 paragraph only if the limited liability company is organized
31 and operated exclusively for educational purposes. On and
32 after July 1, 1987, however, no entity otherwise eligible for
33 this exemption shall make tax-free purchases unless it has an
34 active exemption identification number issued by the

1 Department.

2 (5) A passenger car that is a replacement vehicle to the
3 extent that the purchase price of the car is subject to the
4 Replacement Vehicle Tax.

5 (6) Graphic arts machinery and equipment, including
6 repair and replacement parts, both new and used, and
7 including that manufactured on special order, certified by
8 the purchaser to be used primarily for graphic arts
9 production, and including machinery and equipment purchased
10 for lease. Equipment includes chemicals or chemicals acting
11 as catalysts but only if the chemicals or chemicals acting as
12 catalysts effect a direct and immediate change upon a graphic
13 arts product.

14 (7) Farm chemicals.

15 (8) Legal tender, currency, medallions, or gold or
16 silver coinage issued by the State of Illinois, the
17 government of the United States of America, or the government
18 of any foreign country, and bullion.

19 (9) Personal property purchased from a teacher-sponsored
20 student organization affiliated with an elementary or
21 secondary school located in Illinois.

22 (10) A motor vehicle of the first division, a motor
23 vehicle of the second division that is a self-contained motor
24 vehicle designed or permanently converted to provide living
25 quarters for recreational, camping, or travel use, with
26 direct walk through to the living quarters from the driver's
27 seat, or a motor vehicle of the second division that is of
28 the van configuration designed for the transportation of not
29 less than 7 nor more than 16 passengers, as defined in
30 Section 1-146 of the Illinois Vehicle Code, that is used for
31 automobile renting, as defined in the Automobile Renting
32 Occupation and Use Tax Act.

33 (11) Farm machinery and equipment, both new and used,
34 including that manufactured on special order, certified by

1 the purchaser to be used primarily for production agriculture
2 or State or federal agricultural programs, including
3 individual replacement parts for the machinery and equipment,
4 including machinery and equipment purchased for lease, and
5 including implements of husbandry defined in Section 1-130 of
6 the Illinois Vehicle Code, farm machinery and agricultural
7 chemical and fertilizer spreaders, and nurse wagons required
8 to be registered under Section 3-809 of the Illinois Vehicle
9 Code, but excluding other motor vehicles required to be
10 registered under the Illinois Vehicle Code. Horticultural
11 polyhouses or hoop houses used for propagating, growing, or
12 overwintering plants shall be considered farm machinery and
13 equipment under this item (11). Agricultural chemical tender
14 tanks and dry boxes shall include units sold separately from
15 a motor vehicle required to be licensed and units sold
16 mounted on a motor vehicle required to be licensed if the
17 selling price of the tender is separately stated.

18 Farm machinery and equipment shall include precision
19 farming equipment that is installed or purchased to be
20 installed on farm machinery and equipment including, but not
21 limited to, tractors, harvesters, sprayers, planters,
22 seeders, or spreaders. Precision farming equipment includes,
23 but is not limited to, soil testing sensors, computers,
24 monitors, software, global positioning and mapping systems,
25 and other such equipment.

26 Farm machinery and equipment also includes computers,
27 sensors, software, and related equipment used primarily in
28 the computer-assisted operation of production agriculture
29 facilities, equipment, and activities such as, but not
30 limited to, the collection, monitoring, and correlation of
31 animal and crop data for the purpose of formulating animal
32 diets and agricultural chemicals. This item (11) is exempt
33 from the provisions of Section 3-90.

34 (12) Fuel and petroleum products sold to or used by an

1 air common carrier, certified by the carrier to be used for
2 consumption, shipment, or storage in the conduct of its
3 business as an air common carrier, for a flight destined for
4 or returning from a location or locations outside the United
5 States without regard to previous or subsequent domestic
6 stopovers.

7 (13) Proceeds of mandatory service charges separately
8 stated on customers' bills for the purchase and consumption
9 of food and beverages purchased at retail from a retailer, to
10 the extent that the proceeds of the service charge are in
11 fact turned over as tips or as a substitute for tips to the
12 employees who participate directly in preparing, serving,
13 hosting or cleaning up the food or beverage function with
14 respect to which the service charge is imposed.

15 (14) Oil field exploration, drilling, and production
16 equipment, including (i) rigs and parts of rigs, rotary rigs,
17 cable tool rigs, and workover rigs, (ii) pipe and tubular
18 goods, including casing and drill strings, (iii) pumps and
19 pump-jack units, (iv) storage tanks and flow lines, (v) any
20 individual replacement part for oil field exploration,
21 drilling, and production equipment, and (vi) machinery and
22 equipment purchased for lease; but excluding motor vehicles
23 required to be registered under the Illinois Vehicle Code.

24 (15) Photoprocessing machinery and equipment, including
25 repair and replacement parts, both new and used, including
26 that manufactured on special order, certified by the
27 purchaser to be used primarily for photoprocessing, and
28 including photoprocessing machinery and equipment purchased
29 for lease.

30 (16) Coal exploration, mining, offhighway hauling,
31 processing, maintenance, and reclamation equipment, including
32 replacement parts and equipment, and including equipment
33 purchased for lease, but excluding motor vehicles required to
34 be registered under the Illinois Vehicle Code.

1 (17) Distillation machinery and equipment, sold as a
2 unit or kit, assembled or installed by the retailer,
3 certified by the user to be used only for the production of
4 ethyl alcohol that will be used for consumption as motor fuel
5 or as a component of motor fuel for the personal use of the
6 user, and not subject to sale or resale.

7 (18) Manufacturing and assembling machinery and
8 equipment used primarily in the process of manufacturing or
9 assembling tangible personal property for wholesale or retail
10 sale or lease, whether that sale or lease is made directly by
11 the manufacturer or by some other person, whether the
12 materials used in the process are owned by the manufacturer
13 or some other person, or whether that sale or lease is made
14 apart from or as an incident to the seller's engaging in the
15 service occupation of producing machines, tools, dies, jigs,
16 patterns, gauges, or other similar items of no commercial
17 value on special order for a particular purchaser.

18 (19) Personal property delivered to a purchaser or
19 purchaser's donee inside Illinois when the purchase order for
20 that personal property was received by a florist located
21 outside Illinois who has a florist located inside Illinois
22 deliver the personal property.

23 (20) Semen used for artificial insemination of livestock
24 for direct agricultural production.

25 (21) Horses, or interests in horses, registered with and
26 meeting the requirements of any of the Arabian Horse Club
27 Registry of America, Appaloosa Horse Club, American Quarter
28 Horse Association, United States Trotting Association, or
29 Jockey Club, as appropriate, used for purposes of breeding or
30 racing for prizes.

31 (22) Computers and communications equipment utilized for
32 any hospital purpose and equipment used in the diagnosis,
33 analysis, or treatment of hospital patients purchased by a
34 lessor who leases the equipment, under a lease of one year or

1 longer executed or in effect at the time the lessor would
2 otherwise be subject to the tax imposed by this Act, to a
3 hospital that has been issued an active tax exemption
4 identification number by the Department under Section 1g of
5 the Retailers' Occupation Tax Act. If the equipment is
6 leased in a manner that does not qualify for this exemption
7 or is used in any other non-exempt manner, the lessor shall
8 be liable for the tax imposed under this Act or the Service
9 Use Tax Act, as the case may be, based on the fair market
10 value of the property at the time the non-qualifying use
11 occurs. No lessor shall collect or attempt to collect an
12 amount (however designated) that purports to reimburse that
13 lessor for the tax imposed by this Act or the Service Use Tax
14 Act, as the case may be, if the tax has not been paid by the
15 lessor. If a lessor improperly collects any such amount from
16 the lessee, the lessee shall have a legal right to claim a
17 refund of that amount from the lessor. If, however, that
18 amount is not refunded to the lessee for any reason, the
19 lessor is liable to pay that amount to the Department.

20 (23) Personal property purchased by a lessor who leases
21 the property, under a lease of one year or longer executed
22 or in effect at the time the lessor would otherwise be
23 subject to the tax imposed by this Act, to a governmental
24 body that has been issued an active sales tax exemption
25 identification number by the Department under Section 1g of
26 the Retailers' Occupation Tax Act. If the property is leased
27 in a manner that does not qualify for this exemption or used
28 in any other non-exempt manner, the lessor shall be liable
29 for the tax imposed under this Act or the Service Use Tax
30 Act, as the case may be, based on the fair market value of
31 the property at the time the non-qualifying use occurs. No
32 lessor shall collect or attempt to collect an amount (however
33 designated) that purports to reimburse that lessor for the
34 tax imposed by this Act or the Service Use Tax Act, as the

1 case may be, if the tax has not been paid by the lessor. If
2 a lessor improperly collects any such amount from the lessee,
3 the lessee shall have a legal right to claim a refund of that
4 amount from the lessor. If, however, that amount is not
5 refunded to the lessee for any reason, the lessor is liable
6 to pay that amount to the Department.

7 (24) Beginning with taxable years ending on or after
8 December 31, 1995 and ending with taxable years ending on or
9 before December 31, 2004, personal property that is donated
10 for disaster relief to be used in a State or federally
11 declared disaster area in Illinois or bordering Illinois by a
12 manufacturer or retailer that is registered in this State to
13 a corporation, society, association, foundation, or
14 institution that has been issued a sales tax exemption
15 identification number by the Department that assists victims
16 of the disaster who reside within the declared disaster area.

17 (25) Beginning with taxable years ending on or after
18 December 31, 1995 and ending with taxable years ending on or
19 before December 31, 2004, personal property that is used in
20 the performance of infrastructure repairs in this State,
21 including but not limited to municipal roads and streets,
22 access roads, bridges, sidewalks, waste disposal systems,
23 water and sewer line extensions, water distribution and
24 purification facilities, storm water drainage and retention
25 facilities, and sewage treatment facilities, resulting from a
26 State or federally declared disaster in Illinois or bordering
27 Illinois when such repairs are initiated on facilities
28 located in the declared disaster area within 6 months after
29 the disaster.

30 (26) Beginning July 1, 1999, game or game birds
31 purchased at a "game breeding and hunting preserve area" or
32 an "exotic game hunting area" as those terms are used in the
33 Wildlife Code or at a hunting enclosure approved through
34 rules adopted by the Department of Natural Resources. This

1 paragraph is exempt from the provisions of Section 3-90.

2 (27) A motor vehicle, as that term is defined in Section
3 1-146 of the Illinois Vehicle Code, that is donated to a
4 corporation, limited liability company, society, association,
5 foundation, or institution that is determined by the
6 Department to be organized and operated exclusively for
7 educational purposes. For purposes of this exemption, "a
8 corporation, limited liability company, society, association,
9 foundation, or institution organized and operated exclusively
10 for educational purposes" means all tax-supported public
11 schools, private schools that offer systematic instruction in
12 useful branches of learning by methods common to public
13 schools and that compare favorably in their scope and
14 intensity with the course of study presented in tax-supported
15 schools, and vocational or technical schools or institutes
16 organized and operated exclusively to provide a course of
17 study of not less than 6 weeks duration and designed to
18 prepare individuals to follow a trade or to pursue a manual,
19 technical, mechanical, industrial, business, or commercial
20 occupation.

21 (28) Beginning January 1, 2000, personal property,
22 including food, purchased through fundraising events for the
23 benefit of a public or private elementary or secondary
24 school, a group of those schools, or one or more school
25 districts if the events are sponsored by an entity recognized
26 by the school district that consists primarily of volunteers
27 and includes parents and teachers of the school children.
28 This paragraph does not apply to fundraising events (i) for
29 the benefit of private home instruction or (ii) for which the
30 fundraising entity purchases the personal property sold at
31 the events from another individual or entity that sold the
32 property for the purpose of resale by the fundraising entity
33 and that profits from the sale to the fundraising entity.
34 This paragraph is exempt from the provisions of Section 3-90.

1 (29) Beginning January 1, 2000 and through December 31,
2 2001, new or used automatic vending machines that prepare and
3 serve hot food and beverages, including coffee, soup, and
4 other items, and replacement parts for these machines.
5 Beginning January 1, 2002, machines and parts for machines
6 used in commercial, coin-operated amusement and vending
7 business if a use or occupation tax is paid on the gross
8 receipts derived from the use of the commercial,
9 coin-operated amusement and vending machines. This paragraph
10 is exempt from the provisions of Section 3-90.

11 (30) Food for human consumption that is to be consumed
12 off the premises where it is sold (other than alcoholic
13 beverages, soft drinks, and food that has been prepared for
14 immediate consumption) and prescription and nonprescription
15 medicines, drugs, medical appliances, and insulin, urine
16 testing materials, syringes, and needles used by diabetics,
17 for human use, when purchased for use by a person receiving
18 medical assistance under Article 5 of the Illinois Public Aid
19 Code who resides in a licensed long-term care facility, as
20 defined in the Nursing Home Care Act.

21 (31) Beginning on the effective date of this amendatory
22 Act of the 92nd General Assembly, computers and
23 communications equipment utilized for any hospital purpose
24 and equipment used in the diagnosis, analysis, or treatment
25 of hospital patients purchased by a lessor who leases the
26 equipment, under a lease of one year or longer executed or in
27 effect at the time the lessor would otherwise be subject to
28 the tax imposed by this Act, to a hospital that has been
29 issued an active tax exemption identification number by the
30 Department under Section 1g of the Retailers' Occupation Tax
31 Act. If the equipment is leased in a manner that does not
32 qualify for this exemption or is used in any other nonexempt
33 manner, the lessor shall be liable for the tax imposed under
34 this Act or the Service Use Tax Act, as the case may be,

1 based on the fair market value of the property at the time
2 the nonqualifying use occurs. No lessor shall collect or
3 attempt to collect an amount (however designated) that
4 purports to reimburse that lessor for the tax imposed by this
5 Act or the Service Use Tax Act, as the case may be, if the
6 tax has not been paid by the lessor. If a lessor improperly
7 collects any such amount from the lessee, the lessee shall
8 have a legal right to claim a refund of that amount from the
9 lessor. If, however, that amount is not refunded to the
10 lessee for any reason, the lessor is liable to pay that
11 amount to the Department. This paragraph is exempt from the
12 provisions of Section 3-90.

13 (32) Beginning on the effective date of this amendatory
14 Act of the 92nd General Assembly, personal property purchased
15 by a lessor who leases the property, under a lease of one
16 year or longer executed or in effect at the time the lessor
17 would otherwise be subject to the tax imposed by this Act, to
18 a governmental body that has been issued an active sales tax
19 exemption identification number by the Department under
20 Section 1g of the Retailers' Occupation Tax Act. If the
21 property is leased in a manner that does not qualify for this
22 exemption or used in any other nonexempt manner, the lessor
23 shall be liable for the tax imposed under this Act or the
24 Service Use Tax Act, as the case may be, based on the fair
25 market value of the property at the time the nonqualifying
26 use occurs. No lessor shall collect or attempt to collect an
27 amount (however designated) that purports to reimburse that
28 lessor for the tax imposed by this Act or the Service Use Tax
29 Act, as the case may be, if the tax has not been paid by the
30 lessor. If a lessor improperly collects any such amount from
31 the lessee, the lessee shall have a legal right to claim a
32 refund of that amount from the lessor. If, however, that
33 amount is not refunded to the lessee for any reason, the
34 lessor is liable to pay that amount to the Department. This

1 paragraph is exempt from the provisions of Section 3-90.
2 (Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97;
3 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff.
4 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644,
5 eff. 8-20-99; 91-901, eff. 1-1-01; 92-35, eff. 7-1-01;
6 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff.
7 8-23-01; revised 10-10-01.)

8 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

9 Sec. 9. Except as to motor vehicles, watercraft,
10 aircraft, and trailers that are required to be registered
11 with an agency of this State, each retailer required or
12 authorized to collect the tax imposed by this Act shall pay
13 to the Department the amount of such tax (except as otherwise
14 provided) at the time when he is required to file his return
15 for the period during which such tax was collected, less a
16 discount of 2.1% prior to January 1, 1990, and 1.75% on and
17 after January 1, 1990, or \$5 per calendar year, whichever is
18 greater, which is allowed to reimburse the retailer for
19 expenses incurred in collecting the tax, keeping records,
20 preparing and filing returns, remitting the tax and supplying
21 data to the Department on request. In the case of retailers
22 who report and pay the tax on a transaction by transaction
23 basis, as provided in this Section, such discount shall be
24 taken with each such tax remittance instead of when such
25 retailer files his periodic return. A retailer need not
26 remit that part of any tax collected by him to the extent
27 that he is required to remit and does remit the tax imposed
28 by the Retailers' Occupation Tax Act, with respect to the
29 sale of the same property.

30 Where such tangible personal property is sold under a
31 conditional sales contract, or under any other form of sale
32 wherein the payment of the principal sum, or a part thereof,
33 is extended beyond the close of the period for which the

1 return is filed, the retailer, in collecting the tax (except
2 as to motor vehicles, watercraft, aircraft, and trailers that
3 are required to be registered with an agency of this State),
4 may collect for each tax return period, only the tax
5 applicable to that part of the selling price actually
6 received during such tax return period.

7 Except as provided in this Section, on or before the
8 twentieth day of each calendar month, such retailer shall
9 file a return for the preceding calendar month. Such return
10 shall be filed on forms prescribed by the Department and
11 shall furnish such information as the Department may
12 reasonably require.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter.
17 The taxpayer shall also file a return with the Department for
18 each of the first two months of each calendar quarter, on or
19 before the twentieth day of the following calendar month,
20 stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business
23 from which he engages in the business of selling tangible
24 personal property at retail in this State;
- 25 3. The total amount of taxable receipts received by
26 him during the preceding calendar month from sales of
27 tangible personal property by him during such preceding
28 calendar month, including receipts from charge and time
29 sales, but less all deductions allowed by law;
- 30 4. The amount of credit provided in Section 2d of
31 this Act;
- 32 5. The amount of tax due;
- 33 5-5. The signature of the taxpayer; and
- 34 6. Such other reasonable information as the

1 Department may require.

2 If a taxpayer fails to sign a return within 30 days after
3 the proper notice and demand for signature by the Department,
4 the return shall be considered valid and any amount shown to
5 be due on the return shall be deemed assessed.

6 Beginning October 1, 1993, a taxpayer who has an average
7 monthly tax liability of \$150,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 1994, a taxpayer who has
10 an average monthly tax liability of \$100,000 or more shall
11 make all payments required by rules of the Department by
12 electronic funds transfer. Beginning October 1, 1995, a
13 taxpayer who has an average monthly tax liability of \$50,000
14 or more shall make all payments required by rules of the
15 Department by electronic funds transfer. Beginning October 1,
16 2000, a taxpayer who has an annual tax liability of \$200,000
17 or more shall make all payments required by rules of the
18 Department by electronic funds transfer. The term "annual
19 tax liability" shall be the sum of the taxpayer's liabilities
20 under this Act, and under all other State and local
21 occupation and use tax laws administered by the Department,
22 for the immediately preceding calendar year. The term
23 "average monthly tax liability" means the sum of the
24 taxpayer's liabilities under this Act, and under all other
25 State and local occupation and use tax laws administered by
26 the Department, for the immediately preceding calendar year
27 divided by 12. Beginning on October 1, 2002, a taxpayer who
28 has a tax liability in the amount set forth in subsection (b)
29 of Section 2505-210 of the Department of Revenue Law shall
30 make all payments required by rules of the Department by
31 electronic funds transfer.

32 Before August 1 of each year beginning in 1993, the
33 Department shall notify all taxpayers required to make
34 payments by electronic funds transfer. All taxpayers required

1 to make payments by electronic funds transfer shall make
2 those payments for a minimum of one year beginning on October
3 1.

4 Any taxpayer not required to make payments by electronic
5 funds transfer may make payments by electronic funds transfer
6 with the permission of the Department.

7 All taxpayers required to make payment by electronic
8 funds transfer and any taxpayers authorized to voluntarily
9 make payments by electronic funds transfer shall make those
10 payments in the manner authorized by the Department.

11 The Department shall adopt such rules as are necessary to
12 effectuate a program of electronic funds transfer and the
13 requirements of this Section.

14 Before October 1, 2000, if the taxpayer's average monthly
15 tax liability to the Department under this Act, the
16 Retailers' Occupation Tax Act, the Service Occupation Tax
17 Act, the Service Use Tax Act was \$10,000 or more during the
18 preceding 4 complete calendar quarters, he shall file a
19 return with the Department each month by the 20th day of the
20 month next following the month during which such tax
21 liability is incurred and shall make payments to the
22 Department on or before the 7th, 15th, 22nd and last day of
23 the month during which such liability is incurred. On and
24 after October 1, 2000, if the taxpayer's average monthly tax
25 liability to the Department under this Act, the Retailers'
26 Occupation Tax Act, the Service Occupation Tax Act, and the
27 Service Use Tax Act was \$20,000 or more during the preceding
28 4 complete calendar quarters, he shall file a return with the
29 Department each month by the 20th day of the month next
30 following the month during which such tax liability is
31 incurred and shall make payment to the Department on or
32 before the 7th, 15th, 22nd and last day of the month during
33 which such liability is incurred. If the month during which
34 such tax liability is incurred began prior to January 1,

1 1985, each payment shall be in an amount equal to 1/4 of the
2 taxpayer's actual liability for the month or an amount set by
3 the Department not to exceed 1/4 of the average monthly
4 liability of the taxpayer to the Department for the preceding
5 4 complete calendar quarters (excluding the month of highest
6 liability and the month of lowest liability in such 4 quarter
7 period). If the month during which such tax liability is
8 incurred begins on or after January 1, 1985, and prior to
9 January 1, 1987, each payment shall be in an amount equal to
10 22.5% of the taxpayer's actual liability for the month or
11 27.5% of the taxpayer's liability for the same calendar month
12 of the preceding year. If the month during which such tax
13 liability is incurred begins on or after January 1, 1987, and
14 prior to January 1, 1988, each payment shall be in an amount
15 equal to 22.5% of the taxpayer's actual liability for the
16 month or 26.25% of the taxpayer's liability for the same
17 calendar month of the preceding year. If the month during
18 which such tax liability is incurred begins on or after
19 January 1, 1988, and prior to January 1, 1989, or begins on
20 or after January 1, 1996, each payment shall be in an amount
21 equal to 22.5% of the taxpayer's actual liability for the
22 month or 25% of the taxpayer's liability for the same
23 calendar month of the preceding year. If the month during
24 which such tax liability is incurred begins on or after
25 January 1, 1989, and prior to January 1, 1996, each payment
26 shall be in an amount equal to 22.5% of the taxpayer's actual
27 liability for the month or 25% of the taxpayer's liability
28 for the same calendar month of the preceding year or 100% of
29 the taxpayer's actual liability for the quarter monthly
30 reporting period. The amount of such quarter monthly
31 payments shall be credited against the final tax liability of
32 the taxpayer's return for that month. Before October 1,
33 2000, once applicable, the requirement of the making of
34 quarter monthly payments to the Department shall continue

1 until such taxpayer's average monthly liability to the
2 Department during the preceding 4 complete calendar quarters
3 (excluding the month of highest liability and the month of
4 lowest liability) is less than \$9,000, or until such
5 taxpayer's average monthly liability to the Department as
6 computed for each calendar quarter of the 4 preceding
7 complete calendar quarter period is less than \$10,000.
8 However, if a taxpayer can show the Department that a
9 substantial change in the taxpayer's business has occurred
10 which causes the taxpayer to anticipate that his average
11 monthly tax liability for the reasonably foreseeable future
12 will fall below the \$10,000 threshold stated above, then such
13 taxpayer may petition the Department for change in such
14 taxpayer's reporting status. On and after October 1, 2000,
15 once applicable, the requirement of the making of quarter
16 monthly payments to the Department shall continue until such
17 taxpayer's average monthly liability to the Department during
18 the preceding 4 complete calendar quarters (excluding the
19 month of highest liability and the month of lowest liability)
20 is less than \$19,000 or until such taxpayer's average monthly
21 liability to the Department as computed for each calendar
22 quarter of the 4 preceding complete calendar quarter period
23 is less than \$20,000. However, if a taxpayer can show the
24 Department that a substantial change in the taxpayer's
25 business has occurred which causes the taxpayer to anticipate
26 that his average monthly tax liability for the reasonably
27 foreseeable future will fall below the \$20,000 threshold
28 stated above, then such taxpayer may petition the Department
29 for a change in such taxpayer's reporting status. The
30 Department shall change such taxpayer's reporting status
31 unless it finds that such change is seasonal in nature and
32 not likely to be long term. If any such quarter monthly
33 payment is not paid at the time or in the amount required by
34 this Section, then the taxpayer shall be liable for penalties

1 and interest on the difference between the minimum amount due
2 and the amount of such quarter monthly payment actually and
3 timely paid, except insofar as the taxpayer has previously
4 made payments for that month to the Department in excess of
5 the minimum payments previously due as provided in this
6 Section. The Department shall make reasonable rules and
7 regulations to govern the quarter monthly payment amount and
8 quarter monthly payment dates for taxpayers who file on other
9 than a calendar monthly basis.

10 If any such payment provided for in this Section exceeds
11 the taxpayer's liabilities under this Act, the Retailers'
12 Occupation Tax Act, the Service Occupation Tax Act and the
13 Service Use Tax Act, as shown by an original monthly return,
14 the Department shall issue to the taxpayer a credit
15 memorandum no later than 30 days after the date of payment,
16 which memorandum may be submitted by the taxpayer to the
17 Department in payment of tax liability subsequently to be
18 remitted by the taxpayer to the Department or be assigned by
19 the taxpayer to a similar taxpayer under this Act, the
20 Retailers' Occupation Tax Act, the Service Occupation Tax Act
21 or the Service Use Tax Act, in accordance with reasonable
22 rules and regulations to be prescribed by the Department,
23 except that if such excess payment is shown on an original
24 monthly return and is made after December 31, 1986, no credit
25 memorandum shall be issued, unless requested by the taxpayer.
26 If no such request is made, the taxpayer may credit such
27 excess payment against tax liability subsequently to be
28 remitted by the taxpayer to the Department under this Act,
29 the Retailers' Occupation Tax Act, the Service Occupation Tax
30 Act or the Service Use Tax Act, in accordance with reasonable
31 rules and regulations prescribed by the Department. If the
32 Department subsequently determines that all or any part of
33 the credit taken was not actually due to the taxpayer, the
34 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced

1 by 2.1% or 1.75% of the difference between the credit taken
2 and that actually due, and the taxpayer shall be liable for
3 penalties and interest on such difference.

4 If the retailer is otherwise required to file a monthly
5 return and if the retailer's average monthly tax liability to
6 the Department does not exceed \$200, the Department may
7 authorize his returns to be filed on a quarter annual basis,
8 with the return for January, February, and March of a given
9 year being due by April 20 of such year; with the return for
10 April, May and June of a given year being due by July 20 of
11 such year; with the return for July, August and September of
12 a given year being due by October 20 of such year, and with
13 the return for October, November and December of a given year
14 being due by January 20 of the following year.

15 If the retailer is otherwise required to file a monthly
16 or quarterly return and if the retailer's average monthly tax
17 liability to the Department does not exceed \$50, the
18 Department may authorize his returns to be filed on an annual
19 basis, with the return for a given year being due by January
20 20 of the following year.

21 Such quarter annual and annual returns, as to form and
22 substance, shall be subject to the same requirements as
23 monthly returns.

24 Notwithstanding any other provision in this Act
25 concerning the time within which a retailer may file his
26 return, in the case of any retailer who ceases to engage in a
27 kind of business which makes him responsible for filing
28 returns under this Act, such retailer shall file a final
29 return under this Act with the Department not more than one
30 month after discontinuing such business.

31 In addition, with respect to motor vehicles, watercraft,
32 aircraft, and trailers that are required to be registered
33 with an agency of this State, every retailer selling this
34 kind of tangible personal property shall file, with the

1 Department, upon a form to be prescribed and supplied by the
2 Department, a separate return for each such item of tangible
3 personal property which the retailer sells, except that if,
4 in the same transaction, (i) a retailer of aircraft,
5 watercraft, motor vehicles or trailers transfers more than
6 one aircraft, watercraft, motor vehicle or trailer to another
7 aircraft, watercraft, motor vehicle or trailer retailer for
8 the purpose of resale or (ii) a retailer of aircraft,
9 watercraft, motor vehicles, or trailers transfers more than
10 one aircraft, watercraft, motor vehicle, or trailer to a
11 purchaser for use as a qualifying rolling stock as provided
12 in Section 3-55 of this Act, then that seller may report the
13 transfer of all the aircraft, watercraft, motor vehicles or
14 trailers involved in that transaction to the Department on
15 the same uniform invoice-transaction reporting return form.
16 For purposes of this Section, "watercraft" means a Class 2,
17 Class 3, or Class 4 watercraft as defined in Section 3-2 of
18 the Boat Registration and Safety Act, a personal watercraft,
19 or any boat equipped with an inboard motor.

20 The transaction reporting return in the case of motor
21 vehicles or trailers that are required to be registered with
22 an agency of this State, shall be the same document as the
23 Uniform Invoice referred to in Section 5-402 of the Illinois
24 Vehicle Code and must show the name and address of the
25 seller; the name and address of the purchaser; the amount of
26 the selling price including the amount allowed by the
27 retailer for traded-in property, if any; the amount allowed
28 by the retailer for the traded-in tangible personal property,
29 if any, to the extent to which Section 2 of this Act allows
30 an exemption for the value of traded-in property; the balance
31 payable after deducting such trade-in allowance from the
32 total selling price; the amount of tax due from the retailer
33 with respect to such transaction; the amount of tax collected
34 from the purchaser by the retailer on such transaction (or

1 satisfactory evidence that such tax is not due in that
2 particular instance, if that is claimed to be the fact); the
3 place and date of the sale; a sufficient identification of
4 the property sold; such other information as is required in
5 Section 5-402 of the Illinois Vehicle Code, and such other
6 information as the Department may reasonably require.

7 The transaction reporting return in the case of
8 watercraft and aircraft must show the name and address of the
9 seller; the name and address of the purchaser; the amount of
10 the selling price including the amount allowed by the
11 retailer for traded-in property, if any; the amount allowed
12 by the retailer for the traded-in tangible personal property,
13 if any, to the extent to which Section 2 of this Act allows
14 an exemption for the value of traded-in property; the balance
15 payable after deducting such trade-in allowance from the
16 total selling price; the amount of tax due from the retailer
17 with respect to such transaction; the amount of tax collected
18 from the purchaser by the retailer on such transaction (or
19 satisfactory evidence that such tax is not due in that
20 particular instance, if that is claimed to be the fact); the
21 place and date of the sale, a sufficient identification of
22 the property sold, and such other information as the
23 Department may reasonably require.

24 Such transaction reporting return shall be filed not
25 later than 20 days after the date of delivery of the item
26 that is being sold, but may be filed by the retailer at any
27 time sooner than that if he chooses to do so. The
28 transaction reporting return and tax remittance or proof of
29 exemption from the tax that is imposed by this Act may be
30 transmitted to the Department by way of the State agency with
31 which, or State officer with whom, the tangible personal
32 property must be titled or registered (if titling or
33 registration is required) if the Department and such agency
34 or State officer determine that this procedure will expedite

1 the processing of applications for title or registration.

2 With each such transaction reporting return, the retailer
3 shall remit the proper amount of tax due (or shall submit
4 satisfactory evidence that the sale is not taxable if that is
5 the case), to the Department or its agents, whereupon the
6 Department shall issue, in the purchaser's name, a tax
7 receipt (or a certificate of exemption if the Department is
8 satisfied that the particular sale is tax exempt) which such
9 purchaser may submit to the agency with which, or State
10 officer with whom, he must title or register the tangible
11 personal property that is involved (if titling or
12 registration is required) in support of such purchaser's
13 application for an Illinois certificate or other evidence of
14 title or registration to such tangible personal property.

15 No retailer's failure or refusal to remit tax under this
16 Act precludes a user, who has paid the proper tax to the
17 retailer, from obtaining his certificate of title or other
18 evidence of title or registration (if titling or registration
19 is required) upon satisfying the Department that such user
20 has paid the proper tax (if tax is due) to the retailer. The
21 Department shall adopt appropriate rules to carry out the
22 mandate of this paragraph.

23 If the user who would otherwise pay tax to the retailer
24 wants the transaction reporting return filed and the payment
25 of tax or proof of exemption made to the Department before
26 the retailer is willing to take these actions and such user
27 has not paid the tax to the retailer, such user may certify
28 to the fact of such delay by the retailer, and may (upon the
29 Department being satisfied of the truth of such
30 certification) transmit the information required by the
31 transaction reporting return and the remittance for tax or
32 proof of exemption directly to the Department and obtain his
33 tax receipt or exemption determination, in which event the
34 transaction reporting return and tax remittance (if a tax

1 payment was required) shall be credited by the Department to
2 the proper retailer's account with the Department, but
3 without the 2.1% or 1.75% discount provided for in this
4 Section being allowed. When the user pays the tax directly
5 to the Department, he shall pay the tax in the same amount
6 and in the same form in which it would be remitted if the tax
7 had been remitted to the Department by the retailer.

8 Where a retailer collects the tax with respect to the
9 selling price of tangible personal property which he sells
10 and the purchaser thereafter returns such tangible personal
11 property and the retailer refunds the selling price thereof
12 to the purchaser, such retailer shall also refund, to the
13 purchaser, the tax so collected from the purchaser. When
14 filing his return for the period in which he refunds such tax
15 to the purchaser, the retailer may deduct the amount of the
16 tax so refunded by him to the purchaser from any other use
17 tax which such retailer may be required to pay or remit to
18 the Department, as shown by such return, if the amount of the
19 tax to be deducted was previously remitted to the Department
20 by such retailer. If the retailer has not previously
21 remitted the amount of such tax to the Department, he is
22 entitled to no deduction under this Act upon refunding such
23 tax to the purchaser.

24 Any retailer filing a return under this Section shall
25 also include (for the purpose of paying tax thereon) the
26 total tax covered by such return upon the selling price of
27 tangible personal property purchased by him at retail from a
28 retailer, but as to which the tax imposed by this Act was not
29 collected from the retailer filing such return, and such
30 retailer shall remit the amount of such tax to the Department
31 when filing such return.

32 If experience indicates such action to be practicable,
33 the Department may prescribe and furnish a combination or
34 joint return which will enable retailers, who are required to

1 file returns hereunder and also under the Retailers'
2 Occupation Tax Act, to furnish all the return information
3 required by both Acts on the one form.

4 Where the retailer has more than one business registered
5 with the Department under separate registration under this
6 Act, such retailer may not file each return that is due as a
7 single return covering all such registered businesses, but
8 shall file separate returns for each such registered
9 business.

10 Beginning January 1, 1990, each month the Department
11 shall pay into the State and Local Sales Tax Reform Fund, a
12 special fund in the State Treasury which is hereby created,
13 the net revenue realized for the preceding month from the 1%
14 tax on sales of food for human consumption which is to be
15 consumed off the premises where it is sold (other than
16 alcoholic beverages, soft drinks and food which has been
17 prepared for immediate consumption) and prescription and
18 nonprescription medicines, drugs, medical appliances and
19 insulin, urine testing materials, syringes and needles used
20 by diabetics.

21 Beginning January 1, 1990, each month the Department
22 shall pay into the County and Mass Transit District Fund 4%
23 of the net revenue realized for the preceding month from the
24 6.25% general rate on the selling price of tangible personal
25 property which is purchased outside Illinois at retail from a
26 retailer and which is titled or registered by an agency of
27 this State's government.

28 Beginning January 1, 1990, each month the Department
29 shall pay into the State and Local Sales Tax Reform Fund, a
30 special fund in the State Treasury, 20% of the net revenue
31 realized for the preceding month from the 6.25% general rate
32 on the selling price of tangible personal property, other
33 than tangible personal property which is purchased outside
34 Illinois at retail from a retailer and which is titled or

1 registered by an agency of this State's government.

2 Beginning August 1, 2000, each month the Department shall
3 pay into the State and Local Sales Tax Reform Fund 100% of
4 the net revenue realized for the preceding month from the
5 1.25% rate on the selling price of motor fuel and gasohol.

6 Beginning January 1, 1990, each month the Department
7 shall pay into the Local Government Tax Fund 16% of the net
8 revenue realized for the preceding month from the 6.25%
9 general rate on the selling price of tangible personal
10 property which is purchased outside Illinois at retail from a
11 retailer and which is titled or registered by an agency of
12 this State's government.

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, (a) 1.75% thereof shall be paid into
15 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
16 and on and after July 1, 1989, 3.8% thereof shall be paid
17 into the Build Illinois Fund; provided, however, that if in
18 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
19 as the case may be, of the moneys received by the Department
20 and required to be paid into the Build Illinois Fund pursuant
21 to Section 3 of the Retailers' Occupation Tax Act, Section 9
22 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
23 Section 9 of the Service Occupation Tax Act, such Acts being
24 hereinafter called the "Tax Acts" and such aggregate of 2.2%
25 or 3.8%, as the case may be, of moneys being hereinafter
26 called the "Tax Act Amount", and (2) the amount transferred
27 to the Build Illinois Fund from the State and Local Sales Tax
28 Reform Fund shall be less than the Annual Specified Amount
29 (as defined in Section 3 of the Retailers' Occupation Tax
30 Act), an amount equal to the difference shall be immediately
31 paid into the Build Illinois Fund from other moneys received
32 by the Department pursuant to the Tax Acts; and further
33 provided, that if on the last business day of any month the
34 sum of (1) the Tax Act Amount required to be deposited into

1 the Build Illinois Bond Account in the Build Illinois Fund
2 during such month and (2) the amount transferred during such
3 month to the Build Illinois Fund from the State and Local
4 Sales Tax Reform Fund shall have been less than 1/12 of the
5 Annual Specified Amount, an amount equal to the difference
6 shall be immediately paid into the Build Illinois Fund from
7 other moneys received by the Department pursuant to the Tax
8 Acts; and, further provided, that in no event shall the
9 payments required under the preceding proviso result in
10 aggregate payments into the Build Illinois Fund pursuant to
11 this clause (b) for any fiscal year in excess of the greater
12 of (i) the Tax Act Amount or (ii) the Annual Specified Amount
13 for such fiscal year; and, further provided, that the amounts
14 payable into the Build Illinois Fund under this clause (b)
15 shall be payable only until such time as the aggregate amount
16 on deposit under each trust indenture securing Bonds issued
17 and outstanding pursuant to the Build Illinois Bond Act is
18 sufficient, taking into account any future investment income,
19 to fully provide, in accordance with such indenture, for the
20 defeasance of or the payment of the principal of, premium, if
21 any, and interest on the Bonds secured by such indenture and
22 on any Bonds expected to be issued thereafter and all fees
23 and costs payable with respect thereto, all as certified by
24 the Director of the Bureau of the Budget. If on the last
25 business day of any month in which Bonds are outstanding
26 pursuant to the Build Illinois Bond Act, the aggregate of the
27 moneys deposited in the Build Illinois Bond Account in the
28 Build Illinois Fund in such month shall be less than the
29 amount required to be transferred in such month from the
30 Build Illinois Bond Account to the Build Illinois Bond
31 Retirement and Interest Fund pursuant to Section 13 of the
32 Build Illinois Bond Act, an amount equal to such deficiency
33 shall be immediately paid from other moneys received by the
34 Department pursuant to the Tax Acts to the Build Illinois

1 Fund; provided, however, that any amounts paid to the Build
 2 Illinois Fund in any fiscal year pursuant to this sentence
 3 shall be deemed to constitute payments pursuant to clause (b)
 4 of the preceding sentence and shall reduce the amount
 5 otherwise payable for such fiscal year pursuant to clause (b)
 6 of the preceding sentence. The moneys received by the
 7 Department pursuant to this Act and required to be deposited
 8 into the Build Illinois Fund are subject to the pledge, claim
 9 and charge set forth in Section 12 of the Build Illinois Bond
 10 Act.

11 Subject to payment of amounts into the Build Illinois
 12 Fund as provided in the preceding paragraph or in any
 13 amendment thereto hereafter enacted, the following specified
 14 monthly installment of the amount requested in the
 15 certificate of the Chairman of the Metropolitan Pier and
 16 Exposition Authority provided under Section 8.25f of the
 17 State Finance Act, but not in excess of the sums designated
 18 as "Total Deposit", shall be deposited in the aggregate from
 19 collections under Section 9 of the Use Tax Act, Section 9 of
 20 the Service Use Tax Act, Section 9 of the Service Occupation
 21 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 22 into the McCormick Place Expansion Project Fund in the
 23 specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year
23 thereafter that bonds
24 are outstanding under
25 Section 13.2 of the
26 Metropolitan Pier and
27 Exposition Authority
28 Act, but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal
30 year thereafter, one-eighth of the amount requested in the
31 certificate of the Chairman of the Metropolitan Pier and
32 Exposition Authority for that fiscal year, less the amount
33 deposited into the McCormick Place Expansion Project Fund by
34 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition
2 Authority Act, plus cumulative deficiencies in the deposits
3 required under this Section for previous months and years,
4 shall be deposited into the McCormick Place Expansion Project
5 Fund, until the full amount requested for the fiscal year,
6 but not in excess of the amount specified above as "Total
7 Deposit", has been deposited.

8 Subject to payment of amounts into the Build Illinois
9 Fund and the McCormick Place Expansion Project Fund pursuant
10 to the preceding paragraphs or in any amendment thereto
11 hereafter enacted, each month the Department shall pay into
12 the Local Government Distributive Fund .4% of the net revenue
13 realized for the preceding month from the 5% general rate, or
14 .4% of 80% of the net revenue realized for the preceding
15 month from the 6.25% general rate, as the case may be, on the
16 selling price of tangible personal property which amount
17 shall, subject to appropriation, be distributed as provided
18 in Section 2 of the State Revenue Sharing Act. No payments or
19 distributions pursuant to this paragraph shall be made if the
20 tax imposed by this Act on photoprocessing products is
21 declared unconstitutional, or if the proceeds from such tax
22 are unavailable for distribution because of litigation.

23 Subject to payment of amounts into the Build Illinois
24 Fund, the McCormick Place Expansion Project Fund, and the
25 Local Government Distributive Fund pursuant to the preceding
26 paragraphs or in any amendments thereto hereafter enacted,
27 beginning July 1, 1993, the Department shall each month pay
28 into the Illinois Tax Increment Fund 0.27% of 80% of the net
29 revenue realized for the preceding month from the 6.25%
30 general rate on the selling price of tangible personal
31 property.

32 Subject to payment of amounts into the Build Illinois
33 Fund, the McCormick Place Expansion Project Fund, and the
34 Local Government Distributive Fund pursuant to the preceding

1 paragraphs or in any amendments thereto hereafter enacted,
2 beginning with the receipt of the first report of taxes paid
3 by an eligible business and continuing for a 25-year period,
4 the Department shall each month pay into the Energy
5 Infrastructure Fund 80% of the net revenue realized from the
6 6.25% general rate on the selling price of Illinois-mined
7 coal that was sold to an eligible business. For purposes of
8 this paragraph, the term "eligible business" means a new
9 electric generating facility certified pursuant to Section
10 605-332 of the Department of Commerce and Community Affairs
11 Law of the Civil Administrative Code of Illinois.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, 75% thereof shall be paid into the
14 State Treasury and 25% shall be reserved in a special account
15 and used only for the transfer to the Common School Fund as
16 part of the monthly transfer from the General Revenue Fund in
17 accordance with Section 8a of the State Finance Act.

18 As soon as possible after the first day of each month,
19 upon certification of the Department of Revenue, the
20 Comptroller shall order transferred and the Treasurer shall
21 transfer from the General Revenue Fund to the Motor Fuel Tax
22 Fund an amount equal to 1.7% of 80% of the net revenue
23 realized under this Act for the second preceding month.
24 Beginning April 1, 2000, this transfer is no longer required
25 and shall not be made.

26 Net revenue realized for a month shall be the revenue
27 collected by the State pursuant to this Act, less the amount
28 paid out during that month as refunds to taxpayers for
29 overpayment of liability.

30 For greater simplicity of administration, manufacturers,
31 importers and wholesalers whose products are sold at retail
32 in Illinois by numerous retailers, and who wish to do so, may
33 assume the responsibility for accounting and paying to the
34 Department all tax accruing under this Act with respect to

1 such sales, if the retailers who are affected do not make
2 written objection to the Department to this arrangement.

3 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
4 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
5 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
6 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised
7 9-14-01.)

8 Section 26. The Service Use Tax Act is amended by
9 changing Sections 3-5 and 9 as follows:

10 (35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

11 Sec. 3-5. Exemptions. Use of the following tangible
12 personal property is exempt from the tax imposed by this Act:

13 (1) Personal property purchased from a corporation,
14 society, association, foundation, institution, or
15 organization, other than a limited liability company, that is
16 organized and operated as a not-for-profit service enterprise
17 for the benefit of persons 65 years of age or older if the
18 personal property was not purchased by the enterprise for the
19 purpose of resale by the enterprise.

20 (2) Personal property purchased by a non-profit Illinois
21 county fair association for use in conducting, operating, or
22 promoting the county fair.

23 (3) Personal property purchased by a not-for-profit arts
24 or cultural organization that establishes, by proof required
25 by the Department by rule, that it has received an exemption
26 under Section 501(c)(3) of the Internal Revenue Code and that
27 is organized and operated primarily for the presentation or
28 support of arts or cultural programming, activities, or
29 services. These organizations include, but are not limited
30 to, music and dramatic arts organizations such as symphony
31 orchestras and theatrical groups, arts and cultural service
32 organizations, local arts councils, visual arts

1 organizations, and media arts organizations. On and after the
2 effective date of this amendatory Act of the 92nd General
3 Assembly, however, an entity otherwise eligible for this
4 exemption shall not make tax-free purchases unless it has an
5 active identification number issued by the Department.

6 (4) Legal tender, currency, medallions, or gold or
7 silver coinage issued by the State of Illinois, the
8 government of the United States of America, or the government
9 of any foreign country, and bullion.

10 (5) Graphic arts machinery and equipment, including
11 repair and replacement parts, both new and used, and
12 including that manufactured on special order or purchased for
13 lease, certified by the purchaser to be used primarily for
14 graphic arts production. Equipment includes chemicals or
15 chemicals acting as catalysts but only if the chemicals or
16 chemicals acting as catalysts effect a direct and immediate
17 change upon a graphic arts product.

18 (6) Personal property purchased from a teacher-sponsored
19 student organization affiliated with an elementary or
20 secondary school located in Illinois.

21 (7) Farm machinery and equipment, both new and used,
22 including that manufactured on special order, certified by
23 the purchaser to be used primarily for production agriculture
24 or State or federal agricultural programs, including
25 individual replacement parts for the machinery and equipment,
26 including machinery and equipment purchased for lease, and
27 including implements of husbandry defined in Section 1-130 of
28 the Illinois Vehicle Code, farm machinery and agricultural
29 chemical and fertilizer spreaders, and nurse wagons required
30 to be registered under Section 3-809 of the Illinois Vehicle
31 Code, but excluding other motor vehicles required to be
32 registered under the Illinois Vehicle Code. Horticultural
33 polyhouses or hoop houses used for propagating, growing, or
34 overwintering plants shall be considered farm machinery and

1 equipment under this item (7). Agricultural chemical tender
2 tanks and dry boxes shall include units sold separately from
3 a motor vehicle required to be licensed and units sold
4 mounted on a motor vehicle required to be licensed if the
5 selling price of the tender is separately stated.

6 Farm machinery and equipment shall include precision
7 farming equipment that is installed or purchased to be
8 installed on farm machinery and equipment including, but not
9 limited to, tractors, harvesters, sprayers, planters,
10 seeders, or spreaders. Precision farming equipment includes,
11 but is not limited to, soil testing sensors, computers,
12 monitors, software, global positioning and mapping systems,
13 and other such equipment.

14 Farm machinery and equipment also includes computers,
15 sensors, software, and related equipment used primarily in
16 the computer-assisted operation of production agriculture
17 facilities, equipment, and activities such as, but not
18 limited to, the collection, monitoring, and correlation of
19 animal and crop data for the purpose of formulating animal
20 diets and agricultural chemicals. This item (7) is exempt
21 from the provisions of Section 3-75.

22 (8) Fuel and petroleum products sold to or used by an
23 air common carrier, certified by the carrier to be used for
24 consumption, shipment, or storage in the conduct of its
25 business as an air common carrier, for a flight destined for
26 or returning from a location or locations outside the United
27 States without regard to previous or subsequent domestic
28 stopovers.

29 (9) Proceeds of mandatory service charges separately
30 stated on customers' bills for the purchase and consumption
31 of food and beverages acquired as an incident to the purchase
32 of a service from a serviceman, to the extent that the
33 proceeds of the service charge are in fact turned over as
34 tips or as a substitute for tips to the employees who

1 participate directly in preparing, serving, hosting or
2 cleaning up the food or beverage function with respect to
3 which the service charge is imposed.

4 (10) Oil field exploration, drilling, and production
5 equipment, including (i) rigs and parts of rigs, rotary rigs,
6 cable tool rigs, and workover rigs, (ii) pipe and tubular
7 goods, including casing and drill strings, (iii) pumps and
8 pump-jack units, (iv) storage tanks and flow lines, (v) any
9 individual replacement part for oil field exploration,
10 drilling, and production equipment, and (vi) machinery and
11 equipment purchased for lease; but excluding motor vehicles
12 required to be registered under the Illinois Vehicle Code.

13 (11) Proceeds from the sale of photoprocessing machinery
14 and equipment, including repair and replacement parts, both
15 new and used, including that manufactured on special order,
16 certified by the purchaser to be used primarily for
17 photoprocessing, and including photoprocessing machinery and
18 equipment purchased for lease.

19 (12) Coal exploration, mining, offhighway hauling,
20 processing, maintenance, and reclamation equipment, including
21 replacement parts and equipment, and including equipment
22 purchased for lease, but excluding motor vehicles required to
23 be registered under the Illinois Vehicle Code.

24 (13) Semen used for artificial insemination of livestock
25 for direct agricultural production.

26 (14) Horses, or interests in horses, registered with and
27 meeting the requirements of any of the Arabian Horse Club
28 Registry of America, Appaloosa Horse Club, American Quarter
29 Horse Association, United States Trotting Association, or
30 Jockey Club, as appropriate, used for purposes of breeding or
31 racing for prizes.

32 (15) Computers and communications equipment utilized for
33 any hospital purpose and equipment used in the diagnosis,
34 analysis, or treatment of hospital patients purchased by a

1 lessor who leases the equipment, under a lease of one year or
2 longer executed or in effect at the time the lessor would
3 otherwise be subject to the tax imposed by this Act, to a
4 hospital that has been issued an active tax exemption
5 identification number by the Department under Section 1g of
6 the Retailers' Occupation Tax Act. If the equipment is leased
7 in a manner that does not qualify for this exemption or is
8 used in any other non-exempt manner, the lessor shall be
9 liable for the tax imposed under this Act or the Use Tax Act,
10 as the case may be, based on the fair market value of the
11 property at the time the non-qualifying use occurs. No
12 lessor shall collect or attempt to collect an amount (however
13 designated) that purports to reimburse that lessor for the
14 tax imposed by this Act or the Use Tax Act, as the case may
15 be, if the tax has not been paid by the lessor. If a lessor
16 improperly collects any such amount from the lessee, the
17 lessee shall have a legal right to claim a refund of that
18 amount from the lessor. If, however, that amount is not
19 refunded to the lessee for any reason, the lessor is liable
20 to pay that amount to the Department.

21 (16) Personal property purchased by a lessor who leases
22 the property, under a lease of one year or longer executed or
23 in effect at the time the lessor would otherwise be subject
24 to the tax imposed by this Act, to a governmental body that
25 has been issued an active tax exemption identification number
26 by the Department under Section 1g of the Retailers'
27 Occupation Tax Act. If the property is leased in a manner
28 that does not qualify for this exemption or is used in any
29 other non-exempt manner, the lessor shall be liable for the
30 tax imposed under this Act or the Use Tax Act, as the case
31 may be, based on the fair market value of the property at the
32 time the non-qualifying use occurs. No lessor shall collect
33 or attempt to collect an amount (however designated) that
34 purports to reimburse that lessor for the tax imposed by this

1 Act or the Use Tax Act, as the case may be, if the tax has
2 not been paid by the lessor. If a lessor improperly collects
3 any such amount from the lessee, the lessee shall have a
4 legal right to claim a refund of that amount from the lessor.
5 If, however, that amount is not refunded to the lessee for
6 any reason, the lessor is liable to pay that amount to the
7 Department.

8 (17) Beginning with taxable years ending on or after
9 December 31, 1995 and ending with taxable years ending on or
10 before December 31, 2004, personal property that is donated
11 for disaster relief to be used in a State or federally
12 declared disaster area in Illinois or bordering Illinois by a
13 manufacturer or retailer that is registered in this State to
14 a corporation, society, association, foundation, or
15 institution that has been issued a sales tax exemption
16 identification number by the Department that assists victims
17 of the disaster who reside within the declared disaster area.

18 (18) Beginning with taxable years ending on or after
19 December 31, 1995 and ending with taxable years ending on or
20 before December 31, 2004, personal property that is used in
21 the performance of infrastructure repairs in this State,
22 including but not limited to municipal roads and streets,
23 access roads, bridges, sidewalks, waste disposal systems,
24 water and sewer line extensions, water distribution and
25 purification facilities, storm water drainage and retention
26 facilities, and sewage treatment facilities, resulting from a
27 State or federally declared disaster in Illinois or bordering
28 Illinois when such repairs are initiated on facilities
29 located in the declared disaster area within 6 months after
30 the disaster.

31 (19) Beginning July 1, 1999, game or game birds
32 purchased at a "game breeding and hunting preserve area" or
33 an "exotic game hunting area" as those terms are used in the
34 Wildlife Code or at a hunting enclosure approved through

1 rules adopted by the Department of Natural Resources. This
2 paragraph is exempt from the provisions of Section 3-75.

3 (20) A motor vehicle, as that term is defined in Section
4 1-146 of the Illinois Vehicle Code, that is donated to a
5 corporation, limited liability company, society, association,
6 foundation, or institution that is determined by the
7 Department to be organized and operated exclusively for
8 educational purposes. For purposes of this exemption, "a
9 corporation, limited liability company, society, association,
10 foundation, or institution organized and operated exclusively
11 for educational purposes" means all tax-supported public
12 schools, private schools that offer systematic instruction in
13 useful branches of learning by methods common to public
14 schools and that compare favorably in their scope and
15 intensity with the course of study presented in tax-supported
16 schools, and vocational or technical schools or institutes
17 organized and operated exclusively to provide a course of
18 study of not less than 6 weeks duration and designed to
19 prepare individuals to follow a trade or to pursue a manual,
20 technical, mechanical, industrial, business, or commercial
21 occupation.

22 (21) Beginning January 1, 2000, personal property,
23 including food, purchased through fundraising events for the
24 benefit of a public or private elementary or secondary
25 school, a group of those schools, or one or more school
26 districts if the events are sponsored by an entity recognized
27 by the school district that consists primarily of volunteers
28 and includes parents and teachers of the school children.
29 This paragraph does not apply to fundraising events (i) for
30 the benefit of private home instruction or (ii) for which the
31 fundraising entity purchases the personal property sold at
32 the events from another individual or entity that sold the
33 property for the purpose of resale by the fundraising entity
34 and that profits from the sale to the fundraising entity.

1 This paragraph is exempt from the provisions of Section 3-75.

2 (22) Beginning January 1, 2000 and through December 31,
3 2001, new or used automatic vending machines that prepare and
4 serve hot food and beverages, including coffee, soup, and
5 other items, and replacement parts for these machines.
6 Beginning January 1, 2002, machines and parts for machines
7 used in commercial, coin-operated amusement and vending
8 business if a use or occupation tax is paid on the gross
9 receipts derived from the use of the commercial,
10 coin-operated amusement and vending machines. This paragraph
11 is exempt from the provisions of Section 3-75.

12 (23) Food for human consumption that is to be consumed
13 off the premises where it is sold (other than alcoholic
14 beverages, soft drinks, and food that has been prepared for
15 immediate consumption) and prescription and nonprescription
16 medicines, drugs, medical appliances, and insulin, urine
17 testing materials, syringes, and needles used by diabetics,
18 for human use, when purchased for use by a person receiving
19 medical assistance under Article 5 of the Illinois Public Aid
20 Code who resides in a licensed long-term care facility, as
21 defined in the Nursing Home Care Act.

22 (24) ~~(23)~~ Beginning on the effective date of this
23 amendatory Act of the 92nd General Assembly, computers and
24 communications equipment utilized for any hospital purpose
25 and equipment used in the diagnosis, analysis, or treatment
26 of hospital patients purchased by a lessor who leases the
27 equipment, under a lease of one year or longer executed or in
28 effect at the time the lessor would otherwise be subject to
29 the tax imposed by this Act, to a hospital that has been
30 issued an active tax exemption identification number by the
31 Department under Section 1g of the Retailers' Occupation Tax
32 Act. If the equipment is leased in a manner that does not
33 qualify for this exemption or is used in any other nonexempt
34 manner, the lessor shall be liable for the tax imposed under

1 this Act or the Use Tax Act, as the case may be, based on the
2 fair market value of the property at the time the
3 nonqualifying use occurs. No lessor shall collect or attempt
4 to collect an amount (however designated) that purports to
5 reimburse that lessor for the tax imposed by this Act or the
6 Use Tax Act, as the case may be, if the tax has not been paid
7 by the lessor. If a lessor improperly collects any such
8 amount from the lessee, the lessee shall have a legal right
9 to claim a refund of that amount from the lessor. If,
10 however, that amount is not refunded to the lessee for any
11 reason, the lessor is liable to pay that amount to the
12 Department. This paragraph is exempt from the provisions of
13 Section 3-75.

14 (25) ~~(24)~~ Beginning on the effective date of this
15 amendatory Act of the 92nd General Assembly, personal
16 property purchased by a lessor who leases the property, under
17 a lease of one year or longer executed or in effect at the
18 time the lessor would otherwise be subject to the tax imposed
19 by this Act, to a governmental body that has been issued an
20 active tax exemption identification number by the Department
21 under Section 1g of the Retailers' Occupation Tax Act. If
22 the property is leased in a manner that does not qualify for
23 this exemption or is used in any other nonexempt manner, the
24 lessor shall be liable for the tax imposed under this Act or
25 the Use Tax Act, as the case may be, based on the fair market
26 value of the property at the time the nonqualifying use
27 occurs. No lessor shall collect or attempt to collect an
28 amount (however designated) that purports to reimburse that
29 lessor for the tax imposed by this Act or the Use Tax Act, as
30 the case may be, if the tax has not been paid by the lessor.
31 If a lessor improperly collects any such amount from the
32 lessee, the lessee shall have a legal right to claim a refund
33 of that amount from the lessor. If, however, that amount is
34 not refunded to the lessee for any reason, the lessor is

1 liable to pay that amount to the Department. This paragraph
2 is exempt from the provisions of Section 3-75.

3 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;
4 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff.
5 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227,
6 eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01;
7 revised 10-10-01.)

8 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

9 Sec. 9. Each serviceman required or authorized to
10 collect the tax herein imposed shall pay to the Department
11 the amount of such tax (except as otherwise provided) at the
12 time when he is required to file his return for the period
13 during which such tax was collected, less a discount of 2.1%
14 prior to January 1, 1990 and 1.75% on and after January 1,
15 1990, or \$5 per calendar year, whichever is greater, which is
16 allowed to reimburse the serviceman for expenses incurred in
17 collecting the tax, keeping records, preparing and filing
18 returns, remitting the tax and supplying data to the
19 Department on request. A serviceman need not remit that part
20 of any tax collected by him to the extent that he is required
21 to pay and does pay the tax imposed by the Service Occupation
22 Tax Act with respect to his sale of service involving the
23 incidental transfer by him of the same property.

24 Except as provided hereinafter in this Section, on or
25 before the twentieth day of each calendar month, such
26 serviceman shall file a return for the preceding calendar
27 month in accordance with reasonable Rules and Regulations to
28 be promulgated by the Department. Such return shall be filed
29 on a form prescribed by the Department and shall contain such
30 information as the Department may reasonably require.

31 The Department may require returns to be filed on a
32 quarterly basis. If so required, a return for each calendar
33 quarter shall be filed on or before the twentieth day of the

1 calendar month following the end of such calendar quarter.
2 The taxpayer shall also file a return with the Department for
3 each of the first two months of each calendar quarter, on or
4 before the twentieth day of the following calendar month,
5 stating:

- 6 1. The name of the seller;
- 7 2. The address of the principal place of business
8 from which he engages in business as a serviceman in this
9 State;
- 10 3. The total amount of taxable receipts received by
11 him during the preceding calendar month, including
12 receipts from charge and time sales, but less all
13 deductions allowed by law;
- 14 4. The amount of credit provided in Section 2d of
15 this Act;
- 16 5. The amount of tax due;
- 17 5-5. The signature of the taxpayer; and
- 18 6. Such other reasonable information as the
19 Department may require.

20 If a taxpayer fails to sign a return within 30 days after
21 the proper notice and demand for signature by the Department,
22 the return shall be considered valid and any amount shown to
23 be due on the return shall be deemed assessed.

24 Beginning October 1, 1993, a taxpayer who has an average
25 monthly tax liability of \$150,000 or more shall make all
26 payments required by rules of the Department by electronic
27 funds transfer. Beginning October 1, 1994, a taxpayer who
28 has an average monthly tax liability of \$100,000 or more
29 shall make all payments required by rules of the Department
30 by electronic funds transfer. Beginning October 1, 1995, a
31 taxpayer who has an average monthly tax liability of \$50,000
32 or more shall make all payments required by rules of the
33 Department by electronic funds transfer. Beginning October 1,
34 2000, a taxpayer who has an annual tax liability of \$200,000

1 or more shall make all payments required by rules of the
2 Department by electronic funds transfer. The term "annual
3 tax liability" shall be the sum of the taxpayer's liabilities
4 under this Act, and under all other State and local
5 occupation and use tax laws administered by the Department,
6 for the immediately preceding calendar year. The term
7 "average monthly tax liability" means the sum of the
8 taxpayer's liabilities under this Act, and under all other
9 State and local occupation and use tax laws administered by
10 the Department, for the immediately preceding calendar year
11 divided by 12. Beginning on October 1, 2002, a taxpayer who
12 has a tax liability in the amount set forth in subsection (b)
13 of Section 2505-210 of the Department of Revenue Law shall
14 make all payments required by rules of the Department by
15 electronic funds transfer.

16 Before August 1 of each year beginning in 1993, the
17 Department shall notify all taxpayers required to make
18 payments by electronic funds transfer. All taxpayers required
19 to make payments by electronic funds transfer shall make
20 those payments for a minimum of one year beginning on October
21 1.

22 Any taxpayer not required to make payments by electronic
23 funds transfer may make payments by electronic funds transfer
24 with the permission of the Department.

25 All taxpayers required to make payment by electronic
26 funds transfer and any taxpayers authorized to voluntarily
27 make payments by electronic funds transfer shall make those
28 payments in the manner authorized by the Department.

29 The Department shall adopt such rules as are necessary to
30 effectuate a program of electronic funds transfer and the
31 requirements of this Section.

32 If the serviceman is otherwise required to file a monthly
33 return and if the serviceman's average monthly tax liability
34 to the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,
2 with the return for January, February and March of a given
3 year being due by April 20 of such year; with the return for
4 April, May and June of a given year being due by July 20 of
5 such year; with the return for July, August and September of
6 a given year being due by October 20 of such year, and with
7 the return for October, November and December of a given year
8 being due by January 20 of the following year.

9 If the serviceman is otherwise required to file a monthly
10 or quarterly return and if the serviceman's average monthly
11 tax liability to the Department does not exceed \$50, the
12 Department may authorize his returns to be filed on an annual
13 basis, with the return for a given year being due by January
14 20 of the following year.

15 Such quarter annual and annual returns, as to form and
16 substance, shall be subject to the same requirements as
17 monthly returns.

18 Notwithstanding any other provision in this Act
19 concerning the time within which a serviceman may file his
20 return, in the case of any serviceman who ceases to engage in
21 a kind of business which makes him responsible for filing
22 returns under this Act, such serviceman shall file a final
23 return under this Act with the Department not more than 1
24 month after discontinuing such business.

25 Where a serviceman collects the tax with respect to the
26 selling price of property which he sells and the purchaser
27 thereafter returns such property and the serviceman refunds
28 the selling price thereof to the purchaser, such serviceman
29 shall also refund, to the purchaser, the tax so collected
30 from the purchaser. When filing his return for the period in
31 which he refunds such tax to the purchaser, the serviceman
32 may deduct the amount of the tax so refunded by him to the
33 purchaser from any other Service Use Tax, Service Occupation
34 Tax, retailers' occupation tax or use tax which such

1 serviceman may be required to pay or remit to the Department,
2 as shown by such return, provided that the amount of the tax
3 to be deducted shall previously have been remitted to the
4 Department by such serviceman. If the serviceman shall not
5 previously have remitted the amount of such tax to the
6 Department, he shall be entitled to no deduction hereunder
7 upon refunding such tax to the purchaser.

8 Any serviceman filing a return hereunder shall also
9 include the total tax upon the selling price of tangible
10 personal property purchased for use by him as an incident to
11 a sale of service, and such serviceman shall remit the amount
12 of such tax to the Department when filing such return.

13 If experience indicates such action to be practicable,
14 the Department may prescribe and furnish a combination or
15 joint return which will enable servicemen, who are required
16 to file returns hereunder and also under the Service
17 Occupation Tax Act, to furnish all the return information
18 required by both Acts on the one form.

19 Where the serviceman has more than one business
20 registered with the Department under separate registration
21 hereunder, such serviceman shall not file each return that is
22 due as a single return covering all such registered
23 businesses, but shall file separate returns for each such
24 registered business.

25 Beginning January 1, 1990, each month the Department
26 shall pay into the State and Local Tax Reform Fund, a special
27 fund in the State Treasury, the net revenue realized for the
28 preceding month from the 1% tax on sales of food for human
29 consumption which is to be consumed off the premises where it
30 is sold (other than alcoholic beverages, soft drinks and food
31 which has been prepared for immediate consumption) and
32 prescription and nonprescription medicines, drugs, medical
33 appliances and insulin, urine testing materials, syringes and
34 needles used by diabetics.

1 Beginning January 1, 1990, each month the Department
2 shall pay into the State and Local Sales Tax Reform Fund 20%
3 of the net revenue realized for the preceding month from the
4 6.25% general rate on transfers of tangible personal
5 property, other than tangible personal property which is
6 purchased outside Illinois at retail from a retailer and
7 which is titled or registered by an agency of this State's
8 government.

9 Beginning August 1, 2000, each month the Department shall
10 pay into the State and Local Sales Tax Reform Fund 100% of
11 the net revenue realized for the preceding month from the
12 1.25% rate on the selling price of motor fuel and gasohol.

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, (a) 1.75% thereof shall be paid into
15 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
16 and on and after July 1, 1989, 3.8% thereof shall be paid
17 into the Build Illinois Fund; provided, however, that if in
18 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
19 as the case may be, of the moneys received by the Department
20 and required to be paid into the Build Illinois Fund pursuant
21 to Section 3 of the Retailers' Occupation Tax Act, Section 9
22 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
23 Section 9 of the Service Occupation Tax Act, such Acts being
24 hereinafter called the "Tax Acts" and such aggregate of 2.2%
25 or 3.8%, as the case may be, of moneys being hereinafter
26 called the "Tax Act Amount", and (2) the amount transferred
27 to the Build Illinois Fund from the State and Local Sales Tax
28 Reform Fund shall be less than the Annual Specified Amount
29 (as defined in Section 3 of the Retailers' Occupation Tax
30 Act), an amount equal to the difference shall be immediately
31 paid into the Build Illinois Fund from other moneys received
32 by the Department pursuant to the Tax Acts; and further
33 provided, that if on the last business day of any month the
34 sum of (1) the Tax Act Amount required to be deposited into

1 the Build Illinois Bond Account in the Build Illinois Fund
2 during such month and (2) the amount transferred during such
3 month to the Build Illinois Fund from the State and Local
4 Sales Tax Reform Fund shall have been less than 1/12 of the
5 Annual Specified Amount, an amount equal to the difference
6 shall be immediately paid into the Build Illinois Fund from
7 other moneys received by the Department pursuant to the Tax
8 Acts; and, further provided, that in no event shall the
9 payments required under the preceding proviso result in
10 aggregate payments into the Build Illinois Fund pursuant to
11 this clause (b) for any fiscal year in excess of the greater
12 of (i) the Tax Act Amount or (ii) the Annual Specified Amount
13 for such fiscal year; and, further provided, that the amounts
14 payable into the Build Illinois Fund under this clause (b)
15 shall be payable only until such time as the aggregate amount
16 on deposit under each trust indenture securing Bonds issued
17 and outstanding pursuant to the Build Illinois Bond Act is
18 sufficient, taking into account any future investment income,
19 to fully provide, in accordance with such indenture, for the
20 defeasance of or the payment of the principal of, premium, if
21 any, and interest on the Bonds secured by such indenture and
22 on any Bonds expected to be issued thereafter and all fees
23 and costs payable with respect thereto, all as certified by
24 the Director of the Bureau of the Budget. If on the last
25 business day of any month in which Bonds are outstanding
26 pursuant to the Build Illinois Bond Act, the aggregate of the
27 moneys deposited in the Build Illinois Bond Account in the
28 Build Illinois Fund in such month shall be less than the
29 amount required to be transferred in such month from the
30 Build Illinois Bond Account to the Build Illinois Bond
31 Retirement and Interest Fund pursuant to Section 13 of the
32 Build Illinois Bond Act, an amount equal to such deficiency
33 shall be immediately paid from other moneys received by the
34 Department pursuant to the Tax Acts to the Build Illinois

1 Fund; provided, however, that any amounts paid to the Build
 2 Illinois Fund in any fiscal year pursuant to this sentence
 3 shall be deemed to constitute payments pursuant to clause (b)
 4 of the preceding sentence and shall reduce the amount
 5 otherwise payable for such fiscal year pursuant to clause (b)
 6 of the preceding sentence. The moneys received by the
 7 Department pursuant to this Act and required to be deposited
 8 into the Build Illinois Fund are subject to the pledge, claim
 9 and charge set forth in Section 12 of the Build Illinois Bond
 10 Act.

11 Subject to payment of amounts into the Build Illinois
 12 Fund as provided in the preceding paragraph or in any
 13 amendment thereto hereafter enacted, the following specified
 14 monthly installment of the amount requested in the
 15 certificate of the Chairman of the Metropolitan Pier and
 16 Exposition Authority provided under Section 8.25f of the
 17 State Finance Act, but not in excess of the sums designated
 18 as "Total Deposit", shall be deposited in the aggregate from
 19 collections under Section 9 of the Use Tax Act, Section 9 of
 20 the Service Use Tax Act, Section 9 of the Service Occupation
 21 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 22 into the McCormick Place Expansion Project Fund in the
 23 specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year
23 thereafter that bonds
24 are outstanding under
25 Section 13.2 of the
26 Metropolitan Pier and
27 Exposition Authority Act,
28 but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal
30 year thereafter, one-eighth of the amount requested in the
31 certificate of the Chairman of the Metropolitan Pier and
32 Exposition Authority for that fiscal year, less the amount
33 deposited into the McCormick Place Expansion Project Fund by
34 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition
2 Authority Act, plus cumulative deficiencies in the deposits
3 required under this Section for previous months and years,
4 shall be deposited into the McCormick Place Expansion Project
5 Fund, until the full amount requested for the fiscal year,
6 but not in excess of the amount specified above as "Total
7 Deposit", has been deposited.

8 Subject to payment of amounts into the Build Illinois
9 Fund and the McCormick Place Expansion Project Fund pursuant
10 to the preceding paragraphs or in any amendment thereto
11 hereafter enacted, each month the Department shall pay into
12 the Local Government Distributive Fund 0.4% of the net
13 revenue realized for the preceding month from the 5% general
14 rate or 0.4% of 80% of the net revenue realized for the
15 preceding month from the 6.25% general rate, as the case may
16 be, on the selling price of tangible personal property which
17 amount shall, subject to appropriation, be distributed as
18 provided in Section 2 of the State Revenue Sharing Act. No
19 payments or distributions pursuant to this paragraph shall be
20 made if the tax imposed by this Act on photo processing
21 products is declared unconstitutional, or if the proceeds
22 from such tax are unavailable for distribution because of
23 litigation.

24 Subject to payment of amounts into the Build Illinois
25 Fund, the McCormick Place Expansion Project Fund, and the
26 Local Government Distributive Fund pursuant to the preceding
27 paragraphs or in any amendments thereto hereafter enacted,
28 beginning July 1, 1993, the Department shall each month pay
29 into the Illinois Tax Increment Fund 0.27% of 80% of the net
30 revenue realized for the preceding month from the 6.25%
31 general rate on the selling price of tangible personal
32 property.

33 Subject to payment of amounts into the Build Illinois
34 Fund, the McCormick Place Expansion Project Fund, and the

1 Local Government Distributive Fund pursuant to the preceding
2 paragraphs or in any amendments thereto hereafter enacted,
3 beginning with the receipt of the first report of taxes paid
4 by an eligible business and continuing for a 25-year period,
5 the Department shall each month pay into the Energy
6 Infrastructure Fund 80% of the net revenue realized from the
7 6.25% general rate on the selling price of Illinois-mined
8 coal that was sold to an eligible business. For purposes of
9 this paragraph, the term "eligible business" means a new
10 electric generating facility certified pursuant to Section
11 605-332 of the Department of Commerce and Community Affairs
12 Law of the Civil Administrative Code of Illinois.

13 All remaining moneys received by the Department pursuant
14 to this Act shall be paid into the General Revenue Fund of
15 the State Treasury.

16 As soon as possible after the first day of each month,
17 upon certification of the Department of Revenue, the
18 Comptroller shall order transferred and the Treasurer shall
19 transfer from the General Revenue Fund to the Motor Fuel Tax
20 Fund an amount equal to 1.7% of 80% of the net revenue
21 realized under this Act for the second preceding month.
22 Beginning April 1, 2000, this transfer is no longer required
23 and shall not be made.

24 Net revenue realized for a month shall be the revenue
25 collected by the State pursuant to this Act, less the amount
26 paid out during that month as refunds to taxpayers for
27 overpayment of liability.

28 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
29 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
30 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.
31 1-1-02; revised 9-14-01.)

32 Section 27. The Service Occupation Tax Act is amended by
33 changing Sections 3-5 and 9 as follows:

1 (35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

2 Sec. 3-5. Exemptions. The following tangible personal
3 property is exempt from the tax imposed by this Act:

4 (1) Personal property sold by a corporation, society,
5 association, foundation, institution, or organization, other
6 than a limited liability company, that is organized and
7 operated as a not-for-profit service enterprise for the
8 benefit of persons 65 years of age or older if the personal
9 property was not purchased by the enterprise for the purpose
10 of resale by the enterprise.

11 (2) Personal property purchased by a not-for-profit
12 Illinois county fair association for use in conducting,
13 operating, or promoting the county fair.

14 (3) Personal property purchased by any not-for-profit
15 arts or cultural organization that establishes, by proof
16 required by the Department by rule, that it has received an
17 exemption under Section 501(c)(3) of the Internal Revenue
18 Code and that is organized and operated primarily for the
19 presentation or support of arts or cultural programming,
20 activities, or services. These organizations include, but
21 are not limited to, music and dramatic arts organizations
22 such as symphony orchestras and theatrical groups, arts and
23 cultural service organizations, local arts councils, visual
24 arts organizations, and media arts organizations. On and
25 after the effective date of this amendatory Act of the 92nd
26 General Assembly, however, an entity otherwise eligible for
27 this exemption shall not make tax-free purchases unless it
28 has an active identification number issued by the Department.

29 (4) Legal tender, currency, medallions, or gold or
30 silver coinage issued by the State of Illinois, the
31 government of the United States of America, or the government
32 of any foreign country, and bullion.

33 (5) Graphic arts machinery and equipment, including
34 repair and replacement parts, both new and used, and

1 including that manufactured on special order or purchased for
2 lease, certified by the purchaser to be used primarily for
3 graphic arts production. Equipment includes chemicals or
4 chemicals acting as catalysts but only if the chemicals or
5 chemicals acting as catalysts effect a direct and immediate
6 change upon a graphic arts product.

7 (6) Personal property sold by a teacher-sponsored
8 student organization affiliated with an elementary or
9 secondary school located in Illinois.

10 (7) Farm machinery and equipment, both new and used,
11 including that manufactured on special order, certified by
12 the purchaser to be used primarily for production agriculture
13 or State or federal agricultural programs, including
14 individual replacement parts for the machinery and equipment,
15 including machinery and equipment purchased for lease, and
16 including implements of husbandry defined in Section 1-130 of
17 the Illinois Vehicle Code, farm machinery and agricultural
18 chemical and fertilizer spreaders, and nurse wagons required
19 to be registered under Section 3-809 of the Illinois Vehicle
20 Code, but excluding other motor vehicles required to be
21 registered under the Illinois Vehicle Code. Horticultural
22 polyhouses or hoop houses used for propagating, growing, or
23 overwintering plants shall be considered farm machinery and
24 equipment under this item (7). Agricultural chemical tender
25 tanks and dry boxes shall include units sold separately from
26 a motor vehicle required to be licensed and units sold
27 mounted on a motor vehicle required to be licensed if the
28 selling price of the tender is separately stated.

29 Farm machinery and equipment shall include precision
30 farming equipment that is installed or purchased to be
31 installed on farm machinery and equipment including, but not
32 limited to, tractors, harvesters, sprayers, planters,
33 seeders, or spreaders. Precision farming equipment includes,
34 but is not limited to, soil testing sensors, computers,

1 monitors, software, global positioning and mapping systems,
2 and other such equipment.

3 Farm machinery and equipment also includes computers,
4 sensors, software, and related equipment used primarily in
5 the computer-assisted operation of production agriculture
6 facilities, equipment, and activities such as, but not
7 limited to, the collection, monitoring, and correlation of
8 animal and crop data for the purpose of formulating animal
9 diets and agricultural chemicals. This item (7) is exempt
10 from the provisions of Section 3-55.

11 (8) Fuel and petroleum products sold to or used by an
12 air common carrier, certified by the carrier to be used for
13 consumption, shipment, or storage in the conduct of its
14 business as an air common carrier, for a flight destined for
15 or returning from a location or locations outside the United
16 States without regard to previous or subsequent domestic
17 stopovers.

18 (9) Proceeds of mandatory service charges separately
19 stated on customers' bills for the purchase and consumption
20 of food and beverages, to the extent that the proceeds of the
21 service charge are in fact turned over as tips or as a
22 substitute for tips to the employees who participate directly
23 in preparing, serving, hosting or cleaning up the food or
24 beverage function with respect to which the service charge is
25 imposed.

26 (10) Oil field exploration, drilling, and production
27 equipment, including (i) rigs and parts of rigs, rotary rigs,
28 cable tool rigs, and workover rigs, (ii) pipe and tubular
29 goods, including casing and drill strings, (iii) pumps and
30 pump-jack units, (iv) storage tanks and flow lines, (v) any
31 individual replacement part for oil field exploration,
32 drilling, and production equipment, and (vi) machinery and
33 equipment purchased for lease; but excluding motor vehicles
34 required to be registered under the Illinois Vehicle Code.

1 (11) Photoprocessing machinery and equipment, including
2 repair and replacement parts, both new and used, including
3 that manufactured on special order, certified by the
4 purchaser to be used primarily for photoprocessing, and
5 including photoprocessing machinery and equipment purchased
6 for lease.

7 (12) Coal exploration, mining, offhighway hauling,
8 processing, maintenance, and reclamation equipment, including
9 replacement parts and equipment, and including equipment
10 purchased for lease, but excluding motor vehicles required to
11 be registered under the Illinois Vehicle Code.

12 (13) Food for human consumption that is to be consumed
13 off the premises where it is sold (other than alcoholic
14 beverages, soft drinks and food that has been prepared for
15 immediate consumption) and prescription and non-prescription
16 medicines, drugs, medical appliances, and insulin, urine
17 testing materials, syringes, and needles used by diabetics,
18 for human use, when purchased for use by a person receiving
19 medical assistance under Article 5 of the Illinois Public Aid
20 Code who resides in a licensed long-term care facility, as
21 defined in the Nursing Home Care Act.

22 (14) Semen used for artificial insemination of livestock
23 for direct agricultural production.

24 (15) Horses, or interests in horses, registered with and
25 meeting the requirements of any of the Arabian Horse Club
26 Registry of America, Appaloosa Horse Club, American Quarter
27 Horse Association, United States Trotting Association, or
28 Jockey Club, as appropriate, used for purposes of breeding or
29 racing for prizes.

30 (16) Computers and communications equipment utilized for
31 any hospital purpose and equipment used in the diagnosis,
32 analysis, or treatment of hospital patients sold to a lessor
33 who leases the equipment, under a lease of one year or longer
34 executed or in effect at the time of the purchase, to a

1 hospital that has been issued an active tax exemption
2 identification number by the Department under Section 1g of
3 the Retailers' Occupation Tax Act.

4 (17) Personal property sold to a lessor who leases the
5 property, under a lease of one year or longer executed or in
6 effect at the time of the purchase, to a governmental body
7 that has been issued an active tax exemption identification
8 number by the Department under Section 1g of the Retailers'
9 Occupation Tax Act.

10 (18) Beginning with taxable years ending on or after
11 December 31, 1995 and ending with taxable years ending on or
12 before December 31, 2004, personal property that is donated
13 for disaster relief to be used in a State or federally
14 declared disaster area in Illinois or bordering Illinois by a
15 manufacturer or retailer that is registered in this State to
16 a corporation, society, association, foundation, or
17 institution that has been issued a sales tax exemption
18 identification number by the Department that assists victims
19 of the disaster who reside within the declared disaster area.

20 (19) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on or
22 before December 31, 2004, personal property that is used in
23 the performance of infrastructure repairs in this State,
24 including but not limited to municipal roads and streets,
25 access roads, bridges, sidewalks, waste disposal systems,
26 water and sewer line extensions, water distribution and
27 purification facilities, storm water drainage and retention
28 facilities, and sewage treatment facilities, resulting from a
29 State or federally declared disaster in Illinois or bordering
30 Illinois when such repairs are initiated on facilities
31 located in the declared disaster area within 6 months after
32 the disaster.

33 (20) Beginning July 1, 1999, game or game birds sold at
34 a "game breeding and hunting preserve area" or an "exotic

1 game hunting area" as those terms are used in the Wildlife
2 Code or at a hunting enclosure approved through rules adopted
3 by the Department of Natural Resources. This paragraph is
4 exempt from the provisions of Section 3-55.

5 (21) A motor vehicle, as that term is defined in Section
6 1-146 of the Illinois Vehicle Code, that is donated to a
7 corporation, limited liability company, society, association,
8 foundation, or institution that is determined by the
9 Department to be organized and operated exclusively for
10 educational purposes. For purposes of this exemption, "a
11 corporation, limited liability company, society, association,
12 foundation, or institution organized and operated exclusively
13 for educational purposes" means all tax-supported public
14 schools, private schools that offer systematic instruction in
15 useful branches of learning by methods common to public
16 schools and that compare favorably in their scope and
17 intensity with the course of study presented in tax-supported
18 schools, and vocational or technical schools or institutes
19 organized and operated exclusively to provide a course of
20 study of not less than 6 weeks duration and designed to
21 prepare individuals to follow a trade or to pursue a manual,
22 technical, mechanical, industrial, business, or commercial
23 occupation.

24 (22) Beginning January 1, 2000, personal property,
25 including food, purchased through fundraising events for the
26 benefit of a public or private elementary or secondary
27 school, a group of those schools, or one or more school
28 districts if the events are sponsored by an entity recognized
29 by the school district that consists primarily of volunteers
30 and includes parents and teachers of the school children.
31 This paragraph does not apply to fundraising events (i) for
32 the benefit of private home instruction or (ii) for which the
33 fundraising entity purchases the personal property sold at
34 the events from another individual or entity that sold the

1 property for the purpose of resale by the fundraising entity
2 and that profits from the sale to the fundraising entity.
3 This paragraph is exempt from the provisions of Section 3-55.

4 (23) Beginning January 1, 2000 and through December 31,
5 2001, new or used automatic vending machines that prepare and
6 serve hot food and beverages, including coffee, soup, and
7 other items, and replacement parts for these machines.
8 Beginning January 1, 2002, machines and parts for machines
9 used in commercial, coin-operated amusement and vending
10 business if a use or occupation tax is paid on the gross
11 receipts derived from the use of the commercial,
12 coin-operated amusement and vending machines. This paragraph
13 is exempt from the provisions of Section 3-55.

14 (24) Beginning on the effective date of this amendatory
15 Act of the 92nd General Assembly, computers and
16 communications equipment utilized for any hospital purpose
17 and equipment used in the diagnosis, analysis, or treatment
18 of hospital patients sold to a lessor who leases the
19 equipment, under a lease of one year or longer executed or in
20 effect at the time of the purchase, to a hospital that has
21 been issued an active tax exemption identification number by
22 the Department under Section 1g of the Retailers' Occupation
23 Tax Act. This paragraph is exempt from the provisions of
24 Section 3-55.

25 (25) Beginning on the effective date of this amendatory
26 Act of the 92nd General Assembly, personal property sold to a
27 lessor who leases the property, under a lease of one year or
28 longer executed or in effect at the time of the purchase, to
29 a governmental body that has been issued an active tax
30 exemption identification number by the Department under
31 Section 1g of the Retailers' Occupation Tax Act. This
32 paragraph is exempt from the provisions of Section 3-55.

33 (26) ~~(24)~~ Beginning on January 1, 2002, tangible
34 personal property purchased from an Illinois retailer by a

1 taxpayer engaged in centralized purchasing activities in
2 Illinois who will, upon receipt of the property in Illinois,
3 temporarily store the property in Illinois (i) for the
4 purpose of subsequently transporting it outside this State
5 for use or consumption thereafter solely outside this State
6 or (ii) for the purpose of being processed, fabricated, or
7 manufactured into, attached to, or incorporated into other
8 tangible personal property to be transported outside this
9 State and thereafter used or consumed solely outside this
10 State. The Director of Revenue shall, pursuant to rules
11 adopted in accordance with the Illinois Administrative
12 Procedure Act, issue a permit to any taxpayer in good
13 standing with the Department who is eligible for the
14 exemption under this paragraph (26) ~~(24)~~. The permit issued
15 under this paragraph (26) ~~(24)~~ shall authorize the holder, to
16 the extent and in the manner specified in the rules adopted
17 under this Act, to purchase tangible personal property from a
18 retailer exempt from the taxes imposed by this Act.
19 Taxpayers shall maintain all necessary books and records to
20 substantiate the use and consumption of all such tangible
21 personal property outside of the State of Illinois.

22 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;
23 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.
24 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,
25 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;
26 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

27 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

28 Sec. 9. Each serviceman required or authorized to
29 collect the tax herein imposed shall pay to the Department
30 the amount of such tax at the time when he is required to
31 file his return for the period during which such tax was
32 collectible, less a discount of 2.1% prior to January 1,
33 1990, and 1.75% on and after January 1, 1990, or \$5 per

1 calendar year, whichever is greater, which is allowed to
2 reimburse the serviceman for expenses incurred in collecting
3 the tax, keeping records, preparing and filing returns,
4 remitting the tax and supplying data to the Department on
5 request.

6 Where such tangible personal property is sold under a
7 conditional sales contract, or under any other form of sale
8 wherein the payment of the principal sum, or a part thereof,
9 is extended beyond the close of the period for which the
10 return is filed, the serviceman, in collecting the tax may
11 collect, for each tax return period, only the tax applicable
12 to the part of the selling price actually received during
13 such tax return period.

14 Except as provided hereinafter in this Section, on or
15 before the twentieth day of each calendar month, such
16 serviceman shall file a return for the preceding calendar
17 month in accordance with reasonable rules and regulations to
18 be promulgated by the Department of Revenue. Such return
19 shall be filed on a form prescribed by the Department and
20 shall contain such information as the Department may
21 reasonably require.

22 The Department may require returns to be filed on a
23 quarterly basis. If so required, a return for each calendar
24 quarter shall be filed on or before the twentieth day of the
25 calendar month following the end of such calendar quarter.
26 The taxpayer shall also file a return with the Department for
27 each of the first two months of each calendar quarter, on or
28 before the twentieth day of the following calendar month,
29 stating:

- 30 1. The name of the seller;
- 31 2. The address of the principal place of business
32 from which he engages in business as a serviceman in this
33 State;
- 34 3. The total amount of taxable receipts received by

1 him during the preceding calendar month, including
2 receipts from charge and time sales, but less all
3 deductions allowed by law;

4 4. The amount of credit provided in Section 2d of
5 this Act;

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the
9 Department may require.

10 If a taxpayer fails to sign a return within 30 days after
11 the proper notice and demand for signature by the Department,
12 the return shall be considered valid and any amount shown to
13 be due on the return shall be deemed assessed.

14 A serviceman may accept a Manufacturer's Purchase Credit
15 certification from a purchaser in satisfaction of Service Use
16 Tax as provided in Section 3-70 of the Service Use Tax Act if
17 the purchaser provides the appropriate documentation as
18 required by Section 3-70 of the Service Use Tax Act. A
19 Manufacturer's Purchase Credit certification, accepted by a
20 serviceman as provided in Section 3-70 of the Service Use Tax
21 Act, may be used by that serviceman to satisfy Service
22 Occupation Tax liability in the amount claimed in the
23 certification, not to exceed 6.25% of the receipts subject to
24 tax from a qualifying purchase.

25 If the serviceman's average monthly tax liability to the
26 Department does not exceed \$200, the Department may authorize
27 his returns to be filed on a quarter annual basis, with the
28 return for January, February and March of a given year being
29 due by April 20 of such year; with the return for April, May
30 and June of a given year being due by July 20 of such year;
31 with the return for July, August and September of a given
32 year being due by October 20 of such year, and with the
33 return for October, November and December of a given year
34 being due by January 20 of the following year.

1 If the serviceman's average monthly tax liability to the
2 Department does not exceed \$50, the Department may authorize
3 his returns to be filed on an annual basis, with the return
4 for a given year being due by January 20 of the following
5 year.

6 Such quarter annual and annual returns, as to form and
7 substance, shall be subject to the same requirements as
8 monthly returns.

9 Notwithstanding any other provision in this Act
10 concerning the time within which a serviceman may file his
11 return, in the case of any serviceman who ceases to engage in
12 a kind of business which makes him responsible for filing
13 returns under this Act, such serviceman shall file a final
14 return under this Act with the Department not more than 1
15 month after discontinuing such business.

16 Beginning October 1, 1993, a taxpayer who has an average
17 monthly tax liability of \$150,000 or more shall make all
18 payments required by rules of the Department by electronic
19 funds transfer. Beginning October 1, 1994, a taxpayer who
20 has an average monthly tax liability of \$100,000 or more
21 shall make all payments required by rules of the Department
22 by electronic funds transfer. Beginning October 1, 1995, a
23 taxpayer who has an average monthly tax liability of \$50,000
24 or more shall make all payments required by rules of the
25 Department by electronic funds transfer. Beginning October
26 1, 2000, a taxpayer who has an annual tax liability of
27 \$200,000 or more shall make all payments required by rules of
28 the Department by electronic funds transfer. The term
29 "annual tax liability" shall be the sum of the taxpayer's
30 liabilities under this Act, and under all other State and
31 local occupation and use tax laws administered by the
32 Department, for the immediately preceding calendar year. The
33 term "average monthly tax liability" means the sum of the
34 taxpayer's liabilities under this Act, and under all other

1 State and local occupation and use tax laws administered by
2 the Department, for the immediately preceding calendar year
3 divided by 12. Beginning on October 1, 2002, a taxpayer who
4 has a tax liability in the amount set forth in subsection (b)
5 of Section 2505-210 of the Department of Revenue Law shall
6 make all payments required by rules of the Department by
7 electronic funds transfer.

8 Before August 1 of each year beginning in 1993, the
9 Department shall notify all taxpayers required to make
10 payments by electronic funds transfer. All taxpayers
11 required to make payments by electronic funds transfer shall
12 make those payments for a minimum of one year beginning on
13 October 1.

14 Any taxpayer not required to make payments by electronic
15 funds transfer may make payments by electronic funds transfer
16 with the permission of the Department.

17 All taxpayers required to make payment by electronic
18 funds transfer and any taxpayers authorized to voluntarily
19 make payments by electronic funds transfer shall make those
20 payments in the manner authorized by the Department.

21 The Department shall adopt such rules as are necessary to
22 effectuate a program of electronic funds transfer and the
23 requirements of this Section.

24 Where a serviceman collects the tax with respect to the
25 selling price of tangible personal property which he sells
26 and the purchaser thereafter returns such tangible personal
27 property and the serviceman refunds the selling price thereof
28 to the purchaser, such serviceman shall also refund, to the
29 purchaser, the tax so collected from the purchaser. When
30 filing his return for the period in which he refunds such tax
31 to the purchaser, the serviceman may deduct the amount of the
32 tax so refunded by him to the purchaser from any other
33 Service Occupation Tax, Service Use Tax, Retailers'
34 Occupation Tax or Use Tax which such serviceman may be

1 required to pay or remit to the Department, as shown by such
2 return, provided that the amount of the tax to be deducted
3 shall previously have been remitted to the Department by such
4 serviceman. If the serviceman shall not previously have
5 remitted the amount of such tax to the Department, he shall
6 be entitled to no deduction hereunder upon refunding such tax
7 to the purchaser.

8 If experience indicates such action to be practicable,
9 the Department may prescribe and furnish a combination or
10 joint return which will enable servicemen, who are required
11 to file returns hereunder and also under the Retailers'
12 Occupation Tax Act, the Use Tax Act or the Service Use Tax
13 Act, to furnish all the return information required by all
14 said Acts on the one form.

15 Where the serviceman has more than one business
16 registered with the Department under separate registrations
17 hereunder, such serviceman shall file separate returns for
18 each registered business.

19 Beginning January 1, 1990, each month the Department
20 shall pay into the Local Government Tax Fund the revenue
21 realized for the preceding month from the 1% tax on sales of
22 food for human consumption which is to be consumed off the
23 premises where it is sold (other than alcoholic beverages,
24 soft drinks and food which has been prepared for immediate
25 consumption) and prescription and nonprescription medicines,
26 drugs, medical appliances and insulin, urine testing
27 materials, syringes and needles used by diabetics.

28 Beginning January 1, 1990, each month the Department
29 shall pay into the County and Mass Transit District Fund 4%
30 of the revenue realized for the preceding month from the
31 6.25% general rate.

32 Beginning August 1, 2000, each month the Department shall
33 pay into the County and Mass Transit District Fund 20% of the
34 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol.

2 Beginning January 1, 1990, each month the Department
3 shall pay into the Local Government Tax Fund 16% of the
4 revenue realized for the preceding month from the 6.25%
5 general rate on transfers of tangible personal property.

6 Beginning August 1, 2000, each month the Department shall
7 pay into the Local Government Tax Fund 80% of the net revenue
8 realized for the preceding month from the 1.25% rate on the
9 selling price of motor fuel and gasohol.

10 Of the remainder of the moneys received by the Department
11 pursuant to this Act, (a) 1.75% thereof shall be paid into
12 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
13 and on and after July 1, 1989, 3.8% thereof shall be paid
14 into the Build Illinois Fund; provided, however, that if in
15 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
16 as the case may be, of the moneys received by the Department
17 and required to be paid into the Build Illinois Fund pursuant
18 to Section 3 of the Retailers' Occupation Tax Act, Section 9
19 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
20 Section 9 of the Service Occupation Tax Act, such Acts being
21 hereinafter called the "Tax Acts" and such aggregate of 2.2%
22 or 3.8%, as the case may be, of moneys being hereinafter
23 called the "Tax Act Amount", and (2) the amount transferred
24 to the Build Illinois Fund from the State and Local Sales Tax
25 Reform Fund shall be less than the Annual Specified Amount
26 (as defined in Section 3 of the Retailers' Occupation Tax
27 Act), an amount equal to the difference shall be immediately
28 paid into the Build Illinois Fund from other moneys received
29 by the Department pursuant to the Tax Acts; and further
30 provided, that if on the last business day of any month the
31 sum of (1) the Tax Act Amount required to be deposited into
32 the Build Illinois Account in the Build Illinois Fund during
33 such month and (2) the amount transferred during such month
34 to the Build Illinois Fund from the State and Local Sales Tax

1 Reform Fund shall have been less than 1/12 of the Annual
2 Specified Amount, an amount equal to the difference shall be
3 immediately paid into the Build Illinois Fund from other
4 moneys received by the Department pursuant to the Tax Acts;
5 and, further provided, that in no event shall the payments
6 required under the preceding proviso result in aggregate
7 payments into the Build Illinois Fund pursuant to this clause
8 (b) for any fiscal year in excess of the greater of (i) the
9 Tax Act Amount or (ii) the Annual Specified Amount for such
10 fiscal year; and, further provided, that the amounts payable
11 into the Build Illinois Fund under this clause (b) shall be
12 payable only until such time as the aggregate amount on
13 deposit under each trust indenture securing Bonds issued and
14 outstanding pursuant to the Build Illinois Bond Act is
15 sufficient, taking into account any future investment income,
16 to fully provide, in accordance with such indenture, for the
17 defeasance of or the payment of the principal of, premium, if
18 any, and interest on the Bonds secured by such indenture and
19 on any Bonds expected to be issued thereafter and all fees
20 and costs payable with respect thereto, all as certified by
21 the Director of the Bureau of the Budget. If on the last
22 business day of any month in which Bonds are outstanding
23 pursuant to the Build Illinois Bond Act, the aggregate of the
24 moneys deposited in the Build Illinois Bond Account in the
25 Build Illinois Fund in such month shall be less than the
26 amount required to be transferred in such month from the
27 Build Illinois Bond Account to the Build Illinois Bond
28 Retirement and Interest Fund pursuant to Section 13 of the
29 Build Illinois Bond Act, an amount equal to such deficiency
30 shall be immediately paid from other moneys received by the
31 Department pursuant to the Tax Acts to the Build Illinois
32 Fund; provided, however, that any amounts paid to the Build
33 Illinois Fund in any fiscal year pursuant to this sentence
34 shall be deemed to constitute payments pursuant to clause (b)

1 of the preceding sentence and shall reduce the amount
 2 otherwise payable for such fiscal year pursuant to clause (b)
 3 of the preceding sentence. The moneys received by the
 4 Department pursuant to this Act and required to be deposited
 5 into the Build Illinois Fund are subject to the pledge, claim
 6 and charge set forth in Section 12 of the Build Illinois Bond
 7 Act.

8 Subject to payment of amounts into the Build Illinois
 9 Fund as provided in the preceding paragraph or in any
 10 amendment thereto hereafter enacted, the following specified
 11 monthly installment of the amount requested in the
 12 certificate of the Chairman of the Metropolitan Pier and
 13 Exposition Authority provided under Section 8.25f of the
 14 State Finance Act, but not in excess of the sums designated
 15 as "Total Deposit", shall be deposited in the aggregate from
 16 collections under Section 9 of the Use Tax Act, Section 9 of
 17 the Service Use Tax Act, Section 9 of the Service Occupation
 18 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 19 into the McCormick Place Expansion Project Fund in the
 20 specified fiscal years.

21	Fiscal Year	Total Deposit
22	1993	\$0
23	1994	53,000,000
24	1995	58,000,000
25	1996	61,000,000
26	1997	64,000,000
27	1998	68,000,000
28	1999	71,000,000
29	2000	75,000,000
30	2001	80,000,000
31	2002	93,000,000
32	2003	99,000,000
33	2004	103,000,000
34	2005	108,000,000

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023 and	275,000,000

19 each fiscal year
20 thereafter that bonds
21 are outstanding under
22 Section 13.2 of the
23 Metropolitan Pier and
24 Exposition Authority
25 Act, but not after fiscal year 2042.

26 Beginning July 20, 1993 and in each month of each fiscal
27 year thereafter, one-eighth of the amount requested in the
28 certificate of the Chairman of the Metropolitan Pier and
29 Exposition Authority for that fiscal year, less the amount
30 deposited into the McCormick Place Expansion Project Fund by
31 the State Treasurer in the respective month under subsection
32 (g) of Section 13 of the Metropolitan Pier and Exposition
33 Authority Act, plus cumulative deficiencies in the deposits
34 required under this Section for previous months and years,

1 shall be deposited into the McCormick Place Expansion Project
2 Fund, until the full amount requested for the fiscal year,
3 but not in excess of the amount specified above as "Total
4 Deposit", has been deposited.

5 Subject to payment of amounts into the Build Illinois
6 Fund and the McCormick Place Expansion Project Fund pursuant
7 to the preceding paragraphs or in any amendment thereto
8 hereafter enacted, each month the Department shall pay into
9 the Local Government Distributive Fund 0.4% of the net
10 revenue realized for the preceding month from the 5% general
11 rate or 0.4% of 80% of the net revenue realized for the
12 preceding month from the 6.25% general rate, as the case may
13 be, on the selling price of tangible personal property which
14 amount shall, subject to appropriation, be distributed as
15 provided in Section 2 of the State Revenue Sharing Act. No
16 payments or distributions pursuant to this paragraph shall be
17 made if the tax imposed by this Act on photoprocessing
18 products is declared unconstitutional, or if the proceeds
19 from such tax are unavailable for distribution because of
20 litigation.

21 Subject to payment of amounts into the Build Illinois
22 Fund, the McCormick Place Expansion Project Fund, and the
23 Local Government Distributive Fund pursuant to the preceding
24 paragraphs or in any amendments thereto hereafter enacted,
25 beginning July 1, 1993, the Department shall each month pay
26 into the Illinois Tax Increment Fund 0.27% of 80% of the net
27 revenue realized for the preceding month from the 6.25%
28 general rate on the selling price of tangible personal
29 property.

30 Subject to payment of amounts into the Build Illinois
31 Fund, the McCormick Place Expansion Project Fund, and the
32 Local Government Distributive Fund pursuant to the preceding
33 paragraphs or in any amendments thereto hereafter enacted,
34 beginning with the receipt of the first report of taxes paid

1 by an eligible business and continuing for a 25-year period,
2 the Department shall each month pay into the Energy
3 Infrastructure Fund 80% of the net revenue realized from the
4 6.25% general rate on the selling price of Illinois-mined
5 coal that was sold to an eligible business. For purposes of
6 this paragraph, the term "eligible business" means a new
7 electric generating facility certified pursuant to Section
8 605-332 of the Department of Commerce and Community Affairs
9 Law of the Civil Administrative Code of Illinois.

10 Remaining moneys received by the Department pursuant to
11 this Act shall be paid into the General Revenue Fund of the
12 State Treasury.

13 The Department may, upon separate written notice to a
14 taxpayer, require the taxpayer to prepare and file with the
15 Department on a form prescribed by the Department within not
16 less than 60 days after receipt of the notice an annual
17 information return for the tax year specified in the notice.
18 Such annual return to the Department shall include a
19 statement of gross receipts as shown by the taxpayer's last
20 Federal income tax return. If the total receipts of the
21 business as reported in the Federal income tax return do not
22 agree with the gross receipts reported to the Department of
23 Revenue for the same period, the taxpayer shall attach to his
24 annual return a schedule showing a reconciliation of the 2
25 amounts and the reasons for the difference. The taxpayer's
26 annual return to the Department shall also disclose the cost
27 of goods sold by the taxpayer during the year covered by such
28 return, opening and closing inventories of such goods for
29 such year, cost of goods used from stock or taken from stock
30 and given away by the taxpayer during such year, pay roll
31 information of the taxpayer's business during such year and
32 any additional reasonable information which the Department
33 deems would be helpful in determining the accuracy of the
34 monthly, quarterly or annual returns filed by such taxpayer

1 as hereinbefore provided for in this Section.

2 If the annual information return required by this Section
3 is not filed when and as required, the taxpayer shall be
4 liable as follows:

5 (i) Until January 1, 1994, the taxpayer shall be
6 liable for a penalty equal to 1/6 of 1% of the tax due
7 from such taxpayer under this Act during the period to be
8 covered by the annual return for each month or fraction
9 of a month until such return is filed as required, the
10 penalty to be assessed and collected in the same manner
11 as any other penalty provided for in this Act.

12 (ii) On and after January 1, 1994, the taxpayer
13 shall be liable for a penalty as described in Section 3-4
14 of the Uniform Penalty and Interest Act.

15 The chief executive officer, proprietor, owner or highest
16 ranking manager shall sign the annual return to certify the
17 accuracy of the information contained therein. Any person
18 who willfully signs the annual return containing false or
19 inaccurate information shall be guilty of perjury and
20 punished accordingly. The annual return form prescribed by
21 the Department shall include a warning that the person
22 signing the return may be liable for perjury.

23 The foregoing portion of this Section concerning the
24 filing of an annual information return shall not apply to a
25 serviceman who is not required to file an income tax return
26 with the United States Government.

27 As soon as possible after the first day of each month,
28 upon certification of the Department of Revenue, the
29 Comptroller shall order transferred and the Treasurer shall
30 transfer from the General Revenue Fund to the Motor Fuel Tax
31 Fund an amount equal to 1.7% of 80% of the net revenue
32 realized under this Act for the second preceding month.
33 Beginning April 1, 2000, this transfer is no longer required
34 and shall not be made.

1 Net revenue realized for a month shall be the revenue
2 collected by the State pursuant to this Act, less the amount
3 paid out during that month as refunds to taxpayers for
4 overpayment of liability.

5 For greater simplicity of administration, it shall be
6 permissible for manufacturers, importers and wholesalers
7 whose products are sold by numerous servicemen in Illinois,
8 and who wish to do so, to assume the responsibility for
9 accounting and paying to the Department all tax accruing
10 under this Act with respect to such sales, if the servicemen
11 who are affected do not make written objection to the
12 Department to this arrangement.

13 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
14 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
15 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.
16 1-1-02; revised 9-14-01.)

17 Section 28. The Retailers' Occupation Tax Act is amended
18 by changing Sections 2-5 and 3 as follows:

19 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

20 Sec. 2-5. Exemptions. Gross receipts from proceeds from
21 the sale of the following tangible personal property are
22 exempt from the tax imposed by this Act:

- 23 (1) Farm chemicals.
- 24 (2) Farm machinery and equipment, both new and used,
25 including that manufactured on special order, certified by
26 the purchaser to be used primarily for production agriculture
27 or State or federal agricultural programs, including
28 individual replacement parts for the machinery and equipment,
29 including machinery and equipment purchased for lease, and
30 including implements of husbandry defined in Section 1-130 of
31 the Illinois Vehicle Code, farm machinery and agricultural
32 chemical and fertilizer spreaders, and nurse wagons required

1 to be registered under Section 3-809 of the Illinois Vehicle
2 Code, but excluding other motor vehicles required to be
3 registered under the Illinois Vehicle Code. Horticultural
4 polyhouses or hoop houses used for propagating, growing, or
5 overwintering plants shall be considered farm machinery and
6 equipment under this item (2). Agricultural chemical tender
7 tanks and dry boxes shall include units sold separately from
8 a motor vehicle required to be licensed and units sold
9 mounted on a motor vehicle required to be licensed, if the
10 selling price of the tender is separately stated.

11 Farm machinery and equipment shall include precision
12 farming equipment that is installed or purchased to be
13 installed on farm machinery and equipment including, but not
14 limited to, tractors, harvesters, sprayers, planters,
15 seeders, or spreaders. Precision farming equipment includes,
16 but is not limited to, soil testing sensors, computers,
17 monitors, software, global positioning and mapping systems,
18 and other such equipment.

19 Farm machinery and equipment also includes computers,
20 sensors, software, and related equipment used primarily in
21 the computer-assisted operation of production agriculture
22 facilities, equipment, and activities such as, but not
23 limited to, the collection, monitoring, and correlation of
24 animal and crop data for the purpose of formulating animal
25 diets and agricultural chemicals. This item (7) is exempt
26 from the provisions of Section 2-70.

27 (3) Distillation machinery and equipment, sold as a unit
28 or kit, assembled or installed by the retailer, certified by
29 the user to be used only for the production of ethyl alcohol
30 that will be used for consumption as motor fuel or as a
31 component of motor fuel for the personal use of the user, and
32 not subject to sale or resale.

33 (4) Graphic arts machinery and equipment, including
34 repair and replacement parts, both new and used, and

1 including that manufactured on special order or purchased for
2 lease, certified by the purchaser to be used primarily for
3 graphic arts production. Equipment includes chemicals or
4 chemicals acting as catalysts but only if the chemicals or
5 chemicals acting as catalysts effect a direct and immediate
6 change upon a graphic arts product.

7 (5) A motor vehicle of the first division, a motor
8 vehicle of the second division that is a self-contained motor
9 vehicle designed or permanently converted to provide living
10 quarters for recreational, camping, or travel use, with
11 direct walk through access to the living quarters from the
12 driver's seat, or a motor vehicle of the second division that
13 is of the van configuration designed for the transportation
14 of not less than 7 nor more than 16 passengers, as defined in
15 Section 1-146 of the Illinois Vehicle Code, that is used for
16 automobile renting, as defined in the Automobile Renting
17 Occupation and Use Tax Act.

18 (6) Personal property sold by a teacher-sponsored
19 student organization affiliated with an elementary or
20 secondary school located in Illinois.

21 (7) Proceeds of that portion of the selling price of a
22 passenger car the sale of which is subject to the Replacement
23 Vehicle Tax.

24 (8) Personal property sold to an Illinois county fair
25 association for use in conducting, operating, or promoting
26 the county fair.

27 (9) Personal property sold to a not-for-profit arts or
28 cultural organization that establishes, by proof required by
29 the Department by rule, that it has received an exemption
30 under Section 501(c)(3) of the Internal Revenue Code and that
31 is organized and operated primarily for the presentation or
32 support of arts or cultural programming, activities, or
33 services. These organizations include, but are not limited
34 to, music and dramatic arts organizations such as symphony

1 orchestras and theatrical groups, arts and cultural service
2 organizations, local arts councils, visual arts
3 organizations, and media arts organizations. On and after the
4 effective date of this amendatory Act of the 92nd General
5 Assembly, however, an entity otherwise eligible for this
6 exemption shall not make tax-free purchases unless it has an
7 active identification number issued by the Department.

8 (10) Personal property sold by a corporation, society,
9 association, foundation, institution, or organization, other
10 than a limited liability company, that is organized and
11 operated as a not-for-profit service enterprise for the
12 benefit of persons 65 years of age or older if the personal
13 property was not purchased by the enterprise for the purpose
14 of resale by the enterprise.

15 (11) Personal property sold to a governmental body, to a
16 corporation, society, association, foundation, or institution
17 organized and operated exclusively for charitable, religious,
18 or educational purposes, or to a not-for-profit corporation,
19 society, association, foundation, institution, or
20 organization that has no compensated officers or employees
21 and that is organized and operated primarily for the
22 recreation of persons 55 years of age or older. A limited
23 liability company may qualify for the exemption under this
24 paragraph only if the limited liability company is organized
25 and operated exclusively for educational purposes. On and
26 after July 1, 1987, however, no entity otherwise eligible for
27 this exemption shall make tax-free purchases unless it has an
28 active identification number issued by the Department.

29 (12) Personal property sold to interstate carriers for
30 hire for use as rolling stock moving in interstate commerce
31 or to lessors under leases of one year or longer executed or
32 in effect at the time of purchase by interstate carriers for
33 hire for use as rolling stock moving in interstate commerce
34 and equipment operated by a telecommunications provider,

1 licensed as a common carrier by the Federal Communications
2 Commission, which is permanently installed in or affixed to
3 aircraft moving in interstate commerce.

4 (13) Proceeds from sales to owners, lessors, or shippers
5 of tangible personal property that is utilized by interstate
6 carriers for hire for use as rolling stock moving in
7 interstate commerce and equipment operated by a
8 telecommunications provider, licensed as a common carrier by
9 the Federal Communications Commission, which is permanently
10 installed in or affixed to aircraft moving in interstate
11 commerce.

12 (14) Machinery and equipment that will be used by the
13 purchaser, or a lessee of the purchaser, primarily in the
14 process of manufacturing or assembling tangible personal
15 property for wholesale or retail sale or lease, whether the
16 sale or lease is made directly by the manufacturer or by some
17 other person, whether the materials used in the process are
18 owned by the manufacturer or some other person, or whether
19 the sale or lease is made apart from or as an incident to the
20 seller's engaging in the service occupation of producing
21 machines, tools, dies, jigs, patterns, gauges, or other
22 similar items of no commercial value on special order for a
23 particular purchaser.

24 (15) Proceeds of mandatory service charges separately
25 stated on customers' bills for purchase and consumption of
26 food and beverages, to the extent that the proceeds of the
27 service charge are in fact turned over as tips or as a
28 substitute for tips to the employees who participate directly
29 in preparing, serving, hosting or cleaning up the food or
30 beverage function with respect to which the service charge is
31 imposed.

32 (16) Petroleum products sold to a purchaser if the
33 seller is prohibited by federal law from charging tax to the
34 purchaser.

1 (17) Tangible personal property sold to a common carrier
2 by rail or motor that receives the physical possession of the
3 property in Illinois and that transports the property, or
4 shares with another common carrier in the transportation of
5 the property, out of Illinois on a standard uniform bill of
6 lading showing the seller of the property as the shipper or
7 consignor of the property to a destination outside Illinois,
8 for use outside Illinois.

9 (18) Legal tender, currency, medallions, or gold or
10 silver coinage issued by the State of Illinois, the
11 government of the United States of America, or the government
12 of any foreign country, and bullion.

13 (19) Oil field exploration, drilling, and production
14 equipment, including (i) rigs and parts of rigs, rotary rigs,
15 cable tool rigs, and workover rigs, (ii) pipe and tubular
16 goods, including casing and drill strings, (iii) pumps and
17 pump-jack units, (iv) storage tanks and flow lines, (v) any
18 individual replacement part for oil field exploration,
19 drilling, and production equipment, and (vi) machinery and
20 equipment purchased for lease; but excluding motor vehicles
21 required to be registered under the Illinois Vehicle Code.

22 (20) Photoprocessing machinery and equipment, including
23 repair and replacement parts, both new and used, including
24 that manufactured on special order, certified by the
25 purchaser to be used primarily for photoprocessing, and
26 including photoprocessing machinery and equipment purchased
27 for lease.

28 (21) Coal exploration, mining, offhighway hauling,
29 processing, maintenance, and reclamation equipment, including
30 replacement parts and equipment, and including equipment
31 purchased for lease, but excluding motor vehicles required to
32 be registered under the Illinois Vehicle Code.

33 (22) Fuel and petroleum products sold to or used by an
34 air carrier, certified by the carrier to be used for

1 consumption, shipment, or storage in the conduct of its
2 business as an air common carrier, for a flight destined for
3 or returning from a location or locations outside the United
4 States without regard to previous or subsequent domestic
5 stopovers.

6 (23) A transaction in which the purchase order is
7 received by a florist who is located outside Illinois, but
8 who has a florist located in Illinois deliver the property to
9 the purchaser or the purchaser's donee in Illinois.

10 (24) Fuel consumed or used in the operation of ships,
11 barges, or vessels that are used primarily in or for the
12 transportation of property or the conveyance of persons for
13 hire on rivers bordering on this State if the fuel is
14 delivered by the seller to the purchaser's barge, ship, or
15 vessel while it is afloat upon that bordering river.

16 (25) A motor vehicle sold in this State to a nonresident
17 even though the motor vehicle is delivered to the nonresident
18 in this State, if the motor vehicle is not to be titled in
19 this State, and if a driveaway decal permit is issued to the
20 motor vehicle as provided in Section 3-603 of the Illinois
21 Vehicle Code or if the nonresident purchaser has vehicle
22 registration plates to transfer to the motor vehicle upon
23 returning to his or her home state. The issuance of the
24 driveaway decal permit or having the out-of-state
25 registration plates to be transferred is prima facie evidence
26 that the motor vehicle will not be titled in this State.

27 (26) Semen used for artificial insemination of livestock
28 for direct agricultural production.

29 (27) Horses, or interests in horses, registered with and
30 meeting the requirements of any of the Arabian Horse Club
31 Registry of America, Appaloosa Horse Club, American Quarter
32 Horse Association, United States Trotting Association, or
33 Jockey Club, as appropriate, used for purposes of breeding or
34 racing for prizes.

1 (28) Computers and communications equipment utilized for
2 any hospital purpose and equipment used in the diagnosis,
3 analysis, or treatment of hospital patients sold to a lessor
4 who leases the equipment, under a lease of one year or longer
5 executed or in effect at the time of the purchase, to a
6 hospital that has been issued an active tax exemption
7 identification number by the Department under Section 1g of
8 this Act.

9 (29) Personal property sold to a lessor who leases the
10 property, under a lease of one year or longer executed or in
11 effect at the time of the purchase, to a governmental body
12 that has been issued an active tax exemption identification
13 number by the Department under Section 1g of this Act.

14 (30) Beginning with taxable years ending on or after
15 December 31, 1995 and ending with taxable years ending on or
16 before December 31, 2004, personal property that is donated
17 for disaster relief to be used in a State or federally
18 declared disaster area in Illinois or bordering Illinois by a
19 manufacturer or retailer that is registered in this State to
20 a corporation, society, association, foundation, or
21 institution that has been issued a sales tax exemption
22 identification number by the Department that assists victims
23 of the disaster who reside within the declared disaster area.

24 (31) Beginning with taxable years ending on or after
25 December 31, 1995 and ending with taxable years ending on or
26 before December 31, 2004, personal property that is used in
27 the performance of infrastructure repairs in this State,
28 including but not limited to municipal roads and streets,
29 access roads, bridges, sidewalks, waste disposal systems,
30 water and sewer line extensions, water distribution and
31 purification facilities, storm water drainage and retention
32 facilities, and sewage treatment facilities, resulting from a
33 State or federally declared disaster in Illinois or bordering
34 Illinois when such repairs are initiated on facilities

1 located in the declared disaster area within 6 months after
2 the disaster.

3 (32) Beginning July 1, 1999, game or game birds sold at
4 a "game breeding and hunting preserve area" or an "exotic
5 game hunting area" as those terms are used in the Wildlife
6 Code or at a hunting enclosure approved through rules adopted
7 by the Department of Natural Resources. This paragraph is
8 exempt from the provisions of Section 2-70.

9 (33) A motor vehicle, as that term is defined in Section
10 1-146 of the Illinois Vehicle Code, that is donated to a
11 corporation, limited liability company, society, association,
12 foundation, or institution that is determined by the
13 Department to be organized and operated exclusively for
14 educational purposes. For purposes of this exemption, "a
15 corporation, limited liability company, society, association,
16 foundation, or institution organized and operated exclusively
17 for educational purposes" means all tax-supported public
18 schools, private schools that offer systematic instruction in
19 useful branches of learning by methods common to public
20 schools and that compare favorably in their scope and
21 intensity with the course of study presented in tax-supported
22 schools, and vocational or technical schools or institutes
23 organized and operated exclusively to provide a course of
24 study of not less than 6 weeks duration and designed to
25 prepare individuals to follow a trade or to pursue a manual,
26 technical, mechanical, industrial, business, or commercial
27 occupation.

28 (34) Beginning January 1, 2000, personal property,
29 including food, purchased through fundraising events for the
30 benefit of a public or private elementary or secondary
31 school, a group of those schools, or one or more school
32 districts if the events are sponsored by an entity recognized
33 by the school district that consists primarily of volunteers
34 and includes parents and teachers of the school children.

1 This paragraph does not apply to fundraising events (i) for
2 the benefit of private home instruction or (ii) for which the
3 fundraising entity purchases the personal property sold at
4 the events from another individual or entity that sold the
5 property for the purpose of resale by the fundraising entity
6 and that profits from the sale to the fundraising entity.
7 This paragraph is exempt from the provisions of Section 2-70.

8 (35) Beginning January 1, 2000 and through December 31,
9 2001, new or used automatic vending machines that prepare and
10 serve hot food and beverages, including coffee, soup, and
11 other items, and replacement parts for these machines.
12 Beginning January 1, 2002, machines and parts for machines
13 used in commercial, coin-operated amusement and vending
14 business if a use or occupation tax is paid on the gross
15 receipts derived from the use of the commercial,
16 coin-operated amusement and vending machines. This paragraph
17 is exempt from the provisions of Section 2-70.

18 (36) Beginning on the effective date of this amendatory
19 Act of the 92nd General Assembly, computers and
20 communications equipment utilized for any hospital purpose
21 and equipment used in the diagnosis, analysis, or treatment
22 of hospital patients sold to a lessor who leases the
23 equipment, under a lease of one year or longer executed or in
24 effect at the time of the purchase, to a hospital that has
25 been issued an active tax exemption identification number by
26 the Department under Section 1g of this Act. This paragraph
27 is exempt from the provisions of Section 2-70.

28 (37) Beginning on the effective date of this amendatory
29 Act of the 92nd General Assembly, personal property sold to a
30 lessor who leases the property, under a lease of one year or
31 longer executed or in effect at the time of the purchase, to
32 a governmental body that has been issued an active tax
33 exemption identification number by the Department under
34 Section 1g of this Act. This paragraph is exempt from the

1 provisions of Section 2-70.

2 (38) ~~(36)~~ Beginning on January 1, 2002, tangible
3 personal property purchased from an Illinois retailer by a
4 taxpayer engaged in centralized purchasing activities in
5 Illinois who will, upon receipt of the property in Illinois,
6 temporarily store the property in Illinois (i) for the
7 purpose of subsequently transporting it outside this State
8 for use or consumption thereafter solely outside this State
9 or (ii) for the purpose of being processed, fabricated, or
10 manufactured into, attached to, or incorporated into other
11 tangible personal property to be transported outside this
12 State and thereafter used or consumed solely outside this
13 State. The Director of Revenue shall, pursuant to rules
14 adopted in accordance with the Illinois Administrative
15 Procedure Act, issue a permit to any taxpayer in good
16 standing with the Department who is eligible for the
17 exemption under this paragraph (38) ~~(36)~~. The permit issued
18 under this paragraph (38) ~~(36)~~ shall authorize the holder, to
19 the extent and in the manner specified in the rules adopted
20 under this Act, to purchase tangible personal property from a
21 retailer exempt from the taxes imposed by this Act.
22 Taxpayers shall maintain all necessary books and records to
23 substantiate the use and consumption of all such tangible
24 personal property outside of the State of Illinois.

25 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;
26 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.
27 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,
28 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;
29 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

30 (35 ILCS 120/3) (from Ch. 120, par. 442)

31 Sec. 3. Except as provided in this Section, on or before
32 the twentieth day of each calendar month, every person
33 engaged in the business of selling tangible personal property

1 at retail in this State during the preceding calendar month
2 shall file a return with the Department, stating:

3 1. The name of the seller;

4 2. His residence address and the address of his
5 principal place of business and the address of the
6 principal place of business (if that is a different
7 address) from which he engages in the business of selling
8 tangible personal property at retail in this State;

9 3. Total amount of receipts received by him during
10 the preceding calendar month or quarter, as the case may
11 be, from sales of tangible personal property, and from
12 services furnished, by him during such preceding calendar
13 month or quarter;

14 4. Total amount received by him during the
15 preceding calendar month or quarter on charge and time
16 sales of tangible personal property, and from services
17 furnished, by him prior to the month or quarter for which
18 the return is filed;

19 5. Deductions allowed by law;

20 6. Gross receipts which were received by him during
21 the preceding calendar month or quarter and upon the
22 basis of which the tax is imposed;

23 7. The amount of credit provided in Section 2d of
24 this Act;

25 8. The amount of tax due;

26 9. The signature of the taxpayer; and

27 10. Such other reasonable information as the
28 Department may require.

29 If a taxpayer fails to sign a return within 30 days after
30 the proper notice and demand for signature by the Department,
31 the return shall be considered valid and any amount shown to
32 be due on the return shall be deemed assessed.

33 Each return shall be accompanied by the statement of
34 prepaid tax issued pursuant to Section 2e for which credit is

1 claimed.

2 A retailer may accept a Manufacturer's Purchase Credit
3 certification from a purchaser in satisfaction of Use Tax as
4 provided in Section 3-85 of the Use Tax Act if the purchaser
5 provides the appropriate documentation as required by Section
6 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
7 certification, accepted by a retailer as provided in Section
8 3-85 of the Use Tax Act, may be used by that retailer to
9 satisfy Retailers' Occupation Tax liability in the amount
10 claimed in the certification, not to exceed 6.25% of the
11 receipts subject to tax from a qualifying purchase.

12 The Department may require returns to be filed on a
13 quarterly basis. If so required, a return for each calendar
14 quarter shall be filed on or before the twentieth day of the
15 calendar month following the end of such calendar quarter.
16 The taxpayer shall also file a return with the Department for
17 each of the first two months of each calendar quarter, on or
18 before the twentieth day of the following calendar month,
19 stating:

- 20 1. The name of the seller;
- 21 2. The address of the principal place of business
22 from which he engages in the business of selling tangible
23 personal property at retail in this State;
- 24 3. The total amount of taxable receipts received by
25 him during the preceding calendar month from sales of
26 tangible personal property by him during such preceding
27 calendar month, including receipts from charge and time
28 sales, but less all deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of
30 this Act;
- 31 5. The amount of tax due; and
- 32 6. Such other reasonable information as the
33 Department may require.

34 If a total amount of less than \$1 is payable, refundable

1 or creditable, such amount shall be disregarded if it is less
2 than 50 cents and shall be increased to \$1 if it is 50 cents
3 or more.

4 Beginning October 1, 1993, a taxpayer who has an average
5 monthly tax liability of \$150,000 or more shall make all
6 payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1994, a taxpayer who
8 has an average monthly tax liability of \$100,000 or more
9 shall make all payments required by rules of the Department
10 by electronic funds transfer. Beginning October 1, 1995, a
11 taxpayer who has an average monthly tax liability of \$50,000
12 or more shall make all payments required by rules of the
13 Department by electronic funds transfer. Beginning October
14 1, 2000, a taxpayer who has an annual tax liability of
15 \$200,000 or more shall make all payments required by rules of
16 the Department by electronic funds transfer. The term
17 "annual tax liability" shall be the sum of the taxpayer's
18 liabilities under this Act, and under all other State and
19 local occupation and use tax laws administered by the
20 Department, for the immediately preceding calendar year. The
21 term "average monthly tax liability" shall be the sum of the
22 taxpayer's liabilities under this Act, and under all other
23 State and local occupation and use tax laws administered by
24 the Department, for the immediately preceding calendar year
25 divided by 12. Beginning on October 1, 2002, a taxpayer who
26 has a tax liability in the amount set forth in subsection (b)
27 of Section 2505-210 of the Department of Revenue Law shall
28 make all payments required by rules of the Department by
29 electronic funds transfer.

30 Before August 1 of each year beginning in 1993, the
31 Department shall notify all taxpayers required to make
32 payments by electronic funds transfer. All taxpayers
33 required to make payments by electronic funds transfer shall
34 make those payments for a minimum of one year beginning on

1 October 1.

2 Any taxpayer not required to make payments by electronic
3 funds transfer may make payments by electronic funds transfer
4 with the permission of the Department.

5 All taxpayers required to make payment by electronic
6 funds transfer and any taxpayers authorized to voluntarily
7 make payments by electronic funds transfer shall make those
8 payments in the manner authorized by the Department.

9 The Department shall adopt such rules as are necessary to
10 effectuate a program of electronic funds transfer and the
11 requirements of this Section.

12 Any amount which is required to be shown or reported on
13 any return or other document under this Act shall, if such
14 amount is not a whole-dollar amount, be increased to the
15 nearest whole-dollar amount in any case where the fractional
16 part of a dollar is 50 cents or more, and decreased to the
17 nearest whole-dollar amount where the fractional part of a
18 dollar is less than 50 cents.

19 If the retailer is otherwise required to file a monthly
20 return and if the retailer's average monthly tax liability to
21 the Department does not exceed \$200, the Department may
22 authorize his returns to be filed on a quarter annual basis,
23 with the return for January, February and March of a given
24 year being due by April 20 of such year; with the return for
25 April, May and June of a given year being due by July 20 of
26 such year; with the return for July, August and September of
27 a given year being due by October 20 of such year, and with
28 the return for October, November and December of a given year
29 being due by January 20 of the following year.

30 If the retailer is otherwise required to file a monthly
31 or quarterly return and if the retailer's average monthly tax
32 liability with the Department does not exceed \$50, the
33 Department may authorize his returns to be filed on an annual
34 basis, with the return for a given year being due by January

1 20 of the following year.

2 Such quarter annual and annual returns, as to form and
3 substance, shall be subject to the same requirements as
4 monthly returns.

5 Notwithstanding any other provision in this Act
6 concerning the time within which a retailer may file his
7 return, in the case of any retailer who ceases to engage in a
8 kind of business which makes him responsible for filing
9 returns under this Act, such retailer shall file a final
10 return under this Act with the Department not more than one
11 month after discontinuing such business.

12 Where the same person has more than one business
13 registered with the Department under separate registrations
14 under this Act, such person may not file each return that is
15 due as a single return covering all such registered
16 businesses, but shall file separate returns for each such
17 registered business.

18 In addition, with respect to motor vehicles, watercraft,
19 aircraft, and trailers that are required to be registered
20 with an agency of this State, every retailer selling this
21 kind of tangible personal property shall file, with the
22 Department, upon a form to be prescribed and supplied by the
23 Department, a separate return for each such item of tangible
24 personal property which the retailer sells, except that if,
25 in the same transaction, (i) a retailer of aircraft,
26 watercraft, motor vehicles or trailers transfers more than
27 one aircraft, watercraft, motor vehicle or trailer to another
28 aircraft, watercraft, motor vehicle retailer or trailer
29 retailer for the purpose of resale or (ii) a retailer of
30 aircraft, watercraft, motor vehicles, or trailers transfers
31 more than one aircraft, watercraft, motor vehicle, or trailer
32 to a purchaser for use as a qualifying rolling stock as
33 provided in Section 2-5 of this Act, then that seller may
34 report the transfer of all aircraft, watercraft, motor

1 vehicles or trailers involved in that transaction to the
2 Department on the same uniform invoice-transaction reporting
3 return form. For purposes of this Section, "watercraft"
4 means a Class 2, Class 3, or Class 4 watercraft as defined in
5 Section 3-2 of the Boat Registration and Safety Act, a
6 personal watercraft, or any boat equipped with an inboard
7 motor.

8 Any retailer who sells only motor vehicles, watercraft,
9 aircraft, or trailers that are required to be registered with
10 an agency of this State, so that all retailers' occupation
11 tax liability is required to be reported, and is reported, on
12 such transaction reporting returns and who is not otherwise
13 required to file monthly or quarterly returns, need not file
14 monthly or quarterly returns. However, those retailers shall
15 be required to file returns on an annual basis.

16 The transaction reporting return, in the case of motor
17 vehicles or trailers that are required to be registered with
18 an agency of this State, shall be the same document as the
19 Uniform Invoice referred to in Section 5-402 of The Illinois
20 Vehicle Code and must show the name and address of the
21 seller; the name and address of the purchaser; the amount of
22 the selling price including the amount allowed by the
23 retailer for traded-in property, if any; the amount allowed
24 by the retailer for the traded-in tangible personal property,
25 if any, to the extent to which Section 1 of this Act allows
26 an exemption for the value of traded-in property; the balance
27 payable after deducting such trade-in allowance from the
28 total selling price; the amount of tax due from the retailer
29 with respect to such transaction; the amount of tax collected
30 from the purchaser by the retailer on such transaction (or
31 satisfactory evidence that such tax is not due in that
32 particular instance, if that is claimed to be the fact); the
33 place and date of the sale; a sufficient identification of
34 the property sold; such other information as is required in

1 Section 5-402 of The Illinois Vehicle Code, and such other
2 information as the Department may reasonably require.

3 The transaction reporting return in the case of
4 watercraft or aircraft must show the name and address of the
5 seller; the name and address of the purchaser; the amount of
6 the selling price including the amount allowed by the
7 retailer for traded-in property, if any; the amount allowed
8 by the retailer for the traded-in tangible personal property,
9 if any, to the extent to which Section 1 of this Act allows
10 an exemption for the value of traded-in property; the balance
11 payable after deducting such trade-in allowance from the
12 total selling price; the amount of tax due from the retailer
13 with respect to such transaction; the amount of tax collected
14 from the purchaser by the retailer on such transaction (or
15 satisfactory evidence that such tax is not due in that
16 particular instance, if that is claimed to be the fact); the
17 place and date of the sale, a sufficient identification of
18 the property sold, and such other information as the
19 Department may reasonably require.

20 Such transaction reporting return shall be filed not
21 later than 20 days after the day of delivery of the item that
22 is being sold, but may be filed by the retailer at any time
23 sooner than that if he chooses to do so. The transaction
24 reporting return and tax remittance or proof of exemption
25 from the Illinois use tax may be transmitted to the
26 Department by way of the State agency with which, or State
27 officer with whom the tangible personal property must be
28 titled or registered (if titling or registration is required)
29 if the Department and such agency or State officer determine
30 that this procedure will expedite the processing of
31 applications for title or registration.

32 With each such transaction reporting return, the retailer
33 shall remit the proper amount of tax due (or shall submit
34 satisfactory evidence that the sale is not taxable if that is

1 the case), to the Department or its agents, whereupon the
2 Department shall issue, in the purchaser's name, a use tax
3 receipt (or a certificate of exemption if the Department is
4 satisfied that the particular sale is tax exempt) which such
5 purchaser may submit to the agency with which, or State
6 officer with whom, he must title or register the tangible
7 personal property that is involved (if titling or
8 registration is required) in support of such purchaser's
9 application for an Illinois certificate or other evidence of
10 title or registration to such tangible personal property.

11 No retailer's failure or refusal to remit tax under this
12 Act precludes a user, who has paid the proper tax to the
13 retailer, from obtaining his certificate of title or other
14 evidence of title or registration (if titling or registration
15 is required) upon satisfying the Department that such user
16 has paid the proper tax (if tax is due) to the retailer. The
17 Department shall adopt appropriate rules to carry out the
18 mandate of this paragraph.

19 If the user who would otherwise pay tax to the retailer
20 wants the transaction reporting return filed and the payment
21 of the tax or proof of exemption made to the Department
22 before the retailer is willing to take these actions and such
23 user has not paid the tax to the retailer, such user may
24 certify to the fact of such delay by the retailer and may
25 (upon the Department being satisfied of the truth of such
26 certification) transmit the information required by the
27 transaction reporting return and the remittance for tax or
28 proof of exemption directly to the Department and obtain his
29 tax receipt or exemption determination, in which event the
30 transaction reporting return and tax remittance (if a tax
31 payment was required) shall be credited by the Department to
32 the proper retailer's account with the Department, but
33 without the 2.1% or 1.75% discount provided for in this
34 Section being allowed. When the user pays the tax directly

1 to the Department, he shall pay the tax in the same amount
2 and in the same form in which it would be remitted if the tax
3 had been remitted to the Department by the retailer.

4 Refunds made by the seller during the preceding return
5 period to purchasers, on account of tangible personal
6 property returned to the seller, shall be allowed as a
7 deduction under subdivision 5 of his monthly or quarterly
8 return, as the case may be, in case the seller had
9 theretofore included the receipts from the sale of such
10 tangible personal property in a return filed by him and had
11 paid the tax imposed by this Act with respect to such
12 receipts.

13 Where the seller is a corporation, the return filed on
14 behalf of such corporation shall be signed by the president,
15 vice-president, secretary or treasurer or by the properly
16 accredited agent of such corporation.

17 Where the seller is a limited liability company, the
18 return filed on behalf of the limited liability company shall
19 be signed by a manager, member, or properly accredited agent
20 of the limited liability company.

21 Except as provided in this Section, the retailer filing
22 the return under this Section shall, at the time of filing
23 such return, pay to the Department the amount of tax imposed
24 by this Act less a discount of 2.1% prior to January 1, 1990
25 and 1.75% on and after January 1, 1990, or \$5 per calendar
26 year, whichever is greater, which is allowed to reimburse the
27 retailer for the expenses incurred in keeping records,
28 preparing and filing returns, remitting the tax and supplying
29 data to the Department on request. Any prepayment made
30 pursuant to Section 2d of this Act shall be included in the
31 amount on which such 2.1% or 1.75% discount is computed. In
32 the case of retailers who report and pay the tax on a
33 transaction by transaction basis, as provided in this
34 Section, such discount shall be taken with each such tax

1 remittance instead of when such retailer files his periodic
2 return.

3 Before October 1, 2000, if the taxpayer's average monthly
4 tax liability to the Department under this Act, the Use Tax
5 Act, the Service Occupation Tax Act, and the Service Use Tax
6 Act, excluding any liability for prepaid sales tax to be
7 remitted in accordance with Section 2d of this Act, was
8 \$10,000 or more during the preceding 4 complete calendar
9 quarters, he shall file a return with the Department each
10 month by the 20th day of the month next following the month
11 during which such tax liability is incurred and shall make
12 payments to the Department on or before the 7th, 15th, 22nd
13 and last day of the month during which such liability is
14 incurred. On and after October 1, 2000, if the taxpayer's
15 average monthly tax liability to the Department under this
16 Act, the Use Tax Act, the Service Occupation Tax Act, and the
17 Service Use Tax Act, excluding any liability for prepaid
18 sales tax to be remitted in accordance with Section 2d of
19 this Act, was \$20,000 or more during the preceding 4 complete
20 calendar quarters, he shall file a return with the Department
21 each month by the 20th day of the month next following the
22 month during which such tax liability is incurred and shall
23 make payment to the Department on or before the 7th, 15th,
24 22nd and last day of the month during which such liability is
25 incurred. If the month during which such tax liability is
26 incurred began prior to January 1, 1985, each payment shall
27 be in an amount equal to 1/4 of the taxpayer's actual
28 liability for the month or an amount set by the Department
29 not to exceed 1/4 of the average monthly liability of the
30 taxpayer to the Department for the preceding 4 complete
31 calendar quarters (excluding the month of highest liability
32 and the month of lowest liability in such 4 quarter period).
33 If the month during which such tax liability is incurred
34 begins on or after January 1, 1985 and prior to January 1,

1 1987, each payment shall be in an amount equal to 22.5% of
2 the taxpayer's actual liability for the month or 27.5% of the
3 taxpayer's liability for the same calendar month of the
4 preceding year. If the month during which such tax liability
5 is incurred begins on or after January 1, 1987 and prior to
6 January 1, 1988, each payment shall be in an amount equal to
7 22.5% of the taxpayer's actual liability for the month or
8 26.25% of the taxpayer's liability for the same calendar
9 month of the preceding year. If the month during which such
10 tax liability is incurred begins on or after January 1, 1988,
11 and prior to January 1, 1989, or begins on or after January
12 1, 1996, each payment shall be in an amount equal to 22.5% of
13 the taxpayer's actual liability for the month or 25% of the
14 taxpayer's liability for the same calendar month of the
15 preceding year. If the month during which such tax liability
16 is incurred begins on or after January 1, 1989, and prior to
17 January 1, 1996, each payment shall be in an amount equal to
18 22.5% of the taxpayer's actual liability for the month or 25%
19 of the taxpayer's liability for the same calendar month of
20 the preceding year or 100% of the taxpayer's actual liability
21 for the quarter monthly reporting period. The amount of such
22 quarter monthly payments shall be credited against the final
23 tax liability of the taxpayer's return for that month.
24 Before October 1, 2000, once applicable, the requirement of
25 the making of quarter monthly payments to the Department by
26 taxpayers having an average monthly tax liability of \$10,000
27 or more as determined in the manner provided above shall
28 continue until such taxpayer's average monthly liability to
29 the Department during the preceding 4 complete calendar
30 quarters (excluding the month of highest liability and the
31 month of lowest liability) is less than \$9,000, or until such
32 taxpayer's average monthly liability to the Department as
33 computed for each calendar quarter of the 4 preceding
34 complete calendar quarter period is less than \$10,000.

1 However, if a taxpayer can show the Department that a
2 substantial change in the taxpayer's business has occurred
3 which causes the taxpayer to anticipate that his average
4 monthly tax liability for the reasonably foreseeable future
5 will fall below the \$10,000 threshold stated above, then such
6 taxpayer may petition the Department for a change in such
7 taxpayer's reporting status. On and after October 1, 2000,
8 once applicable, the requirement of the making of quarter
9 monthly payments to the Department by taxpayers having an
10 average monthly tax liability of \$20,000 or more as
11 determined in the manner provided above shall continue until
12 such taxpayer's average monthly liability to the Department
13 during the preceding 4 complete calendar quarters (excluding
14 the month of highest liability and the month of lowest
15 liability) is less than \$19,000 or until such taxpayer's
16 average monthly liability to the Department as computed for
17 each calendar quarter of the 4 preceding complete calendar
18 quarter period is less than \$20,000. However, if a taxpayer
19 can show the Department that a substantial change in the
20 taxpayer's business has occurred which causes the taxpayer to
21 anticipate that his average monthly tax liability for the
22 reasonably foreseeable future will fall below the \$20,000
23 threshold stated above, then such taxpayer may petition the
24 Department for a change in such taxpayer's reporting status.
25 The Department shall change such taxpayer's reporting status
26 unless it finds that such change is seasonal in nature and
27 not likely to be long term. If any such quarter monthly
28 payment is not paid at the time or in the amount required by
29 this Section, then the taxpayer shall be liable for penalties
30 and interest on the difference between the minimum amount due
31 as a payment and the amount of such quarter monthly payment
32 actually and timely paid, except insofar as the taxpayer has
33 previously made payments for that month to the Department in
34 excess of the minimum payments previously due as provided in

1 this Section. The Department shall make reasonable rules and
2 regulations to govern the quarter monthly payment amount and
3 quarter monthly payment dates for taxpayers who file on other
4 than a calendar monthly basis.

5 The provisions of this paragraph apply before October 1,
6 2001. Without regard to whether a taxpayer is required to
7 make quarter monthly payments as specified above, any
8 taxpayer who is required by Section 2d of this Act to collect
9 and remit prepaid taxes and has collected prepaid taxes which
10 average in excess of \$25,000 per month during the preceding 2
11 complete calendar quarters, shall file a return with the
12 Department as required by Section 2f and shall make payments
13 to the Department on or before the 7th, 15th, 22nd and last
14 day of the month during which such liability is incurred. If
15 the month during which such tax liability is incurred began
16 prior to the effective date of this amendatory Act of 1985,
17 each payment shall be in an amount not less than 22.5% of the
18 taxpayer's actual liability under Section 2d. If the month
19 during which such tax liability is incurred begins on or
20 after January 1, 1986, each payment shall be in an amount
21 equal to 22.5% of the taxpayer's actual liability for the
22 month or 27.5% of the taxpayer's liability for the same
23 calendar month of the preceding calendar year. If the month
24 during which such tax liability is incurred begins on or
25 after January 1, 1987, each payment shall be in an amount
26 equal to 22.5% of the taxpayer's actual liability for the
27 month or 26.25% of the taxpayer's liability for the same
28 calendar month of the preceding year. The amount of such
29 quarter monthly payments shall be credited against the final
30 tax liability of the taxpayer's return for that month filed
31 under this Section or Section 2f, as the case may be. Once
32 applicable, the requirement of the making of quarter monthly
33 payments to the Department pursuant to this paragraph shall
34 continue until such taxpayer's average monthly prepaid tax

1 collections during the preceding 2 complete calendar quarters
2 is \$25,000 or less. If any such quarter monthly payment is
3 not paid at the time or in the amount required, the taxpayer
4 shall be liable for penalties and interest on such
5 difference, except insofar as the taxpayer has previously
6 made payments for that month in excess of the minimum
7 payments previously due.

8 The provisions of this paragraph apply on and after
9 October 1, 2001. Without regard to whether a taxpayer is
10 required to make quarter monthly payments as specified above,
11 any taxpayer who is required by Section 2d of this Act to
12 collect and remit prepaid taxes and has collected prepaid
13 taxes that average in excess of \$20,000 per month during the
14 preceding 4 complete calendar quarters shall file a return
15 with the Department as required by Section 2f and shall make
16 payments to the Department on or before the 7th, 15th, 22nd
17 and last day of the month during which the liability is
18 incurred. Each payment shall be in an amount equal to 22.5%
19 of the taxpayer's actual liability for the month or 25% of
20 the taxpayer's liability for the same calendar month of the
21 preceding year. The amount of the quarter monthly payments
22 shall be credited against the final tax liability of the
23 taxpayer's return for that month filed under this Section or
24 Section 2f, as the case may be. Once applicable, the
25 requirement of the making of quarter monthly payments to the
26 Department pursuant to this paragraph shall continue until
27 the taxpayer's average monthly prepaid tax collections during
28 the preceding 4 complete calendar quarters (excluding the
29 month of highest liability and the month of lowest liability)
30 is less than \$19,000 or until such taxpayer's average monthly
31 liability to the Department as computed for each calendar
32 quarter of the 4 preceding complete calendar quarters is less
33 than \$20,000. If any such quarter monthly payment is not
34 paid at the time or in the amount required, the taxpayer

1 shall be liable for penalties and interest on such
2 difference, except insofar as the taxpayer has previously
3 made payments for that month in excess of the minimum
4 payments previously due.

5 If any payment provided for in this Section exceeds the
6 taxpayer's liabilities under this Act, the Use Tax Act, the
7 Service Occupation Tax Act and the Service Use Tax Act, as
8 shown on an original monthly return, the Department shall, if
9 requested by the taxpayer, issue to the taxpayer a credit
10 memorandum no later than 30 days after the date of payment.
11 The credit evidenced by such credit memorandum may be
12 assigned by the taxpayer to a similar taxpayer under this
13 Act, the Use Tax Act, the Service Occupation Tax Act or the
14 Service Use Tax Act, in accordance with reasonable rules and
15 regulations to be prescribed by the Department. If no such
16 request is made, the taxpayer may credit such excess payment
17 against tax liability subsequently to be remitted to the
18 Department under this Act, the Use Tax Act, the Service
19 Occupation Tax Act or the Service Use Tax Act, in accordance
20 with reasonable rules and regulations prescribed by the
21 Department. If the Department subsequently determined that
22 all or any part of the credit taken was not actually due to
23 the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount
24 shall be reduced by 2.1% or 1.75% of the difference between
25 the credit taken and that actually due, and that taxpayer
26 shall be liable for penalties and interest on such
27 difference.

28 If a retailer of motor fuel is entitled to a credit under
29 Section 2d of this Act which exceeds the taxpayer's liability
30 to the Department under this Act for the month which the
31 taxpayer is filing a return, the Department shall issue the
32 taxpayer a credit memorandum for the excess.

33 Beginning January 1, 1990, each month the Department
34 shall pay into the Local Government Tax Fund, a special fund

1 in the State treasury which is hereby created, the net
2 revenue realized for the preceding month from the 1% tax on
3 sales of food for human consumption which is to be consumed
4 off the premises where it is sold (other than alcoholic
5 beverages, soft drinks and food which has been prepared for
6 immediate consumption) and prescription and nonprescription
7 medicines, drugs, medical appliances and insulin, urine
8 testing materials, syringes and needles used by diabetics.

9 Beginning January 1, 1990, each month the Department
10 shall pay into the County and Mass Transit District Fund, a
11 special fund in the State treasury which is hereby created,
12 4% of the net revenue realized for the preceding month from
13 the 6.25% general rate.

14 Beginning August 1, 2000, each month the Department shall
15 pay into the County and Mass Transit District Fund 20% of the
16 net revenue realized for the preceding month from the 1.25%
17 rate on the selling price of motor fuel and gasohol.

18 Beginning January 1, 1990, each month the Department
19 shall pay into the Local Government Tax Fund 16% of the net
20 revenue realized for the preceding month from the 6.25%
21 general rate on the selling price of tangible personal
22 property.

23 Beginning August 1, 2000, each month the Department shall
24 pay into the Local Government Tax Fund 80% of the net revenue
25 realized for the preceding month from the 1.25% rate on the
26 selling price of motor fuel and gasohol.

27 Of the remainder of the moneys received by the Department
28 pursuant to this Act, (a) 1.75% thereof shall be paid into
29 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
30 and on and after July 1, 1989, 3.8% thereof shall be paid
31 into the Build Illinois Fund; provided, however, that if in
32 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
33 as the case may be, of the moneys received by the Department
34 and required to be paid into the Build Illinois Fund pursuant

1 to this Act, Section 9 of the Use Tax Act, Section 9 of the
 2 Service Use Tax Act, and Section 9 of the Service Occupation
 3 Tax Act, such Acts being hereinafter called the "Tax Acts"
 4 and such aggregate of 2.2% or 3.8%, as the case may be, of
 5 moneys being hereinafter called the "Tax Act Amount", and (2)
 6 the amount transferred to the Build Illinois Fund from the
 7 State and Local Sales Tax Reform Fund shall be less than the
 8 Annual Specified Amount (as hereinafter defined), an amount
 9 equal to the difference shall be immediately paid into the
 10 Build Illinois Fund from other moneys received by the
 11 Department pursuant to the Tax Acts; the "Annual Specified
 12 Amount" means the amounts specified below for fiscal years
 13 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

23 and means the Certified Annual Debt Service Requirement (as
 24 defined in Section 13 of the Build Illinois Bond Act) or the
 25 Tax Act Amount, whichever is greater, for fiscal year 1994
 26 and each fiscal year thereafter; and further provided, that
 27 if on the last business day of any month the sum of (1) the
 28 Tax Act Amount required to be deposited into the Build
 29 Illinois Bond Account in the Build Illinois Fund during such
 30 month and (2) the amount transferred to the Build Illinois
 31 Fund from the State and Local Sales Tax Reform Fund shall
 32 have been less than 1/12 of the Annual Specified Amount, an
 33 amount equal to the difference shall be immediately paid into
 34 the Build Illinois Fund from other moneys received by the

1 Department pursuant to the Tax Acts; and, further provided,
2 that in no event shall the payments required under the
3 preceding proviso result in aggregate payments into the Build
4 Illinois Fund pursuant to this clause (b) for any fiscal year
5 in excess of the greater of (i) the Tax Act Amount or (ii)
6 the Annual Specified Amount for such fiscal year. The
7 amounts payable into the Build Illinois Fund under clause (b)
8 of the first sentence in this paragraph shall be payable only
9 until such time as the aggregate amount on deposit under each
10 trust indenture securing Bonds issued and outstanding
11 pursuant to the Build Illinois Bond Act is sufficient, taking
12 into account any future investment income, to fully provide,
13 in accordance with such indenture, for the defeasance of or
14 the payment of the principal of, premium, if any, and
15 interest on the Bonds secured by such indenture and on any
16 Bonds expected to be issued thereafter and all fees and costs
17 payable with respect thereto, all as certified by the
18 Director of the Bureau of the Budget. If on the last
19 business day of any month in which Bonds are outstanding
20 pursuant to the Build Illinois Bond Act, the aggregate of
21 moneys deposited in the Build Illinois Bond Account in the
22 Build Illinois Fund in such month shall be less than the
23 amount required to be transferred in such month from the
24 Build Illinois Bond Account to the Build Illinois Bond
25 Retirement and Interest Fund pursuant to Section 13 of the
26 Build Illinois Bond Act, an amount equal to such deficiency
27 shall be immediately paid from other moneys received by the
28 Department pursuant to the Tax Acts to the Build Illinois
29 Fund; provided, however, that any amounts paid to the Build
30 Illinois Fund in any fiscal year pursuant to this sentence
31 shall be deemed to constitute payments pursuant to clause (b)
32 of the first sentence of this paragraph and shall reduce the
33 amount otherwise payable for such fiscal year pursuant to
34 that clause (b). The moneys received by the Department

1 pursuant to this Act and required to be deposited into the
 2 Build Illinois Fund are subject to the pledge, claim and
 3 charge set forth in Section 12 of the Build Illinois Bond
 4 Act.

5 Subject to payment of amounts into the Build Illinois
 6 Fund as provided in the preceding paragraph or in any
 7 amendment thereto hereafter enacted, the following specified
 8 monthly installment of the amount requested in the
 9 certificate of the Chairman of the Metropolitan Pier and
 10 Exposition Authority provided under Section 8.25f of the
 11 State Finance Act, but not in excess of sums designated as
 12 "Total Deposit", shall be deposited in the aggregate from
 13 collections under Section 9 of the Use Tax Act, Section 9 of
 14 the Service Use Tax Act, Section 9 of the Service Occupation
 15 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 16 into the McCormick Place Expansion Project Fund in the
 17 specified fiscal years.

18	Fiscal Year	Total Deposit
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000
26	2000	75,000,000
27	2001	80,000,000
28	2002	93,000,000
29	2003	99,000,000
30	2004	103,000,000
31	2005	108,000,000
32	2006	113,000,000
33	2007	119,000,000
34	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023 and	275,000,000

16 each fiscal year
17 thereafter that bonds
18 are outstanding under
19 Section 13.2 of the
20 Metropolitan Pier and
21 Exposition Authority
22 Act, but not after fiscal year 2042.

23 Beginning July 20, 1993 and in each month of each fiscal
24 year thereafter, one-eighth of the amount requested in the
25 certificate of the Chairman of the Metropolitan Pier and
26 Exposition Authority for that fiscal year, less the amount
27 deposited into the McCormick Place Expansion Project Fund by
28 the State Treasurer in the respective month under subsection
29 (g) of Section 13 of the Metropolitan Pier and Exposition
30 Authority Act, plus cumulative deficiencies in the deposits
31 required under this Section for previous months and years,
32 shall be deposited into the McCormick Place Expansion Project
33 Fund, until the full amount requested for the fiscal year,
34 but not in excess of the amount specified above as "Total

1 Deposit", has been deposited.

2 Subject to payment of amounts into the Build Illinois
3 Fund and the McCormick Place Expansion Project Fund pursuant
4 to the preceding paragraphs or in any amendment thereto
5 hereafter enacted, each month the Department shall pay into
6 the Local Government Distributive Fund 0.4% of the net
7 revenue realized for the preceding month from the 5% general
8 rate or 0.4% of 80% of the net revenue realized for the
9 preceding month from the 6.25% general rate, as the case may
10 be, on the selling price of tangible personal property which
11 amount shall, subject to appropriation, be distributed as
12 provided in Section 2 of the State Revenue Sharing Act. No
13 payments or distributions pursuant to this paragraph shall be
14 made if the tax imposed by this Act on photoprocessing
15 products is declared unconstitutional, or if the proceeds
16 from such tax are unavailable for distribution because of
17 litigation.

18 Subject to payment of amounts into the Build Illinois
19 Fund, and the McCormick Place Expansion Project Fund, and the
20 Local Government Distributive Fund pursuant to the preceding
21 paragraphs or in any amendments thereto hereafter enacted,
22 beginning July 1, 1993, the Department shall each month pay
23 into the Illinois Tax Increment Fund 0.27% of 80% of the net
24 revenue realized for the preceding month from the 6.25%
25 general rate on the selling price of tangible personal
26 property.

27 Subject to payment of amounts into the Build Illinois
28 Fund, the McCormick Place Expansion Project Fund, and the
29 Local Government Distributive Fund pursuant to the preceding
30 paragraphs or in any amendments thereto hereafter enacted,
31 beginning with the receipt of the first report of taxes paid
32 by an eligible business and continuing for a 25-year period,
33 the Department shall each month pay into the Energy
34 Infrastructure Fund 80% of the net revenue realized from the

1 6.25% general rate on the selling price of Illinois-mined
2 coal that was sold to an eligible business. For purposes of
3 this paragraph, the term "eligible business" means a new
4 electric generating facility certified pursuant to Section
5 605-332 of the Department of Commerce and Community Affairs
6 Law of the Civil Administrative Code of Illinois.

7 Of the remainder of the moneys received by the Department
8 pursuant to this Act, 75% thereof shall be paid into the
9 State Treasury and 25% shall be reserved in a special account
10 and used only for the transfer to the Common School Fund as
11 part of the monthly transfer from the General Revenue Fund in
12 accordance with Section 8a of the State Finance Act.

13 The Department may, upon separate written notice to a
14 taxpayer, require the taxpayer to prepare and file with the
15 Department on a form prescribed by the Department within not
16 less than 60 days after receipt of the notice an annual
17 information return for the tax year specified in the notice.
18 Such annual return to the Department shall include a
19 statement of gross receipts as shown by the retailer's last
20 Federal income tax return. If the total receipts of the
21 business as reported in the Federal income tax return do not
22 agree with the gross receipts reported to the Department of
23 Revenue for the same period, the retailer shall attach to his
24 annual return a schedule showing a reconciliation of the 2
25 amounts and the reasons for the difference. The retailer's
26 annual return to the Department shall also disclose the cost
27 of goods sold by the retailer during the year covered by such
28 return, opening and closing inventories of such goods for
29 such year, costs of goods used from stock or taken from stock
30 and given away by the retailer during such year, payroll
31 information of the retailer's business during such year and
32 any additional reasonable information which the Department
33 deems would be helpful in determining the accuracy of the
34 monthly, quarterly or annual returns filed by such retailer

1 as provided for in this Section.

2 If the annual information return required by this Section
3 is not filed when and as required, the taxpayer shall be
4 liable as follows:

5 (i) Until January 1, 1994, the taxpayer shall be
6 liable for a penalty equal to 1/6 of 1% of the tax due
7 from such taxpayer under this Act during the period to be
8 covered by the annual return for each month or fraction
9 of a month until such return is filed as required, the
10 penalty to be assessed and collected in the same manner
11 as any other penalty provided for in this Act.

12 (ii) On and after January 1, 1994, the taxpayer
13 shall be liable for a penalty as described in Section 3-4
14 of the Uniform Penalty and Interest Act.

15 The chief executive officer, proprietor, owner or highest
16 ranking manager shall sign the annual return to certify the
17 accuracy of the information contained therein. Any person
18 who willfully signs the annual return containing false or
19 inaccurate information shall be guilty of perjury and
20 punished accordingly. The annual return form prescribed by
21 the Department shall include a warning that the person
22 signing the return may be liable for perjury.

23 The provisions of this Section concerning the filing of
24 an annual information return do not apply to a retailer who
25 is not required to file an income tax return with the United
26 States Government.

27 As soon as possible after the first day of each month,
28 upon certification of the Department of Revenue, the
29 Comptroller shall order transferred and the Treasurer shall
30 transfer from the General Revenue Fund to the Motor Fuel Tax
31 Fund an amount equal to 1.7% of 80% of the net revenue
32 realized under this Act for the second preceding month.
33 Beginning April 1, 2000, this transfer is no longer required
34 and shall not be made.

1 Net revenue realized for a month shall be the revenue
2 collected by the State pursuant to this Act, less the amount
3 paid out during that month as refunds to taxpayers for
4 overpayment of liability.

5 For greater simplicity of administration, manufacturers,
6 importers and wholesalers whose products are sold at retail
7 in Illinois by numerous retailers, and who wish to do so, may
8 assume the responsibility for accounting and paying to the
9 Department all tax accruing under this Act with respect to
10 such sales, if the retailers who are affected do not make
11 written objection to the Department to this arrangement.

12 Any person who promotes, organizes, provides retail
13 selling space for concessionaires or other types of sellers
14 at the Illinois State Fair, DuQuoin State Fair, county fairs,
15 local fairs, art shows, flea markets and similar exhibitions
16 or events, including any transient merchant as defined by
17 Section 2 of the Transient Merchant Act of 1987, is required
18 to file a report with the Department providing the name of
19 the merchant's business, the name of the person or persons
20 engaged in merchant's business, the permanent address and
21 Illinois Retailers Occupation Tax Registration Number of the
22 merchant, the dates and location of the event and other
23 reasonable information that the Department may require. The
24 report must be filed not later than the 20th day of the month
25 next following the month during which the event with retail
26 sales was held. Any person who fails to file a report
27 required by this Section commits a business offense and is
28 subject to a fine not to exceed \$250.

29 Any person engaged in the business of selling tangible
30 personal property at retail as a concessionaire or other type
31 of seller at the Illinois State Fair, county fairs, art
32 shows, flea markets and similar exhibitions or events, or any
33 transient merchants, as defined by Section 2 of the Transient
34 Merchant Act of 1987, may be required to make a daily report

1 of the amount of such sales to the Department and to make a
2 daily payment of the full amount of tax due. The Department
3 shall impose this requirement when it finds that there is a
4 significant risk of loss of revenue to the State at such an
5 exhibition or event. Such a finding shall be based on
6 evidence that a substantial number of concessionaires or
7 other sellers who are not residents of Illinois will be
8 engaging in the business of selling tangible personal
9 property at retail at the exhibition or event, or other
10 evidence of a significant risk of loss of revenue to the
11 State. The Department shall notify concessionaires and other
12 sellers affected by the imposition of this requirement. In
13 the absence of notification by the Department, the
14 concessionaires and other sellers shall file their returns as
15 otherwise required in this Section.

16 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;
17 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.
18 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.
19 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,
20 eff. 1-1-02; revised 9-14-01.)

21 Section 29. The Property Tax Code is amended by changing
22 Sections 15-25, 18-165, and 31-5 as follows:

23 (35 ILCS 200/15-25)

24 Sec. 15-25. Removal of exemptions. If the Department
25 determines that any property has been unlawfully exempted
26 from taxation, or is no longer entitled to exemption, the
27 Department shall, before January 1 of any year, direct the
28 chief county assessment officer to assess the property and
29 return it to the assessment rolls for the next assessment
30 year. The Department shall give notice of its decision to
31 the owner of the property by certified mail. The decision
32 shall be subject to review and hearing under with Section

1 8-35, upon application by the owner filed within 10 days
2 after the notice of decision is mailed. However, the
3 extension of taxes on the assessment shall not be delayed by
4 any proceedings under this Section. If the property is
5 determined to be exempt, any taxes extended upon the
6 assessment shall be abated or, if already paid, be refunded.
7 (Source: P.A. 82-554; 88-455; revised 12-04-01.)

8 (35 ILCS 200/18-165)

9 Sec. 18-165. Abatement of taxes.

10 (a) Any taxing district, upon a majority vote of its
11 governing authority, may, after the determination of the
12 assessed valuation of its property, order the clerk of that
13 county to abate any portion of its taxes on the following
14 types of property:

15 (1) Commercial and industrial.

16 (A) The property of any commercial or
17 industrial firm, including but not limited to the
18 property of (i) any firm that is used for
19 collecting, separating, storing, or processing
20 recyclable materials, locating within the taxing
21 district during the immediately preceding year from
22 another state, territory, or country, or having been
23 newly created within this State during the
24 immediately preceding year, or expanding an existing
25 facility, or (ii) any firm that is used for the
26 generation and transmission of electricity locating
27 within the taxing district during the immediately
28 preceding year or expanding its presence within the
29 taxing district during the immediately preceding
30 year by construction of a new electric generating
31 facility that uses natural gas as its fuel, or any
32 firm that is used for production operations at a
33 new, expanded, or reopened coal mine within the

1 taxing district, that has been certified as a High
2 Impact Business by the Illinois Department of
3 Commerce and Community Affairs. The property of any
4 firm used for the generation and transmission of
5 electricity shall include all property of the firm
6 used for transmission facilities as defined in
7 Section 5.5 of the Illinois Enterprise Zone Act.
8 The abatement shall not exceed a period of 10 years
9 and the aggregate amount of abated taxes for all
10 taxing districts combined shall not exceed
11 \$4,000,000.

12 (A-5) Any property in the taxing district of a
13 new electric generating facility, as defined in
14 Section 605-332 of the Department of Commerce and
15 Community Affairs Law of the Civil Administrative
16 Code of Illinois. The abatement shall not exceed a
17 period of 10 years. The abatement shall be subject
18 to the following limitations:

19 (i) if the equalized assessed valuation
20 of the new electric generating facility is
21 equal to or greater than \$25,000,000 but less
22 than \$50,000,000, then the abatement may not
23 exceed (i) over the entire term of the
24 abatement, 5% of the taxing district's
25 aggregate taxes from the new electric
26 generating facility and (ii) in any one year of
27 abatement, 20% of the taxing district's taxes
28 from the new electric generating facility;

29 (ii) if the equalized assessed valuation
30 of the new electric generating facility is
31 equal to or greater than \$50,000,000 but less
32 than \$75,000,000, then the abatement may not
33 exceed (i) over the entire term of the
34 abatement, 10% of the taxing district's

1 aggregate taxes from the new electric
2 generating facility and (ii) in any one year of
3 abatement, 35% of the taxing district's taxes
4 from the new electric generating facility;

5 (iii) if the equalized assessed valuation
6 of the new electric generating facility is
7 equal to or greater than \$75,000,000 but less
8 than \$100,000,000, then the abatement may not
9 exceed (i) over the entire term of the
10 abatement, 20% of the taxing district's
11 aggregate taxes from the new electric
12 generating facility and (ii) in any one year of
13 abatement, 50% of the taxing district's taxes
14 from the new electric generating facility;

15 (iv) if the equalized assessed valuation
16 of the new electric generating facility is
17 equal to or greater than \$100,000,000 but less
18 than \$125,000,000, then the abatement may not
19 exceed (i) over the entire term of the
20 abatement, 30% of the taxing district's
21 aggregate taxes from the new electric
22 generating facility and (ii) in any one year of
23 abatement, 60% of the taxing district's taxes
24 from the new electric generating facility;

25 (v) if the equalized assessed valuation
26 of the new electric generating facility is
27 equal to or greater than \$125,000,000 but less
28 than \$150,000,000, then the abatement may not
29 exceed (i) over the entire term of the
30 abatement, 40% of the taxing district's
31 aggregate taxes from the new electric
32 generating facility and (ii) in any one year of
33 abatement, 60% of the taxing district's taxes
34 from the new electric generating facility;

1 (vi) if the equalized assessed valuation
2 of the new electric generating facility is
3 equal to or greater than \$150,000,000, then the
4 abatement may not exceed (i) over the entire
5 term of the abatement, 50% of the taxing
6 district's aggregate taxes from the new
7 electric generating facility and (ii) in any
8 one year of abatement, 60% of the taxing
9 district's taxes from the new electric
10 generating facility.

11 The abatement is not effective unless the owner
12 of the new electric generating facility agrees to
13 repay to the taxing district all amounts previously
14 abated, together with interest computed at the rate
15 and in the manner provided for delinquent taxes, in
16 the event that the owner of the new electric
17 generating facility closes the new electric
18 generating facility before the expiration of the
19 entire term of the abatement.

20 The authorization of taxing districts to abate
21 taxes under this subdivision (a)(1)(A-5) expires on
22 January 1, 2010.

23 (B) The property of any commercial or
24 industrial development of at least 500 acres having
25 been created within the taxing district. The
26 abatement shall not exceed a period of 20 years and
27 the aggregate amount of abated taxes for all taxing
28 districts combined shall not exceed \$12,000,000.

29 (C) The property of any commercial or
30 industrial firm currently located in the taxing
31 district that expands a facility or its number of
32 employees. The abatement shall not exceed a period
33 of 10 years and the aggregate amount of abated taxes
34 for all taxing districts combined shall not exceed

1 \$4,000,000. The abatement period may be renewed at
2 the option of the taxing districts.

3 (2) Horse racing. Any property in the taxing
4 district which is used for the racing of horses and upon
5 which capital improvements consisting of expansion,
6 improvement or replacement of existing facilities have
7 been made since July 1, 1987. The combined abatements
8 for such property from all taxing districts in any county
9 shall not exceed \$5,000,000 annually and shall not exceed
10 a period of 10 years.

11 (3) Auto racing. Any property designed exclusively
12 for the racing of motor vehicles. Such abatement shall
13 not exceed a period of 10 years.

14 (4) Academic or research institute. The property
15 of any academic or research institute in the taxing
16 district that (i) is an exempt organization under
17 paragraph (3) of Section 501(c) of the Internal Revenue
18 Code, (ii) operates for the benefit of the public by
19 actually and exclusively performing scientific research
20 and making the results of the research available to the
21 interested public on a non-discriminatory basis, and
22 (iii) employs more than 100 employees. An abatement
23 granted under this paragraph shall be for at least 15
24 years and the aggregate amount of abated taxes for all
25 taxing districts combined shall not exceed \$5,000,000.

26 (5) Housing for older persons. Any property in the
27 taxing district that is devoted exclusively to affordable
28 housing for older households. For purposes of this
29 paragraph, "older households" means those households (i)
30 living in housing provided under any State or federal
31 program that the Department of Human Rights determines is
32 specifically designed and operated to assist elderly
33 persons and is solely occupied by persons 55 years of age
34 or older and (ii) whose annual income does not exceed 80%

1 of the area gross median income, adjusted for family
2 size, as such gross income and median income are
3 determined from time to time by the United States
4 Department of Housing and Urban Development. The
5 abatement shall not exceed a period of 15 years, and the
6 aggregate amount of abated taxes for all taxing districts
7 shall not exceed \$3,000,000.

8 (6) Historical society. For assessment years 1998
9 through 2003, the property of an historical society
10 qualifying as an exempt organization under Section
11 501(c)(3) of the federal Internal Revenue Code.

12 (7) Recreational facilities. Any property in the
13 taxing district (i) that is used for a municipal airport,
14 (ii) that is subject to a leasehold assessment under
15 Section 9-195 of this Code and (iii) which is sublet from
16 a park district that is leasing the property from a
17 municipality, but only if the property is used
18 exclusively for recreational facilities or for parking
19 lots used exclusively for those facilities. The
20 abatement shall not exceed a period of 10 years.

21 (8) Relocated corporate headquarters. If approval
22 occurs within 5 years after the effective date of this
23 amendatory Act of the 92nd General Assembly, any property
24 or a portion of any property in a taxing district that is
25 used by an eligible business for a corporate headquarters
26 as defined in the Corporate Headquarters Relocation Act.
27 Instead of an abatement under this paragraph (8), a
28 taxing district may enter into an agreement with an
29 eligible business to make annual payments to that
30 eligible business in an amount not to exceed the property
31 taxes paid directly or indirectly by that eligible
32 business to the taxing district and any other taxing
33 districts for premises occupied pursuant to a written
34 lease and may make those payments without the need for an

1 annual appropriation. No school district, however, may
2 enter into an agreement with, or abate taxes for, an
3 eligible business unless the municipality in which the
4 corporate headquarters is located agrees to provide
5 funding to the school district in an amount equal to the
6 amount abated or paid by the school district as provided
7 in this paragraph (8). Any abatement ordered or
8 agreement entered into under this paragraph (8) may be
9 effective for the entire term specified by the taxing
10 district, except the term of the abatement or annual
11 payments may not exceed 20 years.

12 (b) Upon a majority vote of its governing authority, any
13 municipality may, after the determination of the assessed
14 valuation of its property, order the county clerk to abate
15 any portion of its taxes on any property that is located
16 within the corporate limits of the municipality in accordance
17 with Section 8-3-18 of the Illinois Municipal Code.

18 (Source: P.A. 91-644, eff. 8-20-99; 91-885, eff. 7-6-00;
19 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247, eff. 8-3-01;
20 revised 9-19-01.)

21 (35 ILCS 200/31-5)

22 Sec. 31-5. Definitions. "Recordation" includes the
23 issuance of certificates of title by Registrars of Title
24 under the Registered Titles (Torrens) Act pursuant to the
25 filing of deeds or trust documents for that purpose, as well
26 as the recording of deeds or trust documents by recorders.

27 "Department" means the Department of Revenue.

28 "Person" means any natural individual, firm, partnership,
29 association, joint stock company, joint adventure, public or
30 private corporation, limited liability company, or a
31 receiver, executor, trustee, guardian or other representative
32 appointed by order of any court.

33 "Value" means the amount of the full actual

1 consideration, including the amount of any lien assumed by
2 the buyer.

3 "Trust document" means a document required to be recorded
4 under the Land Trust Recordation and Transfer Tax Act.

5 (Source: P.A. 88-455; incorporates 88-480; 88-670, eff.
6 12-2-94; revised 12-13-01.)

7 Section 30. The Motor Fuel Tax Law is amended by
8 changing Section 15 as follows:

9 (35 ILCS 505/15) (from Ch. 120, par. 431)

10 Sec. 15. 1. Any person who knowingly acts as a
11 distributor of motor fuel or supplier of special fuel, or
12 receiver of fuel without having a license so to do, or who
13 knowingly fails or refuses to file a return with the
14 Department as provided in Section 2b, Section 5, or Section
15 5a of this Act, or who knowingly fails or refuses to make
16 payment to the Department as provided either in Section 2b,
17 Section 6, Section 6a, or Section 7 of this Act, shall be
18 guilty of a Class 3 felony. Each day any person knowingly
19 acts as a distributor of motor fuel, supplier of special
20 fuel, or receiver of fuel without having a license so to do
21 or after such a license has been revoked, constitutes a
22 separate offense.

23 2. Any person who acts as a motor carrier without having
24 a valid motor fuel use tax license, issued by the Department
25 or by a member jurisdiction under the provisions of the
26 International Fuel Tax Agreement, or a valid single trip
27 permit is guilty of a Class A misdemeanor for a first offense
28 and is guilty of a Class 4 felony for each subsequent
29 offense. Any person (i) who fails or refuses to make payment
30 to the Department as provided in Section 13a.1 of this Act or
31 in the International Fuel Tax Agreement referenced in Section
32 14a, or (ii) who fails or refuses to make the quarterly

1 return as provided in Section 13a.3 is guilty of a Class 4
2 felony; and for each subsequent offense, such person is
3 guilty of a Class 3 felony.

4 3. In case such person acting as a distributor,
5 receiver, supplier, or motor carrier is a corporation, then
6 the officer or officers, agent or agents, employee or
7 employees, of such corporation responsible for any act of
8 such corporation, or failure of such corporation to act,
9 which acts or failure to act constitutes a violation of any
10 of the provisions of this Act as enumerated in paragraphs 1
11 and 2 of this Section, shall be punished by such fine or
12 imprisonment, or by both such fine and imprisonment as
13 provided in those paragraphs.

14 3.5. Any person who knowingly enters false information
15 on any supporting documentation required to be kept by
16 Section 6 or 6a of this Act is guilty of a Class 3 felony.

17 3.7. Any person who knowingly attempts in any manner to
18 evade or defeat any tax imposed by this Act or the payment of
19 any tax imposed by this Act is guilty of a Class 2 felony.

20 4. Any person who refuses, upon demand, to submit for
21 inspection, books and records, or who fails or refuses to
22 keep books and records in violation of Section 12 of this
23 Act, or any distributor, receiver, or supplier who violates
24 any reasonable rule or regulation adopted by the Department
25 for the enforcement of this Act is guilty of a Class A
26 misdemeanor. Any person who acts as a blender in violation
27 of Section 3 of this Act or who having transported reportable
28 motor fuel within Section 7b of this Act fails to make the
29 return required by that Section, is guilty of a Class 4
30 felony.

31 5. Any person licensed under Section 13a.4, 13a.5, or
32 the International Fuel Tax Agreement who: (a) fails or
33 refuses to keep records and books, as provided in Section
34 13a.2 or as required by the terms of the International Fuel

1 Tax Agreement, (b) refuses upon demand by the Department to
2 submit for inspection and examination the records required by
3 Section 13a.2 of this Act or by the terms of the
4 International Fuel Tax Agreement, or (c) violates any
5 reasonable rule or regulation adopted by the Department for
6 the enforcement of this Act, is guilty of a Class A
7 misdemeanor.

8 6. Any person who makes any false return or report to
9 the Department as to any material fact required by Sections
10 2b, 5, 5a, 7, 13, or 13a.3 of this Act or by the
11 International Fuel Tax Agreement is guilty of a Class 2
12 felony.

13 7. A prosecution for any violation of this Section may
14 be commenced anytime within 5 years of the commission of that
15 violation. A prosecution for tax evasion as set forth in
16 paragraph 3.7 of this Section may be prosecuted any time
17 within 5 years of the commission of the last act in
18 furtherance of evasion. The running of the period of
19 limitations under this Section shall be suspended while any
20 proceeding or appeal from any proceeding relating to the
21 quashing or enforcement of any grand jury or administrative
22 subpoena issued in connection with an investigation of the
23 violation of any provision of this Act is pending.

24 8. Any person who provides false documentation required
25 by any Section of this Act is guilty of a Class 4 felony.

26 9. Any person filing a fraudulent application or order
27 form under any provision of this Act is guilty of a Class A
28 misdemeanor. For each subsequent offense, the person is
29 guilty of a Class 4 felony.

30 10. Any person who acts as a motor carrier and who fails
31 to carry a manifest as provided in Section 5.5 is guilty of a
32 Class A misdemeanor. For each subsequent offense, the person
33 is guilty of a Class 4 felony.

34 11. Any person who knowingly sells or attempts to sell

1 dyed diesel fuel for highway use or for use by
2 recreational-type watercraft on the waters of this State is
3 guilty of a Class 4 felony. For each subsequent offense, the
4 person is guilty of a Class 2 felony.

5 12. Any person who knowingly possesses dyed diesel fuel
6 for highway use or for use by recreational-type watercraft on
7 the waters of this State is guilty of a Class A misdemeanor.
8 For each subsequent offense, the person is guilty of a Class
9 4 felony.

10 13. Any person who sells or transports dyed diesel fuel
11 without the notice required by Section 4e shall pay the
12 following penalty:

13 First occurrence.....\$ 500
14 Second and each occurrence thereafter.....\$1,000

15 14. Any person who owns, operates, or controls any
16 container, storage tank, or facility used to store or
17 distribute dyed diesel fuel without the notice required by
18 Section 4f shall pay the following penalty:

19 First occurrence.....\$ 500
20 Second and each occurrence thereafter.....\$1,000

21 15. If a motor vehicle required to be registered for
22 highway purposes is found to have dyed diesel fuel within the
23 ordinary fuel tanks attached to the motor vehicle or if a
24 recreational-type watercraft on the waters of this State is
25 found to have dyed diesel fuel within the ordinary fuel tanks
26 attached to the watercraft, the operator shall pay the
27 following penalty:

28 First occurrence.....\$2,500
29 Second and each occurrence thereafter.....\$5,000

30 16. Any licensed motor fuel distributor or licensed
31 supplier who sells or attempts to sell dyed diesel fuel for
32 highway use or for use by recreational-type watercraft on the
33 waters of this State shall pay the following penalty:

34 First occurrence.....\$ 5,000

1 Second and each occurrence thereafter.....\$10,000

2 17. Any person who knowingly sells or distributes dyed
3 diesel fuel without the notice required by Section 4e is
4 guilty of a petty offense. For each subsequent offense, the
5 person is guilty of a Class A misdemeanor.

6 18. Any person who knowingly owns, operates, or controls
7 any container, storage tank, or facility used to store or
8 distribute dyed diesel fuel without the notice required by
9 Section 4f is guilty of a petty offense. For each subsequent
10 offense the person is guilty of a Class A misdemeanor.

11 For purposes of this Section, dyed diesel fuel means any
12 dyed diesel fuel whether or not dyed pursuant to Section 4d
13 of this Law.

14 Any person aggrieved by any action of the Department
15 under item 13, 14, 15, or 16 of this Section may protest the
16 action by making a written request for a hearing within 60
17 days of the original action. If the hearing is not requested
18 in writing within 60 days, the original action is final.

19 All penalties received under items 13, 14, 15, and 16 of
20 this Section shall be deposited into the Tax Compliance and
21 Administration Fund.

22 (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01;
23 92-232, eff. 8-2-01; revised 9-19-01.)

24 Section 31. The Illinois Pension Code is amended by
25 changing Sections 1-113.7, 11-167, 14-110, 14-114, 16-106,
26 and 17-119.1 as follows:

27 (40 ILCS 5/1-113.7)

28 Sec. 1-113.7. Registration of investments; custody and
29 safekeeping. The board of trustees may register the
30 investments of its pension fund in the name of the pension
31 fund, in the nominee name of a bank or trust company
32 authorized to conduct a trust business in Illinois, or in the

1 nominee name of the Illinois Public Treasurer's Investment
2 Pool.

3 The assets of the pension fund and ownership of its
4 investments shall be protected through third-party custodial
5 safekeeping. The board of trustees may appoint as custodian
6 of the investments of its pension fund the treasurer of the
7 municipality, a bank or trust company authorized to conduct a
8 trust business in Illinois, or the Illinois Public
9 Treasurer's Investment Pool.

10 A dealer may not maintain possession of or control over
11 securities of a pension fund subject to the provisions of
12 this Section unless it is registered as a broker-dealer with
13 the U.S. Securities and Exchange Commission and is a member
14 in good standing of the National Association of Securities
15 Dealers, and (1) with respect to securities that are not
16 issued only in book-entry form, (A) all such securities of
17 each fund are either held in safekeeping in a place
18 reasonably free from risk of destruction or held in custody
19 by a securities depository that is a "clearing agency"
20 registered with the U.S. Securities and Exchange Commission,
21 (B) the dealer is a member of the Securities Investor
22 Protection Corporation, (C) the dealer sends to each fund, no
23 less frequently than each calendar quarter, an itemized
24 statement showing the moneys and securities in the custody or
25 possession of the dealer at the end of such period, and (D)
26 an independent certified public accountant ~~account~~ conducts
27 an audit, no less frequently than each calendar year, that
28 reviews the dealer's internal accounting controls and
29 procedures for safeguarding securities; and (2) with respect
30 to securities that are issued only in book-entry form, (A)
31 all such securities of each fund are held either in a
32 securities depository that is a "clearing agency" registered
33 with the U.S. Securities and Exchange Commission or in a bank
34 that is a member of the Federal Reserve System, (B) the

1 dealer records the ownership interest of the funds in such
2 securities on the dealer's books and records, (C) the dealer
3 is a member of the Securities Investor Protection
4 Corporation, (D) the dealer sends to each fund, no less
5 frequently than each calendar quarter, an itemized statement
6 showing the moneys and securities in the custody or
7 possession of the dealer at the end of such period, and (E)
8 the dealer's financial statement (which shall contain among
9 other things a statement of the dealer's net capital and its
10 required net capital computed in accordance with Rule 15c3-1
11 under the Securities Exchange Act of 1934) is audited
12 annually by an independent certified public accountant, and
13 the dealer's most recent audited financial statement is
14 furnished to the fund. No broker-dealer serving as a
15 custodian for any public pension fund as provided by this Act
16 shall be authorized to serve as an investment advisor for
17 that same public pension fund as described in Section 1-101.4
18 of this Code, to the extent that the investment advisor
19 acquires or disposes of any asset of that same public pension
20 fund. Notwithstanding the foregoing, in no event may a
21 broker or dealer that is a natural person maintain possession
22 of or control over securities or other assets of a pension
23 fund subject to the provisions of this Section. In
24 maintaining securities of a pension fund subject to the
25 provisions of this Section, each dealer must maintain those
26 securities in conformity with the provisions of Rule
27 15c3-3(b) of the Securities Exchange Act of 1934 (Physical
28 Possession or Control of Securities). The Director of the
29 Department of Insurance may adopt such rules and regulations
30 as shall be necessary and appropriate in his or her judgment
31 to effectuate the purposes of this Section.

32 A bank or trust company authorized to conduct a trust
33 business in Illinois shall register, deposit, or hold
34 investments for safekeeping, all in accordance with the

1 obligations and subject to the limitations of the Securities
2 in Fiduciary Accounts Act.

3 (Source: P.A. 90-507, eff. 8-22-97; revised 12-13-01.)

4 (40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

5 Sec. 11-167. Refunds in lieu of annuity. In lieu of an
6 annuity, an employee who withdraws, and whose annuity would
7 amount to less than \$800 a month for life may elect to
8 receive a refund of the total sum accumulated to his credit
9 from employee contributions for annuity purposes.

10 The widow of any employee, eligible for annuity upon the
11 death of her husband, whose annuity would amount to less than
12 \$800 a month for life, may, in lieu of a widow's annuity,
13 elect to receive a refund of the accumulated contributions
14 for annuity purposes, based on the amounts contributed by her
15 deceased employee husband, but reduced by any amounts
16 theretofore paid to him in the form of an annuity or refund
17 out of such accumulated contributions.

18 Accumulated contributions shall mean the amounts
19 including interest credited thereon contributed by the
20 employee for age and service and widow's annuity to the date
21 of his withdrawal or death, whichever first occurs, and
22 including the accumulations from any amounts contributed for
23 him as salary deductions while receiving duty disability
24 benefits; provided that such amounts contributed by the city
25 after December 31, 1983 while the employee is receiving duty
26 disability benefits shall not be included.

27 The acceptance of such refund in lieu of widow's annuity,
28 on the part of a widow, shall not deprive a child or children
29 of the right to receive a child's annuity as provided for in
30 Sections 11-153 and 11-154 of this Article, and neither shall
31 the payment of a child's annuity in the case of such refund
32 to a widow reduce the amount herein set forth as refundable
33 to such widow electing a refund in lieu of widow's annuity.

1 (Source: P.A. 90-655, eff. 7-30-98; 91-887, eff. 7-6-00;
2 revised 9-17-01.)

3 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
4 Sec. 14-110. Alternative retirement annuity.

5 (a) Any member who has withdrawn from service with not
6 less than 20 years of eligible creditable service and has
7 attained age 55, and any member who has withdrawn from
8 service with not less than 25 years of eligible creditable
9 service and has attained age 50, regardless of whether the
10 attainment of either of the specified ages occurs while the
11 member is still in service, shall be entitled to receive at
12 the option of the member, in lieu of the regular or minimum
13 retirement annuity, a retirement annuity computed as
14 follows:

15 (i) for periods of service as a noncovered
16 employee: if retirement occurs on or after January 1,
17 2001, 3% of final average compensation for each year of
18 creditable service; if retirement occurs before January
19 1, 2001, 2 1/4% of final average compensation for each of
20 the first 10 years of creditable service, 2 1/2% for each
21 year above 10 years to and including 20 years of
22 creditable service, and 2 3/4% for each year of
23 creditable service above 20 years; and

24 (ii) for periods of eligible creditable service as
25 a covered employee: if retirement occurs on or after
26 January 1, 2001, 2.5% of final average compensation for
27 each year of creditable service; if retirement occurs
28 before January 1, 2001, 1.67% of final average
29 compensation for each of the first 10 years of such
30 service, 1.90% for each of the next 10 years of such
31 service, 2.10% for each year of such service in excess of
32 20 but not exceeding 30, and 2.30% for each year in
33 excess of 30.

1 Such annuity shall be subject to a maximum of 75% of
2 final average compensation if retirement occurs before
3 January 1, 2001 or to a maximum of 80% of final average
4 compensation if retirement occurs on or after January 1,
5 2001.

6 These rates shall not be applicable to any service
7 performed by a member as a covered employee which is not
8 eligible creditable service. Service as a covered employee
9 which is not eligible creditable service shall be subject to
10 the rates and provisions of Section 14-108.

11 (b) For the purpose of this Section, "eligible
12 creditable service" means creditable service resulting from
13 service in one or more of the following positions:

- 14 (1) State policeman;
- 15 (2) fire fighter in the fire protection service of
16 a department;
- 17 (3) air pilot;
- 18 (4) special agent;
- 19 (5) investigator for the Secretary of State;
- 20 (6) conservation police officer;
- 21 (7) investigator for the Department of Revenue;
- 22 (8) security employee of the Department of Human
23 Services;
- 24 (9) Central Management Services security police
25 officer;
- 26 (10) security employee of the Department of
27 Corrections;
- 28 (11) dangerous drugs investigator;
- 29 (12) investigator for the Department of State
30 Police;
- 31 (13) investigator for the Office of the Attorney
32 General;
- 33 (14) controlled substance inspector;
- 34 (15) investigator for the Office of the State's

1 Attorneys Appellate Prosecutor;

2 (16) Commerce Commission police officer;

3 (17) arson investigator;

4 (18) State highway maintenance worker.

5 A person employed in one of the positions specified in
6 this subsection is entitled to eligible creditable service
7 for service credit earned under this Article while undergoing
8 the basic police training course approved by the Illinois Law
9 Enforcement Training Standards Board, if completion of that
10 training is required of persons serving in that position. For
11 the purposes of this Code, service during the required basic
12 police training course shall be deemed performance of the
13 duties of the specified position, even though the person is
14 not a sworn peace officer at the time of the training.

15 (c) For the purposes of this Section:

16 (1) The term "state policeman" includes any title
17 or position in the Department of State Police that is
18 held by an individual employed under the State Police
19 Act.

20 (2) The term "fire fighter in the fire protection
21 service of a department" includes all officers in such
22 fire protection service including fire chiefs and
23 assistant fire chiefs.

24 (3) The term "air pilot" includes any employee
25 whose official job description on file in the Department
26 of Central Management Services, or in the department by
27 which he is employed if that department is not covered by
28 the Personnel Code, states that his principal duty is the
29 operation of aircraft, and who possesses a pilot's
30 license; however, the change in this definition made by
31 this amendatory Act of 1983 shall not operate to exclude
32 any noncovered employee who was an "air pilot" for the
33 purposes of this Section on January 1, 1984.

34 (4) The term "special agent" means any person who

1 by reason of employment by the Division of Narcotic
2 Control, the Bureau of Investigation or, after July 1,
3 1977, the Division of Criminal Investigation, the
4 Division of Internal Investigation, the Division of
5 Operations, or any other Division or organizational
6 entity in the Department of State Police is vested by law
7 with duties to maintain public order, investigate
8 violations of the criminal law of this State, enforce the
9 laws of this State, make arrests and recover property.
10 The term "special agent" includes any title or position
11 in the Department of State Police that is held by an
12 individual employed under the State Police Act.

13 (5) The term "investigator for the Secretary of
14 State" means any person employed by the Office of the
15 Secretary of State and vested with such investigative
16 duties as render him ineligible for coverage under the
17 Social Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

19 A person who became employed as an investigator for
20 the Secretary of State between January 1, 1967 and
21 December 31, 1975, and who has served as such until
22 attainment of age 60, either continuously or with a
23 single break in service of not more than 3 years
24 duration, which break terminated before January 1, 1976,
25 shall be entitled to have his retirement annuity
26 calculated in accordance with subsection (a),
27 notwithstanding that he has less than 20 years of credit
28 for such service.

29 (6) The term "Conservation Police Officer" means
30 any person employed by the Division of Law Enforcement of
31 the Department of Natural Resources and vested with such
32 law enforcement duties as render him ineligible for
33 coverage under the Social Security Act by reason of
34 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of

1 that Act. The term "Conservation Police Officer"
2 includes the positions of Chief Conservation Police
3 Administrator and Assistant Conservation Police
4 Administrator.

5 (7) The term "investigator for the Department of
6 Revenue" means any person employed by the Department of
7 Revenue and vested with such investigative duties as
8 render him ineligible for coverage under the Social
9 Security Act by reason of Sections 218(d)(5)(A),
10 218(d)(8)(D) and 218(1)(1) of that Act.

11 (8) The term "security employee of the Department
12 of Human Services" means any person employed by the
13 Department of Human Services who (i) is employed at the
14 Chester Mental Health Center and has daily contact with
15 the residents thereof, (ii) is employed within a security
16 unit at a facility operated by the Department and has
17 daily contact with the residents of the security unit,
18 (iii) is employed at a facility operated by the
19 Department that includes a security unit and is regularly
20 scheduled to work at least 50% of his or her working
21 hours within that security unit, or (iv) is a mental
22 health police officer. "Mental health police officer"
23 means any person employed by the Department of Human
24 Services in a position pertaining to the Department's
25 mental health and developmental disabilities functions
26 who is vested with such law enforcement duties as render
27 the person ineligible for coverage under the Social
28 Security Act by reason of Sections 218(d)(5)(A),
29 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
30 means that portion of a facility that is devoted to the
31 care, containment, and treatment of persons committed to
32 the Department of Human Services as sexually violent
33 persons, persons unfit to stand trial, or persons not
34 guilty by reason of insanity. With respect to past

1 employment, references to the Department of Human
2 Services include its predecessor, the Department of
3 Mental Health and Developmental Disabilities.

4 The changes made to this subdivision (c)(8) by
5 Public Act 92-14 ~~this-amendatory-Act-of-the-92nd-General~~
6 ~~Assembly~~ apply to persons who retire on or after January
7 1, 2001, notwithstanding Section 1-103.1.

8 (9) "Central Management Services security police
9 officer" means any person employed by the Department of
10 Central Management Services who is vested with such law
11 enforcement duties as render him ineligible for coverage
12 under the Social Security Act by reason of Sections
13 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

14 (10) The term "security employee of the Department
15 of Corrections" means any employee of the Department of
16 Corrections or the former Department of Personnel, and
17 any member or employee of the Prisoner Review Board, who
18 has daily contact with inmates by working within a
19 correctional facility or who is a parole officer or an
20 employee who has direct contact with committed persons in
21 the performance of his or her job duties.

22 (11) The term "dangerous drugs investigator" means
23 any person who is employed as such by the Department of
24 Human Services.

25 (12) The term "investigator for the Department of
26 State Police" means a person employed by the Department
27 of State Police who is vested under Section 4 of the
28 Narcotic Control Division Abolition Act with such law
29 enforcement powers as render him ineligible for coverage
30 under the Social Security Act by reason of Sections
31 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

32 (13) "Investigator for the Office of the Attorney
33 General" means any person who is employed as such by the
34 Office of the Attorney General and is vested with such

1 investigative duties as render him ineligible for
2 coverage under the Social Security Act by reason of
3 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
4 Act. For the period before January 1, 1989, the term
5 includes all persons who were employed as investigators
6 by the Office of the Attorney General, without regard to
7 social security status.

8 (14) "Controlled substance inspector" means any
9 person who is employed as such by the Department of
10 Professional Regulation and is vested with such law
11 enforcement duties as render him ineligible for coverage
12 under the Social Security Act by reason of Sections
13 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
14 The term "controlled substance inspector" includes the
15 Program Executive of Enforcement and the Assistant
16 Program Executive of Enforcement.

17 (15) The term "investigator for the Office of the
18 State's Attorneys Appellate Prosecutor" means a person
19 employed in that capacity on a full time basis under the
20 authority of Section 7.06 of the State's Attorneys
21 Appellate Prosecutor's Act.

22 (16) "Commerce Commission police officer" means any
23 person employed by the Illinois Commerce Commission who
24 is vested with such law enforcement duties as render him
25 ineligible for coverage under the Social Security Act by
26 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
27 218(1)(1) of that Act.

28 (17) "Arson investigator" means any person who is
29 employed as such by the Office of the State Fire Marshal
30 and is vested with such law enforcement duties as render
31 the person ineligible for coverage under the Social
32 Security Act by reason of Sections 218(d)(5)(A),
33 218(d)(8)(D), and 218(1)(1) of that Act. A person who
34 was employed as an arson investigator on January 1, 1995

1 and is no longer in service but not yet receiving a
2 retirement annuity may convert his or her creditable
3 service for employment as an arson investigator into
4 eligible creditable service by paying to the System the
5 difference between the employee contributions actually
6 paid for that service and the amounts that would have
7 been contributed if the applicant were contributing at
8 the rate applicable to persons with the same social
9 security status earning eligible creditable service on
10 the date of application.

11 (18) The term "State highway maintenance worker"
12 means a person who is either of the following:

13 (i) A person employed on a full-time basis by
14 the Illinois Department of Transportation in the
15 position of highway maintainer, highway maintenance
16 lead worker, highway maintenance lead/lead worker,
17 heavy construction equipment operator, power shovel
18 operator, or bridge mechanic; and whose principal
19 responsibility is to perform, on the roadway, the
20 actual maintenance necessary to keep the highways
21 that form a part of the State highway system in
22 serviceable condition for vehicular traffic.

23 (ii) A person employed on a full-time basis by
24 the Illinois State Toll Highway Authority in the
25 position of equipment operator/laborer H-4,
26 equipment operator/laborer H-6, welder H-4,
27 welder H-6, mechanical/electrical H-4,
28 mechanical/electrical H-6, water/sewer H-4,
29 water/sewer H-6, sign maker/hanger H-4, sign
30 maker/hanger H-6, roadway lighting H-4, roadway
31 lighting H-6, structural H-4, structural H-6,
32 painter H-4, or painter H-6; and whose principal
33 responsibility is to perform, on the roadway, the
34 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular
2 traffic.

3 (d) A security employee of the Department of
4 Corrections, and a security employee of the Department of
5 Human Services who is not a mental health police officer,
6 shall not be eligible for the alternative retirement annuity
7 provided by this Section unless he or she meets the following
8 minimum age and service requirements at the time of
9 retirement:

10 (i) 25 years of eligible creditable service and age
11 55; or

12 (ii) beginning January 1, 1987, 25 years of
13 eligible creditable service and age 54, or 24 years of
14 eligible creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of
16 eligible creditable service and age 53, or 23 years of
17 eligible creditable service and age 55; or

18 (iv) beginning January 1, 1989, 25 years of
19 eligible creditable service and age 52, or 22 years of
20 eligible creditable service and age 55; or

21 (v) beginning January 1, 1990, 25 years of eligible
22 creditable service and age 51, or 21 years of eligible
23 creditable service and age 55; or

24 (vi) beginning January 1, 1991, 25 years of
25 eligible creditable service and age 50, or 20 years of
26 eligible creditable service and age 55.

27 Persons who have service credit under Article 16 of this
28 Code for service as a security employee of the Department of
29 Corrections or the Department of Human Services in a position
30 requiring certification as a teacher may count such service
31 toward establishing their eligibility under the service
32 requirements of this Section; but such service may be used
33 only for establishing such eligibility, and not for the
34 purpose of increasing or calculating any benefit.

1 (e) If a member enters military service while working in
2 a position in which eligible creditable service may be
3 earned, and returns to State service in the same or another
4 such position, and fulfills in all other respects the
5 conditions prescribed in this Article for credit for military
6 service, such military service shall be credited as eligible
7 creditable service for the purposes of the retirement annuity
8 prescribed in this Section.

9 (f) For purposes of calculating retirement annuities
10 under this Section, periods of service rendered after
11 December 31, 1968 and before October 1, 1975 as a covered
12 employee in the position of special agent, conservation
13 police officer, mental health police officer, or investigator
14 for the Secretary of State, shall be deemed to have been
15 service as a noncovered employee, provided that the employee
16 pays to the System prior to retirement an amount equal to (1)
17 the difference between the employee contributions that would
18 have been required for such service as a noncovered employee,
19 and the amount of employee contributions actually paid, plus
20 (2) if payment is made after July 31, 1987, regular interest
21 on the amount specified in item (1) from the date of service
22 to the date of payment.

23 For purposes of calculating retirement annuities under
24 this Section, periods of service rendered after December 31,
25 1968 and before January 1, 1982 as a covered employee in the
26 position of investigator for the Department of Revenue shall
27 be deemed to have been service as a noncovered employee,
28 provided that the employee pays to the System prior to
29 retirement an amount equal to (1) the difference between the
30 employee contributions that would have been required for such
31 service as a noncovered employee, and the amount of employee
32 contributions actually paid, plus (2) if payment is made
33 after January 1, 1990, regular interest on the amount
34 specified in item (1) from the date of service to the date of

1 payment.

2 (g) A State policeman may elect, not later than January
3 1, 1990, to establish eligible creditable service for up to
4 10 years of his service as a policeman under Article 3, by
5 filing a written election with the Board, accompanied by
6 payment of an amount to be determined by the Board, equal to
7 (i) the difference between the amount of employee and
8 employer contributions transferred to the System under
9 Section 3-110.5, and the amounts that would have been
10 contributed had such contributions been made at the rates
11 applicable to State policemen, plus (ii) interest thereon at
12 the effective rate for each year, compounded annually, from
13 the date of service to the date of payment.

14 Subject to the limitation in subsection (i), a State
15 policeman may elect, not later than July 1, 1993, to
16 establish eligible creditable service for up to 10 years of
17 his service as a member of the County Police Department under
18 Article 9, by filing a written election with the Board,
19 accompanied by payment of an amount to be determined by the
20 Board, equal to (i) the difference between the amount of
21 employee and employer contributions transferred to the System
22 under Section 9-121.10 and the amounts that would have been
23 contributed had those contributions been made at the rates
24 applicable to State policemen, plus (ii) interest thereon at
25 the effective rate for each year, compounded annually, from
26 the date of service to the date of payment.

27 (h) Subject to the limitation in subsection (i), a State
28 policeman or investigator for the Secretary of State may
29 elect to establish eligible creditable service for up to 12
30 years of his service as a policeman under Article 5, by
31 filing a written election with the Board on or before January
32 31, 1992, and paying to the System by January 31, 1994 an
33 amount to be determined by the Board, equal to (i) the
34 difference between the amount of employee and employer

1 contributions transferred to the System under Section 5-236,
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (ii) interest thereon at the effective rate
5 for each year, compounded annually, from the date of service
6 to the date of payment.

7 Subject to the limitation in subsection (i), a State
8 policeman, conservation police officer, or investigator for
9 the Secretary of State may elect to establish eligible
10 creditable service for up to 10 years of service as a
11 sheriff's law enforcement employee under Article 7, by filing
12 a written election with the Board on or before January 31,
13 1993, and paying to the System by January 31, 1994 an amount
14 to be determined by the Board, equal to (i) the difference
15 between the amount of employee and employer contributions
16 transferred to the System under Section 7-139.7, and the
17 amounts that would have been contributed had such
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate
20 for each year, compounded annually, from the date of service
21 to the date of payment.

22 (i) The total amount of eligible creditable service
23 established by any person under subsections (g), (h), (j),
24 (k), and (l) of this Section shall not exceed 12 years.

25 (j) Subject to the limitation in subsection (i), an
26 investigator for the Office of the State's Attorneys
27 Appellate Prosecutor or a controlled substance inspector may
28 elect to establish eligible creditable service for up to 10
29 years of his service as a policeman under Article 3 or a
30 sheriff's law enforcement employee under Article 7, by filing
31 a written election with the Board, accompanied by payment of
32 an amount to be determined by the Board, equal to (1) the
33 difference between the amount of employee and employer
34 contributions transferred to the System under Section 3-110.6

1 or 7-139.8, and the amounts that would have been contributed
2 had such contributions been made at the rates applicable to
3 State policemen, plus (2) interest thereon at the effective
4 rate for each year, compounded annually, from the date of
5 service to the date of payment.

6 (k) Subject to the limitation in subsection (i) of this
7 Section, an alternative formula employee may elect to
8 establish eligible creditable service for periods spent as a
9 full-time law enforcement officer or full-time corrections
10 officer employed by the federal government or by a state or
11 local government located outside of Illinois, for which
12 credit is not held in any other public employee pension fund
13 or retirement system. To obtain this credit, the applicant
14 must file a written application with the Board by March 31,
15 1998, accompanied by evidence of eligibility acceptable to
16 the Board and payment of an amount to be determined by the
17 Board, equal to (1) employee contributions for the credit
18 being established, based upon the applicant's salary on the
19 first day as an alternative formula employee after the
20 employment for which credit is being established and the
21 rates then applicable to alternative formula employees, plus
22 (2) an amount determined by the Board to be the employer's
23 normal cost of the benefits accrued for the credit being
24 established, plus (3) regular interest on the amounts in
25 items (1) and (2) from the first day as an alternative
26 formula employee after the employment for which credit is
27 being established to the date of payment.

28 (l) Subject to the limitation in subsection (i), a
29 security employee of the Department of Corrections may elect,
30 not later than July 1, 1998, to establish eligible creditable
31 service for up to 10 years of his or her service as a
32 policeman under Article 3, by filing a written election with
33 the Board, accompanied by payment of an amount to be
34 determined by the Board, equal to (i) the difference between

1 the amount of employee and employer contributions transferred
2 to the System under Section 3-110.5, and the amounts that
3 would have been contributed had such contributions been made
4 at the rates applicable to security employees of the
5 Department of Corrections, plus (ii) interest thereon at the
6 effective rate for each year, compounded annually, from the
7 date of service to the date of payment.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;
9 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; revised 9-10-01.)

10 (40 ILCS 5/14-114) (from Ch. 108 1/2, par. 14-114)

11 Sec. 14-114. Automatic increase in retirement annuity.

12 (a) Any person receiving a retirement annuity under this
13 Article who retires having attained age 60, or who retires
14 before age 60 having at least 35 years of creditable service,
15 or who retires on or after January 1, 2001 at an age which,
16 when added to the number of years of his or her creditable
17 service, equals at least 85, shall, on January 1 next
18 following the first full year of retirement, have the amount
19 of the then fixed and payable monthly retirement annuity
20 increased 3%. Any person receiving a retirement annuity
21 under this Article who retires before attainment of age 60
22 and with less than (i) 35 years of creditable service if
23 retirement is before January 1, 2001, or (ii) the number of
24 years of creditable service which, when added to the member's
25 age, would equal 85, if retirement is on or after January 1,
26 2001, shall have the amount of the fixed and payable
27 retirement annuity increased by 3% on the January 1 occurring
28 on or next following (1) attainment of age 60, or (2) the
29 first anniversary of retirement, whichever occurs later.
30 However, for persons who receive the alternative retirement
31 annuity under Section 14-110, references in this subsection
32 (a) to attainment of age 60 shall be deemed to refer to
33 attainment of age 55. For a person receiving early

1 retirement incentives under Section 14-108.3 whose retirement
2 annuity began after January 1, 1992 pursuant to an extension
3 granted under subsection (e) of that Section, the first
4 anniversary of retirement shall be deemed to be January 1,
5 1993. For a person who retires on or after June 28, 2001 the
6 ~~effective-date-of-this-amendatory-Act--of--the--92nd--General~~
7 ~~Assembly~~ and on or before October 1, 2001 the ~~first-day-of~~
8 ~~the-fourth-calendar-month-following-the-month-in--which--this~~
9 ~~amendatory--Act-takes-effect~~, and whose retirement annuity is
10 calculated, in whole or in part, under Section 14-110 or
11 subsection (g) or (h) of Section 14-108, the first
12 anniversary of retirement shall be deemed to be January 1,
13 2002.

14 On each January 1 following the date of the initial
15 increase under this subsection, the employee's monthly
16 retirement annuity shall be increased by an additional 3%.

17 Beginning January 1, 1990, all automatic annual increases
18 payable under this Section shall be calculated as a
19 percentage of the total annuity payable at the time of the
20 increase, including previous increases granted under this
21 Article.

22 (b) The provisions of subsection (a) of this Section
23 shall be applicable to an employee only if the employee makes
24 the additional contributions required after December 31, 1969
25 for the purpose of the automatic increases for not less than
26 the equivalent of one full year. If an employee becomes an
27 annuitant before his additional contributions equal one full
28 year's contributions based on his salary at the date of
29 retirement, the employee may pay the necessary balance of the
30 contributions to the system, without interest, and be
31 eligible for the increasing annuity authorized by this
32 Section.

33 (c) The provisions of subsection (a) of this Section
34 shall not be applicable to any annuitant who is on retirement

1 on December 31, 1969, and thereafter returns to State
2 service, unless the member has established at least one year
3 of additional creditable service following reentry into
4 service.

5 (d) In addition to other increases which may be provided
6 by this Section, on January 1, 1981 any annuitant who was
7 receiving a retirement annuity on or before January 1, 1971
8 shall have his retirement annuity then being paid increased
9 \$1 per month for each year of creditable service. On January
10 1, 1982, any annuitant who began receiving a retirement
11 annuity on or before January 1, 1977, shall have his
12 retirement annuity then being paid increased \$1 per month for
13 each year of creditable service.

14 On January 1, 1987, any annuitant who began receiving a
15 retirement annuity on or before January 1, 1977, shall have
16 the monthly retirement annuity increased by an amount equal
17 to 8¢ per year of creditable service times the number of
18 years that have elapsed since the annuity began.

19 (e) Every person who receives the alternative retirement
20 annuity under Section 14-110 and who is eligible to receive
21 the 3% increase under subsection (a) on January 1, 1986,
22 shall also receive on that date a one-time increase in
23 retirement annuity equal to the difference between (1) his
24 actual retirement annuity on that date, including any
25 increases received under subsection (a), and (2) the amount
26 of retirement annuity he would have received on that date if
27 the amendments to subsection (a) made by Public Act 84-162
28 had been in effect since the date of his retirement.

29 (Source: P.A. 91-927, eff. 12-14-00; 92-14, eff. 6-28-01;
30 revised 9-10-01.)

31 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

32 Sec. 16-106. Teacher. "Teacher": The following
33 individuals, provided that, for employment prior to July 1,

1 1990, they are employed on a full-time basis, or if not
2 full-time, on a permanent and continuous basis in a position
3 in which services are expected to be rendered for at least
4 one school term:

5 (1) Any educational, administrative, professional
6 or other staff employed in the public common schools
7 included within this system in a position requiring
8 certification under the law governing the certification
9 of teachers;

10 (2) Any educational, administrative, professional
11 or other staff employed in any facility of the Department
12 of Children and Family Services or the Department of
13 Human Services, in a position requiring certification
14 under the law governing the certification of teachers,
15 and any person who (i) works in such a position for the
16 Department of Corrections, (ii) was a member of this
17 System on May 31, 1987, and (iii) did not elect to become
18 a member of the State Employees' Retirement System
19 pursuant to Section 14-108.2 of this Code; except that
20 "teacher" does not include any person who (A) becomes a
21 security employee of the Department of Human Services, as
22 defined in Section 14-110, after June 28, 2001 (the
23 effective date of Public Act 92-14) ~~this-amendatory-Act~~
24 ~~of-the-92nd-General-Assembly~~, or (B) becomes a member of
25 the State Employees' Retirement System pursuant to
26 Section 14-108.2c of this Code;

27 (3) Any regional superintendent of schools,
28 assistant regional superintendent of schools, State
29 Superintendent of Education; any person employed by the
30 State Board of Education as an executive; any executive
31 of the boards engaged in the service of public common
32 school education in school districts covered under this
33 system of which the State Superintendent of Education is
34 an ex-officio member;

1 (4) Any employee of a school board association
2 operating in compliance with Article 23 of the School
3 Code who is certificated under the law governing the
4 certification of teachers;

5 (5) Any person employed by the retirement system
6 who:

7 (i) was an employee of and a participant in
8 the system on August 17, 2001 (the effective date of
9 Public Act 92-416) ~~this-amendatory-Act-of-the-92nd~~
10 ~~General-Assembly~~, or

11 (ii) becomes an employee of the system on or
12 after August 17, 2001 ~~the-effective-date-of-this~~
13 ~~amendatory-Act-of-the-92nd-General-Assembly~~;

14 (6) Any educational, administrative, professional
15 or other staff employed by and under the supervision and
16 control of a regional superintendent of schools, provided
17 such employment position requires the person to be
18 certificated under the law governing the certification of
19 teachers and is in an educational program serving 2 or
20 more districts in accordance with a joint agreement
21 authorized by the School Code or by federal legislation;

22 (7) Any educational, administrative, professional
23 or other staff employed in an educational program
24 serving 2 or more school districts in accordance with a
25 joint agreement authorized by the School Code or by
26 federal legislation and in a position requiring
27 certification under the laws governing the certification
28 of teachers;

29 (8) Any officer or employee of a statewide teacher
30 organization or officer of a national teacher
31 organization who is certified under the law governing
32 certification of teachers, provided: (i) the individual
33 had previously established creditable service under this
34 Article, (ii) the individual files with the system an

1 irrevocable election to become a member, and (iii) the
2 individual does not receive credit for such service under
3 any other Article of this Code;

4 (9) Any educational, administrative, professional,
5 or other staff employed in a charter school operating in
6 compliance with the Charter Schools Law who is
7 certificated under the law governing the certification of
8 teachers.

9 An annuitant receiving a retirement annuity under this
10 Article or under Article 17 of this Code who is temporarily
11 employed by a board of education or other employer not
12 exceeding that permitted under Section 16-118 is not a
13 "teacher" for purposes of this Article. A person who has
14 received a single-sum retirement benefit under Section
15 16-136.4 of this Article is not a "teacher" for purposes of
16 this Article.

17 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;
18 revised 10-18-01.)

19 (40 ILCS 5/17-119.1)

20 Sec. 17-119.1. Optional increase in retirement annuity.

21 (a) A member of the Fund may qualify for the augmented
22 rate under subdivision (b)(3) of Section 17-116 for all years
23 of creditable service earned before July 1, 1998 by making
24 the optional contribution specified in subsection (b); except
25 that a member who retires on or after July 1, 1998 with at
26 least 30 years of creditable service at retirement qualifies
27 for the augmented rate without making any contribution under
28 subsection (b). Any member who retires on or after July 1,
29 1998 and before the effective date of this amendatory Act of
30 the 92nd General Assembly with at least 30 years of
31 creditable service shall be paid a lump sum equal to the
32 amount he or she would have received under the augmented rate
33 minus the amount he or she actually received. A member may

1 not elect to qualify for the augmented rate for only a
2 portion of his or her creditable service earned before July
3 1, 1998.

4 (b) The contribution shall be an amount equal to 1.0% of
5 the member's highest salary rate in the 4 consecutive school
6 years immediately prior to but not including the school year
7 in which the application occurs, multiplied by the number of
8 years of creditable service earned by the member before July
9 1, 1998 or 20, whichever is less. This contribution shall be
10 reduced by 1.0% of that salary rate for every 3 full years of
11 creditable service earned by the member after June 30, 1998.
12 The contribution shall be further reduced at the rate of 25%
13 of the contribution (as reduced for service after June 30,
14 1998) for each year of the member's total creditable service
15 in excess of 34 years. The contribution shall not in any
16 event exceed 20% of that salary rate.

17 The member shall pay to the Fund the amount of the
18 contribution as calculated at the time of application under
19 this Section. The amount of the contribution determined
20 under this subsection shall be recalculated at the time of
21 retirement, and if the Fund determines that the amount paid
22 by the member exceeds the recalculated amount, the Fund shall
23 refund the difference to the member with regular interest
24 from the date of payment to the date of refund.

25 The contribution required by this subsection shall be
26 paid in one of the following ways or in a combination of the
27 following ways that does not extend over more than 5 years:

28 (i) in a lump sum on or before the date of
29 retirement;

30 (ii) in substantially equal installments over a
31 period of time not to exceed 5 years, as a deduction from
32 salary in accordance with Section 17-130.2;

33 (iii) if the member becomes an annuitant before
34 June 30, 2003, in substantially equal monthly

1 installments over a 24-month period, by a deduction from
2 the annuitant's monthly benefit.

3 (c) If the member fails to make the full contribution
4 under this Section in a timely fashion, the payments made
5 under this Section shall be refunded to the member, without
6 interest. If the member dies before making the full
7 contribution, the payments made under this Section shall be
8 refunded to the member's designated beneficiary.

9 (d) For purposes of this Section and subsection (b) of
10 Section 17-116, optional creditable service established by a
11 member shall be deemed to have been earned at the time of the
12 employment or other qualifying event upon which the service
13 is based, rather than at the time the credit was established
14 in this Fund.

15 (e) The contributions required under this Section are
16 the responsibility of the teacher and not the teacher's
17 employer. However, an employer of teachers may say, after
18 the effective date of this amendatory Act of 1998,
19 specifically agree, through collective bargaining or
20 otherwise, to make the contributions required by this Section
21 on behalf of those teachers.

22 (Source: P.A. 91-17, eff. 6-4-99; 92-416, eff. 8-17-01;
23 revised 10-4-01.)

24 Section 32. The Counties Code is amended by changing
25 Sections 5-1083 and 5-1098 as follows:

26 (55 ILCS 5/5-1083) (from Ch. 34, par. 5-1083)

27 Sec. 5-1083. Purchase or lease of property. A county
28 board may purchase or lease any real estate or personal
29 property for public purposes under contracts providing for
30 payment in installments over a period of time of not more
31 than 20 years in the case of real estate, and not more than
32 10 years in the case of personal property, with interest on

1 the unpaid balance owing not to exceed the maximum rate
2 authorized by the Bond Authorization Act, as amended at the
3 time of the making of the contract. The indebtedness
4 incurred under this Section when aggregated with existing
5 indebtedness may not exceed the debt limits provided in
6 Section 5-1012 ~~5-1008~~.

7 With respect to instruments for the payment of money
8 issued under this Section or its predecessor either before,
9 on, or after the effective date of Public Act 86-4, it is and
10 always has been the intention of the General Assembly (i)
11 that the Omnibus Bond Acts are and always have been
12 supplementary grants of power to issue instruments in
13 accordance with the Omnibus Bond Acts, regardless of any
14 provision of this Act or "An Act to revise the law in
15 relation to counties", approved March 31, 1874, that may
16 appear to be or to have been more restrictive than those
17 Acts, (ii) that the provisions of this Section or its
18 predecessor are not a limitation on the supplementary
19 authority granted by the Omnibus Bond Acts, and (iii) that
20 instruments issued under this Section or its predecessor
21 within the supplementary authority granted by the Omnibus
22 Bond Acts are not invalid because of any provision of this
23 Act or "An Act to revise the law in relation to counties",
24 approved March 31, 1874, that may appear to be or to have
25 been more restrictive than those Acts.

26 (Source: P.A. 86-962; 86-1028; revised 12-13-01.)

27 (55 ILCS 5/5-1098) (from Ch. 34, par. 5-1098)

28 Sec. 5-1098. Cooperation with Department on Aging. A
29 county board may cooperate with the Department on Aging,
30 created by the "Illinois Act on the Aging", and appropriate
31 county funds and provide in kind services to assist such
32 department in carrying out its programs.

33 (Source: P.A. 86-962; revised 12-07-01.)

1 Section 33. The Township Code is amended by changing
2 Section 35-55 as follows:

3 (60 ILCS 1/35-55)

4 Sec. 35-55. Senior citizens services; authorization of
5 tax levy.

6 (a) The electors may authorize the township board to
7 levy a tax (at a rate of not more than 0.15% of the value, as
8 equalized and assessed by the Department of Revenue, of all
9 taxable property in the township) for the sole and exclusive
10 purpose of providing services to senior citizens under
11 Article 220 270. If the board desires to levy the tax, it
12 shall order a referendum on the proposition to be held at an
13 election in accordance with the general election law. The
14 board shall certify the proposition to the proper election
15 officials, who shall submit the proposition to the voters at
16 an election in accordance with the general election law. If a
17 majority of the votes cast on the proposition is in favor of
18 the proposition, the board may annually levy the tax.

19 (b) If the township board of any township authorized to
20 levy a tax under this Section pursuant to a referendum held
21 before January 1, 1987, desires to increase the maximum rate
22 of the tax to 0.15% of the value, as equalized and assessed
23 by the Department of Revenue, of all taxable property in the
24 township, it shall order a referendum on that proposition to
25 be held at an election in accordance with the general
26 election law. The board shall certify the proposition to the
27 proper election officials, who shall submit the proposition
28 to the voters at an election in accordance with the general
29 election law. If a majority of the votes cast on the
30 proposition is in favor of the proposition, the maximum tax
31 rate shall be so increased.

32 (Source: P.A. 85-742; 88-62; revised 12-13-01.)

1 Section 34. The Illinois Municipal Code is amended by
 2 changing Sections 3.1-20-10, 3.1-55-10, 11-73-2, 11-74.4-3,
 3 11-74.4-7, and 11-95-7 and renumbering Section 11-21.1-5 as
 4 follows:

5 (65 ILCS 5/3.1-20-10) (from Ch. 24, par. 3.1-20-10)

6 Sec. 3.1-20-10. Aldermen; number. Except as otherwise
 7 provided in Section 3.1-20-20 or as otherwise provided in the
 8 case of aldermen-at-large, the number of aldermen, when not
 9 elected by the minority representation plan, shall be as
 10 follows: in cities not exceeding 3,000 inhabitants, 6
 11 aldermen; exceeding 3,000 but not exceeding 15,000, 8
 12 aldermen; exceeding 15,000 but not exceeding 20,000, 10
 13 aldermen; exceeding 20,000 but not exceeding 50,000, 14
 14 aldermen; exceeding 50,000 but not exceeding 70,000, 16
 15 aldermen; exceeding 70,000 but not exceeding 90,000, 18
 16 aldermen alderman; and from 90,000 to 500,000, 20 aldermen
 17 alderman. ~~Except--as--otherwise--provided--in--the--case--of~~
 18 ~~aldermen-at-large.~~ No redistricting shall be required in
 19 order to reduce the number of aldermen in order to comply
 20 with this Section.

21 (Source: P.A. 87-1119; revised 12-04-01.)

22 (65 ILCS 5/3.1-55-10)

23 Sec. 3.1-55-10. Interests in contracts.

24 (a) A municipal officer shall not be financially
 25 interested directly in the officer's own name or indirectly
 26 in the name of any other person, association, trust, or
 27 corporation, in any contract, work, or business of the
 28 municipality or in the sale of any article whenever the
 29 expense, price, or consideration of the contract, work,
 30 business, or sale is paid either from the treasury or by an
 31 assessment levied by statute or ordinance. A municipal
 32 officer shall not be interested, directly or indirectly, in

1 the purchase of any property that (i) belongs to the
2 municipality, (ii) is sold for taxes or assessments, or (iii)
3 is sold by virtue of legal process at the suit of the
4 municipality. For the purposes of this Section only,
5 however, a municipal officer shall not be deemed interested
6 if the officer is an employee of a company or owns or holds
7 an interest of 1% or less in the municipal officer's
8 individual name in a company, or both, that company is
9 involved in the transaction of business with the
10 municipality, and that company's stock is traded on a
11 nationally recognized securities market, provided the
12 interested member (i) publicly discloses the fact that he or
13 she is an employee or holds an interest of 1% or ~~of~~ less in a
14 company before deliberation of the proposed award of the
15 contract; (ii) refrains from evaluating, recommending,
16 approving, deliberating, or otherwise participating in the
17 negotiation, approval, or both, of the contract, work, or
18 business; (iii) abstains from voting on the award of the
19 contract though he or she shall be considered present for
20 purposes of establishing a quorum; and (iv) the contract is
21 approved by a majority vote of those members currently
22 holding office.

23 A municipal officer shall not be deemed interested if the
24 officer owns or holds an interest of 1% or less, not in the
25 officer's individual name but through a mutual fund, in a
26 company, that company is involved in the transaction of
27 business with the municipality, and that company's stock is
28 traded on a nationally recognized securities market.

29 This Section does not prohibit any person serving on a
30 municipal advisory panel or commission or nongoverning board
31 or commission from having an interest in a contract, work, or
32 business of the municipality unless the municipal officer's
33 duties include evaluating, recommending, approving, or voting
34 to recommend or approve the contract, work, or business.

1 (b) Any elected or appointed member of the governing
2 body may, however, provide materials, merchandise, property,
3 services, or labor, subject to the following provisions under
4 either (1) or (2):

5 (1) If:

6 (A) the contract is with a person, firm,
7 partnership, association, corporation, or cooperative
8 association in which the interested member of the
9 governing body of the municipality member has less than a
10 7 1/2% share in the ownership;

11 (B) the interested member publicly discloses the
12 nature and extent of the interest before or during
13 deliberations concerning the proposed award of the
14 contract;

15 (C) the interested member abstains from voting on
16 the award of the contract (though the member shall be
17 considered present for the purposes of establishing a
18 quorum);

19 (D) the contract is approved by a majority vote of
20 those members presently holding office;

21 (E) the contract is awarded after sealed bids to
22 the lowest responsible bidder if the amount of the
23 contract exceeds \$1,500 (but the contract may be awarded
24 without bidding if the amount is less than \$1,500); and

25 (F) the award of the contract would not cause the
26 aggregate amount of all contracts so awarded to the same
27 person, firm, association, partnership, corporation, or
28 cooperative association in the same fiscal year to exceed
29 \$25,000.

30 (2) If:

31 (A) the award of the contract is approved by a
32 majority vote of the governing body of the municipality
33 (provided that the interested member shall abstain from
34 voting);

1 (B) the amount of the contract does not exceed
2 \$2,000;

3 (C) the award of the contract would not cause the
4 aggregate amount of all contracts so awarded to the same
5 person, firm, association, partnership, corporation, or
6 cooperative association in the same fiscal year to exceed
7 \$4,000;

8 (D) the interested member publicly discloses the
9 nature and extent of his interest before or during
10 deliberations concerning the proposed award of the
11 contract; and

12 (E) the interested member abstains from voting on
13 the award of the contract (though the member shall be
14 considered present for the purposes of establishing a
15 quorum).

16 (b-5) In addition to the above exemptions, any elected
17 or appointed member of the governing body may provide
18 materials, merchandise, property, services, or labor if:

19 (1) the contract is with a person, firm,
20 partnership, association, corporation, or cooperative
21 association in which the interested member of the
22 governing body of the municipality, advisory panel, or
23 commission has less than a 1% share in the ownership; and

24 (2) the award of the contract is approved by a
25 majority vote of the governing body of the municipality
26 provided that any such interested member shall abstain
27 from voting; and

28 (3) such interested member publicly discloses the
29 nature and extent of his interest before or during
30 deliberations concerning the proposed award of the
31 contract; and

32 (4) such interested member abstains from voting on
33 the award of the contract, though he shall be considered
34 present for the purposes of establishing a quorum.

1 (c) A contract for the procurement of public utility
2 services by a municipality with a public utility company is
3 not barred by this Section by one or more members of the
4 governing body being an officer or employee of the public
5 utility company, or holding an ownership interest in no more
6 than 7 1/2% in the public utility company, or holding an
7 ownership interest of any size if the municipality has a
8 population of less than 7,500 and the public utility's rates
9 are approved by the Illinois Commerce Commission. An elected
10 or appointed member of the governing body or a nongoverning
11 board or commission having an interest described in this
12 subsection (d) does not have a prohibited interest under this
13 Section.

14 (d) An officer who violates this Section is guilty of a
15 Class 4 felony. In addition, any office held by an officer
16 so convicted shall become vacant and shall be so declared as
17 part of the judgment of the court.

18 (e) Nothing contained in this Section, including the
19 restrictions set forth in subsections (b) and (c), shall
20 preclude a contract of deposit of moneys, loans, or other
21 financial services by a municipality with a local bank or
22 local savings and loan association, regardless of whether a
23 member of the governing body of the municipality is
24 interested in the bank or savings and loan association as an
25 officer or employee or as a holder of less than 7 1/2% of the
26 total ownership interest. A member holding an interest
27 described in this subsection (e) in a contract does not hold
28 a prohibited interest for purposes of this Act. The
29 interested member of the governing body must publicly state
30 the nature and extent of the interest during deliberations
31 concerning the proposed award of the contract but shall not
32 participate in any further deliberations concerning the
33 proposed award. The interested member shall not vote on the
34 proposed award. A member abstaining from participation in

1 deliberations and voting under this Section may be considered
 2 present for purposes of establishing a quorum. Award of the
 3 contract shall require approval by a majority vote of those
 4 members presently holding office. Consideration and award of
 5 a contract in which a member is interested may only be made
 6 at a regularly scheduled public meeting of the governing body
 7 of the municipality.

8 (f) Notwithstanding any other provision of this Section
 9 or any other law to the contrary, until January 1, 1994, a
 10 member of the city council of a municipality with a
 11 population under 20,000 may purchase real estate from the
 12 municipality, at a price of not less than 100% of the value
 13 of the real estate as determined by a written MAI certified
 14 appraisal or by a written certified appraisal of a State
 15 certified or licensed real estate appraiser, if the purchase
 16 is approved by a unanimous vote of the city council members
 17 then holding office (except for the member desiring to
 18 purchase the real estate, who shall not vote on the
 19 question).

20 (Source: P.A. 90-364, eff. 1-1-98; revised 12-13-01.)

21 (65 ILCS 5/11-21.5-5)

22 Sec. 11-21.5-5. ~~11-21.1-5~~. Local emergency energy plans.

23 (a) Any municipality, including a home rule
 24 municipality, may, by ordinance, require any electric utility
 25 (i) that serves more than 1,000,000 customers in Illinois and
 26 (ii) that is operating within the corporate limits of the
 27 municipality to adopt and to provide the municipality with a
 28 local emergency energy plan. For the purposes of this
 29 Section, (i) "local emergency energy plan" or "plan" means a
 30 planned course of action developed by the electric utility
 31 that is implemented when the demand for electricity exceeds,
 32 or is at significant risk of exceeding, the supply of
 33 electricity available to the electric utility and (ii) "local

1 emergency energy plan ordinance" means an ordinance adopted
2 by the corporate authorities of the municipality under this
3 Section that requires local emergency energy plans.

4 (b) A local emergency energy plan must include the
5 following information:

6 (1) the circumstances that would require the
7 implementation of the plan;

8 (2) the levels or stages of the plan;

9 (3) the approximate geographic limits of each
10 outage area provided for in the plan;

11 (4) the approximate number of customers within each
12 outage area provided for in the plan;

13 (5) any police facilities, fire stations,
14 hospitals, nursing homes, schools, day care centers,
15 senior citizens centers, community health centers,
16 dialysis centers, community mental health centers,
17 correctional facilities, stormwater and wastewater
18 treatment or pumping facilities, water-pumping stations,
19 buildings in excess of 80 feet in height that have been
20 identified by the municipality, and persons on life
21 support systems that are known to the electric utility
22 that could be affected by controlled rotating
23 interruptions of electric service under the plan; and

24 (6) the anticipated sequence and duration of
25 intentional interruptions of electric service to each
26 outage area under the plan.

27 (c) A local emergency energy plan ordinance may require
28 that, when an electric utility determines it is necessary to
29 implement a controlled rotating interruption of electric
30 service because the demand for electricity exceeds, or is at
31 significant risk of exceeding, the supply of electricity
32 available to the electric utility, the electric utility
33 notify a designated municipal officer that the electric
34 utility will be implementing its local emergency energy plan.

1 The notification shall be made pursuant to a procedure
2 approved by the municipality after consultation with the
3 electric utility.

4 (d) After providing the notice required in subsection
5 (c), an electric utility shall reasonably and separately
6 advise designated municipal officials before it implements
7 each level or stage of the plan, which shall include (i) a
8 request for emergency help from neighboring utilities, (ii) a
9 declaration of a control area emergency, and (iii) a public
10 appeal for voluntary curtailment of electricity use.

11 (e) The electric utility must give a separate notice to
12 a designated municipal official immediately after it
13 determines that there will be a controlled rotating
14 interruption of electric service under the local emergency
15 energy plan. The notification must include (i) the areas in
16 which service will be interrupted, (ii) the sequence and
17 estimated duration of the service outage for each area, (iii)
18 the affected feeders, and (iv) the number of affected
19 customers in each area. Whenever practical, the notification
20 shall be made at least 2 hours before the time of the
21 outages. If the electric utility is aware that controlled
22 rotating interruptions may be required, the notification may
23 not be made less than 30 minutes before the outages.

24 (f) A local emergency energy plan ordinance may provide
25 civil penalties for violations of its provisions. The
26 penalties must be permitted under the Illinois Municipal
27 Code.

28 (g) The notifications required by this Section are in
29 addition to the notification requirements of any applicable
30 franchise agreement or ordinance and to the notification
31 requirements of any applicable federal or State law, rule,
32 and regulation.

33 (h) Except for any penalties or remedies that may be
34 provided in a local emergency energy plan ordinance, in this

1 Act, or in rules adopted by the Illinois Commerce Commission,
 2 nothing in this Section shall be construed to impose
 3 liability for or prevent a utility from taking any actions
 4 that are necessary at any time, in any order, and with or
 5 without notice that are required to preserve the integrity of
 6 the electric utility's electrical system and interconnected
 7 network.

8 (i) Nothing in this Section, a local emergency energy
 9 plan ordinance, or a local emergency energy plan creates any
 10 duty of a municipality to any person or entity. No
 11 municipality may be subject to any claim or cause of action
 12 arising, directly or indirectly, from its decision to adopt
 13 or to refrain from adopting a local emergency energy plan
 14 ordinance. No municipality may be subject to any claim or
 15 cause of action arising, directly or indirectly, from any act
 16 or omission under the terms of or information provided in a
 17 local emergency energy plan filed under a local emergency
 18 energy plan ordinance.

19 (Source: P.A. 91-137, eff. 7-16-99; revised 12-13-01.)

20 (65 ILCS 5/11-73-2) (from Ch. 24, par. 11-73-2)

21 Sec. 11-73-2. This Division 73 shall not be in force in
 22 any municipality until the question of its adoption is
 23 submitted to the electors of the municipality and approved by
 24 a majority of those voting on the question. The municipal
 25 clerk shall certify the question to the proper election
 26 authority shall submit the question at an at--a election in
 27 accordance with the general election law.

28 The question shall be in substantially the following
 29 form:

30 -----

31 Shall Division 73 of the
 32 Illinois Municipal Code permitting
 33 municipalities to levy an additional

YES

1 annual tax of not to exceed 0.05% ~~05%~~
2 for the establishment and maintenance -----
3 of a long term forestry program
4 for the propagation and preservation NO
5 of community trees and for the removal
6 of dead or diseased trees be adopted?

7 -----

8 If a majority of the votes cast on the question are in
9 favor of adopting this Division 73, the Division is adopted.
10 It shall be in force in the adopting municipality for the
11 purpose of the fiscal years succeeding the year in which the
12 election is held.

13 (Source: P.A. 81-1489; revised 12-13-01.)

14 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)
15 Sec. 11-74.4-3. Definitions. The following terms,
16 wherever used or referred to in this Division 74.4 shall have
17 the following respective meanings, unless in any case a
18 different meaning clearly appears from the context.

19 (a) For any redevelopment project area that has been
20 designated pursuant to this Section by an ordinance adopted
21 prior to November 1, 1999 (the effective date of Public Act
22 91-478), "blighted area" shall have the meaning set forth in
23 this Section prior to that date.

24 On and after November 1, 1999, "blighted area" means any
25 improved or vacant area within the boundaries of a
26 redevelopment project area located within the territorial
27 limits of the municipality where:

28 (1) If improved, industrial, commercial, and
29 residential buildings or improvements are detrimental to
30 the public safety, health, or welfare because of a
31 combination of 5 or more of the following factors, each
32 of which is (i) present, with that presence documented,
33 to a meaningful extent so that a municipality may

1 reasonably find that the factor is clearly present within
2 the intent of the Act and (ii) reasonably distributed
3 throughout the improved part of the redevelopment project
4 area:

5 (A) Dilapidation. An advanced state of
6 disrepair or neglect of necessary repairs to the
7 primary structural components of buildings or
8 improvements in such a combination that a documented
9 building condition analysis determines that major
10 repair is required or the defects are so serious and
11 so extensive that the buildings must be removed.

12 (B) Obsolescence. The condition or process of
13 falling into disuse. Structures have become
14 ill-suited for the original use.

15 (C) Deterioration. With respect to buildings,
16 defects including, but not limited to, major defects
17 in the secondary building components such as doors,
18 windows, porches, gutters and downspouts, and
19 fascia. With respect to surface improvements, that
20 the condition of roadways, alleys, curbs, gutters,
21 sidewalks, off-street parking, and surface storage
22 areas evidence deterioration, including, but not
23 limited to, surface cracking, crumbling, potholes,
24 depressions, loose paving material, and weeds
25 protruding through paved surfaces.

26 (D) Presence of structures below minimum code
27 standards. All structures that do not meet the
28 standards of zoning, subdivision, building, fire,
29 and other governmental codes applicable to property,
30 but not including housing and property maintenance
31 codes.

32 (E) Illegal use of individual structures. The
33 use of structures in violation of applicable
34 federal, State, or local laws, exclusive of those

1 applicable to the presence of structures below
2 minimum code standards.

3 (F) Excessive vacancies. The presence of
4 buildings that are unoccupied or under-utilized and
5 that represent an adverse influence on the area
6 because of the frequency, extent, or duration of the
7 vacancies.

8 (G) Lack of ventilation, light, or sanitary
9 facilities. The absence of adequate ventilation for
10 light or air circulation in spaces or rooms without
11 windows, or that require the removal of dust, odor,
12 gas, smoke, or other noxious airborne materials.
13 Inadequate natural light and ventilation means the
14 absence of skylights or windows for interior spaces
15 or rooms and improper window sizes and amounts by
16 room area to window area ratios. Inadequate
17 sanitary facilities refers to the absence or
18 inadequacy of garbage storage and enclosure,
19 bathroom facilities, hot water and kitchens, and
20 structural inadequacies preventing ingress and
21 egress to and from all rooms and units within a
22 building.

23 (H) Inadequate utilities. Underground and
24 overhead utilities such as storm sewers and storm
25 drainage, sanitary sewers, water lines, and gas,
26 telephone, and electrical services that are shown to
27 be inadequate. Inadequate utilities are those that
28 are: (i) of insufficient capacity to serve the uses
29 in the redevelopment project area, (ii)
30 deteriorated, antiquated, obsolete, or in disrepair,
31 or (iii) lacking within the redevelopment project
32 area.

33 (I) Excessive land coverage and overcrowding
34 of structures and community facilities. The

1 over-intensive use of property and the crowding of
2 buildings and accessory facilities onto a site.
3 Examples of problem conditions warranting the
4 designation of an area as one exhibiting excessive
5 land coverage are: (i) the presence of buildings
6 either improperly situated on parcels or located on
7 parcels of inadequate size and shape in relation to
8 present-day standards of development for health and
9 safety and (ii) the presence of multiple buildings
10 on a single parcel. For there to be a finding of
11 excessive land coverage, these parcels must exhibit
12 one or more of the following conditions:
13 insufficient provision for light and air within or
14 around buildings, increased threat of spread of fire
15 due to the close proximity of buildings, lack of
16 adequate or proper access to a public right-of-way,
17 lack of reasonably required off-street parking, or
18 inadequate provision for loading and service.

19 (J) Deleterious land use or layout. The
20 existence of incompatible land-use relationships,
21 buildings occupied by inappropriate mixed-uses, or
22 uses considered to be noxious, offensive, or
23 unsuitable for the surrounding area.

24 (K) Environmental clean-up. The proposed
25 redevelopment project area has incurred Illinois
26 Environmental Protection Agency or United States
27 Environmental Protection Agency remediation costs
28 for, or a study conducted by an independent
29 consultant recognized as having expertise in
30 environmental remediation has determined a need for,
31 the clean-up of hazardous waste, hazardous
32 substances, or underground storage tanks required by
33 State or federal law, provided that the remediation
34 costs constitute a material impediment to the

1 development or redevelopment of the redevelopment
2 project area.

3 (L) Lack of community planning. The proposed
4 redevelopment project area was developed prior to or
5 without the benefit or guidance of a community plan.
6 This means that the development occurred prior to
7 the adoption by the municipality of a comprehensive
8 or other community plan or that the plan was not
9 followed at the time of the area's development.
10 This factor must be documented by evidence of
11 adverse or incompatible land-use relationships,
12 inadequate street layout, improper subdivision,
13 parcels of inadequate shape and size to meet
14 contemporary development standards, or other
15 evidence demonstrating an absence of effective
16 community planning.

17 (M) The total equalized assessed value of the
18 proposed redevelopment project area has declined for
19 3 of the last 5 calendar years prior to the year in
20 which the redevelopment project area is designated
21 or is increasing at an annual rate that is less than
22 the balance of the municipality for 3 of the last 5
23 calendar years for which information is available or
24 is increasing at an annual rate that is less than
25 the Consumer Price Index for All Urban Consumers
26 published by the United States Department of Labor
27 or successor agency for 3 of the last 5 calendar
28 years prior to the year in which the redevelopment
29 project area is designated.

30 (2) If vacant, the sound growth of the
31 redevelopment project area is impaired by a combination
32 of 2 or more of the following factors, each of which is
33 (i) present, with that presence documented, to a
34 meaningful extent so that a municipality may reasonably

1 find that the factor is clearly present within the intent
2 of the Act and (ii) reasonably distributed throughout the
3 vacant part of the redevelopment project area to which it
4 pertains:

5 (A) Obsolete platting of vacant land that
6 results in parcels of limited or narrow size or
7 configurations of parcels of irregular size or shape
8 that would be difficult to develop on a planned
9 basis and in a manner compatible with contemporary
10 standards and requirements, or platting that failed
11 to create rights-of-ways for streets or alleys or
12 that created inadequate right-of-way widths for
13 streets, alleys, or other public rights-of-way or
14 that omitted easements for public utilities.

15 (B) Diversity of ownership of parcels of
16 vacant land sufficient in number to retard or impede
17 the ability to assemble the land for development.

18 (C) Tax and special assessment delinquencies
19 exist or the property has been the subject of tax
20 sales under the Property Tax Code within the last 5
21 years.

22 (D) Deterioration of structures or site
23 improvements in neighboring areas adjacent to the
24 vacant land.

25 (E) The area has incurred Illinois
26 Environmental Protection Agency or United States
27 Environmental Protection Agency remediation costs
28 for, or a study conducted by an independent
29 consultant recognized as having expertise in
30 environmental remediation has determined a need for,
31 the clean-up of hazardous waste, hazardous
32 substances, or underground storage tanks required by
33 State or federal law, provided that the remediation
34 costs constitute a material impediment to the

1 development or redevelopment of the redevelopment
2 project area.

3 (F) The total equalized assessed value of the
4 proposed redevelopment project area has declined for
5 3 of the last 5 calendar years prior to the year in
6 which the redevelopment project area is designated
7 or is increasing at an annual rate that is less than
8 the balance of the municipality for 3 of the last 5
9 calendar years for which information is available or
10 is increasing at an annual rate that is less than
11 the Consumer Price Index for All Urban Consumers
12 published by the United States Department of Labor
13 or successor agency for 3 of the last 5 calendar
14 years prior to the year in which the redevelopment
15 project area is designated.

16 (3) If vacant, the sound growth of the
17 redevelopment project area is impaired by one of the
18 following factors that (i) is present, with that presence
19 documented, to a meaningful extent so that a municipality
20 may reasonably find that the factor is clearly present
21 within the intent of the Act and (ii) is reasonably
22 distributed throughout the vacant part of the
23 redevelopment project area to which it pertains:

24 (A) The area consists of one or more unused
25 quarries, mines, or strip mine ponds.

26 (B) The area consists of unused railyards,
27 rail tracks, or railroad rights-of-way.

28 (C) The area, prior to its designation, is
29 subject to chronic flooding that adversely impacts
30 on real property in the area as certified by a
31 registered professional engineer or appropriate
32 regulatory agency.

33 (D) The area consists of an unused or illegal
34 disposal site containing earth, stone, building

1 debris, or similar materials that were removed from
2 construction, demolition, excavation, or dredge
3 sites.

4 (E) Prior to November 1, 1999, the area is not
5 less than 50 nor more than 100 acres and 75% of
6 which is vacant (notwithstanding that the area has
7 been used for commercial agricultural purposes
8 within 5 years prior to the designation of the
9 redevelopment project area), and the area meets at
10 least one of the factors itemized in paragraph (1)
11 of this subsection, the area has been designated as
12 a town or village center by ordinance or
13 comprehensive plan adopted prior to January 1, 1982,
14 and the area has not been developed for that
15 designated purpose.

16 (F) The area qualified as a blighted improved
17 area immediately prior to becoming vacant, unless
18 there has been substantial private investment in the
19 immediately surrounding area.

20 (b) For any redevelopment project area that has been
21 designated pursuant to this Section by an ordinance adopted
22 prior to November 1, 1999 (the effective date of Public Act
23 91-478), "conservation area" shall have the meaning set forth
24 in this Section prior to that date.

25 On and after November 1, 1999, "conservation area" means
26 any improved area within the boundaries of a redevelopment
27 project area located within the territorial limits of the
28 municipality in which 50% or more of the structures in the
29 area have an age of 35 years or more. Such an area is not
30 yet a blighted area but because of a combination of 3 or more
31 of the following factors is detrimental to the public safety,
32 health, morals or welfare and such an area may become a
33 blighted area:

34 (1) Dilapidation. An advanced state of disrepair

1 or neglect of necessary repairs to the primary structural
2 components of buildings or improvements in such a
3 combination that a documented building condition analysis
4 determines that major repair is required or the defects
5 are so serious and so extensive that the buildings must
6 be removed.

7 (2) Obsolescence. The condition or process of
8 falling into disuse. Structures have become ill-suited
9 for the original use.

10 (3) Deterioration. With respect to buildings,
11 defects including, but not limited to, major defects in
12 the secondary building components such as doors, windows,
13 porches, gutters and downspouts, and fascia. With
14 respect to surface improvements, that the condition of
15 roadways, alleys, curbs, gutters, sidewalks, off-street
16 parking, and surface storage areas evidence
17 deterioration, including, but not limited to, surface
18 cracking, crumbling, potholes, depressions, loose paving
19 material, and weeds protruding through paved surfaces.

20 (4) Presence of structures below minimum code
21 standards. All structures that do not meet the standards
22 of zoning, subdivision, building, fire, and other
23 governmental codes applicable to property, but not
24 including housing and property maintenance codes.

25 (5) Illegal use of individual structures. The use
26 of structures in violation of applicable federal, State,
27 or local laws, exclusive of those applicable to the
28 presence of structures below minimum code standards.

29 (6) Excessive vacancies. The presence of buildings
30 that are unoccupied or under-utilized and that represent
31 an adverse influence on the area because of the
32 frequency, extent, or duration of the vacancies.

33 (7) Lack of ventilation, light, or sanitary
34 facilities. The absence of adequate ventilation for

1 light or air circulation in spaces or rooms without
2 windows, or that require the removal of dust, odor, gas,
3 smoke, or other noxious airborne materials. Inadequate
4 natural light and ventilation means the absence or
5 inadequacy of skylights or windows for interior spaces or
6 rooms and improper window sizes and amounts by room area
7 to window area ratios. Inadequate sanitary facilities
8 refers to the absence or inadequacy of garbage storage
9 and enclosure, bathroom facilities, hot water and
10 kitchens, and structural inadequacies preventing ingress
11 and egress to and from all rooms and units within a
12 building.

13 (8) Inadequate utilities. Underground and overhead
14 utilities such as storm sewers and storm drainage,
15 sanitary sewers, water lines, and gas, telephone, and
16 electrical services that are shown to be inadequate.
17 Inadequate utilities are those that are: (i) of
18 insufficient capacity to serve the uses in the
19 redevelopment project area, (ii) deteriorated,
20 antiquated, obsolete, or in disrepair, or (iii) lacking
21 within the redevelopment project area.

22 (9) Excessive land coverage and overcrowding of
23 structures and community facilities. The over-intensive
24 use of property and the crowding of buildings and
25 accessory facilities onto a site. Examples of problem
26 conditions warranting the designation of an area as one
27 exhibiting excessive land coverage are: the presence of
28 buildings either improperly situated on parcels or
29 located on parcels of inadequate size and shape in
30 relation to present-day standards of development for
31 health and safety and the presence of multiple buildings
32 on a single parcel. For there to be a finding of
33 excessive land coverage, these parcels must exhibit one
34 or more of the following conditions: insufficient

1 provision for light and air within or around buildings,
2 increased threat of spread of fire due to the close
3 proximity of buildings, lack of adequate or proper access
4 to a public right-of-way, lack of reasonably required
5 off-street parking, or inadequate provision for loading
6 and service.

7 (10) Deleterious land use or layout. The existence
8 of incompatible land-use relationships, buildings
9 occupied by inappropriate mixed-uses, or uses considered
10 to be noxious, offensive, or unsuitable for the
11 surrounding area.

12 (11) Lack of community planning. The proposed
13 redevelopment project area was developed prior to or
14 without the benefit or guidance of a community plan. This
15 means that the development occurred prior to the adoption
16 by the municipality of a comprehensive or other community
17 plan or that the plan was not followed at the time of the
18 area's development. This factor must be documented by
19 evidence of adverse or incompatible land-use
20 relationships, inadequate street layout, improper
21 subdivision, parcels of inadequate shape and size to meet
22 contemporary development standards, or other evidence
23 demonstrating an absence of effective community planning.

24 (12) The area has incurred Illinois Environmental
25 Protection Agency or United States Environmental
26 Protection Agency remediation costs for, or a study
27 conducted by an independent consultant recognized as
28 having expertise in environmental remediation has
29 determined a need for, the clean-up of hazardous waste,
30 hazardous substances, or underground storage tanks
31 required by State or federal law, provided that the
32 remediation costs constitute a material impediment to the
33 development or redevelopment of the redevelopment project
34 area.

1 (13) The total equalized assessed value of the
2 proposed redevelopment project area has declined for 3 of
3 the last 5 calendar years for which information is
4 available or is increasing at an annual rate that is less
5 than the balance of the municipality for 3 of the last 5
6 calendar years for which information is available or is
7 increasing at an annual rate that is less than the
8 Consumer Price Index for All Urban Consumers published by
9 the United States Department of Labor or successor agency
10 for 3 of the last 5 calendar years for which information
11 is available.

12 (c) "Industrial park" means an area in a blighted or
13 conservation area suitable for use by any manufacturing,
14 industrial, research or transportation enterprise, of
15 facilities to include but not be limited to factories, mills,
16 processing plants, assembly plants, packing plants,
17 fabricating plants, industrial distribution centers,
18 warehouses, repair overhaul or service facilities, freight
19 terminals, research facilities, test facilities or railroad
20 facilities.

21 (d) "Industrial park conservation area" means an area
22 within the boundaries of a redevelopment project area located
23 within the territorial limits of a municipality that is a
24 labor surplus municipality or within 1 1/2 miles of the
25 territorial limits of a municipality that is a labor surplus
26 municipality if the area is annexed to the municipality;
27 which area is zoned as industrial no later than at the time
28 the municipality by ordinance designates the redevelopment
29 project area, and which area includes both vacant land
30 suitable for use as an industrial park and a blighted area or
31 conservation area contiguous to such vacant land.

32 (e) "Labor surplus municipality" means a municipality in
33 which, at any time during the 6 months before the
34 municipality by ordinance designates an industrial park

1 conservation area, the unemployment rate was over 6% and was
2 also 100% or more of the national average unemployment rate
3 for that same time as published in the United States
4 Department of Labor Bureau of Labor Statistics publication
5 entitled "The Employment Situation" or its successor
6 publication. For the purpose of this subsection, if
7 unemployment rate statistics for the municipality are not
8 available, the unemployment rate in the municipality shall be
9 deemed to be the same as the unemployment rate in the
10 principal county in which the municipality is located.

11 (f) "Municipality" shall mean a city, village or
12 incorporated town.

13 (g) "Initial Sales Tax Amounts" means the amount of
14 taxes paid under the Retailers' Occupation Tax Act, Use Tax
15 Act, Service Use Tax Act, the Service Occupation Tax Act, the
16 Municipal Retailers' Occupation Tax Act, and the Municipal
17 Service Occupation Tax Act by retailers and servicemen on
18 transactions at places located in a State Sales Tax Boundary
19 during the calendar year 1985.

20 (g-1) "Revised Initial Sales Tax Amounts" means the
21 amount of taxes paid under the Retailers' Occupation Tax Act,
22 Use Tax Act, Service Use Tax Act, the Service Occupation Tax
23 Act, the Municipal Retailers' Occupation Tax Act, and the
24 Municipal Service Occupation Tax Act by retailers and
25 servicemen on transactions at places located within the State
26 Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9)
27 of this Act.

28 (h) "Municipal Sales Tax Increment" means an amount
29 equal to the increase in the aggregate amount of taxes paid
30 to a municipality from the Local Government Tax Fund arising
31 from sales by retailers and servicemen within the
32 redevelopment project area or State Sales Tax Boundary, as
33 the case may be, for as long as the redevelopment project
34 area or State Sales Tax Boundary, as the case may be, exist

1 over and above the aggregate amount of taxes as certified by
2 the Illinois Department of Revenue and paid under the
3 Municipal Retailers' Occupation Tax Act and the Municipal
4 Service Occupation Tax Act by retailers and servicemen, on
5 transactions at places of business located in the
6 redevelopment project area or State Sales Tax Boundary, as
7 the case may be, during the base year which shall be the
8 calendar year immediately prior to the year in which the
9 municipality adopted tax increment allocation financing. For
10 purposes of computing the aggregate amount of such taxes for
11 base years occurring prior to 1985, the Department of Revenue
12 shall determine the Initial Sales Tax Amounts for such taxes
13 and deduct therefrom an amount equal to 4% of the aggregate
14 amount of taxes per year for each year the base year is prior
15 to 1985, but not to exceed a total deduction of 12%. The
16 amount so determined shall be known as the "Adjusted Initial
17 Sales Tax Amounts". For purposes of determining the
18 Municipal Sales Tax Increment, the Department of Revenue
19 shall for each period subtract from the amount paid to the
20 municipality from the Local Government Tax Fund arising from
21 sales by retailers and servicemen on transactions located in
22 the redevelopment project area or the State Sales Tax
23 Boundary, as the case may be, the certified Initial Sales Tax
24 Amounts, the Adjusted Initial Sales Tax Amounts or the
25 Revised Initial Sales Tax Amounts for the Municipal
26 Retailers' Occupation Tax Act and the Municipal Service
27 Occupation Tax Act. For the State Fiscal Year 1989, this
28 calculation shall be made by utilizing the calendar year 1987
29 to determine the tax amounts received. For the State Fiscal
30 Year 1990, this calculation shall be made by utilizing the
31 period from January 1, 1988, until September 30, 1988, to
32 determine the tax amounts received from retailers and
33 servicemen pursuant to the Municipal Retailers' Occupation
34 Tax and the Municipal Service Occupation Tax Act, which shall

1 have deducted therefrom nine-twelfths of the certified
2 Initial Sales Tax Amounts, the Adjusted Initial Sales Tax
3 Amounts or the Revised Initial Sales Tax Amounts as
4 appropriate. For the State Fiscal Year 1991, this calculation
5 shall be made by utilizing the period from October 1, 1988,
6 to June 30, 1989, to determine the tax amounts received from
7 retailers and servicemen pursuant to the Municipal Retailers'
8 Occupation Tax and the Municipal Service Occupation Tax Act
9 which shall have deducted therefrom nine-twelfths of the
10 certified Initial Sales Tax Amounts, Adjusted Initial Sales
11 Tax Amounts or the Revised Initial Sales Tax Amounts as
12 appropriate. For every State Fiscal Year thereafter, the
13 applicable period shall be the 12 months beginning July 1 and
14 ending June 30 to determine the tax amounts received which
15 shall have deducted therefrom the certified Initial Sales Tax
16 Amounts, the Adjusted Initial Sales Tax Amounts or the
17 Revised Initial Sales Tax Amounts, as the case may be.

18 (i) "Net State Sales Tax Increment" means the sum of the
19 following: (a) 80% of the first \$100,000 of State Sales Tax
20 Increment annually generated within a State Sales Tax
21 Boundary; (b) 60% of the amount in excess of \$100,000 but not
22 exceeding \$500,000 of State Sales Tax Increment annually
23 generated within a State Sales Tax Boundary; and (c) 40% of
24 all amounts in excess of \$500,000 of State Sales Tax
25 Increment annually generated within a State Sales Tax
26 Boundary. If, however, a municipality established a tax
27 increment financing district in a county with a population in
28 excess of 3,000,000 before January 1, 1986, and the
29 municipality entered into a contract or issued bonds after
30 January 1, 1986, but before December 31, 1986, to finance
31 redevelopment project costs within a State Sales Tax
32 Boundary, then the Net State Sales Tax Increment means, for
33 the fiscal years beginning July 1, 1990, and July 1, 1991,
34 100% of the State Sales Tax Increment annually generated

1 within a State Sales Tax Boundary; and notwithstanding any
2 other provision of this Act, for those fiscal years the
3 Department of Revenue shall distribute to those
4 municipalities 100% of their Net State Sales Tax Increment
5 before any distribution to any other municipality and
6 regardless of whether or not those other municipalities will
7 receive 100% of their Net State Sales Tax Increment. For
8 Fiscal Year 1999, and every year thereafter until the year
9 2007, for any municipality that has not entered into a
10 contract or has not issued bonds prior to June 1, 1988 to
11 finance redevelopment project costs within a State Sales Tax
12 Boundary, the Net State Sales Tax Increment shall be
13 calculated as follows: By multiplying the Net State Sales Tax
14 Increment by 90% in the State Fiscal Year 1999; 80% in the
15 State Fiscal Year 2000; 70% in the State Fiscal Year 2001;
16 60% in the State Fiscal Year 2002; 50% in the State Fiscal
17 Year 2003; 40% in the State Fiscal Year 2004; 30% in the
18 State Fiscal Year 2005; 20% in the State Fiscal Year 2006;
19 and 10% in the State Fiscal Year 2007. No payment shall be
20 made for State Fiscal Year 2008 and thereafter.

21 Municipalities that issued bonds in connection with a
22 redevelopment project in a redevelopment project area within
23 the State Sales Tax Boundary prior to July 29, 1991, or that
24 entered into contracts in connection with a redevelopment
25 project in a redevelopment project area before June 1, 1988,
26 shall continue to receive their proportional share of the
27 Illinois Tax Increment Fund distribution until the date on
28 which the redevelopment project is completed or terminated.
29 If, however, a municipality that issued bonds in connection
30 with a redevelopment project in a redevelopment project area
31 within the State Sales Tax Boundary prior to July 29, 1991
32 retires the bonds prior to June 30, 2007 or a municipality
33 that entered into contracts in connection with a
34 redevelopment project in a redevelopment project area before

1 June 1, 1988 completes the contracts prior to June 30, 2007,
2 then so long as the redevelopment project is not completed or
3 is not terminated, the Net State Sales Tax Increment shall be
4 calculated, beginning on the date on which the bonds are
5 retired or the contracts are completed, as follows: By
6 multiplying the Net State Sales Tax Increment by 60% in the
7 State Fiscal Year 2002; 50% in the State Fiscal Year 2003;
8 40% in the State Fiscal Year 2004; 30% in the State Fiscal
9 Year 2005; 20% in the State Fiscal Year 2006; and 10% in the
10 State Fiscal Year 2007. No payment shall be made for State
11 Fiscal Year 2008 and thereafter. Refunding of any bonds
12 issued prior to July 29, 1991, shall not alter the Net State
13 Sales Tax Increment.

14 (j) "State Utility Tax Increment Amount" means an amount
15 equal to the aggregate increase in State electric and gas tax
16 charges imposed on owners and tenants, other than residential
17 customers, of properties located within the redevelopment
18 project area under Section 9-222 of the Public Utilities Act,
19 over and above the aggregate of such charges as certified by
20 the Department of Revenue and paid by owners and tenants,
21 other than residential customers, of properties within the
22 redevelopment project area during the base year, which shall
23 be the calendar year immediately prior to the year of the
24 adoption of the ordinance authorizing tax increment
25 allocation financing.

26 (k) "Net State Utility Tax Increment" means the sum of
27 the following: (a) 80% of the first \$100,000 of State Utility
28 Tax Increment annually generated by a redevelopment project
29 area; (b) 60% of the amount in excess of \$100,000 but not
30 exceeding \$500,000 of the State Utility Tax Increment
31 annually generated by a redevelopment project area; and (c)
32 40% of all amounts in excess of \$500,000 of State Utility Tax
33 Increment annually generated by a redevelopment project area.
34 For the State Fiscal Year 1999, and every year thereafter

1 until the year 2007, for any municipality that has not
2 entered into a contract or has not issued bonds prior to June
3 1, 1988 to finance redevelopment project costs within a
4 redevelopment project area, the Net State Utility Tax
5 Increment shall be calculated as follows: By multiplying the
6 Net State Utility Tax Increment by 90% in the State Fiscal
7 Year 1999; 80% in the State Fiscal Year 2000; 70% in the
8 State Fiscal Year 2001; 60% in the State Fiscal Year 2002;
9 50% in the State Fiscal Year 2003; 40% in the State Fiscal
10 Year 2004; 30% in the State Fiscal Year 2005; 20% in the
11 State Fiscal Year 2006; and 10% in the State Fiscal Year
12 2007. No payment shall be made for the State Fiscal Year 2008
13 and thereafter.

14 Municipalities that issue bonds in connection with the
15 redevelopment project during the period from June 1, 1988
16 until 3 years after the effective date of this Amendatory Act
17 of 1988 shall receive the Net State Utility Tax Increment,
18 subject to appropriation, for 15 State Fiscal Years after the
19 issuance of such bonds. For the 16th through the 20th State
20 Fiscal Years after issuance of the bonds, the Net State
21 Utility Tax Increment shall be calculated as follows: By
22 multiplying the Net State Utility Tax Increment by 90% in
23 year 16; 80% in year 17; 70% in year 18; 60% in year 19; and
24 50% in year 20. Refunding of any bonds issued prior to June
25 1, 1988, shall not alter the revised Net State Utility Tax
26 Increment payments set forth above.

27 (l) "Obligations" mean bonds, loans, debentures, notes,
28 special certificates or other evidence of indebtedness issued
29 by the municipality to carry out a redevelopment project or
30 to refund outstanding obligations.

31 (m) "Payment in lieu of taxes" means those estimated tax
32 revenues from real property in a redevelopment project area
33 derived from real property that has been acquired by a
34 municipality which according to the redevelopment project or

1 plan is to be used for a private use which taxing districts
2 would have received had a municipality not acquired the real
3 property and adopted tax increment allocation financing and
4 which would result from levies made after the time of the
5 adoption of tax increment allocation financing to the time
6 the current equalized value of real property in the
7 redevelopment project area exceeds the total initial
8 equalized value of real property in said area.

9 (n) "Redevelopment plan" means the comprehensive program
10 of the municipality for development or redevelopment intended
11 by the payment of redevelopment project costs to reduce or
12 eliminate those conditions the existence of which qualified
13 the redevelopment project area as a "blighted area" or
14 "conservation area" or combination thereof or "industrial
15 park conservation area," and thereby to enhance the tax bases
16 of the taxing districts which extend into the redevelopment
17 project area. On and after November 1, 1999 (the effective
18 date of Public Act 91-478), no redevelopment plan may be
19 approved or amended that includes the development of vacant
20 land (i) with a golf course and related clubhouse and other
21 facilities or (ii) designated by federal, State, county, or
22 municipal government as public land for outdoor recreational
23 activities or for nature preserves and used for that purpose
24 within 5 years prior to the adoption of the redevelopment
25 plan. For the purpose of this subsection, "recreational
26 activities" is limited to mean camping and hunting. Each
27 redevelopment plan shall set forth in writing the program to
28 be undertaken to accomplish the objectives and shall include
29 but not be limited to:

30 (A) an itemized list of estimated redevelopment
31 project costs;

32 (B) evidence indicating that the redevelopment
33 project area on the whole has not been subject to growth
34 and development through investment by private enterprise;

1 (C) an assessment of any financial impact of the
2 redevelopment project area on or any increased demand for
3 services from any taxing district affected by the plan
4 and any program to address such financial impact or
5 increased demand;

6 (D) the sources of funds to pay costs;

7 (E) the nature and term of the obligations to be
8 issued;

9 (F) the most recent equalized assessed valuation of
10 the redevelopment project area;

11 (G) an estimate as to the equalized assessed
12 valuation after redevelopment and the general land uses
13 to apply in the redevelopment project area;

14 (H) a commitment to fair employment practices and
15 an affirmative action plan;

16 (I) if it concerns an industrial park conservation
17 area, the plan shall also include a general description
18 of any proposed developer, user and tenant of any
19 property, a description of the type, structure and
20 general character of the facilities to be developed, a
21 description of the type, class and number of new
22 employees to be employed in the operation of the
23 facilities to be developed; and

24 (J) if property is to be annexed to the
25 municipality, the plan shall include the terms of the
26 annexation agreement.

27 The provisions of items (B) and (C) of this subsection
28 (n) shall not apply to a municipality that before March 14,
29 1994 (the effective date of Public Act 88-537) had fixed,
30 either by its corporate authorities or by a commission
31 designated under subsection (k) of Section 11-74.4-4, a time
32 and place for a public hearing as required by subsection (a)
33 of Section 11-74.4-5. No redevelopment plan shall be adopted
34 unless a municipality complies with all of the following

1 requirements:

2 (1) The municipality finds that the redevelopment
3 project area on the whole has not been subject to growth
4 and development through investment by private enterprise
5 and would not reasonably be anticipated to be developed
6 without the adoption of the redevelopment plan.

7 (2) The municipality finds that the redevelopment
8 plan and project conform to the comprehensive plan for
9 the development of the municipality as a whole, or, for
10 municipalities with a population of 100,000 or more,
11 regardless of when the redevelopment plan and project was
12 adopted, the redevelopment plan and project either: (i)
13 conforms to the strategic economic development or
14 redevelopment plan issued by the designated planning
15 authority of the municipality, or (ii) includes land uses
16 that have been approved by the planning commission of the
17 municipality.

18 (3) The redevelopment plan establishes the
19 estimated dates of completion of the redevelopment
20 project and retirement of obligations issued to finance
21 redevelopment project costs. Those dates shall not be
22 later than December 31 of the year in which the payment
23 to the municipal treasurer as provided in subsection (b)
24 of Section 11-74.4-8 of this Act is to be made with
25 respect to ad valorem taxes levied in the twenty-third
26 calendar year after the year in which the ordinance
27 approving the redevelopment project area is adopted if
28 the ordinance was adopted on or after January 15, 1981,
29 and not later than December 31 of the year in which the
30 payment to the municipal treasurer as provided in
31 subsection (b) of Section 11-74.4-8 of this Act is to be
32 made with respect to ad valorem taxes levied in the
33 thirty-fifth calendar year after the year in which the
34 ordinance approving the redevelopment project area is

1 adopted:

2 (A) if the ordinance was adopted before
3 January 15, 1981, or

4 (B) if the ordinance was adopted in December
5 1983, April 1984, July 1985, or December 1989, or

6 (C) if the ordinance was adopted in December
7 1987 and the redevelopment project is located within
8 one mile of Midway Airport, or

9 (D) if the ordinance was adopted before
10 January 1, 1987 by a municipality in Mason County,
11 or

12 (E) if the municipality is subject to the
13 Local Government Financial Planning and Supervision
14 Act or the Financially Distressed City Law, or

15 (F) if the ordinance was adopted in December
16 1984 by the Village of Rosemont, or

17 (G) if the ordinance was adopted on December
18 31, 1986 by a municipality located in Clinton County
19 for which at least \$250,000 of tax increment bonds
20 were authorized on June 17, 1997, or if the
21 ordinance was adopted on December 31, 1986 by a
22 municipality with a population in 1990 of less than
23 3,600 that is located in a county with a population
24 in 1990 of less than 34,000 and for which at least
25 \$250,000 of tax increment bonds were authorized on
26 June 17, 1997, or

27 (H) if the ordinance was adopted on October 5,
28 1982 by the City of Kankakee, or if the ordinance
29 was adopted on December 29, 1986 by East St. Louis,
30 or

31 (I) if the ordinance was adopted on November
32 12, 1991 by the Village of Sauget, or

33 (J) if the ordinance was adopted on February
34 11, 1985 by the City of Rock Island, or

1 (K) if the ordinance was adopted before
2 December 18, 1986 by the City of Moline, or

3 (L) if the ordinance was adopted in September
4 1988 by Sauk Village, or

5 (M) if the ordinance was adopted in October
6 1993 by Sauk Village, or

7 (N) if the ordinance was adopted on December
8 29, 1986 by the City of Galva, or

9 (O) if the ordinance was adopted in March 1991
10 by the City of Centreville, or

11 (P) ~~(B)~~ if the ordinance was adopted on
12 January 23, 1991 by the City of East St. Louis.

13 However, for redevelopment project areas for which
14 bonds were issued before July 29, 1991, or for which
15 contracts were entered into before June 1, 1988, in
16 connection with a redevelopment project in the area
17 within the State Sales Tax Boundary, the estimated dates
18 of completion of the redevelopment project and retirement
19 of obligations to finance redevelopment project costs may
20 be extended by municipal ordinance to December 31, 2013.
21 The extension allowed by this amendatory Act of 1993
22 shall not apply to real property tax increment allocation
23 financing under Section 11-74.4-8.

24 A municipality may by municipal ordinance amend an
25 existing redevelopment plan to conform to this paragraph
26 (3) as amended by Public Act 91-478, which municipal
27 ordinance may be adopted without further hearing or
28 notice and without complying with the procedures provided
29 in this Act pertaining to an amendment to or the initial
30 approval of a redevelopment plan and project and
31 designation of a redevelopment project area.

32 Those dates, for purposes of real property tax
33 increment allocation financing pursuant to Section
34 11-74.4-8 only, shall be not more than 35 years for

1 redevelopment project areas that were adopted on or after
2 December 16, 1986 and for which at least \$8 million worth
3 of municipal bonds were authorized on or after December
4 19, 1989 but before January 1, 1990; provided that the
5 municipality elects to extend the life of the
6 redevelopment project area to 35 years by the adoption of
7 an ordinance after at least 14 but not more than 30 days'
8 written notice to the taxing bodies, that would otherwise
9 constitute the joint review board for the redevelopment
10 project area, before the adoption of the ordinance.

11 Those dates, for purposes of real property tax
12 increment allocation financing pursuant to Section
13 11-74.4-8 only, shall be not more than 35 years for
14 redevelopment project areas that were established on or
15 after December 1, 1981 but before January 1, 1982 and for
16 which at least \$1,500,000 worth of tax increment revenue
17 bonds were authorized on or after September 30, 1990 but
18 before July 1, 1991; provided that the municipality
19 elects to extend the life of the redevelopment project
20 area to 35 years by the adoption of an ordinance after at
21 least 14 but not more than 30 days' written notice to the
22 taxing bodies, that would otherwise constitute the joint
23 review board for the redevelopment project area, before
24 the adoption of the ordinance.

25 (3.5) The municipality finds, in the case of an
26 industrial park conservation area, also that the
27 municipality is a labor surplus municipality and that the
28 implementation of the redevelopment plan will reduce
29 unemployment, create new jobs and by the provision of new
30 facilities enhance the tax base of the taxing districts
31 that extend into the redevelopment project area.

32 (4) If any incremental revenues are being utilized
33 under Section 8(a)(1) or 8(a)(2) of this Act in
34 redevelopment project areas approved by ordinance after

1 January 1, 1986, the municipality finds: (a) that the
2 redevelopment project area would not reasonably be
3 developed without the use of such incremental revenues,
4 and (b) that such incremental revenues will be
5 exclusively utilized for the development of the
6 redevelopment project area.

7 (5) On and after November 1, 1999, if the
8 redevelopment plan will not result in displacement of 10
9 or more residents from inhabited units, and the
10 municipality certifies in the plan that such displacement
11 will not result from the plan, a housing impact study
12 need not be performed. If, however, the redevelopment
13 plan would result in the displacement of residents from
14 10 or more inhabited residential units, or if the
15 redevelopment project area contains 75 or more inhabited
16 residential units and no certification is made, then the
17 municipality shall prepare, as part of the separate
18 feasibility report required by subsection (a) of Section
19 11-74.4-5, a housing impact study.

20 Part I of the housing impact study shall include (i)
21 data as to whether the residential units are single
22 family or multi-family units, (ii) the number and type of
23 rooms within the units, if that information is available,
24 (iii) whether the units are inhabited or uninhabited, as
25 determined not less than 45 days before the date that the
26 ordinance or resolution required by subsection (a) of
27 Section 11-74.4-5 is passed, and (iv) data as to the
28 racial and ethnic composition of the residents in the
29 inhabited residential units. The data requirement as to
30 the racial and ethnic composition of the residents in the
31 inhabited residential units shall be deemed to be fully
32 satisfied by data from the most recent federal census.

33 Part II of the housing impact study shall identify
34 the inhabited residential units in the proposed

1 redevelopment project area that are to be or may be
2 removed. If inhabited residential units are to be
3 removed, then the housing impact study shall identify (i)
4 the number and location of those units that will or may
5 be removed, (ii) the municipality's plans for relocation
6 assistance for those residents in the proposed
7 redevelopment project area whose residences are to be
8 removed, (iii) the availability of replacement housing
9 for those residents whose residences are to be removed,
10 and shall identify the type, location, and cost of the
11 housing, and (iv) the type and extent of relocation
12 assistance to be provided.

13 (6) On and after November 1, 1999, the housing
14 impact study required by paragraph (5) shall be
15 incorporated in the redevelopment plan for the
16 redevelopment project area.

17 (7) On and after November 1, 1999, no redevelopment
18 plan shall be adopted, nor an existing plan amended, nor
19 shall residential housing that is occupied by households
20 of low-income and very low-income persons in currently
21 existing redevelopment project areas be removed after
22 November 1, 1999 unless the redevelopment plan provides,
23 with respect to inhabited housing units that are to be
24 removed for households of low-income and very low-income
25 persons, affordable housing and relocation assistance not
26 less than that which would be provided under the federal
27 Uniform Relocation Assistance and Real Property
28 Acquisition Policies Act of 1970 and the regulations
29 under that Act, including the eligibility criteria.
30 Affordable housing may be either existing or newly
31 constructed housing. For purposes of this paragraph (7),
32 "low-income households", "very low-income households",
33 and "affordable housing" have the meanings set forth in
34 the Illinois Affordable Housing Act. The municipality

1 shall make a good faith effort to ensure that this
2 affordable housing is located in or near the
3 redevelopment project area within the municipality.

4 (8) On and after November 1, 1999, if, after the
5 adoption of the redevelopment plan for the redevelopment
6 project area, any municipality desires to amend its
7 redevelopment plan to remove more inhabited residential
8 units than specified in its original redevelopment plan,
9 that increase in the number of units to be removed shall
10 be deemed to be a change in the nature of the
11 redevelopment plan as to require compliance with the
12 procedures in this Act pertaining to the initial approval
13 of a redevelopment plan.

14 (9) For redevelopment project areas designated
15 prior to November 1, 1999, the redevelopment plan may be
16 amended without further joint review board meeting or
17 hearing, provided that the municipality shall give notice
18 of any such changes by mail to each affected taxing
19 district and registrant on the interested party registry,
20 to authorize the municipality to expend tax increment
21 revenues for redevelopment project costs defined by
22 paragraphs (5) and (7.5), subparagraphs (E) and (F) of
23 paragraph (11), and paragraph (11.5) of subsection (q) of
24 Section 11-74.4-3, so long as the changes do not increase
25 the total estimated redevelopment project costs set out
26 in the redevelopment plan by more than 5% after
27 adjustment for inflation from the date the plan was
28 adopted.

29 (o) "Redevelopment project" means any public and private
30 development project in furtherance of the objectives of a
31 redevelopment plan. On and after November 1, 1999 (the
32 effective date of Public Act 91-478), no redevelopment plan
33 may be approved or amended that includes the development of
34 vacant land (i) with a golf course and related clubhouse and

1 other facilities or (ii) designated by federal, State,
2 county, or municipal government as public land for outdoor
3 recreational activities or for nature preserves and used for
4 that purpose within 5 years prior to the adoption of the
5 redevelopment plan. For the purpose of this subsection,
6 "recreational activities" is limited to mean camping and
7 hunting.

8 (p) "Redevelopment project area" means an area
9 designated by the municipality, which is not less in the
10 aggregate than 1 1/2 acres and in respect to which the
11 municipality has made a finding that there exist conditions
12 which cause the area to be classified as an industrial park
13 conservation area or a blighted area or a conservation area,
14 or a combination of both blighted areas and conservation
15 areas.

16 (q) "Redevelopment project costs" mean and include the
17 sum total of all reasonable or necessary costs incurred or
18 estimated to be incurred, and any such costs incidental to a
19 redevelopment plan and a redevelopment project. Such costs
20 include, without limitation, the following:

21 (1) Costs of studies, surveys, development of
22 plans, and specifications, implementation and
23 administration of the redevelopment plan including but
24 not limited to staff and professional service costs for
25 architectural, engineering, legal, financial, planning or
26 other services, provided however that no charges for
27 professional services may be based on a percentage of the
28 tax increment collected; except that on and after
29 November 1, 1999 (the effective date of Public Act
30 91-478), no contracts for professional services,
31 excluding architectural and engineering services, may be
32 entered into if the terms of the contract extend beyond a
33 period of 3 years. In addition, "redevelopment project
34 costs" shall not include lobbying expenses. After

1 consultation with the municipality, each tax increment
2 consultant or advisor to a municipality that plans to
3 designate or has designated a redevelopment project area
4 shall inform the municipality in writing of any contracts
5 that the consultant or advisor has entered into with
6 entities or individuals that have received, or are
7 receiving, payments financed by tax increment revenues
8 produced by the redevelopment project area with respect
9 to which the consultant or advisor has performed, or will
10 be performing, service for the municipality. This
11 requirement shall be satisfied by the consultant or
12 advisor before the commencement of services for the
13 municipality and thereafter whenever any other contracts
14 with those individuals or entities are executed by the
15 consultant or advisor;

16 (1.5) After July 1, 1999, annual administrative
17 costs shall not include general overhead or
18 administrative costs of the municipality that would still
19 have been incurred by the municipality if the
20 municipality had not designated a redevelopment project
21 area or approved a redevelopment plan;

22 (1.6) The cost of marketing sites within the
23 redevelopment project area to prospective businesses,
24 developers, and investors;

25 (2) Property assembly costs, including but not
26 limited to acquisition of land and other property, real
27 or personal, or rights or interests therein, demolition
28 of buildings, site preparation, site improvements that
29 serve as an engineered barrier addressing ground level or
30 below ground environmental contamination, including, but
31 not limited to parking lots and other concrete or asphalt
32 barriers, and the clearing and grading of land;

33 (3) Costs of rehabilitation, reconstruction or
34 repair or remodeling of existing public or private

1 buildings, fixtures, and leasehold improvements; and the
2 cost of replacing an existing public building if pursuant
3 to the implementation of a redevelopment project the
4 existing public building is to be demolished to use the
5 site for private investment or devoted to a different use
6 requiring private investment;

7 (4) Costs of the construction of public works or
8 improvements, except that on and after November 1, 1999,
9 redevelopment project costs shall not include the cost of
10 constructing a new municipal public building principally
11 used to provide offices, storage space, or conference
12 facilities or vehicle storage, maintenance, or repair for
13 administrative, public safety, or public works personnel
14 and that is not intended to replace an existing public
15 building as provided under paragraph (3) of subsection
16 (q) of Section 11-74.4-3 unless either (i) the
17 construction of the new municipal building implements a
18 redevelopment project that was included in a
19 redevelopment plan that was adopted by the municipality
20 prior to November 1, 1999 or (ii) the municipality makes
21 a reasonable determination in the redevelopment plan,
22 supported by information that provides the basis for that
23 determination, that the new municipal building is
24 required to meet an increase in the need for public
25 safety purposes anticipated to result from the
26 implementation of the redevelopment plan;

27 (5) Costs of job training and retraining projects,
28 including the cost of "welfare to work" programs
29 implemented by businesses located within the
30 redevelopment project area;

31 (6) Financing costs, including but not limited to
32 all necessary and incidental expenses related to the
33 issuance of obligations and which may include payment of
34 interest on any obligations issued hereunder including

1 interest accruing during the estimated period of
2 construction of any redevelopment project for which such
3 obligations are issued and for not exceeding 36 months
4 thereafter and including reasonable reserves related
5 thereto;

6 (7) To the extent the municipality by written
7 agreement accepts and approves the same, all or a portion
8 of a taxing district's capital costs resulting from the
9 redevelopment project necessarily incurred or to be
10 incurred within a taxing district in furtherance of the
11 objectives of the redevelopment plan and project.

12 (7.5) For redevelopment project areas designated
13 (or redevelopment project areas amended to add or
14 increase the number of tax-increment-financing assisted
15 housing units) on or after November 1, 1999, an
16 elementary, secondary, or unit school district's
17 increased costs attributable to assisted housing units
18 located within the redevelopment project area for which
19 the developer or redeveloper receives financial
20 assistance through an agreement with the municipality or
21 because the municipality incurs the cost of necessary
22 infrastructure improvements within the boundaries of the
23 assisted housing sites necessary for the completion of
24 that housing as authorized by this Act, and which costs
25 shall be paid by the municipality from the Special Tax
26 Allocation Fund when the tax increment revenue is
27 received as a result of the assisted housing units and
28 shall be calculated annually as follows:

29 (A) for foundation districts, excluding any
30 school district in a municipality with a population
31 in excess of 1,000,000, by multiplying the
32 district's increase in attendance resulting from the
33 net increase in new students enrolled in that school
34 district who reside in housing units within the

1 redevelopment project area that have received
2 financial assistance through an agreement with the
3 municipality or because the municipality incurs the
4 cost of necessary infrastructure improvements within
5 the boundaries of the housing sites necessary for
6 the completion of that housing as authorized by this
7 Act since the designation of the redevelopment
8 project area by the most recently available per
9 capita tuition cost as defined in Section 10-20.12a
10 of the School Code less any increase in general
11 State aid as defined in Section 18-8.05 of the
12 School Code attributable to these added new students
13 subject to the following annual limitations:

14 (i) for unit school districts with a
15 district average 1995-96 Per Capita Tuition
16 Charge of less than \$5,900, no more than 25% of
17 the total amount of property tax increment
18 revenue produced by those housing units that
19 have received tax increment finance assistance
20 under this Act;

21 (ii) for elementary school districts with
22 a district average 1995-96 Per Capita Tuition
23 Charge of less than \$5,900, no more than 17% of
24 the total amount of property tax increment
25 revenue produced by those housing units that
26 have received tax increment finance assistance
27 under this Act; and

28 (iii) for secondary school districts with
29 a district average 1995-96 Per Capita Tuition
30 Charge of less than \$5,900, no more than 8% of
31 the total amount of property tax increment
32 revenue produced by those housing units that
33 have received tax increment finance assistance
34 under this Act.

1 (B) For alternate method districts, flat grant
2 districts, and foundation districts with a district
3 average 1995-96 Per Capita Tuition Charge equal to
4 or more than \$5,900, excluding any school district
5 with a population in excess of 1,000,000, by
6 multiplying the district's increase in attendance
7 resulting from the net increase in new students
8 enrolled in that school district who reside in
9 housing units within the redevelopment project area
10 that have received financial assistance through an
11 agreement with the municipality or because the
12 municipality incurs the cost of necessary
13 infrastructure improvements within the boundaries of
14 the housing sites necessary for the completion of
15 that housing as authorized by this Act since the
16 designation of the redevelopment project area by the
17 most recently available per capita tuition cost as
18 defined in Section 10-20.12a of the School Code less
19 any increase in general state aid as defined in
20 Section 18-8.05 of the School Code attributable to
21 these added new students subject to the following
22 annual limitations:

23 (i) for unit school districts, no more
24 than 40% of the total amount of property tax
25 increment revenue produced by those housing
26 units that have received tax increment finance
27 assistance under this Act;

28 (ii) for elementary school districts, no
29 more than 27% of the total amount of property
30 tax increment revenue produced by those housing
31 units that have received tax increment finance
32 assistance under this Act; and

33 (iii) for secondary school districts, no
34 more than 13% of the total amount of property

1 tax increment revenue produced by those housing
2 units that have received tax increment finance
3 assistance under this Act.

4 (C) For any school district in a municipality
5 with a population in excess of 1,000,000, the
6 following restrictions shall apply to the
7 reimbursement of increased costs under this
8 paragraph (7.5):

9 (i) no increased costs shall be
10 reimbursed unless the school district certifies
11 that each of the schools affected by the
12 assisted housing project is at or over its
13 student capacity;

14 (ii) the amount reimburseable shall be
15 reduced by the value of any land donated to the
16 school district by the municipality or
17 developer, and by the value of any physical
18 improvements made to the schools by the
19 municipality or developer; and

20 (iii) the amount reimbursed may not
21 affect amounts otherwise obligated by the terms
22 of any bonds, notes, or other funding
23 instruments, or the terms of any redevelopment
24 agreement.

25 Any school district seeking payment under this
26 paragraph (7.5) shall, after July 1 and before
27 September 30 of each year, provide the municipality
28 with reasonable evidence to support its claim for
29 reimbursement before the municipality shall be
30 required to approve or make the payment to the
31 school district. If the school district fails to
32 provide the information during this period in any
33 year, it shall forfeit any claim to reimbursement
34 for that year. School districts may adopt a

1 resolution waiving the right to all or a portion of
2 the reimbursement otherwise required by this
3 paragraph (7.5). By acceptance of this
4 reimbursement the school district waives the right
5 to directly or indirectly set aside, modify, or
6 contest in any manner the establishment of the
7 redevelopment project area or projects;

8 (8) Relocation costs to the extent that a
9 municipality determines that relocation costs shall be
10 paid or is required to make payment of relocation costs
11 by federal or State law or in order to satisfy
12 subparagraph (7) of subsection (n);

13 (9) Payment in lieu of taxes;

14 (10) Costs of job training, retraining, advanced
15 vocational education or career education, including but
16 not limited to courses in occupational, semi-technical or
17 technical fields leading directly to employment, incurred
18 by one or more taxing districts, provided that such costs
19 (i) are related to the establishment and maintenance of
20 additional job training, advanced vocational education or
21 career education programs for persons employed or to be
22 employed by employers located in a redevelopment project
23 area; and (ii) when incurred by a taxing district or
24 taxing districts other than the municipality, are set
25 forth in a written agreement by or among the municipality
26 and the taxing district or taxing districts, which
27 agreement describes the program to be undertaken,
28 including but not limited to the number of employees to
29 be trained, a description of the training and services to
30 be provided, the number and type of positions available
31 or to be available, itemized costs of the program and
32 sources of funds to pay for the same, and the term of the
33 agreement. Such costs include, specifically, the payment
34 by community college districts of costs pursuant to

1 Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public
2 Community College Act and by school districts of costs
3 pursuant to Sections 10-22.20a and 10-23.3a of The School
4 Code;

5 (11) Interest cost incurred by a redeveloper
6 related to the construction, renovation or rehabilitation
7 of a redevelopment project provided that:

8 (A) such costs are to be paid directly from
9 the special tax allocation fund established pursuant
10 to this Act;

11 (B) such payments in any one year may not
12 exceed 30% of the annual interest costs incurred by
13 the redeveloper with regard to the redevelopment
14 project during that year;

15 (C) if there are not sufficient funds
16 available in the special tax allocation fund to make
17 the payment pursuant to this paragraph (11) then the
18 amounts so due shall accrue and be payable when
19 sufficient funds are available in the special tax
20 allocation fund;

21 (D) the total of such interest payments paid
22 pursuant to this Act may not exceed 30% of the total
23 (i) cost paid or incurred by the redeveloper for the
24 redevelopment project plus (ii) redevelopment
25 project costs excluding any property assembly costs
26 and any relocation costs incurred by a municipality
27 pursuant to this Act; and

28 (E) the cost limits set forth in subparagraphs
29 (B) and (D) of paragraph (11) shall be modified for
30 the financing of rehabilitated or new housing units
31 for low-income households and very low-income
32 households, as defined in Section 3 of the Illinois
33 Affordable Housing Act. The percentage of 75% shall
34 be substituted for 30% in subparagraphs (B) and (D)

1 of paragraph (11).

2 (F) Instead of the eligible costs provided by
3 subparagraphs (B) and (D) of paragraph (11), as
4 modified by this subparagraph, and notwithstanding
5 any other provisions of this Act to the contrary,
6 the municipality may pay from tax increment revenues
7 up to 50% of the cost of construction of new housing
8 units to be occupied by low-income households and
9 very low-income households as defined in Section 3
10 of the Illinois Affordable Housing Act. The cost of
11 construction of those units may be derived from the
12 proceeds of bonds issued by the municipality under
13 this Act or other constitutional or statutory
14 authority or from other sources of municipal revenue
15 that may be reimbursed from tax increment revenues
16 or the proceeds of bonds issued to finance the
17 construction of that housing.

18 The eligible costs provided under this
19 subparagraph (F) of paragraph (11) shall be an
20 eligible cost for the construction, renovation, and
21 rehabilitation of all low and very low-income
22 housing units, as defined in Section 3 of the
23 Illinois Affordable Housing Act, within the
24 redevelopment project area. If the low and very
25 low-income units are part of a residential
26 redevelopment project that includes units not
27 affordable to low and very low-income households,
28 only the low and very low-income units shall be
29 eligible for benefits under subparagraph (F) of
30 paragraph (11). The standards for maintaining the
31 occupancy by low-income households and very
32 low-income households, as defined in Section 3 of
33 the Illinois Affordable Housing Act, of those units
34 constructed with eligible costs made available under

1 the provisions of this subparagraph (F) of paragraph
2 (11) shall be established by guidelines adopted by
3 the municipality. The responsibility for annually
4 documenting the initial occupancy of the units by
5 low-income households and very low-income
6 households, as defined in Section 3 of the Illinois
7 Affordable Housing Act, shall be that of the then
8 current owner of the property. For ownership units,
9 the guidelines will provide, at a minimum, for a
10 reasonable recapture of funds, or other appropriate
11 methods designed to preserve the original
12 affordability of the ownership units. For rental
13 units, the guidelines will provide, at a minimum,
14 for the affordability of rent to low and very
15 low-income households. As units become available,
16 they shall be rented to income-eligible tenants. The
17 municipality may modify these guidelines from time
18 to time; the guidelines, however, shall be in effect
19 for as long as tax increment revenue is being used
20 to pay for costs associated with the units or for
21 the retirement of bonds issued to finance the units
22 or for the life of the redevelopment project area,
23 whichever is later.

24 (11.5) If the redevelopment project area is located
25 within a municipality with a population of more than
26 100,000, the cost of day care services for children of
27 employees from low-income families working for businesses
28 located within the redevelopment project area and all or
29 a portion of the cost of operation of day care centers
30 established by redevelopment project area businesses to
31 serve employees from low-income families working in
32 businesses located in the redevelopment project area.
33 For the purposes of this paragraph, "low-income families"
34 means families whose annual income does not exceed 80% of

1 the municipal, county, or regional median income,
2 adjusted for family size, as the annual income and
3 municipal, county, or regional median income are
4 determined from time to time by the United States
5 Department of Housing and Urban Development.

6 (12) Unless explicitly stated herein the cost of
7 construction of new privately-owned buildings shall not
8 be an eligible redevelopment project cost.

9 (13) After November 1, 1999 (the effective date of
10 Public Act 91-478), none of the redevelopment project
11 costs enumerated in this subsection shall be eligible
12 redevelopment project costs if those costs would provide
13 direct financial support to a retail entity initiating
14 operations in the redevelopment project area while
15 terminating operations at another Illinois location
16 within 10 miles of the redevelopment project area but
17 outside the boundaries of the redevelopment project area
18 municipality. For purposes of this paragraph,
19 termination means a closing of a retail operation that is
20 directly related to the opening of the same operation or
21 like retail entity owned or operated by more than 50% of
22 the original ownership in a redevelopment project area,
23 but it does not mean closing an operation for reasons
24 beyond the control of the retail entity, as documented by
25 the retail entity, subject to a reasonable finding by the
26 municipality that the current location contained
27 inadequate space, had become economically obsolete, or
28 was no longer a viable location for the retailer or
29 serviceman.

30 If a special service area has been established pursuant
31 to the Special Service Area Tax Act or Special Service Area
32 Tax Law, then any tax increment revenues derived from the tax
33 imposed pursuant to the Special Service Area Tax Act or
34 Special Service Area Tax Law may be used within the

1 redevelopment project area for the purposes permitted by that
2 Act or Law as well as the purposes permitted by this Act.

3 (r) "State Sales Tax Boundary" means the redevelopment
4 project area or the amended redevelopment project area
5 boundaries which are determined pursuant to subsection (9) of
6 Section 11-74.4-8a of this Act. The Department of Revenue
7 shall certify pursuant to subsection (9) of Section
8 11-74.4-8a the appropriate boundaries eligible for the
9 determination of State Sales Tax Increment.

10 (s) "State Sales Tax Increment" means an amount equal to
11 the increase in the aggregate amount of taxes paid by
12 retailers and servicemen, other than retailers and servicemen
13 subject to the Public Utilities Act, on transactions at
14 places of business located within a State Sales Tax Boundary
15 pursuant to the Retailers' Occupation Tax Act, the Use Tax
16 Act, the Service Use Tax Act, and the Service Occupation Tax
17 Act, except such portion of such increase that is paid into
18 the State and Local Sales Tax Reform Fund, the Local
19 Government Distributive Fund, the Local Government Tax
20 Fund and the County and Mass Transit District Fund, for as
21 long as State participation exists, over and above the
22 Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts
23 or the Revised Initial Sales Tax Amounts for such taxes as
24 certified by the Department of Revenue and paid under those
25 Acts by retailers and servicemen on transactions at places of
26 business located within the State Sales Tax Boundary during
27 the base year which shall be the calendar year immediately
28 prior to the year in which the municipality adopted tax
29 increment allocation financing, less 3.0% of such amounts
30 generated under the Retailers' Occupation Tax Act, Use Tax
31 Act and Service Use Tax Act and the Service Occupation Tax
32 Act, which sum shall be appropriated to the Department of
33 Revenue to cover its costs of administering and enforcing
34 this Section. For purposes of computing the aggregate amount

1 of such taxes for base years occurring prior to 1985, the
2 Department of Revenue shall compute the Initial Sales Tax
3 Amount for such taxes and deduct therefrom an amount equal to
4 4% of the aggregate amount of taxes per year for each year
5 the base year is prior to 1985, but not to exceed a total
6 deduction of 12%. The amount so determined shall be known as
7 the "Adjusted Initial Sales Tax Amount". For purposes of
8 determining the State Sales Tax Increment the Department of
9 Revenue shall for each period subtract from the tax amounts
10 received from retailers and servicemen on transactions
11 located in the State Sales Tax Boundary, the certified
12 Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts
13 or Revised Initial Sales Tax Amounts for the Retailers'
14 Occupation Tax Act, the Use Tax Act, the Service Use Tax Act
15 and the Service Occupation Tax Act. For the State Fiscal
16 Year 1989 this calculation shall be made by utilizing the
17 calendar year 1987 to determine the tax amounts received. For
18 the State Fiscal Year 1990, this calculation shall be made by
19 utilizing the period from January 1, 1988, until September
20 30, 1988, to determine the tax amounts received from
21 retailers and servicemen, which shall have deducted therefrom
22 nine-twelfths of the certified Initial Sales Tax Amounts,
23 Adjusted Initial Sales Tax Amounts or the Revised Initial
24 Sales Tax Amounts as appropriate. For the State Fiscal Year
25 1991, this calculation shall be made by utilizing the period
26 from October 1, 1988, until June 30, 1989, to determine the
27 tax amounts received from retailers and servicemen, which
28 shall have deducted therefrom nine-twelfths of the certified
29 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
30 Amounts or the Revised Initial Sales Tax Amounts as
31 appropriate. For every State Fiscal Year thereafter, the
32 applicable period shall be the 12 months beginning July 1 and
33 ending on June 30, to determine the tax amounts received
34 which shall have deducted therefrom the certified Initial

1 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the
2 Revised Initial Sales Tax Amounts. Municipalities intending
3 to receive a distribution of State Sales Tax Increment must
4 report a list of retailers to the Department of Revenue by
5 October 31, 1988 and by July 31, of each year thereafter.

6 (t) "Taxing districts" means counties, townships, cities
7 and incorporated towns and villages, school, road, park,
8 sanitary, mosquito abatement, forest preserve, public health,
9 fire protection, river conservancy, tuberculosis sanitarium
10 and any other municipal corporations or districts with the
11 power to levy taxes.

12 (u) "Taxing districts' capital costs" means those costs
13 of taxing districts for capital improvements that are found
14 by the municipal corporate authorities to be necessary and
15 directly result from the redevelopment project.

16 (v) As used in subsection (a) of Section 11-74.4-3 of
17 this Act, "vacant land" means any parcel or combination of
18 parcels of real property without industrial, commercial, and
19 residential buildings which has not been used for commercial
20 agricultural purposes within 5 years prior to the designation
21 of the redevelopment project area, unless the parcel is
22 included in an industrial park conservation area or the
23 parcel has been subdivided; provided that if the parcel was
24 part of a larger tract that has been divided into 3 or more
25 smaller tracts that were accepted for recording during the
26 period from 1950 to 1990, then the parcel shall be deemed to
27 have been subdivided, and all proceedings and actions of the
28 municipality taken in that connection with respect to any
29 previously approved or designated redevelopment project area
30 or amended redevelopment project area are hereby validated
31 and hereby declared to be legally sufficient for all purposes
32 of this Act. For purposes of this Section and only for land
33 subject to the subdivision requirements of the Plat Act, land
34 is subdivided when the original plat of the proposed

1 Redevelopment Project Area or relevant portion thereof has
 2 been properly certified, acknowledged, approved, and recorded
 3 or filed in accordance with the Plat Act and a preliminary
 4 plat, if any, for any subsequent phases of the proposed
 5 Redevelopment Project Area or relevant portion thereof has
 6 been properly approved and filed in accordance with the
 7 applicable ordinance of the municipality.

8 (w) "Annual Total Increment" means the sum of each
 9 municipality's annual Net Sales Tax Increment and each
 10 municipality's annual Net Utility Tax Increment. The ratio
 11 of the Annual Total Increment of each municipality to the
 12 Annual Total Increment for all municipalities, as most
 13 recently calculated by the Department, shall determine the
 14 proportional shares of the Illinois Tax Increment Fund to be
 15 distributed to each municipality.

16 (Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-11-99;
 17 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff.
 18 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised
 19 9-19-01.)

20 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)
 21 Sec. 11-74.4-7. Obligations secured by the special tax
 22 allocation fund set forth in Section 11-74.4-8 for the
 23 redevelopment project area may be issued to provide for
 24 redevelopment project costs. Such obligations, when so
 25 issued, shall be retired in the manner provided in the
 26 ordinance authorizing the issuance of such obligations by the
 27 receipts of taxes levied as specified in Section 11-74.4-9
 28 against the taxable property included in the area, by
 29 revenues as specified by Section 11-74.4-8a and other revenue
 30 designated by the municipality. A municipality may in the
 31 ordinance pledge all or any part of the funds in and to be
 32 deposited in the special tax allocation fund created pursuant
 33 to Section 11-74.4-8 to the payment of the redevelopment

1 project costs and obligations. Any pledge of funds in the
2 special tax allocation fund shall provide for distribution to
3 the taxing districts and to the Illinois Department of
4 Revenue of moneys not required, pledged, earmarked, or
5 otherwise designated for payment and securing of the
6 obligations and anticipated redevelopment project costs and
7 such excess funds shall be calculated annually and deemed to
8 be "surplus" funds. In the event a municipality only applies
9 or pledges a portion of the funds in the special tax
10 allocation fund for the payment or securing of anticipated
11 redevelopment project costs or of obligations, any such funds
12 remaining in the special tax allocation fund after complying
13 with the requirements of the application or pledge, shall
14 also be calculated annually and deemed "surplus" funds. All
15 surplus funds in the special tax allocation fund shall be
16 distributed annually within 180 days after the close of the
17 municipality's fiscal year by being paid by the municipal
18 treasurer to the County Collector, to the Department of
19 Revenue and to the municipality in direct proportion to the
20 tax incremental revenue received as a result of an increase
21 in the equalized assessed value of property in the
22 redevelopment project area, tax incremental revenue received
23 from the State and tax incremental revenue received from the
24 municipality, but not to exceed as to each such source the
25 total incremental revenue received from that source. The
26 County Collector shall thereafter make distribution to the
27 respective taxing districts in the same manner and proportion
28 as the most recent distribution by the county collector to
29 the affected districts of real property taxes from real
30 property in the redevelopment project area.

31 Without limiting the foregoing in this Section, the
32 municipality may in addition to obligations secured by the
33 special tax allocation fund pledge for a period not greater
34 than the term of the obligations towards payment of such

1 obligations any part or any combination of the following: (a)
2 net revenues of all or part of any redevelopment project; (b)
3 taxes levied and collected on any or all property in the
4 municipality; (c) the full faith and credit of the
5 municipality; (d) a mortgage on part or all of the
6 redevelopment project; or (e) any other taxes or anticipated
7 receipts that the municipality may lawfully pledge.

8 Such obligations may be issued in one or more series
9 bearing interest at such rate or rates as the corporate
10 authorities of the municipality shall determine by ordinance.
11 Such obligations shall bear such date or dates, mature at
12 such time or times not exceeding 20 years from their
13 respective dates, be in such denomination, carry such
14 registration privileges, be executed in such manner, be
15 payable in such medium of payment at such place or places,
16 contain such covenants, terms and conditions, and be subject
17 to redemption as such ordinance shall provide. Obligations
18 issued pursuant to this Act may be sold at public or private
19 sale at such price as shall be determined by the corporate
20 authorities of the municipalities. No referendum approval of
21 the electors shall be required as a condition to the issuance
22 of obligations pursuant to this Division except as provided
23 in this Section.

24 In the event the municipality authorizes issuance of
25 obligations pursuant to the authority of this Division
26 secured by the full faith and credit of the municipality,
27 which obligations are other than obligations which may be
28 issued under home rule powers provided by Article VII,
29 Section 6 of the Illinois Constitution, or pledges taxes
30 pursuant to (b) or (c) of the second paragraph of this
31 section, the ordinance authorizing the issuance of such
32 obligations or pledging such taxes shall be published within
33 10 days after such ordinance has been passed in one or more
34 newspapers, with general circulation within such

1 municipality. The publication of the ordinance shall be
2 accompanied by a notice of (1) the specific number of voters
3 required to sign a petition requesting the question of the
4 issuance of such obligations or pledging taxes to be
5 submitted to the electors; (2) the time in which such
6 petition must be filed; and (3) the date of the prospective
7 referendum. The municipal clerk shall provide a petition
8 form to any individual requesting one.

9 If no petition is filed with the municipal clerk, as
10 hereinafter provided in this Section, within 30 days after
11 the publication of the ordinance, the ordinance shall be in
12 effect. But, if within that 30 day period a petition is
13 filed with the municipal clerk, signed by electors in the
14 municipality numbering 10% or more of the number of
15 registered voters in the municipality, asking that the
16 question of issuing obligations using full faith and credit
17 of the municipality as security for the cost of paying for
18 redevelopment project costs, or of pledging taxes for the
19 payment of such obligations, or both, be submitted to the
20 electors of the municipality, the corporate authorities of
21 the municipality shall call a special election in the manner
22 provided by law to vote upon that question, or, if a general,
23 State or municipal election is to be held within a period of
24 not less than 30 or more than 90 days from the date such
25 petition is filed, shall submit the question at the next
26 general, State or municipal election. If it appears upon the
27 canvass of the election by the corporate authorities that a
28 majority of electors voting upon the question voted in favor
29 thereof, the ordinance shall be in effect, but if a majority
30 of the electors voting upon the question are not in favor
31 thereof, the ordinance shall not take effect.

32 The ordinance authorizing the obligations may provide
33 that the obligations shall contain a recital that they are
34 issued pursuant to this Division, which recital shall be

1 conclusive evidence of their validity and of the regularity
2 of their issuance.

3 In the event the municipality authorizes issuance of
4 obligations pursuant to this Section secured by the full
5 faith and credit of the municipality, the ordinance
6 authorizing the obligations may provide for the levy and
7 collection of a direct annual tax upon all taxable property
8 within the municipality sufficient to pay the principal
9 thereof and interest thereon as it matures, which levy may be
10 in addition to and exclusive of the maximum of all other
11 taxes authorized to be levied by the municipality, which
12 levy, however, shall be abated to the extent that monies from
13 other sources are available for payment of the obligations
14 and the municipality certifies the amount of said monies
15 available to the county clerk.

16 A certified copy of such ordinance shall be filed with
17 the county clerk of each county in which any portion of the
18 municipality is situated, and shall constitute the authority
19 for the extension and collection of the taxes to be deposited
20 in the special tax allocation fund.

21 A municipality may also issue its obligations to refund
22 in whole or in part, obligations theretofore issued by such
23 municipality under the authority of this Act, whether at or
24 prior to maturity, provided however, that the last maturity
25 of the refunding obligations shall not be expressed to mature
26 later than December 31 of the year in which the payment to
27 the municipal treasurer as provided in subsection (b) of
28 Section 11-74.4-8 of this Act is to be made with respect to
29 ad valorem taxes levied in the twenty-third calendar year
30 after the year in which the ordinance approving the
31 redevelopment project area is adopted if the ordinance was
32 adopted on or after January 15, 1981, and not later than
33 December 31 of the year in which the payment to the municipal
34 treasurer as provided in subsection (b) of Section 11-74.4-8

1 of this Act is to be made with respect to ad valorem taxes
2 levied in the thirty-fifth calendar year after the year in
3 which the ordinance approving the redevelopment project area
4 is adopted (A) if the ordinance was adopted before January
5 15, 1981, or (B) if the ordinance was adopted in December
6 1983, April 1984, July 1985, or December 1989, or (C) if the
7 ordinance was adopted in December, 1987 and the redevelopment
8 project is located within one mile of Midway Airport, or (D)
9 if the ordinance was adopted before January 1, 1987 by a
10 municipality in Mason County, or (E) if the municipality is
11 subject to the Local Government Financial Planning and
12 Supervision Act or the Financially Distressed City Law, or
13 (F) if the ordinance was adopted in December 1984 by the
14 Village of Rosemont, or (G) if the ordinance was adopted on
15 December 31, 1986 by a municipality located in Clinton County
16 for which at least \$250,000 of tax increment bonds were
17 authorized on June 17, 1997, or if the ordinance was adopted
18 on December 31, 1986 by a municipality with a population in
19 1990 of less than 3,600 that is located in a county with a
20 population in 1990 of less than 34,000 and for which at least
21 \$250,000 of tax increment bonds were authorized on June 17,
22 1997, or (H) if the ordinance was adopted on October 5, 1982
23 by the City of Kankakee, or (I) if the ordinance was adopted
24 on December 29, 1986 by East St. Louis, or if the ordinance
25 was adopted on November 12, 1991 by the Village of Sauget, or
26 (J) if the ordinance was adopted on February 11, 1985 by the
27 City of Rock Island, or (K) if the ordinance was adopted
28 before December 18, 1986 by the City of Moline, or (L) if the
29 ordinance was adopted in September 1988 by Sauk Village, or
30 (M) if the ordinance was adopted in October 1993 by Sauk
31 Village, or (N) if the ordinance was adopted on December 29,
32 1986 by the City of Galva, or (O) if the ordinance was
33 adopted in March 1991 by the City of Centreville, or (P) ~~(L)~~
34 if the ordinance was adopted on January 23, 1991 by the City

1 of East St. Louis and, for redevelopment project areas for
 2 which bonds were issued before July 29, 1991, in connection
 3 with a redevelopment project in the area within the State
 4 Sales Tax Boundary and which were extended by municipal
 5 ordinance under subsection (n) of Section 11-74.4-3, the last
 6 maturity of the refunding obligations shall not be expressed
 7 to mature later than the date on which the redevelopment
 8 project area is terminated or December 31, 2013, whichever
 9 date occurs first.

10 In the event a municipality issues obligations under home
 11 rule powers or other legislative authority the proceeds of
 12 which are pledged to pay for redevelopment project costs, the
 13 municipality may, if it has followed the procedures in
 14 conformance with this division, retire said obligations from
 15 funds in the special tax allocation fund in amounts and in
 16 such manner as if such obligations had been issued pursuant
 17 to the provisions of this division.

18 All obligations heretofore or hereafter issued pursuant
 19 to this Act shall not be regarded as indebtedness of the
 20 municipality issuing such obligations or any other taxing
 21 district for the purpose of any limitation imposed by law.

22 (Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-11-99;
 23 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff.
 24 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised
 25 10-10-01.)

26 (65 ILCS 5/11-95-7) (from Ch. 24, par. 11-95-7)

27 Sec. 11-95-7. Whenever a petition signed by at least 10%
 28 of the electors of a municipality with a population of less
 29 than 500,000 is filed with the municipal clerk the municipal
 30 clerk shall certify the question of the establishment,
 31 maintenance, and conduct of a recreation system for
 32 submission to the electors at an election in accordance with
 33 the general election law. ~~to--the--electors.~~ The petition

1 shall request the corporate authorities of the municipality
 2 to establish, maintain, and conduct a supervised recreation
 3 system and to levy an annual tax for the establishment,
 4 conduct, and maintenance thereof. The petition shall
 5 designate the minimum tax to be levied except that in no case
 6 shall the tax be more than 0.09% ~~.09%~~ of the value, as
 7 equalized or assessed by the Department of Revenue, of all
 8 taxable property within the corporate limits of the
 9 municipality.

10 The corporate authorities may accumulate funds from the
 11 proceeds of such tax for the purpose of building, repairs and
 12 improvements for recreation purposes in excess of current
 13 requirements for such purposes but subject to the limitation
 14 set herein.

15 (Source: P.A. 81-1489; 81-1509; revised 12-13-01.)

16 Section 35. The Metropolitan Water Reclamation District
 17 Act is amended by setting forth and renumbering multiple
 18 versions of Sections 283 and 285 as follows:

19 (70 ILCS 2605/283)

20 Sec. 283. District enlarged. Upon the effective date of
 21 this amendatory Act of the 91st General Assembly, the
 22 corporate limits of the Metropolitan Water Reclamation
 23 District Act are extended to include within those limits the
 24 following described tract of land, and that tract is annexed
 25 to the District.

26 THAT PART OF SECTIONS 21, 28 AND 33, TOWNSHIP 42 NORTH,
 27 RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS
 28 FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE
 29 NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 00
 30 DEGREES 19 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF
 31 THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF
 32 2624.22 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28;

1 THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG
2 THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION
3 33, A DISTANCE OF 643.38 FEET; THENCE SOUTH 89 DEGREES 40
4 MINUTES 35 SECONDS WEST, A DISTANCE OF 1079.11 FEET TO A
5 POINT ON A LINE 1079.10 FEET WEST OF AND PARALLEL WITH
6 THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00 DEGREES
7 04 MINUTES 45 SECONDS EAST ALONG SAID PARALLEL LINE, A
8 DISTANCE OF 281.47 FEET; THENCE NORTH 89 DEGREES 40
9 MINUTES 35 SECONDS EAST, A DISTANCE OF 1079.11 FEET TO A
10 POINT ON THE EAST LINE OF SAID SECTION 33; THENCE SOUTH
11 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID EAST
12 LINE, A DISTANCE OF 1707.93 FEET TO THE SOUTHEAST CORNER
13 OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH
14 89 DEGREES 58 MINUTES 22 SECONDS WEST ALONG THE SOUTH
15 LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1079.10
16 FEET TO A POINT ON A LINE 1079.10 FEET WEST OF AND
17 PARALLEL WITH THE EAST LINE OF SAID SECTION 33; THENCE
18 NORTH 00 DEGREES 04 MINUTES 45 SECONDS WEST ALONG SAID
19 PARALLEL LINE, A DISTANCE OF 1313.07 FEET TO A POINT ON
20 THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER
21 OF SAID SECTION 33; THENCE SOUTH 89 DEGREES 51 MINUTES 05
22 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF
23 SAID NORTHEAST QUARTER, A DISTANCE OF 1334.88 FEET;
24 THENCE NORTH 22 DEGREES 20 MINUTES 04 SECONDS EAST A
25 DISTANCE OF 241.05 FEET TO A POINT ON A NON-TANGENT
26 CURVE; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE
27 NORTHEASTERLY AND HAVING A RADIUS OF 165.00 FEET AND A
28 CHORD BEARING OF NORTH 42 DEGREES 58 MINUTES 45 SECONDS
29 WEST, AN ARC LENGTH OF 91.17 FEET TO A POINT ON A
30 NON-TANGENT LINE; THENCE SOUTH 62 DEGREES 51 MINUTES 00
31 SECONDS WEST, A DISTANCE OF 135.00 FEET; THENCE NORTH 50
32 DEGREES 00 MINUTES 12 SECONDS WEST, A DISTANCE OF 114.07
33 FEET TO A POINT ON THE EAST LINE OF ILLINOIS ROUTE 59;
34 THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST ALONG

1 SAID EAST LINE, A DISTANCE OF 523.87 FEET; THENCE SOUTH
2 84 DEGREES 58 MINUTES 24 SECONDS EAST, A DISTANCE OF
3 228.14 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE
4 NORTHERLY ALONG A CURVE CONCAVE WESTERLY AND HAVING A
5 RADIUS OF 1501.93 FEET AND A CHORD BEARING OF NORTH 01
6 DEGREES 29 MINUTES 47 SECONDS WEST, AN ARC LENGTH OF
7 341.98 FEET; THENCE SOUTH 81 DEGREES 58 MINUTES 50
8 SECONDS WEST, A DISTANCE OF 221.47 FEET TO A POINT ON
9 SAID EASTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 59;
10 THENCE NORTHERLY ALONG THE EAST LINE OF SAID ILLINOIS
11 ROUTE 59 FOR THE FOLLOWING EIGHT COURSES; (1) THENCE
12 NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST, A DISTANCE
13 OF 193.36 FEET TO A POINT ON THE SOUTH LINE OF SAID
14 SECTION 28; (2) THENCE NORTH 00 DEGREES 11 MINUTES 05
15 SECONDS WEST, A DISTANCE OF 2637.83 FEET TO A POINT ON
16 THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 28; (3)
17 THENCE NORTH 00 DEGREES 12 MINUTES 10 SECONDS WEST, A
18 DISTANCE OF 485.70 FEET TO A POINT ON A CURVE; (4) THENCE
19 NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY
20 HAVING A RADIUS OF 4724.70 FEET AND A CHORD BEARING OF
21 NORTH 06 DEGREES 32 MINUTES 11 SECONDS EAST WITH AN ARC
22 LENGTH OF 1111.22; (5) THENCE NORTH 13 DEGREES 16 MINUTES
23 19 SECONDS EAST, A DISTANCE OF 303.90 FEET TO A POINT ON
24 A CURVE; (6) THENCE NORTHERLY ALONG A NON-TANGENT CURVE
25 CONCAVE WESTERLY HAVING A RADIUS OF 1482.40 FEET AND A
26 CHORD BEARING OF NORTH 06 DEGREES 58 MINUTES 21 SECONDS
27 WEST WITH AN ARC LENGTH OF 1047.56 FEET; (7) THENCE
28 NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY
29 HAVING A RADIUS OF 2242.01 FEET AND A CHORD BEARING OF
30 NORTH 20 DEGREES 03 MINUTES 26 SECONDS EAST WITH AN ARC
31 LENGTH OF 384.99 FEET; (8) THENCE NORTH 24 DEGREES 58
32 MINUTES 30 SECONDS EAST, A DISTANCE OF 2212.09 FEET TO A
33 POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION
34 21; THENCE SOUTH 89 DEGREES 51 MINUTES 08 SECONDS EAST

1 ALONG SAID NORTH LINE, A DISTANCE OF 533.41 FEET; THENCE
2 NORTH 00 DEGREES 21 MINUTES 39 SECONDS WEST, A DISTANCE
3 OF 1131.30 FEET TO A POINT ON THE EAST LINE OF SAID
4 ILLINOIS ROUTE 59; THENCE NORTHERLY ALONG SAID EAST LINE
5 FOR THE FOLLOWING 3 COURSES; (1) THENCE NORTH 24 DEGREES
6 58 MINUTES 30 SECONDS EAST, A DISTANCE OF 1195.93 FEET;
7 (2) THENCE NORTH 27 DEGREES 49 MINUTES 55 SECONDS EAST, A
8 DISTANCE OF 200.22 FEET; (3) THENCE NORTH 24 DEGREES 58
9 MINUTES 12 SECONDS EAST, A DISTANCE OF 257.37 FEET TO A
10 POINT ON THE NORTH LINE OF SAID SECTION 21; THENCE NORTH
11 89 DEGREES 57 MINUTES 47 SECONDS EAST ALONG SAID NORTH
12 LINE, A DISTANCE OF 134.37 FEET; THENCE SOUTH 36 DEGREES
13 57 MINUTES 24 SECONDS WEST, A DISTANCE OF 285.13 FEET;
14 THENCE SOUTH 00 DEGREES 14 MINUTES 47 SECONDS EAST, A
15 DISTANCE OF 600.00 FEET; THENCE SOUTH 82 DEGREES 06
16 MINUTES 19 SECONDS EAST, A DISTANCE OF 221.79 FEET TO A
17 POINT ON A CURVE BEING THE WEST LINE OF BARTLETT ROAD;
18 THENCE ALONG THE WEST LINE OF SAID BARTLETT ROAD FOR THE
19 FOLLOWING SEVEN COURSES; (1) THENCE SOUTHERLY ALONG A
20 NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF
21 5779.65 FEET AND A CHORD BEARING OF SOUTH 06 DEGREES 40
22 MINUTES 43 SECONDS WEST WITH AN ARC LENGTH OF 182.71
23 FEET; (2) THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS
24 WEST, A DISTANCE OF 13.94 FEET; (3) THENCE SOUTH 00
25 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 154.30
26 FEET TO A POINT ON A CURVE; (4) THENCE SOUTHERLY ALONG A
27 NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF
28 5779.65 FEET AND A CHORD BEARING OF SOUTH 02 DEGREES 02
29 MINUTES 21 SECONDS WEST WITH AN ARC LENGTH 443.40 FEET;
30 (5) THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS EAST, A
31 DISTANCE OF 17.00 FEET; (6) THENCE SOUTH 00 DEGREES 09
32 MINUTES 31 SECONDS EAST, A DISTANCE OF 991.17 FEET; (7)
33 THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS EAST, A
34 DISTANCE OF 389.83 FEET; THENCE NORTH 89 DEGREES 48

1 MINUTES 41 SECONDS EAST, A DISTANCE OF 33.00 FEET TO A
 2 POINT ON THE EAST LINE OF SAID SECTION 21; THENCE SOUTH
 3 00 DEGREES 11 MINUTES 19 SECONDS EAST ALONG SAID EAST
 4 LINE, A DISTANCE OF 2245.24 FEET TO THE NORTHEAST CORNER
 5 OF SAID SECTION 28; THENCE NORTH 89 DEGREES 50 MINUTES 29
 6 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 28, A
 7 DISTANCE OF 123.76 FEET TO A POINT ON A LINE 123.76 FEET
 8 WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST
 9 QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 27
 10 MINUTES 50 SECONDS EAST ALONG SAID PARALLEL LINE; A
 11 DISTANCE OF 173.25 FEET TO A POINT ON A LINE 173.24 FEET
 12 SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION
 13 28; THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST
 14 ALONG SAID PARALLEL LINE, A DISTANCE OF 123.76 FEET TO A
 15 POINT ON THE EAST LINE OF SAID SECTION 28; THENCE SOUTH
 16 00 DEGREES 27 MINUTES 50 SECONDS EAST ALONG SAID EAST
 17 LINE, A DISTANCE OF 2454.80 FEET TO THE POINT OF
 18 BEGINNING, IN COOK COUNTY, ILLINOIS.

19 (Source: P.A. 91-945, eff. 2-9-01.)

20 (70 ILCS 2605/285)

21 Sec. 285. District enlarged. Upon the effective date of
 22 this amendatory Act of the 91st General Assembly, the
 23 corporate limits of the Metropolitan Water Reclamation
 24 District Act are extended to include within those limits the
 25 following described tracts of land, and those tracts are
 26 annexed to the District.

27 PARCEL 2:

28 THAT PART OF THE SOUTHWEST 1/4 OF SECTION 30 LYING SOUTH
 29 OF THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE
 30 ROUTE 72, COMMONLY KNOWN AS NEW HIGGINS ROAD, (EXCEPT THE
 31 WEST 190 FEET THEREOF) ALL IN TOWNSHIP 42 NORTH, RANGE 9,
 32 EAST OF THE THIRD PRINCIPAL MERIDIAN,
 33 ALSO THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT THE WEST 190

1 FEET THEREOF AND EXCEPT THE SOUTH 1501.64 FEET AS
2 MEASURED ALONG THE EAST AND WEST LINES THEREOF), ALL IN
3 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
4 MERIDIAN,
5 ALSO COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST
6 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF
7 THE THIRD PRINCIPAL MERIDIAN, FOR A PLACE OF BEGINNING;
8 THENCE SOUTH 0 DEGREES 12 MINUTES WEST 2640.0 FEET TO A
9 FENCE CORNER AND THE CENTER OF SAID SECTION 31; THENCE
10 SOUTH 89 DEGREES 54 MINUTES EAST 2640.70 FEET TO THE
11 SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31;
12 THENCE NORTHERLY ALONG A FENCE LINE 1306.73 FEET TO A
13 FENCE CORNER; THENCE NORTH 89 DEGREES 20 MINUTES WEST
14 ALONG A FENCE LINE 1318.55 FEET TO THE CENTER LINE OF A
15 PUBLIC ROAD KNOWN AS BEVERLY LAKE ROAD; THENCE NORTH 0
16 DEGREES 14 MINUTES WEST ALONG THE CENTER OF SAID ROAD
17 958.02 FEET; THENCE NORTH 89 DEGREES 10 MINUTES WEST
18 ALONG A CYCLONE FENCE 218.60 FEET TO A FENCE CORNER;
19 THENCE NORTHERLY ALONG A CYCLONE FENCE 195.0 FEET TO A
20 RIGHT OF WAY MONUMENT; THENCE NORTH 80 DEGREES 40 MINUTES
21 WEST ALONG THE SOUTH RIGHT OF WAY OF ROUTE 72, 238.0 FEET
22 TO A RIGHT OF WAY MONUMENT; THENCE NORTH 78 DEGREES 35
23 MINUTES WEST ALONG THE SOUTH RIGHT OF ACCESS LINE OF SAID
24 ROUTE 72, 507.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE
25 NORTH 76 DEGREES 12 MINUTES WEST ALONG THE SOUTH RIGHT OF
26 WAY OF ROUTE 72, 336.50 FEET TO A CONCRETE RIGHT OF WAY
27 MONUMENT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION
28 30; THENCE SOUTH 0 DEGREES 12 MINUTES WEST 49.31 FEET TO
29 THE PLACE OF BEGINNING,
30 (EXCEPT THAT PART LYING EAST OF THE CENTER LINE OF
31 BEVERLY ROAD;
32 AND EXCEPT THAT PART FALLING WITHIN THE FOLLOWING
33 DESCRIBED TRACT OF LAND:
34 BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF

1 BEVERLY ROAD AND THE RIGHT OF WAY LINE OF HIGGINS ROAD IN
2 SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD
3 PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE CENTER
4 LINE OF BEVERLY ROAD 165 FEET; THENCE WESTERLY 243.59
5 FEET; THENCE NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF
6 WAY LINE OF HIGGINS ROAD; THENCE SOUTHEASTERLY ALONG THE
7 SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD TO THE PLACE OF
8 BEGINNING;
9 AND EXCEPT THAT PART DEDICATED FOR BEVERLY ROAD BY PLAT
10 OF DEDICATION RECORDED SEPTEMBER 16, 1988 AS DOCUMENT
11 88424906),
12 ALSO THE SOUTH 1501.64 FEET AS MEASURED ALONG THE EAST
13 AND WEST LINES OF THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT
14 THE WEST 190 FEET THEREOF), ALL IN TOWNSHIP 42 NORTH,
15 RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,
16 ALSO THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH
17 10 RODS OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THE
18 NORTH 1/2 OF THE SOUTHWEST 1/4 AND THE NORTH 10 RODS OF
19 THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 31,
20 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
21 MERIDIAN, (EXCEPT THEREFROM THE WEST 190 FEET OF THE
22 NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31 AND
23 EXCEPT THE SOUTH 75.00 FEET OF THE WEST 211.00 FEET OF
24 THE EAST 370.75 FEET OF THE NORTHEAST 1/4 OF THE
25 SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9,
26 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND EXCEPT THE
27 NORTH 10 RODS (165.00 FEET) OF THE WEST 211.00 FEET OF
28 THE EAST 370.75 FEET OF THE SOUTHEAST 1/4 OF THE
29 SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9,
30 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
31 ILLINOIS.
32 ALSO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION
33 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD
34 PRINCIPAL MERIDIAN (EXCEPT THE WEST 190 FEET THEREOF AND

1 EXCEPT THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31,
2 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
3 MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH
4 LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE
5 SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A
6 STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE
7 WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET;
8 THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID
9 SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF
10 BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID
11 SECTION 250.0 FEET TO THE POINT OF BEGINNING), IN COOK
12 COUNTY, ILLINOIS.

13 ALSO THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31,
14 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
15 MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH
16 LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE
17 SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A
18 STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE
19 WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET;
20 THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID
21 SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF
22 BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID
23 SECTION 250.0 FEET TO THE POINT OF BEGINNING, IN COOK
24 COUNTY, ILLINOIS.

25 ALSO THAT PART OF SECTION 5, TOWNSHIP 41 NORTH, RANGE 9,
26 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF
27 THE NORTHERLY LINE OF PREMISES CONVEYED TO THE ILLINOIS
28 STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED JUNE
29 11, 1956 AND RECORDED JUNE 12, 1956 AS DOCUMENT NUMBER
30 16607889 AND LYING EASTERLY OF THE PREMISES CONVEYED TO
31 COMMONWEALTH EDISON COMPANY BY WARRANTY DEED DATED
32 JANUARY 2, 1963 AND RECORDED JANUARY 7, 1963 AS DOCUMENT
33 NUMBER 18690041, AND LYING WESTERLY OF THE EAST LINE OF
34 THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31,

1 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
 2 MERIDIAN, EXTENDED SOUTHERLY TO THE AFORESAID NORTHERLY
 3 LINE OF ILLINOIS STATE TOLL HIGHWAY,
 4 ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31,
 5 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
 6 MERIDIAN, DESCRIBED AS FOLLOWS:
 7 BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF
 8 BEVERLY ROAD AND THE SOUTH RIGHT OF WAY LINE OF HIGGINS
 9 ROAD; THENCE SOUTHERLY ALONG THE CENTER LINE OF BEVERLY
 10 ROAD 165 FEET; THENCE WESTERLY 243.59 FEET; THENCE
 11 NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF
 12 HIGGINS ROAD; THENCE SOUTHERLY ALONG THE SOUTH RIGHT OF
 13 WAY LINE OF HIGGINS ROAD TO THE PLACE OF BEGINNING, ALL
 14 IN COOK COUNTY, ILLINOIS.

15 PARCEL 3:
 16 THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHEAST 1/4 OF
 17 THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE
 18 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
 19 ALSO THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHWEST
 20 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 42
 21 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN
 22 (EXCEPTING THAT PART THEREOF LYING EAST AND SOUTH OF THE
 23 WEST AND NORTH LINES OF THE LAND CONVEYED TO THE ILLINOIS
 24 STATE TOLL HIGHWAY AUTHORITY BY DEED RECORDED JULY 29,
 25 1994 AS DOCUMENT NO. 94-667,873, SAID WEST AND NORTH
 26 LINES DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF
 27 SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER FOR A
 28 POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 47 MINUTES 33
 29 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 31 A
 30 DISTANCE OF 32.56 FEET; THENCE NORTH 06 DEGREES 06
 31 MINUTES 43 SECONDS WEST 297.65 FEET; THENCE NORTH 00
 32 DEGREES 52 MINUTES 23 SECONDS EAST 400.65 FEET; THENCE
 33 SOUTH 89 DEGREES 54 MINUTES 16 SECONDS EAST 58.81 FEET TO
 34 THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST

1 QUARTER),
2 ALSO ALL THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41
3 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
4 LYING (i) NORTHERLY OF THE NORTHERLY LINE OF THE PREMISES
5 CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY
6 DEED RECORDED JUNE 12, 1956 AS DOCUMENT NO. 16607889;
7 (ii) EASTERLY OF THE EAST LINE OF THE SOUTHWEST 1/4 OF
8 THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE
9 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED
10 SOUTHERLY TO THE AFORESAID NORTHERLY LINE OF THE ILLINOIS
11 STATE TOLL HIGHWAY; AND (iii) WESTERLY OF THE EAST 279.0
12 FEET OF SAID SECTION 5, EXCEPTING THEREFROM THE FOLLOWING
13 DESCRIBED TRACT CONVEYED TO THE ILLINOIS STATE TOLL
14 HIGHWAY AUTHORITY BY DEED RECORDED JULY 29, 1994 AS
15 DOCUMENT NO. 94-667,873:
16 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5;
17 THENCE SOUTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG
18 THE NORTH LINE OF SAID SECTION 5 A DISTANCE OF 279.00
19 FEET TO THE WEST LINE OF THE EAST 279.00 FEET OF SAID
20 SECTION 5 FOR A POINT OF BEGINNING; THENCE CONTINUING
21 SOUTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG SAID
22 NORTH LINE 13.53 FEET; THENCE SOUTH 06 DEGREES 06 MINUTES
23 43 SECONDS EAST 61.86 FEET TO THE NORTH RIGHT OF WAY LINE
24 OF THE NORTHERN ILLINOIS TOLL HIGHWAY AS CONVEYED BY DEED
25 DOCUMENT NO. 16607889 RECORDED JUNE 12, 1956; THENCE
26 NORTH 89 DEGREES 51 MINUTES 14 SECONDS EAST ALONG SAID
27 NORTH RIGHT OF WAY LINE 6.71 FEET TO SAID WEST LINE OF
28 THE EAST 279.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES
29 12 SECONDS EAST ALONG SAID WEST LINE 61.50 FEET TO THE
30 POINT OF BEGINNING;
31 SAID PREMISES ALSO BEING CAPABLE OF BEING LEGALLY
32 DESCRIBED AS FOLLOWS:
33 THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41 NORTH,
34 RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING (i)

1 NORTHERLY OF THE PREMISES CONVEYED TO THE ILLINOIS STATE
2 TOLL HIGHWAY COMMISSION BY DEED RECORDED JUNE 12, 1956 AS
3 DOCUMENT NO. 16607889; (ii) EAST OF THE WEST LINE OF THE
4 SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31,
5 TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL
6 MERIDIAN, EXTENDED STRAIGHT SOUTH; AND (iii) WESTERLY OF
7 THE FOLLOWING DESCRIBED LINE; BEGINNING AT A POINT ON THE
8 NORTH LINE OF SAID FRACTIONAL SECTION 5, 13.53 FEET WEST
9 OF THE WEST LINE OF THE EAST 279.00 FEET OF SAID
10 FRACTIONAL SECTION 5; AND THENCE SOUTHEASTERLY ALONG A
11 STRAIGHT LINE 61.86 FEET, MORE OR LESS, TO A POINT ON THE
12 NORTHERLY LINE OF SAID PREMISES CONVEYED BY DOCUMENT NO.
13 16607889, 6.71 FEET WESTERLY OF SAID WEST LINE OF THE
14 EAST 279.00 FEET OF FRACTIONAL SECTION 5, ALL IN COOK
15 COUNTY, ILLINOIS.

16 PARCEL 4:

17 THAT PART OF THE FOLLOWING DESCRIBED TRACT:

18 THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41
19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
20 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER
21 OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH
22 LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR
23 LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE
24 COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED
25 DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE
26 SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC
27 SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER
28 LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301
29 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID
30 CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR
31 LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD
32 BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40
33 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST
34 LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND

1 SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG
 2 SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY
 3 ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A
 4 POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6,
 5 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF
 6 FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH
 7 LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF
 8 BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF
 9 THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE
 10 TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS
 11 STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY
 12 RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED; THAT LIES
 13 EAST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1 DEGREE 30
 14 MINUTES EAST FROM THE NORTHWEST CORNER OF FRACTIONAL
 15 SECTION 5.

16 PARCEL 5:

17 THAT PART OF THE FOLLOWING DESCRIBED TRACT:

18 THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41
 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
 20 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER
 21 OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH
 22 LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR
 23 LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE
 24 COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED
 25 DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE
 26 SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC
 27 SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER
 28 LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301
 29 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID
 30 CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR
 31 LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD
 32 BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40
 33 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST
 34 LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND

1 SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG
2 SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY
3 ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A
4 POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6,
5 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF
6 FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH
7 LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF
8 BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF
9 THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE
10 TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS
11 STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY
12 RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED;
13 WHICH LIES WEST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1€
14 30' EAST FROM THE NORTHWEST CORNER OF FRACTIONAL SECTION
15 5,
16 ALSO THAT PART OF FRACTIONAL SECTION 6, TOWNSHIP 41
17 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,
18 DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF
19 INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE
20 AFORESAID TOWNSHIP AND RANGE AND THE CENTER LINE OF SHOE
21 FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY
22 15, 1943; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE
23 FACTORY ROAD 208.65 FEET, MORE OR LESS, TO A POINT ON THE
24 EASTERLY LINE OF THE L. CURCE FARM BY DOCUMENT NO.
25 16785517 RECORDED DECEMBER 20, 1956 EXTENDED SOUTHERLY TO
26 SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY
27 ALONG SAID EASTERLY LINE OF THE L. CURCE FARM EXTENDED
28 SOUTHERLY AND SAID EASTERLY LINE OF THE L. CURCE FARM
29 3827.48 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE
30 OF SAID FRACTIONAL SECTION 6, 238.48 FEET WEST OF THE
31 NORTHWEST CORNER OF FRACTIONAL SECTION 5 IN THE AFORESAID
32 TOWNSHIP AND RANGE; THENCE EAST ALONG SAID NORTH LINE OF
33 SECTION 6, 205.48 FEET, MORE OR LESS, TO A POINT 33.00
34 FEET WEST OF SAID NORTHWEST CORNER OF FRACTIONAL SECTION

1 5; THENCE SOUTHERLY ALONG A STRAIGHT LINE 3828.58 FEET,
 2 MORE OR LESS, TO A POINT ON SAID CENTER LINE OF SHOE
 3 FACTORY ROAD 75.40 FEET EASTERLY OF THE POINT OF
 4 BEGINNING AS MEASURED ALONG SAID CENTER LINE OF SHOE
 5 FACTORY ROAD; AND THENCE WESTERLY ALONG SAID CENTER LINE
 6 OF SHOE FACTORY ROAD 75.40 FEET TO THE POINT OF
 7 BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF
 8 THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE
 9 TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS
 10 STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY
 11 RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED, ALL IN COOK
 12 COUNTY, ILLINOIS.

13 (Source: P.A. 91-945, eff. 2-9-01.)

14 (70 ILCS 2605/286)

15 Sec. 286. 283- District enlarged. Upon the effective
 16 date of this amendatory Act of the 91st General Assembly, the
 17 corporate limits of the Metropolitan Water Reclamation
 18 District are extended to include within those limits the
 19 following described tracts of land that are annexed to the
 20 District:

21 Parcel 1:

22 The Northwest 1/4 of the Northeast 1/4 of Section 15,
 23 Township 35 North, Range 14, East of the Third Principal
 24 Meridian (except the South 66 feet thereof conveyed to
 25 Chicago District Pipeline Company, a corporation by deed
 26 recorded as document 14832873 and except the North 49.50
 27 feet of the South 115.5 of the East 660.0 feet thereof,
 28 conveyed to Chicago District Pipeline Company, a
 29 corporation, by deed recorded on September 3, 1958 as
 30 document 17306418).

31 Parcel 2:

32 The South 66 feet of the Northwest 1/4 of the Northeast
 33 1/4 of Section 15, Township 35 North, Range 14 East of

1 the Third Principal Meridian in Cook County, Illinois.

2 Parcel 3:

3 The South 66 feet of the Northeast 1/4 of the Northeast
4 1/4 of Section 15, Township 35 North, Range 14 East of
5 the Third Principal Meridian, in Cook County, Illinois.

6 Parcel 4:

7 That part of the Northeast quarter of the Northeast
8 quarter of Section 15, Township 35 North, Range 14 East
9 of the Third Principal Meridian, Cook County, Illinois,
10 described as follows: commencing at the Northeast corner
11 of said Northeast quarter; thence South 89 degrees 11
12 minutes 17 seconds West along the North line of said
13 Northeast quarter a distance of 604.04 feet to the point
14 of beginning; thence South 00 degrees 58 minutes 21
15 seconds East a distance of 1209.86 feet to an iron rod on
16 the North line of the South 115.50 feet of the Northeast
17 quarter of the Northeast quarter of said Section 15;
18 thence South 89 degrees 13 minutes 25 seconds West along
19 last said North line a distance of 720.22 feet to an iron
20 rod on the West line of the Northeast quarter of the
21 Northeast quarter of said Section 15; thence North 00
22 degrees 58 minutes 21 seconds West along last said West
23 line a distance of 1209.41 feet to an iron rod being the
24 Northwest corner of the Northeast quarter of the
25 Northeast quarter of said Section 15; thence North 89
26 degrees 11 minutes 17 seconds East along the North line
27 of said Northeast quarter a distance of 720.22 feet to
28 the point of beginning, containing 20.00 acres.

29 (Source: P.A. 91-942, eff. 2-9-01; revised 3-19-01.)

30 (70 ILCS 2605/287)

31 Sec. 287. 285. District enlarged. Upon the effective
32 date of this amendatory Act of the 92nd General Assembly, the
33 corporate limits of the Metropolitan Water Reclamation

1 District are extended to include within those limits the
2 following described tract of land, and that tract is annexed
3 to the District.

4 THAT PART OF THE NORTH HALF OF SECTION 8, TOWNSHIP 41
5 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED
6 AS FOLLOWS:

7 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8,
8 THENCE SOUTH 00 DEGREES 29 MINUTES 11 SECONDS WEST
9 (ILLINOIS STATE PLACE GRID - EAST ZONE), ALONG THE WEST
10 LINE OF SAID SECTION 8, AS MONUMENTED, A DISTANCE OF
11 1138.22 FEET TO THE CENTERLINE OF SHOE FACTORY ROAD PER
12 DOCUMENT NUMBER 12259969; THENCE THE FOLLOWING ONE COURSE
13 AND DISTANCE ALONG SAID CENTERLINE, SOUTH 89 DEGREES 56
14 MINUTES 54 SECONDS EAST A DISTANCE OF 75.47 FEET TO THE
15 SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO COOK
16 COUNTY ILLINOIS BY DOCUMENT NUMBER 14665399, THENCE NORTH
17 01 DEGREE 16 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE
18 OF SAID PARCEL, A DISTANCE OF 50.01 FEET TO THE NORTHEAST
19 CORNER OF SAID PARCEL; THENCE SOUTH 89 DEGREES 56 MINUTES
20 54 SECONDS EAST A DISTANCE OF 95.80 FEET TO A POINT OF
21 CURVATURE; THENCE EASTERLY ALONG THE ARC OF A TANGENTIAL
22 CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF
23 4000.00 FEET, A DISTANCE OF 697.96 FEET TO A POINT OF
24 TANGENCY; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS
25 EAST A DISTANCE OF 286.47 FEET TO THE WEST LINE OF THE
26 190.00 FOOT-WIDE COMED PARCEL, AS MONUMENTED AND
27 OCCUPIED, PER DOCUMENT NUMBERS 9693094, 9693090 AND
28 18690041, POINT ALSO BEING THE NORTHWEST CORNER OF A
29 PARCEL OF LAND CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES
30 PER DOCUMENT NUMBER 14176170, ALSO BEING THE POINT OF
31 BEGINNING; THENCE CONTINUING NORTH 80 DEGREES 03 MINUTES
32 14 SECONDS EAST, ALONG THE NORTH LINE OF SAID
33 RIGHT-OF-WAY PARCEL, A DISTANCE OF 152.32 FEET TO THE
34 NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 04

1 MINUTES 04 SECONDS WEST, ALONG THE EAST LINE OF SAID
 2 PARCEL, A DISTANCE OF 50.77 FEET TO THE NORTHWEST CORNER
 3 OF BERNER ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED
 4 FEBRUARY 7, 1958 AS DOCUMENT NUMBER 17129065; THENCE
 5 NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST, ALONG THE
 6 NORTH LINE THEREOF, A DISTANCE OF 66.01 FEET; THENCE
 7 SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST A DISTANCE OF
 8 50.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SHOE
 9 FACTORY AS DEDICATED BY SAID BERNER ESTATES; THENCE SOUTH
 10 80 DEGREES 03 MINUTES 14 SECONDS WEST, ALONG SAID
 11 SOUTHERLY LINE AND THE SOUTH LINE OF THE AFOREMENTIONED
 12 RIGHT-OF-WAY PARCEL PER DOCUMENT 14176170, A DISTANCE OF
 13 218.33 FEET TO THE WEST LINE OF SAID PARCEL PER DOCUMENT
 14 NUMBER 14176170; THENCE NORTH 00 DEGREES 04 MINUTES 04
 15 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 101.55
 16 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4254 ACRES ,
 17 MORE OR LESS, AND LYING IN COOK COUNTY, ILLINOIS.

18 (Source: P.A. 92-143, eff. 7-24-01; revised 9-13-01.)

19 Section 36. The Regional Transportation Authority Act is
 20 amended by changing Section 4.03 as follows:

21 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)
 22 Sec. 4.03. Taxes.

23 (a) In order to carry out any of the powers or purposes
 24 of the Authority, the Board may by ordinance adopted with the
 25 concurrence of 9 of the then Directors, impose throughout the
 26 metropolitan region any or all of the taxes provided in this
 27 Section. Except as otherwise provided in this Act, taxes
 28 imposed under this Section and civil penalties imposed
 29 incident thereto shall be collected and enforced by the State
 30 Department of Revenue. The Department shall have the power to
 31 administer and enforce the taxes and to determine all rights
 32 for refunds for erroneous payments of the taxes.

1 (b) The Board may impose a public transportation tax
2 upon all persons engaged in the metropolitan region in the
3 business of selling at retail motor fuel for operation of
4 motor vehicles upon public highways. The tax shall be at a
5 rate not to exceed 5% of the gross receipts from the sales of
6 motor fuel in the course of the business. As used in this
7 Act, the term "motor fuel" shall have the same meaning as in
8 the Motor Fuel Tax Law Act. The Board may provide for
9 details of the tax. The provisions of any tax shall conform,
10 as closely as may be practicable, to the provisions of the
11 Municipal Retailers Occupation Tax Act, including without
12 limitation, conformity to penalties with respect to the tax
13 imposed and as to the powers of the State Department of
14 Revenue to promulgate and enforce rules and regulations
15 relating to the administration and enforcement of the
16 provisions of the tax imposed, except that reference in the
17 Act to any municipality shall refer to the Authority and the
18 tax shall be imposed only with regard to receipts from sales
19 of motor fuel in the metropolitan region, at rates as limited
20 by this Section.

21 (c) In connection with the tax imposed under paragraph
22 (b) of this Section the Board may impose a tax upon the
23 privilege of using in the metropolitan region motor fuel for
24 the operation of a motor vehicle upon public highways, the
25 tax to be at a rate not in excess of the rate of tax imposed
26 under paragraph (b) of this Section. The Board may provide
27 for details of the tax.

28 (d) The Board may impose a motor vehicle parking tax
29 upon the privilege of parking motor vehicles at off-street
30 parking facilities in the metropolitan region at which a fee
31 is charged, and may provide for reasonable classifications in
32 and exemptions to the tax, for administration and enforcement
33 thereof and for civil penalties and refunds thereunder and
34 may provide criminal penalties thereunder, the maximum

1 penalties not to exceed the maximum criminal penalties
2 provided in the Retailers' Occupation Tax Act. The Authority
3 may collect and enforce the tax itself or by contract with
4 any unit of local government. The State Department of
5 Revenue shall have no responsibility for the collection and
6 enforcement unless the Department agrees with the Authority
7 to undertake the collection and enforcement. As used in this
8 paragraph, the term "parking facility" means a parking area
9 or structure having parking spaces for more than 2 vehicles
10 at which motor vehicles are permitted to park in return for
11 an hourly, daily, or other periodic fee, whether publicly or
12 privately owned, but does not include parking spaces on a
13 public street, the use of which is regulated by parking
14 meters.

15 (e) The Board may impose a Regional Transportation
16 Authority Retailers' Occupation Tax upon all persons engaged
17 in the business of selling tangible personal property at
18 retail in the metropolitan region. In Cook County the tax
19 rate shall be 1% of the gross receipts from sales of food for
20 human consumption that is to be consumed off the premises
21 where it is sold (other than alcoholic beverages, soft drinks
22 and food that has been prepared for immediate consumption)
23 and prescription and nonprescription medicines, drugs,
24 medical appliances and insulin, urine testing materials,
25 syringes and needles used by diabetics, and 3/4% of the gross
26 receipts from other taxable sales made in the course of that
27 business. In DuPage, Kane, Lake, McHenry, and Will Counties,
28 the tax rate shall be 1/4% of the gross receipts from all
29 taxable sales made in the course of that business. The tax
30 imposed under this Section and all civil penalties that may
31 be assessed as an incident thereof shall be collected and
32 enforced by the State Department of Revenue. The Department
33 shall have full power to administer and enforce this Section;
34 to collect all taxes and penalties so collected in the manner

1 hereinafter provided; and to determine all rights to credit
2 memoranda arising on account of the erroneous payment of tax
3 or penalty hereunder. In the administration of, and
4 compliance with this Section, the Department and persons who
5 are subject to this Section shall have the same rights,
6 remedies, privileges, immunities, powers and duties, and be
7 subject to the same conditions, restrictions, limitations,
8 penalties, exclusions, exemptions and definitions of terms,
9 and employ the same modes of procedure, as are prescribed in
10 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
11 (in respect to all provisions therein other than the State
12 rate of tax), 2c, 3 (except as to the disposition of taxes
13 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g,
14 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13
15 of the Retailers' Occupation Tax Act and Section 3-7 of the
16 Uniform Penalty and Interest Act, as fully as if those
17 provisions were set forth herein.

18 Persons subject to any tax imposed under the authority
19 granted in this Section may reimburse themselves for their
20 seller's tax liability hereunder by separately stating the
21 tax as an additional charge, which charge may be stated in
22 combination in a single amount with State taxes that sellers
23 are required to collect under the Use Tax Act, under any
24 bracket schedules the Department may prescribe.

25 Whenever the Department determines that a refund should
26 be made under this Section to a claimant instead of issuing a
27 credit memorandum, the Department shall notify the State
28 Comptroller, who shall cause the warrant to be drawn for the
29 amount specified, and to the person named, in the
30 notification from the Department. The refund shall be paid
31 by the State Treasurer out of the Regional Transportation
32 Authority tax fund established under paragraph (n) of this
33 Section.

34 If a tax is imposed under this subsection (e), a tax

1 shall also be imposed under subsections (f) and (g) of this
2 Section.

3 For the purpose of determining whether a tax authorized
4 under this Section is applicable, a retail sale by a producer
5 of coal or other mineral mined in Illinois, is a sale at
6 retail at the place where the coal or other mineral mined in
7 Illinois is extracted from the earth. This paragraph does not
8 apply to coal or other mineral when it is delivered or
9 shipped by the seller to the purchaser at a point outside
10 Illinois so that the sale is exempt under the Federal
11 Constitution as a sale in interstate or foreign commerce.

12 Nothing in this Section shall be construed to authorize
13 the Regional Transportation Authority to impose a tax upon
14 the privilege of engaging in any business that under the
15 Constitution of the United States may not be made the subject
16 of taxation by this State.

17 (f) If a tax has been imposed under paragraph (e), a
18 Regional Transportation Authority Service Occupation Tax
19 shall also be imposed upon all persons engaged, in the
20 metropolitan region in the business of making sales of
21 service, who as an incident to making the sales of service,
22 transfer tangible personal property within the metropolitan
23 region, either in the form of tangible personal property or
24 in the form of real estate as an incident to a sale of
25 service. In Cook County, the tax rate shall be: (1) 1% of
26 the serviceman's cost price of food prepared for immediate
27 consumption and transferred incident to a sale of service
28 subject to the service occupation tax by an entity licensed
29 under the Hospital Licensing Act or the Nursing Home Care Act
30 that is located in the metropolitan region; (2) 1% of the
31 selling price of food for human consumption that is to be
32 consumed off the premises where it is sold (other than
33 alcoholic beverages, soft drinks and food that has been
34 prepared for immediate consumption) and prescription and

1 nonprescription medicines, drugs, medical appliances and
2 insulin, urine testing materials, syringes and needles used
3 by diabetics; and (3) 3/4% of the selling price from other
4 taxable sales of tangible personal property transferred. In
5 DuPage, Kane, Lake, McHenry and Will Counties the rate shall
6 be 1/4% of the selling price of all tangible personal
7 property transferred.

8 The tax imposed under this paragraph and all civil
9 penalties that may be assessed as an incident thereof shall
10 be collected and enforced by the State Department of Revenue.
11 The Department shall have full power to administer and
12 enforce this paragraph; to collect all taxes and penalties
13 due hereunder; to dispose of taxes and penalties collected in
14 the manner hereinafter provided; and to determine all rights
15 to credit memoranda arising on account of the erroneous
16 payment of tax or penalty hereunder. In the administration
17 of and compliance with this paragraph, the Department and
18 persons who are subject to this paragraph shall have the same
19 rights, remedies, privileges, immunities, powers and duties,
20 and be subject to the same conditions, restrictions,
21 limitations, penalties, exclusions, exemptions and
22 definitions of terms, and employ the same modes of procedure,
23 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
24 respect to all provisions therein other than the State rate
25 of tax), 4 (except that the reference to the State shall be
26 to the Authority), 5, 7, 8 (except that the jurisdiction to
27 which the tax shall be a debt to the extent indicated in that
28 Section 8 shall be the Authority), 9 (except as to the
29 disposition of taxes and penalties collected, and except that
30 the returned merchandise credit for this tax may not be taken
31 against any State tax), 10, 11, 12 (except the reference
32 therein to Section 2b of the Retailers' Occupation Tax Act),
33 13 (except that any reference to the State shall mean the
34 Authority), the first paragraph of Section 15, 16, 17, 18, 19

1 and 20 of the Service Occupation Tax Act and Section 3-7 of
2 the Uniform Penalty and Interest Act, as fully as if those
3 provisions were set forth herein.

4 Persons subject to any tax imposed under the authority
5 granted in this paragraph may reimburse themselves for their
6 serviceman's tax liability hereunder by separately stating
7 the tax as an additional charge, that charge may be stated in
8 combination in a single amount with State tax that servicemen
9 are authorized to collect under the Service Use Tax Act,
10 under any bracket schedules the Department may prescribe.

11 Whenever the Department determines that a refund should
12 be made under this paragraph to a claimant instead of issuing
13 a credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause the warrant to be drawn for the
15 amount specified, and to the person named in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of the Regional Transportation Authority tax
18 fund established under paragraph (n) of this Section.

19 Nothing in this paragraph shall be construed to authorize
20 the Authority to impose a tax upon the privilege of engaging
21 in any business that under the Constitution of the United
22 States may not be made the subject of taxation by the State.

23 (g) If a tax has been imposed under paragraph (e), a tax
24 shall also be imposed upon the privilege of using in the
25 metropolitan region, any item of tangible personal property
26 that is purchased outside the metropolitan region at retail
27 from a retailer, and that is titled or registered with an
28 agency of this State's government. In Cook County the tax
29 rate shall be 3/4% of the selling price of the tangible
30 personal property, as "selling price" is defined in the Use
31 Tax Act. In DuPage, Kane, Lake, McHenry and Will counties
32 the tax rate shall be 1/4% of the selling price of the
33 tangible personal property, as "selling price" is defined in
34 the Use Tax Act. The tax shall be collected from persons

1 whose Illinois address for titling or registration purposes
2 is given as being in the metropolitan region. The tax shall
3 be collected by the Department of Revenue for the Regional
4 Transportation Authority. The tax must be paid to the State,
5 or an exemption determination must be obtained from the
6 Department of Revenue, before the title or certificate of
7 registration for the property may be issued. The tax or proof
8 of exemption may be transmitted to the Department by way of
9 the State agency with which, or the State officer with whom,
10 the tangible personal property must be titled or registered
11 if the Department and the State agency or State officer
12 determine that this procedure will expedite the processing of
13 applications for title or registration.

14 The Department shall have full power to administer and
15 enforce this paragraph; to collect all taxes, penalties and
16 interest due hereunder; to dispose of taxes, penalties and
17 interest collected in the manner hereinafter provided; and to
18 determine all rights to credit memoranda or refunds arising
19 on account of the erroneous payment of tax, penalty or
20 interest hereunder. In the administration of and compliance
21 with this paragraph, the Department and persons who are
22 subject to this paragraph shall have the same rights,
23 remedies, privileges, immunities, powers and duties, and be
24 subject to the same conditions, restrictions, limitations,
25 penalties, exclusions, exemptions and definitions of terms
26 and employ the same modes of procedure, as are prescribed in
27 Sections 2 (except the definition of "retailer maintaining a
28 place of business in this State"), 3 through 3-80 (except
29 provisions pertaining to the State rate of tax, and except
30 provisions concerning collection or refunding of the tax by
31 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions
32 pertaining to claims by retailers and except the last
33 paragraph concerning refunds), 20, 21 and 22 of the Use Tax
34 Act, and are not inconsistent with this paragraph, as fully

1 as if those provisions were set forth herein.

2 Whenever the Department determines that a refund should
3 be made under this paragraph to a claimant instead of issuing
4 a credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the order to be drawn for the
6 amount specified, and to the person named in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the Regional Transportation Authority tax
9 fund established under paragraph (n) of this Section.

10 (h) The Authority may impose a replacement vehicle tax
11 of \$50 on any passenger car as defined in Section 1-157 of
12 the Illinois Vehicle Code purchased within the metropolitan
13 region by or on behalf of an insurance company to replace a
14 passenger car of an insured person in settlement of a total
15 loss claim. The tax imposed may not become effective before
16 the first day of the month following the passage of the
17 ordinance imposing the tax and receipt of a certified copy of
18 the ordinance by the Department of Revenue. The Department
19 of Revenue shall collect the tax for the Authority in
20 accordance with Sections 3-2002 and 3-2003 of the Illinois
21 Vehicle Code.

22 The Department shall immediately pay over to the State
23 Treasurer, ex officio, as trustee, all taxes collected
24 hereunder. On or before the 25th day of each calendar month,
25 the Department shall prepare and certify to the Comptroller
26 the disbursement of stated sums of money to the Authority.
27 The amount to be paid to the Authority shall be the amount
28 collected hereunder during the second preceding calendar
29 month by the Department, less any amount determined by the
30 Department to be necessary for the payment of refunds.
31 Within 10 days after receipt by the Comptroller of the
32 disbursement certification to the Authority provided for in
33 this Section to be given to the Comptroller by the
34 Department, the Comptroller shall cause the orders to be

1 drawn for that amount in accordance with the directions
2 contained in the certification.

3 (i) The Board may not impose any other taxes except as
4 it may from time to time be authorized by law to impose.

5 (j) A certificate of registration issued by the State
6 Department of Revenue to a retailer under the Retailers'
7 Occupation Tax Act or under the Service Occupation Tax Act
8 shall permit the registrant to engage in a business that is
9 taxed under the tax imposed under paragraphs (b), (e), (f) or
10 (g) of this Section and no additional registration shall be
11 required under the tax. A certificate issued under the Use
12 Tax Act or the Service Use Tax Act shall be applicable with
13 regard to any tax imposed under paragraph (c) of this
14 Section.

15 (k) The provisions of any tax imposed under paragraph
16 (c) of this Section shall conform as closely as may be
17 practicable to the provisions of the Use Tax Act, including
18 without limitation conformity as to penalties with respect to
19 the tax imposed and as to the powers of the State Department
20 of Revenue to promulgate and enforce rules and regulations
21 relating to the administration and enforcement of the
22 provisions of the tax imposed. The taxes shall be imposed
23 only on use within the metropolitan region and at rates as
24 provided in the paragraph.

25 (l) The Board in imposing any tax as provided in
26 paragraphs (b) and (c) of this Section, shall, after seeking
27 the advice of the State Department of Revenue, provide means
28 for retailers, users or purchasers of motor fuel for purposes
29 other than those with regard to which the taxes may be
30 imposed as provided in those paragraphs to receive refunds of
31 taxes improperly paid, which provisions may be at variance
32 with the refund provisions as applicable under the Municipal
33 Retailers Occupation Tax Act. The State Department of
34 Revenue may provide for certificates of registration for

1 users or purchasers of motor fuel for purposes other than
2 those with regard to which taxes may be imposed as provided
3 in paragraphs (b) and (c) of this Section to facilitate the
4 reporting and nontaxability of the exempt sales or uses.

5 (m) Any ordinance imposing or discontinuing any tax
6 under this Section shall be adopted and a certified copy
7 thereof filed with the Department on or before June 1,
8 whereupon the Department of Revenue shall proceed to
9 administer and enforce this Section on behalf of the Regional
10 Transportation Authority as of September 1 next following
11 such adoption and filing. Beginning January 1, 1992, an
12 ordinance or resolution imposing or discontinuing the tax
13 hereunder shall be adopted and a certified copy thereof filed
14 with the Department on or before the first day of July,
15 whereupon the Department shall proceed to administer and
16 enforce this Section as of the first day of October next
17 following such adoption and filing. Beginning January 1,
18 1993, an ordinance or resolution imposing or discontinuing
19 the tax hereunder shall be adopted and a certified copy
20 thereof filed with the Department on or before the first day
21 of October, whereupon the Department shall proceed to
22 administer and enforce this Section as of the first day of
23 January next following such adoption and filing.

24 (n) The State Department of Revenue shall, upon
25 collecting any taxes as provided in this Section, pay the
26 taxes over to the State Treasurer as trustee for the
27 Authority. The taxes shall be held in a trust fund outside
28 the State Treasury. On or before the 25th day of each
29 calendar month, the State Department of Revenue shall prepare
30 and certify to the Comptroller of the State of Illinois the
31 amount to be paid to the Authority, which shall be the then
32 balance in the fund, less any amount determined by the
33 Department to be necessary for the payment of refunds. The
34 State Department of Revenue shall also certify to the

1 Authority the amount of taxes collected in each County other
2 than Cook County in the metropolitan region less the amount
3 necessary for the payment of refunds to taxpayers in the
4 County. With regard to the County of Cook, the certification
5 shall specify the amount of taxes collected within the City
6 of Chicago less the amount necessary for the payment of
7 refunds to taxpayers in the City of Chicago and the amount
8 collected in that portion of Cook County outside of Chicago
9 less the amount necessary for the payment of refunds to
10 taxpayers in that portion of Cook County outside of Chicago.
11 Within 10 days after receipt by the Comptroller of the
12 certification of the amount to be paid to the Authority, the
13 Comptroller shall cause an order to be drawn for the payment
14 for the amount in accordance with the direction in the
15 certification.

16 In addition to the disbursement required by the preceding
17 paragraph, an allocation shall be made in July 1991 and each
18 year thereafter to the Regional Transportation Authority.
19 The allocation shall be made in an amount equal to the
20 average monthly distribution during the preceding calendar
21 year (excluding the 2 months of lowest receipts) and the
22 allocation shall include the amount of average monthly
23 distribution from the Regional Transportation Authority
24 Occupation and Use Tax Replacement Fund. The distribution
25 made in July 1992 and each year thereafter under this
26 paragraph and the preceding paragraph shall be reduced by the
27 amount allocated and disbursed under this paragraph in the
28 preceding calendar year. The Department of Revenue shall
29 prepare and certify to the Comptroller for disbursement the
30 allocations made in accordance with this paragraph.

31 (o) Failure to adopt a budget ordinance or otherwise to
32 comply with Section 4.01 of this Act or to adopt a Five-year
33 Program or otherwise to comply with paragraph (b) of Section
34 2.01 of this Act shall not affect the validity of any tax

1 imposed by the Authority otherwise in conformity with law.

2 (p) At no time shall a public transportation tax or
3 motor vehicle parking tax authorized under paragraphs (b),
4 (c) and (d) of this Section be in effect at the same time as
5 any retailers' occupation, use or service occupation tax
6 authorized under paragraphs (e), (f) and (g) of this Section
7 is in effect.

8 Any taxes imposed under the authority provided in
9 paragraphs (b), (c) and (d) shall remain in effect only until
10 the time as any tax authorized by paragraphs (e), (f) or (g)
11 of this Section are imposed and becomes effective. Once any
12 tax authorized by paragraphs (e), (f) or (g) is imposed the
13 Board may not reimpose taxes as authorized in paragraphs (b),
14 (c) and (d) of the Section unless any tax authorized by
15 paragraphs (e), (f) or (g) of this Section becomes
16 ineffective by means other than an ordinance of the Board.

17 (q) Any existing rights, remedies and obligations
18 (including enforcement by the Regional Transportation
19 Authority) arising under any tax imposed under paragraphs
20 (b), (c) or (d) of this Section shall not be affected by the
21 imposition of a tax under paragraphs (e), (f) or (g) of this
22 Section.

23 (Source: P.A. 91-51, eff. 6-30-99; 92-221, eff. 8-2-01;
24 revised 12-07-01.)

25 Section 37. The School Code is amended by changing
26 Sections 1D-1, 2-3.35, 14-9.01, 18-8.05, 22-27, and 34A-403.1
27 and renumbering Section 14-1.09.02 as follows:

28 (105 ILCS 5/1D-1)

29 Sec. 1D-1. Block grant funding.

30 (a) For fiscal year 1996 and each fiscal year
31 thereafter, the State Board of Education shall award to a
32 school district having a population exceeding 500,000

1 inhabitants a general education block grant and an
2 educational services block grant, determined as provided in
3 this Section, in lieu of distributing to the district
4 separate State funding for the programs described in
5 subsections (b) and (c). The provisions of this Section,
6 however, do not apply to any federal funds that the district
7 is entitled to receive. In accordance with Section 2-3.32,
8 all block grants are subject to an audit. Therefore, block
9 grant receipts and block grant expenditures shall be recorded
10 to the appropriate fund code for the designated block grant.

11 (b) The general education block grant shall include the
12 following programs: REI Initiative, Summer Bridges, Preschool
13 At Risk, K-6 Comprehensive Arts, School Improvement Support,
14 Urban Education, Scientific Literacy, Substance Abuse
15 Prevention, Second Language Planning, Staff Development,
16 Outcomes and Assessment, K-6 Reading Improvement, Truants'
17 Optional Education, Hispanic Programs, Agriculture Education,
18 Gifted Education, Parental Education, Prevention Initiative,
19 Report Cards, and Criminal Background Investigations.
20 Notwithstanding any other provision of law, all amounts paid
21 under the general education block grant from State
22 appropriations to a school district in a city having a
23 population exceeding 500,000 inhabitants shall be
24 appropriated and expended by the board of that district for
25 any of the programs included in the block grant or any of the
26 board's lawful purposes.

27 (c) The educational services block grant shall include
28 the following programs: Bilingual, Regular and Vocational
29 Transportation, State Lunch and Free Breakfast Program,
30 Special Education (Personnel, Extraordinary, Transportation,
31 Orphanage, Private Tuition), Summer School, Educational
32 Service Centers, and Administrator's Academy. This
33 subsection (c) does not relieve the district of its
34 obligation to provide the services required under a program

1 that is included within the educational services block grant.
2 It is the intention of the General Assembly in enacting the
3 provisions of this subsection (c) to relieve the district of
4 the administrative burdens that impede efficiency and
5 accompany single-program funding. The General Assembly
6 encourages the board to pursue mandate waivers pursuant to
7 Section 2-3.25g.

8 (d) For fiscal year 1996 and each fiscal year
9 thereafter, the amount of the district's block grants shall
10 be determined as follows: (i) with respect to each program
11 that is included within each block grant, the district shall
12 receive an amount equal to the same percentage of the current
13 fiscal year appropriation made for that program as the
14 percentage of the appropriation received by the district from
15 the 1995 fiscal year appropriation made for that program, and
16 (ii) the total amount that is due the district under the
17 block grant shall be the aggregate of the amounts that the
18 district is entitled to receive for the fiscal year with
19 respect to each program that is included within the block
20 grant that the State Board of Education shall award the
21 district under this Section for that fiscal year. In the
22 case of the Summer Bridges program, the amount of the
23 district's block grant shall be equal to 44% of the amount of
24 the current fiscal year appropriation made for that program.

25 (e) The district is not required to file any application
26 or other claim in order to receive the block grants to which
27 it is entitled under this Section. The State Board of
28 Education shall make payments to the district of amounts due
29 under the district's block grants on a schedule determined by
30 the State Board of Education.

31 (f) A school district to which this Section applies
32 shall report to the State Board of Education on its use of
33 the block grants in such form and detail as the State Board
34 of Education may specify.

1 (g) This paragraph provides for the treatment of block
 2 grants under Article 1C for purposes of calculating the
 3 amount of block grants for a district under this Section.
 4 Those block grants under Article 1C ~~1C~~ are, for this purpose,
 5 treated as included in the amount of appropriation for the
 6 various programs set forth in paragraph (b) above. The
 7 appropriation in each current fiscal year for each block
 8 grant under Article 1C shall be treated for these purposes as
 9 appropriations for the individual program included in that
 10 block grant. The proportion of each block grant so allocated
 11 to each such program included in it shall be the proportion
 12 which the appropriation for that program was of all
 13 appropriations for such purposes now in that block grant, in
 14 fiscal 1995.

15 (Source: P.A. 90-566, eff. 1-2-98; 90-653, eff. 7-29-98;
 16 91-711, eff. 7-1-00; revised 12-04-01.)

17 (105 ILCS 5/2-3.35) (from Ch. 122, par. 2-3.35)
 18 Sec. 2-3.35. Department of School District Organization.
 19 To establish a Department of School District Organization to
 20 assist local school districts in studying school district
 21 organization problems so as to improve educational
 22 opportunities for the students and:

23 (1) To provide consultant service to local school
 24 districts to help them determine and understand the
 25 necessary quality educational program needed for the
 26 youth of today, and the necessary services and resources
 27 to develop and support it.

28 (2) To provide consultant service to school
 29 districts that need to reorganize through consolidation,
 30 joint agreements, etc., in order to provide for a quality
 31 educational program.

32 (3) To provide consultant service to school
 33 districts needing help to solve internal organizational

1 problems that must be solved to provide a quality
2 educational program.

3 (4) To provide information annually to the School
4 Problems Commission regarding progress made in improving
5 school district organization as well as school district
6 reorganization. Such factual information should provide
7 a basis for legislation to solve organizational problems
8 for school districts when they cannot or will not be
9 solved at the local school district level.

10 (5) May make area surveys of strengths and
11 weaknesses of local school districts and recommend, where
12 necessary, a course of action to meet adequate standards.

13 (Source: Laws 1967, p. 2639; revised 12-06-01.)

14 (105 ILCS 5/14-1.09.2)

15 Sec. 14-1.09.2. ~~14-1.09.02.~~ School Social Work Services.
16 In the public schools, social work services may be provided
17 by qualified specialists who hold Type 73 School Service
18 Personnel Certificates endorsed for school social work issued
19 by the State Teacher Certification Board.

20 School social work services may include, but are not
21 limited to:

22 (1) Identifying students in need of special
23 education services by conducting a social-developmental
24 study in a case study evaluation;

25 (2) Developing and implementing comprehensive
26 interventions with students, parents, and teachers that
27 will enhance student adjustment to, and performance in,
28 the school setting;

29 (3) Consulting and collaborating with teachers and
30 other school personnel regarding behavior management and
31 intervention plans and inclusion in support of special
32 education students in regular classroom settings;

33 (4) Counseling with students, parents, and teachers

1 in accordance with the rules and regulations governing
2 provision of related services, provided that parent
3 permission must be obtained in writing before a student
4 participates in a group counseling session;

5 (5) Acting as a liaison between the public schools
6 and community resources;

7 (6) Developing and implementing school-based
8 prevention programs including mediation and violence
9 prevention;

10 (7) Providing crisis intervention within the school
11 setting;

12 (8) Supervising school social work interns enrolled
13 in school social work programs that meet the standards
14 established by the State Board of Education;

15 (9) Providing parent education and counseling as
16 appropriate in relation to the child's educational
17 assessment; and

18 (10) Assisting in completing a functional
19 behavioral assessment, as well as assisting in the
20 development of nonaversive behavioral intervention
21 strategies.

22 Nothing in this Section prohibits other certified
23 professionals from providing any of the services listed in
24 this Section for which they are appropriately trained.

25 (Source: P.A. 92-362, eff. 8-15-01; revised 10-9-01.)

26 (105 ILCS 5/14-9.01) (from Ch. 122, par. 14-9.01)

27 Sec. 14-9.01. Qualifications of teachers, other
28 professional personnel and necessary workers. No person
29 shall be employed to teach any class or program authorized by
30 this Article who does not hold a valid teacher's certificate
31 as provided by law and unless he has had such special
32 training as the State Board of Education may require. No
33 special certificate or endorsement to a special certificate

1 issued under Section ~~21-4~~ 21-4 on or after July 1, 1994,
2 shall be valid for teaching students with visual disabilities
3 unless the person to whom the certificate or endorsement is
4 issued has attained satisfactory performance on an
5 examination that is designed to assess competency in Braille
6 reading and writing skills according to standards that the
7 State Board of Education may adopt. Evidence of successfully
8 completing the examination of Braille reading and writing
9 skills must be submitted to the State Board of Education
10 prior to an applicant's examination of the subject matter
11 knowledge test required under Section 21-1a. Beginning July
12 1, 1995, in addition to other requirements, a candidate for a
13 teaching certification in the area of the deaf and hard of
14 hearing granted by the Illinois State Board of Education for
15 teaching deaf and hard of hearing students in grades
16 pre-school through grade 12 must demonstrate a minimum
17 proficiency in sign language as determined by the Illinois
18 State Board of Education. All other professional personnel
19 employed in any class, service, or program authorized by this
20 Article shall hold such certificates and shall have had such
21 special training as the State Board of Education may require;
22 provided that in a school district organized under Article
23 34, the school district may employ speech and language
24 pathologists who are licensed under the Illinois
25 Speech-Language Pathology and Audiology Practice Act but who
26 do not hold a certificate issued under the School Code if the
27 district certifies that a chronic shortage of certified
28 personnel exists. Nothing contained in this Act prohibits
29 the school board from employing necessary workers to assist
30 the teacher with the special educational facilities, except
31 that all such necessary workers must have had such training
32 as the State Board of Education may require.

33 No later than January 1, 1993, the State Board of
34 Education shall develop, in consultation with the Advisory

1 Council on the Education of Children with Disabilities and
2 the Advisory Council on Bilingual Education, rules governing
3 the qualifications for certification of teachers and school
4 service personnel providing services to limited English
5 proficient students receiving special education and related
6 services.

7 The employment of any teacher in a special education
8 program provided for in Sections 14-1.01 to 14-14.01,
9 inclusive, shall be subject to the provisions of Sections
10 24-11 to 24-16, inclusive. Any teacher employed in a special
11 education program, prior to the effective date of this
12 amendatory Act of 1987, in which 2 or more districts
13 participate shall enter upon contractual continued service in
14 each of the participating districts subject to the provisions
15 of Sections 24-11 to 24-16, inclusive.

16 (Source: P.A. 88-45; 88-49; 88-670, eff. 12-2-94; 89-397,
17 eff. 8-20-95; 89-636, eff. 8-9-96; 89-698, eff. 1-14-97;
18 revised 1-7-02.)

19 (105 ILCS 5/18-8.05)

20 Sec. 18-8.05. Basis for apportionment of general State
21 financial aid and supplemental general State aid to the
22 common schools for the 1998-1999 and subsequent school years.

23 (A) General Provisions.

24 (1) The provisions of this Section apply to the
25 1998-1999 and subsequent school years. The system of general
26 State financial aid provided for in this Section is designed
27 to assure that, through a combination of State financial aid
28 and required local resources, the financial support provided
29 each pupil in Average Daily Attendance equals or exceeds a
30 prescribed per pupil Foundation Level. This formula approach
31 imputes a level of per pupil Available Local Resources and
32 provides for the basis to calculate a per pupil level of
33 general State financial aid that, when added to Available

1 Local Resources, equals or exceeds the Foundation Level. The
2 amount of per pupil general State financial aid for school
3 districts, in general, varies in inverse relation to
4 Available Local Resources. Per pupil amounts are based upon
5 each school district's Average Daily Attendance as that term
6 is defined in this Section.

7 (2) In addition to general State financial aid, school
8 districts with specified levels or concentrations of pupils
9 from low income households are eligible to receive
10 supplemental general State financial aid grants as provided
11 pursuant to subsection (H). The supplemental State aid grants
12 provided for school districts under subsection (H) shall be
13 appropriated for distribution to school districts as part of
14 the same line item in which the general State financial aid
15 of school districts is appropriated under this Section.

16 (3) To receive financial assistance under this Section,
17 school districts are required to file claims with the State
18 Board of Education, subject to the following requirements:

19 (a) Any school district which fails for any given
20 school year to maintain school as required by law, or to
21 maintain a recognized school is not eligible to file for
22 such school year any claim upon the Common School Fund.
23 In case of nonrecognition of one or more attendance
24 centers in a school district otherwise operating
25 recognized schools, the claim of the district shall be
26 reduced in the proportion which the Average Daily
27 Attendance in the attendance center or centers bear to
28 the Average Daily Attendance in the school district. A
29 "recognized school" means any public school which meets
30 the standards as established for recognition by the State
31 Board of Education. A school district or attendance
32 center not having recognition status at the end of a
33 school term is entitled to receive State aid payments due
34 upon a legal claim which was filed while it was

1 recognized.

2 (b) School district claims filed under this Section
3 are subject to Sections 18-9, 18-10, and 18-12, except as
4 otherwise provided in this Section.

5 (c) If a school district operates a full year
6 school under Section 10-19.1, the general State aid to
7 the school district shall be determined by the State
8 Board of Education in accordance with this Section as
9 near as may be applicable.

10 (d) (Blank).

11 (4) Except as provided in subsections (H) and (L), the
12 board of any district receiving any of the grants provided
13 for in this Section may apply those funds to any fund so
14 received for which that board is authorized to make
15 expenditures by law.

16 School districts are not required to exert a minimum
17 Operating Tax Rate in order to qualify for assistance under
18 this Section.

19 (5) As used in this Section the following terms, when
20 capitalized, shall have the meaning ascribed herein:

21 (a) "Average Daily Attendance": A count of pupil
22 attendance in school, averaged as provided for in
23 subsection (C) and utilized in deriving per pupil
24 financial support levels.

25 (b) "Available Local Resources": A computation of
26 local financial support, calculated on the basis of
27 Average Daily Attendance and derived as provided pursuant
28 to subsection (D).

29 (c) "Corporate Personal Property Replacement
30 Taxes": Funds paid to local school districts pursuant to
31 "An Act in relation to the abolition of ad valorem
32 personal property tax and the replacement of revenues
33 lost thereby, and amending and repealing certain Acts and
34 parts of Acts in connection therewith", certified August

1 14, 1979, as amended (Public Act 81-1st S.S.-1).

2 (d) "Foundation Level": A prescribed level of per
3 pupil financial support as provided for in subsection
4 (B).

5 (e) "Operating Tax Rate": All school district
6 property taxes extended for all purposes, except Bond and
7 Interest, Summer School, Rent, Capital Improvement, and
8 Vocational Education Building purposes.

9 (B) Foundation Level.

10 (1) The Foundation Level is a figure established by the
11 State representing the minimum level of per pupil financial
12 support that should be available to provide for the basic
13 education of each pupil in Average Daily Attendance. As set
14 forth in this Section, each school district is assumed to
15 exert a sufficient local taxing effort such that, in
16 combination with the aggregate of general State financial aid
17 provided the district, an aggregate of State and local
18 resources are available to meet the basic education needs of
19 pupils in the district.

20 (2) For the 1998-1999 school year, the Foundation Level
21 of support is \$4,225. For the 1999-2000 school year, the
22 Foundation Level of support is \$4,325. For the 2000-2001
23 school year, the Foundation Level of support is \$4,425.

24 (3) For the 2001-2002 school year and each school year
25 thereafter, the Foundation Level of support is \$4,560 or such
26 greater amount as may be established by law by the General
27 Assembly.

28 (C) Average Daily Attendance.

29 (1) For purposes of calculating general State aid
30 pursuant to subsection (E), an Average Daily Attendance
31 figure shall be utilized. The Average Daily Attendance
32 figure for formula calculation purposes shall be the monthly
33 average of the actual number of pupils in attendance of each

1 school district, as further averaged for the best 3 months of
2 pupil attendance for each school district. In compiling the
3 figures for the number of pupils in attendance, school
4 districts and the State Board of Education shall, for
5 purposes of general State aid funding, conform attendance
6 figures to the requirements of subsection (F).

7 (2) The Average Daily Attendance figures utilized in
8 subsection (E) shall be the requisite attendance data for the
9 school year immediately preceding the school year for which
10 general State aid is being calculated or the average of the
11 attendance data for the 3 preceding school years, whichever
12 is greater. The Average Daily Attendance figures utilized in
13 subsection (H) shall be the requisite attendance data for the
14 school year immediately preceding the school year for which
15 general State aid is being calculated.

16 (D) Available Local Resources.

17 (1) For purposes of calculating general State aid
18 pursuant to subsection (E), a representation of Available
19 Local Resources per pupil, as that term is defined and
20 determined in this subsection, shall be utilized. Available
21 Local Resources per pupil shall include a calculated dollar
22 amount representing local school district revenues from local
23 property taxes and from Corporate Personal Property
24 Replacement Taxes, expressed on the basis of pupils in
25 Average Daily Attendance.

26 (2) In determining a school district's revenue from
27 local property taxes, the State Board of Education shall
28 utilize the equalized assessed valuation of all taxable
29 property of each school district as of September 30 of the
30 previous year. The equalized assessed valuation utilized
31 shall be obtained and determined as provided in subsection
32 (G).

33 (3) For school districts maintaining grades kindergarten
34 through 12, local property tax revenues per pupil shall be

1 calculated as the product of the applicable equalized
2 assessed valuation for the district multiplied by 3.00%, and
3 divided by the district's Average Daily Attendance figure.
4 For school districts maintaining grades kindergarten through
5 8, local property tax revenues per pupil shall be calculated
6 as the product of the applicable equalized assessed valuation
7 for the district multiplied by 2.30%, and divided by the
8 district's Average Daily Attendance figure. For school
9 districts maintaining grades 9 through 12, local property tax
10 revenues per pupil shall be the applicable equalized assessed
11 valuation of the district multiplied by 1.05%, and divided by
12 the district's Average Daily Attendance figure.

13 (4) The Corporate Personal Property Replacement Taxes
14 paid to each school district during the calendar year 2 years
15 before the calendar year in which a school year begins,
16 divided by the Average Daily Attendance figure for that
17 district, shall be added to the local property tax revenues
18 per pupil as derived by the application of the immediately
19 preceding paragraph (3). The sum of these per pupil figures
20 for each school district shall constitute Available Local
21 Resources as that term is utilized in subsection (E) in the
22 calculation of general State aid.

23 (E) Computation of General State Aid.

24 (1) For each school year, the amount of general State
25 aid allotted to a school district shall be computed by the
26 State Board of Education as provided in this subsection.

27 (2) For any school district for which Available Local
28 Resources per pupil is less than the product of 0.93 times
29 the Foundation Level, general State aid for that district
30 shall be calculated as an amount equal to the Foundation
31 Level minus Available Local Resources, multiplied by the
32 Average Daily Attendance of the school district.

33 (3) For any school district for which Available Local
34 Resources per pupil is equal to or greater than the product

1 of 0.93 times the Foundation Level and less than the product
2 of 1.75 times the Foundation Level, the general State aid per
3 pupil shall be a decimal proportion of the Foundation Level
4 derived using a linear algorithm. Under this linear
5 algorithm, the calculated general State aid per pupil shall
6 decline in direct linear fashion from 0.07 times the
7 Foundation Level for a school district with Available Local
8 Resources equal to the product of 0.93 times the Foundation
9 Level, to 0.05 times the Foundation Level for a school
10 district with Available Local Resources equal to the product
11 of 1.75 times the Foundation Level. The allocation of
12 general State aid for school districts subject to this
13 paragraph 3 shall be the calculated general State aid per
14 pupil figure multiplied by the Average Daily Attendance of
15 the school district.

16 (4) For any school district for which Available Local
17 Resources per pupil equals or exceeds the product of 1.75
18 times the Foundation Level, the general State aid for the
19 school district shall be calculated as the product of \$218
20 multiplied by the Average Daily Attendance of the school
21 district.

22 (5) The amount of general State aid allocated to a
23 school district for the 1999-2000 school year meeting the
24 requirements set forth in paragraph (4) of subsection (G)
25 shall be increased by an amount equal to the general State
26 aid that would have been received by the district for the
27 1998-1999 school year by utilizing the Extension Limitation
28 Equalized Assessed Valuation as calculated in paragraph (4)
29 of subsection (G) less the general State aid allotted for the
30 1998-1999 school year. This amount shall be deemed a one
31 time increase, and shall not affect any future general State
32 aid allocations.

33 (F) Compilation of Average Daily Attendance.

34 (1) Each school district shall, by July 1 of each year,

1 submit to the State Board of Education, on forms prescribed
2 by the State Board of Education, attendance figures for the
3 school year that began in the preceding calendar year. The
4 attendance information so transmitted shall identify the
5 average daily attendance figures for each month of the school
6 year, except that any days of attendance in August shall be
7 added to the month of September and any days of attendance in
8 June shall be added to the month of May.

9 Except as otherwise provided in this Section, days of
10 attendance by pupils shall be counted only for sessions of
11 not less than 5 clock hours of school work per day under
12 direct supervision of: (i) teachers, or (ii) non-teaching
13 personnel or volunteer personnel when engaging in
14 non-teaching duties and supervising in those instances
15 specified in subsection (a) of Section 10-22.34 and paragraph
16 10 of Section 34-18, with pupils of legal school age and in
17 kindergarten and grades 1 through 12.

18 Days of attendance by tuition pupils shall be accredited
19 only to the districts that pay the tuition to a recognized
20 school.

21 (2) Days of attendance by pupils of less than 5 clock
22 hours of school shall be subject to the following provisions
23 in the compilation of Average Daily Attendance.

24 (a) Pupils regularly enrolled in a public school
25 for only a part of the school day may be counted on the
26 basis of 1/6 day for every class hour of instruction of
27 40 minutes or more attended pursuant to such enrollment,
28 unless a pupil is enrolled in a block-schedule format of
29 80 minutes or more of instruction, in which case the
30 pupil may be counted on the basis of the proportion of
31 minutes of school work completed each day to the minimum
32 number of minutes that school work is required to be held
33 that day.

34 (b) Days of attendance may be less than 5 clock

1 hours on the opening and closing of the school term, and
2 upon the first day of pupil attendance, if preceded by a
3 day or days utilized as an institute or teachers'
4 workshop.

5 (c) A session of 4 or more clock hours may be
6 counted as a day of attendance upon certification by the
7 regional superintendent, and approved by the State
8 Superintendent of Education to the extent that the
9 district has been forced to use daily multiple sessions.

10 (d) A session of 3 or more clock hours may be
11 counted as a day of attendance (1) when the remainder of
12 the school day or at least 2 hours in the evening of that
13 day is utilized for an in-service training program for
14 teachers, up to a maximum of 5 days per school year of
15 which a maximum of 4 days of such 5 days may be used for
16 parent-teacher conferences, provided a district conducts
17 an in-service training program for teachers which has
18 been approved by the State Superintendent of Education;
19 or, in lieu of 4 such days, 2 full days may be used, in
20 which event each such day may be counted as a day of
21 attendance; and (2) when days in addition to those
22 provided in item (1) are scheduled by a school pursuant
23 to its school improvement plan adopted under Article 34
24 or its revised or amended school improvement plan adopted
25 under Article 2, provided that (i) such sessions of 3 or
26 more clock hours are scheduled to occur at regular
27 intervals, (ii) the remainder of the school days in which
28 such sessions occur are utilized for in-service training
29 programs or other staff development activities for
30 teachers, and (iii) a sufficient number of minutes of
31 school work under the direct supervision of teachers are
32 added to the school days between such regularly scheduled
33 sessions to accumulate not less than the number of
34 minutes by which such sessions of 3 or more clock hours

1 fall short of 5 clock hours. Any full days used for the
2 purposes of this paragraph shall not be considered for
3 computing average daily attendance. Days scheduled for
4 in-service training programs, staff development
5 activities, or parent-teacher conferences may be
6 scheduled separately for different grade levels and
7 different attendance centers of the district.

8 (e) A session of not less than one clock hour of
9 teaching hospitalized or homebound pupils on-site or by
10 telephone to the classroom may be counted as 1/2 day of
11 attendance, however these pupils must receive 4 or more
12 clock hours of instruction to be counted for a full day
13 of attendance.

14 (f) A session of at least 4 clock hours may be
15 counted as a day of attendance for first grade pupils,
16 and pupils in full day kindergartens, and a session of 2
17 or more hours may be counted as 1/2 day of attendance by
18 pupils in kindergartens which provide only 1/2 day of
19 attendance.

20 (g) For children with disabilities who are below
21 the age of 6 years and who cannot attend 2 or more clock
22 hours because of their disability or immaturity, a
23 session of not less than one clock hour may be counted as
24 1/2 day of attendance; however for such children whose
25 educational needs so require a session of 4 or more clock
26 hours may be counted as a full day of attendance.

27 (h) A recognized kindergarten which provides for
28 only 1/2 day of attendance by each pupil shall not have
29 more than 1/2 day of attendance counted in any one day.
30 However, kindergartens may count 2 1/2 days of attendance
31 in any 5 consecutive school days. When a pupil attends
32 such a kindergarten for 2 half days on any one school
33 day, the pupil shall have the following day as a day
34 absent from school, unless the school district obtains

1 permission in writing from the State Superintendent of
2 Education. Attendance at kindergartens which provide for
3 a full day of attendance by each pupil shall be counted
4 the same as attendance by first grade pupils. Only the
5 first year of attendance in one kindergarten shall be
6 counted, except in case of children who entered the
7 kindergarten in their fifth year whose educational
8 development requires a second year of kindergarten as
9 determined under the rules and regulations of the State
10 Board of Education.

11 (G) Equalized Assessed Valuation Data.

12 (1) For purposes of the calculation of Available Local
13 Resources required pursuant to subsection (D), the State
14 Board of Education shall secure from the Department of
15 Revenue the value as equalized or assessed by the Department
16 of Revenue of all taxable property of every school district,
17 together with (i) the applicable tax rate used in extending
18 taxes for the funds of the district as of September 30 of the
19 previous year and (ii) the limiting rate for all school
20 districts subject to property tax extension limitations as
21 imposed under the Property Tax Extension Limitation Law.

22 This equalized assessed valuation, as adjusted further by
23 the requirements of this subsection, shall be utilized in the
24 calculation of Available Local Resources.

25 (2) The equalized assessed valuation in paragraph (1)
26 shall be adjusted, as applicable, in the following manner:

27 (a) For the purposes of calculating State aid under
28 this Section, with respect to any part of a school
29 district within a redevelopment project area in respect
30 to which a municipality has adopted tax increment
31 allocation financing pursuant to the Tax Increment
32 Allocation Redevelopment Act, Sections 11-74.4-1 through
33 11-74.4-11 of the Illinois Municipal Code or the
34 Industrial Jobs Recovery Law, Sections 11-74.6-1 through

1 11-74.6-50 of the Illinois Municipal Code, no part of the
2 current equalized assessed valuation of real property
3 located in any such project area which is attributable to
4 an increase above the total initial equalized assessed
5 valuation of such property shall be used as part of the
6 equalized assessed valuation of the district, until such
7 time as all redevelopment project costs have been paid,
8 as provided in Section 11-74.4-8 of the Tax Increment
9 Allocation Redevelopment Act or in Section 11-74.6-35 of
10 the Industrial Jobs Recovery Law. For the purpose of the
11 equalized assessed valuation of the district, the total
12 initial equalized assessed valuation or the current
13 equalized assessed valuation, whichever is lower, shall
14 be used until such time as all redevelopment project
15 costs have been paid.

16 (b) The real property equalized assessed valuation
17 for a school district shall be adjusted by subtracting
18 from the real property value as equalized or assessed by
19 the Department of Revenue for the district an amount
20 computed by dividing the amount of any abatement of taxes
21 under Section 18-170 of the Property Tax Code by 3.00%
22 for a district maintaining grades kindergarten through
23 12, by 2.30% for a district maintaining grades
24 kindergarten through 8, or by 1.05% for a district
25 maintaining grades 9 through 12 and adjusted by an amount
26 computed by dividing the amount of any abatement of taxes
27 under subsection (a) of Section 18-165 of the Property
28 Tax Code by the same percentage rates for district type
29 as specified in this subparagraph (b).

30 (3) For the 1999-2000 school year and each school year
31 thereafter, if a school district meets all of the criteria of
32 this subsection (G)(3), the school district's Available Local
33 Resources shall be calculated under subsection (D) using the
34 district's Extension Limitation Equalized Assessed Valuation

1 as calculated under this subsection (G)(3).

2 For purposes of this subsection (G)(3) the following
3 terms shall have the following meanings:

4 "Budget Year": The school year for which general
5 State aid is calculated and awarded under subsection (E).

6 "Base Tax Year": The property tax levy year used to
7 calculate the Budget Year allocation of general State
8 aid.

9 "Preceding Tax Year": The property tax levy year
10 immediately preceding the Base Tax Year.

11 "Base Tax Year's Tax Extension": The product of the
12 equalized assessed valuation utilized by the County Clerk
13 in the Base Tax Year multiplied by the limiting rate as
14 calculated by the County Clerk and defined in the
15 Property Tax Extension Limitation Law.

16 "Preceding Tax Year's Tax Extension": The product of
17 the equalized assessed valuation utilized by the County
18 Clerk in the Preceding Tax Year multiplied by the
19 Operating Tax Rate as defined in subsection (A).

20 "Extension Limitation Ratio": A numerical ratio,
21 certified by the County Clerk, in which the numerator is
22 the Base Tax Year's Tax Extension and the denominator is
23 the Preceding Tax Year's Tax Extension.

24 "Operating Tax Rate": The operating tax rate as
25 defined in subsection (A).

26 If a school district is subject to property tax extension
27 limitations as imposed under the Property Tax Extension
28 Limitation Law, the State Board of Education shall calculate
29 the Extension Limitation Equalized Assessed Valuation of that
30 district. For the 1999-2000 school year, the Extension
31 Limitation Equalized Assessed Valuation of a school district
32 as calculated by the State Board of Education shall be equal
33 to the product of the district's 1996 Equalized Assessed
34 Valuation and the district's Extension Limitation Ratio. For

1 the 2000-2001 school year and each school year thereafter,
2 the Extension Limitation Equalized Assessed Valuation of a
3 school district as calculated by the State Board of Education
4 shall be equal to the product of the Equalized Assessed
5 Valuation last used in the calculation of general State aid
6 and the district's Extension Limitation Ratio. If the
7 Extension Limitation Equalized Assessed Valuation of a school
8 district as calculated under this subsection (G)(3) is less
9 than the district's equalized assessed valuation as
10 calculated pursuant to subsections (G)(1) and (G)(2), then
11 for purposes of calculating the district's general State aid
12 for the Budget Year pursuant to subsection (E), that
13 Extension Limitation Equalized Assessed Valuation shall be
14 utilized to calculate the district's Available Local
15 Resources under subsection (D).

16 (4) For the purposes of calculating general State aid
17 for the 1999-2000 school year only, if a school district
18 experienced a triennial reassessment on the equalized
19 assessed valuation used in calculating its general State
20 financial aid apportionment for the 1998-1999 school year,
21 the State Board of Education shall calculate the Extension
22 Limitation Equalized Assessed Valuation that would have been
23 used to calculate the district's 1998-1999 general State aid.
24 This amount shall equal the product of the equalized assessed
25 valuation used to calculate general State aid for the
26 1997-1998 school year and the district's Extension Limitation
27 Ratio. If the Extension Limitation Equalized Assessed
28 Valuation of the school district as calculated under this
29 paragraph (4) is less than the district's equalized assessed
30 valuation utilized in calculating the district's 1998-1999
31 general State aid allocation, then for purposes of
32 calculating the district's general State aid pursuant to
33 paragraph (5) of subsection (E), that Extension Limitation
34 Equalized Assessed Valuation shall be utilized to calculate

1 the district's Available Local Resources.

2 (5) For school districts having a majority of their
3 equalized assessed valuation in any county except Cook,
4 DuPage, Kane, Lake, McHenry, or Will, if the amount of
5 general State aid allocated to the school district for the
6 1999-2000 school year under the provisions of subsection (E),
7 (H), and (J) of this Section is less than the amount of
8 general State aid allocated to the district for the 1998-1999
9 school year under these subsections, then the general State
10 aid of the district for the 1999-2000 school year only shall
11 be increased by the difference between these amounts. The
12 total payments made under this paragraph (5) shall not exceed
13 \$14,000,000. Claims shall be prorated if they exceed
14 \$14,000,000.

15 (H) Supplemental General State Aid.

16 (1) In addition to the general State aid a school
17 district is allotted pursuant to subsection (E), qualifying
18 school districts shall receive a grant, paid in conjunction
19 with a district's payments of general State aid, for
20 supplemental general State aid based upon the concentration
21 level of children from low-income households within the
22 school district. Supplemental State aid grants provided for
23 school districts under this subsection shall be appropriated
24 for distribution to school districts as part of the same line
25 item in which the general State financial aid of school
26 districts is appropriated under this Section. For purposes of
27 this subsection, the term "Low-Income Concentration Level"
28 shall be the low-income eligible pupil count from the most
29 recently available federal census divided by the Average
30 Daily Attendance of the school district. If, however, (i) the
31 percentage decrease from the 2 most recent federal censuses
32 in the low-income eligible pupil count of a high school
33 district with fewer than 400 students exceeds by 75% or more
34 the percentage change in the total low-income eligible pupil

1 count of contiguous elementary school districts, whose
2 boundaries are coterminous with the high school district, or
3 (ii) a high school district within 2 counties and serving 5
4 elementary school districts, whose boundaries are coterminous
5 with the high school district, has a percentage decrease from
6 the 2 most recent federal censuses in the low-income eligible
7 pupil count and there is a percentage increase in the total
8 low-income eligible pupil count of a majority of the
9 elementary school districts in excess of 50% from the 2 most
10 recent federal censuses, then the high school district's
11 low-income eligible pupil count from the earlier federal
12 census shall be the number used as the low-income eligible
13 pupil count for the high school district, for purposes of
14 this subsection (H). The changes made to this paragraph (1)
15 by Public Act 92-28 ~~this-amendatory-Act-of-the-92nd-General~~
16 ~~Assembly~~ shall apply to supplemental general State aid grants
17 paid in fiscal year 1999 and in each fiscal year thereafter
18 and to any State aid payments made in fiscal year 1994
19 through fiscal year 1998 pursuant to subsection 1(n) of
20 Section 18-8 of this Code (which was repealed on July 1,
21 1998), and any high school district that is affected by
22 Public Act 92-28 ~~this--amendatory--Act-of-the-92nd-General~~
23 ~~Assembly~~ is entitled to a recomputation of its supplemental
24 general State aid grant or State aid paid in any of those
25 fiscal years. This recomputation shall not be affected by
26 any other funding.

27 (2) Supplemental general State aid pursuant to this
28 subsection (H) shall be provided as follows for the
29 1998-1999, 1999-2000, and 2000-2001 school years only:

30 (a) For any school district with a Low Income
31 Concentration Level of at least 20% and less than 35%,
32 the grant for any school year shall be \$800 multiplied by
33 the low income eligible pupil count.

34 (b) For any school district with a Low Income

1 Concentration Level of at least 35% and less than 50%,
2 the grant for the 1998-1999 school year shall be \$1,100
3 multiplied by the low income eligible pupil count.

4 (c) For any school district with a Low Income
5 Concentration Level of at least 50% and less than 60%,
6 the grant for the 1998-99 school year shall be \$1,500
7 multiplied by the low income eligible pupil count.

8 (d) For any school district with a Low Income
9 Concentration Level of 60% or more, the grant for the
10 1998-99 school year shall be \$1,900 multiplied by the low
11 income eligible pupil count.

12 (e) For the 1999-2000 school year, the per pupil
13 amount specified in subparagraphs (b), (c), and (d)
14 immediately above shall be increased to \$1,243, \$1,600,
15 and \$2,000, respectively.

16 (f) For the 2000-2001 school year, the per pupil
17 amounts specified in subparagraphs (b), (c), and (d)
18 immediately above shall be \$1,273, \$1,640, and \$2,050,
19 respectively.

20 (2.5) Supplemental general State aid pursuant to this
21 subsection (H) shall be provided as follows for the 2001-2002
22 school year and each school year thereafter:

23 (a) For any school district with a Low Income
24 Concentration Level of less than 10%, the grant for each
25 school year shall be \$355 multiplied by the low income
26 eligible pupil count.

27 (b) For any school district with a Low Income
28 Concentration Level of at least 10% and less than 20%,
29 the grant for each school year shall be \$675 multiplied
30 by the low income eligible pupil count.

31 (c) For any school district with a Low Income
32 Concentration Level of at least 20% and less than 35%,
33 the grant for each school year shall be \$1,190 multiplied
34 by the low income eligible pupil count.

1 (d) For any school district with a Low Income
2 Concentration Level of at least 35% and less than 50%,
3 the grant for each school year shall be \$1,333 multiplied
4 by the low income eligible pupil count.

5 (e) For any school district with a Low Income
6 Concentration Level of at least 50% and less than 60%,
7 the grant for each school year shall be \$1,680 multiplied
8 by the low income eligible pupil count.

9 (f) For any school district with a Low Income
10 Concentration Level of 60% or more, the grant for each
11 school year shall be \$2,080 multiplied by the low income
12 eligible pupil count.

13 (3) School districts with an Average Daily Attendance of
14 more than 1,000 and less than 50,000 that qualify for
15 supplemental general State aid pursuant to this subsection
16 shall submit a plan to the State Board of Education prior to
17 October 30 of each year for the use of the funds resulting
18 from this grant of supplemental general State aid for the
19 improvement of instruction in which priority is given to
20 meeting the education needs of disadvantaged children. Such
21 plan shall be submitted in accordance with rules and
22 regulations promulgated by the State Board of Education.

23 (4) School districts with an Average Daily Attendance of
24 50,000 or more that qualify for supplemental general State
25 aid pursuant to this subsection shall be required to
26 distribute from funds available pursuant to this Section, no
27 less than \$261,000,000 in accordance with the following
28 requirements:

29 (a) The required amounts shall be distributed to
30 the attendance centers within the district in proportion
31 to the number of pupils enrolled at each attendance
32 center who are eligible to receive free or reduced-price
33 lunches or breakfasts under the federal Child Nutrition
34 Act of 1966 and under the National School Lunch Act

1 during the immediately preceding school year.

2 (b) The distribution of these portions of
3 supplemental and general State aid among attendance
4 centers according to these requirements shall not be
5 compensated for or contravened by adjustments of the
6 total of other funds appropriated to any attendance
7 centers, and the Board of Education shall utilize funding
8 from one or several sources in order to fully implement
9 this provision annually prior to the opening of school.

10 (c) Each attendance center shall be provided by the
11 school district a distribution of noncategorical funds
12 and other categorical funds to which an attendance center
13 is entitled under law in order that the general State aid
14 and supplemental general State aid provided by
15 application of this subsection supplements rather than
16 supplants the noncategorical funds and other categorical
17 funds provided by the school district to the attendance
18 centers.

19 (d) Any funds made available under this subsection
20 that by reason of the provisions of this subsection are
21 not required to be allocated and provided to attendance
22 centers may be used and appropriated by the board of the
23 district for any lawful school purpose.

24 (e) Funds received by an attendance center pursuant
25 to this subsection shall be used by the attendance center
26 at the discretion of the principal and local school
27 council for programs to improve educational opportunities
28 at qualifying schools through the following programs and
29 services: early childhood education, reduced class size
30 or improved adult to student classroom ratio, enrichment
31 programs, remedial assistance, attendance improvement,
32 and other educationally beneficial expenditures which
33 supplement the regular and basic programs as determined
34 by the State Board of Education. Funds provided shall not

1 be expended for any political or lobbying purposes as
2 defined by board rule.

3 (f) Each district subject to the provisions of this
4 subdivision (H)(4) shall submit an acceptable plan to
5 meet the educational needs of disadvantaged children, in
6 compliance with the requirements of this paragraph, to
7 the State Board of Education prior to July 15 of each
8 year. This plan shall be consistent with the decisions of
9 local school councils concerning the school expenditure
10 plans developed in accordance with part 4 of Section
11 34-2.3. The State Board shall approve or reject the plan
12 within 60 days after its submission. If the plan is
13 rejected, the district shall give written notice of
14 intent to modify the plan within 15 days of the
15 notification of rejection and then submit a modified plan
16 within 30 days after the date of the written notice of
17 intent to modify. Districts may amend approved plans
18 pursuant to rules promulgated by the State Board of
19 Education.

20 Upon notification by the State Board of Education
21 that the district has not submitted a plan prior to July
22 15 or a modified plan within the time period specified
23 herein, the State aid funds affected by that plan or
24 modified plan shall be withheld by the State Board of
25 Education until a plan or modified plan is submitted.

26 If the district fails to distribute State aid to
27 attendance centers in accordance with an approved plan,
28 the plan for the following year shall allocate funds, in
29 addition to the funds otherwise required by this
30 subsection, to those attendance centers which were
31 underfunded during the previous year in amounts equal to
32 such underfunding.

33 For purposes of determining compliance with this
34 subsection in relation to the requirements of attendance

1 center funding, each district subject to the provisions
2 of this subsection shall submit as a separate document by
3 December 1 of each year a report of expenditure data for
4 the prior year in addition to any modification of its
5 current plan. If it is determined that there has been a
6 failure to comply with the expenditure provisions of this
7 subsection regarding contravention or supplanting, the
8 State Superintendent of Education shall, within 60 days
9 of receipt of the report, notify the district and any
10 affected local school council. The district shall within
11 45 days of receipt of that notification inform the State
12 Superintendent of Education of the remedial or corrective
13 action to be taken, whether by amendment of the current
14 plan, if feasible, or by adjustment in the plan for the
15 following year. Failure to provide the expenditure
16 report or the notification of remedial or corrective
17 action in a timely manner shall result in a withholding
18 of the affected funds.

19 The State Board of Education shall promulgate rules
20 and regulations to implement the provisions of this
21 subsection. No funds shall be released under this
22 subdivision (H)(4) to any district that has not submitted
23 a plan that has been approved by the State Board of
24 Education.

25 (I) General State Aid for Newly Configured School Districts.

26 (1) For a new school district formed by combining
27 property included totally within 2 or more previously
28 existing school districts, for its first year of existence
29 the general State aid and supplemental general State aid
30 calculated under this Section shall be computed for the new
31 district and for the previously existing districts for which
32 property is totally included within the new district. If the
33 computation on the basis of the previously existing districts
34 is greater, a supplementary payment equal to the difference

1 shall be made for the first 4 years of existence of the new
2 district.

3 (2) For a school district which annexes all of the
4 territory of one or more entire other school districts, for
5 the first year during which the change of boundaries
6 attributable to such annexation becomes effective for all
7 purposes as determined under Section 7-9 or 7A-8, the general
8 State aid and supplemental general State aid calculated under
9 this Section shall be computed for the annexing district as
10 constituted after the annexation and for the annexing and
11 each annexed district as constituted prior to the annexation;
12 and if the computation on the basis of the annexing and
13 annexed districts as constituted prior to the annexation is
14 greater, a supplementary payment equal to the difference
15 shall be made for the first 4 years of existence of the
16 annexing school district as constituted upon such annexation.

17 (3) For 2 or more school districts which annex all of
18 the territory of one or more entire other school districts,
19 and for 2 or more community unit districts which result upon
20 the division (pursuant to petition under Section 11A-2) of
21 one or more other unit school districts into 2 or more parts
22 and which together include all of the parts into which such
23 other unit school district or districts are so divided, for
24 the first year during which the change of boundaries
25 attributable to such annexation or division becomes effective
26 for all purposes as determined under Section 7-9 or 11A-10,
27 as the case may be, the general State aid and supplemental
28 general State aid calculated under this Section shall be
29 computed for each annexing or resulting district as
30 constituted after the annexation or division and for each
31 annexing and annexed district, or for each resulting and
32 divided district, as constituted prior to the annexation or
33 division; and if the aggregate of the general State aid and
34 supplemental general State aid as so computed for the

1 annexing or resulting districts as constituted after the
2 annexation or division is less than the aggregate of the
3 general State aid and supplemental general State aid as so
4 computed for the annexing and annexed districts, or for the
5 resulting and divided districts, as constituted prior to the
6 annexation or division, then a supplementary payment equal to
7 the difference shall be made and allocated between or among
8 the annexing or resulting districts, as constituted upon such
9 annexation or division, for the first 4 years of their
10 existence. The total difference payment shall be allocated
11 between or among the annexing or resulting districts in the
12 same ratio as the pupil enrollment from that portion of the
13 annexed or divided district or districts which is annexed to
14 or included in each such annexing or resulting district bears
15 to the total pupil enrollment from the entire annexed or
16 divided district or districts, as such pupil enrollment is
17 determined for the school year last ending prior to the date
18 when the change of boundaries attributable to the annexation
19 or division becomes effective for all purposes. The amount
20 of the total difference payment and the amount thereof to be
21 allocated to the annexing or resulting districts shall be
22 computed by the State Board of Education on the basis of
23 pupil enrollment and other data which shall be certified to
24 the State Board of Education, on forms which it shall provide
25 for that purpose, by the regional superintendent of schools
26 for each educational service region in which the annexing and
27 annexed districts, or resulting and divided districts are
28 located.

29 (3.5) Claims for financial assistance under this
30 subsection (I) shall not be recomputed except as expressly
31 provided under this Section.

32 (4) Any supplementary payment made under this subsection
33 (I) shall be treated as separate from all other payments made
34 pursuant to this Section.

1 (J) Supplementary Grants in Aid.

2 (1) Notwithstanding any other provisions of this
3 Section, the amount of the aggregate general State aid in
4 combination with supplemental general State aid under this
5 Section for which each school district is eligible shall be
6 no less than the amount of the aggregate general State aid
7 entitlement that was received by the district under Section
8 18-8 (exclusive of amounts received under subsections 5(p)
9 and 5(p-5) of that Section) for the 1997-98 school year,
10 pursuant to the provisions of that Section as it was then in
11 effect. If a school district qualifies to receive a
12 supplementary payment made under this subsection (J), the
13 amount of the aggregate general State aid in combination with
14 supplemental general State aid under this Section which that
15 district is eligible to receive for each school year shall be
16 no less than the amount of the aggregate general State aid
17 entitlement that was received by the district under Section
18 18-8 (exclusive of amounts received under subsections 5(p)
19 and 5(p-5) of that Section) for the 1997-1998 school year,
20 pursuant to the provisions of that Section as it was then in
21 effect.

22 (2) If, as provided in paragraph (1) of this subsection
23 (J), a school district is to receive aggregate general State
24 aid in combination with supplemental general State aid under
25 this Section for the 1998-99 school year and any subsequent
26 school year that in any such school year is less than the
27 amount of the aggregate general State aid entitlement that
28 the district received for the 1997-98 school year, the school
29 district shall also receive, from a separate appropriation
30 made for purposes of this subsection (J), a supplementary
31 payment that is equal to the amount of the difference in the
32 aggregate State aid figures as described in paragraph (1).

33 (3) (Blank).

34 (K) Grants to Laboratory and Alternative Schools.

1 In calculating the amount to be paid to the governing
2 board of a public university that operates a laboratory
3 school under this Section or to any alternative school that
4 is operated by a regional superintendent of schools, the
5 State Board of Education shall require by rule such reporting
6 requirements as it deems necessary.

7 As used in this Section, "laboratory school" means a
8 public school which is created and operated by a public
9 university and approved by the State Board of Education. The
10 governing board of a public university which receives funds
11 from the State Board under this subsection (K) may not
12 increase the number of students enrolled in its laboratory
13 school from a single district, if that district is already
14 sending 50 or more students, except under a mutual agreement
15 between the school board of a student's district of residence
16 and the university which operates the laboratory school. A
17 laboratory school may not have more than 1,000 students,
18 excluding students with disabilities in a special education
19 program.

20 As used in this Section, "alternative school" means a
21 public school which is created and operated by a Regional
22 Superintendent of Schools and approved by the State Board of
23 Education. Such alternative schools may offer courses of
24 instruction for which credit is given in regular school
25 programs, courses to prepare students for the high school
26 equivalency testing program or vocational and occupational
27 training. A regional superintendent of schools may contract
28 with a school district or a public community college district
29 to operate an alternative school. An alternative school
30 serving more than one educational service region may be
31 established by the regional superintendents of schools of the
32 affected educational service regions. An alternative school
33 serving more than one educational service region may be
34 operated under such terms as the regional superintendents of

1 schools of those educational service regions may agree.

2 Each laboratory and alternative school shall file, on
3 forms provided by the State Superintendent of Education, an
4 annual State aid claim which states the Average Daily
5 Attendance of the school's students by month. The best 3
6 months' Average Daily Attendance shall be computed for each
7 school. The general State aid entitlement shall be computed
8 by multiplying the applicable Average Daily Attendance by the
9 Foundation Level as determined under this Section.

10 (L) Payments, Additional Grants in Aid and Other
11 Requirements.

12 (1) For a school district operating under the financial
13 supervision of an Authority created under Article 34A, the
14 general State aid otherwise payable to that district under
15 this Section, but not the supplemental general State aid,
16 shall be reduced by an amount equal to the budget for the
17 operations of the Authority as certified by the Authority to
18 the State Board of Education, and an amount equal to such
19 reduction shall be paid to the Authority created for such
20 district for its operating expenses in the manner provided in
21 Section 18-11. The remainder of general State school aid for
22 any such district shall be paid in accordance with Article
23 34A when that Article provides for a disposition other than
24 that provided by this Article.

25 (2) (Blank).

26 (3) Summer school. Summer school payments shall be made
27 as provided in Section 18-4.3.

28 (M) Education Funding Advisory Board.

29 The Education Funding Advisory Board, hereinafter in this
30 subsection (M) referred to as the "Board", is hereby created.
31 The Board shall consist of 5 members who are appointed by the
32 Governor, by and with the advice and consent of the Senate.
33 The members appointed shall include representatives of

1 education, business, and the general public. One of the
2 members so appointed shall be designated by the Governor at
3 the time the appointment is made as the chairperson of the
4 Board. The initial members of the Board may be appointed any
5 time after the effective date of this amendatory Act of 1997.
6 The regular term of each member of the Board shall be for 4
7 years from the third Monday of January of the year in which
8 the term of the member's appointment is to commence, except
9 that of the 5 initial members appointed to serve on the
10 Board, the member who is appointed as the chairperson shall
11 serve for a term that commences on the date of his or her
12 appointment and expires on the third Monday of January, 2002,
13 and the remaining 4 members, by lots drawn at the first
14 meeting of the Board that is held after all 5 members are
15 appointed, shall determine 2 of their number to serve for
16 terms that commence on the date of their respective
17 appointments and expire on the third Monday of January, 2001,
18 and 2 of their number to serve for terms that commence on the
19 date of their respective appointments and expire on the third
20 Monday of January, 2000. All members appointed to serve on
21 the Board shall serve until their respective successors are
22 appointed and confirmed. Vacancies shall be filled in the
23 same manner as original appointments. If a vacancy in
24 membership occurs at a time when the Senate is not in
25 session, the Governor shall make a temporary appointment
26 until the next meeting of the Senate, when he or she shall
27 appoint, by and with the advice and consent of the Senate, a
28 person to fill that membership for the unexpired term. If
29 the Senate is not in session when the initial appointments
30 are made, those appointments shall be made as in the case of
31 vacancies.

32 The Education Funding Advisory Board shall be deemed
33 established, and the initial members appointed by the
34 Governor to serve as members of the Board shall take office,

1 on the date that the Governor makes his or her appointment of
2 the fifth initial member of the Board, whether those initial
3 members are then serving pursuant to appointment and
4 confirmation or pursuant to temporary appointments that are
5 made by the Governor as in the case of vacancies.

6 The State Board of Education shall provide such staff
7 assistance to the Education Funding Advisory Board as is
8 reasonably required for the proper performance by the Board
9 of its responsibilities.

10 For school years after the 2000-2001 school year, the
11 Education Funding Advisory Board, in consultation with the
12 State Board of Education, shall make recommendations as
13 provided in this subsection (M) to the General Assembly for
14 the foundation level under subdivision (B)(3) of this Section
15 and for the supplemental general State aid grant level under
16 subsection (H) of this Section for districts with high
17 concentrations of children from poverty. The recommended
18 foundation level shall be determined based on a methodology
19 which incorporates the basic education expenditures of
20 low-spending schools exhibiting high academic performance.
21 The Education Funding Advisory Board shall make such
22 recommendations to the General Assembly on January 1 of odd
23 numbered years, beginning January 1, 2001.

24 (N) (Blank).

25 (O) References.

26 (1) References in other laws to the various subdivisions
27 of Section 18-8 as that Section existed before its repeal and
28 replacement by this Section 18-8.05 shall be deemed to refer
29 to the corresponding provisions of this Section 18-8.05, to
30 the extent that those references remain applicable.

31 (2) References in other laws to State Chapter 1 funds
32 shall be deemed to refer to the supplemental general State
33 aid provided under subsection (H) of this Section.

1 (Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96,
2 eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99;
3 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff.
4 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff.
5 8-7-01; revised 8-7-01.)

6 (105 ILCS 5/22-27)

7 Sec. 22-27. World War II and Korean Conflict veterans;
8 diplomas.

9 (a) Upon the request, the school board of any district
10 that maintains grades 10 through 12 may award a diploma to
11 any honorably discharged veteran who:

12 (1) served in the armed forces of the United States
13 during World War II or the Korean Conflict;

14 (2) resided within an area currently within the
15 district;

16 (3) left high school before graduating in order to
17 serve in the armed forces of the United States; and

18 (4) has not received a high school diploma.

19 (b) The State Board of Education and the Department of
20 Veterans' Affairs may issue rules consistent with the
21 provisions of this Section that are necessary to implement
22 this Section.

23 (Source: P.A. 92-446, eff. 1-1-02; revised 12-04-01.)

24 (105 ILCS 5/34A-403.1)

25 Sec. 34A-403.1. Fiscal year 1994 contracts.
26 Notwithstanding any provision of this Article to the
27 contrary, the failure of a Board to have a Financial Plan
28 approved by the School Finance Authority within 90 days after
29 the effective date of this amendatory Act of 1993 shall not
30 impair the Board's power to enter into any contract or other
31 obligation or the Authority's powers and responsibilities
32 under Sections 34A-404, 34A-405 34-405, and 34A-405.2 or in

1 any other way affect the operations of the Board.

2 (Source: P.A. 88-511; revised 12-07-01.)

3 Section 38. The Public Community College Act is amended
4 by renumbering and changing Section 3.25.2 as follows:

5 (110 ILCS 805/3-25.2) (from Ch. 122, par. 103-25.2)

6 Sec. 3-25.2. Armed forces recruiting and training.

7 ~~3-25-2-~~

8 (a) To provide, on an equal basis, access to the campus
9 to the official recruiting representatives of the armed
10 forces of Illinois and the United States for the purpose of
11 informing students of the educational and career
12 opportunities available in the military if the board has
13 provided such access to persons or groups whose purpose is to
14 acquaint students with educational or occupational
15 opportunities available to them. The board is not required
16 to give greater notice regarding the right of access to
17 recruiting representatives than is given to other persons and
18 groups.

19 (b) To not bar or exclude from its curriculum, campus,
20 or school facilities any armed forces training program or
21 organization operated under the authority of the United
22 States government because the program or organization
23 complies with rules, regulations, or policies of the United
24 States government or any agency, branch, or department
25 thereof.

26 (Source: P.A. 87-788; revised 12-04-01.)

27 Section 39. The Nurses in Advancement Law is amended by
28 changing Section 1-20 as follows:

29 (110 ILCS 970/1-20) (from Ch. 144, par. 2781-20)

30 Sec. 1-20. Scholarship requirements. It shall be lawful

1 for any organization to condition any loan or grant upon the
2 recipient's executing an agreement to commit not more than 5
3 years of his or her professional career to the goals
4 specifically outlined within the agreement including a
5 requirement that recipient practice nursing or medicine in
6 specifically designated practice and geographic areas.

7 Any agreement executed by an organization and any
8 recipient of loan or grant assistance shall contain a
9 provision for liquidated damages to be paid for any breach
10 ~~breeeh~~ of any provision of the agreement, or any commitment
11 contained therein, together with attorney's fees and costs
12 for the enforcement thereof. Any such covenant shall be
13 valid and enforceable in the courts of this State as
14 liquidated damages and shall not be considered a penalty,
15 provided that the provision for liquidated damages does not
16 exceed \$2,500 for each year remaining for the performance of
17 the agreement.

18 This Section shall not be construed as pertaining to or
19 limiting any liquidated damages resulting from scholarships
20 awarded under the Family Practice Residency Act.

21 (Source: P.A. 87-633; revised 12-04-01.)

22 Section 40. The Illinois Banking Act is amended by
23 changing Sections 14 and 48 as follows:

24 (205 ILCS 5/14) (from Ch. 17, par. 321)

25 Sec. 14. Stock. Unless otherwise provided for in this
26 Act provisions of general application to stock of a state
27 bank shall be as follows:

28 (1) All banks shall have their capital divided into
29 shares of a par value of not less than \$1 each and not more
30 than \$100 each, however, the par value of shares of a bank
31 effecting a reverse stock split pursuant to item (8) of
32 subsection (a) of Section 17 may temporarily exceed this

1 limit provided it conforms to the limits immediately after
2 the reverse stock split is completed. No issue of capital
3 stock or preferred stock shall be valid until not less than
4 the par value of all such stock so issued shall be paid in
5 and notice thereof by the president, a vice-president or
6 cashier of the bank has been transmitted to the Commissioner.
7 In the case of an increase in capital stock by the
8 declaration of a stock dividend, the capitalization of
9 retained earnings effected by such stock dividend shall
10 constitute the payment for such shares required by the
11 preceding sentence, provided that the surplus of said bank
12 after such stock dividend shall be at least equal to fifty
13 per cent of the capital as increased. The charter shall not
14 limit or deny the voting power of the shares of any class of
15 stock except as provided in Section 15(3) of this Act.

16 (2) Pursuant to action taken in accordance with the
17 requirements of Section 17, a bank may issue preferred stock
18 of one or more classes as shall be approved by the
19 Commissioner as hereinafter provided, and make such amendment
20 to its charter as may be necessary for this purpose; but in
21 the case of any newly organized bank which has not yet issued
22 capital stock the requirements of Section 17 shall not apply.

23 (3) Without limiting the authority herein contained a
24 bank, when so provided in its charter and when approved by
25 the Commissioner, may issue shares of preferred stock:

26 (a) Subject to the right of the bank to redeem any
27 of such shares at not exceeding the price fixed by the
28 charter for the redemption thereof;

29 (b) Subject to the provisions of subsection (8) of
30 this Section 14 entitling the holders thereof to
31 cumulative or noncumulative dividends;

32 (c) Having preference over any other class or
33 classes of shares as to the payment of dividends;

34 (d) Having preference as to the assets of the bank

1 over any other class or classes of shares upon the
2 voluntary or involuntary liquidation of the bank;

3 (e) Convertible into shares of any other class of
4 stock, provided that preferred shares shall not be
5 converted into shares of a different par value unless
6 that part of the capital of the bank represented by such
7 preferred shares is at the time of the conversion equal
8 to the aggregate par value of the shares into which the
9 preferred shares are to be converted.

10 (4) If any part of the capital of a bank consists of
11 preferred stock, the determination of whether or not the
12 capital of such bank is impaired and the amount of such
13 impairment shall be based upon the par value of its stock
14 even though the amount which the holders of such preferred
15 stock shall be entitled to receive in the event of retirement
16 or liquidation shall be in excess of the par value of such
17 preferred stock.

18 (5) Pursuant to action taken in accordance with the
19 requirements of Section 17 of this Act, a state bank may
20 provide for a specified number of authorized but unissued
21 shares of capital stock for one or more of the following
22 purposes:

23 (a) Reserved for issuance under stock option plan
24 or plans to directors, officers or employees;

25 (b) Reserved for issuance upon conversion of
26 convertible preferred stock issued pursuant to and in
27 compliance with the provisions of subsections (2) and (3)
28 of this Section 14.

29 (c) Reserved for issuance upon conversion of
30 convertible debentures or other convertible evidences of
31 indebtedness issued by a state bank, provided always that
32 the terms of such conversion have been approved by the
33 Commissioner;

34 (d) Reserved for issuance by the declaration of a

1 stock dividend. If and when any shares of capital stock
2 are proposed to be authorized and reserved for any of the
3 purposes set forth in subparagraphs (a), (b) or (c)
4 above, the notice of the meeting, whether special or
5 annual, of stockholders at which such proposition is to
6 be considered shall be accompanied by a statement setting
7 forth or summarizing the terms upon which the shares of
8 capital stock so reserved are to be issued, and the
9 extent to which any preemptive rights of stockholders are
10 inapplicable to the issuance of the shares so reserved or
11 to the convertible preferred stock or convertible
12 debentures or other convertible evidences of
13 indebtedness, and the approving vote of the holders of at
14 least two-thirds of the outstanding shares of stock
15 entitled to vote at such meeting of the terms of such
16 issuance shall be requisite for the adoption of any
17 amendment providing for the reservation of authorized but
18 unissued shares for any of said purposes. Nothing in this
19 subsection (5) contained shall be deemed to authorize the
20 issuance of any capital stock for a consideration less
21 than the par value thereof.

22 (6) Upon written application to the Commissioner 60 days
23 prior to the proposed purchase and receipt of the written
24 approval of the Commissioner, a state bank may purchase and
25 hold as treasury stock such amounts of the total number of
26 issued and outstanding shares of its capital and preferred
27 stock outstanding as the Commissioner determines is
28 consistent with safety and soundness of the bank. The
29 Commissioner may specify the manner of accounting for the
30 treasury stock and the form of notice prior to ultimate
31 disposition of the shares. Except as authorized in this
32 subsection, it shall not be lawful for a state bank to
33 purchase or hold any additional such shares or securities
34 described in subsection (2) of Section 37 unless necessary to

1 prevent loss upon a debt previously contracted in good faith,
2 in which event such shares or securities so purchased or
3 acquired shall, within 6 months from the time of purchase or
4 acquisition, be sold or disposed of at public or private
5 sale. Any state bank which intends to purchase and hold
6 treasury stock as authorized in this subsection (6) shall
7 file a written application with the Commissioner 60 days
8 prior to any such proposed purchase. The application shall
9 state the number of shares to be purchased, the consideration
10 for the shares, the name and address of the person from whom
11 the shares are to be purchased, if known, and the total
12 percentage of its issued and outstanding shares to be held by
13 the bank after the purchase. The total consideration paid by
14 a state bank for treasury stock shall reduce capital and
15 surplus of the bank for purposes of Sections of this Act
16 relating to lending and investment limits which require
17 computation of capital and surplus. After considering and
18 approving an application to purchase and hold treasury stock
19 under this subsection, the Commissioner may waive or reduce
20 the balance of the 60 day application period. The
21 Commissioner may specify the form of the application for
22 approval to acquire treasury stock and promulgate rules and
23 regulations for the administration of this subsection (6). A
24 state bank may⁷ acquire or resell its own ~~owns~~ shares as
25 treasury stock pursuant to this subsection (6) without a
26 change in its charter pursuant to Section 17. Such stock may
27 be held for any purpose permitted in subsection (5) of this
28 Section 14 or may be resold upon such reasonable terms as the
29 board of directors may determine provided notice is given to
30 the Commissioner prior to the resale of such stock.

31 (7) During the time that a state bank shall continue its
32 banking business, it shall not withdraw or permit to be
33 withdrawn, either in the form of dividends or otherwise, any
34 portion of its capital, but nothing in this subsection shall

1 prevent a reduction or change of the capital stock or the
2 preferred stock under the provisions of Sections 17 through
3 30 of this Act, a purchase of treasury stock under the
4 provisions of subsection (6) of this Section 14 or a
5 redemption of preferred stock pursuant to charter provisions
6 therefor.

7 (8) (a) Subject to the provisions of this Act, the board
8 of directors of a state bank from time to time may
9 declare a dividend of so much of the net profits of such
10 bank as it shall judge expedient, but each bank before
11 the declaration of a dividend shall carry at least
12 one-tenth of its net profits since the date of the
13 declaration of the last preceding dividend, or since the
14 issuance of its charter in the case of its first
15 dividend, to its surplus until the same shall be equal to
16 its capital.

17 (b) No dividends shall be paid by a state bank
18 while it continues its banking business to an amount
19 greater than its net profits then on hand, deducting
20 first therefrom its losses and bad debts. All debts due
21 to a state bank on which interest is past due and unpaid
22 for a period of 6 months or more, unless the same are
23 well secured and in the process of collection, shall be
24 considered bad debts.

25 (9) A State bank may, but shall not be obliged to, issue
26 a certificate for a fractional share, and, by action of its
27 board of directors, may in lieu thereof, pay cash equal to
28 the value of the fractional share. A certificate for a
29 fractional share shall entitle the holder to exercise
30 fractional voting rights, to receive dividends, and to
31 participate in any of the assets of the bank in the event of
32 liquidation.

33 (Source: P.A. 92-483, eff. 8-23-01; revised 12-07-01.)

1 (205 ILCS 5/48) (from Ch. 17, par. 359)

2 Sec. 48. Commissioner's powers; duties. The Commissioner
3 shall have the powers and authority, and is charged with the
4 duties and responsibilities designated in this Act, and a
5 State bank shall not be subject to any other visitorial power
6 other than as authorized by this Act, except those vested in
7 the courts, or upon prior consultation with the Commissioner,
8 a foreign bank regulator with an appropriate supervisory
9 interest in the parent or affiliate of a state bank. In the
10 performance of the Commissioner's duties:

11 (1) The Commissioner shall call for statements from all
12 State banks as provided in Section 47 at least one time
13 during each calendar quarter.

14 (2) (a) The Commissioner, as often as the Commissioner
15 shall deem necessary or proper, and no less frequently than
16 18 months following the preceding examination, shall appoint
17 a suitable person or persons to make an examination of the
18 affairs of every State bank, except that for every eligible
19 State bank, as defined by regulation, the Commissioner in
20 lieu of the examination may accept on an alternating basis
21 the examination made by the eligible State bank's appropriate
22 federal banking agency pursuant to Section 111 of the Federal
23 Deposit Insurance Corporation Improvement Act of 1991,
24 provided the appropriate federal banking agency has made such
25 an examination. A person so appointed shall not be a
26 stockholder or officer or employee of any bank which that
27 person may be directed to examine, and shall have powers to
28 make a thorough examination into all the affairs of the bank
29 and in so doing to examine any of the officers or agents or
30 employees thereof on oath and shall make a full and detailed
31 report of the condition of the bank to the Commissioner. In
32 making the examination the examiners shall include an
33 examination of the affairs of all the affiliates of the bank,
34 as defined in subsection (b) of Section 35.2 of this Act, or

1 subsidiaries of the bank as shall be necessary to disclose
2 fully the conditions of the subsidiaries or affiliates, the
3 relations between the bank and the subsidiaries or affiliates
4 and the effect of those relations upon the affairs of the
5 bank, and in connection therewith shall have power to examine
6 any of the officers, directors, agents, or employees of the
7 subsidiaries or affiliates on oath. After May 31, 1997, the
8 Commissioner may enter into cooperative agreements with state
9 regulatory authorities of other states to provide for
10 examination of State bank branches in those states, and the
11 Commissioner may accept reports of examinations of State bank
12 branches from those state regulatory authorities. These
13 cooperative agreements may set forth the manner in which the
14 other state regulatory authorities may be compensated for
15 examinations prepared for and submitted to the Commissioner.

16 (b) After May 31, 1997, the Commissioner is authorized
17 to examine, as often as the Commissioner shall deem necessary
18 or proper, branches of out-of-state banks. The Commissioner
19 may establish and may assess fees to be paid to the
20 Commissioner for examinations under this subsection (b). The
21 fees shall be borne by the out-of-state bank, unless the fees
22 are borne by the state regulatory authority that chartered
23 the out-of-state bank, as determined by a cooperative
24 agreement between the Commissioner and the state regulatory
25 authority that chartered the out-of-state bank.

26 (2.5) Whenever any State bank, any subsidiary or
27 affiliate of a State bank, or after May 31, 1997, any branch
28 of an out-of-state bank causes to be performed, by contract
29 or otherwise, any bank services for itself, whether on or off
30 its premises:

31 (a) that performance shall be subject to
32 examination by the Commissioner to the same extent as if
33 services were being performed by the bank or, after May
34 31, 1997, branch of the out-of-state bank itself on its

1 own premises; and

2 (b) the bank or, after May 31, 1997, branch of the
3 out-of-state bank shall notify the Commissioner of the
4 existence of a service relationship. The notification
5 shall be submitted with the first statement of condition
6 (as required by Section 47 of this Act) due after the
7 making of the service contract or the performance of the
8 service, whichever occurs first. The Commissioner shall
9 be notified of each subsequent contract in the same
10 manner.

11 For purposes of this subsection (2.5), the term "bank
12 services" means services such as sorting and posting of
13 checks and deposits, computation and posting of interest and
14 other credits and charges, preparation and mailing of checks,
15 statements, notices, and similar items, or any other
16 clerical, bookkeeping, accounting, statistical, or similar
17 functions performed for a State bank, including but not
18 limited to electronic data processing related to those bank
19 services.

20 (3) The expense of administering this Act, including the
21 expense of the examinations of State banks as provided in
22 this Act, shall to the extent of the amounts resulting from
23 the fees provided for in paragraphs (a), (a-2), and (b) of
24 this subsection (3) be assessed against and borne by the
25 State banks:

26 (a) Each bank shall pay to the Commissioner a Call
27 Report Fee which shall be paid in quarterly installments
28 equal to one-fourth of the sum of the annual fixed fee of
29 \$800, plus a variable fee based on the assets shown on
30 the quarterly statement of condition delivered to the
31 Commissioner in accordance with Section 47 for the
32 preceding quarter according to the following schedule:
33 16¢ per \$1,000 of the first \$5,000,000 of total assets,
34 15¢ per \$1,000 of the next \$20,000,000 of total assets,

1 13¢ per \$1,000 of the next \$75,000,000 of total assets,
2 9¢ per \$1,000 of the next \$400,000,000 of total assets,
3 7¢ per \$1,000 of the next \$500,000,000 of total assets,
4 and 5¢ per \$1,000 of all assets in excess of
5 \$1,000,000,000, of the State bank. The Call Report Fee
6 shall be calculated by the Commissioner and billed to the
7 banks for remittance at the time of the quarterly
8 statements of condition provided for in Section 47. The
9 Commissioner may require payment of the fees provided in
10 this Section by an electronic transfer of funds or an
11 automatic debit of an account of each of the State banks.
12 In case more than one examination of any bank is deemed
13 by the Commissioner to be necessary in any examination
14 frequency cycle specified in subsection 2(a) of this
15 Section, and is performed at his direction, the
16 Commissioner may assess a reasonable additional fee to
17 recover the cost of the additional examination; provided,
18 however, that an examination conducted at the request of
19 the State Treasurer pursuant to the Uniform Disposition
20 of Unclaimed Property Act shall not be deemed to be an
21 additional examination under this Section. In lieu of the
22 method and amounts set forth in this paragraph (a) for
23 the calculation of the Call Report Fee, the Commissioner
24 may specify by rule that the Call Report Fees provided by
25 this Section may be assessed semiannually or some other
26 period and may provide in the rule the formula to be used
27 for calculating and assessing the periodic Call Report
28 Fees to be paid by State banks.

29 (a-1) If in the opinion of the Commissioner an
30 emergency exists or appears likely, the Commissioner may
31 assign an examiner or examiners to monitor the affairs of
32 a State bank with whatever frequency he deems
33 appropriate, including but not limited to a daily basis.
34 The reasonable and necessary expenses of the Commissioner

1 during the period of the monitoring shall be borne by the
2 subject bank. The Commissioner shall furnish the State
3 bank a statement of time and expenses if requested to do
4 so within 30 days of the conclusion of the monitoring
5 period.

6 (a-2) On and after January 1, 1990, the reasonable
7 and necessary expenses of the Commissioner during
8 examination of the performance of electronic data
9 processing services under subsection (2.5) shall be borne
10 by the banks for which the services are provided. An
11 amount, based upon a fee structure prescribed by the
12 Commissioner, shall be paid by the banks or, after May
13 31, 1997, branches of out-of-state banks receiving the
14 electronic data processing services along with the Call
15 Report Fee assessed under paragraph (a) of this
16 subsection (3).

17 (a-3) After May 31, 1997, the reasonable and
18 necessary expenses of the Commissioner during examination
19 of the performance of electronic data processing services
20 under subsection (2.5) at or on behalf of branches of
21 out-of-state banks shall be borne by the out-of-state
22 banks, unless those expenses are borne by the state
23 regulatory authorities that chartered the out-of-state
24 banks, as determined by cooperative agreements between
25 the Commissioner and the state regulatory authorities
26 that chartered the out-of-state banks.

27 (b) "Fiscal year" for purposes of this Section 48
28 is defined as a period beginning July 1 of any year and
29 ending June 30 of the next year. The Commissioner shall
30 receive for each fiscal year, commencing with the fiscal
31 year ending June 30, 1987, a contingent fee equal to the
32 lesser of the aggregate of the fees paid by all State
33 banks under paragraph (a) of subsection (3) for that
34 year, or the amount, if any, whereby the aggregate of the

1 administration expenses, as defined in paragraph (c), for
2 that fiscal year exceeds the sum of the aggregate of the
3 fees payable by all State banks for that year under
4 paragraph (a) of subsection (3), plus any amounts
5 transferred into the Bank and Trust Company Fund from the
6 State Pensions Fund for that year, plus all other amounts
7 collected by the Commissioner for that year under any
8 other provision of this Act, plus the aggregate of all
9 fees collected for that year by the Commissioner under
10 the Corporate Fiduciary Act, excluding the receivership
11 fees provided for in Section 5-10 of the Corporate
12 Fiduciary Act, and the Foreign Banking Office Act. The
13 aggregate amount of the contingent fee thus arrived at
14 for any fiscal year shall be apportioned amongst,
15 assessed upon, and paid by the State banks and foreign
16 banking corporations, respectively, in the same
17 proportion that the fee of each under paragraph (a) of
18 subsection (3), respectively, for that year bears to the
19 aggregate for that year of the fees collected under
20 paragraph (a) of subsection (3). The aggregate amount of
21 the contingent fee, and the portion thereof to be
22 assessed upon each State bank and foreign banking
23 corporation, respectively, shall be determined by the
24 Commissioner and shall be paid by each, respectively,
25 within 120 days of the close of the period for which the
26 contingent fee is computed and is payable, and the
27 Commissioner shall give 20 days advance notice of the
28 amount of the contingent fee payable by the State bank
29 and of the date fixed by the Commissioner for payment of
30 the fee.

31 (c) The "administration expenses" for any fiscal
32 year shall mean the ordinary and contingent expenses for
33 that year incident to making the examinations provided
34 for by, and for otherwise administering, this Act, the

1 Corporate Fiduciary Act, excluding the expenses paid from
2 the Corporate Fiduciary Receivership account in the Bank
3 and Trust Company Fund, the Foreign Banking Office Act,
4 the Electronic Fund Transfer Act, and the Illinois Bank
5 Examiners' Education Foundation Act, including all
6 salaries and other compensation paid for personal
7 services rendered for the State by officers or employees
8 of the State, including the Commissioner and the Deputy
9 Commissioners, all expenditures for telephone and
10 telegraph charges, postage and postal charges, office
11 stationery, supplies and services, and office furniture
12 and equipment, including typewriters and copying and
13 duplicating machines and filing equipment, surety bond
14 premiums, and travel expenses of those officers and
15 employees, employees, expenditures or charges for the
16 acquisition, enlargement or improvement of, or for the
17 use of, any office space, building, or structure, or
18 expenditures for the maintenance thereof or for
19 furnishing heat, light, or power with respect thereto,
20 all to the extent that those expenditures are directly
21 incidental to such examinations or administration. The
22 Commissioner shall not be required by paragraphs (c) or
23 (d-1) of this subsection (3) to maintain in any fiscal
24 year's budget appropriated reserves for accrued vacation
25 and accrued sick leave that is required to be paid to
26 employees of the Commissioner upon termination of their
27 service with the Commissioner in an amount that is more
28 than is reasonably anticipated to be necessary for any
29 anticipated turnover in employees, whether due to normal
30 attrition or due to layoffs, terminations, or
31 resignations.

32 (d) The aggregate of all fees collected by the
33 Commissioner under this Act, the Corporate Fiduciary Act,
34 or the Foreign Banking Office Act on and after July 1,

1 1979, shall be paid promptly after receipt of the same,
2 accompanied by a detailed statement thereof, into the
3 State treasury and shall be set apart in a special fund
4 to be known as the "Bank and Trust Company Fund", except
5 as provided in paragraph (c) of subsection (11) of this
6 Section. All earnings received from investments of funds
7 in the Bank and Trust Company Fund shall be deposited in
8 the Bank and Trust Company Fund and may be used for the
9 same purposes as fees deposited in that Fund. The amount
10 from time to time deposited into the Bank and Trust
11 Company Fund shall be used to offset the ordinary
12 administrative expenses of the Commissioner of Banks and
13 Real Estate as defined in this Section. Nothing in this
14 amendatory Act of 1979 shall prevent continuing the
15 practice of paying expenses involving salaries,
16 retirement, social security, and State-paid insurance
17 premiums of State officers by appropriations from the
18 General Revenue Fund. However, the General Revenue Fund
19 shall be reimbursed for those payments made on and after
20 July 1, 1979, by an annual transfer of funds from the
21 Bank and Trust Company Fund.

22 (d-1) Adequate funds shall be available in the Bank
23 and Trust Company Fund to permit the timely payment of
24 administration expenses. In each fiscal year the total
25 administration expenses shall be deducted from the total
26 fees collected by the Commissioner and the remainder
27 transferred into the Cash Flow Reserve Account, unless
28 the balance of the Cash Flow Reserve Account prior to the
29 transfer equals or exceeds one-fourth of the total
30 initial appropriations from the Bank and Trust Company
31 Fund for the subsequent year, in which case the remainder
32 shall be credited to State banks and foreign banking
33 corporations and applied against their fees for the
34 subsequent year. The amount credited to each State bank

1 and foreign banking corporation shall be in the same
2 proportion as the Call Report Fees paid by each for the
3 year bear to the total Call Report Fees collected for the
4 year. If, after a transfer to the Cash Flow Reserve
5 Account is made or if no remainder is available for
6 transfer, the balance of the Cash Flow Reserve Account is
7 less than one-fourth of the total initial appropriations
8 for the subsequent year and the amount transferred is
9 less than 5% of the total Call Report Fees for the year,
10 additional amounts needed to make the transfer equal to
11 5% of the total Call Report Fees for the year shall be
12 apportioned amongst, assessed upon, and paid by the State
13 banks and foreign banking corporations in the same
14 proportion that the Call Report Fees of each,
15 respectively, for the year bear to the total Call Report
16 Fees collected for the year. The additional amounts
17 assessed shall be transferred into the Cash Flow Reserve
18 Account. For purposes of this paragraph (d-1), the
19 calculation of the fees collected by the Commissioner
20 shall exclude the receivership fees provided for in
21 Section 5-10 of the Corporate Fiduciary Act.

22 (e) The Commissioner may upon request certify to
23 any public record in his keeping and shall have authority
24 to levy a reasonable charge for issuing certifications of
25 any public record in his keeping.

26 (f) In addition to fees authorized elsewhere in
27 this Act, the Commissioner may, in connection with a
28 review, approval, or provision of a service, levy a
29 reasonable charge to recover the cost of the review,
30 approval, or service.

31 (4) Nothing contained in this Act shall be construed to
32 limit the obligation relative to examinations and reports of
33 any State bank, deposits in which are to any extent insured
34 by the United States or any agency thereof, nor to limit in

1 any way the powers of the Commissioner with reference to
2 examinations and reports of that bank.

3 (5) The nature and condition of the assets in or
4 investment of any bonus, pension, or profit sharing plan for
5 officers or employees of every State bank or, after May 31,
6 1997, branch of an out-of-state bank shall be deemed to be
7 included in the affairs of that State bank or branch of an
8 out-of-state bank subject to examination by the Commissioner
9 under the provisions of subsection (2) of this Section, and
10 if the Commissioner shall find from an examination that the
11 condition of or operation of the investments or assets of the
12 plan is unlawful, fraudulent, or unsafe, or that any trustee
13 has abused his trust, the Commissioner shall, if the
14 situation so found by the Commissioner shall not be corrected
15 to his satisfaction within 60 days after the Commissioner has
16 given notice to the board of directors of the State bank or
17 out-of-state bank of his findings, report the facts to the
18 Attorney General who shall thereupon institute proceedings
19 against the State bank or out-of-state bank, the board of
20 directors thereof, or the trustees under such plan as the
21 nature of the case may require.

22 (6) The Commissioner shall have the power:

23 (a) To promulgate reasonable rules for the purpose
24 of administering the provisions of this Act.

25 (a-5) To impose conditions on any approval issued
26 by the Commissioner if he determines that the conditions
27 are necessary or appropriate. These conditions shall be
28 imposed in writing and shall continue in effect for the
29 period prescribed by the Commissioner.

30 (b) To issue orders against any person, if the
31 Commissioner has reasonable cause to believe that an
32 unsafe or unsound banking practice has occurred, is
33 occurring, or is about to occur, if any person has
34 violated, is violating, or is about to violate any law,

1 rule, or written agreement with the Commissioner, or for
2 the purpose of administering the provisions of this Act,
3 and any rule promulgated in accordance with this Act.

4 (b-1) To enter into agreements with a bank
5 establishing a program to correct the condition of the
6 bank or its practices.

7 (c) To appoint hearing officers to execute any of
8 the powers granted to the Commissioner under this Section
9 for the purpose of administering this Act and any rule
10 promulgated in accordance with this Act and otherwise to
11 authorize, in writing, an officer or employee of the
12 Office of Banks and Real Estate to exercise his powers
13 under this Act.

14 (d) To subpoena witnesses, to compel their
15 attendance, to administer an oath, to examine any person
16 under oath, and to require the production of any relevant
17 books, papers, accounts, and documents in the course of
18 and pursuant to any investigation being conducted, or any
19 action being taken, by the Commissioner in respect of any
20 matter relating to the duties imposed upon, or the powers
21 vested in, the Commissioner under the provisions of this
22 Act or any rule promulgated in accordance with this Act.

23 (e) To conduct hearings.

24 (7) Whenever, in the opinion of the Commissioner, any
25 director, officer, employee, or agent of a State bank or any
26 subsidiary or bank holding company of the bank or, after May
27 31, 1997, of any branch of an out-of-state bank or any
28 subsidiary or bank holding company of the bank shall have
29 violated any law, rule, or order relating to that bank or any
30 subsidiary or bank holding company of the bank, shall have
31 obstructed or impeded any examination or investigation by the
32 Commissioner, shall have engaged in an unsafe or unsound
33 practice in conducting the business of that bank or any
34 subsidiary or bank holding company of the bank, or shall have

1 violated any law or engaged or participated in any unsafe or
2 unsound practice in connection with any financial institution
3 or other business entity such that the character and fitness
4 of the director, officer, employee, or agent does not assure
5 reasonable promise of safe and sound operation of the State
6 bank, the Commissioner may issue an order of removal. If, in
7 the opinion of the Commissioner, any former director,
8 officer, employee, or agent of a State bank or any subsidiary
9 or bank holding company of the bank, prior to the termination
10 of his or her service with that bank or any subsidiary or
11 bank holding company of the bank, violated any law, rule, or
12 order relating to that State bank or any subsidiary or bank
13 holding company of the bank, obstructed or impeded any
14 examination or investigation by the Commissioner, engaged in
15 an unsafe or unsound practice in conducting the business of
16 that bank or any subsidiary or bank holding company of the
17 bank, or violated any law or engaged or participated in any
18 unsafe or unsound practice in connection with any financial
19 institution or other business entity such that the character
20 and fitness of the director, officer, employee, or agent
21 would not have assured reasonable promise of safe and sound
22 operation of the State bank, the Commissioner may issue an
23 order prohibiting that person from further service with a
24 bank or any subsidiary or bank holding company of the bank as
25 a director, officer, employee, or agent. An order issued
26 pursuant to this subsection shall be served upon the
27 director, officer, employee, or agent. A copy of the order
28 shall be sent to each director of the bank affected by
29 registered mail. The person affected by the action may
30 request a hearing before the State Banking Board within 10
31 days after receipt of the order. The hearing shall be held
32 by the Board within 30 days after the request has been
33 received by the Board. The Board shall make a determination
34 approving, modifying, or disapproving the order of the

1 Commissioner as its final administrative decision. If a
2 hearing is held by the Board, the Board shall make its
3 determination within 60 days from the conclusion of the
4 hearing. Any person affected by a decision of the Board under
5 this subsection (7) of Section 48 of this Act may have the
6 decision reviewed only under and in accordance with the
7 Administrative Review Law and the rules adopted pursuant
8 thereto. A copy of the order shall also be served upon the
9 bank of which he is a director, officer, employee, or agent,
10 whereupon he shall cease to be a director, officer, employee,
11 or agent of that bank. The Commissioner may institute a
12 civil action against the director, officer, or agent of the
13 State bank or, after May 31, 1997, of the branch of the
14 out-of-state bank against whom any order provided for by this
15 subsection (7) of this Section 48 has been issued, and
16 against the State bank or, after May 31, 1997, out-of-state
17 bank, to enforce compliance with or to enjoin any violation
18 of the terms of the order. Any person who has been the
19 subject of an order of removal or an order of prohibition
20 issued by the Commissioner under this subsection or Section
21 5-6 of the Corporate Fiduciary Act may not thereafter serve
22 as director, officer, employee, or agent of any State bank or
23 of any branch of any out-of-state bank, or of any corporate
24 fiduciary, as defined in Section 1-5.05 of the Corporate
25 Fiduciary Act, or of any other entity that is subject to
26 licensure or regulation by the Commissioner or the Office of
27 Banks and Real Estate unless the Commissioner has granted
28 prior approval in writing.

29 For purposes of this paragraph (7), "bank holding
30 company" has the meaning prescribed in Section 2 of the
31 Illinois Bank Holding Company Act of 1957.

32 (8) The Commissioner may impose civil penalties of up to
33 \$10,000 against any person for each violation of any
34 provision of this Act, any rule promulgated in accordance

1 with this Act, any order of the Commissioner, or any other
2 action which in the Commissioner's discretion is an unsafe or
3 unsound banking practice.

4 (9) The Commissioner may impose civil penalties of up to
5 \$100 against any person for the first failure to comply with
6 reporting requirements set forth in the report of examination
7 of the bank and up to \$200 for the second and subsequent
8 failures to comply with those reporting requirements.

9 (10) All final administrative decisions of the
10 Commissioner hereunder shall be subject to judicial review
11 pursuant to the provisions of the Administrative Review Law.
12 For matters involving administrative review, venue shall be
13 in either Sangamon County or Cook County.

14 (11) The endowment fund for the Illinois Bank Examiners'
15 Education Foundation shall be administered as follows:

16 (a) (Blank).

17 (b) The Foundation is empowered to receive
18 voluntary contributions, gifts, grants, bequests, and
19 donations on behalf of the Illinois Bank Examiners'
20 Education Foundation from national banks and other
21 persons for the purpose of funding the endowment of the
22 Illinois Bank Examiners' Education Foundation.

23 (c) The aggregate of all special educational fees
24 collected by the Commissioner and property received by
25 the Commissioner on behalf of the Illinois Bank
26 Examiners' Education Foundation under this subsection
27 (11) on or after June 30, 1986, shall be either (i)
28 promptly paid after receipt of the same, accompanied by a
29 detailed statement thereof, into the State Treasury and
30 shall be set apart in a special fund to be known as "The
31 Illinois Bank Examiners' Education Fund" to be invested
32 by either the Treasurer of the State of Illinois in the
33 Public Treasurers' Investment Pool or in any other
34 investment he is authorized to make or by the Illinois

1 State Board of Investment as the board of trustees of the
2 Illinois Bank Examiners' Education Foundation may direct
3 or (ii) deposited into an account maintained in a
4 commercial bank or corporate fiduciary in the name of the
5 Illinois Bank Examiners' Education Foundation pursuant to
6 the order and direction of the Board of Trustees of the
7 Illinois Bank Examiners' Education Foundation.

8 (12) (Blank).

9 (Source: P.A. 91-16, eff. 7-1-99; 92-20, eff. 7-1-01; 92-483,
10 eff. 8-23-01; revised 9-10-01.)

11 Section 41. The Illinois Savings and Loan Act of 1985 is
12 amended by changing Section 3-10 as follows:

13 (205 ILCS 105/3-10) (from Ch. 17, par. 3303-10)

14 Sec. 3-10. Prohibited Activities. No officer, director,
15 employee or agent of an association shall knowingly:

16 (a) Receive any property of the association
17 otherwise than in the payment for a just demand and, with
18 intent to defraud, omit to make or cause or direct to be
19 made a full and true entry thereof in its books and
20 accounts;

21 (b) Concur in omitting to make any material entry
22 of the receipt or possession of association property in
23 the books and accounts of the association;

24 (c) Subject to the provisions of Section ~~7-4~~ 7-1-3,
25 make any loan to, or purchase any loan or investment
26 from, the Commissioner or any supervisor, examiner,
27 employee, expert or other special assistant employed or
28 appointed by the Commissioner, or knowingly concur in the
29 making or purchasing of such loan or investment; and

30 (d) Directly or indirectly grant, give or transfer,
31 or cause the same to be granted, given or transferred, or
32 concur in the granting, giving or transferring to the

1 Commissioner or any supervisor, examiner, employee,
2 expert or other special assistant employed or appointed
3 by the Commissioner any sum of money or any property as a
4 gift, reward, inducement, loan or otherwise.

5 (Source: P.A. 84-543; revised 12-07-01.)

6 Section 42. The Banking Emergencies Act is amended by
7 changing Section 1 as follows:

8 (205 ILCS 610/1) (from Ch. 17, par. 1001)

9 Sec. 1. Definitions. A. As used in this Act, unless the
10 context otherwise requires:

11 (1) "Commissioner" means the officer of this State
12 designated by law to exercise supervision over banks and
13 trust companies, and any other person lawfully exercising
14 such powers.

15 (2) "Bank" includes commercial banks, trust companies
16 and any branch thereof lawfully carrying on the business of
17 banking and, to the extent that the provisions hereof are not
18 inconsistent with and do not infringe upon paramount Federal
19 law, also includes national banks.

20 (3) "Officers" means the person or persons designated by
21 the board of directors, to act for the bank in carrying out
22 the provisions of this Act or, in the absence of any such
23 designation or of the officer or officers so designated, the
24 president or any other officer currently in charge of the
25 bank or of the office or offices in question.

26 (4) "Office" means any place at which a bank transacts
27 its business or conducts operations related to its business.

28 (5) "Emergency" means any condition or occurrence which
29 may interfere physically with the conduct of normal business
30 operations at one or more or all of the offices of a bank, or
31 which poses an imminent or existing threat to the safety or
32 security of persons or property, or both at one or more or

1 all of the offices of a bank. Without limiting the
 2 generality of the foregoing, an emergency may arise as a
 3 result of any one or more of the following: natural
 4 disasters; civil strife; power failures; computer failures;
 5 interruption of communication facilities; robbery or
 6 attempted robbery.

7 (Source: P.A. 92-483, eff. 8-23-01; revised 10-10-01.)

8 Section 43. The Corporate Fiduciary Act is amended by
 9 changing the heading of Article IVA as follows:

10 (205 ILCS 620/Article IVA heading)

11 ARTICLE IVA. MULTISTATE TRUST ACTIVITIES

12 Section 44. The Transmitters of Money Act is amended by
 13 changing Section 92 as follows:

14 (205 ILCS 657/92)

15 Sec. 92. Receivership.

16 (a) If the Director determines that a licensee is
 17 insolvent or is violating this Act, he or she may appoint a
 18 receiver. Under the direction of the Director, the receiver
 19 shall, for the purpose of receivership, take possession of
 20 and title to the books, records, and assets of the licensee.
 21 The Director may require the receiver to provide security in
 22 an amount the Director deems proper. Upon appointment of the
 23 receiver, the Director shall have published, once each week
 24 for 4 consecutive weeks in a newspaper having a general
 25 circulation in the community, a notice informing all persons
 26 who have claims against the licensee to present them to the
 27 receiver. Within 10 days after the receiver takes possession,
 28 the licensee may apply to the Circuit Court of Sangamon
 29 County to enjoin further proceedings. The receiver may
 30 operate the business until the Director determines that

1 possession should be restored to the licensee or that the
2 business should be liquidated.

3 (b) If the Director determines that a business in
4 receivership should be liquidated, he or she shall direct the
5 Attorney General to file a complaint in the Circuit Court of
6 the county in which the business is located, in the name of
7 the People of the State of Illinois, for the orderly
8 liquidation and dissolution of the business and for an
9 injunction restraining the licensee and its officers and
10 directors from continuing the operation of the business.
11 Within 30 days after the day the Director determines that the
12 business should be liquidated, the receiver shall file with
13 the Director and with the clerk of the court that has charge
14 of the liquidation a correct list of all creditors, as shown
15 by the licensee's books and records, who have not presented
16 their claims. The list shall state the amount of the claim
17 after allowing all just credits, deductions, and set-offs as
18 shown by the licensee's books. These claims shall be deemed
19 proven unless some interested party files an objection within
20 the time fixed by the Director or court that has charge of
21 the liquidation.

22 (c) The General Assembly finds and declares that
23 transmitters of money debt--management--services provide
24 important and vital services to Illinois citizens. It is
25 therefore declared to be the policy of this State that
26 customers who receive these services must be protected from
27 interruptions of services. To carry out this policy and to
28 insure that customers of a licensee are protected if it is
29 determined that a business in receivership should be
30 liquidated, the Director shall make a distribution of moneys
31 collected by the receiver in the following order of priority:

32 (1) Allowed claims for the actual necessary
33 expenses of the receivership of the business being
34 liquidated, including:

1 (A) reasonable receiver's fees and receiver's
2 attorney's fees approved by the Director;

3 (B) all expenses of any preliminary or other
4 examinations into the condition of the receivership;

5 (C) all expenses incurred by the Director that
6 are incident to possession and control of any
7 property or records of the licensee's business; and

8 (D) reasonable expenses incurred by the
9 Director as the result of business agreements or
10 contractual arrangements necessary to insure that
11 the services of the licensee are delivered to the
12 community without interruption. These business
13 agreements or contractual arrangements may include,
14 but are not limited to, agreements made by the
15 Director, or by the receiver with the approval of
16 the Director, with banks, bonding companies, and
17 other types of financial institutions.

18 (2) Allowed unsecured claims for wages or salaries,
19 excluding vacation, severance, and sick leave pay earned
20 by employees within 90 days before the appointment of a
21 receiver.

22 (3) Allowed unsecured claims of any tax, and
23 interest and penalty on the tax.

24 (4) Allowed unsecured claims, other than a kind
25 specified in items (1), (2), and (3) of this subsection,
26 filed with the Director within the time the Director
27 fixes for filing claims.

28 (5) Allowed unsecured claims, other than a kind
29 specified in items (1), (2), and (3) of this subsection,
30 filed with the Director after the time fixed for filing
31 claims by the Director.

32 (6) Allowed creditor claims asserted by an owner,
33 member, or stockholder of the business in liquidation.

34 (7) After one year from the final dissolution of

1 the licensee's business, all assets not used to satisfy
2 allowed claims shall be distributed pro rata to the
3 owner, owners, members, or stockholders of the business.

4 The Director shall pay all claims of equal priority
5 according to the schedule established in this subsection and
6 shall not pay claims of lower priority until all higher
7 priority claims are satisfied. If insufficient assets are
8 available to meet all claims of equal priority, those assets
9 shall be distributed pro rata among those claims. All
10 unclaimed assets of a licensee and the licensee's business
11 shall be deposited with the Director to be paid out when
12 proper claims are presented to the Director.

13 (d) Upon the order of the circuit court of the county in
14 which the business being liquidated is located, the receiver
15 may sell or compound any bad or doubtful debt, and on like
16 order may sell the personal property of the business on such
17 terms as the court approves. The receiver shall succeed to
18 whatever rights or remedies the unsecured creditors of the
19 business may have against the owner or owners, operators,
20 stockholders, directors, members, managers, or officers,
21 arising out of their claims against the licensee's business,
22 but nothing contained in this Section shall prevent those
23 creditors from filing their claims in the liquidation
24 proceeding. The receiver may enforce those rights or
25 remedies in any court of competent jurisdiction.

26 (e) At the close of a receivership, the receiver shall
27 turn over to the Director all books of account and ledgers of
28 the business for preservation. The Director shall hold all
29 records of receiverships received at any time for a period of
30 2 years after the close of the receivership. The records may
31 be destroyed at the termination of the 2-year period. All
32 expenses of the receivership including, but not limited to,
33 reasonable receiver's and attorney's fees approved by the
34 Director, all expenses of any preliminary or other

1 examinations into the condition of the licensee's business or
2 the receivership, and all expenses incident to the possession
3 and control of any property or records of the business
4 incurred by the Director shall be paid out of the assets of
5 the licensee's business. These expenses shall be paid before
6 all other claims.

7 (f) Upon the filing of a complaint by the Attorney
8 General for the orderly liquidation and dissolution of a
9 licensee's business, as provided in this Act, all pending
10 suits and actions upon unsecured claims against the business
11 shall abate. Nothing contained in this Act, however,
12 prevents these claimants from filing their claims in the
13 liquidation proceeding. If a suit or an action is instituted
14 or maintained by the receiver on any bond or policy of
15 insurance issued pursuant to the requirements of this Act,
16 the bonding or insurance company sued shall not have the
17 right to interpose or maintain any counterclaim based upon
18 subrogation, upon any express or implied agreement of, or
19 right to, indemnity or exoneration, or upon any other express
20 or implied agreement with, or right against, the licensee's
21 business. Nothing contained in this Act prevents the bonding
22 or insurance company from filing this type of claim in the
23 liquidation proceeding.

24 (g) A licensee may not terminate its affairs and close
25 up its business unless it has first deposited with the
26 Director an amount of money equal to all of its debts,
27 liabilities, and lawful demands against it including the
28 costs and expenses of a proceeding under this Section,
29 surrendered to the Director its license, and filed with the
30 Director a statement of termination signed by the licensee
31 containing a pronouncement of intent to close up its business
32 and liquidate its liabilities and containing a sworn list
33 itemizing in full all of its debts, liabilities, and lawful
34 demands against it. Corporate licensees must attach to, and

1 make a part of the statement of termination, a copy of a
2 resolution providing for the termination and closing up of
3 the licensee's affairs, certified by the secretary of the
4 licensee and duly adopted at a shareholders' meeting by the
5 holders of at least two-thirds of the outstanding shares
6 entitled to vote at the meeting. Upon the filing with the
7 Director of a statement of termination, the Director shall
8 cause notice of that action to be published once each week
9 for 3 consecutive weeks in a public newspaper of general
10 circulation published in the city or village where the
11 business is located, and if no newspaper is published in that
12 place, then in a public newspaper of general circulation
13 nearest to that city or village. The publication shall give
14 notice that the debts, liabilities, and lawful demands
15 against the business will be redeemed by the Director upon
16 demand in writing made by the owner thereof, at any time
17 within 3 years after the date of first publication. After
18 the expiration of the 3-year period, the Director shall
19 return to the person or persons designated in the statement
20 of termination to receive repayment, and in the proportion
21 specified in that statement, any balance of money remaining
22 in his or her possession after first deducting all unpaid
23 costs and expenses incurred in connection with a proceeding
24 under this Section. The Director shall receive for his or her
25 services, exclusive of costs and expenses, 2% of any amount
26 up to \$5,000 and 1% of any amount in excess of \$5,000
27 deposited with him or her under this Section by any business.
28 Nothing contained in this Section shall affect or impair the
29 liability of any bonding or insurance company on any bond or
30 insurance policy issued under this Act relating to the
31 business.

32 (Source: P.A. 92-400, eff. 1-1-02; revised 12-04-01.)

33 Section 45. The Abused and Neglected Long Term Care

1 Facility Residents Reporting Act is amended by changing
2 Section 6.2 as follows:

3 (210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)
4 (Section scheduled to be repealed on January 1, 2004)
5 Sec. 6.2. Inspector General.

6 (a) The Governor shall appoint, and the Senate shall
7 confirm, an Inspector General who shall function within the
8 Department of Human Services and report to the Secretary of
9 Human Services and the Governor. The Inspector General shall
10 investigate reports of suspected abuse or neglect (as those
11 terms are defined in Section 3 of this Act) of patients or
12 residents in any mental health or developmental disabilities
13 facility operated by the Department of Human Services and
14 shall have authority to investigate and take immediate action
15 on reports of abuse or neglect of recipients, whether
16 patients or residents, in any mental health or developmental
17 disabilities facility or program that is licensed or
18 certified by the Department of Human Services (as successor
19 to the Department of Mental Health and Developmental
20 Disabilities) or that is funded by the Department of Human
21 Services (as successor to the Department of Mental Health and
22 Developmental Disabilities) and is not licensed or certified
23 by any agency of the State. At the specific, written request
24 of an agency of the State other than the Department of Human
25 Services (as successor to the Department of Mental Health and
26 Developmental Disabilities), the Inspector General may
27 cooperate in investigating reports of abuse and neglect of
28 persons with mental illness or persons with developmental
29 disabilities. The Inspector General shall have no
30 supervision over or involvement in routine, programmatic,
31 licensure, or certification operations of the Department of
32 Human Services or any of its funded agencies.

33 The Inspector General shall promulgate rules establishing

1 minimum requirements for reporting allegations of abuse and
2 neglect and initiating, conducting, and completing
3 investigations. The promulgated rules shall clearly set
4 forth that in instances where 2 or more State agencies could
5 investigate an allegation of abuse or neglect, the Inspector
6 General shall not conduct an investigation that is redundant
7 to an investigation conducted by another State agency. The
8 rules shall establish criteria for determining, based upon
9 the nature of the allegation, the appropriate method of
10 investigation, which may include, but need not be limited to,
11 site visits, telephone contacts, or requests for written
12 responses from agencies. The rules shall also clarify how the
13 Office of the Inspector General shall interact with the
14 licensing unit of the Department of Human Services in
15 investigations of allegations of abuse or neglect. Any
16 allegations or investigations of reports made pursuant to
17 this Act shall remain confidential until a final report is
18 completed. The resident or patient who allegedly was abused
19 or neglected and his or her legal guardian shall be informed
20 by the facility or agency of the report of alleged abuse or
21 neglect. Final reports regarding unsubstantiated or unfounded
22 allegations shall remain confidential, except that final
23 reports may be disclosed pursuant to Section 6 of this Act.

24 The Inspector General shall be appointed for a term of 4
25 years.

26 When the Office of the Inspector General has
27 substantiated a case of abuse or neglect, the Inspector
28 General shall include in the final report any mitigating or
29 aggravating circumstances that were identified during the
30 investigation. Upon determination that a report of neglect
31 is substantiated, the Inspector General shall then determine
32 whether such neglect rises to the level of egregious neglect.

33 (b) The Inspector General shall within 24 hours after
34 receiving a report of suspected abuse or neglect determine

1 whether the evidence indicates that any possible criminal act
2 has been committed. If he determines that a possible criminal
3 act has been committed, or that special expertise is required
4 in the investigation, he shall immediately notify the
5 Department of State Police. The Department of State Police
6 shall investigate any report indicating a possible murder,
7 rape, or other felony. All investigations conducted by the
8 Inspector General shall be conducted in a manner designed to
9 ensure the preservation of evidence for possible use in a
10 criminal prosecution.

11 (b-5) The Inspector General shall make a determination
12 to accept or reject a preliminary report of the investigation
13 of alleged abuse or neglect based on established
14 investigative procedures. Notice of the Inspector General's
15 determination must be given to the person who claims to be
16 the victim of the abuse or neglect, to the person or persons
17 alleged to have been responsible for abuse or neglect, and to
18 the facility or agency. The facility or agency or the person
19 or persons alleged to have been responsible for the abuse or
20 neglect and the person who claims to be the victim of the
21 abuse or neglect may request clarification or reconsideration
22 based on additional information. For cases where the
23 allegation of abuse or neglect is substantiated, the
24 Inspector General shall require the facility or agency to
25 submit a written response. The written response from a
26 facility or agency shall address in a concise and reasoned
27 manner the actions that the agency or facility will take or
28 has taken to protect the resident or patient from abuse or
29 neglect, prevent reoccurrences, and eliminate problems
30 identified and shall include implementation and completion
31 dates for all such action.

32 (c) The Inspector General shall, within 10 calendar days
33 after the transmittal date of a completed investigation where
34 abuse or neglect is substantiated or administrative action is

1 recommended, provide a complete report on the case to the
2 Secretary of Human Services and to the agency in which the
3 abuse or neglect is alleged to have happened. The complete
4 report shall include a written response from the agency or
5 facility operated by the State to the Inspector General that
6 addresses in a concise and reasoned manner the actions that
7 the agency or facility will take or has taken to protect the
8 resident or patient from abuse or neglect, prevent
9 reoccurrences, and eliminate problems identified and shall
10 include implementation and completion dates for all such
11 action. The Secretary of Human Services shall accept or
12 reject the response and establish how the Department will
13 determine whether the facility or program followed the
14 approved response. The Secretary may require Department
15 personnel to visit the facility or agency for training,
16 technical assistance, programmatic, licensure, or
17 certification purposes. Administrative action, including
18 sanctions, may be applied should the Secretary reject the
19 response or should the facility or agency fail to follow the
20 approved response. The facility or agency shall inform the
21 resident or patient and the legal guardian whether the
22 reported allegation was substantiated, unsubstantiated, or
23 unfounded. There shall be an appeals process for any person
24 or agency that is subject to any action based on a
25 recommendation or recommendations.

26 (d) The Inspector General may recommend to the
27 Departments of Public Health and Human Services sanctions to
28 be imposed against mental health and developmental
29 disabilities facilities under the jurisdiction of the
30 Department of Human Services for the protection of residents,
31 including appointment of on-site monitors or receivers,
32 transfer or relocation of residents, and closure of units.
33 The Inspector General may seek the assistance of the Attorney
34 General or any of the several State's attorneys in imposing

1 such sanctions.

2 (e) The Inspector General shall establish and conduct
3 periodic training programs for Department employees
4 concerning the prevention and reporting of neglect and abuse.

5 (f) The Inspector General shall at all times be granted
6 access to any mental health or developmental disabilities
7 facility operated by the Department, shall establish and
8 conduct unannounced site visits to those facilities at least
9 once annually, and shall be granted access, for the purpose
10 of investigating a report of abuse or neglect, to any
11 facility or program funded by the Department that is subject
12 under the provisions of this Section to investigation by the
13 Inspector General for a report of abuse or neglect.

14 (g) Nothing in this Section shall limit investigations
15 by the Department of Human Services that may otherwise be
16 required by law or that may be necessary in that Department's
17 capacity as the central administrative authority responsible
18 for the operation of State mental health and developmental
19 disability facilities.

20 (g-5) After notice and an opportunity for a hearing that
21 is separate and distinct from the Office of the Inspector
22 General's appeals process as implemented under subsection (c)
23 of this Section, the Inspector General shall report to the
24 Department of Public Health's nurse aide registry under
25 Section 3-206.01 of the Nursing Home Care Act the identity of
26 individuals against whom there has been a substantiated
27 finding of physical or sexual abuse or egregious neglect of a
28 service recipient.

29 Nothing in this subsection shall diminish or impair the
30 rights of a person who is a member of a collective bargaining
31 unit pursuant to the Illinois Public Labor Relations Act or
32 pursuant to any federal labor statute. An individual who is a
33 member of a collective bargaining unit as described above
34 shall not be reported to the Department of Public Health's

1 nurse aide registry until the exhaustion of that individual's
2 grievance and arbitration rights, or until 3 months after the
3 initiation of the grievance process, whichever occurs first,
4 provided that the Department of Human Services' hearing under
5 subsection (c), that is separate and distinct from the Office
6 of the Inspector General's appeals process, has concluded.
7 Notwithstanding anything hereinafter or previously provided,
8 if an action taken by an employer against an individual as a
9 result of the circumstances that led to a finding of physical
10 or sexual abuse or egregious neglect is later overturned
11 under a grievance or arbitration procedure provided for in
12 Section 8 of the Illinois Public Labor Relations Act or under
13 a collective bargaining agreement, the report must be removed
14 from the registry.

15 The Department of Human Services shall promulgate or
16 amend rules as necessary or appropriate to establish
17 procedures for reporting to the registry, including the
18 definition of egregious neglect, procedures for notice to the
19 individual and victim, appeal and hearing procedures, and
20 petition for removal of the report from the registry. The
21 portion of the rules pertaining to hearings shall provide
22 that, at the hearing, both parties may present written and
23 oral evidence. The Department shall be required to establish
24 by a preponderance of the evidence that the Office of the
25 Inspector General's finding of physical or sexual abuse or
26 egregious neglect warrants reporting to the Department of
27 Public Health's nurse aide registry under Section 3-206.01 of
28 the Nursing Home Care Act.

29 Notice to the individual shall include a clear and
30 concise statement of the grounds on which the report to the
31 registry is based and notice of the opportunity for a hearing
32 to contest the report. The Department of Human Services shall
33 provide the notice by certified mail to the last known
34 address of the individual. The notice shall give the

1 individual an opportunity to contest the report in a hearing
2 before the Department of Human Services or to submit a
3 written response to the findings instead of requesting a
4 hearing. If the individual does not request a hearing or if
5 after notice and a hearing the Department of Human Services
6 finds that the report is valid, the finding shall be included
7 as part of the registry, as well as a brief statement from
8 the reported individual if he or she chooses to make a
9 statement. The Department of Public Health shall make
10 available to the public information reported to the registry.
11 In a case of inquiries concerning an individual listed in the
12 registry, any information disclosed concerning a finding of
13 abuse or neglect shall also include disclosure of the
14 individual's brief statement in the registry relating to the
15 reported finding or include a clear and accurate summary of
16 the statement.

17 At any time after the report of the registry, an
18 individual may petition the Department of Human Services for
19 removal from the registry of the finding against him or her.
20 Upon receipt of such a petition, the Department of Human
21 Services shall conduct an investigation and hearing on the
22 petition. Upon completion of the investigation and hearing,
23 the Department of Human Services shall report the removal of
24 the finding to the registry unless the Department of Human
25 Services determines that removal is not in the public
26 interest.

27 (h) This Section is repealed on January 1, 2004.
28 (Source: P.A. 91-169, eff. 7-16-99; 92-358, eff. 8-15-01;
29 92-473, eff. 1-1-02; revised 10-10-01.)

30 Section 46. The Nursing Home Care Act is amended by
31 changing Section 3-206.01 as follows:

32 (210 ILCS 45/3-206.01) (from Ch. 111 1/2, par.

1 4153-206.01)

2 Sec. 3-206.01. Nurse aide registry.

3 (a) The Department shall establish and maintain a
4 registry of all individuals who have satisfactorily completed
5 the training required by Section 3-206. The registry shall
6 include the name of the nursing assistant, habilitation aide,
7 or child care aide, his or her current address, Social
8 Security number, and the date and location of the training
9 course completed by the individual, and the date of the
10 individual's last criminal records check. Any individual
11 placed on the registry is required to inform the Department
12 of any change of address within 30 days. A facility shall
13 not employ an individual as a nursing assistant, habilitation
14 aide, or child care aide unless the facility has inquired of
15 the Department as to information in the registry concerning
16 the individual and shall not employ anyone not on the
17 registry unless the individual is enrolled in a training
18 program under paragraph (5) of subsection (a) of Section
19 3-206 of this Act.

20 If the Department finds that a nursing assistant,
21 habilitation aide, or child care aide has abused a resident,
22 neglected a resident, or misappropriated resident property in
23 a facility, the Department shall notify the individual of
24 this finding by certified mail sent to the address contained
25 in the registry. The notice shall give the individual an
26 opportunity to contest the finding in a hearing before the
27 Department or to submit a written response to the findings in
28 lieu of requesting a hearing. If, after a hearing or if the
29 individual does not request a hearing, the Department finds
30 that the individual abused a resident, neglected a resident,
31 or misappropriated resident property in a facility, the
32 finding shall be included as part of the registry as well as
33 a brief statement from the individual, if he or she chooses
34 to make such a statement. The Department shall make

1 information in the registry available to the public. In the
2 case of inquiries to the registry concerning an individual
3 listed in the registry, any information disclosed concerning
4 such a finding shall also include disclosure of any statement
5 in the registry relating to the finding or a clear and
6 accurate summary of the statement.

7 (b) The Department shall add to the nurse aide registry
8 records of findings as reported by the Inspector General or
9 remove from the nurse aide registry records of findings as
10 reported by the Department of Human Services, under Section
11 6.2 of the Abused Abuse and Neglected Long Term Care Facility
12 Residents Reporting Act.

13 (Source: P.A. 91-598, eff. 1-1-00; 92-473, eff. 1-1-02;
14 revised 12-04-01.)

15 Section 47. The Emergency Medical Services (EMS) Systems
16 Act is amended by changing Sections 3.110, 3.220, and 3.250
17 as follows:

18 (210 ILCS 50/3.110)

19 Sec. 3.110. EMS system and trauma center confidentiality
20 and immunity.

21 (a) All information contained in or relating to any
22 medical audit performed of a trauma center's trauma services
23 pursuant to this Act or by an EMS Medical Director or his
24 designee of medical care rendered by System personnel, shall
25 be afforded the same status as is provided information
26 concerning medical studies in Article VIII, Part 21 of the
27 Code of Civil Procedure. Disclosure of such information to
28 the Department pursuant to this Act shall not be considered a
29 violation of Article VIII, Part 21 of the Code of Civil
30 Procedure.

31 (b) Hospitals, trauma centers and individuals that
32 perform or participate in medical audits pursuant to this Act

1 shall be immune from civil liability to the same extent as
2 provided in Section 10.2 of the Hospital Licensing Act.

3 (c) All information relating to the State Emergency
4 Medical Services Disciplinary Review Board or a local review
5 board, except final decisions, shall be afforded the same
6 status as is provided information concerning medical studies
7 in Article VIII, Part 21 of the Code of Civil Procedure.
8 Disclosure of such information to the Department pursuant to
9 this Act shall not be considered a violation of Article
10 VIII, Part 21 of the Code of Civil Procedure.

11 (Source: P.A. 89-177, eff. 7-19-95; 90-144, eff. 7-23-97;
12 revised 12-07-01.)

13 (210 ILCS 50/3.220)

14 Sec. 3.220. EMS Assistance Fund.

15 (a) There is hereby created an "EMS Assistance Fund"
16 within the State treasury, for the purpose of receiving fines
17 and fees collected by the Illinois Department of Health
18 pursuant to this Act ~~and the supplemental registration fees~~
19 ~~collected pursuant to Section 3-821.1 of the Illinois Vehicle~~
20 ~~Code.~~

21 (b) EMT licensure examination fees collected shall be
22 distributed by the Department to the Resource Hospital of the
23 EMS System in which the EMT candidate was educated, to be
24 used for educational and related expenses incurred by the
25 System's hospitals, as identified in the EMS System Program
26 Plan.

27 (c) All other moneys within this fund shall be
28 distributed by the Department to the EMS Regions for
29 disbursement in accordance with protocols established in the
30 EMS Region Plans, for the purposes of organization,
31 development and improvement of Emergency Medical Services
32 Systems, including but not limited to training of personnel
33 and acquisition, modification and maintenance of necessary

1 supplies, equipment and vehicles.

2 (d) All fees and fines collected pursuant to this to
3 this Act shall be deposited into the EMS Assistance Fund.

4 (Source: P.A. 89-177, eff. 7-19-95; revised 12-07-01.)

5 (210 ILCS 50/3.250)

6 Sec. 3.250. Application of Administrative Procedure Act.

7 The provisions of the Illinois Administrative Procedure Act
8 are hereby expressly adopted and shall apply to all
9 administrative rules and procedures of the Department of
10 Public Health under this Act, except that in case of conflict
11 between the Illinois Administrative Procedure Act and this
12 Act the provisions of this Act shall control, and except that
13 Section 5-35 of ~~5-05~~ the Illinois Administrative Procedure
14 Act relating to procedures for rule-making does not apply to
15 the adoption of any rule required by federal law in
16 connection with which the Department is precluded by law from
17 exercising any discretion.

18 (Source: P.A. 89-177, eff. 7-19-95; revised 12-07-01.)

19 Section 48. The Illinois Insurance Code is amended by
20 setting forth and renumbering multiple versions of Section
21 155.37, changing Sections 370c and 424, and renumbering
22 Section 507.2 as follows:

23 (215 ILCS 5/155.37)

24 Sec. 155.37. Drug formulary; notice. Insurance
25 companies that transact the kinds of insurance authorized
26 under Class 1(b) or Class 2(a) of Section 4 of this Code and
27 provide coverage for prescription drugs through the use of a
28 drug formulary must notify insureds of any change in the
29 formulary. A company may comply with this Section by posting
30 changes in the formulary on its website.

31 (Source: P.A. 92-440, eff. 8-17-01.)

1 (215 ILCS 5/155.38)

2 Sec. 155.38. ~~155-37.~~ Use of credit reports in connection
3 with certain policies.

4 (a) This Section applies to policies of insurance
5 defined in subsections (a), (b), and (c) of Section 143.13,
6 except that this Section does not apply to those personal
7 lines policies defined in subsection (c) of Section 143.13
8 that could be classified under clause (g) or (i) of Class 2
9 of Section 4 or to policies of insurance subject to Article
10 IX 1/2.

11 (b) An insurance company authorized to do business in
12 this State may not refuse to issue or renew a policy of
13 insurance solely on the basis of a credit report. An offer
14 by an insurance company to write a policy through an insurer
15 that is an affiliate, as defined in Section 131.1 of this
16 Code, with continuous coverage does not constitute a refusal
17 to issue a policy or a nonrenewal within the meaning of this
18 Section. "Credit report" means a collection of data
19 regarding a consumer's credit history, credit capacity, or
20 credit worthiness that has been assembled or evaluated by a
21 consumer reporting agency as defined in 15 USC 1681a(f).

22 (c) If a credit report is used in conjunction with other
23 criteria to underwrite an application or renewal of a policy
24 of insurance, it may not include or be based upon the race,
25 income, gender, religion, or national origin of the applicant
26 or insured.

27 (d) If a credit report is used in conjunction with other
28 criteria to refuse to issue or renew a policy of insurance,
29 the insurer shall provide the applicant or policyholder with
30 a notice of the underwriting action taken. For purposes of
31 this Section, compliance with the notification requirements
32 of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et
33 seq., shall be considered to be in compliance with this
34 Section.

1 (Source: P.A. 92-480, eff. 10-1-01; revised 10-17-01.)

2 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

3 Sec. 370c. Mental and emotional disorders.

4 (a) (1) On and after the effective date of this Section,
5 every insurer which delivers, issues for delivery or renews
6 or modifies group A&H policies providing coverage for
7 hospital or medical treatment or services for illness on an
8 expense-incurred basis shall offer to the applicant or group
9 policyholder subject to the insurers standards of
10 insurability, coverage for reasonable and necessary treatment
11 and services for mental, emotional or nervous disorders or
12 conditions, other than serious mental illnesses as defined in
13 item (2) of subsection (b), up to the limits provided in the
14 policy for other disorders or conditions, except (i) the
15 insured may be required to pay up to 50% of expenses incurred
16 as a result of the treatment or services, and (ii) the annual
17 benefit limit may be limited to the lesser of \$10,000 or 25%
18 of the lifetime policy limit.

19 (2) Each insured that is covered for mental, emotional
20 or nervous disorders or conditions shall be free to select
21 the physician licensed to practice medicine in all its
22 branches, licensed clinical psychologist, licensed clinical
23 social worker, or licensed clinical professional counselor of
24 his choice to treat such disorders, and the insurer shall pay
25 the covered charges of such physician licensed to practice
26 medicine in all its branches, licensed clinical psychologist,
27 licensed clinical social worker, or licensed clinical
28 professional counselor up to the limits of coverage, provided
29 (i) the disorder or condition treated is covered by the
30 policy, and (ii) the physician, licensed psychologist,
31 licensed clinical social worker, or licensed clinical
32 professional counselor is authorized to provide said services
33 under the statutes of this State and in accordance with

1 accepted principles of his profession.

2 (3) Insofar as this Section applies solely to licensed
3 clinical social workers and licensed clinical professional
4 counselors, those persons who may provide services to
5 individuals shall do so after the licensed clinical social
6 worker or licensed clinical professional counselor has
7 informed the patient of the desirability of the patient
8 conferring with the patient's primary care physician and the
9 licensed clinical social worker or licensed clinical
10 professional counselor has provided written notification to
11 the patient's primary care physician, if any, that services
12 are being provided to the patient. That notification may,
13 however, be waived by the patient on a written form. Those
14 forms shall be retained by the licensed clinical social
15 worker or licensed clinical professional counselor for a
16 period of not less than 5 years.

17 (b) (1) An insurer that provides coverage for hospital
18 or medical expenses under a group policy of accident and
19 health insurance or health care plan amended, delivered,
20 issued, or renewed after the effective date of this
21 amendatory Act of the 92nd General Assembly shall provide
22 coverage under the policy for treatment of serious mental
23 illness under the same terms and conditions as coverage for
24 hospital or medical expenses related to other illnesses and
25 diseases. The coverage required under this Section must
26 provide for same durational limits, amount limits,
27 deductibles, and co-insurance requirements for serious mental
28 illness as are provided for other illnesses and diseases.
29 This subsection does not apply to coverage provided to
30 employees by employers who have 50 or fewer employees.

31 (2) "Serious mental illness" means the following
32 psychiatric illnesses as defined in the most current edition
33 of the Diagnostic and Statistical Manual (DSM) published by
34 the American Psychiatric Association:

- 1 (A) schizophrenia;
- 2 (B) paranoid and other psychotic disorders;
- 3 (C) bipolar disorders (hypomanic, manic,
- 4 depressive, and mixed);
- 5 (D) major depressive disorders (single episode or
- 6 recurrent);
- 7 (E) schizoaffective disorders (bipolar or
- 8 depressive);
- 9 (F) pervasive developmental disorders;
- 10 (G) obsessive-compulsive disorders;
- 11 (H) depression in childhood and adolescence; and
- 12 (I) panic disorder.

13 (3) Upon request of the reimbursing insurer, a provider
14 of treatment of serious mental illness shall furnish medical
15 records or other necessary data that substantiate that
16 initial or continued treatment is at all times medically
17 necessary. An insurer shall provide a mechanism for the
18 timely review by a provider holding the same license and
19 practicing in the same specialty as the patient's provider,
20 who is unaffiliated with the insurer, jointly selected by the
21 patient (or the patient's next of kin or legal representative
22 if the patient is unable to act for himself or herself), the
23 patient's provider, and the insurer in the event of a dispute
24 between the insurer and patient's provider regarding the
25 medical necessity of a treatment proposed by a patient's
26 provider. If the reviewing provider determines the treatment
27 to be medically necessary, the insurer shall provide
28 reimbursement for the treatment. Future contractual or
29 employment actions by the insurer regarding the patient's
30 provider may not be based on the provider's participation in
31 this procedure. Nothing prevents the insured from agreeing in
32 writing to continue treatment at his or her expense. When
33 making a determination of the medical necessity for a
34 treatment modality for serious mental illness, an insurer must

1 make the determination in a manner that is consistent with
2 the manner used to make that determination with respect to
3 other diseases or illnesses covered under the policy,
4 including an appeals process.

5 (4) A group health benefit plan:

6 (A) shall provide coverage based upon medical
7 necessity for the following treatment of mental illness
8 in each calendar year;

9 (i) 45 days of inpatient treatment; and

10 (ii) 35 visits for outpatient treatment
11 including group and individual outpatient treatment;

12 (B) may not include a lifetime limit on the number
13 of days of inpatient treatment or the number of
14 outpatient visits covered under the plan; and

15 (C) shall include the same amount limits,
16 deductibles, copayments, and coinsurance factors for
17 serious mental illness as for physical illness.

18 (5) An issuer of a group health benefit plan may not
19 count toward the number of outpatient visits required to be
20 covered under this Section an outpatient visit for the
21 purpose of medication management and shall cover the
22 outpatient visits under the same terms and conditions as it
23 covers outpatient visits for the treatment of physical
24 illness.

25 (6) An issuer of a group health benefit plan may provide
26 or offer coverage required under this Section through a
27 managed care plan.

28 (7) This Section shall not be interpreted to require a
29 group health benefit plan to provide coverage for treatment
30 of:

31 (A) an addiction to a controlled substance or
32 cannabis that is used in violation of law; or

33 (B) mental illness resulting from the use of a
34 controlled substance or cannabis in violation of law.

1 (8) This subsection (b) is inoperative after December
2 31, 2005.

3 (Source: P.A. 92-182, eff. 7-27-01; 92-185, eff. 1-1-02;
4 revised 9-18-01.)

5 (215 ILCS 5/424) (from Ch. 73, par. 1031)

6 Sec. 424. Unfair methods of competition and unfair or
7 deceptive acts or practices defined. The following are
8 hereby defined as unfair methods of competition and unfair
9 and deceptive acts or practices in the business of insurance:

10 (1) The commission by any person of any one or more of
11 the acts defined or prohibited by Sections 134, 147, 148,
12 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of this
13 Code.

14 (2) Entering into any agreement to commit, or by any
15 concerted action committing, any act of boycott, coercion or
16 intimidation resulting in or tending to result in
17 unreasonable restraint of, or monopoly in, the business of
18 insurance.

19 (3) Making or permitting, in the case of insurance of
20 the types enumerated in Classes 1, 2, and 3 of Section 4, any
21 unfair discrimination between individuals or risks of the
22 same class or of essentially the same hazard and expense
23 element because of the race, color, religion, or national
24 origin of such insurance risks or applicants. The
25 application of this Article to the types of insurance
26 enumerated in Class 1 of Section 4 shall in no way limit,
27 reduce, or impair the protections and remedies already
28 provided for by Sections 236 and 364 of this Code or any
29 other provision of this Code.

30 (4) Engaging in any of the acts or practices defined in
31 or prohibited by Sections 154.5 through 154.8 of the this
32 Insurance Code.

33 (5) Making or charging any rate for insurance against

1 losses arising from the use or ownership of a motor vehicle
2 which requires a higher premium of any person by reason of
3 his physical handicap, race, color, religion, or national
4 origin.

5 (Source: P.A. 92-399, eff. 8-16-01; revised 12-07-01.)

6 (215 ILCS 5/500-77)

7 Sec. 500-77. ~~507-2.~~ Policyholder information and
8 exclusive ownership of expirations.

9 (a) As used in this Section, "expirations" means all
10 information relative to an insurance policy including, but
11 not limited to, the name and address of the insured, the
12 location and description of the property insured, the value
13 of the insurance policy, the inception date, the renewal
14 date, and the expiration date of the insurance policy, the
15 premiums, the limits and a description of the terms and
16 coverage of the insurance policy, and any other personal and
17 privileged information, as defined by Section 1003 of this
18 Code, compiled by a registered firm or furnished by the
19 insured to the insurer or any agent, contractor, or
20 representative of the insurer.

21 For purposes of this Section only, a registered firm also
22 includes a sole proprietorship that transacts the business of
23 insurance as an insurance agency.

24 (b) All "expirations" as defined in subsection (a) of
25 this Section shall be mutually and exclusively owned by the
26 insured and the registered firm. The limitations on the use
27 of expirations as provided in subsections (c) and (d) of this
28 Section shall be for mutual benefit of the insured and the
29 registered firm.

30 (c) Except as otherwise provided in this Section, for
31 purposes of soliciting, selling, or negotiating the renewal
32 or sale of insurance coverage, insurance products, or
33 insurance services or for any other marketing purpose, a

1 registered firm shall own and have the exclusive use of
2 expirations, records, and other written or electronically
3 stored information directly related to an insurance
4 application submitted by, or an insurance policy written
5 through, the registered firm. No insurance company, managing
6 general agent, surplus lines insurance broker, wholesale
7 broker, group self-insurance fund, third-party administrator,
8 or any other entity, other than a financial institution as
9 defined in Section 1402 of this Code, shall use such
10 expirations, records, or other written or electronically
11 stored information to solicit, sell, or negotiate the renewal
12 or sale of insurance coverage, insurance products, or
13 insurance services to the insured or for any other marketing
14 purposes, either directly or by providing such information to
15 others, without, separate from the general agency contract,
16 the written consent of the registered firm. However, such
17 expirations, records, or other written or electronically
18 stored information may be used for any purpose necessary for
19 placing such business through the insurance producer
20 including reviewing an application and issuing or renewing a
21 policy and for loss control services.

22 (d) With respect to a registered firm, this Section
23 shall not apply:

24 (1) when the insured requests either orally or in
25 writing that another registered firm obtain quotes for
26 insurance from another insurance company or when the
27 insured requests in writing individually or through
28 another registered firm, that the insurance company renew
29 the policy;

30 (2) to policies in the Illinois Fair Plan, the
31 Illinois Automobile Insurance Plan, or the Illinois
32 Assigned Risk Plan for coverage under the Workers'
33 Compensation Act and the Workers' Occupational Diseases
34 Act;

1 (3) when the insurance producer is employed by or
2 has agreed to act exclusively or primarily for one
3 company or group of affiliated insurance companies or to
4 a producer who submits to the company or group of
5 affiliated companies that are organized to transact
6 business in this State as a reciprocal company, as
7 defined in Article IV of this Code, every request or
8 application for insurance for the classes and lines
9 underwritten by the company or group of affiliated
10 companies;

11 (4) to policies providing life and accident and
12 health insurance;

13 (5) when the registered firm is in default for
14 nonpayment of premiums under the contract with the
15 insurer or is guilty of conversion of the insured's or
16 insurer's premiums or its license is revoked by or
17 surrendered to the Department;

18 (6) to any insurance company's obligations under
19 Sections 143.17 and 143.17a of this Code; or

20 (7) to any insurer that, separate from a producer
21 or registered firm, creates, develops, compiles, and
22 assembles its own, identifiable expirations as defined in
23 subsection (a).

24 For purposes of this Section, an insurance producer shall
25 be deemed to have agreed to act primarily for one company or
26 a group of affiliated insurance companies if the producer (i)
27 receives 75% or more of his or her insurance related
28 commissions from one company or a group of affiliated
29 companies or (ii) places 75% or more of his or her policies
30 with one company or a group of affiliated companies.

31 Nothing in this Section prohibits an insurance company,
32 with respect to any items herein, from conveying to the
33 insured or the registered firm any additional benefits or
34 ownership rights including, but not limited to, the ownership

1 of expirations on any policy issued or the imposition of
2 further restrictions on the insurance company's use of the
3 insured's personal information.

4 (e) Nothing in this Section prevents a financial
5 institution, as defined in Section 1402 of this Code, from
6 obtaining from the insured, the insurer, or the registered
7 firm the expiration dates of an insurance policy placed on
8 collateral or otherwise used as security in connection with a
9 loan made or serviced by the financial institution when the
10 financial institution requires the expiration dates for
11 evidence of insurance.

12 (f) For purposes of this Section, "financial
13 institution" does not include an insurance company,
14 registered firm, managing general agent, surplus lines
15 broker, wholesale broker, group self-funded insurance fund,
16 or third-party administrator.

17 (g) The Director may adopt rules in accordance with
18 Section 401 of this Code for the enforcement of this Section.

19 (h) This Section applies to the expirations relative to
20 all policies of insurance bound, applied for, sold, renewed,
21 or otherwise taking effect on or after the effective date of
22 this amendatory Act of the 92nd General Assembly.

23 (Source: P.A. 92-5, eff. 6-1-01; revised 10-17-01.)

24 Section 49. The Health Maintenance Organization Act is
25 amended by changing Sections 2-6, 3-1, and 4-6.5 as follows:

26 (215 ILCS 125/2-6) (from Ch. 111 1/2, par. 1406.2)

27 Sec. 2-6. Statutory deposits.

28 (a) An organization subject to the provisions of this
29 Act shall make and maintain with the Director through
30 December 30, 1993, for the protection of enrollees of the
31 organization, a deposit of securities which are authorized
32 investments under paragraphs (1) and (2) of subsection (h) of

1 Section 3-1 having a fair market value equal to at least
2 \$100,000. Effective December 31, 1993 and through December
3 30, 1994, the deposit shall have a fair market value at least
4 equal to \$200,000. Effective December 31, 1994 and
5 thereafter, the deposit shall have a fair market value at
6 least equal to \$300,000. An organization issued a
7 certificate of authority on or after the effective date of
8 this Amendatory Act of 1993, shall make and maintain with the
9 Director; for the protection of enrollees of the
10 organization, a deposit of securities which are authorized
11 investments under paragraphs (1) and (2) of subsection (h) of
12 Section 3-1 having a fair market value equal to at least
13 \$300,000. The amount on deposit shall remain as an admitted
14 asset of the organization in the determination of its net
15 worth. The Director may release the required deposit of
16 securities upon receipt of an order of a court having proper
17 jurisdiction or upon: (i) certification by the organization
18 that it has no outstanding enrollee creditors, enrollees,
19 certificate holders, or enrollee obligations in effect and no
20 plans to engage in the business of insurance as a health
21 maintenance organization; (ii) receipt of a lawful resolution
22 of the organization's governing body effecting the surrender
23 of its certificate of authority, articles of incorporation,
24 or other organizational documents to their issuing
25 governmental officer for voluntary or administrative
26 dissolution; and (iii) receipt of the name and forwarding
27 address for each of the final officers and directors of the
28 organization, together with a plan of dissolution approved by
29 the Director.

30 (b) An organization that offers a point-of-service
31 product, as permitted by Article 4.5, must maintain an
32 additional deposit in an amount that is not less than the
33 greater of 125% of the organization's annual projected
34 point-of-service claims or \$300,000.

1 (Source: P.A. 92-75, eff. 7-12-01; 92-135, eff. 1-1-02;
2 revised 9-12-01.)

3 (215 ILCS 125/3-1) (from Ch. 111 1/2, par. 1407.3)

4 Sec. 3-1. Investment Regulations.

5 (a) Any health maintenance organization may invest its
6 funds as provided in this Section and not otherwise. A
7 health maintenance organization that is organized as an
8 insurance company may also acquire the investment assets
9 authorized for an insurance company pursuant to the laws
10 applicable to an insurance company in the organization's
11 state of domicile. Notwithstanding the provisions of this
12 Section, the Director may, after notice and hearing, order an
13 organization to limit or withdraw from certain investments,
14 or discontinue certain investment practices, to the extent
15 the Director finds that such investments or investment
16 practices are hazardous to the financial condition of the
17 organization.

18 (b) No investment or loan shall be made or engaged in by
19 any health maintenance organization unless the same have been
20 authorized or ratified by the board of directors or by a
21 committee thereof charged with the duty of supervising
22 investments and loans. Nothing contained in this subsection
23 shall prevent the board of directors of any such organization
24 from depositing any of its securities with a committee
25 appointed for the purpose of protecting the interest of
26 security holders or with the authorities of any state where
27 it is necessary to do so in order to secure permission to
28 transact its appropriate business therein, and nothing
29 contained in this subsection shall prevent the board of
30 directors of such organization from depositing any securities
31 as collateral for the securing of any bond required for the
32 business of the organization.

33 (c) No health maintenance organization shall pay any

1 commission or brokerage for the purchase or sale of property
2 whether real or personal, in excess of that usual and
3 customary at the time and in the locality where such
4 purchases or sales are made, and information regarding
5 payments of commissions and brokerage shall be maintained.

6 (d) A health maintenance organization may not directly
7 or indirectly, unless it has notified the Director in writing
8 of its intention to enter into the transaction at least 30
9 days prior thereto, or any shorter period as the Director may
10 permit, and the Director has not disapproved it within that
11 period:

12 (1) make a loan to or other investment in an
13 officer or director of the organization or a person in
14 which the officer or director has any direct or indirect
15 financial interest;

16 (2) make a guarantee for the benefit of or in favor
17 of an officer or director of the organization or a person
18 in which the officer or director has any direct or
19 indirect financial interest; or

20 (3) enter into an agreement for the purchase or
21 sale of property from or to an officer or director of the
22 organization or a person in which the officer or director
23 has any direct or indirect financial interest.

24 For the purposes of this Section, an officer or director
25 shall not be deemed to have a financial interest by reason of
26 an interest that is held directly or indirectly through the
27 ownership of equity interests representing less than 2% of
28 all outstanding equity interests issued by a person that is a
29 party to the transaction, or solely by reason of that
30 individual's position as a director or officer of a person
31 that is a party to the transaction.

32 This subsection does not apply to a transaction between
33 an organization and any of its subsidiaries or affiliates
34 that is entered into in compliance with Section 131.20a of

1 the Illinois Insurance Code, other than a transaction between
2 an insurer and its officer or director.

3 (e) In applying the percentage limitations imposed by
4 this Section there shall be used as a base the total of all
5 assets which would be admitted by this Section without regard
6 to percentage limitations. All legal measurements used as a
7 base in the determination of all investment qualifications
8 shall consist of the amounts determined at the most recent
9 year end adjusted for subsequent acquisition and disposition
10 of investments.

11 (f) Valuation of investments. Investments shall be
12 valued in accordance with the published valuation standards
13 of the National Association of Insurance Commissioners.
14 Securities investments as to which the National Association
15 of Insurance Commissioners has not published valuation
16 standards in its Valuations of Securities manual or its
17 successor publication shall be valued as follows:

18 (1) All obligations having a fixed term and rate
19 shall, if not in default as to principal or interest, be
20 valued as follows: if purchased at par, at the par value;
21 if purchased above or below par, on the basis of the
22 purchase price adjusted so as to bring the value to par
23 at maturity and so as to yield in the meantime the
24 effective rate of interest at which the purchase was
25 made;

26 (2) Common, preferred or guaranteed stocks shall be
27 valued at market value.

28 (3) Other security investments shall be valued in
29 accordance with regulations promulgated by the Director
30 pursuant to paragraph (6) of this subsection.

31 (4) Other investments, including real property,
32 shall be valued in accordance with regulations
33 promulgated by the Director pursuant to paragraph (6) of
34 this subsection, but in no event shall such other

1 investments be valued at more than the purchase price.
2 The purchase price for real property includes capitalized
3 permanent improvements, less depreciation spread evenly
4 over the life of the property or, at the option of the
5 company, less depreciation computed on any basis
6 permitted under the Internal Revenue Code and regulations
7 thereunder. Such investments that have been affected by
8 permanent declines in value shall be valued at not more
9 than market value.

10 (5) Any investment, including real property, not
11 purchased by the Health Maintenance Organization but
12 acquired in satisfaction of a debt or otherwise shall be
13 valued in accordance with the applicable procedures for
14 that type of investment contained in this subsection.
15 For purposes of applying the valuation procedures, the
16 purchase price shall be deemed to be the market value at
17 the time the investment is acquired or, in the case of
18 any investment acquired in satisfaction of debt, the
19 amount of the debt, including interest, taxes and
20 expenses, whichever amount is less.

21 (6) The Director shall promulgate rules and
22 regulations for determining and calculating values to be
23 used in financial statements submitted to the Department
24 for investments.

25 (g) Definitions. As used in this Section, unless the
26 context otherwise requires.

27 (1) "Business Corporation" means corporations
28 organized for other than not for profit purposes.

29 (2) "Business Entity" includes sole
30 proprietorships, corporations, associations, partnerships
31 and business trusts.

32 (3) "Bank or Trust Company" means any bank or trust
33 company organized under the laws of the United States or
34 any State thereof if said bank or trust company is

1 regularly examined pursuant to such laws and said bank or
2 trust company has the insurance protection afforded by an
3 agency of the United States government.

4 (4) "Capital" means capital stock paid-up, if any,
5 and its use in a provision does not imply that a
6 non-profit Health Maintenance Organization without stated
7 capital stock is excluded from the provision. The
8 capital of such an organization will be zero.

9 (5) "Direct" when used in connection with
10 "obligation" means that the designated obligor shall be
11 primarily liable on the instrument representing the
12 obligation.

13 (6) "Facility" means and includes real estate and
14 any and all forms of tangible personal property and
15 services used constituting an operating unit.

16 (7) "Guaranteed or insured" means that the
17 guarantor or insurer will perform or insure the
18 obligation of the obligor or will purchase the obligation
19 to the extent of the guaranty or insurance.

20 (8) "Mortgage" shall include a trust deed or other
21 lien on real property securing an obligation for the
22 payment of money.

23 (9) "Servicer" means a business entity that has a
24 contractual obligation to service a pool of mortgage
25 loans. The service provided shall include, but is not
26 limited to, collection of principal and interest, keeping
27 the accounts current, maintaining or confirming in force
28 hazard insurance and tax status and providing supportive
29 accounting services.

30 (10) "Single credit risk" means the direct,
31 guaranteed or insured obligations of any one business
32 entity including affiliates thereof.

33 (11) "Surplus" means the amount properly shown as
34 total net worth on a company's balance sheet, plus all

1 voluntary reserves, but not including capital paid-up.

2 (12) "Tangible net worth" means the par value of
3 all issued and outstanding capital stock of a corporation
4 (or in the case of shares having no par value, the stated
5 value) and the amounts of all surplus accounts less the
6 sum of (a) such intangible assets as deferred charges,
7 organization and development expense, discount and
8 expense incurred in securing capital, good will,
9 trade-marks, trade-names and patents, (b) leasehold
10 improvements, and (c) any reserves carried by the
11 corporation and not otherwise deducted from assets.

12 (13) "Unconditional" when used in connection with
13 "obligation" means that nothing remains to be done or to
14 occur to make the designated obligor liable on the
15 instrument, and that the legal holder shall have the
16 status at least equal to that of general creditor of the
17 obligor.

18 (h) Authorized investments. Any Health Maintenance
19 Organization, except those organized as an insurance company,
20 may acquire the assets set forth in paragraphs 1 through 17,
21 inclusive. A Health Maintenance Organization that is
22 organized as an insurance company may acquire the investment
23 assets authorized for an insurance company pursuant to the
24 laws applicable to an insurance company in the organization's
25 state of domicile. Any restriction, exclusion or provision
26 appearing in any paragraph shall apply only with respect to
27 the authorization of the particular paragraph in which it
28 appears and shall not constitute a general prohibition and
29 shall not be applicable to any other paragraph. The
30 qualifications or disqualifications of an investment under
31 one paragraph shall not prevent its qualification in whole or
32 in part under another paragraph, and an investment authorized
33 by more than one paragraph may be held under whichever
34 authorizing paragraph the organization elects. An investment

1 which qualified under any paragraph at the time it was
2 acquired or entered into by an organization shall continue to
3 be qualified under that paragraph. An investment in whole or
4 in part may be transferred from time to time, at the election
5 of the organization, to the authority of any paragraph under
6 which it qualifies, whether originally qualifying thereunder
7 or not.

8 (1) Direct obligations of the United States for the
9 payment of money, or obligations for the payment of money
10 to the extent guaranteed or insured as to the payment of
11 principal and interest by the United States.

12 (2) Direct obligations for the payment of money,
13 issued by an agency or instrumentality of the United
14 States, or obligations for the payment of money to the
15 extent guaranteed or insured as to the payment of
16 principal and interest by an agency or instrumentality of
17 the United States.

18 (3) Direct, general obligations of any state of the
19 United States for the payment of money, or obligations
20 for the payment of money to the extent guaranteed or
21 insured as to the payment of principal and interest by
22 any state of the United States, on the following
23 conditions:

24 (i) Such state has the power to levy taxes for
25 the prompt payment of the principal and interest of
26 such obligations; and

27 (ii) Such state shall not be in default in the
28 payment of principal or interest on any of its
29 direct, guaranteed or insured obligations at the
30 date of such investment.

31 (4) Direct, general obligations of any political
32 subdivision of any state of the United States for the
33 payment of money, or obligations for the payment of money
34 to the extent guaranteed as to the payment of principal

1 and interest by any political subdivision of any state of
2 the United States, on the following conditions:

3 (i) The obligations are payable or guaranteed
4 from ad valorem taxes;

5 (ii) Such political subdivision is not in
6 default in the payment of principal or interest on
7 any of its direct or guaranteed obligations;

8 (iii) No investment shall be made under this
9 paragraph in obligations which are secured only by
10 special assessments for local improvements; and

11 (iv) An organization shall not invest under
12 this paragraph more than 2% of its admitted assets
13 in obligations issued or guaranteed by any one such
14 political subdivision.

15 (5) Anticipation obligations of any political
16 subdivision of any state of the United States, including
17 but not limited to bond anticipation notes, tax
18 anticipation notes and construction anticipation notes,
19 for the payment of money within 12 months from the
20 issuance of the obligation, on the following conditions:

21 (i) Such anticipation notes must be a direct
22 obligation of the issuer under conditions set forth
23 in paragraph 4;

24 (ii) Such political subdivision is not in
25 default in the payment of the principal or interest
26 on any of its direct general obligations or any
27 obligation guaranteed by such political subdivision;

28 (iii) The anticipated funds must be
29 specifically pledged to secure the obligation;

30 (iv) An organization shall not invest under
31 this paragraph more than 2% of its admitted assets
32 in the anticipation obligations issued by any one
33 such political subdivision.

34 (6) Obligations of any state of the United States,

1 a political subdivision thereof, or a public
2 instrumentality of any one or more of the foregoing, for
3 the payment of money, on the following conditions:

4 (i) The obligations are payable from revenues
5 or earnings of a public utility of such state,
6 political subdivision, or public instrumentality
7 which are specifically pledged therefor;

8 (ii) The law under which the obligations are
9 issued requires such rates for service shall be
10 charged and collected at all times that they will
11 produce sufficient revenue or earnings together with
12 any other revenues or moneys pledged to pay all
13 operating and maintenance charges of the public
14 utility and all principal and interest on such
15 obligations;

16 (iii) No prior or parity obligations payable
17 from the revenues or earnings of that public utility
18 are in default at the date of such investment;

19 (iv) An organization shall not invest more
20 than 20% of its admitted assets under this
21 paragraph; and

22 (v) An organization shall not invest under
23 this Section more than 2% of its admitted assets in
24 the revenue obligations issued in connection with
25 any one facility.

26 (7) Obligations of any state of the United States,
27 a political subdivision thereof, or a public
28 instrumentality of any of the foregoing, for the payment
29 of money, on the following conditions:

30 (i) The obligations are payable from revenues
31 or earnings, excluding revenues or earnings from
32 public utilities, specifically pledged therefor by
33 such state, political subdivision or public
34 instrumentality;

1 (ii) No prior or parity obligation of the same
2 issuer payable from revenues or earnings from the
3 same source has been in default as to principal or
4 interest during the 5 years next preceding the date
5 of such investment, but such issuer need not have
6 been in existence for that period, and obligations
7 acquired under this paragraph may be newly issued;

8 (iii) An organization shall not invest in
9 excess of 20% of its admitted assets under this
10 paragraph; and

11 (iv) An organization shall not invest under
12 this paragraph more than 2% of its admitted assets
13 in the revenue obligations issued in connection with
14 any one facility; and

15 (v) An organization shall not invest under
16 this paragraph more than 2% of its admitted assets
17 in revenue obligations payable from revenue or
18 earning sources which are the contractual
19 responsibility of any one single credit risk.

20 (8) Direct, unconditional obligations of a solvent
21 business corporation for the payment of money, including
22 obligations to pay rent for equipment used in its
23 business or obligations for the payment of money to the
24 extent guaranteed or insured as to the payment of
25 principal and interest by any solvent business
26 corporation, on the following conditions:

27 (i) The corporation shall be incorporated
28 under the laws of the United States or any state of
29 the United States;

30 (ii) The corporation shall have tangible net
31 worth of not less than \$1,000,000;

32 (iii) No such obligation, guarantee or
33 insurance of the corporation has been in default as
34 to principal or interest during the 5 years

1 preceding the date of investment, but the
2 corporation need not have had obligations guarantees
3 or insurance outstanding during that period and need
4 not have been in existence for that period, and
5 obligations acquired under this paragraph may be
6 newly issued;

7 (iv) An organization shall not invest more
8 than 2% of its admitted assets in obligations
9 issued, guaranteed or insured by any one such
10 corporation;

11 (v) An organization may invest under this
12 paragraph up to an additional 2% of its admitted
13 assets in obligations which (i) are issued,
14 guaranteed or insured by any one or more such
15 corporations, each having a tangible net worth of
16 not less than \$25,000,000 and (ii) mature within 12
17 months from the date of acquisition;

18 (vi) An organization may invest not more than
19 1/2 of 1% of its admitted assets in such obligations
20 of corporations which do not meet the condition of
21 subparagraph (ii) of this paragraph; and

22 (vii) An organization shall not invest more
23 than 75% of its admitted assets under this
24 paragraph.

25 (9) Direct, unconditional obligations for the
26 payment of money issued or obligations for the payment of
27 money to the extent guaranteed as to principal and
28 interest by a solvent not for profit corporation, on the
29 following conditions:

30 (i) The corporation shall be incorporated
31 under the laws of the United States or of any state
32 of the United States;

33 (ii) The corporation shall have been in
34 existence for at least 5 years and shall have assets

1 of at least \$2,000,000;

2 (iii) Revenues or other income from such
3 assets and the services or commodities dispensed by
4 the corporation shall be pledged for the payment of
5 the obligations or guarantees;

6 (iv) No such obligation or guarantee of the
7 corporation has been in default as to principal or
8 interest during the 5 years next preceding the date
9 of such investment, but the corporation need not
10 have had obligations or guarantees outstanding
11 during that period and obligations which are
12 acquired under this paragraph may be newly issued;

13 (v) An organization shall not invest more than
14 15% of its admitted assets under this paragraph; and

15 (vi) An organization shall not invest under
16 this paragraph more than 2% of its admitted assets
17 in the obligations issued or guaranteed by any one
18 such corporation.

19 (10) Direct, unconditional nondemand obligations
20 for the payment of money issued by a solvent bank, mutual
21 savings bank or trust company on the following
22 conditions:

23 (i) The bank, mutual savings bank or trust
24 company shall be incorporated under the laws of the
25 United States, or of any state of the United States;

26 (ii) The bank, mutual savings bank or trust
27 company shall have tangible net worth of not less
28 than \$1,000,000;

29 (iii) Such obligations must be of the type
30 which are insured by an agency of the United States
31 or have a maturity of no more than 1 day;

32 (iv) An organization shall not invest under
33 this paragraph more than the amount which is fully
34 insured by an agency of the United States plus 2% of

1 its admitted assets in nondemand obligations issued
2 by any one such financial institution; and

3 (v) An organization may invest under this
4 paragraph up to an additional 8% of its admitted
5 assets in nondemand obligations which (1) are issued
6 by any such banks, mutual savings banks or trust
7 companies, each having a tangible net worth of not
8 less than \$25,000,000 and (2) mature within 12
9 months from the date of acquisition.

10 (11) Preferred or guaranteed stocks issued or
11 guaranteed by a solvent business corporation incorporated
12 under the laws of the United States or any state of the
13 United States, on the following conditions:

14 (i) The corporation shall have tangible net
15 worth of not less than \$1,000,000;

16 (ii) If such stocks have been outstanding
17 prior to purchase, an organization shall not invest
18 under this paragraph in such stock if prescribed
19 current or cumulative dividends are in arrears;

20 (iii) An organization shall not invest more
21 than 33 1/3% of its admitted assets under this
22 paragraph and an organization shall not invest more
23 than 15% of its admitted assets under this paragraph
24 in stocks which, at the time of purchase, are not
25 Sinking Fund Stocks. An issue of preferred or
26 guaranteed stock shall be a Sinking Fund Stock when
27 (1) such issue is subject to a 100% mandatory
28 sinking fund or similar arrangement which will
29 provide for the redemption of the entire issue over
30 a period not longer than 40 years from the date of
31 purchase; (2) annual mandatory sinking fund
32 installments on each issue commence not more than 10
33 years from the date of issue; and (3) each annual
34 sinking fund installment provides for the purchase

1 or redemption of at least 2 1/2% of the original
2 number of shares of such issue; and

3 (iv) An organization shall not invest under
4 this paragraph more than 2% of its admitted assets
5 in the preferred or guaranteed stocks of any one
6 such corporation.

7 (12) Common stock issued by any solvent business
8 corporation incorporated under the laws of the United
9 States, or of any state of the United States, on the
10 following conditions:

11 (i) The issuing corporation must have tangible
12 net worth of \$1,000,000 or more;

13 (ii) An organization may not invest more than
14 an amount equal to its net worth under this
15 paragraph; and

16 (iii) An organization may not invest under
17 this paragraph an amount equal to more than 10% of
18 its net worth in the common stock of any one
19 corporation.

20 (13) Shares of common stock or units of beneficial
21 interest issued by any solvent business corporation or
22 trust incorporated or organized under the laws of the
23 United States, or of any state of the United States, on
24 the following conditions:

25 (i) If the issuing corporation or trust is
26 advised by an investment advisor which is the
27 organization or an affiliate of the organization,
28 the issuing corporation or trust shall have net
29 assets of \$100,000 or more, or if the issuing
30 corporation or trust has an unaffiliated investment
31 advisor, the issuing corporation or trust shall have
32 net assets of \$10,000,000 or more;

33 (ii) The issuing corporation or trust is
34 registered as an investment company with the

1 Securities and Exchange Commission under the
2 Investment Company Act of 1940, as amended;

3 (iii) An organization shall not invest under
4 this paragraph more than the greater of \$100,000 or
5 10% of its admitted assets in any one bond fund,
6 municipal bond fund or money market fund;

7 (iv) An organization shall not invest under
8 this paragraph more than 10% of its net worth in any
9 one common stock fund, balanced fund or income fund;

10 (v) An organization shall not invest more than
11 50% of its admitted assets in bond funds, municipal
12 bond funds and money market funds under this
13 paragraph; and

14 (vi) An organization's investments in common
15 stock funds, balanced funds or income funds when
16 combined with its investments in common stocks made
17 under paragraph (12) shall not exceed the aggregate
18 limitation provided by subparagraph (ii) of
19 paragraph (12).

20 (14) Shares of, or accounts or deposits with
21 savings and loan associations or building and loan
22 associations, on the following conditions:

23 (i) The shares, accounts, or deposits, or
24 investments in any form legally issuable shall be of
25 a withdrawable type and issued by an association
26 which has the insurance protection afforded by the
27 Federal Savings and Loan Insurance Corporation; but
28 nonwithdrawable accounts which are not eligible for
29 insurance by the Federal Savings and Loan Insurance
30 Corporation shall not be eligible for investment
31 under this paragraph;

32 (ii) The association shall have tangible net
33 worth of not less than \$1,000,000;

34 (iii) The investment shall be in the name of

1 and owned by the organization, unless the account is
2 under a trusteeship with the organization named as
3 the beneficiary;

4 (iv) An organization shall not invest more
5 than 50% of its admitted assets under this
6 paragraph; and

7 (v) Under this paragraph, an organization
8 shall not invest in any one such association an
9 amount in excess of 2% of its admitted assets or an
10 amount which is fully insured by the Federal Savings
11 and Loan Insurance Corporation, whichever is
12 greater.

13 (15) Direct, unconditional obligations for the
14 payment of money secured by the pledge of any investment
15 which is authorized by any of the preceding paragraphs,
16 on the following conditions:

17 (i) The investment pledged shall by its terms
18 be legally assignable and shall be validly assigned
19 to the organization;

20 (ii) The investment pledged shall have a fair
21 market value which is at least 25% greater than the
22 amount invested under this paragraph, except that a
23 loan may be made up to 100% of the full fair market
24 value of collateral that would qualify as an
25 investment under paragraph (1) provided it qualifies
26 under condition (i) of this paragraph; and

27 (iii) An organization's investment under this
28 paragraph when added to its investment of the
29 category of the collateral pledged shall not cause
30 the sum to exceed the limits provided by the
31 paragraph authorizing that category of investments.

32 (16) Real estate (including leasehold estates and
33 leasehold improvements) for the convenient accommodation
34 of the organization's business operations, including home

1 office, branch office, medical facilities and field
2 office operations, on the following conditions:

3 (i) Any parcel of real estate acquired under
4 this paragraph may include excess space for rent to
5 others, if it is reasonably anticipated that such
6 excess will be required by the organization for
7 expansion or if the excess is reasonably required in
8 order to have one or more buildings that will
9 function as an economic unit;

10 (ii) Such real estate may be subject to a
11 mortgage; and

12 (iii) The greater of the admitted value of the
13 asset as determined by subsection (f) or the
14 organization's equity plus all encumbrances on such
15 real estate owned by a company under this paragraph
16 shall not exceed 20% of its admitted assets, except
17 with the permission of the Director if he finds that
18 such percentage of its admitted assets is
19 insufficient to provide convenient accommodation for
20 the company's business; provided, however, an
21 organization that directly provides medical services
22 may invest an additional 20% of its admitted assets
23 in such real estate, not requiring the permission of
24 the Director.

25 (17) Any investments of any kind, in the complete
26 discretion of the organization, without regard to any
27 condition of, restriction in, or exclusion from
28 paragraphs (1) to (16), inclusive, and regardless of
29 whether the same or a similar type of investment has been
30 included in or omitted from any such paragraph, on the
31 following condition: (a) An organization shall not invest
32 under this paragraph more than the lesser of (i) 10% of
33 its admitted assets, or (ii) 50% of the amount by which
34 its net worth exceeds the minimum requirements of a new

1 health maintenance organization to qualify for a
2 certificate of authority.

3 (Source: P.A. 92-140, eff. 7-24-01; revised 9-12-01.)

4 (215 ILCS 125/4-6.5)

5 Sec. 4-6.5. Required health benefits; Illinois Insurance
6 Code requirements. A health maintenance organization is
7 subject to the provisions of Sections 155.37, 356t, 356u, and
8 356z.1 of the Illinois Insurance Code.

9 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;
10 revised 9-12-01.)

11 Section 50. The Voluntary Health Services Plans Act is
12 amended by changing Section 10 as follows:

13 (215 ILCS 165/10) (from Ch. 32, par. 604)

14 Sec. 10. Application of Insurance Code provisions.
15 Health services plan corporations and all persons interested
16 therein or dealing therewith shall be subject to the
17 provisions of Articles IIA and XII 1/2 and Sections 3.1, 133,
18 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u,
19 356v, 356w, 356x, 356y, 356z.1, 367.2, 368a, 401, 401.1, 402,
20 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15)
21 of Section 367 of the Illinois Insurance Code.

22 (Source: P.A. 91-406, eff. 1-1-00; 91-549, eff. 8-14-99;
23 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-130, eff.
24 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)

25 Section 51. The Telephone Company Act is amended by
26 changing Section 4 as follows:

27 (220 ILCS 65/4) (from Ch. 134, par. 20)

28 Sec. 4. Right of condemnation. Every telecommunications
29 telecommuniations carrier as defined in the

1 Telecommunications Municipal Infrastructure Maintenance Fee
2 Act may, when it shall be necessary for the construction,
3 maintenance, alteration or extension of its
4 telecommunications system, or any part thereof, enter upon,
5 take or damage private property in the manner provided for
6 in, and the compensation therefor shall be ascertained and
7 made in conformity to the provisions of the Telegraph Act and
8 every telecommunications carrier is authorized to construct,
9 maintain, alter and extend its poles, wires, and other
10 appliances as a proper use of highways, along, upon, under
11 and across any highway, street, alley, public right-of-way
12 dedicated or commonly used for utility purposes, or water in
13 this State, but so as not to incommode the public in the use
14 thereof: Provided, that nothing in this act shall interfere
15 with the control now vested in cities, incorporated towns and
16 villages in relation to the regulation of the poles, wires,
17 cables and other appliances, and provided, that before any
18 such lines shall be constructed along any such highway,
19 street, alley, public right-of-way dedicated or commonly used
20 for utility purposes, or water it shall be the duty of the
21 telecommunications carrier proposing to construct any such
22 line, to give (in the case of cities, villages, and
23 incorporated towns) to the corporate authorities of the
24 municipality or their designees (hereinafter, municipal
25 corporate authorities) or (in other cases) to the highway
26 commissioners having jurisdiction and control over the road
27 or part thereof along and over which such line is proposed to
28 be constructed, notice in writing in the form of plans,
29 specifications, and documentation of the purpose and
30 intention of the company to construct such line over and
31 along the highway, street, alley, public right-of-way
32 dedicated or commonly used for utility purposes, or water,
33 which notice shall be served at least 10 days before the line
34 shall be placed or constructed over and along the highway,

1 street, alley, public right-of-way dedicated or commonly used
2 for utility purposes, or water (30 days in the case of any
3 notice providing for excavation relating to new construction
4 in a public highway, street, alley, public right-of-way
5 dedicated or commonly used for utility purposes, or water);
6 and upon the giving of the notice it shall be the duty of the
7 municipal corporate authorities or the highway commissioners
8 to specify the portion of such highway, street, alley, public
9 right-of-way dedicated or commonly used for utility purposes,
10 or water upon which the line may be placed, used, and
11 constructed, and it shall thereupon be the duty of the
12 telecommunications retailer to provide the municipal
13 authorities or highway commissioners with any and all plans,
14 specifications, and documentation available and to construct
15 its line in accordance with such specifications; but in the
16 event that the municipal corporate authorities or the highway
17 commissioners fail to provide such specification within 10
18 days after the service of such notice, (25 days in the case
19 of excavation relating to new construction) then the
20 telecommunications retailer, without such specification
21 having been made, may proceed to place and erect its line
22 along the highway, street, alley, public right-of-way
23 dedicated or commonly used for utility purposes, or water by
24 placing its posts, poles and abutments so as not to interfere
25 with other proper uses of the highway, street, alley, public
26 right-of-way dedicated or commonly used for utility purposes,
27 or water. The telecommunications carrier proposing to
28 construct any such line shall comply with the provisions of
29 Section 9-113 of the Illinois Highway Code. Provided, that
30 the telecommunications carrier shall not have the right to
31 condemn any portion of the right-of-way of any railroad
32 company except as much thereof as is necessary to cross the
33 same.

34 The Illinois Commerce Commission may adopt reasonable

1 rules governing the negotiation procedures that are used by a
2 telecommunications carrier during precondemnation
3 negotiations for the purchase of land rights-of-way and
4 easements, including procedures for providing information to
5 the public and affected landowners concerning the project and
6 the right-of-way easements sought in connection therewith.

7 Such rules may be made applicable to interstate,
8 competitive intrastate and noncompetitive intrastate
9 facilities, without regard to whether such facilities or the
10 telecommunications carrier proposing to construct and operate
11 them would otherwise be subject to the Illinois Commerce
12 Commission's jurisdiction under the Public Utilities Act, as
13 now or hereafter amended. However, as to facilities used to
14 provide exclusively interstate services or competitive
15 intrastate services or both, nothing in this Section confers
16 any power upon the Commission (i) to require the disclosure
17 of proprietary, competitively sensitive, or cost information
18 or information not known to the telecommunications carrier,
19 (ii) to determine whether, or conduct hearings regarding
20 whether, any proposed fiber optic or other facilities should
21 or should not be constructed and operated, or (iii) to
22 determine or specify, or conduct hearings concerning, the
23 price or other terms or conditions of the purchase of the
24 right-of-way easements sought. With respect to facilities
25 used to provide any intrastate services classified in the
26 condemnor's tariff as noncompetitive under Section 13-502 of
27 the Public Utilities Act, the rulemaking powers conferred
28 upon the Commission under this Section are in addition to any
29 rulemaking powers arising under the Public Utilities Act.

30 No telecommunications carrier shall exercise the power to
31 condemn private property until it has first substantially
32 complied with such rules with respect to the property sought
33 to be condemned. If such rules call for providing notice or
34 information before or during negotiations, a failure to

1 provide such notice or information shall not constitute a
2 waiver of the rights granted in this Section, but the
3 telecommunications carrier shall be liable for all reasonable
4 attorney's fees of that landowner resulting from such
5 failure.

6 (Source: P.A. 90-154, eff. 1-1-98; revised 12-04-01.)

7 Section 52. The Illinois Dental Practice Act is amended
8 by changing Section 4 as follows:

9 (225 ILCS 25/4) (from Ch. 111, par. 2304)

10 (Section scheduled to be repealed on January 1, 2006)

11 Sec. 4. Definitions. As used in this Act:

12 (a) "Department" means the Illinois Department of
13 Professional Regulation.

14 (b) "Director" means the Director of Professional
15 Regulation.

16 (c) "Board" means the Board of Dentistry established by
17 Section 6 of this Act.

18 (d) "Dentist" means a person who has received a general
19 license pursuant to paragraph (a) of Section 11 of this Act
20 and who may perform any intraoral and extraoral procedure
21 required in the practice of dentistry and to whom is reserved
22 the responsibilities specified in Section 17.

23 (e) "Dental hygienist" means a person who holds a
24 license under this Act to perform dental services as
25 authorized by Section 18.

26 (f) "Dental assistant" means an appropriately trained
27 person who, under the supervision of a dentist, provides
28 dental services as authorized by Section 17.

29 (g) "Dental laboratory" means a person, firm or
30 corporation which:

31 (i) engages in making, providing, repairing or
32 altering dental prosthetic appliances and other

1 artificial materials and devices which are returned to a
2 dentist for insertion into the human oral cavity or which
3 come in contact with its adjacent structures and tissues;
4 and

5 (ii) utilizes or employs a dental technician to
6 provide such services; and

7 (iii) performs such functions only for a dentist or
8 dentists.

9 (h) "Supervision" means supervision of a dental
10 hygienist or a dental assistant requiring that a dentist
11 authorize the procedure, remain in the dental facility while
12 the procedure is performed, and approve the work performed by
13 the dental hygienist or dental assistant before dismissal of
14 the patient, but does not mean that the dentist must be
15 present at all times in the treatment room.

16 (i) "General supervision" means supervision of a dental
17 hygienist requiring that a dentist authorize the procedures
18 which are being carried out, but not requiring that a dentist
19 be present when the authorized procedures are being
20 performed. The authorized procedures may also be performed
21 at a place other than the dentist's usual place of practice.
22 The issuance of a prescription to a dental laboratory by a
23 dentist does not constitute general supervision.

24 (j) "Public member" means a person who is not a health
25 professional. For purposes of board membership, any person
26 with a significant financial interest in a health service or
27 profession is not a public member.

28 (k) "Dentistry" means the healing art which is concerned
29 with the examination, diagnosis, treatment planning and care
30 of conditions within the human oral cavity and its adjacent
31 tissues and structures, as further specified in Section 17.

32 (l) "Branches of dentistry" means the various
33 specialties of dentistry which, for purposes of this Act,
34 shall be limited to the following: endodontics, oral and

1 maxillofacial surgery, orthodontics and dentofacial
2 orthopedics, pediatric dentistry, periodontics,
3 prosthodontics, and oral and maxillofacial radiology.

4 (m) "Specialist" means a dentist who has received a
5 specialty license pursuant to Section 11(b).

6 (n) "Dental technician" means a person who owns,
7 operates or is employed by a dental laboratory and engages in
8 making, providing, repairing or altering dental prosthetic
9 appliances and other artificial materials and devices which
10 are returned to a dentist for insertion into the human oral
11 cavity or which come in contact with its adjacent structures
12 and tissues.

13 (o) "Impaired dentist" or "impaired dental hygienist"
14 means a dentist or dental hygienist who is unable to practice
15 with reasonable skill and safety because of a physical or
16 mental disability as evidenced by a written determination or
17 written consent based on clinical evidence, including
18 deterioration through the aging process, loss of motor
19 skills, abuse of drugs or alcohol, or a psychiatric disorder,
20 of sufficient degree to diminish the person's ability to
21 deliver competent patient care.

22 (p) "Nurse" means a registered professional nurse, a
23 certified registered nurse anesthetist anesthetist licensed
24 as an advanced practice nurse, or a licensed practical nurse
25 licensed under the Nursing and Advanced Practice Nursing Act.
26 (Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01;
27 92-280, eff. 1-1-02; revised 9-19-01.)

28 Section 53. The Nursing and Advanced Practice Nursing
29 Act is amended by changing Section 20-165 as follows:

30 (225 ILCS 65/20-165)

31 (Section scheduled to be repealed on January 1, 2008)

32 Sec. 20-165. Home rule preemption. It is declared to be

1 the public policy of this State, pursuant to paragraph
2 paragraphs (h) of Section 6 of Article VII of the Illinois
3 Constitution of 1970, that any power or function set forth in
4 this Act to be exercised by the State is an exclusive State
5 power or function. Such power or function shall not be
6 exercised concurrently, either directly or indirectly, by any
7 unit of local government, including home rule units, except
8 as otherwise provided in this Act.

9 (Source: P.A. 90-742, eff. 8-13-98; revised 12-07-01.)

10 Section 54. The Illinois Occupational Therapy Practice
11 Act is amended by changing Sections 2 and 3.2 as follows:

12 (225 ILCS 75/2) (from Ch. 111, par. 3702)

13 (Section scheduled to be repealed on December 31, 2003)

14 Sec. 2. Definitions. In this Act:

15 (1) "Department" means the Department of Professional
16 Regulation.

17 (2) "Director" means the Director of Professional
18 Regulation.

19 (3) "Board" means the Illinois Occupational Therapy
20 Board appointed by the Director.

21 (4) "Registered occupational therapist" means a person
22 licensed to practice occupational therapy as defined in this
23 Act, and whose license is in good standing.

24 (5) "Certified occupational therapy assistant" means a
25 person licensed to assist in the practice of occupational
26 therapy under the supervision of a registered occupational
27 therapist, and to implement the occupational therapy
28 treatment program as established by the registered
29 occupational therapist. Such program may include training in
30 activities of daily living, the use of therapeutic activity
31 including task oriented activity to enhance functional
32 performance, and guidance in the selection and use of

1 adaptive equipment.

2 (6) "Occupational therapy" means the therapeutic use of
3 purposeful and meaningful occupations or goal-directed
4 activities to evaluate and provide interventions for
5 individuals and populations who have a disease or disorder,
6 an impairment, an activity limitation, or a participation
7 restriction that interferes with their ability to function
8 independently in their daily life roles and to promote health
9 and wellness. Occupational therapy intervention may include
10 any of the following:

11 (a) remediation or restoration of performance
12 abilities that are limited due to impairment in
13 biological, physiological, psychological, or neurological
14 processes;

15 (b) adaptation of task, process, or the environment
16 or the teaching of compensatory techniques in order to
17 enhance performance;

18 (c) disability prevention methods and techniques
19 that facilitate the development or safe application of
20 performance skills; and

21 (d) health promotion strategies and practices that
22 enhance performance abilities.

23 The registered occupational therapist or certified
24 occupational therapy assistant may assume a variety of roles
25 in his or her career including, but not limited to,
26 practitioner, supervisor of professional students and
27 volunteers, researcher, scholar, consultant, administrator,
28 faculty, clinical instructor, and educator of consumers,
29 peers, and family.

30 (7) "Occupational therapy services" means services that
31 may be provided to individuals and populations including,
32 without limitation, the following:

33 (a) evaluating, developing, improving, sustaining,
34 or restoring skills in activities of daily living, work,

1 or productive activities, including instrumental living
2 and play and leisure activities;

3 (b) evaluating, developing, improving, or restoring
4 sensory motor, cognitive, or psychosocial components of
5 performance;

6 (c) designing, fabricating, applying, or training
7 in the use of assistive technology or temporary, orthoses
8 and training in the use of orthoses and prostheses;

9 (d) adapting environments and processes, including
10 the application of ergonomic principles, to enhance
11 performance and safety in daily life roles;

12 (e) for occupational therapists possessing advanced
13 training, skill, and competency as demonstrated through
14 examinations that shall be determined by the Department,
15 applying physical agent modalities as an adjunct to or in
16 preparation for engagement in occupations;

17 (f) evaluating and providing intervention in
18 collaboration with the client, family, caregiver, or
19 others;

20 (g) educating the client, family, caregiver, or
21 others in carrying out appropriate nonskilled
22 interventions; and

23 (h) consulting with groups, programs,
24 organizations, or communities to provide population-based
25 services.

26 (8) "An aide in occupational therapy" means an
27 individual who provides supportive services to occupational
28 therapy practitioners but who is not certified by a
29 nationally recognized occupational therapy certifying or
30 licensing body. ~~or-optometrist-optometrist,~~
31 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02;
32 revised 10-12-01.)

1 (Section scheduled to be repealed on December 31, 2003)

2 Sec. 3.2. Practice of optometry.

3 (a) No rule shall be adopted under this Act that allows
4 an occupational therapist to perform an act, task, or
5 function primarily performed in the lawful practice of
6 optometry under the Illinois Optometric Practice Act of 1987.

7 (b) An occupational therapist may not perform an act,
8 task, or function primarily performed in the lawful practice
9 of optometry under the Illinois Optometric Practice Act of
10 1987.

11 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02;
12 revised 10-12-01.)

13 Section 55. The Pharmacy Practice Act of 1987 is amended
14 by changing Section 10 as follows:

15 (225 ILCS 85/10) (from Ch. 111, par. 4130)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 10. State Board of Pharmacy. There is created in the
18 Department the State Board of Pharmacy. It shall consist of
19 9 members, 7 of whom shall be licensed pharmacists. Each of
20 those 7 members must be a licensed pharmacist in good
21 standing in this State, a graduate of an accredited college
22 of pharmacy or hold a Bachelor of Science degree in Pharmacy
23 and have at least 5 years' practical experience in the
24 practice of pharmacy subsequent to the date of his licensure
25 as a licensed pharmacist in the State of Illinois. There
26 shall be 2 public members, who shall be voting members, who
27 shall not be licensed pharmacists in this State or any other
28 state.

29 Each member shall be appointed by the Governor.

30 The terms of all members serving as of March 31, 1999
31 shall expire on that date. The Governor shall appoint 3
32 persons to serve one-year terms, 3 persons to serve 3-year

1 terms, and 3 persons to serve 5-year terms to begin April 1,
2 1999. Otherwise, members shall be appointed to 5 year terms.
3 No member shall be eligible to serve more than 12 consecutive
4 years.

5 In making the appointment of members on the Board, the
6 Governor shall give due consideration to recommendations by
7 the members of the profession of pharmacy and by
8 pharmaceutical organizations therein. The Governor shall
9 notify the pharmaceutical organizations promptly of any
10 vacancy of members on the Board and in appointing members
11 shall give consideration to individuals engaged in all types
12 and settings of pharmacy practice.

13 The Governor may remove any member of the Board for
14 misconduct, incapacity or neglect of duty and he shall be the
15 sole judge of the sufficiency of the cause for removal.

16 Every person appointed a member of the Board shall take
17 and subscribe the constitutional oath of office and file it
18 with the Secretary of State. Each member of the Board shall
19 be reimbursed for such actual and legitimate expenses as he
20 may incur in going to and from the place of meeting and
21 remaining thereat during sessions of the Board. In addition,
22 each member of the Board shall receive a per diem payment in
23 an amount determined from time to time by the Director for
24 attendance at meetings of the Board and conducting other
25 official business of the Board.

26 The Board shall hold quarterly meetings and an annual
27 meeting in January of each year and such other meetings at
28 such times and places and upon such notice as the Board may
29 determine and as its business may require. Five members of
30 the Board shall constitute a quorum for the transaction of
31 business. The Director shall appoint a pharmacy coordinator,
32 who shall be someone other than a member of the Board. The
33 pharmacy coordinator shall be a registered pharmacist in good
34 standing in this State, shall be a graduate of an accredited

1 college of pharmacy, or hold at a minimum a Bachelor of
2 Science degree in Pharmacy and shall have at least 5 years'
3 experience in the practice of pharmacy immediately prior to
4 his appointment. The pharmacy coordinator shall be the
5 executive administrator and the chief enforcement officer of
6 the Pharmacy Practice Act of 1987.

7 The Board shall exercise the rights, powers and duties
8 which have been vested in the Board under this Act, and any
9 other duties conferred upon the Board by law.

10 The Director shall, in conformity with the Personnel
11 Code, employ not less than 7 pharmacy investigators and 2
12 pharmacy supervisors. Each pharmacy investigator and each
13 supervisor shall be a registered pharmacist in good standing
14 in this State, and shall be a graduate of an accredited
15 college of pharmacy and have at least 5 years of experience
16 in the practice of pharmacy. The Department shall also
17 employ at least one attorney who is a pharmacist to prosecute
18 violations of this Act and its rules. The Department may, in
19 conformity with the Personnel Code, employ such clerical and
20 other employees as are necessary to carry out the duties of
21 the Board.

22 The duly authorized pharmacy investigators of the
23 Department shall have the right to enter and inspect during
24 business hours any pharmacy or any other place in the State
25 of Illinois holding itself out to be a pharmacy where
26 medicines or drugs or drug products or proprietary medicines
27 are sold, offered for sale, exposed for sale, or kept for
28 sale. The pharmacy investigators shall be the only
29 Department investigators authorized to inspect, investigate,
30 and monitor probation compliance of pharmacists and
31 pharmacies.

32 (Source: P.A. 90-253, eff. 7-29-97; 91-827, eff. 6-13-00;
33 revised 12-07-01.)

1 Section 56. The Illinois Physical Therapy Act is amended
2 by changing Section 1 as follows:

3 (225 ILCS 90/1) (from Ch. 111, par. 4251)

4 (Section scheduled to be repealed on January 1, 2006)

5 Sec. 1. Definitions. As used in this Act:

6 (1) "Physical therapy" means the evaluation or treatment
7 of a person by the use of the effective properties of
8 physical measures and heat, cold, light, water, radiant
9 energy, electricity, sound, and air; and the use of
10 therapeutic massage, therapeutic exercise, mobilization, and
11 the rehabilitative procedures with or without assistive
12 devices for the purposes of preventing, correcting, or
13 alleviating a physical or mental disability, or promoting
14 physical fitness and well-being. Physical therapy includes,
15 but is not limited to: (a) performance of specialized tests
16 and measurements, (b) administration of specialized treatment
17 procedures, (c) interpretation of referrals from physicians,
18 dentists and podiatrists, (d) establishment, and modification
19 of physical therapy treatment programs, (e) administration of
20 topical medication used in generally accepted physical
21 therapy procedures when such medication is prescribed by the
22 patient's physician, licensed to practice medicine in all its
23 branches, the patient's physician licensed to practice
24 podiatric medicine, or the patient's dentist, and (f)
25 supervision or teaching of physical therapy. Physical
26 therapy does not include radiology, electrosurgery,
27 chiropractic technique or determination of a differential
28 diagnosis; provided, however, the limitation on determining a
29 differential diagnosis shall not in any manner limit a
30 physical therapist licensed under this Act from performing an
31 evaluation pursuant to such license. Nothing in this Section
32 shall limit a physical therapist from employing appropriate
33 physical therapy techniques that he or she is educated and

1 licensed to perform. A physical therapist shall refer to a
2 licensed physician, dentist, or podiatrist any patient whose
3 medical condition should, at the time of evaluation or
4 treatment, be determined to be beyond the scope of practice
5 of the physical therapist.

6 (2) "Physical therapist" means a person who practices
7 physical therapy and who has met all requirements as provided
8 in this Act.

9 (3) "Department" means the Department of Professional
10 Regulation.

11 (4) "Director" means the Director of Professional
12 Regulation.

13 (5) "Committee" means the Physical Therapy Examining
14 Committee approved by the Director.

15 (6) "Referral" for the purpose of this Act means the
16 following of guidance or direction to the physical therapist
17 given by the physician, dentist, or podiatrist who shall
18 maintain supervision of the patient.

19 (7) "Documented current and relevant diagnosis" for the
20 purpose of this Act means a diagnosis, substantiated by
21 signature or oral verification of a physician, dentist, or
22 podiatrist, that a patient's condition is such that it may be
23 treated by physical therapy as defined in this Act, which
24 diagnosis shall remain in effect until changed by the
25 physician, dentist or podiatrist.

26 (8) "State" includes:

27 (a) the states of the United States of America;

28 (b) the District of Columbia; and ~~or~~

29 (c) the Commonwealth of Puerto Rico.

30 (9) "Physical therapist assistant" means a person
31 licensed to assist a physical therapist and who has met all
32 requirements as provided in this Act and who works under the
33 supervision of a licensed physical therapist to assist in
34 implementing the physical therapy treatment program as

1 established by the licensed physical therapist. The patient
2 care activities provided by the physical therapist assistant
3 shall not include the interpretation of referrals, evaluation
4 procedures, or the planning of, or major modification
5 modifications of, patient programs.

6 (10) "Physical therapy aide" means a person who has
7 received on the job training, specific to the facility in
8 which he is employed, but who has not completed an approved
9 physical therapist assistant program.

10 (Source: P.A. 85-1440; 86-1396; revised 12-04-01.)

11 Section 57. The Perfusionist Practice Act is amended by
12 changing Section 215 as follows:

13 (225 ILCS 125/215)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 215. Criminal penalties. A person who is found to
16 have knowingly violated Section 105 10-5 or subsection (a) of
17 Section 220 of this Act is guilty of a Class A misdemeanor
18 for a first offense and is guilty of a Class 4 felony for a
19 second or subsequent offense.

20 (Source: P.A. 91-580, eff. 1-1-00; revised 12-07-01.)

21 Section 58. The Illinois Roofing Industry Licensing Act
22 is amended by changing Section 9.10 as follows:

23 (225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

24 (Section scheduled to be repealed on January 1, 2006)

25 Sec. 9.10. Returned checks; fines. Any person who
26 delivers a check or other payment to the Department that is
27 returned to the Department unpaid by the financial
28 institution upon which it is drawn shall pay to the
29 Department, in addition to the amount already owed to the
30 Department, a fine of \$50. The fines imposed by this Section

1 are in addition to any other discipline provided under this
2 Act for unlicensed practice or practice on a nonrenewed
3 license. The Department shall notify the person that payment
4 of fees and fines shall be paid to the Department by
5 certified check or money order within 30 calendar days of the
6 notification. If, after the expiration of 30 days from the
7 date of the notification, the person has failed to submit the
8 necessary remittance, the Department shall automatically
9 terminate the license or deny the application, without
10 hearing. If, after termination or denial, the person seeks a
11 license, he or she shall apply to the Department for
12 restoration or issuance of the license and pay all the
13 application fees as set by rule. The Department may
14 establish a fee for the processing of an application for
15 restoration of a license to pay all expenses of processing
16 this application. The Director may waive the fines due under
17 this Section in individual cases where the Director finds
18 that the fines would be unreasonable or unnecessarily
19 burdensome.

20 (Source: P.A. 91-950, eff. 2-9-01; 92-146, eff. 1-1-02;
21 revised 9-13-01.)

22 Section 59. The Highway Advertising Control Act of 1971
23 is amended by changing Section 3 as follows:

24 (225 ILCS 440/3) (from Ch. 121, par. 503)

25 Sec. 3. As used in this Act, unless the context
26 otherwise requires, the terms defined in Sections 3.01
27 through 3.16 ~~3-14~~ have the meanings ascribed to them in those
28 Sections.

29 (Source: P.A. 77-1815; revised 12-07-01.)

30 Section 60. The Home Inspector License Act is amended by
31 changing Section 15-20 as follows:

1 (225 ILCS 441/15-20)
 2 (Section scheduled to be repealed on January 1, 2012)
 3 Sec. 15-20. Administrative Review Law; certification
 4 fees; Illinois Administrative Procedure Act.

5 (a) All final administrative decisions of the
 6 Commissioner under this Act are subject to judicial review
 7 pursuant to the provisions of the Administrative Review Law
 8 and the rules adopted pursuant thereto. The term
 9 "administrative decision" has the meaning ascribed to it in
 10 Section 3-101 of the Administrative Review Law.

11 (b) OBRE shall not be required to certify any record,
 12 file any answer, or otherwise appear unless the party filing
 13 the administrative review complaint pays the certification
 14 fee to OBRE as provided by rule. Failure on the part of the
 15 plaintiff to make such a deposit shall be grounds for
 16 dismissal of the action.

17 (c) The Illinois Administrative Procedure Act is hereby
 18 expressly adopted and incorporated herein. In the event of a
 19 conflict between this Act and the Illinois Administrative
 20 Procedure Act, this Act shall control.

21 (Source: P.A. 92-239, eff. 8-3-01; revised 9-19-01.)

22 Section 61. The Illinois Public Accounting Act is
 23 amended by changing Section 17 as follows:

24 (225 ILCS 450/17) (from Ch. 111, par. 5518)
 25 (Section scheduled to be repealed on January 1, 2014)
 26 (Text of Section before amendment by P.A. 92-457)
 27 Sec. 17. Fees; returned checks; fines. Each person,
 28 partnership, limited liability company, and corporation, to
 29 which a license is issued, shall pay a fee to be established
 30 by the Department which allows the Department to pay all
 31 costs and expenses incident to the administration of this
 32 Act. Interim licenses shall be at full rates.

1 The Department, by rule, shall establish fees to be paid
2 for certification of records, and copies of this Act and the
3 rules issued for administration of this Act.

4 Any person who delivers a check or other payment to the
5 Department that is returned to the Department unpaid by the
6 financial institution upon which it is drawn shall pay to the
7 Department, in addition to the amount already owed to the
8 Department, a fine of \$50. The fines imposed by this Section
9 are in addition to any other discipline provided under this
10 Act for unlicensed practice or practice on a nonrenewed
11 license. The Department shall notify the person that payment
12 of fees and fines shall be paid to the Department by
13 certified check or money order within 30 calendar days of the
14 notification. If, after the expiration of 30 days from the
15 date of the notification, the person has failed to submit the
16 necessary remittance, the Department shall automatically
17 terminate the license or certificate or deny the application,
18 without hearing. If, after termination or denial, the person
19 seeks a license or certificate, he or she shall apply to the
20 Department for restoration or issuance of the license or
21 certificate and pay all fees and fines due to the Department.
22 The Department may establish a fee for the processing of an
23 application for restoration of a license or certificate to
24 pay all expenses of processing this application. The
25 Director may waive the fines due under this Section in
26 individual cases where the Director finds that the fines
27 would be unreasonable or unnecessarily burdensome.

28 (Source: P.A. 92-146, eff. 1-1-02.)

29 (Text of Section after amendment by P.A. 92-457)

30 Sec. 17. Fees; returned checks; fines. Each person,
31 partnership, limited liability company, and corporation, to
32 which a license is issued, shall pay a fee to be established
33 by the Board which allows the Board to pay all costs and
34 expenses incident to the administration of this Act. Interim

1 licenses shall be at full rates.

2 The Board, by rule, shall establish fees to be paid for
3 certification of records, and copies of this Act and the
4 rules issued for administration of this Act.

5 Any person who delivers a check or other payment to the
6 Board that is returned to the Board unpaid by the financial
7 institution upon which it is drawn shall pay to the Board, in
8 addition to the amount already owed to the Board, a fine in
9 an amount to be established by Board rule. ~~in-an--amount--to~~
10 ~~be--established--by--Board--rule~~ The fines imposed by this
11 Section are in addition to any other discipline provided
12 under this Act for unlicensed practice or practice on a
13 nonrenewed license. The Board shall notify the person that
14 payment of fees and fines shall be paid to the Board by
15 certified check or money order within 30 calendar days of the
16 notification. If, after the expiration of 30 days from the
17 date of the notification, the person has failed to submit the
18 necessary remittance, the Board shall automatically terminate
19 the license or certificate or deny the application, without
20 hearing. If, after termination or denial, the person seeks a
21 license or certificate, he or she shall apply to the Board
22 for restoration or issuance of the license or certificate and
23 pay all fees and fines due to the Board. The Board may
24 establish a fee for the processing of an application for
25 restoration of a license or certificate to pay all expenses
26 of processing this application. The Board may waive the
27 fines due under this Section in individual cases where the
28 Board finds that the fines would be unreasonable or
29 unnecessarily burdensome.

30 (Source: P.A. 92-146, eff. 1-1-02; 92-457, eff. 7-1-04;
31 revised 10-17-01.)

32 Section 62. The Illinois Petroleum Education and
33 Marketing Act is amended by changing Section 10 as follows:

1 (225 ILCS 728/10)
2 (Section scheduled to be repealed on January 1, 2008)
3 Sec. 10. Illinois Petroleum Resources Board.

4 (a) There is hereby created until July 1, 2002, the
5 Illinois Petroleum Resources Board which shall be subject to
6 the provisions of the Regulatory Agency Sunset Act. The
7 purpose of the Board is to coordinate a program designed to
8 demonstrate to the general public the importance of the
9 Illinois oil exploration and production industry, to
10 encourage the wise and efficient use of energy, to promote
11 environmentally sound production methods and technologies, to
12 develop existing supplies of State oil resources, and to
13 support research and educational activities concerning the
14 oil exploration and production industry.

15 (b) The Board shall be composed of 12 members to be
16 appointed by the Governor. The Governor shall make
17 appointments from a list of names submitted by qualified
18 producer associations, of which 10 shall be oil and gas
19 producers.

20 (c) A member of the Board shall:
21 (1) be at least 25 years of age;
22 (2) be a resident of the State of Illinois; and
23 (3) have at least 5 years of active experience in
24 the oil industry.

25 (d) Members shall serve for a term of 3 years, except
26 that of the initial appointments, 4 members shall serve for
27 one year, 4 members for 2 years, and 4 members for 3 years.

28 (e) Vacancies shall be filled for the unexpired term of
29 office in the same manner as the original appointment.

30 (f) The Board shall, at its first meeting, elect one of
31 its members as chairperson, who shall preside over meetings
32 of the Board and perform other duties that may be required by
33 the Board. The first meeting of the Board shall be called by
34 the Governor.

1 (g) No member of the Board shall receive a salary or
2 reimbursement for duties performed as a member of the Board,
3 except that members are eligible to receive reimbursement for
4 travel expenses incurred in the performance of Board duties.
5 (Source: P.A. 90-614, eff. 7-10-98; revised 1-9-02.)

6 Section 63. The Liquor Control Act of 1934 is amended by
7 changing Sections 5-1 and 6-16 as follows:

8 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

9 Sec. 5-1. Licenses issued by the Illinois Liquor Control
10 Commission shall be of the following classes:

11 (a) Manufacturer's license - Class 1. Distiller, Class
12 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine
13 Manufacturer, Class 5. Second Class Wine Manufacturer, Class
14 6. First Class Winemaker, Class 7. Second Class Winemaker,
15 Class 8. Limited Wine Manufacturer,

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

19 (e) Special Event Retailer's license (not-for-profit),

20 (f) Railroad license,

21 (g) Boat license,

22 (h) Non-Beverage User's license,

23 (i) Wine-maker's premises license,

24 (j) Airplane license,

25 (k) Foreign importer's license,

26 (l) Broker's license,

27 (m) Non-resident dealer's license,

28 (n) Brew Pub license,

29 (o) Auction liquor license,

30 (p) Caterer retailer license,

31 (q) Special use permit license.

32 No person, firm, partnership, corporation, or other legal

1 business entity that is engaged in the manufacturing of wine
2 may concurrently obtain and hold a wine-maker's license and a
3 wine manufacturer's license.

4 (a) A manufacturer's license shall allow the
5 manufacture, importation in bulk, storage, distribution and
6 sale of alcoholic liquor to persons without the State, as may
7 be permitted by law and to licensees in this State as
8 follows:

9 Class 1. A Distiller may make sales and deliveries of
10 alcoholic liquor to distillers, rectifiers, importing
11 distributors, distributors and non-beverage users and to no
12 other licensees.

13 Class 2. A Rectifier, who is not a distiller, as defined
14 herein, may make sales and deliveries of alcoholic liquor to
15 rectifiers, importing distributors, distributors, retailers
16 and non-beverage users and to no other licensees.

17 Class 3. A Brewer may make sales and deliveries of beer
18 to importing distributors, distributors, and to
19 non-licensees, and to retailers provided the brewer obtains
20 an importing distributor's license or distributor's license
21 in accordance with the provisions of this Act.

22 Class 4. A first class wine-manufacturer may make sales
23 and deliveries of up to 50,000 gallons of wine to
24 manufacturers, importing distributors and distributors, and
25 to no other licensees.

26 Class 5. A second class Wine manufacturer may make sales
27 and deliveries of more than 50,000 gallons of wine to
28 manufacturers, importing distributors and distributors and to
29 no other licensees.

30 Class 6. A first-class wine-maker's license shall allow
31 the manufacture of up to 50,000 gallons of wine per year, and
32 the storage and sale of such wine to distributors in the
33 State and to persons without the State, as may be permitted
34 by law. A first-class wine-maker's license shall allow the

1 sale of no more than 5,000 gallons of the licensee's wine to
2 retailers. The State Commission shall issue only one
3 first-class wine-maker's license to any person, firm,
4 partnership, corporation, or other legal business entity that
5 is engaged in the making of less than 50,000 gallons of wine
6 annually that applies for a first-class wine-maker's license.
7 No subsidiary or affiliate thereof, nor any officer,
8 associate, member, partner, representative, employee, agent,
9 or shareholder may be issued an additional wine-maker's
10 license by the State Commission.

11 Class 7. A second-class wine-maker's license shall allow
12 the manufacture of between 50,000 and 100,000 gallons of wine
13 per year, and the storage and sale of such wine to
14 distributors in this State and to persons without the State,
15 as may be permitted by law. A second-class wine-maker's
16 license shall allow the sale of no more than 10,000 gallons
17 of the licensee's wine directly to retailers. The State
18 Commission shall issue only one second-class wine-maker's
19 license to any person, firm, partnership, corporation, or
20 other legal business entity that is engaged in the making of
21 less than 100,000 gallons of wine annually that applies for a
22 second-class wine-maker's license. No subsidiary or
23 affiliate thereof, or any officer, associate, member,
24 partner, representative, employee, agent, or shareholder may
25 be issued an additional wine-maker's license by the State
26 Commission.

27 Class 8. A limited wine-manufacturer may make sales and
28 deliveries not to exceed 40,000 gallons of wine per year to
29 distributors, and to non-licensees in accordance with the
30 provisions of this Act.

31 (a-1) A manufacturer which is licensed in this State to
32 make sales or deliveries of alcoholic liquor and which
33 enlists agents, representatives, or individuals acting on its
34 behalf who contact licensed retailers on a regular and

1 continual basis in this State must register those agents,
2 representatives, or persons acting on its behalf with the
3 State Commission.

4 Registration of agents, representatives, or persons
5 acting on behalf of a manufacturer is fulfilled by submitting
6 a form to the Commission. The form shall be developed by the
7 Commission and shall include the name and address of the
8 applicant, the name and address of the manufacturer he or she
9 represents, the territory or areas assigned to sell to or
10 discuss pricing terms of alcoholic liquor, and any other
11 questions deemed appropriate and necessary. All statements in
12 the forms required to be made by law or by rule shall be
13 deemed material, and any person who knowingly misstates any
14 material fact under oath in an application is guilty of a
15 Class B misdemeanor. Fraud, misrepresentation, false
16 statements, misleading statements, evasions, or suppression
17 of material facts in the securing of a registration are
18 grounds for suspension or revocation of the registration.

19 (b) A distributor's license shall allow the wholesale
20 purchase and storage of alcoholic liquors and sale of
21 alcoholic liquors to licensees in this State and to persons
22 without the State, as may be permitted by law.

23 (c) An importing distributor's license may be issued to
24 and held by those only who are duly licensed distributors,
25 upon the filing of an application by a duly licensed
26 distributor, with the Commission and the Commission shall,
27 without the payment of any fee, immediately issue such
28 importing distributor's license to the applicant, which shall
29 allow the importation of alcoholic liquor by the licensee
30 into this State from any point in the United States outside
31 this State, and the purchase of alcoholic liquor in barrels,
32 casks or other bulk containers and the bottling of such
33 alcoholic liquors before resale thereof, but all bottles or
34 containers so filled shall be sealed, labeled, stamped and

1 otherwise made to comply with all provisions, rules and
2 regulations governing manufacturers in the preparation and
3 bottling of alcoholic liquors. The importing distributor's
4 license shall permit such licensee to purchase alcoholic
5 liquor from Illinois licensed non-resident dealers and
6 foreign importers only.

7 (d) A retailer's license shall allow the licensee to
8 sell and offer for sale at retail, only in the premises
9 specified in such license, alcoholic liquor for use or
10 consumption, but not for resale in any form: Provided that
11 any retail license issued to a manufacturer shall only permit
12 such manufacturer to sell beer at retail on the premises
13 actually occupied by such manufacturer.

14 After January 1, 1995 there shall be 2 classes of
15 licenses issued under a retailers license.

16 (1) A "retailers on premise consumption license"
17 shall allow the licensee to sell and offer for sale at
18 retail, only on the premises specified in the license,
19 alcoholic liquor for use or consumption on the premises
20 or on and off the premises, but not for resale in any
21 form.

22 (2) An "off premise sale license" shall allow the
23 licensee to sell, or offer for sale at retail, alcoholic
24 liquor intended only for off premise consumption and not
25 for resale in any form.

26 Notwithstanding any other provision of this subsection
27 (d), a retail licensee may sell alcoholic liquors to a
28 special event retailer licensee for resale to the extent
29 permitted under subsection (e).

30 (e) A special event retailer's license (not-for-profit)
31 shall permit the licensee to purchase alcoholic liquors from
32 an Illinois licensed distributor (unless the licensee
33 purchases less than \$500 of alcoholic liquors for the special
34 event, in which case the licensee may purchase the alcoholic

1 liquors from a licensed retailer) and shall allow the
2 licensee to sell and offer for sale, at retail, alcoholic
3 liquors for use or consumption, but not for resale in any
4 form and only at the location and on the specific dates
5 designated for the special event in the license. An
6 applicant for a special event retailer license must (i)
7 furnish with the application: (A) a resale number issued
8 under Section 2c of the Retailers' Occupation Tax Act or
9 evidence that the applicant is registered under Section 2a of
10 the Retailers' Occupation Tax Act, (B) a current, valid
11 exemption identification number issued under Section 1g of
12 the Retailers' Occupation Tax Act, and a certification to the
13 Commission that the purchase of alcoholic liquors will be a
14 tax-exempt purchase, or (C) a statement that the applicant is
15 not registered under Section 2a of the Retailers' Occupation
16 Tax Act, does not hold a resale number under Section 2c of
17 the Retailers' Occupation Tax Act, and does not hold an
18 exemption number under Section 1g of the Retailers'
19 Occupation Tax Act, in which event the Commission shall set
20 forth on the special event retailer's license a statement to
21 that effect; (ii) submit with the application proof
22 satisfactory to the State Commission that the applicant will
23 provide dram shop liability insurance in the maximum limits;
24 and (iii) show proof satisfactory to the State Commission
25 that the applicant has obtained local authority approval.

26 (f) A railroad license shall permit the licensee to
27 import alcoholic liquors into this State from any point in
28 the United States outside this State and to store such
29 alcoholic liquors in this State; to make wholesale purchases
30 of alcoholic liquors directly from manufacturers, foreign
31 importers, distributors and importing distributors from
32 within or outside this State; and to store such alcoholic
33 liquors in this State; provided that the above powers may be
34 exercised only in connection with the importation, purchase

1 or storage of alcoholic liquors to be sold or dispensed on a
 2 club, buffet, lounge or dining car operated on an electric,
 3 gas or steam railway in this State; and provided further,
 4 that railroad licensees exercising the above powers shall be
 5 subject to all provisions of Article VIII of this Act as
 6 applied to importing distributors. A railroad license shall
 7 also permit the licensee to sell or dispense alcoholic
 8 liquors on any club, buffet, lounge or dining car operated on
 9 an electric, gas or steam railway regularly operated by a
 10 common carrier in this State, but shall not permit the sale
 11 for resale of any alcoholic liquors to any licensee within
 12 this State. A license shall be obtained for each car in
 13 which such sales are made.

14 (g) A boat license shall allow the sale of alcoholic
 15 liquor in individual drinks, on any passenger boat regularly
 16 operated as a common carrier on navigable waters in this
 17 State, which boat maintains a public dining room or
 18 restaurant thereon.

19 (h) A non-beverage user's license shall allow the
 20 licensee to purchase alcoholic liquor from a licensed
 21 manufacturer or importing distributor, without the imposition
 22 of any tax upon the business of such licensed manufacturer or
 23 importing distributor as to such alcoholic liquor to be used
 24 by such licensee solely for the non-beverage purposes set
 25 forth in subsection (a) of Section 8-1 of this Act, and such
 26 licenses shall be divided and classified and shall permit the
 27 purchase, possession and use of limited and stated quantities
 28 of alcoholic liquor as follows:

- 29 Class 1, not to exceed 500 gallons
- 30 Class 2, not to exceed 1,000 gallons
- 31 Class 3, not to exceed 5,000 gallons
- 32 Class 4, not to exceed 10,000 gallons
- 33 Class 5, not to exceed 50,000 gallons

34 (i) A wine-maker's premises license shall allow a

1 licensee that concurrently holds a first-class wine-maker's
2 license to sell and offer for sale at retail in the premises
3 specified in such license not more than 50,000 gallons of the
4 first-class wine-maker's wine that is made at the first-class
5 wine-maker's licensed premises per year for use or
6 consumption, but not for resale in any form. A wine-maker's
7 premises license shall allow a licensee who concurrently
8 holds a second-class wine-maker's license to sell and offer
9 for sale at retail in the premises specified in such license
10 up to 100,000 gallons of the second-class wine-maker's wine
11 that is made at the second-class wine-maker's licensed
12 premises per year for use or consumption but not for resale
13 in any form. Upon approval from the State Commission, a
14 wine-maker's premises license shall allow the licensee to
15 sell and offer for sale at (i) the wine-maker's licensed
16 premises and (ii) at up to 2 additional locations for use and
17 consumption and not for resale. Each location shall require
18 additional licensing per location as specified in Section 5-3
19 of this Act.

20 (j) An airplane license shall permit the licensee to
21 import alcoholic liquors into this State from any point in
22 the United States outside this State and to store such
23 alcoholic liquors in this State; to make wholesale purchases
24 of alcoholic liquors directly from manufacturers, foreign
25 importers, distributors and importing distributors from
26 within or outside this State; and to store such alcoholic
27 liquors in this State; provided that the above powers may be
28 exercised only in connection with the importation, purchase
29 or storage of alcoholic liquors to be sold or dispensed on an
30 airplane; and provided further, that airplane licensees
31 exercising the above powers shall be subject to all
32 provisions of Article VIII of this Act as applied to
33 importing distributors. An airplane licensee shall also
34 permit the sale or dispensing of alcoholic liquors on any

1 passenger airplane regularly operated by a common carrier in
2 this State, but shall not permit the sale for resale of any
3 alcoholic liquors to any licensee within this State. A
4 single airplane license shall be required of an airline
5 company if liquor service is provided on board aircraft in
6 this State. The annual fee for such license shall be as
7 determined in Section 5-3.

8 (k) A foreign importer's license shall permit such
9 licensee to purchase alcoholic liquor from Illinois licensed
10 non-resident dealers only, and to import alcoholic liquor
11 other than in bulk from any point outside the United States
12 and to sell such alcoholic liquor to Illinois licensed
13 importing distributors and to no one else in Illinois;
14 provided that the foreign importer registers with the State
15 Commission every brand of alcoholic liquor that it proposes
16 to sell to Illinois licensees during the license period and
17 provided further that the foreign importer complies with all
18 of the provisions of Section 6-9 of this Act with respect to
19 registration of such Illinois licensees as may be granted the
20 right to sell such brands at wholesale.

21 (l) (i) A broker's license shall be required of all
22 persons who solicit orders for, offer to sell or offer to
23 supply alcoholic liquor to retailers in the State of
24 Illinois, or who offer to retailers to ship or cause to be
25 shipped or to make contact with distillers, rectifiers,
26 brewers or manufacturers or any other party within or without
27 the State of Illinois in order that alcoholic liquors be
28 shipped to a distributor, importing distributor or foreign
29 importer, whether such solicitation or offer is consummated
30 within or without the State of Illinois.

31 No holder of a retailer's license issued by the Illinois
32 Liquor Control Commission shall purchase or receive any
33 alcoholic liquor, the order for which was solicited or
34 offered for sale to such retailer by a broker unless the

1 broker is the holder of a valid broker's license.

2 The broker shall, upon the acceptance by a retailer of
3 the broker's solicitation of an order or offer to sell or
4 supply or deliver or have delivered alcoholic liquors,
5 promptly forward to the Illinois Liquor Control Commission a
6 notification of said transaction in such form as the
7 Commission may by regulations prescribe.

8 (ii) A broker's license shall be required of a person
9 within this State, other than a retail licensee, who, for a
10 fee or commission, promotes, solicits, or accepts orders for
11 alcoholic liquor, for use or consumption and not for resale,
12 to be shipped from this State and delivered to residents
13 outside of this State by an express company, common carrier,
14 or contract carrier. This Section does not apply to any
15 person who promotes, solicits, or accepts orders for wine as
16 specifically authorized in Section 6-29 of this Act.

17 A broker's license under this subsection (1) shall not
18 entitle the holder to buy or sell any alcoholic liquors for
19 his own account or to take or deliver title to such alcoholic
20 liquors.

21 This subsection (1) shall not apply to distributors,
22 employees of distributors, or employees of a manufacturer who
23 has registered the trademark, brand or name of the alcoholic
24 liquor pursuant to Section 6-9 of this Act, and who regularly
25 sells such alcoholic liquor in the State of Illinois only to
26 its registrants thereunder.

27 Any agent, representative, or person subject to
28 registration pursuant to subsection (a-1) of this Section
29 shall not be eligible to receive a broker's license.

30 (m) A non-resident dealer's license shall permit such
31 licensee to ship into and warehouse alcoholic liquor into
32 this State from any point outside of this State, and to sell
33 such alcoholic liquor to Illinois licensed foreign importers
34 and importing distributors and to no one else in this State;

1 provided that said non-resident dealer shall register with
2 the Illinois Liquor Control Commission each and every brand
3 of alcoholic liquor which it proposes to sell to Illinois
4 licensees during the license period; and further provided
5 that it shall comply with all of the provisions of Section
6 6-9 hereof with respect to registration of such Illinois
7 licensees as may be granted the right to sell such brands at
8 wholesale.

9 (n) A brew pub license shall allow the licensee to
10 manufacture beer only on the premises specified in the
11 license, to make sales of the beer manufactured on the
12 premises to importing distributors, distributors, and to
13 non-licensees for use and consumption, to store the beer upon
14 the premises, and to sell and offer for sale at retail from
15 the licensed premises, provided that a brew pub licensee
16 shall not sell for off-premises consumption more than 50,000
17 gallons per year.

18 (o) A caterer retailer license shall allow the holder to
19 serve alcoholic liquors as an incidental part of a food
20 service that serves prepared meals which excludes the serving
21 of snacks as the primary meal, either on or off-site whether
22 licensed or unlicensed.

23 (p) An auction liquor license shall allow the licensee
24 to sell and offer for sale at auction wine and spirits for
25 use or consumption, or for resale by an Illinois liquor
26 licensee in accordance with provisions of this Act. An
27 auction liquor license will be issued to a person and it will
28 permit the auction liquor licensee to hold the auction
29 anywhere in the State. An auction liquor license must be
30 obtained for each auction at least 14 days in advance of the
31 auction date.

32 (q) A special use permit license shall allow an Illinois
33 licensed retailer to transfer a portion of its alcoholic
34 liquor inventory from its retail licensed premises to the

1 premises specified in the license hereby created, and to sell
2 or offer for sale at retail, only in the premises specified
3 in the license hereby created, the transferred alcoholic
4 liquor for use or consumption, but not for resale in any
5 form. A special use permit license may be granted for the
6 following time periods: one day or less; 2 or more days to a
7 maximum of 15 days per location in any 12 month period. An
8 applicant for the special use permit license must also submit
9 with the application proof satisfactory to the State
10 Commission that the applicant will provide dram shop
11 liability insurance to the maximum limits and have local
12 authority approval.

13 (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02;
14 92-378, eff. 8-16-01; revised 10-10-01.)

15 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

16 Sec. 6-16. Prohibited sales and possession.

17 (a) (i) No licensee nor any officer, associate, member,
18 representative, agent, or employee of such licensee shall
19 sell, give, or deliver alcoholic liquor to any person under
20 the age of 21 years or to any intoxicated person, except as
21 provided in Section 6-16.1. (ii) No express company, common
22 carrier, or contract carrier nor any representative, agent,
23 or employee on behalf of an express company, common carrier,
24 or contract carrier that carries or transports alcoholic
25 liquor for delivery within this State shall knowingly give or
26 knowingly deliver to a residential address any shipping
27 container clearly labeled as containing alcoholic liquor and
28 labeled as requiring signature of an adult of at least 21
29 years of age to any person in this State under the age of 21
30 years. An express company, common carrier, or contract
31 carrier that carries or transports such alcoholic liquor for
32 delivery within this State shall obtain a signature at the
33 time of delivery acknowledging receipt of the alcoholic

1 liquor by an adult who is at least 21 years of age. At no
2 time while delivering alcoholic beverages within this State
3 may any representative, agent, or employee of an express
4 company, common carrier, or contract carrier that carries or
5 transports alcoholic liquor for delivery within this State
6 deliver the alcoholic liquor to a residential address without
7 the acknowledgment of the consignee and without first
8 obtaining a signature at the time of the delivery by an adult
9 who is at least 21 years of age. A signature of a person on
10 file with the express company, common carrier, or contract
11 carrier does not constitute acknowledgement of the consignee.
12 Any express company, common carrier, or contract carrier that
13 transports alcoholic liquor for delivery within this State
14 that violates this item (ii) of this subsection (a) by
15 delivering alcoholic liquor without the acknowledgement of
16 the consignee and without first obtaining a signature at the
17 time of the delivery by an adult who is at least 21 years of
18 age is guilty of a business offense for which the express
19 company, common carrier, or contract carrier that transports
20 alcoholic liquor within this State shall be fined not more
21 than \$1,001 for a first offense, not more than \$5,000 for a
22 second offense, and not more than \$10,000 for a third or
23 subsequent offense. An express company, common carrier, or
24 contract carrier shall be held vicariously liable for the
25 actions of its representatives, agents, or employees. For
26 purposes of this Act, in addition to other methods authorized
27 by law, an express company, common carrier, or contract
28 carrier shall be considered served with process when a
29 representative, agent, or employee alleged to have violated
30 this Act is personally served. Each shipment of alcoholic
31 liquor delivered in violation of this item (ii) of this
32 subsection (a) constitutes a separate offense. (iii) No
33 person, after purchasing or otherwise obtaining alcoholic
34 liquor, shall sell, give, or deliver such alcoholic liquor to

1 another person under the age of 21 years, except in the
2 performance of a religious ceremony or service. Except as
3 otherwise provided in item (ii), any express company, common
4 carrier, or contract carrier that transports alcoholic liquor
5 within this State that violates the provisions of item (i),
6 (ii), or (iii) of this paragraph of this subsection (a) is
7 guilty of a Class A misdemeanor and the sentence shall
8 include, but shall not be limited to, a fine of not less than
9 \$500.

10 If a licensee or officer, associate, member,
11 representative, agent, or employee of the licensee, or a
12 representative, agent, or employee of an express company,
13 common carrier, or contract carrier that carries or
14 transports alcoholic liquor for delivery within this State,
15 is prosecuted under this paragraph of this subsection (a) for
16 selling, giving, or delivering alcoholic liquor to a person
17 under the age of 21 years, the person under 21 years of age
18 who attempted to buy or receive the alcoholic liquor may be
19 prosecuted pursuant to Section 6-20 of this Act, unless the
20 person under 21 years of age was acting under the authority
21 of a law enforcement agency, the Illinois Liquor Control
22 Commission, or a local liquor control commissioner pursuant
23 to a plan or action to investigate, patrol, or conduct any
24 similar enforcement action.

25 For the purpose of preventing the violation of this
26 Section, any licensee, or his agent or employee, or a
27 representative, agent, or employee of an express company,
28 common carrier, or contract carrier that carries or
29 transports alcoholic liquor for delivery within this State,
30 shall refuse to sell, deliver, or serve alcoholic beverages
31 to any person who is unable to produce adequate written
32 evidence of identity and of the fact that he or she is over
33 the age of 21 years, if requested by the licensee, agent,
34 employee, or representative.

1 Adequate written evidence of age and identity of the
2 person is a document issued by a federal, state, county, or
3 municipal government, or subdivision or agency thereof,
4 including, but not limited to, a motor vehicle operator's
5 license, a registration certificate issued under the Federal
6 Selective Service Act, or an identification card issued to a
7 member of the Armed Forces. Proof that the
8 defendant-licensee, or his employee or agent, or the
9 representative, agent, or employee of the express company,
10 common carrier, or contract carrier that carries or
11 transports alcoholic liquor for delivery within this State
12 demanded, was shown and reasonably relied upon such written
13 evidence in any transaction forbidden by this Section is an
14 affirmative defense in any criminal prosecution therefor or
15 to any proceedings for the suspension or revocation of any
16 license based thereon. It shall not, however, be an
17 affirmative defense if the agent or employee accepted the
18 written evidence knowing it to be false or fraudulent. If a
19 false or fraudulent Illinois driver's license or Illinois
20 identification card is presented by a person less than 21
21 years of age to a licensee or the licensee's agent or
22 employee for the purpose of ordering, purchasing, attempting
23 to purchase, or otherwise obtaining or attempting to obtain
24 the serving of any alcoholic beverage, the law enforcement
25 officer or agency investigating the incident shall, upon the
26 conviction of the person who presented the fraudulent license
27 or identification, make a report of the matter to the
28 Secretary of State on a form provided by the Secretary of
29 State.

30 However, no agent or employee of the licensee or employee
31 of an express company, common carrier, or contract carrier
32 that carries or transports alcoholic liquor for delivery
33 within this State shall be disciplined or discharged for
34 selling or furnishing liquor to a person under 21 years of

1 age if the agent or employee demanded and was shown, before
2 furnishing liquor to a person under 21 years of age, adequate
3 written evidence of age and identity of the person issued by
4 a federal, state, county or municipal government, or
5 subdivision or agency thereof, including but not limited to a
6 motor vehicle operator's license, a registration certificate
7 issued under the Federal Selective Service Act, or an
8 identification card issued to a member of the Armed Forces.
9 This paragraph, however, shall not apply if the agent or
10 employee accepted the written evidence knowing it to be false
11 or fraudulent.

12 Any person who sells, gives, or furnishes to any person
13 under the age of 21 years any false or fraudulent written,
14 printed, or photostatic evidence of the age and identity of
15 such person or who sells, gives or furnishes to any person
16 under the age of 21 years evidence of age and identification
17 of any other person is guilty of a Class A misdemeanor and
18 the person's sentence shall include, but shall not be limited
19 to, a fine of not less than \$500.

20 Any person under the age of 21 years who presents or
21 offers to any licensee, his agent or employee, any written,
22 printed or photostatic evidence of age and identity that is
23 false, fraudulent, or not actually his or her own for the
24 purpose of ordering, purchasing, attempting to purchase or
25 otherwise procuring or attempting to procure, the serving of
26 any alcoholic beverage, who falsely states in writing that he
27 or she is at least 21 years of age when receiving alcoholic
28 liquor from a representative, agent, or employee of an
29 express company, common carrier, or contract carrier, or who
30 has in his or her possession any false or fraudulent written,
31 printed, or photostatic evidence of age and identity, is
32 guilty of a Class A misdemeanor and the person's sentence
33 shall include, but shall not be limited to, the following: a
34 fine of not less than \$500 and at least 25 hours of community

1 service. If possible, any community service shall be
2 performed for an alcohol abuse prevention program.

3 Any person under the age of 21 years who has any
4 alcoholic beverage in his or her possession on any street or
5 highway or in any public place or in any place open to the
6 public is guilty of a Class A misdemeanor. This Section does
7 not apply to possession by a person under the age of 21 years
8 making a delivery of an alcoholic beverage in pursuance of
9 the order of his or her parent or in pursuance of his or her
10 employment.

11 (a-1) It is unlawful for any parent or guardian to
12 permit his or her residence to be used by an invitee of the
13 parent's child or the guardian's ward, if the invitee is
14 under the age of 21, in a manner that constitutes a violation
15 of this Section. A parent or guardian is deemed to have
16 permitted his or her residence to be used in violation of
17 this Section if he or she knowingly authorizes, enables, or
18 permits such use to occur by failing to control access to
19 either the residence or the alcoholic liquor maintained in
20 the residence. Any person who violates this subsection (a-1)
21 is guilty of a Class A misdemeanor and the person's sentence
22 shall include, but shall not be limited to, a fine of not
23 less than \$500. Nothing in this subsection (a-1) shall be
24 construed to prohibit the giving of alcoholic liquor to a
25 person under the age of 21 years in the performance of a
26 religious ceremony or service.

27 (b) Except as otherwise provided in this Section whoever
28 violates this Section shall, in addition to other penalties
29 provided for in this Act, be guilty of a Class A misdemeanor.

30 (c) Any person shall be guilty of a Class A misdemeanor
31 where he or she knowingly permits a gathering at a residence
32 which he or she occupies of two or more persons where any one
33 or more of the persons is under 21 years of age and the
34 following factors also apply:

1 (1) the person occupying the residence knows that
2 any such person under the age of 21 is in possession of
3 or is consuming any alcoholic beverage; and

4 (2) the possession or consumption of the alcohol by
5 the person under 21 is not otherwise permitted by this
6 Act; and

7 (3) the person occupying the residence knows that
8 the person under the age of 21 leaves the residence in an
9 intoxicated condition.

10 For the purposes of this subsection (c) where the
11 residence has an owner and a tenant or lessee, there is a
12 rebuttable presumption that the residence is occupied only by
13 the tenant or lessee.

14 (d) Any person who rents a hotel or motel room from the
15 proprietor or agent thereof for the purpose of or with the
16 knowledge that such room shall be used for the consumption of
17 alcoholic liquor by persons under the age of 21 years shall
18 be guilty of a Class A misdemeanor.

19 (e) Except as otherwise provided in this Act, any person
20 who has alcoholic liquor in his or her possession on public
21 school district property on school days or at events on
22 public school district property when children are present is
23 guilty of a petty offense, unless the alcoholic liquor (i) is
24 in the original container with the seal unbroken and is in
25 the possession of a person who is not otherwise legally
26 prohibited from possessing the alcoholic liquor or (ii) is in
27 the possession of a person in or for the performance of a
28 religious service or ceremony authorized by the school board.

29 (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02;
30 92-507, eff. 1-1-02; revised 1-7-02.)

31 Section 64. The Illinois Public Aid Code is amended by
32 changing Sections 4-1.7, 5-5, 5-5.4, 5-10, 5-12, 8A-7.1, 9-1,
33 10-3, 10-10.5, 11-22b, 12-4.25, and 12-10.2 and setting forth

1 and renumbering multiple versions of Section 12-10.5 as
2 follows:

3 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

4 Sec. 4-1.7. Enforcement of Parental Child Support
5 Obligation.} If the parent or parents of the child are
6 failing to meet or are delinquent in their legal obligation
7 to support the child, the parent or other person having
8 custody of the child or the Illinois Department of Public Aid
9 may request the law enforcement officer authorized or
10 directed by law to so act to file action for the enforcement
11 of such remedies as the law provides for the fulfillment of
12 the child support obligation.

13 If a parent has a judicial remedy against the other
14 parent to compel child support, or if, as the result of an
15 action initiated by or in behalf of one parent against the
16 other, a child support order has been entered in respect to
17 which there is noncompliance or delinquency, or where the
18 order so entered may be changed upon petition to the court to
19 provide additional support, the parent or other person having
20 custody of the child or the Illinois Department of Public Aid
21 may request the appropriate law enforcement officer to seek
22 enforcement of the remedy, or of the support order, or a
23 change therein to provide additional support. If the law
24 enforcement officer is not authorized by law to so act in
25 these instances, the parent, or if so authorized by law the
26 other person having custody of the child, or the Illinois
27 Department of Public Aid may initiate an action to enforce
28 these remedies.

29 A parent or other person having custody of the child must
30 comply with the requirements of Title IV of the federal
31 Social Security Act, and the regulations duly promulgated
32 thereunder, and any rules promulgated by the Illinois
33 Department regarding enforcement of the child support

1 obligation. The Illinois Department of Public Aid and the
2 Department of Human Services may provide by rule for the
3 grant or continuation of aid to the person for a temporary
4 period if he or she accepts counseling or other services
5 designed to increase his or her motivation to seek
6 enforcement of the child support obligation.

7 In addition to any other definition of failure or refusal
8 to comply with the requirements of Title IV of the federal
9 Social Security Act, or Illinois Department rule, in the case
10 of failure to attend court hearings, the parent or other
11 person can show cooperation by attending a court hearing or,
12 if a court hearing cannot be scheduled within 14 days
13 following the court hearing that was missed, by signing a
14 statement that the parent or other person is now willing to
15 cooperate in the child support enforcement process and will
16 appear at any later scheduled court date. The parent or
17 other person can show cooperation by signing such a statement
18 only once. If failure to attend the court hearing or other
19 failure to cooperate results in the case being dismissed,
20 such a statement may be signed after 2 months.

21 No denial or termination of medical assistance pursuant
22 to this Section shall commence during pregnancy of the parent
23 or other person having custody of the child or for 30 days
24 after the termination of such pregnancy. The termination of
25 medical assistance may commence thereafter if the Illinois
26 Department of Public Aid determines that the failure or
27 refusal to comply with this Section persists. Postponement
28 of denial or termination of medical assistance during
29 pregnancy under this paragraph shall be effective only to the
30 extent it does not conflict with federal law or regulation.

31 Any evidence a parent or other person having custody of
32 the child gives in order to comply with the requirements of
33 this Section shall not render him or her liable to
34 prosecution under Sections 11-7 or 11-8 of the "Criminal Code

1 of 1961", approved July 28, 1961, as amended.

2 When so requested, the Illinois Department of Public Aid
3 and the Department of Human Services shall provide such
4 services and assistance as the law enforcement officer may
5 require in connection with the filing of any action
6 hereunder.

7 The Illinois Department of Public Aid and the Department
8 of Human Services, and as an expense of administration, may
9 also provide applicants for and recipients of aid with such
10 services and assistance, including assumption of the
11 reasonable costs of prosecuting any action or proceeding, as
12 may be necessary to enable them to enforce the child support
13 liability required hereunder.

14 Nothing in this Section shall be construed as a
15 requirement that an applicant or recipient file an action for
16 dissolution of marriage against his or her spouse.

17 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97;
18 revised 12-13-01.)

19 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

20 Sec. 5-5. Medical services. The Illinois Department, by
21 rule, shall determine the quantity and quality of and the
22 rate of reimbursement for the medical assistance for which
23 payment will be authorized, and the medical services to be
24 provided, which may include all or part of the following: (1)
25 inpatient hospital services; (2) outpatient hospital
26 services; (3) other laboratory and X-ray services; (4)
27 skilled nursing home services; (5) physicians' services
28 whether furnished in the office, the patient's home, a
29 hospital, a skilled nursing home, or elsewhere; (6) medical
30 care, or any other type of remedial care furnished by
31 licensed practitioners; (7) home health care services; (8)
32 private duty nursing service; (9) clinic services; (10)
33 dental services; (11) physical therapy and related services;

1 (12) prescribed drugs, dentures, and prosthetic devices; and
2 eyeglasses prescribed by a physician skilled in the diseases
3 of the eye, or by an optometrist, whichever the person may
4 select; (13) other diagnostic, screening, preventive, and
5 rehabilitative services; (14) transportation and such other
6 expenses as may be necessary; (15) medical treatment of
7 sexual assault survivors, as defined in Section 1a of the
8 Sexual Assault Survivors Emergency Treatment Act, for
9 injuries sustained as a result of the sexual assault,
10 including examinations and laboratory tests to discover
11 evidence which may be used in criminal proceedings arising
12 from the sexual assault; (16) the diagnosis and treatment of
13 sickle cell anemia; and (17) any other medical care, and any
14 other type of remedial care recognized under the laws of this
15 State, but not including abortions, or induced miscarriages
16 or premature births, unless, in the opinion of a physician,
17 such procedures are necessary for the preservation of the
18 life of the woman seeking such treatment, or except an
19 induced premature birth intended to produce a live viable
20 child and such procedure is necessary for the health of the
21 mother or her unborn child. The Illinois Department, by rule,
22 shall prohibit any physician from providing medical
23 assistance to anyone eligible therefor under this Code where
24 such physician has been found guilty of performing an
25 abortion procedure in a wilful and wanton manner upon a woman
26 who was not pregnant at the time such abortion procedure was
27 performed. The term "any other type of remedial care" shall
28 include nursing care and nursing home service for persons who
29 rely on treatment by spiritual means alone through prayer for
30 healing.

31 Notwithstanding any other provision of this Section, a
32 comprehensive tobacco use cessation program that includes
33 purchasing prescription drugs or prescription medical devices
34 approved by the Food and Drug administration shall be covered

1 under the medical assistance program under this Article for
2 persons who are otherwise eligible for assistance under this
3 Article.

4 Notwithstanding any other provision of this Code, the
5 Illinois Department may not require, as a condition of
6 payment for any laboratory test authorized under this
7 Article, that a physician's handwritten signature appear on
8 the laboratory test order form. The Illinois Department may,
9 however, impose other appropriate requirements regarding
10 laboratory test order documentation.

11 The Illinois Department of Public Aid shall provide the
12 following services to persons eligible for assistance under
13 this Article who are participating in education, training or
14 employment programs operated by the Department of Human
15 Services as successor to the Department of Public Aid:

16 (1) dental services, which shall include but not be
17 limited to prosthodontics; and

18 (2) eyeglasses prescribed by a physician skilled in
19 the diseases of the eye, or by an optometrist, whichever
20 the person may select.

21 The Illinois Department, by rule, may distinguish and
22 classify the medical services to be provided only in
23 accordance with the classes of persons designated in Section
24 5-2.

25 The Illinois Department shall authorize the provision of,
26 and shall authorize payment for, screening by low-dose
27 mammography for the presence of occult breast cancer for
28 women 35 years of age or older who are eligible for medical
29 assistance under this Article, as follows: a baseline
30 mammogram for women 35 to 39 years of age and an annual
31 mammogram for women 40 years of age or older. All screenings
32 shall include a physical breast exam, instruction on
33 self-examination and information regarding the frequency of
34 self-examination and its value as a preventative tool. As

1 used in this Section, "low-dose mammography" means the x-ray
2 examination of the breast using equipment dedicated
3 specifically for mammography, including the x-ray tube,
4 filter, compression device, image receptor, and cassettes,
5 with an average radiation exposure delivery of less than one
6 rad mid-breast, with 2 views for each breast.

7 Any medical or health care provider shall immediately
8 recommend, to any pregnant woman who is being provided
9 prenatal services and is suspected of drug abuse or is
10 addicted as defined in the Alcoholism and Other Drug Abuse
11 and Dependency Act, referral to a local substance abuse
12 treatment provider licensed by the Department of Human
13 Services or to a licensed hospital which provides substance
14 abuse treatment services. The Department of Public Aid shall
15 assure coverage for the cost of treatment of the drug abuse
16 or addiction for pregnant recipients in accordance with the
17 Illinois Medicaid Program in conjunction with the Department
18 of Human Services.

19 All medical providers providing medical assistance to
20 pregnant women under this Code shall receive information from
21 the Department on the availability of services under the Drug
22 Free Families with a Future or any comparable program
23 providing case management services for addicted women,
24 including information on appropriate referrals for other
25 social services that may be needed by addicted women in
26 addition to treatment for addiction.

27 The Illinois Department, in cooperation with the
28 Departments of Human Services (as successor to the Department
29 of Alcoholism and Substance Abuse) and Public Health, through
30 a public awareness campaign, may provide information
31 concerning treatment for alcoholism and drug abuse and
32 addiction, prenatal health care, and other pertinent programs
33 directed at reducing the number of drug-affected infants born
34 to recipients of medical assistance.

1 Neither the Illinois Department of Public Aid nor the
2 Department of Human Services shall sanction the recipient
3 solely on the basis of her substance abuse.

4 The Illinois Department shall establish such regulations
5 governing the dispensing of health services under this
6 Article as it shall deem appropriate. In formulating these
7 regulations the Illinois Department shall consult with and
8 give substantial weight to the recommendations offered by the
9 Citizens Assembly/Council on Public Aid. The Department
10 should seek the advice of formal professional advisory
11 committees appointed by the Director of the Illinois
12 Department for the purpose of providing regular advice on
13 policy and administrative matters, information dissemination
14 and educational activities for medical and health care
15 providers, and consistency in procedures to the Illinois
16 Department.

17 The Illinois Department may develop and contract with
18 Partnerships of medical providers to arrange medical services
19 for persons eligible under Section 5-2 of this Code.
20 Implementation of this Section may be by demonstration
21 projects in certain geographic areas. The Partnership shall
22 be represented by a sponsor organization. The Department, by
23 rule, shall develop qualifications for sponsors of
24 Partnerships. Nothing in this Section shall be construed to
25 require that the sponsor organization be a medical
26 organization.

27 The sponsor must negotiate formal written contracts with
28 medical providers for physician services, inpatient and
29 outpatient hospital care, home health services, treatment for
30 alcoholism and substance abuse, and other services determined
31 necessary by the Illinois Department by rule for delivery by
32 Partnerships. Physician services must include prenatal and
33 obstetrical care. The Illinois Department shall reimburse
34 medical services delivered by Partnership providers to

1 clients in target areas according to provisions of this
2 Article and the Illinois Health Finance Reform Act, except
3 that:

4 (1) Physicians participating in a Partnership and
5 providing certain services, which shall be determined by
6 the Illinois Department, to persons in areas covered by
7 the Partnership may receive an additional surcharge for
8 such services.

9 (2) The Department may elect to consider and
10 negotiate financial incentives to encourage the
11 development of Partnerships and the efficient delivery of
12 medical care.

13 (3) Persons receiving medical services through
14 Partnerships may receive medical and case management
15 services above the level usually offered through the
16 medical assistance program.

17 Medical providers shall be required to meet certain
18 qualifications to participate in Partnerships to ensure the
19 delivery of high quality medical services. These
20 qualifications shall be determined by rule of the Illinois
21 Department and may be higher than qualifications for
22 participation in the medical assistance program. Partnership
23 sponsors may prescribe reasonable additional qualifications
24 for participation by medical providers, only with the prior
25 written approval of the Illinois Department.

26 Nothing in this Section shall limit the free choice of
27 practitioners, hospitals, and other providers of medical
28 services by clients. In order to ensure patient freedom of
29 choice, the Illinois Department shall immediately promulgate
30 all rules and take all other necessary actions so that
31 provided services may be accessed from therapeutically
32 certified optometrists to the full extent of the Illinois
33 Optometric Practice Act of 1987 without discriminating
34 between service providers.

1 The Department shall apply for a waiver from the United
2 States Health Care Financing Administration to allow for the
3 implementation of Partnerships under this Section.

4 The Illinois Department shall require health care
5 providers to maintain records that document the medical care
6 and services provided to recipients of Medical Assistance
7 under this Article. The Illinois Department shall require
8 health care providers to make available, when authorized by
9 the patient, in writing, the medical records in a timely
10 fashion to other health care providers who are treating or
11 serving persons eligible for Medical Assistance under this
12 Article. All dispensers of medical services shall be
13 required to maintain and retain business and professional
14 records sufficient to fully and accurately document the
15 nature, scope, details and receipt of the health care
16 provided to persons eligible for medical assistance under
17 this Code, in accordance with regulations promulgated by the
18 Illinois Department. The rules and regulations shall require
19 that proof of the receipt of prescription drugs, dentures,
20 prosthetic devices and eyeglasses by eligible persons under
21 this Section accompany each claim for reimbursement submitted
22 by the dispenser of such medical services. No such claims for
23 reimbursement shall be approved for payment by the Illinois
24 Department without such proof of receipt, unless the Illinois
25 Department shall have put into effect and shall be operating
26 a system of post-payment audit and review which shall, on a
27 sampling basis, be deemed adequate by the Illinois Department
28 to assure that such drugs, dentures, prosthetic devices and
29 eyeglasses for which payment is being made are actually being
30 received by eligible recipients. Within 90 days after the
31 effective date of this amendatory Act of 1984, the Illinois
32 Department shall establish a current list of acquisition
33 costs for all prosthetic devices and any other items
34 recognized as medical equipment and supplies reimbursable

1 under this Article and shall update such list on a quarterly
2 basis, except that the acquisition costs of all prescription
3 drugs shall be updated no less frequently than every 30 days
4 as required by Section 5-5.12.

5 The rules and regulations of the Illinois Department
6 shall require that a written statement including the required
7 opinion of a physician shall accompany any claim for
8 reimbursement for abortions, or induced miscarriages or
9 premature births. This statement shall indicate what
10 procedures were used in providing such medical services.

11 The Illinois Department shall require that all dispensers
12 of medical services, other than an individual practitioner or
13 group of practitioners, desiring to participate in the
14 Medical Assistance program established under this Article to
15 disclose all financial, beneficial, ownership, equity, surety
16 or other interests in any and all firms, corporations,
17 partnerships, associations, business enterprises, joint
18 ventures, agencies, institutions or other legal entities
19 providing any form of health care services in this State
20 under this Article.

21 The Illinois Department may require that all dispensers
22 of medical services desiring to participate in the medical
23 assistance program established under this Article disclose,
24 under such terms and conditions as the Illinois Department
25 may by rule establish, all inquiries from clients and
26 attorneys regarding medical bills paid by the Illinois
27 Department, which inquiries could indicate potential
28 existence of claims or liens for the Illinois Department.

29 The Illinois Department shall establish policies,
30 procedures, standards and criteria by rule for the
31 acquisition, repair and replacement of orthotic and
32 prosthetic devices and durable medical equipment. Such rules
33 shall provide, but not be limited to, the following services:
34 (1) immediate repair or replacement of such devices by

1 recipients without medical authorization; and (2) rental,
2 lease, purchase or lease-purchase of durable medical
3 equipment in a cost-effective manner, taking into
4 consideration the recipient's medical prognosis, the extent
5 of the recipient's needs, and the requirements and costs for
6 maintaining such equipment. Such rules shall enable a
7 recipient to temporarily acquire and use alternative or
8 substitute devices or equipment pending repairs or
9 replacements of any device or equipment previously authorized
10 for such recipient by the Department. Rules under clause (2)
11 above shall not provide for purchase or lease-purchase of
12 durable medical equipment or supplies used for the purpose of
13 oxygen delivery and respiratory care.

14 The Department shall execute, relative to the nursing
15 home prescreening project, written inter-agency agreements
16 with the Department of Human Services and the Department on
17 Aging, to effect the following: (i) intake procedures and
18 common eligibility criteria for those persons who are
19 receiving non-institutional services; and (ii) the
20 establishment and development of non-institutional services
21 in areas of the State where they are not currently available
22 or are undeveloped.

23 The Illinois Department shall develop and operate, in
24 cooperation with other State Departments and agencies and in
25 compliance with applicable federal laws and regulations,
26 appropriate and effective systems of health care evaluation
27 and programs for monitoring of utilization of health care
28 services and facilities, as it affects persons eligible for
29 medical assistance under this Code. The Illinois Department
30 shall report regularly the results of the operation of such
31 systems and programs to the Citizens Assembly/Council on
32 Public Aid to enable the Committee to ensure, from time to
33 time, that these programs are effective and meaningful.

34 The Illinois Department shall report annually to the

1 General Assembly, no later than the second Friday in April of
2 1979 and each year thereafter, in regard to:

3 (a) actual statistics and trends in utilization of
4 medical services by public aid recipients;

5 (b) actual statistics and trends in the provision
6 of the various medical services by medical vendors;

7 (c) current rate structures and proposed changes in
8 those rate structures for the various medical vendors;
9 and

10 (d) efforts at utilization review and control by
11 the Illinois Department.

12 The period covered by each report shall be the 3 years
13 ending on the June 30 prior to the report. The report shall
14 include suggested legislation for consideration by the
15 General Assembly. The filing of one copy of the report with
16 the Speaker, one copy with the Minority Leader and one copy
17 with the Clerk of the House of Representatives, one copy with
18 the President, one copy with the Minority Leader and one copy
19 with the Secretary of the Senate, one copy with the
20 Legislative Research Unit, such additional copies with the
21 State Government Report Distribution Center for the General
22 Assembly as is required under paragraph (t) of Section 7 of
23 the State Library Act and one copy with the Citizens
24 Assembly/Council on Public Aid or its successor shall be
25 deemed sufficient to comply with this Section.

26 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;
27 91-666, eff. 12-22-99; 92-16, eff. 6-28-01; revised
28 12-13-01.)

29 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

30 Sec. 5-5.4. Standards of Payment - Department of Public
31 Aid. The Department of Public Aid shall develop standards of
32 payment of skilled nursing and intermediate care services in
33 facilities providing such services under this Article which:

1 (1) Provide Provides for the determination of a
2 facility's payment for skilled nursing and intermediate care
3 services on a prospective basis. The amount of the payment
4 rate for all nursing facilities certified under the medical
5 assistance program shall be prospectively established
6 annually on the basis of historical, financial, and
7 statistical data reflecting actual costs from prior years,
8 which shall be applied to the current rate year and updated
9 for inflation, except that the capital cost element for newly
10 constructed facilities shall be based upon projected budgets.
11 The annually established payment rate shall take effect on
12 July 1 in 1984 and subsequent years. Rate increases shall be
13 provided annually thereafter on July 1 in 1984 and on each
14 subsequent July 1 in the following years, except that no rate
15 increase and no update for inflation shall be provided on or
16 after July 1, 1994 and before July 1, 2002, unless
17 specifically provided for in this Section.

18 For facilities licensed by the Department of Public
19 Health under the Nursing Home Care Act as Intermediate Care
20 for the Developmentally Disabled facilities or Long Term Care
21 for Under Age 22 facilities, the rates taking effect on July
22 1, 1998 shall include an increase of 3%. For facilities
23 licensed by the Department of Public Health under the Nursing
24 Home Care Act as Skilled Nursing facilities or Intermediate
25 Care facilities, the rates taking effect on July 1, 1998
26 shall include an increase of 3% plus \$1.10 per resident-day,
27 as defined by the Department.

28 For facilities licensed by the Department of Public
29 Health under the Nursing Home Care Act as Intermediate Care
30 for the Developmentally Disabled facilities or Long Term Care
31 for Under Age 22 facilities, the rates taking effect on July
32 1, 1999 shall include an increase of 1.6% plus \$3.00 per
33 resident-day, as defined by the Department. For facilities
34 licensed by the Department of Public Health under the Nursing

1 Home Care Act as Skilled Nursing facilities or Intermediate
2 Care facilities, the rates taking effect on July 1, 1999
3 shall include an increase of 1.6% and, for services provided
4 on or after October 1, 1999, shall be increased by \$4.00 per
5 resident-day, as defined by the Department.

6 For facilities licensed by the Department of Public
7 Health under the Nursing Home Care Act as Intermediate Care
8 for the Developmentally Disabled facilities or Long Term Care
9 for Under Age 22 facilities, the rates taking effect on July
10 1, 2000 shall include an increase of 2.5% per resident-day,
11 as defined by the Department. For facilities licensed by the
12 Department of Public Health under the Nursing Home Care Act
13 as Skilled Nursing facilities or Intermediate Care
14 facilities, the rates taking effect on July 1, 2000 shall
15 include an increase of 2.5% per resident-day, as defined by
16 the Department.

17 For facilities licensed by the Department of Public
18 Health under the Nursing Home Care Act as Intermediate Care
19 for the Developmentally Disabled facilities or Long Term Care
20 for Under Age 22 facilities, the rates taking effect on March
21 1, 2001 shall include a statewide increase of 7.85%, as
22 defined by the Department.

23 For facilities licensed by the Department of Public
24 Health under the Nursing Home Care Act as Intermediate Care
25 for the Developmentally Disabled facilities or Long Term Care
26 for Under Age 22 facilities, the rates taking effect on April
27 1, 2002 shall include a statewide increase of 2.0%, as
28 defined by the Department.

29 For facilities licensed by the Department of Public
30 Health under the Nursing Home Care Act as skilled nursing
31 facilities or intermediate care facilities, the rates taking
32 effect on July 1, 2001, and each subsequent year thereafter,
33 shall be computed using the most recent cost reports on file
34 with the Department of Public Aid no later than April 1, 2000

1 updated for inflation to January 1, 2001. For rates
2 effective July 1, 2001 only, rates shall be the greater of
3 the rate computed for July 1, 2001 or the rate effective on
4 June 30, 2001.

5 Rates established effective each July 1 shall govern
6 payment for services rendered throughout that fiscal year,
7 except that rates established on July 1, 1996 shall be
8 increased by 6.8% for services provided on or after January
9 1, 1997. Such rates will be based upon the rates calculated
10 for the year beginning July 1, 1990, and for subsequent years
11 thereafter until June 30, 2001 shall be based on the facility
12 cost reports for the facility fiscal year ending at any point
13 in time during the previous calendar year, updated to the
14 midpoint of the rate year. The cost report shall be on file
15 with the Department no later than April 1 of the current rate
16 year. Should the cost report not be on file by April 1, the
17 Department shall base the rate on the latest cost report
18 filed by each skilled care facility and intermediate care
19 facility, updated to the midpoint of the current rate year.
20 In determining rates for services rendered on and after July
21 1, 1985, fixed time shall not be computed at less than zero.
22 The Department shall not make any alterations of regulations
23 which would reduce any component of the Medicaid rate to a
24 level below what that component would have been utilizing in
25 the rate effective on July 1, 1984.

26 (2) Shall take into account the actual costs incurred by
27 facilities in providing services for recipients of skilled
28 nursing and intermediate care services under the medical
29 assistance program.

30 (3) Shall take into account the medical and
31 psycho-social characteristics and needs of the patients.

32 (4) Shall take into account the actual costs incurred by
33 facilities in meeting licensing and certification standards
34 imposed and prescribed by the State of Illinois, any of its

1 political subdivisions or municipalities and by the U.S.
2 Department of Health and Human Services pursuant to Title XIX
3 of the Social Security Act.

4 The Department of Public Aid shall develop precise
5 standards for payments to reimburse nursing facilities for
6 any utilization of appropriate rehabilitative personnel for
7 the provision of rehabilitative services which is authorized
8 by federal regulations, including reimbursement for services
9 provided by qualified therapists or qualified assistants, and
10 which is in accordance with accepted professional practices.
11 Reimbursement also may be made for utilization of other
12 supportive personnel under appropriate supervision.

13 (Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10,
14 eff. 6-11-01; 92-31, eff. 6-28-01; revised 12-13-01.)

15 (305 ILCS 5/5-10) (from Ch. 23, par. 5-10)

16 Sec. 5-10. Entitlement to Social Services. Persons
17 receiving medical assistance shall be entitled to receive,
18 under Article IX and the "Illinois Act on the Aging",
19 ~~approved--August--29,--1973,--as-amended,~~ such rehabilitative,
20 training or other social services as are appropriate to their
21 condition.

22 (Source: P.A. 83-333; revised 12-07-01.)

23 (305 ILCS 5/5-12) (from Ch. 23, par. 5-12)

24 Sec. 5-12. Funeral and burial. Upon the death of a
25 recipient who qualified under class 2, 3 or 4 of Section 5-2,
26 if his estate is insufficient to pay his funeral and burial
27 expenses and if no other resources, including assistance from
28 legally responsible relatives, are available for such
29 purposes, there shall be paid, in accordance with the
30 standards, rules and regulations of the Illinois Department
31 of Human Services, such reasonable amounts as may be
32 necessary to meet the costs of the funeral, burial space, and

1 cemetery charges, or to reimburse any person not financially
2 responsible for the deceased who has have voluntarily made
3 expenditures for such costs.

4 (Source: P.A. 89-507, eff. 7-1-97; 90-372, eff. 7-1-98;
5 revised 12-04-01.)

6 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

7 Sec. 8A-7.1. The Director, upon making a determination
8 based upon information in the possession of the Illinois
9 Department, that continuation in practice of a licensed
10 health care professional would constitute an immediate danger
11 to the public, shall submit a written communication to the
12 Director of Professional Regulation indicating such
13 determination and additionally providing a complete summary
14 of the information upon which such determination is based,
15 and recommending that the Director of Professional Regulation
16 immediately suspend such person's license. All relevant
17 evidence, or copies thereof, in the Illinois Department's
18 possession may also be submitted in conjunction with the
19 written communication. A copy of such written communication,
20 which is exempt from the copying and inspection provisions of
21 the Freedom of Information Act, shall at the time of
22 submittal to the Director of Professional Regulation be
23 simultaneously mailed to the last known business address of
24 such licensed health care professional by certified or
25 registered postage, United States Mail, return receipt
26 requested. Any evidence, or copies thereof, which is
27 submitted in conjunction with the written communication is
28 also exempt from the copying and inspection provisions of the
29 Freedom of Information Act.

30 The Director, upon making a determination based upon
31 information in the possession of the Illinois Department,
32 that a licensed health care professional is willfully
33 committing fraud upon the Illinois Department's medical

1 assistance program, shall submit a written communication to
2 the Director of Professional Regulation indicating such
3 determination and additionally providing a complete summary
4 of the information upon which such determination is based.
5 All relevant evidence, or copies thereof, in the Illinois
6 Department's possession may also be submitted in conjunction
7 with the written communication.

8 Upon receipt of such written communication, the Director
9 of Professional Regulation shall promptly investigate the
10 allegations contained in such written communication. A copy
11 of such written communication, which is exempt from the
12 copying and inspection provisions of the Freedom of
13 Information Act, shall at the time of submission to the
14 Director of Professional Regulation, be simultaneously mailed
15 to the last known address of such licensed health care
16 professional by certified or registered postage, United
17 States Mail, return receipt requested. Any evidence, or
18 copies thereof, which is submitted in conjunction with the
19 written communication is also exempt from the copying and
20 inspection provisions of the Freedom of Information Act.

21 For the purposes of this Section, "licensed health care
22 professional" means any person licensed under the Illinois
23 Dental Practice Act, the Nursing and Advanced Practice
24 Nursing Act, the Medical Practice Act of 1987, the Pharmacy
25 Practice Act of 1987, the Podiatric Medical Practice Act of
26 1987, or and the Illinois Optometric Practice Act of 1987.

27 (Source: P.A. 90-742, eff. 8-13-98; revised 12-13-01.)

28 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

29 Sec. 9-1. Declaration of Purpose. It is the purpose of
30 this Article to aid applicants for and recipients of public
31 aid under Articles III, IV, V, and VI, to increase their
32 capacities for self-support, self-care, and responsible
33 citizenship, and to assist them in maintaining and

1 strengthening family life. If authorized pursuant to Section
2 9-8, this Article may be extended to former and potential
3 recipients and to persons whose income does not exceed the
4 standard established to determine eligibility for aid as a
5 medically indigent person under Article V. The Department,
6 with the written consent of the Governor, may also:

7 (a) extend this Article to individuals and their
8 families with income closely related to national indices of
9 poverty who have special needs resulting from
10 institutionalization of a family member or conditions that
11 may lead to institutionalization or who live in impoverished
12 areas or in facilities developed to serve persons of low
13 income;

14 (b) establish, where indicated, schedules of payment for
15 service provided based on ability to pay;

16 (c) provide for the coordinated delivery of the services
17 described in this Article and related services offered by
18 other public or private agencies or institutions, and
19 cooperate with the Illinois Department on Aging to enable it
20 to properly execute and fulfill its duties pursuant to the
21 provisions of Section 4.01 of the "Illinois Act on the
22 Aging", as now or hereafter amended;

23 (d) provide in-home care services, such as chore and
24 housekeeping services or homemaker services, to recipients of
25 public aid under Articles IV and VI, the scope and
26 eligibility criteria for such services to be determined by
27 rule;

28 (e) contract with other State agencies for the purchase
29 of social service under Title XX of the Social Security Act,
30 such services to be provided pursuant to such other agencies'
31 enabling legislation; and

32 (f) cooperate with the Illinois Department of Public Aid
33 to provide services to public aid recipients for the
34 treatment and prevention of alcoholism and substance abuse.

1 (Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02;
2 revised 10-15-01.)

3 (305 ILCS 5/10-3) (from Ch. 23, par. 10-3)

4 Sec. 10-3. Standard and Regulations for Determining
5 Ability to Support.† The Illinois Department shall establish
6 a standard by which shall be measured the ability of
7 responsible relatives to provide support, and shall implement
8 the standard by rules governing its application. The
9 standard and the rules shall take into account the buying and
10 consumption patterns of self-supporting persons of modest
11 income, present or future contingencies having direct bearing
12 on maintenance of the relative's self-support status and
13 fulfillment of his obligations to his immediate family, and
14 any unusual or exceptional circumstances including
15 estrangement or other personal or social factors, that have a
16 bearing on family relationships and the relative's ability to
17 meet his support obligations. The standard shall be
18 recomputed periodically to reflect changes in the cost of
19 living and other pertinent factors.

20 In addition to the standard, the Illinois Department may
21 establish guidelines to be used exclusively to measure the
22 ability of responsible relatives to provide support on behalf
23 of applicants for or recipients of financial aid under
24 Article IV of this Act and other persons who are given access
25 to the child and spouse support services of this Article as
26 provided in Section 10-1. In such case, the Illinois
27 Department shall base the guidelines upon the applicable
28 provisions of Sections 504, 505 and 505.2 of the Illinois
29 Marriage and Dissolution of Marriage Act, as amended, and
30 shall implement such guidelines by rules governing their
31 application.

32 The term "administrative administration enforcement
33 unit", when used in this Article, means local governmental

1 units or the Child and Spouse Support Unit established under
2 Section 10-3.1 when exercising the powers designated in this
3 Article. The administrative enforcement unit shall apply the
4 standard or guidelines, rules and procedures provided for by
5 this Section and Sections 10-4 through 10-8 in determining
6 the ability of responsible relatives to provide support for
7 applicants for or recipients of financial aid under this
8 Code, except that the administrative enforcement unit may
9 apply such standard or guidelines, rules and procedures at
10 its discretion with respect to those applicants for or
11 recipients of financial aid under Article IV and other
12 persons who are given access to the child and spouse support
13 services of this Article as provided by Section 10-1.

14 (Source: P.A. 86-649; revised 12-13-01.)

15 (305 ILCS 5/10-10.5)

16 Sec. 10-10.5. Information to State Case Registry.

17 (a) In this Section:

18 "Order for support", "obligor", "obligee", and "business
19 day" are defined as set forth in the Income Withholding for
20 Support Act.

21 "State Case Registry" means the State Case Registry
22 established under Section 10-27 of this Code.

23 (b) Each order for support entered or modified by the
24 circuit court under Section 10-10 shall require that the
25 obligor and obligee (i) file with the clerk of the circuit
26 court the information required by this Section (and any other
27 information required under Title IV, Part D of the Social
28 Security Act or by the federal Department of Health and Human
29 Services) at the time of entry or modification of the order
30 for support and (ii) file updated information with the clerk
31 within 5 business days of any change. Failure of the obligor
32 or obligee to file or update the required information shall
33 be punishable as in cases of contempt. The failure shall not

1 prevent the court from entering or modifying the order for
2 support, however.

3 (c) The obligor shall file the following information:
4 the obligor's name, date of birth, social security number,
5 and mailing address.

6 If either the obligor or the obligee receives child
7 support enforcement services from the Illinois Department
8 under Article X of this Code, the obligor shall also file the
9 following information: the obligor's telephone number,
10 driver's license number, and residential address (if
11 different from the obligor's mailing address), and the name,
12 address, and telephone number of the obligor's employer or
13 employers.

14 (d) The obligee shall file the following information:

15 (1) The names of the obligee and the child or
16 children covered by the order for support.

17 (2) The dates of birth of the obligee and the child
18 or children covered by the order for support.

19 (3) The social security numbers of the obligee and
20 the child or children covered by the order for support.

21 (4) The obligee's mailing address.

22 (e) In cases in which the obligee receives child support
23 enforcement services from the Illinois Department under
24 Article X of this Code, the order for support shall (i)
25 require that the obligee file the information required under
26 subsection (d) with the Illinois Department for inclusion in
27 the State Case Registry, rather than file the information
28 with the clerk, and (ii) require that the obligee include the
29 following additional information:

30 (1) The obligee's telephone and driver's license
31 numbers.

32 (2) The obligee's residential address, if different
33 from the obligee's mailing address.

34 (3) The name, address, and telephone number of the

1 obligee's employer or employers.

2 The order for support shall also require that the obligee
3 update the information filed with the Illinois Department
4 within 5 business days of any change.

5 (f) The clerk shall provide the information filed under
6 this Section, together with the court docket number and
7 county in which the order for support was entered, to the
8 State Case Registry within 5 business days after receipt of
9 the information.

10 (g) In a case in which a party is receiving child
11 support enforcement services under Article X of this Code,
12 the clerk shall provide the following additional information
13 to the State Case Registry within 5 business days after entry
14 or modification of an order for support or request from the
15 Illinois Department:

16 (1) The amount of monthly or other periodic support
17 owed under the order for support and other amounts,
18 including arrearage, interest, or late payment penalties
19 and fees, due or overdue under the order.

20 (2) Any such amounts that have been received by the
21 clerk, and the distribution of those amounts by the
22 clerk.

23 (h) Information filed by the obligor and obligee under
24 this Section that is not specifically required to be included
25 in the body of an order for support under other laws is not a
26 public record and shall be treated as confidential and
27 subject to disclosure only in accordance with the provisions
28 of this Section, Section 10-27 of this Code, and Title IV,
29 Part D of the Social Security Act. be

30 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;
31 92-463, eff. 8-22-01; revised 10-12-01.)

32 (305 ILCS 5/11-22b) (from Ch. 23, par. 11-22b)

33 Sec. 11-22b. Recoveries.

1 (a) As used in this Section:

2 (1) "Carrier" means any insurer, including any private
3 company, corporation, mutual association, trust fund,
4 reciprocal or interinsurance exchange authorized under the
5 laws of this State to insure persons against liability or
6 injuries caused to another and any insurer providing benefits
7 under a policy of bodily injury liability insurance covering
8 liability arising out of the ownership, maintenance or use of
9 a motor vehicle which provides uninsured motorist endorsement
10 or coverage.

11 (2) "Beneficiary" means any person or their dependents
12 who has received benefits or will be provided benefits under
13 this Code because of an injury for which another person may
14 be liable. It includes such beneficiary's guardian,
15 conservator or other personal representative, his estate or
16 survivors.

17 (b) (1) When benefits are provided or will be provided
18 to a beneficiary under this Code because of an injury for
19 which another person is liable, or for which a carrier is
20 liable in accordance with the provisions of any policy of
21 insurance issued pursuant to the Illinois Insurance Code, the
22 Illinois Department shall have a right to recover from such
23 person or carrier the reasonable value of benefits so
24 provided. The Attorney General may, to enforce such right,
25 institute and prosecute legal proceedings against the third
26 person or carrier who may be liable for the injury in an
27 appropriate court, either in the name of the Illinois
28 Department or in the name of the injured person, his
29 guardian, personal representative, estate, or survivors.

30 (2) The Department may:

31 (A) compromise or settle and release any such claim
32 for benefits provided under this Code, or

33 (B) waive any such claims for benefits provided
34 under this Code, in whole or in part, for the convenience

1 of the Department or if the Department determines that
2 collection would result in undue hardship upon the person
3 who suffered the injury or, in a wrongful death action,
4 upon the heirs of the deceased.

5 (3) No action taken on behalf of the Department pursuant
6 to this Section or any judgment rendered in such action shall
7 be a bar to any action upon the claim or cause of action of
8 the beneficiary, his guardian, conservator, personal
9 representative, estate, dependents or survivors against the
10 third person who may be liable for the injury, or shall
11 operate to deny to the beneficiary the recovery for that
12 portion of any damages not covered hereunder.

13 (c) (1) When an action is brought by the Department
14 pursuant to subsection (b), it shall be commenced within the
15 period prescribed by Article XIII of the Code of Civil
16 Procedure.

17 However, the Department may not commence the action prior
18 to 5 months before the end of the applicable period
19 prescribed by Article XIII of the Code of Civil Procedure.
20 Thirty days prior to commencing an action, the Department
21 shall notify the beneficiary of the Department's intent to
22 commence such an action.

23 (2) The death of the beneficiary does not abate any
24 right of action established by subsection (b).

25 (3) When an action or claim is brought by persons
26 entitled to bring such actions or assert such claims against
27 a third person who may be liable for causing the death of a
28 beneficiary, any settlement, judgment or award obtained is
29 subject to the Department's claim for reimbursement of the
30 benefits provided to the beneficiary under this Code.

31 (4) When the action or claim is brought by the
32 beneficiary alone and the beneficiary incurs a personal
33 liability to pay attorney's fees and costs of litigation, the
34 Department's claim for reimbursement of the benefits provided

1 to the beneficiary shall be the full amount of benefits paid
2 on behalf of the beneficiary under this Code less a pro rata
3 share which represents the Department's reasonable share of
4 attorney's fees paid by the beneficiary and that portion of
5 the cost of litigation expenses determined by multiplying by
6 the ratio of the full amount of the expenditures of the full
7 amount of the judgment, award or settlement.

8 (d) (1) If either the beneficiary or the Department
9 brings an action or claim against such third party or
10 carrier, the beneficiary or the Department shall within 30
11 days of filing the action give to the other written notice by
12 personal service or registered mail of the action or claim
13 and of the name of the court in which the action or claim is
14 brought. Proof of such notice shall be filed in such action
15 or claim. If an action or claim is brought by either the
16 Department or the beneficiary, the other may, at any time
17 before trial on the facts, become a party to such action or
18 claim or shall consolidate his action or claim with the other
19 if brought independently.

20 (2) If an action or claim is brought by the Department
21 pursuant to subsection (b)(1), written notice to the
22 beneficiary, guardian, personal representative, estate or
23 survivor given pursuant to this Section shall advise him of
24 his right to intervene in the proceeding, his right to obtain
25 a private attorney of his choice and the Department's right
26 to recover the reasonable value of the benefits provided.

27 (e) In the event of judgment or award in a suit or claim
28 against such third person or carrier:

29 (1) If the action or claim is prosecuted by the
30 beneficiary alone, the court shall first order paid from any
31 judgment or award the reasonable litigation expenses incurred
32 in preparation and prosecution of such action or claim,
33 together with reasonable attorney's fees, when an attorney
34 has been retained. After payment of such expenses and

1 attorney's fees the court shall, on the application of the
2 Department, allow as a first lien against the amount of such
3 judgment or award the amount of the Department's expenditures
4 for the benefit of the beneficiary under this Code, as
5 provided in subsection (c)(4).

6 (2) If the action or claim is prosecuted both by the
7 beneficiary and the Department, the court shall first order
8 paid from any judgment or award the reasonable litigation
9 expenses incurred in preparation and prosecution of such
10 action or claim, together with reasonable attorney's fees for
11 plaintiffs attorneys based solely on the services rendered
12 for the benefit of the beneficiary. After payment of such
13 expenses and attorney's fees, the court shall apply out of
14 the balance of such judgment or award an amount sufficient to
15 reimburse the Department the full amount of benefits paid on
16 behalf of the beneficiary under this Code.

17 (f) The court shall, upon further application at any
18 time before the judgment or award is satisfied, allow as a
19 further lien the amount of any expenditures of the Department
20 in payment of additional benefits arising out of the same
21 cause of action or claim provided on behalf of the
22 beneficiary under this Code, when such benefits were provided
23 or became payable subsequent to the original order.

24 (g) No judgment, award, or settlement in any action or
25 claim by a beneficiary to recover damages for injuries, when
26 the Department has an interest, shall be satisfied without
27 first giving the Department notice and a reasonable
28 opportunity to perfect and satisfy its his lien.

29 (h) When the Department has perfected a lien upon a
30 judgment or award in favor of a beneficiary against any third
31 party for an injury for which the beneficiary has received
32 benefits under this Code, the Department shall be entitled to
33 a writ of execution as lien claimant to enforce payment of
34 said lien against such third party with interest and other

1 accruing costs as in the case of other executions. In the
 2 event the amount of such judgment or award so recovered has
 3 been paid to the beneficiary, the Department shall be
 4 entitled to a writ of execution against such beneficiary to
 5 the extent of the Department's lien, with interest and other
 6 accruing costs as in the case of other executions.

7 (i) Except as otherwise provided in this Section,
 8 notwithstanding any other provision of law, the entire amount
 9 of any settlement of the injured beneficiary's action or
 10 claim, with or without suit, is subject to the Department's
 11 claim for reimbursement of the benefits provided and any lien
 12 filed pursuant thereto to the same extent and subject to the
 13 same limitations as in Section 11-22 of this Code.

14 (Source: P.A. 84-1402; revised 12-04-01.)

15 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

16 Sec. 12-4.25. Medical assistance program; vendor
 17 participation.

18 (A) The Illinois Department may deny, suspend or
 19 terminate the eligibility of any person, firm, corporation,
 20 association, agency, institution or other legal entity to
 21 participate as a vendor of goods or services to recipients
 22 under the medical assistance program under Article V, if
 23 after reasonable notice and opportunity for a hearing the
 24 Illinois Department finds:

25 (a) Such vendor is not complying with the
 26 Department's policy or rules and regulations, or with the
 27 terms and conditions prescribed by the Illinois
 28 Department in its vendor agreement, which document shall
 29 be developed by the Department as a result of
 30 negotiations with each vendor category, including
 31 physicians, hospitals, long term care facilities,
 32 pharmacists, optometrists, podiatrists and dentists
 33 setting forth the terms and conditions applicable to the

1 participation of each vendor group in the program; or

2 (b) Such vendor has failed to keep or make
3 available for inspection, audit or copying, after
4 receiving a written request from the Illinois Department,
5 such records regarding payments claimed for providing
6 services. This section does not require vendors to make
7 available patient records of patients for whom services
8 are not reimbursed under this Code; or

9 (c) Such vendor has failed to furnish any
10 information requested by the Department regarding
11 payments for providing goods or services; or

12 (d) Such vendor has knowingly made, or caused to be
13 made, any false statement or representation of a material
14 fact in connection with the administration of the medical
15 assistance program; or

16 (e) Such vendor has furnished goods or services to
17 a recipient which are (1) in excess of his or her needs,
18 (2) harmful to the recipient, or (3) of grossly inferior
19 quality, all of such determinations to be based upon
20 competent medical judgment and evaluations; or

21 (f) The vendor; a person with management
22 responsibility for a vendor; an officer or person owning,
23 either directly or indirectly, 5% or more of the shares
24 of stock or other evidences of ownership in a corporate
25 vendor; an owner of a sole proprietorship which is a
26 vendor; or a partner in a partnership which is a vendor,
27 either:

28 (1) was previously terminated from
29 participation in the Illinois medical assistance
30 program, or was terminated from participation in a
31 medical assistance program in another state that is
32 of the same kind as the program of medical
33 assistance provided under Article V of this Code; or

34 (2) was a person with management

1 responsibility for a vendor previously terminated
2 from participation in the Illinois medical
3 assistance program, or terminated from participation
4 in a medical assistance program in another state
5 that is of the same kind as the program of medical
6 assistance provided under Article V of this Code,
7 during the time of conduct which was the basis for
8 that vendor's termination; or

9 (3) was an officer, or person owning, either
10 directly or indirectly, 5% or more of the shares of
11 stock or other evidences of ownership in a corporate
12 vendor previously terminated from participation in
13 the Illinois medical assistance program, or
14 terminated from participation in a medical
15 assistance program in another state that is of the
16 same kind as the program of medical assistance
17 provided under Article V of this Code, during the
18 time of conduct which was the basis for that
19 vendor's termination; or

20 (4) was an owner of a sole proprietorship or
21 partner of a partnership previously terminated from
22 participation in the Illinois medical assistance
23 program, or terminated from participation in a
24 medical assistance program in another state that is
25 of the same kind as the program of medical
26 assistance provided under Article V of this Code,
27 during the time of conduct which was the basis for
28 that vendor's termination; or

29 (g) The vendor; a person with management
30 responsibility for a vendor; an officer or person owning,
31 either directly or indirectly, 5% or more of the shares
32 of stock or other evidences of ownership in a corporate
33 vendor; an owner of a sole proprietorship which is a
34 vendor; or a partner in a partnership which is a vendor,

1 either:

2 (1) has engaged in practices prohibited by
3 applicable federal or State law or regulation
4 relating to the medical assistance program; or

5 (2) was a person with management
6 responsibility for a vendor at the time that such
7 vendor engaged in practices prohibited by applicable
8 federal or State law or regulation relating to the
9 medical assistance program; or

10 (3) was an officer, or person owning, either
11 directly or indirectly, 5% or more of the shares of
12 stock or other evidences of ownership in a vendor at
13 the time such vendor engaged in practices prohibited
14 by applicable federal or State law or regulation
15 relating to the medical assistance program; or

16 (4) was an owner of a sole proprietorship or
17 partner of a partnership which was a vendor at the
18 time such vendor engaged in practices prohibited by
19 applicable federal or State law or regulation
20 relating to the medical assistance program; or;

21 (h) The direct or indirect ownership of the vendor
22 (including the ownership of a vendor that is a sole
23 proprietorship, a partner's interest in a vendor that is
24 a partnership, or ownership of 5% or more of the shares
25 of stock or other evidences of ownership in a corporate
26 vendor) has been transferred by an individual who is
27 terminated or barred from participating as a vendor to
28 the individual's spouse, child, brother, sister, parent,
29 grandparent, grandchild, uncle, aunt, niece, nephew,
30 cousin, or relative by marriage.

31 (A-5) The Illinois Department may deny, suspend, or
32 terminate the eligibility of any person, firm, corporation,
33 association, agency, institution, or other legal entity to
34 participate as a vendor of goods or services to recipients

1 under the medical assistance program under Article V if,
2 after reasonable notice and opportunity for a hearing, the
3 Illinois Department finds that the vendor; a person with
4 management responsibility for a vendor; an officer or person
5 owning, either directly or indirectly, 5% or more of the
6 shares of stock or other evidences of ownership in a
7 corporate vendor; an owner of a sole proprietorship that is a
8 vendor; or a partner in a partnership that is a vendor has
9 been convicted of a felony offense based on fraud or willful
10 misrepresentation related to any of the following:

11 (1) The medical assistance program under Article V
12 of this Code.

13 (2) A medical assistance program in another state
14 that is of the same kind as the program of medical
15 assistance provided under Article V of this Code.

16 (3) The Medicare program under Title XVIII of the
17 Social Security Act.

18 (4) The provision of health care services.

19 (B) The Illinois Department shall deny, suspend or
20 terminate the eligibility of any person, firm, corporation,
21 association, agency, institution or other legal entity to
22 participate as a vendor of goods or services to recipients
23 under the medical assistance program under Article V:

24 (1) if such vendor is not properly licensed;

25 (2) within 30 days of the date when such vendor's
26 professional license, certification or other
27 authorization has been refused renewal or has been
28 revoked, suspended or otherwise terminated; or

29 (3) if such vendor has been convicted of a
30 violation of this Code, as provided in Article VIIIA.

31 (C) Upon termination of a vendor of goods or services
32 from participation in the medical assistance program
33 authorized by this Article, a person with management
34 responsibility for such vendor during the time of any conduct

1 which served as the basis for that vendor's termination is
2 barred from participation in the medical assistance program.

3 Upon termination of a corporate vendor, the officers and
4 persons owning, directly or indirectly, 5% or more of the
5 shares of stock or other evidences of ownership in the vendor
6 during the time of any conduct which served as the basis for
7 that vendor's termination are barred from participation in
8 the medical assistance program. A person who owns, directly
9 or indirectly, 5% or more of the shares of stock or other
10 evidences of ownership in a terminated corporate vendor may
11 not transfer his or her ownership interest in that vendor to
12 his or her spouse, child, brother, sister, parent,
13 grandparent, grandchild, uncle, aunt, niece, nephew, cousin,
14 or relative by marriage.

15 Upon termination of a sole proprietorship or partnership,
16 the owner or partners during the time of any conduct which
17 served as the basis for that vendor's termination are barred
18 from participation in the medical assistance program. The
19 owner of a terminated vendor that is a sole proprietorship,
20 and a partner in a terminated vendor that is a partnership,
21 may not transfer his or her ownership or partnership interest
22 in that vendor to his or her spouse, child, brother, sister,
23 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
24 cousin, or relative by marriage.

25 Rules adopted by the Illinois Department to implement
26 these provisions shall specifically include a definition of
27 the term "management responsibility" as used in this Section.
28 Such definition shall include, but not be limited to, typical
29 job titles, and duties and descriptions which will be
30 considered as within the definition of individuals with
31 management responsibility for a provider.

32 (D) If a vendor has been suspended from the medical
33 assistance program under Article V of the Code, the Director
34 may require that such vendor correct any deficiencies which

1 served as the basis for the suspension. The Director shall
2 specify in the suspension order a specific period of time,
3 which shall not exceed one year from the date of the order,
4 during which a suspended vendor shall not be eligible to
5 participate. At the conclusion of the period of suspension
6 the Director shall reinstate such vendor, unless he finds
7 that such vendor has not corrected deficiencies upon which
8 the suspension was based.

9 If a vendor has been terminated from the medical
10 assistance program under Article V, such vendor shall be
11 barred from participation for at least one year. At the end
12 of one year a vendor who has been terminated may apply for
13 reinstatement to the program. Upon proper application to be
14 reinstated such vendor may be deemed eligible by the Director
15 providing that such vendor meets the requirements for
16 eligibility under this Code. If such vendor is deemed not
17 eligible for reinstatement, he shall be barred from again
18 applying for reinstatement for one year from the date his
19 application for reinstatement is denied.

20 A vendor whose termination from participation in the
21 Illinois medical assistance program under Article V was based
22 solely on an action by a governmental entity other than the
23 Illinois Department may, upon reinstatement by that
24 governmental entity or upon reversal of the termination,
25 apply for rescission of the termination from participation in
26 the Illinois medical assistance program. Upon proper
27 application for rescission, the vendor may be deemed eligible
28 by the Director if the vendor meets the requirements for
29 eligibility under this Code.

30 If a vendor has been terminated and reinstated to the
31 medical assistance program under Article V and the vendor is
32 terminated a second or subsequent time from the medical
33 assistance program, the vendor shall be barred from
34 participation for at least 2 years. At the end of 2 years, a

1 vendor who has been terminated may apply for reinstatement to
2 the program. Upon application to be reinstated, the vendor
3 may be deemed eligible if the vendor meets the requirements
4 for eligibility under this Code. If the vendor is deemed not
5 eligible for reinstatement, the vendor shall be barred from
6 again applying for reinstatement for 2 years from the date
7 the vendor's application for reinstatement is denied.

8 (E) The Illinois Department may recover money improperly
9 or erroneously paid, or overpayments, either by setoff,
10 crediting against future billings or by requiring direct
11 repayment to the Illinois Department.

12 (F) The Illinois Department may withhold payments to any
13 vendor during the pendency of any proceeding under this
14 Section except that if a final administrative decision has
15 not been issued within 120 days of the initiation of such
16 proceedings, unless delay has been caused by the vendor,
17 payments can no longer be withheld, provided, however, that
18 the 120 day limit may be extended if said extension is
19 mutually agreed to by the Illinois Department and the vendor.
20 The Illinois Department shall state by rule with as much
21 specificity as practicable the conditions under which
22 payments will not be withheld during the pendency of any
23 proceeding under this Section. Payments may be denied for
24 bills submitted with service dates occurring during the
25 pendency of a proceeding where the final administrative
26 decision is to terminate eligibility to participate in the
27 medical assistance program. The Illinois Department shall
28 state by rule with as much specificity as practicable the
29 conditions under which payments will not be denied for such
30 bills.

31 (F-5) The Illinois Department may temporarily withhold
32 payments to a vendor if any of the following individuals have
33 been indicted or otherwise charged under a law of the United
34 States or this or any other state with a felony offense that

1 is based on alleged fraud or willful misrepresentation on the
2 part of the individual related to (i) the medical assistance
3 program under Article V of this Code, (ii) a medical
4 assistance program provided in another state which is of the
5 kind provided under Article V of this Code, (iii) the
6 Medicare program under Title XVIII of the Social Security
7 Act, or (iv) the provision of health care services:

8 (1) If the vendor is a corporation: an officer of
9 the corporation or an individual who owns, either
10 directly or indirectly, 5% or more of the shares of stock
11 or other evidence of ownership of the corporation.

12 (2) If the vendor is a sole proprietorship: the
13 owner of the sole proprietorship.

14 (3) If the vendor is a partnership: a partner in
15 the partnership.

16 (4) If the vendor is any other business entity
17 authorized by law to transact business in this State: an
18 officer of the entity or an individual who owns, either
19 directly or indirectly, 5% or more of the evidences of
20 ownership of the entity.

21 If the Illinois Department withholds payments to a vendor
22 under this subsection, the Department shall not release those
23 payments to the vendor while any criminal proceeding related
24 to the indictment or charge is pending unless the Department
25 determines that there is good cause to release the payments
26 before completion of the proceeding. If the indictment or
27 charge results in the individual's conviction, the Illinois
28 Department shall retain all withheld payments, which shall be
29 considered forfeited to the Department. If the indictment or
30 charge does not result in the individual's conviction, the
31 Illinois Department shall release to the vendor all withheld
32 payments.

33 (G) The provisions of the Administrative Review Law, as
34 now or hereafter amended, and the rules adopted pursuant

1 thereto, shall apply to and govern all proceedings for the
2 judicial review of final administrative decisions of the
3 Illinois Department under this Section. The term
4 "administrative decision" is defined as in Section 3-101 of
5 the Code of Civil Procedure.

6 (H) Nothing contained in this Code shall in any way
7 limit or otherwise impair the authority or power of any State
8 agency responsible for licensing of vendors.

9 (I) Based on a finding of noncompliance on the part of a
10 nursing home with any requirement for certification under
11 Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec.
12 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois
13 Department may impose one or more of the following remedies
14 after notice to the facility:

- 15 (1) Termination of the provider agreement.
- 16 (2) Temporary management.
- 17 (3) Denial of payment for new admissions.
- 18 (4) Civil money penalties.
- 19 (5) Closure of the facility in emergency situations
20 or transfer of residents, or both.
- 21 (6) State monitoring.
- 22 (7) Denial of all payments when the Health Care
23 Finance Administration has imposed this sanction.

24 The Illinois Department shall by rule establish criteria
25 governing continued payments to a nursing facility subsequent
26 to termination of the facility's provider agreement if, in
27 the sole discretion of the Illinois Department, circumstances
28 affecting the health, safety, and welfare of the facility's
29 residents require those continued payments. The Illinois
30 Department may condition those continued payments on the
31 appointment of temporary management, sale of the facility to
32 new owners or operators, or other arrangements that the
33 Illinois Department determines best serve the needs of the
34 facility's residents.

1 Except in the case of a facility that has a right to a
2 hearing on the finding of noncompliance before an agency of
3 the federal government, a facility may request a hearing
4 before a State agency on any finding of noncompliance within
5 60 days after the notice of the intent to impose a remedy.
6 Except in the case of civil money penalties, a request for a
7 hearing shall not delay imposition of the penalty. The
8 choice of remedies is not appealable at a hearing. The level
9 of noncompliance may be challenged only in the case of a
10 civil money penalty. The Illinois Department shall provide by
11 rule for the State agency that will conduct the evidentiary
12 hearings.

13 The Illinois Department may collect interest on unpaid
14 civil money penalties.

15 The Illinois Department may adopt all rules necessary to
16 implement this subsection (I).

17 (Source: P.A. 92-327, eff. 1-1-02; revised 9-18-01.)

18 (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)

19 Sec. 12-10.2. The Child Support Enforcement Trust Fund.

20 (a) The Child Support Enforcement Trust Fund, to be held
21 by the State Treasurer as ex-officio custodian outside the
22 State Treasury, pursuant to the Child Support Enforcement
23 Program established by Title IV-D of the Social Security Act,
24 shall consist of:

25 (1) all support payments assigned to the Illinois
26 Department under Article X of this Code and rules
27 promulgated by the Illinois Department that are disbursed
28 to the Illinois Department by the State Disbursement Unit
29 established under Section 10-26,

30 (2) all support payments received by the Illinois
31 Department as a result of the Child Support Enforcement
32 Program established by Title IV-D of the Social Security
33 Act that are not required or directed to be paid to the

1 State Disbursement Unit established under Section 10-26,

2 (3) all federal grants received by the Illinois
3 Department funded by Title IV-D of the Social Security
4 Act, except those federal funds received under the Title
5 IV-D program as reimbursement for expenditures from the
6 General Revenue Fund,

7 (4) incentive payments received by the Illinois
8 Department from other states or political subdivisions of
9 other states for the enforcement and collection by the
10 Department of an assigned child support obligation in
11 behalf of such other states or their political
12 subdivisions pursuant to the provisions of Title IV-D of
13 the Social Security Act,

14 (5) incentive payments retained by the Illinois
15 Department from the amounts which otherwise would be paid
16 to the federal government to reimburse the federal
17 government's share of the support collection for the
18 Department's enforcement and collection of an assigned
19 support obligation on behalf of the State of Illinois
20 pursuant to the provisions of Title IV-D of the Social
21 Security Act,

22 (6) all fees charged by the Department for child
23 support enforcement services, as authorized under Title
24 IV-D of the Social Security Act and Section 10-1 of this
25 Code, and any other fees, costs, fines, recoveries, or
26 penalties provided for by State or federal law and
27 received by the Department under the Child Support
28 Enforcement Program established by Title IV-D of the
29 Social Security Act, and

30 (7) all amounts appropriated by the General
31 Assembly for deposit into the Fund, and

32 (8) any gifts, grants, donations, or awards from
33 individuals, private businesses, nonprofit associations,
34 and governmental entities.

1 (b) Disbursements from this Fund shall be only for the
2 following purposes:

3 (1) for the reimbursement of funds received by the
4 Illinois Department through error or mistake,

5 (2) for payments to non-recipients, current
6 recipients, and former recipients of financial aid of
7 support payments received on their behalf under Article X
8 of this Code that are not required to be disbursed by the
9 State Disbursement Unit established under Section 10.26,

10 (3) for any other payments required by law to be
11 paid by the Illinois Department to non-recipients,
12 current recipients, and former recipients,

13 (4) for payment of any administrative expenses
14 incurred through fiscal year 2002, but not thereafter,
15 including payment to the Health Insurance Reserve Fund
16 for group insurance costs at the rate certified by the
17 Department of Central Management Services, except those
18 required to be paid from the General Revenue Fund,
19 including personal and contractual services, incurred in
20 performing the Title IV-D activities authorized by
21 Article X of this Code,

22 (5) for the reimbursement of the Public Assistance
23 Emergency Revolving Fund for expenditures made from that
24 Fund for payments to former recipients of public aid for
25 child support made to the Illinois Department when the
26 former public aid recipient is legally entitled to all or
27 part of the child support payments, pursuant to the
28 provisions of Title IV-D of the Social Security Act,

29 (6) for the payment of incentive amounts owed to
30 other states or political subdivisions of other states
31 that enforce and collect an assigned support obligation
32 on behalf of the State of Illinois pursuant to the
33 provisions of Title IV-D of the Social Security Act,

34 (7) for the payment of incentive amounts owed to

1 political subdivisions of the State of Illinois that
2 enforce and collect an assigned support obligation on
3 behalf of the State pursuant to the provisions of Title
4 IV-D of the Social Security Act, and

5 (8) for payments of any amounts which are
6 reimbursable to the Federal government which are required
7 to be paid by State warrant by either the State or
8 Federal government.

9 Disbursements from this Fund shall be by warrants drawn
10 by the State Comptroller on receipt of vouchers duly executed
11 and certified by the Illinois Department or any other State
12 agency that receives an appropriation from the Fund.

13 (c) The Illinois Department's child support
14 administrative expenses, as defined in Section 12-10.2a, that
15 are incurred after fiscal year 2002 shall be paid only as
16 provided in that Section.

17 (Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99;
18 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

19 (305 ILCS 5/12-10.5)

20 Sec. 12-10.5. Medical Special Purposes Trust Fund.

21 (a) The Medical Special Purposes Trust Fund ("the Fund")
22 is created. Any grant, gift, donation, or legacy of money or
23 securities that the Department of Public Aid is authorized to
24 receive under Section 12-4.18 or Section 12-4.19, and that is
25 dedicated for functions connected with the administration of
26 any medical program administered by the Department, shall be
27 deposited into the Fund. All federal moneys received by the
28 Department as reimbursement for disbursements authorized to
29 be made from the Fund shall also be deposited into the Fund.

30 (b) No moneys received from a service provider or a
31 governmental or private entity that is enrolled with the
32 Department as a provider of medical services shall be
33 deposited into the Fund.

1 (c) Disbursements may be made from the Fund for the
 2 purposes connected with the grants, gifts, donations, or
 3 legacies deposited into the Fund, including, but not limited
 4 to, medical quality assessment projects, eligibility
 5 population studies, medical information systems evaluations,
 6 and other administrative functions that assist the Department
 7 in fulfilling its health care mission under the Illinois
 8 Public Aid Code and the Children's Health Insurance Program
 9 Act.

10 (Source: P.A. 92-37, eff. 7-1-01.)

11 (305 ILCS 5/12-10.6)

12 Sec. 12-10.6. ~~12-10.5.~~ Medicaid Buy-In Program Revolving
 13 Fund.

14 (a) The Medicaid Buy-In Program Revolving Fund is
 15 created as a special fund in the State treasury. The Fund
 16 shall consist of cost-sharing payments made by individuals
 17 pursuant to the Medicaid Buy-In Program established under
 18 paragraph 11 of Section 5-2 of this Code. All earnings on
 19 moneys in the Fund shall be credited to the Fund.

20 (b) Moneys in the Fund shall be appropriated to the
 21 Department to pay the costs of administering the Medicaid
 22 Buy-In Program, including payments for medical assistance
 23 benefits provided to Program participants. The Department
 24 shall adopt rules specifying the particular purposes for
 25 which the moneys in the Fund may be spent.

26 (Source: P.A. 92-163, eff. 7-25-01; revised 9-18-01.)

27 Section 65. The Senior Citizens and Disabled Persons
 28 Property Tax Relief and Pharmaceutical Assistance Act is
 29 amended by changing Sections 4 and 6 as follows:

30 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

31 Sec. 4. Amount of Grant.

1 (a) In general. Any individual 65 years or older or any
2 individual who will become 65 years old during the calendar
3 year in which a claim is filed, and any surviving spouse of
4 such a claimant, who at the time of death received or was
5 entitled to receive a grant pursuant to this Section, which
6 surviving spouse will become 65 years of age within the 24
7 months immediately following the death of such claimant and
8 which surviving spouse but for his or her age is otherwise
9 qualified to receive a grant pursuant to this Section, and
10 any disabled person whose annual household income is less
11 than \$14,000 for grant years before the 1998 grant year, less
12 than \$16,000 for the 1998 and 1999 grant years, and less than
13 (i) \$21,218 for a household containing one person, (ii)
14 \$28,480 for a household containing 2 persons, or (iii)
15 \$35,740 for a household containing 3 or more persons for the
16 2000 grant year and thereafter and whose household is liable
17 for payment of property taxes accrued or has paid rent
18 constituting property taxes accrued and is domiciled in this
19 State at the time he or she files his or her claim is
20 entitled to claim a grant under this Act. With respect to
21 claims filed by individuals who will become 65 years old
22 during the calendar year in which a claim is filed, the
23 amount of any grant to which that household is entitled shall
24 be an amount equal to 1/12 of the amount to which the
25 claimant would otherwise be entitled as provided in this
26 Section, multiplied by the number of months in which the
27 claimant was 65 in the calendar year in which the claim is
28 filed.

29 (b) Limitation. Except as otherwise provided in
30 subsections (a) and (f) of this Section, the maximum amount
31 of grant which a claimant is entitled to claim is the amount
32 by which the property taxes accrued which were paid or
33 payable during the last preceding tax year or rent
34 constituting property taxes accrued upon the claimant's

1 residence for the last preceding taxable year exceeds 3 1/2%
2 of the claimant's household income for that year but in no
3 event is the grant to exceed (i) \$700 less 4.5% of household
4 income for that year for those with a household income of
5 \$14,000 or less or (ii) \$70 if household income for that year
6 is more than \$14,000.

7 (c) Public aid recipients. If household income in one
8 or more months during a year includes cash assistance in
9 excess of \$55 per month from the Department of Public Aid or
10 the Department of Human Services (acting as successor to the
11 Department of Public Aid under the Department of Human
12 Services Act) which was determined under regulations of that
13 Department on a measure of need that included an allowance
14 for actual rent or property taxes paid by the recipient of
15 that assistance, the amount of grant to which that household
16 is entitled, except as otherwise provided in subsection (a),
17 shall be the product of (1) the maximum amount computed as
18 specified in subsection (b) of this Section and (2) the ratio
19 of the number of months in which household income did not
20 include such cash assistance over \$55 to the number twelve.
21 If household income did not include such cash assistance over
22 \$55 for any months during the year, the amount of the grant
23 to which the household is entitled shall be the maximum
24 amount computed as specified in subsection (b) of this
25 Section. For purposes of this paragraph (c), "cash
26 assistance" does not include any amount received under the
27 federal Supplemental Security Income (SSI) program.

28 (d) Joint ownership. If title to the residence is held
29 jointly by the claimant with a person who is not a member of
30 his or her household, the amount of property taxes accrued
31 used in computing the amount of grant to which he or she is
32 entitled shall be the same percentage of property taxes
33 accrued as is the percentage of ownership held by the
34 claimant in the residence.

1 (e) More than one residence. If a claimant has occupied
2 more than one residence in the taxable year, he or she may
3 claim only one residence for any part of a month. In the
4 case of property taxes accrued, he or she shall prorate ~~pre~~
5 ~~rate~~ 1/12 of the total property taxes accrued on his or her
6 residence to each month that he or she owned and occupied
7 that residence; and, in the case of rent constituting
8 property taxes accrued, shall prorate ~~pre-rate~~ each month's
9 rent payments to the residence actually occupied during that
10 month.

11 (f) There is hereby established a program of
12 pharmaceutical assistance to the aged and disabled which
13 shall be administered by the Department in accordance with
14 this Act, to consist of payments to authorized pharmacies, on
15 behalf of beneficiaries of the program, for the reasonable
16 costs of covered prescription drugs. Each beneficiary who
17 pays \$5 for an identification card shall pay no additional
18 prescription costs. Each beneficiary who pays \$25 for an
19 identification card shall pay \$3 per prescription. In
20 addition, after a beneficiary receives \$2,000 in benefits
21 during a State fiscal year, that beneficiary shall also be
22 charged 20% of the cost of each prescription for which
23 payments are made by the program during the remainder of the
24 fiscal year. To become a beneficiary under this program a
25 person must be: (1) be (i) 65 years of age or older, or (ii)
26 the surviving spouse of such a claimant, who at the time of
27 death received or was entitled to receive benefits pursuant
28 to this subsection, which surviving spouse will become 65
29 years of age within the 24 months immediately following the
30 death of such claimant and which surviving spouse but for his
31 or her age is otherwise qualified to receive benefits
32 pursuant to this subsection, or (iii) disabled, and (2) be is
33 domiciled in this State at the time he or she files his or
34 her claim, and (3) have has a maximum household income of

1 less than \$14,000 for grant years before the 1998 grant year,
2 less than \$16,000 for the 1998 and 1999 grant years, and less
3 than (i) \$21,218 for a household containing one person, (ii)
4 \$28,480 for a household containing 2 persons, or (iii)
5 \$35,740 for a household containing 3 more persons for the
6 2000 grant year and thereafter. In addition, each eligible
7 person must (1) obtain an identification card from the
8 Department, (2) at the time the card is obtained, sign a
9 statement assigning to the State of Illinois benefits which
10 may be otherwise claimed under any private insurance plans,
11 and (3) present the identification card to the dispensing
12 pharmacist.

13 Whenever a generic equivalent for a covered prescription
14 drug is available, the Department shall reimburse only for
15 the reasonable costs of the generic equivalent, less the
16 co-pay established in this Section, unless (i) the covered
17 prescription drug contains one or more ingredients defined as
18 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the
19 prescriber indicates on the face of the prescription "brand
20 medically necessary", and (iii) the prescriber specifies that
21 a substitution is not permitted. When issuing an oral
22 prescription for covered prescription medication described in
23 item (i) of this paragraph, the prescriber shall stipulate
24 "brand medically necessary" and that a substitution is not
25 permitted. If the covered prescription drug and its
26 authorizing prescription do not meet the criteria listed
27 above, the beneficiary may purchase the non-generic
28 equivalent of the covered prescription drug by paying the
29 difference between the generic cost and the non-generic cost
30 plus the beneficiary co-pay.

31 Any person otherwise eligible for pharmaceutical
32 assistance under this Act whose covered drugs are covered by
33 any public program for assistance in purchasing any covered
34 prescription drugs shall be ineligible for assistance under

1 this Act to the extent such costs are covered by such other
2 plan.

3 The fee to be charged by the Department for the
4 identification card shall be equal to \$5 per coverage year
5 for persons below the official poverty line as defined by the
6 United States Department of Health and Human Services and \$25
7 per coverage year for all other persons.

8 In the event that 2 or more persons are eligible for any
9 benefit under this Act, and are members of the same
10 household, (1) each such person shall be entitled to
11 participate in the pharmaceutical assistance program,
12 provided that he or she meets all other requirements imposed
13 by this subsection and (2) each participating household
14 member contributes the fee required for that person by the
15 preceding paragraph for the purpose of obtaining an
16 identification card.

17 (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01;
18 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; revised 1-7-02.)

19 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

20 Sec. 6. Administration.

21 (a) In general. Upon receipt of a timely filed claim,
22 the Department shall determine whether the claimant is a
23 person entitled to a grant under this Act and the amount of
24 grant to which he is entitled under this Act. The Department
25 may require the claimant to furnish reasonable proof of the
26 statements of domicile, household income, rent paid, property
27 taxes accrued and other matters on which entitlement is
28 based, and may withhold payment of a grant until such
29 additional proof is furnished.

30 (b) Rental determination. If the Department finds that
31 the gross rent used in the computation by a claimant of rent
32 constituting property taxes accrued exceeds the fair rental
33 value for the right to occupy that residence, the Department

1 may determine the fair rental value for that residence and
2 recompute rent constituting property taxes accrued
3 accordingly.

4 (c) Fraudulent claims. The Department shall deny claims
5 which have been fraudulently prepared or when it finds that
6 the claimant has acquired title to his residence or has paid
7 rent for his residence primarily for the purpose of receiving
8 a grant under this Act.

9 (d) Pharmaceutical Assistance. The Department shall
10 allow all pharmacies licensed under the Pharmacy Practice Act
11 of 1987 to participate as authorized pharmacies unless they
12 have been removed from that status for cause pursuant to the
13 terms of this Section. The Director of the Department may
14 enter into a written contract with any State agency,
15 instrumentality or political subdivision, or a fiscal
16 intermediary for the purpose of making payments to authorized
17 pharmacies for covered prescription drugs and coordinating
18 the program of pharmaceutical assistance established by this
19 Act with other programs that provide payment for covered
20 prescription drugs. Such agreement shall establish
21 procedures for properly contracting for pharmacy services,
22 validating reimbursement claims, validating compliance of
23 dispensing pharmacists with the contracts for participation
24 required under this Section, validating the reasonable costs
25 of covered prescription drugs, and otherwise providing for
26 the effective administration of this Act.

27 The Department shall promulgate rules and regulations to
28 implement and administer the program of pharmaceutical
29 assistance required by this Act, which shall include the
30 following:

31 (1) Execution of contracts with pharmacies to
32 dispense covered prescription drugs. Such contracts shall
33 stipulate terms and conditions for authorized pharmacies
34 participation and the rights of the State to terminate

1 such participation for breach of such contract or for
2 violation of this Act or related rules and regulations of
3 the Department;

4 (2) Establishment of maximum limits on the size of
5 prescriptions, new or refilled, which shall be in amounts
6 sufficient for 34 days, except as otherwise specified by
7 rule for medical or utilization control reasons;

8 (3) Establishment of liens upon any and all causes
9 of action which accrue to a beneficiary as a result of
10 injuries for which covered prescription drugs are
11 directly or indirectly required and for which the
12 Director made payment or became liable for under this
13 Act;

14 (4) Charge or collection of payments from third
15 parties or private plans of assistance, or from other
16 programs of public assistance for any claim that is
17 properly chargeable under the assignment of benefits
18 executed by beneficiaries as a requirement of eligibility
19 for the pharmaceutical assistance identification card
20 under this Act;

21 (5) Inspection of appropriate records and audit of
22 participating authorized pharmacies to ensure contract
23 compliance, and to determine any fraudulent transactions
24 or practices under this Act;

25 (6) Annual determination of the reasonable costs of
26 covered prescription drugs for which payments are made
27 under this Act, as provided in Section 3.16;

28 (7) Payment to pharmacies under this Act in
29 accordance with the State Prompt Payment Act.

30 The Department shall annually report to the Governor and
31 the General Assembly by March 1st of each year on the
32 administration of pharmaceutical assistance under this Act.
33 By the effective date of this Act the Department shall
34 determine the reasonable costs of covered prescription drugs

1 in accordance with Section 3.16 of this Act.

2 (Source: P.A. 91-357, eff. 7-29-99; revised 12-07-01.)

3 Section 66. The Abused and Neglected Child Reporting Act
4 is amended by changing Section 7.9 as follows:

5 (325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)

6 Sec. 7.9. The Department shall prepare, print, and
7 distribute initial, preliminary, and final reporting forms to
8 each Child Protective Service Unit. Initial written reports
9 from the reporting source shall contain the following
10 information to the extent known at the time the report is
11 made: (1) the names and addresses of the child and his
12 parents or other persons responsible for his welfare; (1.5)
13 the name and address of the school that the child attends (or
14 the school that the child last attended, if the report is
15 written during the summer when school is not in session), and
16 the name of the school district in which the school is
17 located, if applicable; (2) the child's age, sex, and race;
18 (3) the nature and extent of the child's abuse or neglect,
19 including any evidence of prior injuries, abuse, or neglect
20 of the child or his siblings; (4) the names of the persons
21 apparently responsible for the abuse or neglect; (5) family
22 composition, including names, ages, sexes, and races of other
23 children in the home; (6) the name of the person making the
24 report, his occupation, and where he can be reached; (7) the
25 actions taken by the reporting source, including the taking
26 of photographs and x-rays, placing the child in temporary
27 protective custody, or notifying the medical examiner or
28 coroner; and (8) and any other information the person making
29 the report believes might be helpful in the furtherance of
30 the purposes of this Act.

31 (Source: P.A. 92-295, eff. 1-1-02; revised 9-19-01.)

1 Section 67. The Early Intervention Services System Act
2 is amended by changing Sections 11 and 13 as follows:

3 (325 ILCS 20/11) (from Ch. 23, par. 4161)

4 Sec. 11. Individualized Family Service Plans.

5 (a) Each eligible infant or toddler and that infant's or
6 toddler's family shall receive:

7 (1) timely, comprehensive, multidisciplinary
8 assessment of the unique needs of each eligible infant
9 and toddler, and assessment of the concerns and
10 priorities of the families to appropriately assist them
11 in meeting their needs and identify services to meet
12 those needs; and

13 (2) a written Individualized Family Service Plan
14 developed by a multidisciplinary team which includes the
15 parent or guardian. The individualized family service
16 plan shall be based on the multidisciplinary team's
17 assessment of the resources, priorities, and concerns of
18 the family and its identification of the supports and
19 services necessary to enhance the family's capacity to
20 meet the developmental needs of the infant or toddler,
21 and shall include the identification of services
22 appropriate to meet those needs, including the frequency,
23 intensity, and method of delivering services. During and
24 as part of the initial development of the individualized
25 family services plan, and any periodic reviews of the
26 plan, the multidisciplinary team shall consult the lead
27 agency's therapy guidelines and its designated experts,
28 if any, to help determine appropriate services and the
29 frequency and intensity of those services. All services
30 in the individualized family services plan must be
31 justified by the multidisciplinary assessment of the
32 unique strengths and needs of the infant or toddler and
33 must be appropriate to meet those needs. At the periodic

1 reviews, the team shall determine whether modification or
2 revision of the outcomes or services is necessary.

3 (b) The Individualized Family Service Plan shall be
4 evaluated once a year and the family shall be provided a
5 review of the Plan at 6 month intervals or more often where
6 appropriate based on infant or toddler and family needs. The
7 lead agency shall create a quality review process regarding
8 Individualized Family Service Plan development and changes
9 thereto, to monitor and help assure that resources are being
10 used to provide appropriate early intervention services.

11 (c) The evaluation and initial assessment and initial
12 Plan meeting must be held within 45 days after the initial
13 contact with the early intervention services system. With
14 parental consent, early intervention services may commence
15 before the completion of the comprehensive assessment and
16 development of the Plan.

17 (d) Parents must be informed that, at their discretion,
18 early intervention services shall be provided to each
19 eligible infant and toddler in the natural environment, which
20 may include the home or other community settings. Parents
21 shall make the final decision to accept or decline early
22 intervention services. A decision to decline such services
23 shall not be a basis for administrative determination of
24 parental fitness, or other findings or sanctions against the
25 parents. Parameters of the Plan shall be set forth in rules.

26 (e) The regional intake offices shall explain to each
27 family, orally and in writing, all of the following:

28 (1) That the early intervention program will pay
29 for all early intervention services set forth in the
30 individualized family service plan that are not covered
31 or paid under the family's public or private insurance
32 plan or policy and not eligible for payment through any
33 other third party payor.

34 (2) That services will not be delayed due to any

1 rules or restrictions under the family's insurance plan
2 or policy.

3 (3) That the family may request, with appropriate
4 documentation supporting the request, a determination of
5 an exemption from private insurance use under Section
6 13.25.

7 (4) That responsibility for co-payments or
8 co-insurance under a family's private insurance plan or
9 policy will be transferred to the lead agency's central
10 billing office.

11 (5) That families will be responsible for payments
12 of family fees, which will be based on a sliding scale
13 according to income, and that these fees are payable to
14 the central billing office, and that if the family
15 encounters a catastrophic circumstance, as defined under
16 subsection (f) of Section 13 of this Act, making it
17 unable to pay the fees, the lead agency may, upon proof
18 of inability to pay, waive the fees.

19 (f) The individualized family service plan must state
20 whether the family has private insurance coverage and, if the
21 family has such coverage, must have attached to it a copy of
22 the family's insurance identification card or otherwise
23 include all of the following information:

24 (1) The name, address, and telephone number of the
25 insurance carrier.

26 (2) The contract number and policy number of the
27 insurance plan.

28 (3) The name, address, and social security number
29 of the primary insured.

30 (4) The beginning date of the insurance benefit
31 year.

32 (g) A copy of the individualized family service plan
33 must be provided to each enrolled provider who is providing
34 early intervention services to the child who is the subject

1 of that plan.

2 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;
3 92-307, eff. 8-9-01; revised 10-15-01.)

4 (325 ILCS 20/13) (from Ch. 23, par. 4163)

5 Sec. 13. Funding and Fiscal Responsibility.

6 (a) The lead agency and every other participating State
7 agency may receive and expend funds appropriated by the
8 General Assembly to implement the early intervention services
9 system as required by this Act.

10 (b) The lead agency and each participating State agency
11 shall identify and report on an annual basis to the Council
12 the State agency funds utilized for the provision of early
13 intervention services to eligible infants and toddlers.

14 (c) Funds provided under Section 633 of the Individuals
15 with Disabilities Education Act (20 United States Code 1433)
16 and State funds designated or appropriated for early
17 intervention services or programs may not be used to satisfy
18 a financial commitment for services which would have been
19 paid for from another public or private source but for the
20 enactment of this Act, except whenever considered necessary
21 to prevent delay in receiving appropriate early intervention
22 services by the eligible infant or toddler or family in a
23 timely manner. "Public or private source" includes public
24 and private insurance coverage.

25 Funds provided under Section 633 of the Individuals with
26 Disabilities Education Act and State funds designated or
27 appropriated for early intervention services or programs may
28 be used by the lead agency to pay the provider of services
29 (A) pending reimbursement from the appropriate State agency
30 or (B) if (i) the claim for payment is denied in whole or in
31 part by a public or private source, or would be denied under
32 the written terms of the public program or plan or private
33 plan, or (ii) use of private insurance for the service has

1 been exempted under Section 13.25. Payment under item (B)(i)
2 may be made based on a pre-determination telephone inquiry
3 supported by written documentation of the denial supplied
4 thereafter by the insurance carrier.

5 (d) Nothing in this Act shall be construed to permit the
6 State to reduce medical or other assistance available or to
7 alter eligibility under Title V and Title XIX of the Social
8 Security Act relating to the Maternal Child Health Program
9 and Medicaid for eligible infants and toddlers in this State.

10 (e) The lead agency shall create a central billing
11 office to receive and dispense all relevant State and federal
12 resources, as well as local government or independent
13 resources available, for early intervention services. This
14 office shall assure that maximum federal resources are
15 utilized and that providers receive funds with minimal
16 duplications or interagency reporting and with consolidated
17 audit procedures.

18 (f) The lead agency shall, by rule, create a system of
19 payments by families, including a schedule of fees. No fees,
20 however, may be charged for: implementing child find,
21 evaluation and assessment, service coordination,
22 administrative and coordination activities related to the
23 development, review, and evaluation of Individualized Family
24 Service Plans, or the implementation of procedural safeguards
25 and other administrative components of the statewide early
26 intervention system.

27 The system of payments, called family fees, shall be
28 structured on a sliding scale based on family income. The
29 family's coverage or lack of coverage under a public or
30 private insurance plan or policy shall not be a factor in
31 determining the amount of the family fees.

32 Each family's fee obligation shall be established
33 annually, and shall be paid by families to the central
34 billing office in installments. At the written request of the

1 family, the fee obligation shall be adjusted prospectively at
2 any point during the year upon proof of a change in family
3 income or family size. The inability of the parents of an
4 eligible child to pay family fees due to catastrophic
5 circumstances or extraordinary expenses shall not result in
6 the denial of services to the child or the child's family. A
7 family must document its extraordinary expenses or other
8 catastrophic circumstances by showing one of the following:
9 (i) out-of-pocket medical expenses in excess of 15% of gross
10 income; (ii) a fire, flood, or other disaster causing a
11 direct out-of-pocket loss in excess of 15% of gross income;
12 or (iii) other catastrophic circumstances causing
13 out-of-pocket losses in excess of 15% of gross income. The
14 family must present proof of loss to its service coordinator,
15 who shall document it, and the lead agency shall determine
16 whether the fees shall be reduced, forgiven, or suspended
17 within 10 business days after the family's request.

18 (g) To ensure that early intervention funds are used as
19 the payor of last resort for early intervention services, the
20 lead agency shall determine at the point of early
21 intervention intake, and again at any periodic review of
22 eligibility thereafter or upon a change in family
23 circumstances, whether the family is eligible for or enrolled
24 in any program for which payment is made directly or through
25 public or private insurance for any or all of the early
26 intervention services made available under this Act. The lead
27 agency shall establish procedures to ensure that payments are
28 made either directly from these public and private sources
29 instead of from State or federal early intervention funds, or
30 as reimbursement for payments previously made from State or
31 federal early intervention funds.

32 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;
33 92-307, eff. 8-9-01; revised 10-15-01.)

1 Section 68. The Mental Health and Developmental
2 Disabilities Code is amended by changing Sections 2-108 and
3 3-601 as follows:

4 (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

5 Sec. 2-108. Use of restraint. Restraint may be used
6 only as a therapeutic measure to prevent a recipient from
7 causing physical harm to himself or physical abuse to others.
8 Restraint may only be applied by a person who has been
9 trained in the application of the particular type of
10 restraint to be utilized. In no event shall restraint be
11 utilized to punish or discipline a recipient, nor is
12 restraint to be used as a convenience for the staff.

13 (a) Except as provided in this Section, restraint shall
14 be employed only upon the written order of a physician,
15 clinical psychologist, clinical social worker, or registered
16 nurse with supervisory responsibilities. No restraint shall
17 be ordered unless the physician, clinical psychologist,
18 clinical social worker, or registered nurse with supervisory
19 responsibilities, after personally observing and examining
20 the recipient, is clinically satisfied that the use of
21 restraint is justified to prevent the recipient from causing
22 physical harm to himself or others. In no event may restraint
23 continue for longer than 2 hours unless within that time
24 period a nurse with supervisory responsibilities or a
25 physician confirms, in writing, following a personal
26 examination of the recipient, that the restraint does not
27 pose an undue risk to the recipient's health in light of the
28 recipient's physical or medical condition. The order shall
29 state the events leading up to the need for restraint and the
30 purposes for which restraint is employed. The order shall
31 also state the length of time restraint is to be employed and
32 the clinical justification for that length of time. No order
33 for restraint shall be valid for more than 16 hours. If

1 further restraint is required, a new order must be issued
2 pursuant to the requirements provided in this Section.

3 (b) In the event there is an emergency requiring the
4 immediate use of restraint, it may be ordered temporarily by
5 a qualified person only where a physician, clinical
6 psychologist, clinical social worker, or registered nurse
7 with supervisory responsibilities is not immediately
8 available. In that event, an order by a nurse, clinical
9 psychologist, clinical social worker, or physician shall be
10 obtained pursuant to the requirements of this Section as
11 quickly as possible, and the recipient shall be examined by a
12 physician or supervisory nurse within 2 hours after the
13 initial employment of the emergency restraint. Whoever orders
14 restraint in emergency situations shall document its
15 necessity and place that documentation in the recipient's
16 record.

17 (c) The person who orders restraint shall inform the
18 facility director or his designee in writing of the use of
19 restraint within 24 hours.

20 (d) The facility director shall review all restraint
21 orders daily and shall inquire into the reasons for the
22 orders for restraint by any person who routinely orders them.

23 (e) Restraint may be employed during all or part of one
24 24 hour period, the period commencing with the initial
25 application of the restraint. However, once restraint has
26 been employed during one 24 hour period, it shall not be used
27 again on the same recipient during the next 48 hours without
28 the prior written authorization of the facility director.

29 (f) Restraint shall be employed in a humane and
30 therapeutic manner and the person being restrained shall be
31 observed by a qualified person as often as is clinically
32 appropriate but in no event less than once every 15 minutes.
33 The qualified person shall maintain a record of the
34 observations. Specifically, unless there is an immediate

1 danger that the recipient will physically harm himself or
2 others, restraint shall be loosely applied to permit freedom
3 of movement. Further, the recipient shall be permitted to
4 have regular meals and toilet privileges free from the
5 restraint, except when freedom of action may result in
6 physical harm to the recipient or others.

7 (g) Every facility that employs restraint shall provide
8 training in the safe and humane application of each type of
9 restraint employed. The facility shall not authorize the use
10 of any type of restraint by an employee who has not received
11 training in the safe and humane application of that type of
12 restraint. Each facility in which restraint is used shall
13 maintain records detailing which employees have been trained
14 and are authorized to apply restraint, the date of the
15 training and the type of restraint that the employee was
16 trained to use.

17 (h) Whenever restraint is imposed upon any recipient
18 whose primary mode of communication is sign language, the
19 recipient shall be permitted to have his hands free from
20 restraint for brief periods each hour hours, except when
21 freedom may result in physical harm to the recipient or
22 others.

23 (i) A recipient who is restrained may only be secluded
24 at the same time pursuant to an explicit written
25 authorization as provided in Section 2-109 of this Code.
26 Whenever a recipient is restrained, a member of the facility
27 staff shall remain with the recipient at all times unless the
28 recipient has been secluded. A recipient who is restrained
29 and secluded shall be observed by a qualified person as often
30 as is clinically appropriate but in no event less than every
31 15 minutes.

32 (j) Whenever restraint is used, the recipient shall be
33 advised of his right, pursuant to Sections 2-200 and 2-201 of
34 this Code, to have any person of his choosing, including the

1 Guardianship and Advocacy Commission or the agency designated
2 pursuant to the Protection and Advocacy for Developmentally
3 Disabled Persons Act notified of the restraint. A recipient
4 who is under guardianship may request that any person of his
5 choosing be notified of the restraint whether or not the
6 guardian approves of the notice. Whenever the Guardianship
7 and Advocacy Commission is notified that a recipient has been
8 restrained, it shall contact that recipient to determine the
9 circumstances of the restraint and whether further action is
10 warranted.

11 (Source: P.A. 87-124; 87-530; 87-895; 88-380; revised
12 12-07-01.)

13 (405 ILCS 5/3-601) (from Ch. 91 1/2, par. 3-601)

14 Sec. 3-601. Involuntary admission; petition.

15 (a) When a person is asserted to be subject to
16 involuntary admission and in such a condition that immediate
17 hospitalization is necessary for the protection of such
18 person or others from physical harm, any person 18 years of
19 age or older may present a petition to the facility director
20 of a mental health facility in the county where the
21 respondent resides or is present. The petition may be
22 prepared by the facility director of the facility.

23 (b) The petition shall include all of the following:

24 1. A detailed statement of the reason for the
25 assertion that the respondent is subject to involuntary
26 admission, including the signs and symptoms of a mental
27 illness and a description of any acts, threats, or other
28 behavior or pattern of ~~er~~ behavior supporting the
29 assertion and the time and place of their occurrence.

30 2. The name and address of the spouse, parent,
31 guardian, substitute decision maker, if any, and close
32 relative, or if none, the name and address of any known
33 friend of the respondent whom the petitioner has reason

1 to believe may know or have any of the other names and
 2 addresses. If the petitioner is unable to supply any
 3 such names and addresses, the petitioner shall state that
 4 diligent inquiry was made to learn this information and
 5 specify the steps taken.

6 3. The petitioner's relationship to the respondent
 7 and a statement as to whether the petitioner has legal or
 8 financial interest in the matter or is involved in
 9 litigation with the respondent. If the petitioner has a
 10 legal or financial interest in the matter or is involved
 11 in litigation with the respondent, a statement of why the
 12 petitioner believes it would not be practicable or
 13 possible for someone else to be the petitioner.

14 4. The names, addresses and phone numbers of the
 15 witnesses by which the facts asserted may be proved.

16 (c) Knowingly making a material false statement in the
 17 petition is a Class A misdemeanor.

18 (Source: P.A. 91-726, eff. 6-2-00; revised 12-04-01.)

19 Section 69. The Medical Patient Rights Act is amended by
 20 changing Section 4 as follows:

21 (410 ILCS 50/4) (from Ch. 111 1/2, par. 5404)

22 Sec. 4. Violations. Any physician or health care
 23 provider that violates a patient's rights as set forth in
 24 subparagraph (b) ~~(a)~~ of Section 3 is guilty of a petty
 25 offense and shall be fined \$500. Any insurance company or
 26 health service corporation that violates a patient's rights
 27 as set forth in subparagraph (c) ~~(b)~~ of Section 3 is guilty
 28 of a petty offense and shall be fined \$1,000. Any physician,
 29 health care provider, health services corporation or
 30 insurance company that violates a patient's rights as set
 31 forth in subsection (d) ~~(e)~~ of Section 3 is guilty of a petty
 32 offense and shall be fined \$1,000.

1 (Source: P.A. 86-902; revised 1-25-02.)

2 Section 70. The Illinois Clean Indoor Air Act is amended
3 by changing Section 3 as follows:

4 (410 ILCS 80/3) (from Ch. 111 1/2, par. 8203)

5 Sec. 3. For the purposes of this Act, the following
6 terms have the meanings ascribed to them in this Section
7 unless different meanings are plainly indicated by the
8 context:

9 (a) "Department" means the Department of Public Health.

10 (b) "Proprietor" means any individual or his designated
11 agent who by virtue of his office, position, authority, or
12 duties has legal or administrative responsibility for the use
13 or operation of property.

14 (c) "Public Place" means any enclosed indoor area used
15 by the public or serving as a place of work including, but
16 not limited to, hospitals, restaurants, retail stores,
17 offices, commercial establishments, elevators, indoor
18 theaters, libraries, art museums, concert halls, public
19 conveyances, educational facilities, nursing homes,
20 auditoriums, arenas, and meeting rooms, but excluding bowling
21 establishments and excluding places whose primary business is
22 the sale of alcoholic beverages for consumption on the
23 premises and excluding rooms rented for the purpose of living
24 quarters or sleeping or housekeeping accommodations from a
25 hotel, as defined in the Hotel Operators' Occupation Tax Act,
26 and private, enclosed offices occupied exclusively by
27 smokers, even though such offices may be visited by
28 nonsmokers.

29 (d) "Smoking" means the act of inhaling the smoke from
30 or possessing a lighted cigarette, cigar, pipe, or any other
31 form of tobacco or similar substance used for smoking.

32 (e) "State agency" has the meaning formerly ascribed to

1 it in subsection (a) of Section 3 of the Illinois Purchasing
2 Act (now repealed).

3 (f) "Unit of local government" has the meaning ascribed
4 to it in Section 1 of Article VII of the Illinois
5 Constitution of 1970.

6 (Source: P.A. 86-1018; revised 1-25-02.)

7 Section 71. The Environmental Protection Act is amended
8 by changing Sections 15, 19.1, and 57.7 as follows:

9 (415 ILCS 5/15) (from Ch. 111 1/2, par. 1015)

10 Sec. 15. Plans and specifications; demonstration of
11 capability.

12 (a) Owners of public water supplies, their authorized
13 representative, or legal custodians, shall submit plans and
14 specifications to the Agency and obtain written approval
15 before construction of any proposed public water supply
16 installations, changes, or additions is started. Plans and
17 specifications shall be complete and of sufficient detail to
18 show all proposed construction, changes, or additions that
19 may affect sanitary quality, mineral quality, or adequacy of
20 the public water supply; and, where necessary, said plans and
21 specifications shall be accompanied by supplemental data as
22 may be required by the Agency to permit a complete review
23 thereof.

24 (b) All new public water supplies established after
25 October 1, 1999 shall demonstrate technical, financial, and
26 managerial capacity as a condition for issuance of a
27 construction or operation permit by the Agency or its
28 designee. The demonstration shall be consistent with the
29 technical, financial, and managerial provisions of the
30 federal Safe Drinking Water Act (P.L. 93-523 93-532), as now
31 or hereafter amended. The Agency is authorized to adopt
32 rules in accordance with the Illinois Administrative

1 Procedure Act to implement the purposes of this subsection.
2 Such rules must take into account the need for the facility,
3 facility size, sophistication of treatment of the water
4 supply, and financial requirements needed for operation of
5 the facility.

6 (Source: P.A. 90-773, eff. 8-14-98; revised 12-07-01.)

7 (415 ILCS 5/19.1) (from Ch. 111 1/2, par. 1019.1)

8 Sec. 19.1. Legislative findings. The General Assembly
9 finds:

10 (a) that local government units require assistance in
11 financing the construction of wastewater treatment works in
12 order to comply with the State's program of environmental
13 protection and federally mandated requirements;

14 (b) that the federal Water Quality Act of 1987 provides
15 an important source of grant awards to the State for
16 providing assistance to local government units through the
17 Water Pollution Control Loan Program;

18 (c) that local government units and privately owned
19 community water supplies require assistance in financing the
20 construction of their public water supplies to comply with
21 State and federal drinking water laws and regulations;

22 (d) that the federal Safe Drinking Water Act ("SDWA"),
23 P.L. 93-523 93-532, as now or hereafter amended, provides an
24 important source of capitalization grant awards to the State
25 to provide assistance to local government units and privately
26 owned community water supplies through the Public Water
27 Supply Loan Program;

28 (e) that violations of State and federal drinking water
29 standards threaten the public interest, safety, and welfare,
30 which demands that the Illinois Environmental Protection
31 Agency expeditiously adopt emergency rules to administer the
32 Public Water Supply Loan Program; and

33 (f) that the General Assembly agrees with the

1 conclusions and recommendations of the "Report to the
2 Illinois General Assembly on the Issue of Expanding Public
3 Water Supply Loan Eligibility to Privately Owned Community
4 Water Supplies", dated August 1998, including the stated
5 access to the Public Water Supply Loan Program by the
6 privately owned public water supplies so that the long term
7 integrity and viability of the corpus of the Fund will be
8 assured.

9 (Source: P.A. 90-121, eff. 7-17-97; 91-52, eff. 6-30-99;
10 91-501, eff. 8-13-99; revised 12-07-01.)

11 (415 ILCS 5/57.7)

12 Sec. 57.7. Leaking underground storage tanks; physical
13 soil classification, groundwater investigation, site
14 classification, and corrective action.

15 (a) Physical soil classification and groundwater
16 investigation.

17 (1) Prior to conducting any physical soil
18 classification and groundwater investigation activities
19 required by statute or regulation, the owner or operator
20 shall prepare and submit to the Agency for the Agency's
21 approval or modification:

22 (A) a physical soil classification and
23 groundwater investigation plan designed to
24 determine site classification, in accordance
25 with subsection (b) of this Section, as High
26 Priority, Low Priority, or No Further Action.

27 (B) a request for payment of costs
28 associated with eligible early action costs as
29 provided in Section 57.6(b). However, for
30 purposes of payment for early action costs,
31 fill materials shall not be removed in an
32 amount in excess of 4 feet from the outside
33 dimensions of the tank.

1 (2) If the owner or operator intends to seek
2 payment from the Fund, prior to conducting any physical
3 soil classification and groundwater investigation
4 activities required by statute or regulation, the owner
5 or operator shall submit to the Agency for the Agency's
6 approval or modification a physical soil classification
7 and groundwater investigation budget which includes, but
8 is not limited to, an accounting of all costs associated
9 with the implementation and completion of the physical
10 soil classification and groundwater investigation plan.

11 (3) Within 30 days of completion of the physical
12 soil classification or groundwater investigation report
13 the owner or operator shall submit to the Agency:

14 (A) all physical soil classification and
15 groundwater investigation results; and

16 (B) a certification by a Licensed Professional
17 Engineer of the site's classification as High
18 Priority, Low Priority, or No Further Action in
19 accordance with subsection (b) of this Section as
20 High Priority, Low Priority, or No Further Action.

21 (b) Site Classification.

22 (1) After evaluation of the physical soil
23 classification and groundwater investigation results,
24 when required, and general site information, the site
25 shall be classified as "No Further Action", "Low
26 Priority", or "High Priority" based on the requirements
27 of this Section. Site classification shall be determined
28 by a Licensed Professional Engineer in accordance with
29 the requirements of this Title and the Licensed
30 Professional Engineer shall submit a certification to the
31 Agency of the site classification. The Agency has the
32 authority to audit site classifications and reject or
33 modify any site classification inconsistent with the
34 requirements of this Title.

1 (2) Sites shall be classified as No Further Action
2 if the criteria in subparagraph (A) are satisfied:

3 (A)(i) The site is located in an area
4 designated D, E, F and G on the Illinois Geological
5 Survey Circular (1984) titled "Potential for
6 Contamination of Shallow Aquifers in Illinois," by
7 Berg, Richard C., et al.;

8 (ii) A site evaluation under the direction of
9 a Licensed Professional Engineer verifies the
10 physical soil classification conditions are
11 consistent with those indicated on the Illinois
12 Geological Survey Circular (1984) titled "Potential
13 for Contamination of Shallow Aquifers in Illinois,"
14 by Berg, Richard C., et al.; and

15 (iii) The conditions identified in subsections
16 (b) (3)(B), (C), (D), and (E) do not exist.

17 (B) Groundwater investigation monitoring may
18 be required to confirm that a site meets the
19 criteria of a No Further Action site. The Board
20 shall adopt rules setting forth the criteria under
21 which the Agency may exercise its discretionary
22 authority to require investigations and the minimum
23 field requirements for conducting investigations.

24 (3) Sites shall be classified as High Priority if
25 any of the following are met:

26 (A) The site is located in an area designated
27 A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4,
28 or C5 on the Illinois Geological Survey Circular
29 (1984) titled "Potential for Contamination of
30 Shallow Aquifers in Illinois," by Berg, Richard C.,
31 et al.; a site evaluation under the direction of a
32 Licensed Professional Engineer verifies the physical
33 soil classifications conditions are consistent with
34 those indicated on the Illinois Geological Survey

1 Circular (1984) entitled "Potential for
2 Contamination of Shallow Aquifers in Illinois," by
3 Berg, Richard C., et al.; and the results of the
4 physical soil classification and groundwater
5 investigation indicate that an applicable indicator
6 contaminant groundwater quality standard or
7 groundwater objective has been exceeded at the
8 property boundary line or 200 feet from the
9 excavation, whichever is less as a consequence of
10 the underground storage tank release.

11 (B) The underground storage tank is within the
12 minimum or maximum setback zone of a potable water
13 supply well or regulated recharge area of a potable
14 water supply well.

15 (C) There is evidence that, through natural or
16 manmade pathways, migration of petroleum or vapors
17 threaten human health or human safety or may cause
18 explosions in basements, crawl spaces, utility
19 conduits, storm or sanitary sewers, vaults or other
20 confined spaces.

21 (D) Class III special resource groundwater
22 exists within 200 feet of the excavation.

23 (E) A surface water body is adversely affected
24 by the presence of a visible sheen or free product
25 layer as the result of an underground storage tank
26 release.

27 (4) Sites shall be classified as Low Priority if
28 all of the following are met:

29 (A) The site does not meet any of the criteria
30 for classification as a High Priority Site.

31 (B) (i) The site is located in area designated
32 A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4,
33 C5 on the Illinois Geological Survey Circular (1984)
34 entitled "Potential for Contamination of Shallow

1 Aquifers in Illinois," by Berg, Richard C., et al.;

2 and

3 (ii) a site evaluation under the direction of

4 a Licensed Professional Engineer verifies the

5 physical soil classification conditions are

6 consistent with those indicated on the Illinois

7 Geological Survey Circular (1984) titled "Potential

8 for Contamination of Shallow Aquifers in Illinois,"

9 by Berg, Richard C., et al.; and

10 (iii) the results of the physical soil

11 classification and groundwater investigation do not

12 indicate an applicable indicator contaminant

13 groundwater quality standard or groundwater

14 objective has been exceeded at the property boundary

15 line or 200 feet from the underground storage tank,

16 whichever is less.

17 (5) In the event the results of the physical soil

18 classification and any required groundwater investigation

19 reveal that the actual site geologic characteristics are

20 different than those indicated by the Illinois Geological

21 Survey Circular (1984) titled "Potential for

22 Contamination of Shallow Aquifers in Illinois" by Berg,

23 Richard C., et al., classification of the site shall be

24 determined using the actual site geologic

25 characteristics.

26 (6) For purposes of physical soil classification,

27 the Board is authorized to prescribe by regulation

28 alternatives to use of the Illinois Geological Survey

29 Circular (1984) titled "Potential for Contamination of

30 Shallow Aquifers in Illinois" by Berg, Richard C., et al.

31 (c) Corrective Action.

32 (1) High Priority Site.

33 (A) Prior to performance of any corrective

34 action, beyond that required by Section 57.6 and

1 subsection (a) of Section 57.7 of this Act, the
2 owner or operator shall prepare and submit to the
3 Agency for the Agency's approval or modification a
4 corrective action plan designed to mitigate any
5 threat to human health, human safety or the
6 environment resulting from the underground storage
7 tank release.

8 (B) If the owner or operator intends to seek
9 payment from the Fund, prior to performance of any
10 corrective action beyond that required by Section
11 57.6 and subsection (a) of Section 57.7, the owner
12 or operator shall submit to the Agency for the
13 Agency's approval or modification a corrective
14 action plan budget which includes, but is not
15 limited to, an accounting of all costs associated
16 with the implementation and completion of the
17 corrective action plan.

18 (C) The corrective action plan shall do all of
19 the following:

20 (i) Provide that applicable indicator
21 contaminant groundwater quality standards or
22 groundwater objectives will not be exceeded in
23 groundwater at the property boundary line or
24 200 feet from the excavation, whichever is
25 less, or other level if approved by the Agency,
26 for any contaminant identified in the
27 groundwater investigation after complete
28 performance of the corrective action plan.

29 (ii) Provide that Class III special
30 resource groundwater quality standards for
31 Class III special resource groundwater within
32 200 feet of the excavation will not be exceeded
33 as a result of the underground storage tank
34 release for any indicator contaminant

1 identified in the groundwater investigation
2 after complete performance of the corrective
3 action plan.

4 (iii) Remediate threats due to the
5 presence or migration, through natural or
6 manmade pathways, of petroleum in
7 concentrations sufficient to harm human health
8 or human safety or to cause explosions in
9 basements, crawl spaces, utility conduits,
10 storm or sanitary sewers, vaults or other
11 confined spaces.

12 (iv) Remediate threats to a potable water
13 supply.

14 (v) Remediate threats to a surface water
15 body.

16 (D) Within 30 days of completion of the
17 corrective action, the owner or operator shall
18 submit to the Agency such a completion report that
19 includes a description of the corrective action plan
20 and a description of the corrective action work
21 performed and all analytical or sampling results
22 derived from performance of the corrective action
23 plan.

24 (E) The Agency shall issue to the owner or
25 operator a no further remediation letter in
26 accordance with Section 57.10 if all of the
27 following are met:

28 (i) The corrective action completion
29 report demonstrates that: (a) applicable
30 indicator contaminant groundwater quality
31 standards or groundwater objectives are not
32 exceeded at the property boundary line or 200
33 feet from the excavation, whichever is less, as
34 a result of the underground storage tank

1 release for any indicator contaminant
2 identified in the groundwater investigation;
3 (b) Class III special use resource groundwater
4 quality standards, for Class III special use
5 resource groundwater within 200 feet of the
6 underground storage tank, are not exceeded as a
7 result of the underground storage tank release
8 for any contaminant identified in the
9 groundwater investigation; (c) the underground
10 storage tank release does not threaten human
11 health or human safety due to the presence or
12 migration, through natural or manmade pathways,
13 of petroleum or hazardous substances in
14 concentrations sufficient to harm human health
15 or human safety or to cause explosions in
16 basements, crawl spaces, utility conduits,
17 storm or sanitary sewers, vaults or other
18 confined spaces; (d) the underground storage
19 tank release does not threaten any surface
20 water body; and (e) the underground storage
21 tank release does not threaten any potable
22 water supply.

23 (ii) The owner or operator submits to the
24 Agency a certification from a Licensed
25 Professional Engineer that the work described
26 in the approved corrective action plan has been
27 completed and that the information presented in
28 the corrective action completion report is
29 accurate and complete.

30 (2) Low Priority Site.

31 (A) Corrective action at a low priority site
32 must include groundwater monitoring consistent with
33 part (B) of this paragraph (2).

34 (B) Prior to implementation of groundwater

1 monitoring, the owner or operator shall prepare and
2 submit to the Agency a groundwater monitoring plan
3 and, if the owner or operator intends to seek
4 payment under this Title, an associated budget which
5 includes, at a minimum, all of the following:

6 (i) Placement of groundwater monitoring
7 wells at the property line, or at 200 feet from
8 the excavation which ever is closer, designed
9 to provide the greatest likelihood of detecting
10 migration of groundwater contamination.

11 (ii) Quarterly groundwater sampling for a
12 period of one year, semi-annual sampling for
13 the second year and annual groundwater sampling
14 for one subsequent year for all indicator
15 contaminants identified during the groundwater
16 investigation.

17 (iii) The annual submittal to the Agency
18 of a summary of groundwater sampling results.

19 (C) If at any time groundwater sampling
20 results indicate a confirmed exceedence of
21 applicable indicator contaminant groundwater quality
22 standards or groundwater objectives as a result of
23 the underground storage tank release, the site may
24 be reclassified as a High Priority Site by the
25 Agency at any time before the Agency's final
26 approval of a Low Priority groundwater monitoring
27 completion report. Agency review and approval shall
28 be in accordance with paragraph (4) of subsection
29 (c) of this Section. If the owner or operator elects
30 to appeal an Agency action to disapprove, modify, or
31 reject by operation of law a Low Priority
32 groundwater monitoring completion report, the Agency
33 shall indicate to the Board in conjunction with such
34 appeal whether it intends to reclassify the site as

1 High Priority. If a site is reclassified as a High
2 Priority Site, the owner or operator shall submit a
3 corrective action plan and budget to the Agency
4 within 120 days of the confirmed exceedence and
5 shall initiate compliance with all corrective action
6 requirements for a High Priority Site.

7 (D) If, throughout the implementation of the
8 groundwater monitoring plan, the groundwater
9 sampling results do not confirm an exceedence of
10 applicable indicator contaminant groundwater quality
11 standards or groundwater objectives as a result of
12 the underground storage tank release, the owner or
13 operator shall submit to the Agency a certification
14 of a Licensed Professional Engineer so stating.

15 (E) Unless the Agency takes action under
16 subsection (b)(2)(C) to reclassify a site as high
17 priority, upon receipt of a certification by a
18 Licensed Professional Engineer submitted pursuant to
19 paragraph (2) of subsection (c) of this Section, the
20 Agency shall issue to the owner or operator a no
21 further remediation letter in accordance with
22 Section 57.10.

23 (3) No Further Action Site.

24 (A) No Further Action sites require no
25 remediation beyond that required in Section 57.6 and
26 subsection (a) of this Section if the owner or
27 operator has submitted to the Agency a certification
28 by a Licensed Professional Engineer that the site
29 meets all of the criteria for classification as No
30 Further Action in subsection (b) of this Section.

31 (B) Unless the Agency takes action to reject
32 or modify a site classification under subsection (b)
33 of this Section or the site classification is
34 rejected by operation of law under item (4)(B) of

1 subsection (c) of this Section, upon receipt of a
2 certification by a Licensed Professional Engineer
3 submitted pursuant to part (A) of paragraph (3) of
4 subsection (c) of this Section, the Agency shall
5 issue to the owner or operator a no further
6 remediation letter in accordance with Section 57.10.
7 (4) Agency review and approval.

8 (A) Agency approval of any plan and associated
9 budget, as described in this item (4), shall be
10 considered final approval for purposes of seeking
11 and obtaining payment from the Underground Storage
12 Tank Fund if the costs associated with the
13 completion of any such plan are less than or equal
14 to the amounts approved in such budget.

15 (B) In the event the Agency fails to approve,
16 disapprove, or modify any plan or report submitted
17 pursuant to this Title in writing within 120 days of
18 the receipt by the Agency, the plan or report shall
19 be considered to be rejected by operation of law for
20 purposes of this Title and rejected for purposes of
21 payment from the Leaking Underground Storage Tank
22 Fund.

23 (i) For purposes of those plans as
24 identified in subparagraph (E) of this
25 subsection (c)(4), the Agency's review may be
26 an audit procedure. Such review or audit shall
27 be consistent with the procedure for such
28 review or audit as promulgated by the Board
29 under item (7) of subsection (b) of Section
30 57.14. The Agency has the authority to
31 establish an auditing program to verify
32 compliance of such plans with the provisions of
33 this Title.

34 (ii) For purposes of those plans

1 submitted pursuant to Part (E) (iii) of this
2 paragraph (4) for which payment from the Fund
3 is not being sought, the Agency need not take
4 action on such plan until 120 days after it
5 receives the corrective action completion
6 report required under Section 57(c)(1)(D). In
7 the event the Agency approved the plan, it
8 shall proceed under the provisions of Section
9 57(c)(4).

10 (C) In approving any plan submitted pursuant
11 to Part (E) of this paragraph (4), the Agency shall
12 determine, by a procedure promulgated by the Board
13 under item (7) of subsection (b) of Section 57.14,
14 that the costs associated with the plan are
15 reasonable, will be incurred in the performance of
16 corrective action, and will not be used for
17 corrective action activities in excess of those
18 required to meet the minimum requirements of this
19 title.

20 (D) For any plan or report received after the
21 effective date of this amendatory Act of 1993, any
22 action by the Agency to disapprove or modify a plan
23 submitted pursuant to this Title shall be provided
24 to the owner or operator in writing within 120 days
25 of the receipt by the Agency or, in the case of a
26 corrective action plan for which payment is not
27 being sought, within 120 days of receipt of the
28 corrective action completion report, and shall be
29 accompanied by:

30 (i) an explanation of the Sections of
31 this Act which may be violated if the plans
32 were approved;

33 (ii) an explanation of the provisions of
34 the regulations, promulgated under this Act,

1 which may be violated if the plan were
2 approved;

3 (iii) an explanation of the specific type
4 of information, if any, which the Agency deems
5 the applicant did not provide the Agency; and

6 (iv) a statement of specific reasons why
7 the Act and the regulations might not be met if
8 the plan were approved.

9 Any action by the Agency to disapprove or
10 modify a plan or report or the rejection of any plan
11 or report by operation of law shall be subject to
12 appeal to the Board in accordance with the
13 procedures of Section 40. If the owner or operator
14 elects to incorporate modifications required by the
15 Agency rather than appeal, an amended plan shall be
16 submitted to the Agency within 35 days of receipt of
17 the Agency's written notification.

18 (E) For purposes of this Title, the term
19 "plan" shall include:

20 (i) Any physical soil classification and
21 groundwater investigation plan submitted
22 pursuant to item (1)(A) of subsection (a) of
23 this Section, or budget under item (2) of
24 subsection (a) of this Section;

25 (ii) Any groundwater monitoring plan or
26 budget submitted pursuant to subsection
27 (c)(2)(B) of this Section;

28 (iii) Any corrective action plan
29 submitted pursuant to subsection (c)(1)(A) of
30 this Section; or

31 (iv) Any corrective action plan budget
32 submitted pursuant to subsection (c)(1)(B) of
33 this Section.

34 (d) For purposes of this Title, the term "indicator

1 contaminant" shall mean, unless and until the Board
2 promulgates regulations to the contrary, the following: (i)
3 if an underground storage tank contains gasoline, the
4 indicator parameter shall be BTEX and Benzene; (ii) if the
5 tank contained petroleum products consisting of middle
6 distillate or heavy ends, then the indicator parameter shall
7 be determined by a scan of PNA's taken from the location
8 where contamination is most likely to be present; and (iii)
9 if the tank contained used oil, then the indicator
10 contaminant shall be those chemical constituents which
11 indicate the type of petroleum stored in an underground
12 storage tank. All references in this Title to groundwater
13 objectives shall mean Class I groundwater standards or
14 objectives as applicable.

15 (e) (1) Notwithstanding the provisions of this Section,
16 an owner or operator may proceed to conduct physical soil
17 classification, groundwater investigation, site
18 classification or other corrective action prior to the
19 submittal or approval of an otherwise required plan. If
20 the owner or operator elects to so proceed, an applicable
21 plan shall be filed with the Agency at any time. Such
22 plan shall detail the steps taken to determine the type
23 of corrective action which was necessary at the site
24 along with the corrective action taken or to be taken, in
25 addition to costs associated with activities to date and
26 anticipated costs.

27 (2) Upon receipt of a plan submitted after
28 activities have commenced at a site, the Agency shall
29 proceed to review in the same manner as required under
30 this Title. In the event the Agency disapproves all or
31 part of the costs, the owner or operator may appeal such
32 decision to the Board. The owner or operator shall not
33 be eligible to be reimbursed for such disapproved costs
34 unless and until the Board determines that such costs

1 were eligible for payment.
 2 (Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff.
 3 1-1-96; 89-457, eff. 5-22-96; revised 1-25-02.)

4 Section 72. The Radon Industry Licensing Act is amended
 5 by changing Section 65 as follows:

6 (420 ILCS 44/65)
 7 Sec. 65. Illinois Administrative Procedure Act. The
 8 provisions of the Illinois Administrative Procedure Act are
 9 hereby expressly adopted and shall apply to all
 10 administrative rules and procedures of the Department under
 11 this Act, except that Section 5-35 of ~~5-0f~~ the Illinois
 12 Administrative Procedure Act, relating to procedures for
 13 rulemaking, does not apply to the adoption of any rule
 14 required by federal law in connection with which the
 15 Department is precluded from exercising any discretion.
 16 (Source: P.A. 90-262, eff. 7-30-97; revised 12-07-01.)

17 Section 73. The Firearm Owners Identification Card Act
 18 is amended by changing Section 14 as follows:

19 (430 ILCS 65/14) (from Ch. 38, par. 83-14)
 20 Sec. 14. Sentence.
 21 (a) A violation of paragraph (1) of subsection (a) of
 22 Section 2, when the person's Firearm Owner's Identification
 23 Card is expired but the person is not otherwise disqualified
 24 from renewing the card, is a Class A misdemeanor.
 25 (b) Except as provided in subsection (a) with respect to
 26 an expired card, a violation of paragraph (1) of subsection
 27 (a) of Section 2 is a Class A misdemeanor when the person
 28 does not possess a currently valid Firearm Owner's
 29 Identification Card, but is otherwise eligible under this
 30 Act. A second or subsequent violation is a Class 4 felony.

1 (c) A violation of paragraph (1) of subsection (a) of
2 Section 2 is a Class 3 felony when:

3 (1) the person's Firearm Owner's Identification
4 Card is revoked or subject to revocation under Section 8;
5 or

6 (2) the person's Firearm Owner's Identification
7 Card is expired and not otherwise eligible for renewal
8 under this Act; or

9 (3) the person does not possess a currently valid
10 Firearm Owner's Identification Card, and the person is
11 not otherwise eligible under this Act.

12 (d) A violation of subsection (a) of Section 3 is a
13 Class 4 felony. A third or subsequent conviction is a Class 1
14 felony.

15 (d-5) Any person who knowingly enters false information
16 on an application for a Firearm Owner's Identification Card,
17 who knowingly gives a false answer to any question on the
18 application, or who knowingly submits false evidence in
19 connection with an application is guilty of a Class 2 felony.

20 (e) Except as provided by Section 6.1 of this Act, any
21 other violation of this Act is a Class A misdemeanor.

22 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;
23 92-442, eff. 8-17-01; revised 10-11-01.)

24 Section 74. The Humane Care for Animals Act is amended
25 by changing Sections 4.01, 4.02, and 16 as follows:

26 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

27 Sec. 4.01. Prohibitions.

28 (a) No person may own, capture, breed, train, or lease
29 any animal which he or she knows is intended for use in any
30 show, exhibition, program, or other activity featuring or
31 otherwise involving a fight between such animal and any other
32 animal or human, or the intentional killing of any animal for

1 the purpose of sport, wagering, or entertainment.

2 (b) No person shall promote, conduct, carry on,
3 advertise, collect money for or in any other manner assist
4 or aid in the presentation for purposes of sport, wagering,
5 or entertainment, any show, exhibition, program, or other
6 activity involving a fight between 2 or more animals or any
7 animal and human, or the intentional killing of any animal.

8 (c) No person shall sell or offer for sale, ship,
9 transport, or otherwise move, or deliver or receive any
10 animal which he or she knows has been captured, bred, or
11 trained, or will be used, to fight another animal or human or
12 be intentionally killed, for the purpose of sport, wagering,
13 or entertainment.

14 (d) No person shall manufacture for sale, shipment,
15 transportation or delivery any device or equipment which that
16 person knows or should know is intended for use in any show,
17 exhibition, program, or other activity featuring or otherwise
18 involving a fight between 2 or more animals, or any human and
19 animal, or the intentional killing of any animal for purposes
20 of sport, wagering or entertainment.

21 (e) No person shall own, possess, sell or offer for
22 sale, ship, transport, or otherwise move any equipment or
23 device which such person knows or should know is intended for
24 use in connection with any show, exhibition, program, or
25 activity featuring or otherwise involving a fight between 2
26 or more animals, or any animal and human, or the intentional
27 killing of any animal for purposes of sport, wagering or
28 entertainment.

29 (f) No person shall make available any site, structure,
30 or facility, whether enclosed or not, which he or she knows
31 is intended to be used for the purpose of conducting any
32 show, exhibition, program, or other activity involving a
33 fight between 2 or more animals, or any animal and human, or
34 the intentional killing of any animal or knowingly

1 manufacture, distribute, or deliver fittings to be used in a
2 fight between 2 or more dogs or a dog and a human.

3 (g) No person shall attend or otherwise patronize any
4 show, exhibition, program, or other activity featuring or
5 otherwise involving a fight between 2 or more animals, or any
6 animal and human, or the intentional killing of any animal
7 for the purposes of sport, wagering or entertainment.

8 (h) No person shall tie or attach or fasten any live
9 animal to any machine or device propelled by any power for
10 the purpose of causing such animal to be pursued by a dog or
11 dogs. This subsection (h) shall apply only when such dog is
12 intended to be used in a dog fight.

13 (i) Any animals or equipment involved in a violation of
14 this Section shall be immediately seized and impounded under
15 Section 12 by the Department when located at any show,
16 exhibition, program, or other activity featuring or otherwise
17 involving an animal fight for the purposes of sport,
18 wagering, or entertainment.

19 (j) Any vehicle or conveyance other than a common
20 carrier that is used in violation of this Section shall be
21 seized, held, and offered for sale at public auction by the
22 sheriff's department of the proper jurisdiction, and the
23 proceeds from the sale shall be remitted to the general fund
24 of the county where the violation took place.

25 (k) Any veterinarian in this State who is presented with
26 an animal for treatment of injuries or wounds resulting from
27 fighting where there is a reasonable possibility that the
28 animal was engaged in or utilized for a fighting event for
29 the purposes of sport, wagering, or entertainment shall file
30 a report with the Department and cooperate by furnishing the
31 owners' names, dates, and descriptions of the animal or
32 animals involved. Any veterinarian who in good faith complies
33 with the requirements of this subsection has immunity from
34 any liability, civil, criminal, or otherwise, that may result

1 from his or her actions. For the purposes of any
2 proceedings, civil or criminal, the good faith of the
3 veterinarian shall be rebuttably presumed.

4 (1) No person shall conspire or solicit a minor to
5 violate this Section.

6 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;
7 revised 10-11-01.)

8 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

9 Sec. 4.02. Arrests; reports.

10 (a) Any law enforcement officer making an arrest for an
11 offense involving one or more animals under Section 4.01 of
12 this Act shall lawfully take possession of all animals and
13 all paraphernalia, implements, or other property or things
14 used or employed, or about to be employed, in the violation
15 of any of the provisions of Section 4.01 of this Act. When a
16 law enforcement officer has taken possession of such animals,
17 paraphernalia, implements or other property or things, he or
18 she shall file with the court before whom the complaint is
19 made against any person so arrested an affidavit stating
20 therein the name of the person charged in the complaint, a
21 description of the property so taken and the time and place
22 of the taking thereof together with the name of the person
23 from whom the same was taken and name of the person who
24 claims to own such property, if different from the person
25 from whom the dogs were seized and if known, and that the
26 affiant has reason to believe and does believe, stating the
27 ground of the belief, that the dogs and property so taken
28 were used or employed, or were about to be used or employed,
29 in a violation of Section 4.01 of this Act. He or she shall
30 thereupon deliver an inventory of the property so taken to
31 the court of competent jurisdiction. A law enforcement
32 officer may humanely euthanize dogs that are severely
33 injured.

1 An owner whose dogs are removed for a violation of
2 Section 4.01 of this Act must be given written notice of the
3 circumstances of the removal and of any legal remedies
4 available to him or her. The notice must be posted at the
5 place of seizure or delivered to a person residing at the
6 place of seizure or, if the address of the owner is different
7 from the address of the person from whom the dogs were
8 seized, delivered by registered mail to his or her last known
9 address.

10 The animal control or animal shelter having custody of
11 the dogs may file a petition with the court requesting that
12 the person from whom the dogs were seized or the owner of the
13 dogs be ordered to post security pursuant to Section 3.05 of
14 this Act.

15 Upon the conviction of the person so charged, all dogs
16 shall be adopted or humanely euthanized and property so
17 seized shall be adjudged by the court to be forfeited. Any
18 outstanding costs incurred by the impounding facility in
19 boarding and treating the dogs pending the disposition of the
20 case and disposing of the dogs upon a conviction must be
21 borne by the person convicted. In no event may the dogs be
22 adopted by the defendant or anyone residing in his or her
23 household. If the court finds that the State either failed to
24 prove the criminal allegations or that the dogs were used in
25 fighting, the court must direct the delivery of the dogs and
26 the other property not previously forfeited to the owner of
27 the dogs and property.

28 Any person authorized by this Section to care for a dog,
29 to treat a dog, or to attempt to restore a dog to good health
30 and who is acting in good faith is immune from any civil or
31 criminal liability that may result from his or her actions.

32 An animal control warden, animal control administrator,
33 animal shelter employee, or approved humane investigator may
34 humanely euthanize severely injured, diseased, or suffering

1 dog in exigent circumstances.

2 (b) Any veterinarian in this State who is presented with
3 an animal for treatment of injuries or wounds resulting from
4 fighting where there is a reasonable possibility that the
5 animal was engaged in or utilized for a fighting event shall
6 file a report with the Department and cooperate by furnishing
7 the owners' names, date of receipt of the animal or animals
8 and treatment administered, and descriptions of the animal or
9 animals involved. Any veterinarian who in good faith makes a
10 report, as required by this subsection (b), is immune from
11 any liability, civil, criminal, or otherwise, resulting from
12 his or her actions. For the purposes of any proceedings,
13 civil or criminal, the good faith of any such veterinarian
14 shall be presumed.

15 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;
16 revised 10-11-01.)

17 (510 ILCS 70/16) (from Ch. 8, par. 716)

18 Sec. 16. Violations; punishment; injunctions.

19 (a) Any person convicted of violating subsection (l) of
20 Section 4.01 or Sections 5, 5.01, or 6 of this Act or any
21 rule, regulation, or order of the Department pursuant
22 thereto, is guilty of a Class A misdemeanor. A second or
23 subsequent violation of Section 5, 5.01, or 6 is a Class 4
24 felony.

25 (b)(1) This subsection (b) does not apply where the
26 only animals involved in the violation are dogs.

27 (2) Any person convicted of violating subsection
28 (a), (b), (c) or (h) of Section 4.01 of this Act or any
29 rule, regulation, or order of the Department pursuant
30 thereto, is guilty of a Class A misdemeanor.

31 (3) A second or subsequent offense involving the
32 violation of subsection (a), (b) or (c) of Section 4.01
33 of this Act or any rule, regulation, or order of the

1 Department pursuant thereto is a Class 4 felony.

2 (4) Any person convicted of violating subsection
3 (d), (e) or (f) of Section 4.01 of this Act or any rule,
4 regulation, or order of the Department pursuant thereto,
5 is guilty of a Class A misdemeanor. A second or
6 subsequent violation is a Class 4 felony.

7 (5) Any person convicted of violating subsection
8 (g) of Section 4.01 of this Act or any rule, regulation,
9 or order of the Department pursuant thereto is guilty of
10 a Class C misdemeanor.

11 (c)(1) This subsection (c) applies exclusively
12 where the only animals involved in the violation are
13 dogs.

14 (2) Any person convicted of violating subsection
15 (a), (b) or (c) of Section 4.01 of this Act or any rule,
16 regulation or order of the Department pursuant thereto is
17 guilty of a Class 4 felony and may be fined an amount not
18 to exceed \$50,000. A person who knowingly owns a dog for
19 fighting purposes or for producing a fight between 2 or
20 more dogs or a dog and human or who knowingly offers for
21 sale or sells a dog bred for fighting is guilty of a
22 Class 3 felony if any of the following factors is
23 present:

24 (i) the dogfight is performed in the presence
25 of a person under 18 years of age;

26 (ii) the dogfight is performed for the purpose
27 of or in the presence of illegal wagering activity;
28 or

29 (iii) the dogfight is performed in furtherance
30 of streetgang related activity as defined in Section
31 10 of the Illinois Streetgang Terrorism Omnibus
32 Prevention Act.

33 (3) Any person convicted of violating subsection
34 (d) or (e) of Section 4.01 of this Act or any rule,

1 regulation or order of the Department pursuant thereto is
2 guilty of Class A misdemeanor.

3 (3.5) Any person convicted of violating subsection
4 (f) of Section 4.01 is guilty of a Class 4 felony.

5 (4) Any person convicted of violating subsection
6 (g) of Section 4.01 of this Act or any rule, regulation
7 or order of the Department pursuant thereto is guilty of
8 a Class C misdemeanor.

9 (5) A second or subsequent violation of subsection
10 (a), (b) or (c) of Section 4.01 of this Act or any rule,
11 regulation or order of the Department pursuant thereto is
12 a Class 3 felony. A second or subsequent violation of
13 subsection (d) or (e) of Section 4.01 of this Act or any
14 rule, regulation or order of the Department adopted
15 pursuant thereto is a Class 3 felony, if in each
16 violation the person knew or should have known that the
17 device or equipment under subsection (d) or (e) of that
18 Section was to be used to carry out a violation where the
19 only animals involved were dogs. Where such person did
20 not know or should not reasonably have been expected to
21 know that the only animals involved in the violation were
22 dogs, a second or subsequent violation of subsection (d)
23 or (e) of Section 4.01 of this Act or any rule,
24 regulation or order of the Department adopted pursuant
25 thereto is a Class A misdemeanor. A second or subsequent
26 violation of subsection (g) is a Class B misdemeanor.

27 (6) Any person convicted of violating Section 3.01
28 of this Act is guilty of a Class A misdemeanor. A second
29 or subsequent conviction for a violation of Section 3.01
30 is a Class 4 felony.

31 (7) Any person convicted of violating Section 4.03
32 is guilty of a Class A misdemeanor. A second or
33 subsequent violation is a Class 4 felony.

34 (8) Any person convicted of violating Section 4.04

1 is guilty of a Class A misdemeanor where the animal is
2 not killed or totally disabled, but if the animal is
3 killed or totally disabled such person shall be guilty of
4 a Class 4 felony.

5 (8.5) A person convicted of violating subsection
6 (a) of Section 7.15 is guilty of a Class A misdemeanor.
7 A person convicted of violating subsection (b) or (c) of
8 Section 7.15 is (i) guilty of a Class A misdemeanor if
9 the dog is not killed or totally disabled and (ii) if the
10 dog is killed or totally disabled, guilty of a Class 4
11 felony and may be ordered by the court to make
12 restitution to the disabled person having custody or
13 ownership of the dog for veterinary bills and replacement
14 costs of the dog. A second or subsequent violation is a
15 Class 4 felony.

16 (9) Any person convicted of any other act of abuse
17 or neglect or of violating any other provision of this
18 Act, or any rule, regulation, or order of the Department
19 pursuant thereto, is guilty of a Class B misdemeanor. A
20 second or subsequent violation is a Class 4 felony with
21 every day that a violation continues constituting a
22 separate offense.

23 (d) Any person convicted of violating Section 7.1 is
24 guilty of a Class C misdemeanor. A second or subsequent
25 conviction for a violation of Section 7.1 is a Class B
26 misdemeanor.

27 (e) Any person convicted of violating Section 3.02 is
28 guilty of a Class 4 felony. A second or subsequent violation
29 is a Class 3 felony.

30 (f) The Department may enjoin a person from a continuing
31 violation of this Act.

32 (g) Any person convicted of violating Section 3.03 is
33 guilty of a Class 3 felony. As a condition of the sentence
34 imposed under this Section, the court shall order the

1 offender to undergo a psychological or psychiatric evaluation
2 and to undergo treatment that the court determines to be
3 appropriate after due consideration of the evaluation.

4 (h) In addition to any other penalty provided by law,
5 upon a conviction for violating Sections 3, 3.01, 3.02, or
6 3.03 the court may order the convicted person to undergo a
7 psychological or psychiatric evaluation and to undergo any
8 treatment at the convicted person's expense that the court
9 determines to be appropriate after due consideration of the
10 evaluation. If the convicted person is a juvenile or a
11 companion animal hoarder, the court must order the convicted
12 person to undergo a psychological or psychiatric evaluation
13 and to undergo treatment that the court determines to be
14 appropriate after due consideration of the evaluation.

15 (i) In addition to any other penalty provided by law,
16 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03
17 the court may order the convicted person to forfeit to an
18 animal control or animal shelter the animal or animals that
19 are the basis of the conviction. Upon an order of
20 forfeiture, the convicted person is deemed to have
21 permanently relinquished all rights to the animal or animals
22 that are the basis of the conviction. The forfeited animal
23 or animals shall be adopted or humanely euthanized. In no
24 event may the convicted person or anyone residing in his or
25 her household be permitted to adopt the forfeited animal or
26 animals. The court, additionally, may order that the
27 convicted person and persons dwelling in the same household
28 as the convicted person who conspired, aided, or abetted in
29 the unlawful act that was the basis of the conviction, or who
30 knew or should have known of the unlawful act, may not own,
31 harbor, or have custody or control of any other animals for a
32 period of time that the court deems reasonable.

33 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;
34 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff.

1 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

2 Section 75. The Fish and Aquatic Life Code is amended by
3 changing Section 20-35 as follows:

4 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

5 (Text of Section before amendment by P.A. 92-513)

6 Sec. 20-35. Offenses. Except as prescribed in Section
7 5-25 and unless otherwise provided in this Code, any person
8 who is found guilty of violating any of the provisions of
9 this Code, including administrative rules, is guilty of a
10 petty offense.

11 Any person who violates any of the provisions of Section
12 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,
13 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,
14 15-15, 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60,
15 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100, 15-105,
16 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75, 20-80,
17 20-85, 25-10, 25-15, or 25-20 of this Code, including
18 administrative rules relating to those Sections, is guilty of
19 a Class B misdemeanor.

20 Any person who violates any of the provisions of Section
21 1-200, 1-205, 10-55, 10-80, 15-35, or 20-120 of this Code,
22 including administrative rules relating to those Sections, is
23 guilty of a Class A misdemeanor.

24 Any person who violates any of the provisions of this
25 Code, including administrative rules, during the 5 years
26 following the revocation of his or her license, permit, or
27 privileges under Section 20-105 is guilty of a Class A
28 misdemeanor.

29 Any person who violates Section 5-25 of this Code,
30 including administrative rules, is guilty of a Class 3
31 felony.

32 Offenses committed by minors under the direct control or

1 with the consent of a parent or guardian may subject the
2 parent or guardian to the penalties prescribed in this
3 Section or as otherwise provided in this Code.

4 In addition to any fines imposed under this Section, or
5 as otherwise provided in this Code, any person found guilty
6 of unlawfully taking or possessing any aquatic life protected
7 by this Code shall be assessed a civil penalty for that
8 aquatic life in accordance with the values prescribed in
9 Section 5-25 of this Code. This civil penalty shall be
10 imposed at the time of the conviction by the Circuit Court
11 for the county where the offense was committed. All
12 penalties provided for in this Section shall be remitted to
13 the Department in accordance with the provisions of Section
14 1-180 of this Code.

15 (Source: P.A. 92-385, eff. 8-16-01.)

16 (Text of Section after amendment by P.A. 92-513)

17 Sec. 20-35. Offenses.

18 (a) Except as prescribed in Section 5-25 and unless
19 otherwise provided in this Code, any person who is found
20 guilty of violating any of the provisions of this Code,
21 including administrative rules, is guilty of a petty offense.

22 Any person who violates any of the provisions of Section
23 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,
24 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,
25 15-15, 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60,
26 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100, 15-105,
27 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75, 20-80,
28 20-85, 25-10, 25-15, or 25-20 of this Code, including
29 administrative rules relating to those Sections, is guilty of
30 a Class B misdemeanor.

31 Any person who violates any of the provisions of Section
32 1-200, 1-205, 10-55, 10-80, 15-35, or 20-120 of this Code,
33 including administrative rules relating to those Sections, is
34 guilty of a Class A misdemeanor.

1 Any person who violates any of the provisions of this
2 Code, including administrative rules, during the 5 years
3 following the revocation of his or her license, permit, or
4 privileges under Section 20-105 is guilty of a Class A
5 misdemeanor.

6 Any person who violates Section 5-25 of this Code,
7 including administrative rules, is guilty of a Class 3
8 felony.

9 (b)(1) It is unlawful for any person to take or attempt
10 to take aquatic life from any aquatic life farm except with
11 the consent of the owner of the aquatic life farm. Any
12 person possessing fishing tackle on the premises of an
13 aquatic life farm is presumed to be fishing. The presumption
14 may be rebutted by clear and convincing evidence. All
15 fishing tackle, apparatus, and vehicles used in the violation
16 of this subsection (b) shall be confiscated by the arresting
17 officer. Except as otherwise provided in this subsection,
18 the seizure and confiscation procedures set forth in Section
19 1-215 of this Code shall apply. If the confiscated property
20 is determined by the circuit court to have been used in the
21 violation of this subsection (b), the confiscated property
22 shall be sold at public auction by the county sheriff of the
23 county where the violation occurred. The proceeds of the
24 sale shall be deposited in the county general fund; provided
25 that the auction may be stayed by an appropriate court order.

26 (2) A violation of paragraph (1) of this subsection (b)
27 is a Class A misdemeanor for a first offense and a Class 4
28 felony for a second or subsequent offense.

29 (c)(1) It is unlawful for any person to trespass or fish
30 on an aquatic life farm located on a strip mine lake or other
31 body of water used for aquatic life farming operations, or
32 within a 200 foot buffer zone surrounding cages or netpens
33 that are clearly delineated by buoys of a posted aquatic life
34 farm, by swimming, scuba diving, or snorkeling in, around, or

1 under the aquatic life farm or by operating a watercraft
2 over, around, or in the aquatic life farm without the consent
3 of the owner of the aquatic life farm.

4 (2) A violation of paragraph (1) of this subsection (c)
5 is a Class B misdemeanor for a first offense and a Class A
6 misdemeanor for a second or subsequent offense. All fishing
7 tackle, apparatus, and watercraft used in a second or
8 subsequent violation of this subsection (c) shall be
9 confiscated by the arresting officer. Except as otherwise
10 provided in this subsection, the seizure and confiscation
11 procedures set forth in Section 1-215 of this Code shall
12 apply. If the confiscated property is determined by the
13 circuit court to have been used in a violation of this
14 subsection (c), the confiscated property shall be sold at
15 public auction by the county sheriff of the county where the
16 violation occurred. The proceeds of the sale shall be
17 deposited in the county general fund; provided that the
18 auction may be stayed by an appropriate court order.

19 (d) Offenses committed by minors under the direct
20 control or with the consent of a parent or guardian may
21 subject the parent or guardian to the penalties prescribed in
22 this Section or as otherwise provided in this Code.

23 (e) In addition to any fines imposed under this Section,
24 or as otherwise provided in this Code, any person found
25 guilty of unlawfully taking or possessing any aquatic life
26 protected by this Code shall be assessed a civil penalty for
27 that aquatic life in accordance with the values prescribed in
28 Section 5-25 of this Code. This civil penalty shall be
29 imposed at the time of the conviction by the Circuit Court
30 for the county where the offense was committed. Except as
31 otherwise provided for in subsections (b) and (c) of this
32 Section, all penalties provided for in this Section shall be
33 remitted to the Department in accordance with the provisions
34 of Section 1-180 of this Code.

1 (Source: P.A. 92-385, eff. 8-16-01; 92-513, eff. 6-1-02;
2 revised 1-7-02.)

3 Section 76. The Wildlife Code is amended by changing
4 Sections 2.26 and 2.33 as follows:

5 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

6 Sec. 2.26. Deer hunting permits. In this Section, "bona
7 fide equity shareholder" means an individual who (1)
8 purchased, for market price, publicly sold stock shares in a
9 corporation, purchased shares of a privately-held corporation
10 for a value equal to the percentage of the appraised value of
11 the corporate assets represented by the ownership in the
12 corporation, or is a member of a closely-held family-owned
13 corporation and has purchased or been gifted with shares of
14 stock in the corporation accurately reflecting his or her
15 percentage of ownership and (2) intends to retain the
16 ownership of the shares of stock for at least 5 years.

17 In this Section, "bona fide equity member" means an
18 individual who (1) (i) became a member upon the formation of
19 the limited liability company or (ii) has purchased a
20 distributional interest in a limited liability company for a
21 value equal to the percentage of the appraised value of the
22 LLC assets represented by the distributional interest in the
23 LLC and subsequently becomes a member of the company pursuant
24 to Article 30 of the Limited Liability Company Act and who
25 (2) intends to retain the membership for at least 5 years.

26 Any person attempting to take deer shall first obtain a
27 "Deer Hunting Permit" in accordance with prescribed
28 regulations set forth in an Administrative Rule. Deer
29 Hunting Permits shall be issued by the Department. The fee
30 for a Deer Hunting Permit to take deer with either bow and
31 arrow or gun shall not exceed \$15.00 for residents of the
32 State. The Department may by administrative rule provide for

1 non-resident deer hunting permits for which the fee will not
2 exceed \$200 except as provided below for non-resident
3 landowners and non-resident archery hunters. The Department
4 may by administrative rule provide for a non-resident archery
5 deer permit consisting of not more than 2 harvest tags at a
6 total cost not to exceed \$225. Permits shall be issued
7 without charge to:

8 (a) Illinois landowners residing in Illinois who
9 own at least 40 acres of Illinois land and wish to hunt
10 their land only,

11 (b) resident tenants of at least 40 acres of
12 commercial agricultural land where they will hunt, and

13 (c) Bona fide equity shareholders of a corporation
14 or bona fide equity members of a limited liability
15 company which owns at least 40 acres of land in a county
16 in Illinois who wish to hunt on the corporation's or
17 company's land only. One permit shall be issued without
18 charge to one bona fide equity shareholder or one bona
19 fide equity member for each 40 acres of land owned by the
20 corporation or company in a county; however, the number
21 of permits issued without charge to bona fide equity
22 shareholders of any corporation or bona fide equity
23 members of a limited liability company in any county
24 shall not exceed 15.

25 Bona fide landowners or tenants who do not wish to hunt
26 only on the land they own, rent or lease or bona fide equity
27 shareholders or bona fide equity members who do not wish to
28 hunt only on the land owned by the corporation or limited
29 liability company shall be charged the same fee as the
30 applicant who is not a landowner, tenant, bona fide equity
31 shareholder, or bona fide equity member. Nonresidents of
32 Illinois who own at least 40 acres of land and wish to hunt
33 on their land only shall be charged a fee set by
34 administrative rule. The method for obtaining these permits

1 shall be prescribed by administrative rule.

2 The deer hunting permit issued without fee shall be valid
3 on all farm lands which the person to whom it is issued owns,
4 leases or rents, except that in the case of a permit issued
5 to a bona fide equity shareholder or bona fide equity member,
6 the permit shall be valid on all lands owned by the
7 corporation or limited liability company in the county.

8 The standards and specifications for use of guns and bow
9 and arrow for deer hunting shall be established by
10 administrative rule.

11 No person may have in his possession any firearm not
12 authorized by administrative rule for a specific hunting
13 season when taking deer.

14 Persons having a firearm deer hunting permit shall be
15 permitted to take deer only during the period from 1/2 hour
16 before sunrise to sunset, and only during those days for
17 which an open season is established for the taking of deer by
18 use of shotgun or muzzle loading rifle.

19 Persons having an archery deer hunting permit shall be
20 permitted to take deer only during the period from 1/2 hour
21 before sunrise to 1/2 hour after sunset, and only during
22 those days for which an open season is established for the
23 taking of deer by use of bow and arrow.

24 It shall be unlawful for any person to take deer by use
25 of dogs, horses, automobiles, aircraft or other vehicles, or
26 by the use of salt or bait of any kind. An area is
27 considered as baited during the presence of and for 10
28 consecutive days following the removal of bait.

29 It shall be unlawful to possess or transport any wild
30 deer which has been injured or killed in any manner upon a
31 public highway or public right-of-way of this State unless
32 exempted by administrative rule.

33 Persons hunting deer must have gun unloaded and no bow
34 and arrow device shall be carried with the arrow in the

1 nocked position during hours when deer hunting is unlawful.

2 It shall be unlawful for any person, having taken the
3 legal limit of deer by gun, to further participate with gun
4 in any deer hunting party.

5 It shall be unlawful for any person, having taken the
6 legal limit of deer by bow and arrow, to further participate
7 with bow and arrow in any deer hunting party.

8 The Department may prohibit upland game hunting during
9 the gun deer season by administrative rule.

10 It shall be legal for handicapped persons, as defined in
11 Section 2.33, to utilize a crossbow device, as defined in
12 Department rules, to take deer.

13 Any person who violates any of the provisions of this
14 Section, including administrative rules, shall be guilty of a
15 Class B misdemeanor.

16 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;
17 revised 9-19-01.)

18 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

19 Sec. 2.33. Prohibitions.

20 (a) It is unlawful to carry or possess any gun in any
21 State refuge unless otherwise permitted by administrative
22 rule.

23 (b) It is unlawful to use or possess any snare or
24 snare-like device, deadfall, net, or pit trap to take any
25 species, except that snares not powered by springs or other
26 mechanical devices may be used to trap fur-bearing mammals,
27 in water sets only, if at least one-half of the snare noose
28 is located underwater at all times.

29 (c) It is unlawful for any person at any time to take a
30 wild mammal protected by this Act from its den by means of
31 any mechanical device, spade, or digging device or to use
32 smoke or other gases to dislodge or remove such mammal except
33 as provided in Section 2.37.

1 (d) It is unlawful to use a ferret or any other small
2 mammal which is used in the same or similar manner for which
3 ferrets are used for the purpose of frightening or driving
4 any mammals from their dens or hiding places.

5 (e) (Blank).

6 (f) It is unlawful to use spears, gigs, hooks or any
7 like device to take any species protected by this Act.

8 (g) It is unlawful to use poisons, chemicals or
9 explosives for the purpose of taking any species protected by
10 this Act.

11 (h) It is unlawful to hunt adjacent to or near any peat,
12 grass, brush or other inflammable substance when it is
13 burning.

14 (i) It is unlawful to take, pursue or intentionally
15 harass or disturb in any manner any wild birds or mammals by
16 use or aid of any vehicle or conveyance, except as permitted
17 by the Code of Federal Regulations for the taking of
18 waterfowl. It is also unlawful to use the lights of any
19 vehicle or conveyance or any light from or any light
20 connected to the such vehicle or conveyance in any area where
21 wildlife may be found except in accordance with Section 2.37
22 of this Act; ~~however,~~ however, nothing in this Section shall prohibit
23 the normal use of headlamps for the purpose of driving upon a
24 roadway. ~~and-except-that~~ Striped skunk, opossum, red fox,
25 gray fox, raccoon and coyote may be taken during the open
26 season by use of a small light which is worn on the body or
27 hand-held by a person on foot and not in any vehicle.

28 (j) It is unlawful to use any shotgun larger than 10
29 gauge while taking or attempting to take any of the species
30 protected by this Act.

31 (k) It is unlawful to use or possess in the field any
32 shotgun shell loaded with a shot size larger than lead BB or
33 steel T (.20 diameter) when taking or attempting to take any
34 species of wild game mammals (excluding white-tailed deer),

1 wild game birds, migratory waterfowl or migratory game birds
2 protected by this Act, except white-tailed deer as provided
3 for in Section 2.26 and other species as provided for by
4 subsection (l) or administrative rule.

5 (l) It is unlawful to take any species of wild game,
6 except white-tailed deer, with a shotgun loaded with slugs
7 unless otherwise provided for by administrative rule.

8 (m) It is unlawful to use any shotgun capable of holding
9 more than 3 shells in the magazine or chamber combined,
10 except on game breeding and hunting preserve areas licensed
11 under Section 3.27 and except as permitted by the Code of
12 Federal Regulations for the taking of waterfowl. If the
13 shotgun is capable of holding more than 3 shells, it shall,
14 while being used on an area other than a game breeding and
15 shooting preserve area licensed pursuant to Section 3.27, be
16 fitted with a one piece plug that is irremovable without
17 dismantling the shotgun or otherwise altered to render it
18 incapable of holding more than 3 shells in the magazine and
19 chamber, combined.

20 (n) It is unlawful for any person, except persons who
21 possess a permit to hunt from a vehicle as provided in this
22 Section and persons otherwise permitted by law, to have or
23 carry any gun in or on any vehicle, conveyance or aircraft,
24 unless such gun is unloaded and enclosed in a case, except
25 that at field trials authorized by Section 2.34 of this Act,
26 unloaded guns or guns loaded with blank cartridges only, may
27 be carried on horseback while not contained in a case, or to
28 have or carry any bow or arrow device in or on any vehicle
29 unless such bow or arrow device is unstrung or enclosed in a
30 case, or otherwise made inoperable.

31 (o) It is unlawful to use any crossbow for the purpose
32 of taking any wild birds or mammals, except as provided for
33 in Section 2.33.

34 (p) It is unlawful to take game birds, migratory game

1 birds or migratory waterfowl with a rifle, pistol, revolver
2 or airgun.

3 (q) It is unlawful to fire a rifle, pistol, revolver or
4 airgun on, over or into any waters of this State, including
5 frozen waters.

6 (r) It is unlawful to discharge any gun or bow and arrow
7 device along, upon, across, or from any public right-of-way
8 or highway in this State.

9 (s) It is unlawful to use a silencer or other device to
10 muffle or mute the sound of the explosion or report resulting
11 from the firing of any gun.

12 (t) It is unlawful for any person to trap or hunt, or
13 allow a dog to hunt, within or upon the land of another, or
14 upon waters flowing over or standing on the land of another,
15 without first obtaining permission from the owner or tenant.
16 It shall be prima facie evidence that a person does not have
17 permission of the owner or tenant if the person is unable to
18 demonstrate to the law enforcement officer in the field that
19 permission had been obtained. This provision may only be
20 rebutted by testimony of the owner or tenant that permission
21 had been given. Before enforcing this Section the law
22 enforcement officer must have received notice from the owner
23 or tenant of a violation of this Section. Statements made to
24 the law enforcement officer regarding this notice shall not
25 be rendered inadmissible by the hearsay rule when offered for
26 the purpose of showing the required notice.

27 (u) It is unlawful for any person to discharge any
28 firearm for the purpose of taking any of the species
29 protected by this Act, or hunt with gun or dog, or allow a
30 dog to hunt, within 300 yards of an inhabited dwelling
31 without first obtaining permission from the owner or tenant,
32 except that while trapping, hunting with bow and arrow,
33 hunting with dog and shotgun using shot shells only, or
34 hunting with shotgun using shot shells only, or on licensed

1 game breeding and hunting preserve areas, as defined in
2 Section 3.27, on property operated under a Migratory
3 Waterfowl Hunting Area Permit, on federally owned and managed
4 lands and on Department owned, managed, leased or controlled
5 lands, a 100 yard restriction shall apply.

6 (v) It is unlawful for any person to remove fur-bearing
7 mammals from, or to move or disturb in any manner, the traps
8 owned by another person without written authorization of the
9 owner to do so.

10 (w) It is unlawful for any owner of a dog to knowingly
11 or wantonly allow his or her dog to pursue, harass or kill
12 deer.

13 (x) It is unlawful for any person to wantonly or
14 carelessly injure or destroy, in any manner whatsoever, any
15 real or personal property on the land of another while
16 engaged in hunting or trapping thereon.

17 (y) It is unlawful to hunt wild game protected by this
18 Act between one half hour after sunset and one half hour
19 before sunrise, except that hunting hours between one half
20 hour after sunset and one half hour before sunrise may be
21 established by administrative rule for fur-bearing mammals.

22 (z) It is unlawful to take any game bird (excluding wild
23 turkeys and crippled pheasants not capable of normal flight
24 and otherwise irretrievable) protected by this Act when not
25 flying. Nothing in this Section shall prohibit a person from
26 carrying an uncased, unloaded shotgun in a boat, while in
27 pursuit of a crippled migratory waterfowl that is incapable
28 of normal flight, for the purpose of attempting to reduce the
29 migratory waterfowl to possession, provided that the attempt
30 is made immediately upon downing the migratory waterfowl and
31 is done within 400 yards of the blind from which the
32 migratory waterfowl was downed. This exception shall apply
33 only to migratory game birds that are not capable of normal
34 flight. Migratory waterfowl that are crippled may be taken

1 only with a shotgun as regulated by subsection (j) of this
2 Section using shotgun shells as regulated in subsection (k)
3 of this Section.

4 (aa) It is unlawful to use or possess any device that
5 may be used for tree climbing or cutting, while hunting
6 fur-bearing mammals.

7 (bb) It is unlawful for any person, except licensed game
8 breeders, pursuant to Section 2.29 to import, carry into, or
9 possess alive in this State, any species of wildlife taken
10 outside of this State, without obtaining permission to do so
11 from the Director.

12 (cc) It is unlawful for any person to have in his or her
13 ~~their~~ possession any freshly killed species protected by this
14 Act during the season closed for taking.

15 (dd) It is unlawful to take any species protected by
16 this Act and retain it alive.

17 (ee) It is unlawful to possess any rifle while in the
18 field during gun deer season except as provided in Section
19 2.26 and administrative rules.

20 (ff) It is unlawful for any person to take any species
21 protected by this Act, except migratory waterfowl, during the
22 gun deer hunting season in those counties open to gun deer
23 hunting, unless he or she wears, when in the field, a cap and
24 upper outer garment of a solid blaze orange color, with such
25 articles of clothing displaying a minimum of 400 square
26 inches of blaze orange material.

27 (gg) It is unlawful during the upland game season for
28 any person to take upland game with a firearm unless he or
29 she wears, while in the field, a cap of solid blaze orange
30 color. For purposes of this Act, upland game is defined as
31 Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant,
32 Eastern Cottontail and Swamp Rabbit.

33 (hh) It shall be unlawful to kill or cripple any species
34 protected by this Act for which there is a daily bag limit

1 without making a reasonable effort to retrieve such species
2 and include such in the daily bag limit.

3 (ii) This Section shall apply only to those species
4 protected by this Act taken within the State. Any species or
5 any parts thereof, legally taken in and transported from
6 other states or countries, may be possessed within the State,
7 except as provided in this Section and Sections 2.35, 2.36
8 and 3.21.

9 (jj) Nothing contained in this Section shall prohibit
10 the use of bow and arrow, or prevent the Director from
11 issuing permits to use a crossbow to handicapped persons as
12 provided by administrative rule. As used herein,
13 "handicapped persons" means those persons who have a
14 permanent physical impairment due to injury or disease,
15 congenital or acquired, which renders them so severely
16 disabled as to be unable to use a conventional bow and arrow
17 device. Permits will be issued only after the receipt of a
18 physician's statement confirming the applicant is handicapped
19 as defined above.

20 (kk) Nothing contained in this Section shall prohibit
21 the Director from issuing permits to paraplegics or to other
22 disabled persons who meet the requirements set forth in
23 administrative rule to shoot or hunt from a vehicle as
24 provided by that rule, provided that such is otherwise in
25 accord with this Act.

26 (ll) Nothing contained in this Act shall prohibit the
27 taking of aquatic life protected by the Fish and Aquatic Life
28 Code or birds and mammals protected by this Act, except deer
29 and fur-bearing mammals, from a boat not camouflaged or
30 disguised to alter its identity or to further provide a place
31 of concealment and not propelled by sail or mechanical power.
32 However, only shotguns not larger than 10 gauge nor smaller
33 than .410 bore loaded with not more than 3 shells of a shot
34 size no larger than lead BB or steel T (.20 diameter) may be

1 used to take species protected by this Act.

2 (mm) Nothing contained in this Act shall prohibit the
3 use of a shotgun, not larger than 10 gauge nor smaller than a
4 20 gauge, with a rifled barrel.

5 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;
6 revised 10-15-01.)

7 Section 77. The Illinois Vehicle Code is amended by
8 changing Sections 2-123, 3-112, 3-112.1, 3-302, 3-402,
9 3-405.1, 3-412, 3-616, 3-806.3, 6-205, 6-206, 6-208, 6-500,
10 7-501, 11-207, 11-501, 11-1201, 11-1201.1, 12-215, 18b-105,
11 and 18c-2108 and setting forth and renumbering multiple
12 versions of Section 3-648 as follows:

13 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

14 Sec. 2-123. Sale and Distribution of Information.

15 (a) Except as otherwise provided in this Section, the
16 Secretary may make the driver's license, vehicle and title
17 registration lists, in part or in whole, and any statistical
18 information derived from these lists available to local
19 governments, elected state officials, state educational
20 institutions, and all other governmental units of the State
21 and Federal Government requesting them for governmental
22 purposes. The Secretary shall require any such applicant for
23 services to pay for the costs of furnishing such services and
24 the use of the equipment involved, and in addition is
25 empowered to establish prices and charges for the services so
26 furnished and for the use of the electronic equipment
27 utilized.

28 (b) The Secretary is further empowered to and he may, in
29 his discretion, furnish to any applicant, other than listed
30 in subsection (a) of this Section, vehicle or driver data on
31 a computer tape, disk, other electronic format or computer
32 processable medium, or printout at a fixed fee of \$250 in

1 advance and require in addition a further sufficient deposit
2 based upon the Secretary of State's estimate of the total
3 cost of the information requested and a charge of \$25 per
4 1,000 units or part thereof identified or the actual cost,
5 whichever is greater. The Secretary is authorized to refund
6 any difference between the additional deposit and the actual
7 cost of the request. This service shall not be in lieu of an
8 abstract of a driver's record nor of a title or registration
9 search. This service may be limited to entities purchasing a
10 minimum number of records as required by administrative rule.
11 The information sold pursuant to this subsection shall be the
12 entire vehicle or driver data list, or part thereof. The
13 information sold pursuant to this subsection shall not
14 contain personally identifying information unless the
15 information is to be used for one of the purposes identified
16 in subsection (f-5) of this Section. Commercial purchasers
17 of driver and vehicle record databases shall enter into a
18 written agreement with the Secretary of State that includes
19 disclosure of the commercial use of the information to be
20 purchased.

21 (c) Secretary of State may issue registration lists.
22 The Secretary of State shall compile and publish, at least
23 annually, a list of all registered vehicles. Each list of
24 registered vehicles shall be arranged serially according to
25 the registration numbers assigned to registered vehicles and
26 shall contain in addition the names and addresses of
27 registered owners and a brief description of each vehicle
28 including the serial or other identifying number thereof.
29 Such compilation may be in such form as in the discretion of
30 the Secretary of State may seem best for the purposes
31 intended.

32 (d) The Secretary of State shall furnish no more than 2
33 current available lists of such registrations to the sheriffs
34 of all counties and to the chiefs of police of all cities and

1 villages and towns of 2,000 population and over in this State
2 at no cost. Additional copies may be purchased by the
3 sheriffs or chiefs of police at the fee of \$500 each or at
4 the cost of producing the list as determined by the Secretary
5 of State. Such lists are to be used for governmental
6 purposes only.

7 (e) (Blank).

8 (e-1) (Blank).

9 (f) The Secretary of State shall make a title or
10 registration search of the records of his office and a
11 written report on the same for any person, upon written
12 application of such person, accompanied by a fee of \$5 for
13 each registration or title search. The written application
14 shall set forth the intended use of the requested
15 information. No fee shall be charged for a title or
16 registration search, or for the certification thereof
17 requested by a government agency. The report of the title or
18 registration search shall not contain personally identifying
19 information unless the request for a search was made for one
20 of the purposes identified in subsection (f-5) of this
21 Section.

22 The Secretary of State shall certify a title or
23 registration record upon written request. The fee for
24 certification shall be \$5 in addition to the fee required for
25 a title or registration search. Certification shall be made
26 under the signature of the Secretary of State and shall be
27 authenticated by Seal of the Secretary of State.

28 The Secretary of State may notify the vehicle owner or
29 registrant of the request for purchase of his title or
30 registration information as the Secretary deems appropriate.

31 No information shall be released to the requestor until
32 expiration of a 10 day period. This 10 day period shall not
33 apply to requests for information made by law enforcement
34 officials, government agencies, financial institutions,

1 attorneys, insurers, employers, automobile associated
2 businesses, persons licensed as a private detective or firms
3 licensed as a private detective agency under the Private
4 Detective, Private Alarm, and Private Security Act of 1983,
5 who are employed by or are acting on behalf of law
6 enforcement officials, government agencies, financial
7 institutions, attorneys, insurers, employers, automobile
8 associated businesses, and other business entities for
9 purposes consistent with the Illinois Vehicle Code, the
10 vehicle owner or registrant or other entities as the
11 Secretary may exempt by rule and regulation.

12 Any misrepresentation made by a requestor of title or
13 vehicle information shall be punishable as a petty offense,
14 except in the case of persons licensed as a private detective
15 or firms licensed as a private detective agency which shall
16 be subject to disciplinary sanctions under Section 22 or 25
17 of the Private Detective, Private Alarm, and Private Security
18 Act of 1983.

19 (f-5) The Secretary of State shall not disclose or
20 otherwise make available to any person or entity any
21 personally identifying information obtained by the Secretary
22 of State in connection with a driver's license, vehicle, or
23 title registration record unless the information is disclosed
24 for one of the following purposes:

25 (1) For use by any government agency, including any
26 court or law enforcement agency, in carrying out its
27 functions, or any private person or entity acting on
28 behalf of a federal, State, or local agency in carrying
29 out its functions.

30 (2) For use in connection with matters of motor
31 vehicle or driver safety and theft; motor vehicle
32 emissions; motor vehicle product alterations, recalls, or
33 advisories; performance monitoring of motor vehicles,
34 motor vehicle parts, and dealers; and removal of

1 non-owner records from the original owner records of
2 motor vehicle manufacturers.

3 (3) For use in the normal course of business by a
4 legitimate business or its agents, employees, or
5 contractors, but only:

6 (A) to verify the accuracy of personal
7 information submitted by an individual to the
8 business or its agents, employees, or contractors;
9 and

10 (B) if such information as so submitted is not
11 correct or is no longer correct, to obtain the
12 correct information, but only for the purposes of
13 preventing fraud by, pursuing legal remedies
14 against, or recovering on a debt or security
15 interest against, the individual.

16 (4) For use in research activities and for use in
17 producing statistical reports, if the personally
18 identifying information is not published, redisclosed, or
19 used to contact individuals.

20 (5) For use in connection with any civil, criminal,
21 administrative, or arbitral proceeding in any federal,
22 State, or local court or agency or before any
23 self-regulatory body, including the service of process,
24 investigation in anticipation of litigation, and the
25 execution or enforcement of judgments and orders, or
26 pursuant to an order of a federal, State, or local court.

27 (6) For use by any insurer or insurance support
28 organization or by a self-insured entity or its agents,
29 employees, or contractors in connection with claims
30 investigation activities, antifraud activities, rating,
31 or underwriting.

32 (7) For use in providing notice to the owners of
33 towed or impounded vehicles.

34 (8) For use by any private investigative agency or

1 security service licensed in Illinois for any purpose
2 permitted under this subsection.

3 (9) For use by an employer or its agent or insurer
4 to obtain or verify information relating to a holder of a
5 commercial driver's license that is required under
6 chapter 313 of title 49 of the United States Code.

7 (10) For use in connection with the operation of
8 private toll transportation facilities.

9 (11) For use by any requester, if the requester
10 demonstrates it has obtained the written consent of the
11 individual to whom the information pertains.

12 (12) For use by members of the news media, as
13 defined in Section 1-148.5, for the purpose of
14 newsgathering when the request relates to the operation
15 of a motor vehicle or public safety.

16 (13) For any other use specifically authorized by
17 law, if that use is related to the operation of a motor
18 vehicle or public safety.

19 (g) 1. The Secretary of State may, upon receipt of a
20 written request and a fee of \$6, furnish to the person or
21 agency so requesting a driver's record. Such document
22 may include a record of: current driver's license
23 issuance information, except that the information on
24 judicial driving permits shall be available only as
25 otherwise provided by this Code; convictions; orders
26 entered revoking, suspending or cancelling a driver's
27 license or privilege; and notations of accident
28 involvement. All other information, unless otherwise
29 permitted by this Code, shall remain confidential.
30 Information released pursuant to a request for a driver's
31 record shall not contain personally identifying
32 information, unless the request for the driver's record
33 was made for one of the purposes set forth in subsection
34 (f-5) of this Section.

1 2. The Secretary of State may certify an abstract
2 of a driver's record upon written request therefor.
3 Such certification shall be made under the signature of
4 the Secretary of State and shall be authenticated by the
5 Seal of his office.

6 3. All requests for driving record information
7 shall be made in a manner prescribed by the Secretary and
8 shall set forth the intended use of the requested
9 information.

10 The Secretary of State may notify the affected
11 driver of the request for purchase of his driver's record
12 as the Secretary deems appropriate.

13 No information shall be released to the requester
14 until expiration of a 10 day period. This 10 day period
15 shall not apply to requests for information made by law
16 enforcement officials, government agencies, financial
17 institutions, attorneys, insurers, employers, automobile
18 associated businesses, persons licensed as a private
19 detective or firms licensed as a private detective agency
20 under the Private Detective, Private Alarm, and Private
21 Security Act of 1983, who are employed by or are acting
22 on behalf of law enforcement officials, government
23 agencies, financial institutions, attorneys, insurers,
24 employers, automobile associated businesses, and other
25 business entities for purposes consistent with the
26 Illinois Vehicle Code, the affected driver or other
27 entities as the Secretary may exempt by rule and
28 regulation.

29 Any misrepresentation made by a requestor of driver
30 information shall be punishable as a petty offense,
31 except in the case of persons licensed as a private
32 detective or firms licensed as a private detective agency
33 which shall be subject to disciplinary sanctions under
34 Section 22 or 25 of the Private Detective, Private Alarm,

1 and Private Security Act of 1983.

2 4. The Secretary of State may furnish without fee,
3 upon the written request of a law enforcement agency, any
4 information from a driver's record on file with the
5 Secretary of State when such information is required in
6 the enforcement of this Code or any other law relating to
7 the operation of motor vehicles, including records of
8 dispositions; documented information involving the use of
9 a motor vehicle; whether such individual has, or
10 previously had, a driver's license; and the address and
11 personal description as reflected on said driver's
12 record.

13 5. Except as otherwise provided in this Section,
14 the Secretary of State may furnish, without fee,
15 information from an individual driver's record on file,
16 if a written request therefor is submitted by any public
17 transit system or authority, public defender, law
18 enforcement agency, a state or federal agency, or an
19 Illinois local intergovernmental association, if the
20 request is for the purpose of a background check of
21 applicants for employment with the requesting agency, or
22 for the purpose of an official investigation conducted by
23 the agency, or to determine a current address for the
24 driver so public funds can be recovered or paid to the
25 driver, or for any other purpose set forth in subsection
26 (f-5) of this Section.

27 The Secretary may also furnish the courts a copy of
28 an abstract of a driver's record, without fee, subsequent
29 to an arrest for a violation of Section 11-501 or a
30 similar provision of a local ordinance. Such abstract
31 may include records of dispositions; documented
32 information involving the use of a motor vehicle as
33 contained in the current file; whether such individual
34 has, or previously had, a driver's license; and the

1 address and personal description as reflected on said
2 driver's record.

3 6. Any certified abstract issued by the Secretary
4 of State or transmitted electronically by the Secretary
5 of State pursuant to this Section, to a court or on
6 request of a law enforcement agency, for the record of a
7 named person as to the status of the person's driver's
8 license shall be prima facie evidence of the facts
9 therein stated and if the name appearing in such abstract
10 is the same as that of a person named in an information
11 or warrant, such abstract shall be prima facie evidence
12 that the person named in such information or warrant is
13 the same person as the person named in such abstract and
14 shall be admissible for any prosecution under this Code
15 and be admitted as proof of any prior conviction or proof
16 of records, notices, or orders recorded on individual
17 driving records maintained by the Secretary of State.

18 7. Subject to any restrictions contained in the
19 Juvenile Court Act of 1987, and upon receipt of a proper
20 request and a fee of \$6, the Secretary of State shall
21 provide a driver's record to the affected driver, or the
22 affected driver's attorney, upon verification. Such
23 record shall contain all the information referred to in
24 paragraph 1 of this subsection (g) plus: any recorded
25 accident involvement as a driver; information recorded
26 pursuant to subsection (e) of Section 6-117 and paragraph
27 (4) of subsection (a) of Section 6-204 of this Code. All
28 other information, unless otherwise permitted by this
29 Code, shall remain confidential.

30 (h) The Secretary shall not disclose social security
31 numbers except pursuant to a written request by, or with the
32 prior written consent of, the individual except: (1) to
33 officers and employees of the Secretary who have a need to
34 know the social security numbers in performance of their

1 official duties, (2) to law enforcement officials for a
2 lawful, civil or criminal law enforcement investigation, and
3 if the head of the law enforcement agency has made a written
4 request to the Secretary specifying the law enforcement
5 investigation for which the social security numbers are being
6 sought, (3) to the United States Department of
7 Transportation, or any other State, pursuant to the
8 administration and enforcement of the Commercial Motor
9 Vehicle Safety Act of 1986, (4) pursuant to the order of a
10 court of competent jurisdiction, or (5) to the Department of
11 Public Aid for utilization in the child support enforcement
12 duties assigned to that Department under provisions of the
13 Public Aid Code after the individual has received advanced
14 meaningful notification of what redisclosure is sought by the
15 Secretary in accordance with the federal Privacy Act.

16 (i) (Blank).

17 (j) Medical statements or medical reports received in
18 the Secretary of State's Office shall be confidential. No
19 confidential information may be open to public inspection or
20 the contents disclosed to anyone, except officers and
21 employees of the Secretary who have a need to know the
22 information contained in the medical reports and the Driver
23 License Medical Advisory Board, unless so directed by an
24 order of a court of competent jurisdiction.

25 (k) All fees collected under this Section shall be paid
26 into the Road Fund of the State Treasury, except that \$3 of
27 the \$6 fee for a driver's record shall be paid into the
28 Secretary of State Special Services Fund.

29 (l) (Blank).

30 (m) Notations of accident involvement that may be
31 disclosed under this Section shall not include notations
32 relating to damage to a vehicle or other property being
33 transported by a tow truck. This information shall remain
34 confidential, provided that nothing in this subsection (m)

1 shall limit disclosure of any notification of accident
2 involvement to any law enforcement agency or official.

3 (n) Requests made by the news media for driver's
4 license, vehicle, or title registration information may be
5 furnished without charge or at a reduced charge, as
6 determined by the Secretary, when the specific purpose for
7 requesting the documents is deemed to be in the public
8 interest. Waiver or reduction of the fee is in the public
9 interest if the principal purpose of the request is to access
10 and disseminate information regarding the health, safety, and
11 welfare or the legal rights of the general public and is not
12 for the principal purpose of gaining a personal or commercial
13 benefit. The information provided pursuant to this subsection
14 shall not contain personally identifying information unless
15 the information is to be used for one of the purposes
16 identified in subsection (f-5) of this Section.

17 (o) ~~(m)~~ The redisclosure of personally identifying
18 information obtained pursuant to this Section is prohibited,
19 except to the extent necessary to effectuate the purpose for
20 which the original disclosure of the information was
21 permitted.

22 (p) ~~(n)~~ The Secretary of State is empowered to adopt
23 rules to effectuate this Section.

24 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
25 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; revised 9-10-01.)

26 (625 ILCS 5/3-112) (from Ch. 95 1/2, par. 3-112)

27 Sec. 3-112. Transfer.

28 (a) If an owner transfers his interest in a vehicle,
29 other than by the creation of a security interest, at the
30 time of the delivery of the vehicle he shall execute to the
31 transferee an assignment and warranty of title in the space
32 provided on the certificate of title, or as the Secretary of
33 State prescribes, and cause the certificate and assignment to

1 be mailed or delivered to the transferee or to the Secretary
2 of State.

3 If the vehicle is subject to a tax under the Mobile Home
4 Local Services Tax Act in a county with a population of less
5 than 3,000,000, the owner shall also provide to the
6 transferee a certification by the treasurer of the county in
7 which the vehicle is situated that all taxes imposed upon the
8 vehicle for the years the owner was the actual titleholder of
9 the vehicle have been paid. The transferee shall be liable
10 only for the taxes he or she incurred while he or she was the
11 actual titleholder of the mobile home. The county treasurer
12 shall refund any amount of taxes paid by the transferee that
13 were imposed in years when the transferee was not the actual
14 titleholder. The provisions of this amendatory Act of 1997
15 (P.A. 90-542) apply retroactively to January 1, 1996. In no
16 event may the county treasurer refund amounts paid by the
17 transferee during any year except the 10 years immediately
18 preceding the year in which the refund is made. If the owner
19 is a licensed dealer who has purchased the vehicle and is
20 holding it for resale, in lieu of acquiring a certification
21 from the county treasurer he shall forward the certification
22 received from the previous owner to the next buyer of the
23 vehicle. The owner shall cause the certification to be
24 mailed or delivered to the Secretary of State with the
25 certificate of title and assignment.

26 (b) Except as provided in Section 3-113, the transferee
27 shall, promptly and within 20 days after delivery to him of
28 the vehicle and the assigned title, execute the application
29 for a new certificate of title in the space provided therefor
30 on the certificate or as the Secretary of State prescribes,
31 and cause the certificate and application to be mailed or
32 delivered to the Secretary of State.

33 (c) Upon request of the owner or transferee, a
34 lienholder in possession of the certificate of title shall,

1 unless the transfer was a breach of his security agreement,
2 either deliver the certificate to the transferee for delivery
3 to the Secretary of State or, upon receipt from the
4 transferee of the owner's assignment, the transferee's
5 application for a new certificate and the required fee, mail
6 or deliver them to the Secretary of State. The delivery of
7 the certificate does not affect the rights of the lienholder
8 under his security agreement.

9 (d) If a security interest is reserved or created at the
10 time of the transfer, the certificate of title shall be
11 retained by or delivered to the person who becomes the
12 lienholder, and the parties shall comply with the provisions
13 of Section 3-203.

14 (e) Except as provided in Section 3-113 and as between
15 the parties, a transfer by an owner is not effective until
16 the provisions of this Section and Section 3-115 have been
17 complied with; however, an owner who has delivered possession
18 of the vehicle to the transferee and has complied with the
19 provisions of this Section and Section 3-115 requiring action
20 by him as not liable as owner for any damages thereafter
21 resulting from operation of the vehicle.

22 (f) The Secretary of State shall not process any
23 application for a transfer of an interest in a vehicle if any
24 fees or taxes due under this Act from the transferor or the
25 transferee have not been paid upon reasonable notice and
26 demand.

27 (g) If the Secretary of State receives an application
28 for transfer of a vehicle subject to a tax under the Mobile
29 ~~Mobile~~ Home Local Services Tax Act in a county with a
30 population of less than 3,000,000, such application must be
31 accompanied by the required certification by the county
32 treasurer or tax assessor authorizing the issuance of the
33 title.

34 (Source: P.A. 90-212, eff. 1-1-98; 90-542, eff. 12-1-97;

1 90-655, eff. 7-30-98; revised 2-6-01.)

2 (625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

3 Sec. 3-112.1. Odometer.

4 (a) All titles issued by the Secretary of State
5 beginning January, 1990, shall provide for an odometer
6 certification substantially as follows:

7 "I certify to the best of my knowledge that the odometer
8 reading is and reflects the actual mileage of the vehicle
9 unless one of the following statements is checked.

10

11 () 1. The mileage stated is in excess of its
12 mechanical limits.

13 () 2. The odometer reading is not the actual mileage.
14 Warning - Odometer Discrepancy."

15 (b) When executing any transfer of title which contains
16 the odometer certification as described in paragraph (a)
17 above, each transferor of a motor vehicle must supply on the
18 title form the following information:

19 (1) The odometer reading at the time of transfer
20 and an indication if the mileage is in excess of its
21 mechanical limits or if it is not the actual mileage;

22 (2) The date of transfer;

23 (3) The transferor's printed name and signature;
24 and

25 (4) The transferee's printed name and address.

26 (c) The transferee must sign on the title form
27 indicating that he or she is aware of the odometer
28 certification made by the transferor.

29 (d) The transferor will not be required to disclose the
30 current odometer reading and the transferee will not have to
31 acknowledge such disclosure under the following
32 circumstances:

33 (1) A vehicle having a Gross Vehicle Weight Rating

1 of more than 16,000 pounds;

2 (2) A vehicle that is not self-propelled;

3 (3) A vehicle that is 10 years old or older;

4 (4) A vehicle sold directly by the manufacturer to
5 any agency of the United States; and

6 (5) A vehicle manufactured without an odometer.

7 (e) When the transferor signs the title transfer such
8 transferor acknowledges that he or she is aware that Federal
9 regulations and State law require him or her to state the
10 odometer mileage upon transfer of ownership. An inaccurate
11 or untruthful statement with intent to defraud subjects the
12 transferor to liability for damages to the transferee
13 pursuant to the federal Motor Vehicle Information and Cost
14 Act of 1972, P.L. 92-513 as amended by P.L. 94-364. No
15 transferor shall be liable for damages as provided under this
16 Section who transfers title to a motor vehicle which has an
17 odometer reading that has been altered or tampered with by a
18 previous owner, unless that transferor knew or had reason to
19 know of such alteration or tampering and sold such vehicle
20 with an intent to defraud. A cause of action is hereby
21 created by which any person who, with intent to defraud,
22 violates any requirement imposed under this Section shall be
23 liable in an amount equal to the sum of:

24 (1) three times the amount of actual damages
25 sustained or \$1,500, whichever is the greater; and

26 (2) in the case of any successful action to enforce
27 the foregoing liability, the costs of the action together
28 with reasonable attorney fees as determined by the court.

29 Any recovery based on a cause of action under this
30 Section shall be offset by any recovery made pursuant to the
31 federal Motor Vehicle Information and Cost Savings Act of
32 1972.

33 (f) The provisions of this Section shall not apply to
34 any motorcycle, motor driven cycle, moped or antique vehicle.

1 (g) The Secretary of State may adopt rules and
2 regulations providing for a transition period for all
3 non-conforming titles.

4 (Source: P.A. 91-357, eff. 7-29-99; revised 12-04-01.)

5 (625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)

6 Sec. 3-302. Application for title; contents. Every
7 application for a certificate of title for a rebuilt vehicle
8 shall be made upon a form prescribed by the Secretary of
9 State, and shall include the following:

10 1. The name, residence and mailing address of the
11 owner;

12 2. A description of the vehicle including, so far
13 as the following data exists: its make, year-model,
14 identifying number, type of body, whether new or used,
15 and as to vehicles of the second division, whether
16 for-hire, not-for-hire, or both for-hire and
17 not-for-hire;

18 3. The date of purchase by applicant, the name and
19 address of the person from whom the vehicle was acquired
20 and the names and addresses of any lienholders in the
21 order of their priority; and

22 4. The current odometer reading at the time of
23 transfer and that the stated odometer reading is one of
24 the following: actual mileage, not the actual mileage or
25 mileage is in excess of its mechanical limits; and

26 5. Any further information the Secretary of State
27 reasonably requires to identify the vehicle and to enable
28 him to determine whether the owner is entitled to a
29 certificate of title and the existence or nonexistence of
30 security interests in the vehicle.

31 (Source: P.A. 86-444; 87-206; revised 1-25-02.)

32 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

1 Sec. 3-402. Vehicles subject to registration;
2 exceptions.

3 A. Exemptions and Policy. Every motor vehicle, trailer,
4 semitrailer and pole trailer when driven or moved upon a
5 highway shall be subject to the registration and certificate
6 of title provisions of this Chapter except:

7 (1) Any such vehicle driven or moved upon a highway
8 in conformance with the provisions of this Chapter
9 relating to manufacturers, transporters, dealers,
10 lienholders or nonresidents or under a temporary
11 registration permit issued by the Secretary of State;

12 (2) Any implement of husbandry whether of a type
13 otherwise subject to registration hereunder or not which
14 is only incidentally operated or moved upon a highway,
15 which shall include a not-for-hire movement for the
16 purpose of delivering farm commodities to a place of
17 first processing or sale, or to a place of storage;

18 (3) Any special mobile equipment as herein defined;

19 (4) Any vehicle which is propelled exclusively by
20 electric power obtained from overhead trolley wires
21 though not operated upon rails;

22 (5) Any vehicle which is equipped and used
23 exclusively as a pumper, ladder truck, rescue vehicle,
24 searchlight truck, or other fire apparatus, but not a
25 vehicle of a type which would otherwise be subject to
26 registration as a vehicle of the first division;

27 (6) Any vehicle which is owned and operated by the
28 federal government and externally displays evidence of
29 federal ownership. It is the policy of the State of
30 Illinois to promote and encourage the fullest use of its
31 highways and to enhance the flow of commerce thus
32 contributing to the economic, agricultural, industrial
33 and social growth and development of this State, by
34 authorizing the Secretary of State to negotiate and enter

1 into reciprocal or proportional agreements or
2 arrangements with other States, or to issue declarations
3 setting forth reciprocal exemptions, benefits and
4 privileges with respect to vehicles operated interstate
5 which are properly registered in this and other States,
6 assuring nevertheless proper registration of vehicles in
7 Illinois as may be required by this Code;

8 (7) Any converter dolly or tow dolly which merely
9 serves as substitute wheels for another legally licensed
10 vehicle. A title may be issued on a voluntary basis to a
11 tow dolly upon receipt of the manufacturer's certificate
12 of origin or the bill of sale;

13 (8) Any house trailer found to be an abandoned
14 mobile home under the Abandoned Mobile Home Act;

15 (9) Any vehicle that is not properly registered or
16 does not have registration plates issued to the owner or
17 operator affixed thereto, or that does have registration
18 plates issued to the owner or operator affixed thereto
19 but the plates are not appropriate for the weight of the
20 vehicle, provided that this exemption shall apply only
21 while the vehicle is being transported or operated by a
22 towing service and has a third tow plate affixed to it.

23 B. Reciprocity. Any motor vehicle, trailer, semitrailer
24 or pole trailer need not be registered under this Code
25 provided the same is operated interstate and in accordance
26 with the following provisions and any rules and regulations
27 promulgated pursuant thereto:

28 (1) A nonresident owner, except as otherwise
29 provided in this Section, owning any foreign registered
30 vehicle of a type otherwise subject to registration
31 hereunder, may operate or permit the operation of such
32 vehicle within this State in interstate commerce without
33 registering such vehicle in, or paying any fees to, this
34 State subject to the condition that such vehicle at all

1 times when operated in this State is operated pursuant to
2 a reciprocity agreement, arrangement or declaration by
3 this State, and further subject to the condition that
4 such vehicle at all times when operated in this State is
5 duly registered in, and displays upon it, a valid
6 registration card and registration plate or plates issued
7 for such vehicle in the place of residence of such owner
8 and is issued and maintains in such vehicle a valid
9 Illinois reciprocity permit as required by the Secretary
10 of State, and provided like privileges are afforded to
11 residents of this State by the State of residence of such
12 owner.

13 Every nonresident including any foreign corporation
14 carrying on business within this State and owning and
15 regularly operating in such business any motor vehicle,
16 trailer or semitrailer within this State in intrastate
17 commerce, shall be required to register each such vehicle
18 and pay the same fees therefor as is required with
19 reference to like vehicles owned by residents of this
20 State.

21 (2) Any motor vehicle, trailer, semitrailer and
22 pole trailer operated interstate need not be registered
23 in this State, provided:

24 (a) that the vehicle same is properly
25 registered in another State pursuant to law or to a
26 reciprocity agreement, arrangement or declaration;
27 or

28 (b) that such vehicle is part of a fleet of
29 vehicles owned or operated by the same person who
30 registers such fleet of vehicles pro rata among the
31 various States in which such fleet operates; or

32 (c) that such vehicle is part of a fleet of
33 vehicles, a portion of which are registered with the
34 Secretary of State of Illinois in accordance with an

1 agreement or arrangement concurred in by the
2 Secretary of State of Illinois based on one or more
3 of the following factors: ratio of miles in Illinois
4 as against total miles in all jurisdictions; situs
5 or base of a vehicle, or where it is principally
6 garaged, or from whence it is principally dispatched
7 or where the movements of such vehicle usually
8 originate; situs of the residence of the owner or
9 operator thereof, or of his principal office or
10 offices, or of his places of business; the routes
11 traversed and whether regular or irregular routes
12 are traversed, and the jurisdictions traversed and
13 served; and such other factors as may be deemed
14 material by the Secretary and the motor vehicle
15 administrators of the other jurisdictions involved
16 in such apportionment. ~~and~~

17 ~~(d) that~~ Such vehicles shall maintain therein any
18 reciprocity permit which may be required by the Secretary
19 of State pursuant to rules and regulations which the
20 Secretary of State may promulgate in the administration
21 of this Code, in the public interest.

22 (3) (a) In order to effectuate the purposes of this
23 Code, the Secretary of State of Illinois is
24 empowered to negotiate and execute written
25 reciprocal agreements or arrangements with the duly
26 authorized representatives of other jurisdictions,
27 including States, districts, territories and
28 possessions of the United States, and foreign
29 states, provinces, or countries, granting to owners
30 or operators of vehicles duly registered or licensed
31 in such other jurisdictions and for which evidence
32 of compliance is supplied, benefits, privileges and
33 exemption from the payment, wholly or partially, of
34 any taxes, fees or other charges imposed with

1 respect to the ownership or operation of such
2 vehicles by the laws of this State except the tax
3 imposed by the Motor Fuel Tax Law, approved March
4 25, 1929, as amended, and the tax imposed by the Use
5 Tax Act, approved July 14, 1955, as amended.

6 The Secretary of State may negotiate agreements
7 or arrangements as are in the best interests of this
8 State and the residents of this State pursuant to
9 the policies expressed in this Section taking into
10 consideration the reciprocal exemptions, benefits
11 and privileges available and accruing to residents
12 of this State and vehicles registered in this State.

13 (b) Such reciprocal agreements or arrangements
14 shall provide that vehicles duly registered or
15 licensed in this State when operated upon the
16 highways of such other jurisdictions, shall receive
17 exemptions, benefits and privileges of a similar
18 kind or to a similar degree as extended to vehicles
19 from such jurisdictions in this State.

20 (c) Such agreements or arrangements may also
21 authorize the apportionment of registration or
22 licensing of fleets of vehicles operated interstate,
23 based on any or all of the following factors: ratio
24 of miles in Illinois as against total miles in all
25 jurisdictions; situs or base of a vehicle, or where
26 it is principally garaged or from whence it is
27 principally dispatched or where the movements of
28 such vehicle usually originate; situs of the
29 residence of the owner or operator thereof, or of
30 his principal office or offices, or of his places of
31 business; the routes traversed and whether regular
32 or irregular routes are traversed, and the
33 jurisdictions traversed and served; and such other
34 factors as may be deemed material by the Secretary

1 and the motor vehicle administrators of the other
2 jurisdictions involved in such apportionment, and
3 such vehicles shall likewise be entitled to
4 reciprocal exemptions, benefits and privileges.

5 (d) Such agreements or arrangements shall also
6 provide that vehicles being operated in intrastate
7 commerce in Illinois shall comply with the
8 registration and licensing laws of this State,
9 except that vehicles which are part of an
10 apportioned fleet may conduct an intrastate
11 operation incidental to their interstate operations.
12 Any motor vehicle properly registered and qualified
13 under any reciprocal agreement or arrangement under
14 this Code and not having a situs or base within
15 Illinois may complete the inbound movement of a
16 trailer or semitrailer to an Illinois destination
17 that was brought into Illinois by a motor vehicle
18 also properly registered and qualified under this
19 Code and not having a situs or base within Illinois,
20 or may complete an outbound movement of a trailer or
21 semitrailer to an out-of-state destination that was
22 originated in Illinois by a motor vehicle also
23 properly registered and qualified under this Code
24 and not having a situs or base in Illinois, only if
25 the operator thereof did not break bulk of the cargo
26 laden in such inbound or outbound trailer or
27 semitrailer. Adding or unloading intrastate cargo on
28 such inbound or outbound trailer or semitrailer
29 shall be deemed as breaking bulk.

30 (e) Such agreements or arrangements may also
31 provide for the determination of the proper State in
32 which leased vehicles shall be registered based on
33 the factors set out in subsection (c) above and for
34 apportionment of registration of fleets of leased

1 vehicles by the lessee or by the lessor who leases
2 such vehicles to persons who are not fleet
3 operators.

4 (f) Such agreements or arrangements may also
5 include reciprocal exemptions, benefits or
6 privileges accruing under The Illinois Driver
7 Licensing Law or The Driver License Compact.

8 (4) The Secretary of State is further authorized to
9 examine the laws and requirements of other jurisdictions,
10 and, in the absence of a written agreement or
11 arrangement, to issue a written declaration of the extent
12 and nature of the exemptions, benefits and privileges
13 accorded to vehicles of this State by such other
14 jurisdictions, and the extent and nature of reciprocal
15 exemptions, benefits and privileges thereby accorded by
16 this State to the vehicles of such other jurisdictions.
17 A declaration by the Secretary of State may include any,
18 part or all reciprocal exemptions, benefits and
19 privileges or provisions as may be included within an
20 agreement or arrangement.

21 (5) All agreements, arrangements, declarations and
22 amendments thereto, shall be in writing and become
23 effective when signed by the Secretary of State, and
24 copies of all such documents shall be available to the
25 public upon request.

26 (6) The Secretary of State is further authorized to
27 require the display by foreign registered trucks,
28 truck-tractors and buses, entitled to reciprocal
29 benefits, exemptions or privileges hereunder, a
30 reciprocity permit for external display before any such
31 reciprocal benefits, exemptions or privileges are
32 granted. The Secretary of State shall provide suitable
33 application forms for such permit and shall promulgate
34 and publish reasonable rules and regulations for the

1 administration and enforcement of the provisions of this
2 Code including a provision for revocation of such permit
3 as to any vehicle operated wilfully in violation of the
4 terms of any reciprocal agreement, arrangement or
5 declaration or in violation of the Illinois Motor Carrier
6 of Property Law, as amended.

7 (7) (a) Upon the suspension, revocation or denial
8 of one or more of all reciprocal benefits,
9 privileges and exemptions existing pursuant to the
10 terms and provisions of this Code or by virtue of a
11 reciprocal agreement or arrangement or declaration
12 thereunder; or, upon the suspension, revocation or
13 denial of a reciprocity permit; or, upon any action
14 or inaction of the Secretary in the administration
15 and enforcement of the provisions of this Code, any
16 person, resident or nonresident, so aggrieved, may
17 serve upon the Secretary, a petition in writing and
18 under oath, setting forth the grievance of the
19 petitioner, the grounds and basis for the relief
20 sought, and all necessary facts and particulars, and
21 request an administrative hearing thereon. Within
22 20 days, the Secretary shall set a hearing date as
23 early as practical. The Secretary may, in his
24 discretion, supply forms for such a petition. The
25 Secretary may require the payment of a fee of not
26 more than \$50 for the filing of any petition,
27 motion, or request for hearing conducted pursuant to
28 this Section. These fees must be deposited into the
29 Secretary of State DUI Administration Fund, a
30 special fund that is hereby created in the State
31 treasury, and, subject to appropriation and as
32 directed by the Secretary of State, shall be used to
33 fund the operation of the hearings department of the
34 Office of the Secretary of State and for no other

1 purpose. The Secretary shall establish by rule the
2 amount and the procedures, terms, and conditions
3 relating to these fees.

4 (b) The Secretary may likewise, in his
5 discretion and upon his own petition, order a
6 hearing, when in his best judgment, any person is
7 not entitled to the reciprocal benefits, privileges
8 and exemptions existing pursuant to the terms and
9 provisions of this Code or under a reciprocal
10 agreement or arrangement or declaration thereunder
11 or that a vehicle owned or operated by such person
12 is improperly registered or licensed, or that an
13 Illinois resident has improperly registered or
14 licensed a vehicle in another jurisdiction for the
15 purposes of violating or avoiding the registration
16 laws of this State.

17 (c) The Secretary shall notify a petitioner or
18 any other person involved of such a hearing, by
19 giving at least 10 days notice, in writing, by U.S.
20 Mail, Registered or Certified, or by personal
21 service, at the last known address of such
22 petitioner or person, specifying the time and place
23 of such hearing. Such hearing shall be held before
24 the Secretary, or any person as he may designate,
25 and unless the parties mutually agree to some other
26 county in Illinois, the hearing shall be held in the
27 County of Sangamon or the County of Cook.
28 Appropriate records of the hearing shall be kept,
29 and the Secretary shall issue or cause to be issued,
30 his decision on the case, within 30 days after the
31 close of such hearing or within 30 days after
32 receipt of the transcript thereof, and a copy shall
33 likewise be served or mailed to the petitioner or
34 person involved.

1 (d) The actions or inactions or
2 determinations, or findings and decisions upon an
3 administrative hearing, of the Secretary, shall be
4 subject to judicial review in the Circuit Court of
5 the County of Sangamon or the County of Cook, and
6 the provisions of the Administrative Review Law, and
7 all amendments and modifications thereof and rules
8 adopted pursuant thereto, apply to and govern all
9 such reviewable matters.

10 Any reciprocal agreements or arrangements
11 entered into by the Secretary of State or any
12 declarations issued by the Secretary of State
13 pursuant to any law in effect prior to the effective
14 date of this Code are not hereby abrogated, and such
15 shall continue in force and effect until amended
16 pursuant to the provisions of this Code or expire
17 pursuant to the terms or provisions thereof.

18 (Source: P.A. 92-418, eff. 8-17-01; revised 12-04-01.)

19 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

20 Sec. 3-405.1. Application for vanity and personalized
21 license plates.

22 (a) Vanity license plates mean any license plates,
23 assigned to a passenger motor vehicle of the first division,
24 to a motor vehicle of the second division registered at not
25 more than 8,000 pounds or to a recreational vehicle, which
26 display a registration number containing 4 to 7 letters as
27 requested by the owner of the vehicle and license plates
28 issued to retired members of Congress under Section 3-610.1
29 or to retired members of the General Assembly as provided in
30 Section 3-606.1. A license plate consisting of 3 letters and
31 no numbers or of 1, 2 or 3 numbers, upon its becoming
32 available, is a vanity license plate. Personalized license
33 plates mean any license plates, assigned to a passenger motor

1 vehicle of the first division, to a motor vehicle of the
2 second division, or to a recreational vehicle, which display
3 a registration number containing a combination of letters and
4 numbers as prescribed by rule, as requested by the owner of
5 the vehicle.

6 (b) For any registration period commencing after 1979,
7 any person who is the registered owner of a passenger motor
8 vehicle of the first division, of a motor vehicle of the
9 second division registered at not more than 8,000 pounds or
10 of a recreational vehicle registered with the Secretary of
11 State or who makes application for an original registration
12 of such a motor vehicle or renewal registration of such a
13 motor vehicle may, upon payment of a fee prescribed in
14 Section 3-806.1, apply to the Secretary of State for
15 personalized license plates.

16 (c) Except as otherwise provided in this Chapter 3 for
17 ~~plates-issued-under-Sections-3-627,3-631,-and-3-632,~~ vanity
18 and personalized license plates as issued under this Section
19 shall be the same color and design as other passenger vehicle
20 license plates and shall not in any manner conflict with any
21 other existing passenger, commercial, trailer, motorcycle, or
22 special license plate series. However, special registration
23 plates issued under Sections 3-611 and 3-616 for vehicles
24 operated by or for persons with disabilities may also be
25 vanity or personalized license plates.

26 (d) Vanity and personalized license plates shall be
27 issued only to the registered owner of the vehicle on which
28 they are to be displayed, except as provided in Sections
29 3-611 and 3-616 for special registration plates for vehicles
30 operated by or for persons with disabilities.

31 (e) An applicant for the issuance of vanity or
32 personalized license plates or subsequent renewal thereof
33 shall file an application in such form and manner and by such
34 date as the Secretary of State may, in his discretion,

1 require.

2 No vanity nor personalized license plates shall be
3 approved, manufactured, or distributed that contain any
4 characters, symbols other than the international
5 accessibility symbol for vehicles operated by or for persons
6 with disabilities, foreign words, or letters of punctuation.

7 (f) Vanity and personalized license plates as issued
8 pursuant to this Act may be subject to the Staggered
9 Registration System as prescribed by the Secretary of State.

10 (Source: P.A. 88-685, eff. 1-24-95; 89-282, eff. 8-10-95;
11 89-611, eff. 1-1-97; revised 1-28-02.)

12 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

13 Sec. 3-412. Registration plates and registration
14 stickers to be furnished by the Secretary of State.

15 (a) The Secretary of State upon registering a vehicle
16 subject to annual registration for the first time shall
17 issue or shall cause to be issued to the owner one
18 registration plate for a motorcycle, trailer, semitrailer,
19 motorized pedalcycle or truck-tractor, 2 registration plates
20 for other motor vehicles and, where applicable, current
21 registration stickers for motor vehicles of the first
22 division. The provisions of this Section may be made
23 applicable to such vehicles of the second division, as the
24 Secretary of State may, from time to time, in his discretion
25 designate. On subsequent annual registrations during the term
26 of the registration plate as provided in Section 3-414.1, the
27 Secretary shall issue or cause to be issued registration
28 stickers as evidence of current registration. However, the
29 issuance of annual registration stickers to vehicles
30 registered under the provisions of Section 3-402.1 of this
31 Code may not be required if the Secretary deems the issuance
32 unnecessary.

33 (b) Every registration plate shall have displayed upon

1 it the registration number assigned to the vehicle for which
2 it is issued, the name of this State, which may be
3 abbreviated, the year number for which it was issued, which
4 may be abbreviated, the phrase "Land of Lincoln", (except as
5 otherwise provided in this Chapter 3) Sections 3-626, 3-629,
6 3-633, 3-634, 3-637, 3-638, and 3-642, and such other letters
7 or numbers as the Secretary may prescribe. However, for
8 apportionment plates issued to vehicles registered under
9 Section 3-402.1, the phrase "Land of Lincoln" may be omitted
10 to allow for the word "apportioned" to be displayed. The
11 Secretary may in his discretion prescribe that letters be
12 used as prefixes only on registration plates issued to
13 vehicles of the first division which are registered under
14 this Code and only as suffixes on registration plates issued
15 to other vehicles. Every registration sticker issued as
16 evidence of current registration shall designate the year
17 number for which it is issued and such other letters or
18 numbers as the Secretary may prescribe and shall be of a
19 contrasting color with the registration plates and
20 registration stickers of the previous year.

21 (c) Each registration plate and the required letters and
22 numerals thereon, except the year number for which issued,
23 shall be of sufficient size to be plainly readable from a
24 distance of 100 feet during daylight, and shall be coated
25 with reflectorizing material. The dimensions of the plate
26 issued to vehicles of the first division shall be 6 by 12
27 inches.

28 (d) The Secretary of State shall issue for every
29 passenger motor vehicle rented without a driver the same type
30 of registration plates as the type of plates issued for a
31 private passenger vehicle.

32 (e) The Secretary of State shall issue for every
33 passenger car used as a taxicab or livery, distinctive
34 registration plates.

1 (f) The Secretary of State shall issue for every
2 motorcycle distinctive registration plates distinguishing
3 between motorcycles having 150 or more cubic centimeters
4 piston displacement, or having less than 150 cubic centimeter
5 piston displacement.

6 (g) Registration plates issued to vehicles for-hire may
7 display a designation as determined by the Secretary that
8 such vehicles are for-hire.

9 (h) The Secretary of State shall issue for each electric
10 vehicle distinctive registration plates which shall
11 distinguish between electric vehicles having a maximum
12 operating speed of 45 miles per hour or more and those having
13 a maximum operating speed of less than 45 miles per hour.

14 (i) The Secretary of State shall issue for every public
15 and private ambulance registration plates identifying the
16 vehicle as an ambulance. The Secretary shall forward to the
17 Department of Public Aid registration information for the
18 purpose of verification of claims filed with the Department
19 by ambulance owners for payment for services to public
20 assistance recipients.

21 (j) The Secretary of State shall issue for every public
22 and private medical carrier or rescue vehicle livery
23 registration plates displaying numbers within ranges of
24 numbers reserved respectively for medical carriers and rescue
25 vehicles. The Secretary shall forward to the Department of
26 Public Aid registration information for the purpose of
27 verification of claims filed with the Department by owners of
28 medical carriers or rescue vehicles for payment for services
29 to public assistance recipients.

30 (Source: P.A. 89-424, eff. 6-1-96; 89-564, eff. 7-1-97;
31 89-612, eff. 8-9-96; 89-621, eff. 1-1-97; 89-639, eff.
32 1-1-97; 90-14, eff. 7-1-97; 90-533, eff. 11-14-97; 90-655,
33 eff. 7-30-98; revised 1-28-02.)

1 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

2 Sec. 3-616. Person with disabilities license plates.

3 (a) Upon receiving an application for a certificate of
4 registration for a motor vehicle of the first division or for
5 a motor vehicle of the second division weighing no more than
6 8,000 pounds, accompanied with payment of the registration
7 fees required under this Code from a person with disabilities
8 or a person who is deaf or hard of hearing, the Secretary of
9 State, if so requested, shall issue to such person
10 registration plates as provided for in Section 3-611,
11 provided that the person with disabilities or person who is
12 deaf or hard of hearing must not be disqualified from
13 obtaining a driver's license under subsection 8 of Section
14 6-103 of this Code, and further provided that any person
15 making such a request must submit a statement certified by a
16 licensed physician to the effect that such person is a person
17 with disabilities as defined by Section 1-159.1 of this Code,
18 or alternatively provide adequate documentation that such
19 person has a Class 1A, Class 2A or Type Four disability under
20 the provisions of Section 4A of the Illinois Identification
21 Card Act. For purposes of this Section, an Illinois Disabled
22 Person Identification Card issued pursuant to the Illinois
23 Identification Card Act indicating that the person thereon
24 named has a disability shall be adequate documentation of
25 such a disability.

26 (b) The Secretary shall issue plates under this Section
27 to a parent or legal guardian of a person with disabilities
28 if the person with disabilities has a Class 1A or Class 2A
29 disability as defined in Section 4A of the Illinois
30 Identification Card Act or is a person with disabilities as
31 defined by Section 1-159.1 of this Code, and does not possess
32 a vehicle registered in his or her name, provided that the
33 person with disabilities relies frequently on the parent or
34 legal guardian for transportation. Only one vehicle 2 per

1 family may be registered under this subsection, unless the
2 applicant can justify in writing the need for one additional
3 set of plates. Any person requesting special plates under
4 this subsection shall submit such documentation or such
5 physician's statement as is required in subsection (a) and a
6 statement describing the circumstances qualifying for
7 issuance of special plates under this subsection.

8 (c) The Secretary may issue a person with disabilities
9 parking decal or device to a person with disabilities as
10 defined by Section 1-159.1 without regard to qualification of
11 such person with disabilities for a driver's license or
12 registration of a vehicle by such person with disabilities or
13 such person's immediate family, provided such person with
14 disabilities making such a request has been issued a Disabled
15 Person Identification Card indicating that the person named
16 thereon has a Class 1A or Class 2A disability, or
17 alternatively, submits a statement certified by a licensed
18 physician to the effect that such person is a person with
19 disabilities as defined by Section 1-159.1.

20 (d) The Secretary shall prescribe by rules and
21 regulations procedures to certify or re-certify as necessary
22 the eligibility of persons whose disabilities are other than
23 permanent for special plates or person with disabilities
24 parking decals or devices issued under subsections (a), (b)
25 and (c). Except as provided under subsection (f) of this
26 Section, no such special plates, decals or devices shall be
27 issued by the Secretary of State to or on behalf of any
28 person with disabilities unless such person is certified as
29 meeting the definition of a person with disabilities pursuant
30 to Section 1-159.1 or meeting the requirement of a Type Four
31 disability as provided under Section 4A of the Illinois
32 Identification Card Act for the period of time that the
33 physician determines the applicant will have the disability,
34 but not to exceed 6 months from the date of certification or

1 recertification.

2 (e) Any person requesting special plates under this
3 Section may also apply to have the special plates
4 personalized, as provided under Section 3-405.1.

5 (f) The Secretary of State, upon application, shall
6 issue person with disabilities registration plates or a
7 person with disabilities parking decal to corporations,
8 school districts, State or municipal agencies, limited
9 liability companies, nursing homes, convalescent homes, or
10 special education cooperatives which will transport persons
11 with disabilities. The Secretary shall prescribe by rule a
12 means to certify or re-certify the eligibility of
13 organizations to receive person with disabilities plates or
14 decals and to designate which of the 2 person with
15 disabilities emblems shall be placed on qualifying vehicles.

16 (g) The Secretary of State, or his designee, may enter
17 into agreements with other jurisdictions, including foreign
18 jurisdictions, on behalf of this State relating to the
19 extension of parking privileges by such jurisdictions to
20 permanently disabled residents of this State who display a
21 special license plate or parking device that contains the
22 International symbol of access on his or her motor vehicle,
23 and to recognize such plates or devices issued by such other
24 jurisdictions. This State shall grant the same parking
25 privileges which are granted to disabled residents of this
26 State to any non-resident whose motor vehicle is licensed in
27 another state, district, territory or foreign country if such
28 vehicle displays the international symbol of access or a
29 distinguishing insignia on license plates or parking device
30 issued in accordance with the laws of the non-resident's
31 state, district, territory or foreign country.

32 (Source: P.A. 91-769, eff. 6-9-00; 92-16, eff. 6-28-01;
33 92-411, eff. 1-1-02; revised 10-12-01.)

1 (625 ILCS 5/3-648)

2 Sec. 3-648. Education license plates.

3 (a) The Secretary, upon receipt of an application made
4 in the form prescribed by the Secretary, may issue special
5 registration plates designated as Education license plates.
6 The special plates issued under this Section shall be affixed
7 only to passenger vehicles of the first division and motor
8 vehicles of the second division weighing not more than 8,000
9 pounds. Plates issued under this Section shall expire
10 according to the multi-year procedure established by Section
11 3-414.1 of this Code.

12 (b) The design and color of the plates shall be
13 determined by a contest that every elementary school pupil in
14 the State of Illinois is eligible to enter. The designs
15 submitted for the contest shall be judged on September 30,
16 2002, and the winning design shall be selected by a committee
17 composed of the Secretary, the Director of State Police, 2
18 members of the Senate, one member chosen by the President of
19 the Senate and one member chosen by the Senate Minority
20 Leader, and 2 members of the House of Representatives, one
21 member chosen by the Speaker of the House and one member
22 chosen by the House Minority Leader. The Secretary may allow
23 the plates to be issued as vanity or personalized plates
24 under Section 3-405.1 of the Code. The Secretary shall
25 prescribe stickers or decals as provided under Section 3-412
26 of this Code.

27 (c) An applicant for the special plate shall be charged
28 a \$40 fee for original issuance, in addition to the
29 appropriate registration fee. Of this \$40 additional original
30 issuance fee, \$15 shall be deposited into the Secretary of
31 State Special License Plate Fund, to be used by the Secretary
32 to help defray the administrative processing costs, and \$25
33 shall be deposited into the Illinois Future Teacher Corps
34 Scholarship Fund. For each registration renewal period, a

1 \$40 fee, in addition to the appropriate registration fee,
2 shall be charged. Of this \$40 additional renewal fee, \$2
3 shall be deposited into the Secretary of State Special
4 License Plate Fund and \$38 shall be deposited into the
5 Illinois Future Teacher Corps Scholarship Fund. Each fiscal
6 year, once deposits from the additional original issuance and
7 renewal fees into the Secretary of State Special License
8 Plate Fund have reached \$500,000, all the amounts received
9 for the additional fees for the balance of the fiscal year
10 shall be deposited into the Illinois Future Teacher Corps
11 Scholarship Fund.

12 (d) The Illinois Future Teacher Corps Scholarship Fund
13 is created as a special fund in the State treasury.
14 Ninety-five percent of the moneys in the Illinois Future
15 Teacher Corps Scholarship Fund shall be appropriated to the
16 Illinois Student Assistance Commission for scholarships under
17 Section 65.65 of the Higher Education Student Assistance Act,
18 and 5% of the moneys in the Illinois Future Teacher Corps
19 Scholarship Fund shall be appropriated to the State Board of
20 Education for grants to the Golden Apple Foundation for
21 Excellence in Teaching, a recognized charitable organization
22 that meets the requirements of Title 26, Section 501(c)(3) of
23 the United States Code.

24 (Source: P.A. 92-445, eff. 8-17-01.)

25 (625 ILCS 5/3-650)

26 Sec. 3-650. ~~3-648~~. Army Combat Veteran license plates.

27 (a) In addition to any other special license plate, the
28 Secretary, upon receipt of all applicable fees and
29 applications made in the form prescribed by the Secretary of
30 State, may issue Army Combat Veteran license plates to
31 residents of Illinois who meet eligibility requirements
32 prescribed by the Secretary of State. The special Army
33 Combat Veteran plate issued under this Section shall be

1 affixed only to passenger vehicles of the first division and
2 motor vehicles of the second division weighing not more than
3 8,000 pounds. Plates issued under this Section shall expire
4 according to the staggered multi-year procedure established
5 by Section 3-414.1 of this Code.

6 (b) The plates shall display the Army Combat Infantry
7 Badge. In all other respects, the design, color, and format
8 of the plates shall be within the discretion of the Secretary
9 of State. The Secretary may, in his or her discretion, allow
10 the plates to be issued as vanity plates or personalized in
11 accordance with Section 3-405.1 of this Code. The plates are
12 not required to designate "Land Of Lincoln", as prescribed in
13 subsection (b) of Section 3-412 of this Code. The Secretary
14 shall prescribe the eligibility requirements and, in his or
15 her discretion, shall approve and prescribe stickers or
16 decals as provided under Section 3-412.

17 (c) An applicant shall be charged a \$15 fee for original
18 issuance in addition to the applicable registration fee.
19 This additional fee shall be deposited into the Secretary of
20 State Special License Plate Fund. For each registration
21 renewal period, a \$2 fee, in addition to the appropriate
22 registration fee, shall be charged and shall be deposited
23 into the Secretary of State Special License Plate Fund.

24 (Source: P.A. 92-79, eff. 1-1-02; revised 10-17-01.)

25 (625 ILCS 5/3-651)

26 Sec. 3-651. ~~3-648~~ U.S. Marine Corps license plates.

27 (a) In addition to any other special license plate, the
28 Secretary, upon receipt of all applicable fees and
29 applications made in the form prescribed by the Secretary of
30 State, may issue special registration plates designated as
31 U.S. Marine Corps license plates to residents of Illinois who
32 meet eligibility requirements prescribed by the Secretary of
33 State. The special plate issued under this Section shall be

1 affixed only to passenger vehicles of the first division,
2 motor vehicles of the second division weighing not more than
3 8,000 pounds, and recreational vehicles as defined by Section
4 1-169 of this Code. Plates issued under this Section shall
5 expire according to the staggered multi-year procedure
6 established by Section 3-414.1 of this Code.

7 (b) The design, color, and format of the plates shall be
8 wholly within the discretion of the Secretary of State,
9 except that the U.S. Marine Corps emblem shall appear on the
10 plates. The Secretary may, in his or her discretion, allow
11 the plates to be issued as vanity or personalized plates in
12 accordance with Section 3-405.1 of this Code. The plates are
13 not required to designate "Land Of Lincoln", as prescribed in
14 subsection (b) of Section 3-412 of this Code. The Secretary
15 shall prescribe the eligibility requirements and, in his or
16 her discretion, shall approve and prescribe stickers or
17 decals as provided under Section 3-412.

18 (c) An applicant shall be charged a \$20 fee for original
19 issuance in addition to the applicable registration fee. Of
20 this additional fee, \$15 shall be deposited into the
21 Secretary of State Special License Plate Fund and \$5 shall be
22 deposited into the Marine Corps Scholarship Fund. For each
23 registration renewal period, a \$20 fee, in addition to the
24 appropriate registration fee, shall be charged. Of this
25 additional fee, \$2 shall be deposited into the Secretary of
26 State Special License Plate Fund and \$18 shall be deposited
27 into the Marine Corps Scholarship Fund.

28 (d) The Marine Corps Scholarship Fund is created as a
29 special fund in the State treasury. All moneys in the Marine
30 Corps Scholarship Fund shall, subject to appropriation by the
31 General Assembly and approval by the Secretary, be used by
32 the Marine Corps Scholarship Foundation, Inc., a recognized
33 charitable organization that meets the requirements of Title
34 26, Section 501(c)(3) of the United States Code, to provide

1 grants for scholarships for higher education. The scholarship
2 recipients must be the children of current or former members
3 of the United States Marine Corps who meet the academic,
4 financial, and other requirements established by the Marine
5 Corps Scholarship Foundation. In addition, the recipients
6 must be Illinois residents and must attend a college or
7 university located within the State of Illinois.

8 The State Treasurer shall require the Marine Corps
9 Scholarship Foundation to establish a separate account for
10 receipt of the proceeds of the Marine Corps Scholarship Fund.
11 That account shall be subject to audit either annually or at
12 another interval, as determined by the State Treasurer.
13 Proceeds from the Marine Corps Scholarship Fund shall be
14 transferred on a quarterly basis by the State Treasurer's
15 office to this separate account.

16 (Source: P.A. 92-467, eff. 1-1-02; revised 10-17-01.)

17 (625 ILCS 5/3-652)

18 Sec. 3-652. ~~3-648.~~ Chicago and Northeast Illinois
19 District Council of Carpenters license plates.

20 (a) The Secretary, upon receipt of all applicable fees
21 and applications made in the form prescribed by the
22 Secretary, may issue special registration plates designated
23 as Chicago and Northeast Illinois District Council of
24 Carpenters license plates.

25 The special plates issued under this Section shall be
26 affixed only to passenger vehicles of the first division or
27 motor vehicles of the second division weighing not more than
28 8,000 pounds.

29 Plates issued under this Section shall expire according
30 to the multi-year procedure established by Section 3-414.1 of
31 this Code.

32 (b) The design and color of the special plates shall be
33 wholly within the discretion of the Secretary. Appropriate

1 documentation, as determined by the Secretary, shall
2 accompany each application. The Secretary may allow the
3 plates to be issued as vanity plates or personalized plates
4 under Section 3-405.1 of this Code. The Secretary shall
5 prescribe stickers or decals as provided under Section 3-412
6 of this Code.

7 (c) An applicant for the special plate shall be charged
8 a \$25 fee for original issuance in addition to the
9 appropriate registration fee. Of this fee, \$10 shall be
10 deposited into the Chicago and Northeast Illinois District
11 Council of Carpenters Fund and \$15 shall be deposited into
12 the Secretary of State Special License Plate Fund, to be used
13 by the Secretary to help defray the administrative processing
14 costs.

15 For each registration renewal period, a \$25 fee, in
16 addition to the appropriate registration fee, shall be
17 charged. Of this fee, \$23 shall be deposited into the
18 Chicago and Northeast Illinois District Council of Carpenters
19 Fund and \$2 shall be deposited into the Secretary of State
20 Special License Plate Fund.

21 (d) The Chicago and Northeast Illinois District Council
22 of Carpenters Fund is created as a special fund in the State
23 treasury. All moneys in the Chicago and Northeast Illinois
24 District Council of Carpenters Fund shall be paid, subject to
25 appropriation by the General Assembly and approval by the
26 Secretary, as grants for charitable purposes sponsored by the
27 Chicago and Northeast Illinois District Council of
28 Carpenters.

29 (Source: P.A. 92-477, eff. 1-1-02; revised 10-17-01.)

30 (625 ILCS 5/3-653)

31 (This Section may contain text from a Public Act with a
32 delayed effective date)

33 Sec. 3-653. 3-648- Pet Friendly license plates.

1 (a) The Secretary, upon receipt of an application made
2 in the form prescribed by the Secretary, may issue special
3 registration plates designated as Pet Friendly license
4 plates. The special plates issued under this Section shall
5 be affixed only to passenger vehicles of the first division,
6 motor vehicles of the second division weighing not more than
7 8,000 pounds, and recreational vehicles as defined in Section
8 1-169 of this Code. Plates issued under this Section shall
9 expire according to the multi-year procedure established by
10 Section 3-414.1 of this Code.

11 (b) The design and color of the plates is wholly within
12 the discretion of the Secretary, except that the phrase "I am
13 pet friendly" shall be on the plates. The Secretary may allow
14 the plates to be issued as vanity plates or personalized
15 plates under Section 3-405.1 of the Code. The Secretary
16 shall prescribe stickers or decals as provided under Section
17 3-412 of this Code.

18 (c) An applicant for the special plate shall be charged
19 a \$40 fee for original issuance in addition to the
20 appropriate registration fee. Of this additional fee, \$25
21 shall be deposited into the Pet Overpopulation Control Fund
22 and \$15 shall be deposited into the Secretary of State
23 Special License Plate Fund, to be used by the Secretary to
24 help defray the administrative processing costs.

25 For each registration renewal period, a \$27 fee, in
26 addition to the appropriate registration fee, shall be
27 charged. Of this additional fee, \$25 shall be deposited into
28 the Pet Overpopulation Control Fund and \$2 shall be deposited
29 into the Secretary of State Special License Plate Fund.

30 (d) The Pet Overpopulation Control Fund is created as a
31 special fund in the State treasury. All moneys in the Pet
32 Overpopulation Control Fund shall be paid, subject to
33 appropriation by the General Assembly and approval by the
34 Secretary, as grants to humane societies exempt from federal

1 income taxation under Section 501(c)(3) of the Internal
2 Revenue Code to be used solely for the humane sterilization
3 of dogs and cats in the State of Illinois. In approving
4 grants under this subsection (d), the Secretary shall
5 consider recommendations for grants made by a volunteer board
6 appointed by the Secretary that shall consist of 5 Illinois
7 residents who are officers or directors of humane societies
8 operating in different regions in Illinois.

9 (Source: P.A. 92-520, eff. 6-1-02; revised 1-16-02.)

10 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

11 Sec. 3-806.3. Senior Citizens.

12 Commencing with the 1986 registration year and extending
13 through the 2000 registration year, the registration fee paid
14 by any vehicle owner who has claimed and received a grant
15 under the "Senior Citizens and Disabled Persons Property Tax
16 Relief and Pharmaceutical Assistance Act" or who is the
17 spouse of such a person shall be reduced by 50% for passenger
18 cars displaying standard multi-year registration plates
19 issued under Section 3-414.1, motor vehicles displaying
20 special registration plates issued under Section 3-616, motor
21 vehicles registered at 8,000 pounds or less under Section
22 3-815(a) and recreational vehicles registered at 8,000 pounds
23 or less under Section 3-815(b). Widows and widowers of
24 claimants shall also be entitled to the reduced registration
25 rate for the registration year in which the claimant was
26 eligible.

27 Commencing with the 2001 registration year, the
28 registration fee paid by any vehicle owner who has claimed
29 and received a grant under the "Senior Citizens and Disabled
30 Persons Property Tax Relief and Pharmaceutical Assistance
31 Act" or who is the spouse of such a person shall be \$24
32 instead of the fee otherwise provided in this Code for
33 passenger cars displaying standard multi-year registration

1 plates issued under Section 3-414.1, motor vehicles
2 displaying special registration plates issued under Section
3 3-616, motor vehicles registered at 8,000 pounds or less
4 under Section 3-815(a) and recreational vehicles registered
5 at 8,000 pounds or less under Section 3-815(b). Widows and
6 widowers of claimants shall also be entitled to this reduced
7 registration fee for the registration year in which the
8 claimant was eligible.

9 No more than one reduced registration fee under this
10 Section shall be allowed during any 12 month period based on
11 the primary eligibility of any individual, whether such
12 reduced registration fee is allowed to the individual or to
13 the spouse, widow or widower of such individual. This
14 Section does not apply to the fee paid in addition to the
15 registration fee for motor vehicles displaying vanity
16 personalized license plates under Section 3-806.1.

17 (Source: P.A. 91-37, eff. 7-1-99; revised 12-06-01.)

18 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

19 Sec. 6-205. Mandatory revocation of license or permit;
20 Hardship cases.

21 (a) Except as provided in this Section, the Secretary of
22 State shall immediately revoke the license or permit of any
23 driver upon receiving a report of the driver's conviction of
24 any of the following offenses:

25 1. Reckless homicide resulting from the operation
26 of a motor vehicle;

27 2. Violation of Section 11-501 of this Code or a
28 similar provision of a local ordinance relating to the
29 offense of operating or being in physical control of a
30 vehicle while under the influence of alcohol, other drug
31 or drugs, intoxicating compound or compounds, or any
32 combination thereof;

33 3. Any felony under the laws of any State or the

1 federal government in the commission of which a motor
2 vehicle was used;

3 4. Violation of Section 11-401 of this Code
4 relating to the offense of leaving the scene of a traffic
5 accident involving death or personal injury;

6 5. Perjury or the making of a false affidavit or
7 statement under oath to the Secretary of State under this
8 Code or under any other law relating to the ownership or
9 operation of motor vehicles;

10 6. Conviction upon 3 charges of violation of
11 Section 11-503 of this Code relating to the offense of
12 reckless driving committed within a period of 12 months;

13 7. Conviction of the offense of automobile theft as
14 defined in Section 4-102 of this Code;

15 8. Violation of Section 11-504 of this Code
16 relating to the offense of drag racing;

17 9. Violation of Chapters 8 and 9 of this Code;

18 10. Violation of Section 12-5 of the Criminal Code
19 of 1961 arising from the use of a motor vehicle;

20 11. Violation of Section 11-204.1 of this Code
21 relating to aggravated fleeing or attempting to elude a
22 police officer;

23 12. Violation of paragraph (1) of subsection (b) of
24 Section 6-507, or a similar law of any other state,
25 relating to the unlawful operation of a commercial motor
26 vehicle;

27 13. Violation of paragraph (a) of Section 11-502 of
28 this Code or a similar provision of a local ordinance if
29 the driver has been previously convicted of a violation
30 of that Section or a similar provision of a local
31 ordinance and the driver was less than 21 years of age at
32 the time of the offense.

33 (b) The Secretary of State shall also immediately revoke
34 the license or permit of any driver in the following

1 situations:

2 1. Of any minor upon receiving the notice provided
3 for in Section 5-901 of the Juvenile Court Act of 1987
4 that the minor has been adjudicated under that Act as
5 having committed an offense relating to motor vehicles
6 prescribed in Section 4-103 of this Code;

7 2. Of any person when any other law of this State
8 requires either the revocation or suspension of a license
9 or permit.

10 (c) Whenever a person is convicted of any of the
11 offenses enumerated in this Section, the court may recommend
12 and the Secretary of State in his discretion, without regard
13 to whether the recommendation is made by the court may, upon
14 application, issue to the person a restricted driving permit
15 granting the privilege of driving a motor vehicle between the
16 petitioner's residence and petitioner's place of employment
17 or within the scope of the petitioner's employment related
18 duties, or to allow transportation for the petitioner or a
19 household member of the petitioner's family for the receipt
20 of necessary medical care or, if the professional evaluation
21 indicates, provide transportation for the petitioner for
22 alcohol remedial or rehabilitative activity, or for the
23 petitioner to attend classes, as a student, in an accredited
24 educational institution; if the petitioner is able to
25 demonstrate that no alternative means of transportation is
26 reasonably available and the petitioner will not endanger the
27 public safety or welfare; provided that the Secretary's
28 discretion shall be limited to cases where undue hardship
29 would result from a failure to issue the restricted driving
30 permit.

31 If a person's license or permit has been revoked or
32 suspended due to 2 or more convictions of violating Section
33 11-501 of this Code or a similar provision of a local
34 ordinance or a similar out-of-state offense, arising out of

1 separate occurrences, that person, if issued a restricted
2 driving permit, may not operate a vehicle unless it has been
3 equipped with an ignition interlock device as defined in
4 Section 1-129.1.

5 If a person's license or permit has been revoked or
6 suspended 2 or more times within a 10 year period due to a
7 single conviction of violating Section 11-501 of this Code or
8 a similar provision of a local ordinance or a similar
9 out-of-state offense, and a statutory summary suspension
10 under Section 11-501.1, or 2 or more statutory summary
11 suspensions, or combination of 2 offenses, or of an offense
12 and a statutory summary suspension, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been equipped
15 with an ignition interlock device as defined in Section
16 1-129.1. The person must pay to the Secretary of State DUI
17 Administration Fund an amount not to exceed \$20 per month.
18 The Secretary shall establish by rule the amount and the
19 procedures, terms, and conditions relating to these fees. If
20 the restricted driving permit was issued for employment
21 purposes, then this provision does not apply to the operation
22 of an occupational vehicle owned or leased by that person's
23 employer. In each case the Secretary of State may issue a
24 restricted driving permit for a period he deems appropriate,
25 except that the permit shall expire within one year from the
26 date of issuance. The Secretary may not, however, issue a
27 restricted driving permit to any person whose current
28 revocation is the result of a second or subsequent conviction
29 for a violation of Section 11-501 of this Code or a similar
30 provision of a local ordinance relating to the offense of
31 operating or being in physical control of a motor vehicle
32 while under the influence of alcohol, other drug or drugs,
33 intoxicating compound or compounds, or any similar
34 out-of-state offense, or any combination thereof, until the

1 expiration of at least one year from the date of the
2 revocation. A restricted driving permit issued under this
3 Section shall be subject to cancellation, revocation, and
4 suspension by the Secretary of State in like manner and for
5 like cause as a driver's license issued under this Code may
6 be cancelled, revoked, or suspended; except that a conviction
7 upon one or more offenses against laws or ordinances
8 regulating the movement of traffic shall be deemed sufficient
9 cause for the revocation, suspension, or cancellation of a
10 restricted driving permit. The Secretary of State may, as a
11 condition to the issuance of a restricted driving permit,
12 require the applicant to participate in a designated driver
13 remedial or rehabilitative program. The Secretary of State is
14 authorized to cancel a restricted driving permit if the
15 permit holder does not successfully complete the program.
16 However, if an individual's driving privileges have been
17 revoked in accordance with paragraph 13 of subsection (a) of
18 this Section, no restricted driving permit shall be issued
19 until the individual has served 6 months of the revocation
20 period.

21 (d) Whenever a person under the age of 21 is convicted
22 under Section 11-501 of this Code or a similar provision of a
23 local ordinance, the Secretary of State shall revoke the
24 driving privileges of that person. One year after the date
25 of revocation, and upon application, the Secretary of State
26 may, if satisfied that the person applying will not endanger
27 the public safety or welfare, issue a restricted driving
28 permit granting the privilege of driving a motor vehicle only
29 between the hours of 5 a.m. and 9 p.m. or as otherwise
30 provided by this Section for a period of one year. After
31 this one year period, and upon reapplication for a license as
32 provided in Section 6-106, upon payment of the appropriate
33 reinstatement fee provided under paragraph (b) of Section
34 6-118, the Secretary of State, in his discretion, may issue

1 the applicant a license, or extend the restricted driving
2 permit as many times as the Secretary of State deems
3 appropriate, by additional periods of not more than 12 months
4 each, until the applicant attains 21 years of age.

5 If a person's license or permit has been revoked or
6 suspended due to 2 or more convictions of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, arising out of
9 separate occurrences, that person, if issued a restricted
10 driving permit, may not operate a vehicle unless it has been
11 equipped with an ignition interlock device as defined in
12 Section 1-129.1.

13 If a person's license or permit has been revoked or
14 suspended 2 or more times within a 10 year period due to a
15 single conviction of violating Section 11-501 of this Code or
16 a similar provision of a local ordinance or a similar
17 out-of-state offense, and a statutory summary suspension
18 under Section 11-501.1, or 2 or more statutory summary
19 suspensions, or combination of 2 offenses, or of an offense
20 and a statutory summary suspension, arising out of separate
21 occurrences, that person, if issued a restricted driving
22 permit, may not operate a vehicle unless it has been equipped
23 with an ignition interlock device as defined in Section
24 1-129.1. The person must pay to the Secretary of State DUI
25 Administration Fund an amount not to exceed \$20 per month.
26 The Secretary shall establish by rule the amount and the
27 procedures, terms, and conditions relating to these fees. If
28 the restricted driving permit was issued for employment
29 purposes, then this provision does not apply to the operation
30 of an occupational vehicle owned or leased by that person's
31 employer. A restricted driving permit issued under this
32 Section shall be subject to cancellation, revocation, and
33 suspension by the Secretary of State in like manner and for
34 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a conviction
2 upon one or more offenses against laws or ordinances
3 regulating the movement of traffic shall be deemed sufficient
4 cause for the revocation, suspension, or cancellation of a
5 restricted driving permit. The revocation periods contained
6 in this subparagraph shall apply to similar out-of-state
7 convictions.

8 (e) This Section is subject to the provisions of the
9 Driver License Compact.

10 (f) Any revocation imposed upon any person under
11 subsections 2 and 3 of paragraph (b) that is in effect on
12 December 31, 1988 shall be converted to a suspension for a
13 like period of time.

14 (g) The Secretary of State shall not issue a restricted
15 driving permit to a person under the age of 16 years whose
16 driving privileges have been revoked under any provisions of
17 this Code.

18 (h) The Secretary of State shall require the use of
19 ignition interlock devices on all vehicles owned by an
20 individual who has been convicted of a second or subsequent
21 offense under Section 11-501 of this Code or a similar
22 provision of a local ordinance. The Secretary shall
23 establish by rule and regulation the procedures for
24 certification and use of the interlock system.

25 (i) The Secretary of State may not issue a restricted
26 driving permit for a period of one year after a second or
27 subsequent revocation of driving privileges under clause
28 (a)(2) of this Section; however, one year after the date of a
29 second or subsequent revocation of driving privileges under
30 clause (a)(2) of this Section, the Secretary of State may,
31 upon application, issue a restricted driving permit under the
32 terms and conditions of subsection (c).

33 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01;
34 92-418, eff. 8-17-01; revised 8-24-01.)

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)
2 Sec. 6-206. Discretionary authority to suspend or revoke
3 license or permit; Right to a hearing.

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without
6 preliminary hearing upon a showing of the person's records or
7 other sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required
10 upon conviction;

11 2. Has been convicted of not less than 3 offenses
12 against traffic regulations governing the movement of
13 vehicles committed within any 12 month period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

16 3. Has been repeatedly involved as a driver in
17 motor vehicle collisions or has been repeatedly convicted
18 of offenses against laws and ordinances regulating the
19 movement of traffic, to a degree that indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death
26 or injury requiring immediate professional treatment in a
27 medical facility or doctor's office to any person, except
28 that any suspension or revocation imposed by the
29 Secretary of State under the provisions of this
30 subsection shall start no later than 6 months after being
31 convicted of violating a law or ordinance regulating the
32 movement of traffic, which violation is related to the
33 accident, or shall start not more than one year after the
34 date of the accident, whichever date occurs later;

- 1 5. Has permitted an unlawful or fraudulent use of a
2 driver's license, identification card, or permit;
- 3 6. Has been lawfully convicted of an offense or
4 offenses in another state, including the authorization
5 contained in Section 6-203.1, which if committed within
6 this State would be grounds for suspension or revocation;
- 7 7. Has refused or failed to submit to an
8 examination provided for by Section 6-207 or has failed
9 to pass the examination;
- 10 8. Is ineligible for a driver's license or permit
11 under the provisions of Section 6-103;
- 12 9. Has made a false statement or knowingly
13 concealed a material fact or has used false information
14 or identification in any application for a license,
15 identification card, or permit;
- 16 10. Has possessed, displayed, or attempted to
17 fraudulently use any license, identification card, or
18 permit not issued to the person;
- 19 11. Has operated a motor vehicle upon a highway of
20 this State when the person's driving privilege or
21 privilege to obtain a driver's license or permit was
22 revoked or suspended unless the operation was authorized
23 by a judicial driving permit, probationary license to
24 drive, or a restricted driving permit issued under this
25 Code;
- 26 12. Has submitted to any portion of the application
27 process for another person or has obtained the services
28 of another person to submit to any portion of the
29 application process for the purpose of obtaining a
30 license, identification card, or permit for some other
31 person;
- 32 13. Has operated a motor vehicle upon a highway of
33 this State when the person's driver's license or permit
34 was invalid under the provisions of Sections 6-107.1 and

1 6-110;

2 14. Has committed a violation of Section 6-301,
3 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
4 14B of the Illinois Identification Card Act;

5 15. Has been convicted of violating Section 21-2 of
6 the Criminal Code of 1961 relating to criminal trespass
7 to vehicles in which case, the suspension shall be for
8 one year;

9 16. Has been convicted of violating Section 11-204
10 of this Code relating to fleeing from a police officer;

11 17. Has refused to submit to a test, or tests, as
12 required under Section 11-501.1 of this Code and the
13 person has not sought a hearing as provided for in
14 Section 11-501.1;

15 18. Has, since issuance of a driver's license or
16 permit, been adjudged to be afflicted with or suffering
17 from any mental disability or disease;

18 19. Has committed a violation of paragraph (a) or
19 (b) of Section 6-101 relating to driving without a
20 driver's license;

21 20. Has been convicted of violating Section 6-104
22 relating to classification of driver's license;

23 21. Has been convicted of violating Section 11-402
24 of this Code relating to leaving the scene of an accident
25 resulting in damage to a vehicle in excess of \$1,000, in
26 which case the suspension shall be for one year;

27 22. Has used a motor vehicle in violating paragraph
28 (3), (4), (7), or (9) of subsection (a) of Section 24-1
29 of the Criminal Code of 1961 relating to unlawful use of
30 weapons, in which case the suspension shall be for one
31 year;

32 23. Has, as a driver, been convicted of committing
33 a violation of paragraph (a) of Section 11-502 of this
34 Code for a second or subsequent time within one year of a

1 similar violation;

2 24. Has been convicted by a court-martial or
3 punished by non-judicial punishment by military
4 authorities of the United States at a military
5 installation in Illinois of or for a traffic related
6 offense that is the same as or similar to an offense
7 specified under Section 6-205 or 6-206 of this Code;

8 25. Has permitted any form of identification to be
9 used by another in the application process in order to
10 obtain or attempt to obtain a license, identification
11 card, or permit;

12 26. Has altered or attempted to alter a license or
13 has possessed an altered license, identification card, or
14 permit;

15 27. Has violated Section 6-16 of the Liquor Control
16 Act of 1934;

17 28. Has been convicted of the illegal possession,
18 while operating or in actual physical control, as a
19 driver, of a motor vehicle, of any controlled substance
20 prohibited under the Illinois Controlled Substances Act
21 or any cannabis prohibited under the provisions of the
22 Cannabis Control Act, in which case the person's driving
23 privileges shall be suspended for one year, and any
24 driver who is convicted of a second or subsequent
25 offense, within 5 years of a previous conviction, for the
26 illegal possession, while operating or in actual physical
27 control, as a driver, of a motor vehicle, of any
28 controlled substance prohibited under the provisions of
29 the Illinois Controlled Substances Act or any cannabis
30 prohibited under the Cannabis Control Act shall be
31 suspended for 5 years. Any defendant found guilty of this
32 offense while operating a motor vehicle, shall have an
33 entry made in the court record by the presiding judge
34 that this offense did occur while the defendant was

1 operating a motor vehicle and order the clerk of the
2 court to report the violation to the Secretary of State;

3 29. Has been convicted of the following offenses
4 that were committed while the person was operating or in
5 actual physical control, as a driver, of a motor vehicle:
6 criminal sexual assault, predatory criminal sexual
7 assault of a child, aggravated criminal sexual assault,
8 criminal sexual abuse, aggravated criminal sexual abuse,
9 juvenile pimping, soliciting for a juvenile prostitute
10 and the manufacture, sale or delivery of controlled
11 substances or instruments used for illegal drug use or
12 abuse in which case the driver's driving privileges shall
13 be suspended for one year;

14 30. Has been convicted a second or subsequent time
15 for any combination of the offenses named in paragraph 29
16 of this subsection, in which case the person's driving
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by
19 Section 11-501.6 or has submitted to a test resulting in
20 an alcohol concentration of 0.08 or more or any amount of
21 a drug, substance, or compound resulting from the
22 unlawful use or consumption of cannabis as listed in the
23 Cannabis Control Act, a controlled substance as listed in
24 the Illinois Controlled Substances Act, or an
25 intoxicating compound as listed in the Use of
26 Intoxicating Compounds Act, in which case the penalty
27 shall be as prescribed in Section 6-208.1;

28 32. Has been convicted of Section 24-1.2 of the
29 Criminal Code of 1961 relating to the aggravated
30 discharge of a firearm if the offender was located in a
31 motor vehicle at the time the firearm was discharged, in
32 which case the suspension shall be for 3 years;

33 33. Has as a driver, who was less than 21 years of
34 age on the date of the offense, been convicted a first

1 time of a violation of paragraph (a) of Section 11-502 of
2 this Code or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5
4 of this Code;

5 35. Has committed a violation of Section 11-1301.6
6 of this Code; or

7 36. Is under the age of 21 years at the time of
8 arrest and has been convicted of not less than 2
9 offenses against traffic regulations governing the
10 movement of vehicles committed within any 24 month
11 period. No revocation or suspension shall be entered
12 more than 6 months after the date of last conviction; or

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's
17 license, any traffic ticket issued when the person's driver's
18 license is deposited in lieu of bail, a suspension notice
19 issued by the Secretary of State, a duplicate or corrected
20 driver's license, a probationary driver's license or a
21 temporary driver's license.

22 (b) If any conviction forming the basis of a suspension
23 or revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be,
26 provided that a certified copy of a stay order of a court is
27 filed with the Secretary of State. If the conviction is
28 affirmed on appeal, the date of the conviction shall relate
29 back to the time the original judgment of conviction was
30 entered and the 6 month limitation prescribed shall not
31 apply.

32 (c) 1. Upon suspending or revoking the driver's license
33 or permit of any person as authorized in this Section,
34 the Secretary of State shall immediately notify the

1 person in writing of the revocation or suspension. The
2 notice to be deposited in the United States mail, postage
3 prepaid, to the last known address of the person.

4 2. If the Secretary of State suspends the driver's
5 license of a person under subsection 2 of paragraph (a)
6 of this Section, a person's privilege to operate a
7 vehicle as an occupation shall not be suspended, provided
8 an affidavit is properly completed, the appropriate fee
9 received, and a permit issued prior to the effective date
10 of the suspension, unless 5 offenses were committed, at
11 least 2 of which occurred while operating a commercial
12 vehicle in connection with the driver's regular
13 occupation. All other driving privileges shall be
14 suspended by the Secretary of State. Any driver prior to
15 operating a vehicle for occupational purposes only must
16 submit the affidavit on forms to be provided by the
17 Secretary of State setting forth the facts of the
18 person's occupation. The affidavit shall also state the
19 number of offenses committed while operating a vehicle in
20 connection with the driver's regular occupation. The
21 affidavit shall be accompanied by the driver's license.
22 Upon receipt of a properly completed affidavit, the
23 Secretary of State shall issue the driver a permit to
24 operate a vehicle in connection with the driver's regular
25 occupation only. Unless the permit is issued by the
26 Secretary of State prior to the date of suspension, the
27 privilege to drive any motor vehicle shall be suspended
28 as set forth in the notice that was mailed under this
29 Section. If an affidavit is received subsequent to the
30 effective date of this suspension, a permit may be issued
31 for the remainder of the suspension period.

32 The provisions of this subparagraph shall not apply
33 to any driver required to obtain a commercial driver's
34 license under Section 6-507 during the period of a

1 disqualification of commercial driving privileges under
2 Section 6-514.

3 Any person who falsely states any fact in the
4 affidavit required herein shall be guilty of perjury
5 under Section 6-302 and upon conviction thereof shall
6 have all driving privileges revoked without further
7 rights.

8 3. At the conclusion of a hearing under Section
9 2-118 of this Code, the Secretary of State shall either
10 rescind or continue an order of revocation or shall
11 substitute an order of suspension; or, good cause
12 appearing therefor, rescind, continue, change, or extend
13 the order of suspension. If the Secretary of State does
14 not rescind the order, the Secretary may upon
15 application, to relieve undue hardship, issue a
16 restricted driving permit granting the privilege of
17 driving a motor vehicle between the petitioner's
18 residence and petitioner's place of employment or within
19 the scope of his employment related duties, or to allow
20 transportation for the petitioner, or a household member
21 of the petitioner's family, to receive necessary medical
22 care and if the professional evaluation indicates,
23 provide transportation for alcohol remedial or
24 rehabilitative activity, or for the petitioner to attend
25 classes, as a student, in an accredited educational
26 institution; if the petitioner is able to demonstrate
27 that no alternative means of transportation is reasonably
28 available and the petitioner will not endanger the public
29 safety or welfare.

30 If a person's license or permit has been revoked or
31 suspended due to 2 or more convictions of violating
32 Section 11-501 of this Code or a similar provision of a
33 local ordinance or a similar out-of-state offense,
34 arising out of separate occurrences, that person, if

1 issued a restricted driving permit, may not operate a
2 vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1.

4 If a person's license or permit has been revoked or
5 suspended 2 or more times within a 10 year period due to
6 a single conviction of violating Section 11-501 of this
7 Code or a similar provision of a local ordinance or a
8 similar out-of-state offense, and a statutory summary
9 suspension under Section 11-501.1, or 2 or more statutory
10 summary suspensions, or combination of 2 offenses, or of
11 an offense and a statutory summary suspension, arising
12 out of separate occurrences, that person, if issued a
13 restricted driving permit, may not operate a vehicle
14 unless it has been equipped with an ignition interlock
15 device as defined in Section 1-129.1. The person must pay
16 to the Secretary of State DUI Administration Fund an
17 amount not to exceed \$20 per month. The Secretary shall
18 establish by rule the amount and the procedures, terms,
19 and conditions relating to these fees. If the restricted
20 driving permit was issued for employment purposes, then
21 this provision does not apply to the operation of an
22 occupational vehicle owned or leased by that person's
23 employer. In each case the Secretary may issue a
24 restricted driving permit for a period deemed
25 appropriate, except that all permits shall expire within
26 one year from the date of issuance. The Secretary may
27 not, however, issue a restricted driving permit to any
28 person whose current revocation is the result of a second
29 or subsequent conviction for a violation of Section
30 11-501 of this Code or a similar provision of a local
31 ordinance relating to the offense of operating or being
32 in physical control of a motor vehicle while under the
33 influence of alcohol, other drug or drugs, intoxicating
34 compound or compounds, or any similar out-of-state

1 offense, or any combination of those offenses, until the
2 expiration of at least one year from the date of the
3 revocation. A restricted driving permit issued under this
4 Section shall be subject to cancellation, revocation, and
5 suspension by the Secretary of State in like manner and
6 for like cause as a driver's license issued under this
7 Code may be cancelled, revoked, or suspended; except that
8 a conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation, suspension,
11 or cancellation of a restricted driving permit. The
12 Secretary of State may, as a condition to the issuance of
13 a restricted driving permit, require the applicant to
14 participate in a designated driver remedial or
15 rehabilitative program. The Secretary of State is
16 authorized to cancel a restricted driving permit if the
17 permit holder does not successfully complete the program.

18 (c-5) The Secretary of State may, as a condition of the
19 reissuance of a driver's license or permit to an applicant
20 whose driver's license or permit has been suspended before he
21 or she reached the age of 18 years pursuant to any of the
22 provisions of this Section, require the applicant to
23 participate in a driver remedial education course and be
24 retested under Section 6-109 of this Code.

25 (d) This Section is subject to the provisions of the
26 Drivers License Compact.

27 (e) The Secretary of State shall not issue a restricted
28 driving permit to a person under the age of 16 years whose
29 driving privileges have been suspended or revoked under any
30 provisions of this Code.

31 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
32 92-458, eff. 8-22-01; revised 8-27-01.)

33 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

1 Sec. 6-208. Period of Suspension - Application After
2 Revocation.

3 (a) Except as otherwise provided by this Code or any
4 other law of this State, the Secretary of State shall not
5 suspend a driver's license, permit or privilege to drive a
6 motor vehicle on the highways for a period of more than one
7 year.

8 (b) Any person whose license, permit or privilege to
9 drive a motor vehicle on the highways has been revoked shall
10 not be entitled to have such license, permit or privilege
11 renewed or restored. However, such person may, except as
12 provided under subsection (d) of Section 6-205, make
13 application for a license pursuant to Section 6-106 (i) if
14 the revocation was for a cause which has been removed or (ii)
15 as provided in the following subparagraphs:

16 1. Except as provided in subparagraphs 2, 3, and 4,
17 the person may make application for a license after the
18 expiration of one year from the effective date of the
19 revocation or, in the case of a violation of paragraph
20 (b) of Section 11-401 of this Code or a similar provision
21 of a local ordinance, after the expiration of 3 years
22 from the effective date of the revocation or, in the case
23 of a violation of Section 9-3 of the Criminal Code of
24 1961 relating to the offense of reckless homicide, after
25 the expiration of 2 years from the effective date of the
26 revocation or after the expiration of 24 months from the
27 date of release from a period of imprisonment as provided
28 in Section 6-103 of this Code, whichever is later.

29 2. If such person is convicted of committing a
30 second violation within a 20 year period of:

31 (A) Section 11-501 of this Code, or a similar
32 provision of a local ordinance; or

33 (B) Paragraph (b) of Section 11-401 of this
34 Code, or a similar provision of a local ordinance;

1 or

2 (C) Section 9-3 of the Criminal Code of 1961,
3 as amended, relating to the offense of reckless
4 homicide; or

5 (D) any combination of the above offenses
6 committed at different instances;

7 then such person may not make application for a license
8 until after the expiration of 5 years from the effective
9 date of the most recent revocation. The 20 year period
10 shall be computed by using the dates the offenses were
11 committed and shall also include similar out-of-state
12 offenses.

13 3. However, except as provided in subparagraph 4,
14 if such person is convicted of committing a third, or
15 subsequent, violation or any combination of the above
16 offenses, including similar out-of-state offenses,
17 contained in subparagraph 2, then such person may not
18 make application for a license until after the expiration
19 of 10 years from the effective date of the most recent
20 revocation.

21 4. The person may not make application for a
22 license if the person is convicted of committing a fourth
23 or subsequent violation of Section 11-501 of this Code or
24 a similar provision of a local ordinance, Section 11-401
25 of this Code, Section 9-3 of the Criminal Code of 1961,
26 or a combination of these offenses or similar provisions
27 of local ordinances or similar out-of-state offenses.

28 Notwithstanding any other provision of this Code, all
29 persons referred to in this paragraph (b) may not have their
30 privileges restored until the Secretary receives payment of
31 the required reinstatement fee pursuant to subsection (b) of
32 Section 6-118.

33 In no event shall the Secretary issue such license unless
34 and until such person has had a hearing pursuant to this Code

1 and the appropriate administrative rules and the Secretary is
2 satisfied, after a review or investigation of such person,
3 that to grant the privilege of driving a motor vehicle on the
4 highways will not endanger the public safety or welfare.

5 (c) If a person prohibited under paragraph (2) or
6 paragraph (3) of subsection (c-4) of Section 11-501 from
7 driving any vehicle not equipped with an ignition interlock
8 device nevertheless is convicted of driving a vehicle that is
9 not equipped with the device, that person is prohibited from
10 driving any vehicle not equipped with an ignition interlock
11 device for an additional period of time equal to the initial
12 time period that the person was required to use an ignition
13 interlock device.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02;
15 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised
16 10-12-01.)

17 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)
18 Sec. 6-500. Definitions of words and phrases.
19 Notwithstanding the definitions set forth elsewhere in this
20 Code, for purposes of the Uniform Commercial Driver's License
21 Act (UCDLA), the words and phrases listed below shall have
22 the meanings ascribed to them as follows:

23 (1) Alcohol. "Alcohol" means any substance containing
24 any form of alcohol, including but not limited to: ethanol,;
25 methanol,; propanol, and isopropanol.

26 (2) Alcohol concentration. "Alcohol concentration"
27 means:

28 (A) (a) the number of grams of alcohol per 210
29 liters of breath; or

30 (B) (b) the number of grams of alcohol per 100
31 milliliters of blood; or

32 (C) (c) the number of grams of alcohol per 67
33 milliliters of urine.

1 Alcohol tests administered within 2 hours of the driver
2 being "stopped or detained" shall be considered that driver's
3 "alcohol concentration" for the purposes of enforcing this
4 UCCLA.

5 (3) (Blank).

6 (4) (Blank).

7 (5) (Blank).

8 (6) Commercial Motor Vehicle.

9 (A) "Commercial motor vehicle" means a motor
10 vehicle, except those referred to in subdivision (B)
11 ~~paragraph---~~(d), designed to transport passengers or
12 property if:

13 (i) (a) the vehicle has a GVWR of 26,001
14 pounds or more or such a lesser GVWR as subsequently
15 determined by federal regulations or the Secretary
16 of State; or any combination of vehicles with a GCWR
17 of 26,001 pounds or more, provided the GVWR of any
18 vehicle or vehicles being towed is 10,001 pounds or
19 more; or

20 (ii) (b) the vehicle is designed to transport
21 16 or more persons; or

22 (iii) (c) the vehicle is transporting
23 hazardous materials and is required to be placarded
24 in accordance with 49 C.F.R. Part 172, subpart F.

25 (B) (d) Pursuant to the interpretation of the
26 Commercial Motor Vehicle Safety Act of 1986 by the
27 Federal Highway Administration, the definition of
28 "commercial motor vehicle" does not include:

29 (i) recreational vehicles, when operated
30 primarily for personal use;

31 (ii) United States Department of Defense
32 vehicles being operated by non-civilian personnel.
33 This includes any operator on active military duty;
34 members of the Reserves; National Guard; personnel

1 on part-time training; and National Guard military
 2 technicians (civilians who are required to wear
 3 military uniforms and are subject to the Code of
 4 Military Justice); or

5 (iii) firefighting and other emergency
 6 equipment with audible and visual signals, owned or
 7 operated by or for a governmental entity, which is
 8 necessary to the preservation of life or property or
 9 the execution of emergency governmental functions
 10 which are normally not subject to general traffic
 11 rules and regulations.

12 (7) Controlled Substance. "Controlled substance" shall
 13 have the same meaning as defined in Section 102 of the
 14 Illinois Controlled Substances Act, and shall also include
 15 cannabis as defined in Section 3 of the Cannabis Control Act.

16 (8) Conviction. "Conviction" means an unvacated
 17 adjudication of guilt or a determination that a person has
 18 violated or failed to comply with the law in a court of
 19 original jurisdiction or an authorized administrative
 20 tribunal; an unvacated forfeiture of bail or collateral
 21 deposited to secure the person's appearance in court; the
 22 payment of a fine or court cost regardless of whether the
 23 imposition of sentence is deferred and ultimately a judgment
 24 dismissing the underlying charge is entered; or a violation
 25 of a condition of release without bail, regardless of whether
 26 or not the penalty is rebated, suspended or probated.

27 (9) (Blank).

28 (10) (Blank).

29 (11) (Blank).

30 (12) (Blank).

31 (13) Driver. "Driver" means any person who drives,
 32 operates, or is in physical control of a commercial motor
 33 vehicle, or who is required to hold a CDL.

34 (14) Employee. "Employee" means a person who is

1 employed as a commercial motor vehicle driver. A person who
2 is self-employed as a commercial motor vehicle driver must
3 comply with the requirements of this UCDLA pertaining to
4 employees. An owner-operator on a long-term lease shall be
5 considered an employee.

6 (15) Employer. "Employer" means a person (including the
7 United States, a State or a local authority) who owns or
8 leases a commercial motor vehicle or assigns employees to
9 operate such a vehicle. A person who is self-employed as a
10 commercial motor vehicle driver must comply with the
11 requirements of this UCDLA.

12 (16) (Blank).

13 (17) Foreign jurisdiction. "Foreign jurisdiction" means
14 a sovereign jurisdiction that does not fall within the
15 definition of "State".

16 (18) (Blank).

17 (19) (Blank).

18 (20) Hazardous Material. Upon a finding by the United
19 States Secretary of Transportation, in his or her discretion,
20 under 49 App. U.S.C. 5103(a), that the transportation of a
21 particular quantity and form of material in commerce may pose
22 an unreasonable risk to health and safety or property, he or
23 she shall designate the quantity and form of material or
24 group or class of the materials as a hazardous material. The
25 materials so designated may include but are not limited to
26 explosives, radioactive materials, etiologic agents,
27 flammable liquids or solids, combustible liquids or solids,
28 poisons, oxidizing or corrosive materials, and compressed
29 gases.

30 (21) Long-term lease ~~Long-term-lease~~. "Long-term lease"
31 "~~Long-term-lease~~" means a lease of a commercial motor vehicle
32 by the owner-lessor to a lessee, for a period of more than 29
33 days.

34 (22) Motor Vehicle. "Motor vehicle" means every vehicle

1 which is self-propelled, and every vehicle which is propelled
2 by electric power obtained from over head trolley wires but
3 not operated upon rails, except vehicles moved solely by
4 human power and motorized wheel chairs.

5 (23) Non-resident CDL. "Non-resident CDL" means a
6 commercial driver's license issued by a state to an
7 individual who is domiciled in a foreign jurisdiction.

8 (24) (Blank).

9 (25) (Blank).

10 (25.5) Railroad-Highway Grade Crossing Violation.
11 "Railroad-highway grade crossing violation" means a
12 violation, while operating a commercial motor vehicle, of any
13 of the following:

14 (A) ~~(1)~~ An offense listed in subsection (j) of
15 Section 6-514 of this Code.

16 (B) ~~(2)~~ Section 11-1201 of this Code.

17 (C) ~~(3)~~ Section 11-1201.1 of this Code.

18 (D) ~~(4)~~ Section 11-1202 of this Code.

19 (E) ~~(5)~~ Section 11-1203 of this Code.

20 (F) ~~(6)~~ 92 Illinois Administrative Code 392.10.

21 (G) ~~(7)~~ 92 Illinois Administrative Code 392.11.

22 (H) ~~(8)~~ Any local ordinance that is similar to any
23 of items (A) ~~(1)~~ through (G) ~~(7)~~.

24 (26) Serious Traffic Violation. "Serious traffic
25 violation" means:

26 (A) ~~(a)~~ a conviction when operating a commercial
27 motor vehicle of:

28 (i) a violation relating to excessive
29 speeding, involving a single speeding charge of 15
30 miles per hour or more above the legal speed limit;
31 or

32 (ii) a violation relating to reckless driving;
33 or

34 (iii) a violation of any State law or local

1 ordinance relating to motor vehicle traffic control
2 (other than parking violations) arising in
3 connection with a fatal traffic accident; or

4 (iv) a violation of Section 6-501, relating to
5 having multiple driver's licenses; or

6 (v) a violation of paragraph (a)₇ of Section
7 6-507, relating to the requirement to have a valid
8 CDL; or

9 (vi) a violation relating to improper or
10 erratic traffic lane changes; or

11 (vii) a violation relating to following
12 another vehicle too closely; or

13 (B) ~~(b)~~ any other similar violation of a law or
14 local ordinance of any state relating to motor vehicle
15 traffic control, other than a parking violation, which
16 the Secretary of State determines by administrative rule
17 to be serious.

18 (27) State. "State" means a state of the United States,
19 the District of Columbia and any province or territory of
20 Canada.

21 (28) (Blank).

22 (29) (Blank).

23 (30) (Blank).

24 (31) (Blank).

25 (Source: P.A. 92-249, eff. 1-1-02; revised 9-19-01.)

26 (625 ILCS 5/7-501) (from Ch. 95 1/2, par. 7-501)

27 Sec. 7-501. Assigned Risk Plans. If, on or before
28 January 1, 1946, every insurance carrier authorized to write
29 automobile bodily injury liability insurance in this State
30 shall not subscribe to an assigned risk plan approved by the
31 Director of Insurance, providing that no carrier may withdraw
32 therefrom after approval of the Director, the Director of
33 Insurance shall, when he finds that an application for

1 bodily injury or property damage insurance by a risk, which
2 may become subject to this Act or is a local public entity
3 subject to the Local Governmental and Governmental Employees
4 Tort Immunity Act, and in good faith is entitled to such
5 insurance, has been rejected by 3 insurance carriers,
6 designate an insurance carrier which shall be obligated to
7 issue forthwith its usual form of policy providing such
8 insurance for such risk. The Director shall make equitable
9 distribution of such assignments among insurance carriers
10 proportionate, so far as practicable, by premiums to the
11 respective net direct automobile bodily injury premium
12 writings of the carriers authorized to do business in this
13 State. The Director of Insurance shall establish rules and
14 regulations for the administration of the provisions of this
15 Section.

16 If any carrier refuses or neglects to comply with the
17 provisions of this Section or with any lawful order or ruling
18 made by the Director of Insurance pursuant to this Section,
19 the Director may, after notice and hearing, suspend the
20 license of such carrier to transact any insurance business in
21 this State until such carrier shall have complied with such
22 order. The provisions of the Administrative Review Law, and
23 all amendments and modifications thereof, and the rules
24 adopted pursuant thereto, shall apply to and govern all
25 proceedings for the judicial review of final administrative
26 decisions of the Director of Insurance hereunder.

27 (Source: P.A. 90-89, eff. 1-1-98; revised 12-07-01.)

28 (625 ILCS 5/11-207) (from Ch. 95 1/2, par. 11-207)

29 Sec. 11-207. Provisions of this Chapter Aet uniform
30 throughout State. The provisions of this Chapter shall be
31 applicable and uniform throughout this State and in all
32 political subdivisions and municipalities therein, and no
33 local authority shall enact or enforce any ordinance rule or

1 regulation in conflict with the provisions of this Chapter
2 unless expressly authorized herein. Local authorities may,
3 however, adopt additional traffic regulations which are not
4 in conflict with the provisions of this Chapter, but such
5 regulations shall not be effective until signs giving
6 reasonable notice thereof are posted.

7 (Source: P.A. 85-532; revised 12-04-01.)

8 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

9 Sec. 11-501. Driving while under the influence of
10 alcohol, other drug or drugs, intoxicating compound or
11 compounds or any combination thereof.

12 (a) A person shall not drive or be in actual physical
13 control of any vehicle within this State while:

14 (1) the alcohol concentration in the person's blood
15 or breath is 0.08 or more based on the definition of
16 blood and breath units in Section 11-501.2;

17 (2) under the influence of alcohol;

18 (3) under the influence of any intoxicating
19 compound or combination of intoxicating compounds to a
20 degree that renders the person incapable of driving
21 safely;

22 (4) under the influence of any other drug or
23 combination of drugs to a degree that renders the person
24 incapable of safely driving;

25 (5) under the combined influence of alcohol, other
26 drug or drugs, or intoxicating compound or compounds to a
27 degree that renders the person incapable of safely
28 driving; or

29 (6) there is any amount of a drug, substance, or
30 compound in the person's breath, blood, or urine
31 resulting from the unlawful use or consumption of
32 cannabis listed in the Cannabis Control Act, a controlled
33 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or any
6 combination thereof, shall not constitute a defense against
7 any charge of violating this Section.

8 (c) Except as provided under paragraphs (c-3), (c-4),
9 and (d) of this Section, every person convicted of violating
10 this Section or a similar provision of a local ordinance,
11 shall be guilty of a Class A misdemeanor and, in addition to
12 any other criminal or administrative action, for any second
13 conviction of violating this Section or a similar provision
14 of a law of another state or local ordinance committed within
15 5 years of a previous violation of this Section or a similar
16 provision of a local ordinance shall be mandatorily sentenced
17 to a minimum of 5 days of imprisonment or assigned to a
18 minimum of 30 days of community service as may be determined
19 by the court. Every person convicted of violating this
20 Section or a similar provision of a local ordinance shall be
21 subject to an additional mandatory minimum fine of \$500 and
22 an additional mandatory 5 days of community service in a
23 program benefiting children if the person committed a
24 violation of paragraph (a) or a similar provision of a local
25 ordinance while transporting a person under age 16. Every
26 person convicted a second time for violating this Section or
27 a similar provision of a local ordinance within 5 years of a
28 previous violation of this Section or a similar provision of
29 a law of another state or local ordinance shall be subject to
30 an additional mandatory minimum fine of \$500 and an
31 additional 10 days of mandatory community service in a
32 program benefiting children if the current offense was
33 committed while transporting a person under age 16. The
34 imprisonment or assignment under this subsection shall not be

1 subject to suspension nor shall the person be eligible for
2 probation in order to reduce the sentence or assignment.

3 (c-1) (1) A person who violates this Section during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for
6 a violation of this Section, Section 11-501.1, paragraph
7 (b) of Section 11-401, or Section 9-3 of the Criminal
8 Code of 1961 is guilty of a Class 4 felony.

9 (2) A person who violates this Section a third time
10 during a period in which his or her driving privileges
11 are revoked or suspended where the revocation or
12 suspension was for a violation of this Section, Section
13 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
14 of the Criminal Code of 1961 is guilty of a Class 3
15 felony.

16 (3) A person who violates this Section a fourth or
17 subsequent time during a period in which his or her
18 driving privileges are revoked or suspended where the
19 revocation or suspension was for a violation of this
20 Section, Section 11-501.1, paragraph (b) of Section
21 11-401, or Section 9-3 of the Criminal Code of 1961 is
22 guilty of a Class 2 felony.

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section
25 or a similar provision of a local ordinance who had a
26 child under age 16 in the vehicle at the time of the
27 offense shall have his or her punishment under this Act
28 enhanced by 2 days of imprisonment for a first offense,
29 10 days of imprisonment for a second offense, 30 days of
30 imprisonment for a third offense, and 90 days of
31 imprisonment for a fourth or subsequent offense, in
32 addition to the fine and community service required under
33 subsection (c) and the possible imprisonment required
34 under subsection (d). The imprisonment or assignment

1 under this subsection shall not be subject to suspension
2 nor shall the person be eligible for probation in order
3 to reduce the sentence or assignment.

4 (c-4) When a person is convicted of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance, the following penalties apply when his or her
7 blood, breath, or urine was .16 or more based on the
8 definition of blood, breath, or urine units in Section
9 11-501.2 or when that person is convicted of violating this
10 Section while transporting a child under the age of 16:

11 (1) A person who is convicted of violating
12 subsection (a) of Section 11-501 of this Code a first
13 time, in addition to any other penalty that may be
14 imposed under subsection (c), is subject to a mandatory
15 minimum of 100 hours of community service and a minimum
16 fine of \$500.

17 (2) A person who is convicted of violating
18 subsection (a) of Section 11-501 of this Code a second
19 time within 10 years, in addition to any other penalty
20 that may be imposed under subsection (c), is subject to a
21 mandatory minimum of 2 days of imprisonment and a minimum
22 fine of \$1,250.

23 (3) A person who is convicted of violating
24 subsection (a) of Section 11-501 of this Code a third
25 time within 20 years is guilty of a Class 4 felony and,
26 in addition to any other penalty that may be imposed
27 under subsection (c), is subject to a mandatory minimum
28 of 90 days of imprisonment and a minimum fine of \$2,500.

29 (4) A person who is convicted of violating this
30 subsection (c-4) a fourth or subsequent time is guilty of
31 a Class 2 felony and, in addition to any other penalty
32 that may be imposed under subsection (c), is not eligible
33 for a sentence of probation or conditional discharge and
34 is subject to a minimum fine of \$2,500.

1 (d) (1) Every person convicted of committing a violation
2 of this Section shall be guilty of aggravated driving
3 under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof if:

6 (A) the person committed a violation of this
7 Section, or a similar provision of a law of another
8 state or a local ordinance when the cause of action
9 is the same as or substantially similar to this
10 Section, for the third or subsequent time;

11 (B) the person committed a violation of
12 paragraph (a) while driving a school bus with
13 children on board;

14 (C) the person in committing a violation of
15 paragraph (a) was involved in a motor vehicle
16 accident that resulted in great bodily harm or
17 permanent disability or disfigurement to another,
18 when the violation was a proximate cause of the
19 injuries;

20 (D) the person committed a violation of
21 paragraph (a) for a second time and has been
22 previously convicted of violating Section 9-3 of the
23 Criminal Code of 1961 relating to reckless homicide
24 in which the person was determined to have been
25 under the influence of alcohol, other drug or drugs,
26 or intoxicating compound or compounds as an element
27 of the offense or the person has previously been
28 convicted under subparagraph (C) of this paragraph
29 (1); or

30 (E) the person, in committing a violation of
31 paragraph (a) while driving at any speed in a school
32 speed zone at a time when a speed limit of 20 miles
33 per hour was in effect under subsection (a) of
34 Section 11-605 of this Code, was involved in a motor

1 vehicle accident that resulted in bodily harm, other
2 than great bodily harm or permanent disability or
3 disfigurement, to another person, when the violation
4 of paragraph (a) was a proximate cause of the bodily
5 harm.

6 (2) Aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof is a Class 4
9 felony. For ~~7-7-0E~~(E) a violation of subparagraph (C)
10 of paragraph (1) of this subsection (d), the defendant,
11 if sentenced to a term of imprisonment, shall be
12 sentenced to not less than one year nor more than 12
13 years. For any prosecution under this subsection (d), a
14 certified copy of the driving abstract of the defendant
15 shall be admitted as proof of any prior conviction.

16 (e) After a finding of guilt and prior to any final
17 sentencing, or an order for supervision, for an offense based
18 upon an arrest for a violation of this Section or a similar
19 provision of a local ordinance, individuals shall be required
20 to undergo a professional evaluation to determine if an
21 alcohol, drug, or intoxicating compound abuse problem exists
22 and the extent of the problem, and undergo the imposition of
23 treatment as appropriate. Programs conducting these
24 evaluations shall be licensed by the Department of Human
25 Services. The cost of any professional evaluation shall be
26 paid for by the individual required to undergo the
27 professional evaluation.

28 (f) Every person found guilty of violating this Section,
29 whose operation of a motor vehicle while in violation of this
30 Section proximately caused any incident resulting in an
31 appropriate emergency response, shall be liable for the
32 expense of an emergency response as provided under Section
33 5-5-3 of the Unified Code of Corrections.

34 (g) The Secretary of State shall revoke the driving

1 privileges of any person convicted under this Section or a
2 similar provision of a local ordinance.

3 (h) Every person sentenced under paragraph (2) or (3) of
4 subsection (c-1) of this Section or subsection (d) of this
5 Section and who receives a term of probation or conditional
6 discharge shall be required to serve a minimum term of either
7 60 days community service or 10 days of imprisonment as a
8 condition of the probation or conditional discharge. This
9 mandatory minimum term of imprisonment or assignment of
10 community service shall not be suspended and shall not be
11 subject to reduction by the court.

12 (i) The Secretary of State shall require the use of
13 ignition interlock devices on all vehicles owned by an
14 individual who has been convicted of a second or subsequent
15 offense of this Section or a similar provision of a local
16 ordinance. The Secretary shall establish by rule and
17 regulation the procedures for certification and use of the
18 interlock system.

19 (j) In addition to any other penalties and liabilities,
20 a person who is found guilty of or pleads guilty to violating
21 this Section, including any person placed on court
22 supervision for violating this Section, shall be fined \$100,
23 payable to the circuit clerk, who shall distribute the money
24 to the law enforcement agency that made the arrest. If the
25 person has been previously convicted of violating this
26 Section or a similar provision of a local ordinance, the fine
27 shall be \$200. In the event that more than one agency is
28 responsible for the arrest, the \$100 or \$200 shall be shared
29 equally. Any moneys received by a law enforcement agency
30 under this subsection (j) shall be used to purchase law
31 enforcement equipment that will assist in the prevention of
32 alcohol related criminal violence throughout the State. This
33 shall include, but is not limited to, in-car video cameras,
34 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State
 2 Police under this subsection (j) shall be deposited into the
 3 State Police DUI Fund and shall be used to purchase law
 4 enforcement equipment that will assist in the prevention of
 5 alcohol related criminal violence throughout the State.

6 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;
 7 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.
 8 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,
 9 eff. 1-1-02; 92-431, eff. 1-1-02; revised 10-12-01.)

10 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

11 Sec. 11-1201. Obedience to signal indicating approach of
 12 train.

13 (a) Whenever any person driving a vehicle approaches a
 14 railroad grade crossing such person must exercise due care
 15 and caution as the existence of a railroad track across a
 16 highway is a warning of danger, and under any of the
 17 circumstances stated in this Section, the driver shall stop
 18 within 50 feet but not less than 15 feet from the nearest
 19 rail of the railroad and shall not proceed until he can do so
 20 safely. The foregoing requirements shall apply when:

21 1. A clearly visible electric or mechanical signal
 22 device gives warning of the immediate approach of a
 23 railroad train;

24 2. A crossing gate is lowered or a human flagman
 25 gives or continues to give a signal of the approach or
 26 passage of a railroad train;

27 3. A railroad train approaching a highway crossing
 28 emits a warning signal and such railroad train, by reason
 29 of its speed or nearness to such crossing, is an
 30 immediate hazard;

31 4. An approaching railroad train is plainly visible
 32 and is in hazardous proximity to such crossing;

33 5. A railroad train is approaching so closely that

1 an immediate hazard is created.

2 (b) No person shall drive any vehicle through, around or
3 under any crossing gate or barrier at a railroad crossing
4 while such gate or barrier is closed or is being opened or
5 closed.

6 (c) The Department, and local authorities with the
7 approval of the Department, are hereby authorized to
8 designate particularly dangerous highway grade crossings of
9 railroads and to erect stop signs thereat. When such stop
10 signs are erected the driver of any vehicle shall stop within
11 50 feet but not less than 15 feet from the nearest rail of
12 such railroad and shall proceed only upon exercising due
13 care.

14 (d) At any railroad grade crossing provided with
15 railroad crossbuck signs, without automatic, electric, or
16 mechanical signal devices, crossing gates, or a human flagman
17 giving a signal of the approach or passage of a train, the
18 driver of a vehicle shall in obedience to the railroad
19 crossbuck sign, yield the right-of-way and slow down to a
20 speed reasonable for the existing conditions and shall stop,
21 if required for safety, at a clearly marked stopped line, or
22 if no stop line, within 50 feet but not less than 15 feet
23 from the nearest rail of the railroad and shall not proceed
24 until he or she can do so safely. If a driver is involved in
25 a collision at a railroad crossing or interferes with the
26 movement of a train after driving past the railroad crossbuck
27 sign, the collision or interference is prima facie evidence
28 of the driver's failure to yield right-of-way.

29 (d-5) No person may drive any vehicle through a railroad
30 crossing if there is insufficient space to drive completely
31 through the crossing without stopping.

32 (e) It is unlawful to violate any part of this Section.
33 A first conviction of a person for a violation of any part of
34 this Section shall result in a mandatory fine of \$250; all

1 subsequent convictions of that person for any violation of
2 any part of this Section shall each result in a mandatory
3 fine of \$500.

4 (f) Corporate authorities of municipal corporations
5 regulating operators of vehicles that fail to obey signals
6 indicating the presence, approach, passage, or departure of a
7 train shall impose fines as established in subsection (e) of
8 this Section.

9 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02;
10 revised 9-19-01)

11 (625 ILCS 5/11-1201.1)

12 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
13 System.

14 (a) For the purposes of this Section, an automated
15 railroad grade crossing enforcement system is a system
16 operated by a law enforcement agency that records a driver's
17 response to automatic, electrical or mechanical signal
18 devices and crossing gates. The system shall be designed to
19 obtain a clear photograph or other recorded image of the
20 vehicle, vehicle operator and the vehicle registration plate
21 of a vehicle in violation of Section 11-1201. The photograph
22 or other recorded image shall also display the time, date and
23 location of the violation.

24 (b) Commencing on January 1, 1996, the Illinois Commerce
25 Commission and the Commuter Rail Board of the Regional
26 Transportation Authority shall, in cooperation with local law
27 enforcement agencies, establish a 5 year pilot program within
28 a county with a population of between 750,000 and 1,000,000
29 using an automated railroad grade crossing enforcement
30 system. The Commission shall determine the 3 railroad grade
31 crossings within that county that pose the greatest threat to
32 human life based upon the number of accidents and fatalities
33 at the crossings during the past 5 years and with approval of

1 the local law enforcement agency equip the crossings with an
2 automated railroad grade crossing enforcement system.

3 (b-1) Commencing on July 20, 2001 (the effective date of
4 Public Act 92-98) ~~this-amendatory-Act--of--the--92nd--General~~
5 ~~Assembly,~~ the Illinois Commerce Commission and the Commuter
6 Rail Board may, in cooperation with the local law enforcement
7 agency, establish in a county with a population of between
8 750,000 and 1,000,000 a 2 year pilot program using an
9 automated railroad grade crossing enforcement system. This
10 pilot program may be established at a railroad grade crossing
11 designated by local authorities. No State moneys may be
12 expended on the automated railroad grade crossing enforcement
13 system established under this pilot program.

14 (c) For each violation of Section 11-1201 recorded by an
15 automatic railroad grade crossing system, the local law
16 enforcement agency having jurisdiction shall issue a written
17 Uniform Traffic Citation of the violation to the registered
18 owner of the vehicle as the alleged violator. The Uniform
19 Traffic Citation shall be delivered to the registered owner
20 of the vehicle, by mail, within 30 days of the violation.
21 The Uniform Traffic Citation shall include the name and
22 address of vehicle owner, the vehicle registration number,
23 the offense charged, the time, date, and location of the
24 violation, the first available court date and that the basis
25 of the citation is the photograph or other recorded image
26 from the automated railroad grade crossing enforcement
27 system.

28 (d) The Uniform Traffic Citation issued to the
29 registered owner of the vehicle shall be accompanied by a
30 written notice, the contents of which is set forth in
31 subsection (d-1) of this Section, explaining how the
32 registered owner of the vehicle can elect to proceed by
33 either paying the fine or challenging the issuance of the
34 Uniform Traffic Citation.

1 (d-1) The written notice explaining the alleged
2 violator's rights and obligations must include the following
3 text:

4 "You have been served with the accompanying Uniform
5 Traffic Citation and cited with having violated Section
6 11-1201 of the Illinois Vehicle Code. You can elect to
7 proceed by:

- 8 1. Paying the fine; or
- 9 2. Challenging the issuance of the Uniform Traffic
10 Citation in court; or
- 11 3. If you were not the operator of the vehicle at the
12 time of the alleged offense, notifying in writing the
13 local law enforcement agency that issued the Uniform
14 Traffic Citation of the number of the Uniform Traffic
15 Citation received and the name and address of the person
16 operating the vehicle at the time of the alleged offense.
17 If you fail to so notify in writing the local law
18 enforcement agency of the name and address of the
19 operator of the vehicle at the time of the alleged
20 offense, you may be presumed to have been the operator of
21 the vehicle at the time of the alleged offense."

22 (d-2) If the registered owner of the vehicle was not the
23 operator of the vehicle at the time of the alleged offense,
24 and if the registered owner notifies the local law
25 enforcement agency having jurisdiction of the name and
26 address of the operator of the vehicle at the time of the
27 alleged offense, the local law enforcement agency having
28 jurisdiction shall then issue a written Uniform Traffic
29 Citation to the person alleged by the registered owner to
30 have been the operator of the vehicle at the time of the
31 alleged offense. If the registered owner fails to notify in
32 writing the local law enforcement agency having jurisdiction
33 of the name and address of the operator of the vehicle at the
34 time of the alleged offense, the registered owner may be

1 presumed to have been the operator of the vehicle at the time
2 of the alleged offense.

3 (e) Evidence.

4 (i) A certificate alleging that a violation of
5 Section 11-1201 occurred, sworn to or affirmed by a duly
6 authorized agency, based on inspection of recorded images
7 produced by an automated railroad crossing enforcement
8 system are evidence of the facts contained in the
9 certificate and are admissible in any proceeding alleging
10 a violation under this Section.

11 (ii) Photographs or recorded images made by an
12 automatic railroad grade crossing enforcement system are
13 confidential and shall be made available only to the
14 alleged violator and governmental and law enforcement
15 agencies for purposes of adjudicating a violation of
16 Section 11-1201 of the Illinois Vehicle Code. However,
17 any photograph or other recorded image evidencing a
18 violation of Section 11-1201 shall be admissible in any
19 proceeding resulting from the issuance of the Uniform
20 Traffic Citation when there is reasonable and sufficient
21 proof of the accuracy of the camera or electronic
22 instrument recording the image. There is a rebuttable
23 presumption that the photograph or recorded image is
24 accurate if the camera or electronic recording instrument
25 was in good working order at the beginning and the end of
26 the day of the alleged offense.

27 (f) Rail crossings equipped with an automatic railroad
28 grade crossing enforcement system shall be posted with a sign
29 visible to approaching traffic stating that the railroad
30 grade crossing is being monitored, that citations will be
31 issued, and the amount of the fine for violation.

32 (g) Except as provided in subsection (b-1), the cost of
33 the installation and maintenance of each automatic railroad
34 grade crossing enforcement system shall be paid from the

1 Grade Crossing Protection Fund if the rail line is not owned
 2 by Commuter Rail Board of the Regional Transportation
 3 Authority. Except as provided in subsection (b-1), if the
 4 rail line is owned by the Commuter Rail Board of the Regional
 5 Transportation Authority, the costs of the installation and
 6 maintenance shall be paid from the Regional Transportation
 7 Authority's portion of the Public Transportation Fund.

8 (h) The Illinois Commerce Commission shall issue a
 9 report to the General Assembly at the conclusion of the 5
 10 year pilot program established under subsection (b) on the
 11 effectiveness of the automatic railroad grade crossing
 12 enforcement system.

13 (i) If any part or parts of this Section are held by a
 14 court of competent jurisdiction to be unconstitutional, the
 15 unconstitutionality shall not affect the validity of the
 16 remaining parts of this Section. The General Assembly hereby
 17 declares that it would have passed the remaining parts of
 18 this Section if it had known that the other part or parts of
 19 this Section would be declared unconstitutional.

20 (j) Penalty.

21 (i) A violation of this Section is a petty offense
 22 for which a fine of \$250 shall be imposed for a first
 23 violation, and a fine of \$500 shall be imposed for a
 24 second or subsequent violation.

25 (ii) For a second or subsequent violation, the
 26 Secretary of State may suspend the registration of the
 27 motor vehicle for a period of at least 6 months.

28 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01;
 29 revised 10-18-01.)

30 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

31 Sec. 12-215. Oscillating, rotating or flashing lights on
 32 motor vehicles. Except as otherwise provided in this Code:

33 (a) The use of red or white oscillating, rotating or

1 flashing lights, whether lighted or unlighted, is prohibited
2 except on:

3 1. Law enforcement vehicles of State, Federal or
4 local authorities;

5 2. A vehicle operated by a police officer or county
6 coroner and designated or authorized by local
7 authorities, in writing, as a law enforcement vehicle;
8 however, such designation or authorization must be
9 carried in the vehicle;

10 3. Vehicles of local fire departments and State or
11 federal firefighting vehicles;

12 4. Vehicles which are designed and used exclusively
13 as ambulances or rescue vehicles; furthermore, such
14 lights shall not be lighted except when responding to an
15 emergency call for and while actually conveying the sick
16 or injured;

17 5. Tow trucks licensed in a state that requires
18 such lights; furthermore, such lights shall not be
19 lighted on any such tow truck while the tow truck is
20 operating in the State of Illinois; and

21 6. Vehicles of the Illinois Emergency Management
22 Agency, and vehicles of the Department of Nuclear Safety.

23 (b) The use of amber oscillating, rotating or flashing
24 lights, whether lighted or unlighted, is prohibited except
25 on:

26 1. Second division vehicles designed and used for
27 towing or hoisting vehicles; furthermore, such lights
28 shall not be lighted except as required in this paragraph
29 1; such lights shall be lighted when such vehicles are
30 actually being used at the scene of an accident or
31 disablement; if the towing vehicle is equipped with a
32 flat bed that supports all wheels of the vehicle being
33 transported, the lights shall not be lighted while the
34 vehicle is engaged in towing on a highway; if the towing

1 vehicle is not equipped with a flat bed that supports all
2 wheels of a vehicle being transported, the lights shall
3 be lighted while the towing vehicle is engaged in towing
4 on a highway during all times when the use of headlights
5 is required under Section 12-201 of this Code;

6 2. Motor vehicles or equipment of the State of
7 Illinois, local authorities and contractors; furthermore,
8 such lights shall not be lighted except while such
9 vehicles are engaged in maintenance or construction
10 operations within the limits of construction projects;

11 3. Vehicles or equipment used by engineering or
12 survey crews; furthermore, such lights shall not be
13 lighted except while such vehicles are actually engaged
14 in work on a highway;

15 4. Vehicles of public utilities, municipalities, or
16 other construction, maintenance or automotive service
17 vehicles except that such lights shall be lighted only as
18 a means for indicating the presence of a vehicular
19 traffic hazard requiring unusual care in approaching,
20 overtaking or passing while such vehicles are engaged in
21 maintenance, service or construction on a highway;

22 5. Oversized vehicle or load; however, such lights
23 shall only be lighted when moving under permit issued by
24 the Department under Section 15-301 of this Code;

25 6. The front and rear of motorized equipment owned
26 and operated by the State of Illinois or any political
27 subdivision thereof, which is designed and used for
28 removal of snow and ice from highways;

29 7. Fleet safety vehicles registered in another
30 state, furthermore, such lights shall not be lighted
31 except as provided for in Section 12-212 of this Code;

32 8. Such other vehicles as may be authorized by
33 local authorities;

34 9. Law enforcement vehicles of State or local

1 authorities when used in combination with red
2 oscillating, rotating or flashing lights;

3 10. Vehicles used for collecting or delivering mail
4 for the United States Postal Service provided that such
5 lights shall not be lighted except when such vehicles are
6 actually being used for such purposes;

7 11. Any vehicle displaying a slow-moving vehicle
8 emblem as provided in Section 12-205.1;

9 12. All trucks equipped with self-compactors or
10 roll-off hoists and roll-on containers for garbage or
11 refuse hauling. Such lights shall not be lighted except
12 when such vehicles are actually being used for such
13 purposes;

14 13. Vehicles used by a security company, alarm
15 responder, or control agency, if the security company,
16 alarm responder, or control agency is bound by a contract
17 with a federal, State, or local government entity to use
18 the lights; and

19 14. Security vehicles of the Department of Human
20 Services; however, the lights shall not be lighted except
21 when being used for security related purposes under the
22 direction of the superintendent of the facility where the
23 vehicle is located.

24 (c) The use of blue oscillating, rotating or flashing
25 lights, whether lighted or unlighted, is prohibited except
26 on:

- 27 1. Rescue squad vehicles not owned by a fire
28 department and vehicles owned or fully operated by a:
29 voluntary firefighter;
30 paid firefighter;
31 part-paid firefighter;
32 call firefighter;
33 member of the board of trustees of a fire
34 protection district;

1 paid or unpaid member of a rescue squad; or
2 paid or unpaid member of a voluntary ambulance
3 unit.

4 However, such lights are not to be lighted except
5 when responding to a bona fide emergency.

6 2. Police department vehicles in cities having a
7 population of 500,000 or more inhabitants.

8 3. Law enforcement vehicles of State or local
9 authorities when used in combination with red
10 oscillating, rotating or flashing lights.

11 4. Vehicles of local fire departments and State or
12 federal firefighting vehicles when used in combination
13 with red oscillating, rotating or flashing lights.

14 5. Vehicles which are designed and used exclusively
15 as ambulances or rescue vehicles when used in combination
16 with red oscillating, rotating or flashing lights;
17 furthermore, such lights shall not be lighted except when
18 responding to an emergency call.

19 6. Vehicles that are equipped and used exclusively
20 as organ transport vehicles when used in combination with
21 red oscillating, rotating, or flashing lights;
22 furthermore, these lights shall only be lighted when the
23 transportation is declared an emergency by a member of
24 the transplant team or a representative of the organ
25 procurement organization.

26 7. Vehicles of the Illinois Emergency Management
27 Agency and vehicles of the Department of Nuclear Safety,
28 when used in combination with red oscillating, rotating,
29 or flashing lights.

30 (c-1) In addition to the blue oscillating, rotating, or
31 flashing lights permitted under subsection (c), and
32 notwithstanding subsection (a), a vehicle operated by a
33 voluntary firefighter may be equipped with flashing white
34 headlights and blue grill lights, which may be used only in

1 responding to an emergency call.

2 (d) The use of a combination of amber and white
3 oscillating, rotating or flashing lights, whether lighted or
4 unlighted, is prohibited, except motor vehicles or equipment
5 of the State of Illinois, local authorities and contractors
6 may be so equipped; furthermore, such lights shall not be
7 lighted except while such vehicles are engaged in highway
8 maintenance or construction operations within the limits of
9 highway construction projects.

10 (e) All oscillating, rotating or flashing lights
11 referred to in this Section shall be of sufficient intensity,
12 when illuminated, to be visible at 500 feet in normal
13 sunlight.

14 (f) Nothing in this Section shall prohibit a
15 manufacturer of oscillating, rotating or flashing lights or
16 his representative from temporarily mounting such lights on a
17 vehicle for demonstration purposes only.

18 (g) Any person violating the provisions of subsections
19 (a), (b), (c) or (d) of this Section who without lawful
20 authority stops or detains or attempts to stop or detain
21 another person shall be guilty of a Class 4 felony.

22 (h) Except as provided in subsection (g) above, any
23 person violating the provisions of subsections (a) or (c) of
24 this Section shall be guilty of a Class A misdemeanor.

25 (Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01;
26 92-407, eff. 8-17-01; revised 9-12-01)

27 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)
28 Sec. 18b-105. Rules and Regulations.

29 (a) The Department is authorized to make and adopt
30 reasonable rules and regulations and orders consistent with
31 law necessary to carry out the provisions of this Chapter.

32 (b) The following parts of Title 49 of the Code of
33 Federal Regulations, as now in effect, are hereby adopted by

1 reference as though they were set out in full:

2 Part 383 - Commercial Driver's License Standards,
3 Requirements, and Penalties;

4 Part 385 - Safety Fitness Procedures;

5 Part 390 - Federal Motor Carrier Safety Regulations:
6 General;

7 Part 391 - Qualifications of Drivers;

8 Part 392 - Driving of Motor Vehicles;

9 Part 393 - Parts and Accessories Necessary for Safe
10 Operation;

11 Part 395 - Hours of Service of Drivers, except as
12 provided in Section 18b-106.1; and

13 Part 396 - Inspection, Repair and Maintenance.

14 (c) The following parts and Sections of the Federal
15 Motor Carrier Safety Regulations shall not apply to those
16 intrastate carriers, drivers or vehicles subject to
17 subsection (b).

18 (1) Section 393.93 of Part 393 for those vehicles
19 manufactured before June 30, 1972.

20 (2) Section 393.86 of Part 393 for those vehicles
21 which are registered as farm trucks under subsection (c)
22 of Section 3-815 of this ~~The-Illinois-Vehiele~~ Code.

23 (3) (Blank).

24 (4) (Blank).

25 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

26 (6) All of Part 395 for all agricultural movements
27 as defined in Chapter 1, between the period of February 1
28 through November 30 each year, and all farm to market
29 agricultural transportation as defined in Chapter 1 and
30 for grain hauling operations within a radius of 200 air
31 miles of the normal work reporting location.

32 (7) Paragraphs (b)(3) (insulin dependent diabetic)
33 and (b)(10) (minimum visual acuity) of Section 391.41 of
34 part 391, but only for any driver who immediately prior

1 to July 29, 1986 was eligible and licensed to operate a
2 motor vehicle subject to this Section and was engaged in
3 operating such vehicles, and who was disqualified on July
4 29, 1986 by the adoption of Part 391 by reason of the
5 application of paragraphs (b)(3) and (b)(10) of Section
6 391.41 with respect to a physical condition existing at
7 that time unless such driver has a record of accidents
8 which would indicate a lack of ability to operate a motor
9 vehicle in a safe manner.

10 (d) Intrastate carriers subject to the recording
11 provisions of Section 395.8 of Part 395 of the Federal Motor
12 Carrier Safety Regulations shall be exempt as established
13 under paragraph (1) of Section 395.8; provided, however, for
14 the purpose of this Code, drivers shall operate within a 150
15 air-mile radius of the normal work reporting location to
16 qualify for exempt status.

17 (e) Regulations adopted by the Department subsequent to
18 those adopted under subsection (b) hereof shall be identical
19 in substance to the Federal Motor Carrier Safety Regulations
20 of the United States Department of Transportation and adopted
21 in accordance with the procedures for rulemaking in Section
22 5-35 of the Illinois Administrative Procedure Act.

23 (Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02;
24 92-249; eff. 1-1-02; revised 1-28-02.)

25 (625 ILCS 5/18c-2108) (from Ch. 95 1/2, par. 18c-2108)
26 Sec. 18c-2108. Orders in other than household goods
27 carriers authority and enforcement proceedings.

28 (1) Emergency Orders. The Commission may, on request,
29 and upon a finding that urgent and immediate public need
30 requires emergency temporary action, issue orders granting
31 emergency temporary relief in other than household goods
32 carrier authority or enforcement cases. The Commission shall
33 promptly post notice of any such request at a prominent

1 location at the Commission offices in Springfield and
2 Chicago, and where action affecting a specific named person
3 is requested shall promptly notify the person by telephone or
4 telegram. Such orders may be issued without hearing and
5 shall remain in effect pending notice and hearing in
6 accordance with subsection (1) of Section 18c-2101 of this
7 Chapter, but shall not remain in effect for a period
8 exceeding 45 days from issuance, and shall not be renewed or
9 extended. Any person in opposition to such relief shall be
10 entitled, on request, to an oral hearing on ~~er~~ the request
11 for emergency temporary relief. The filing or granting of
12 such request for oral hearing shall not, unless the
13 Commission so provides, stay the issuance or effect of any
14 emergency temporary order under this subsection.

15 (2) Interim Orders. The Commission may, on request,
16 issue interim orders making temporary disposition of issues
17 in a proceeding, other than a household goods carrier
18 authority or enforcement proceeding, after notice and hearing
19 on written submissions. Such orders shall remain in effect
20 pending final disposition in accordance with Section 18c-2102
21 of this Chapter unless otherwise provided in the interim
22 order or the interim order is modified or rescinded by the
23 Commission. Any person in opposition to such relief shall be
24 entitled, on request, to an oral hearing on the request for
25 temporary relief. The filing or granting of such a request
26 for oral hearing shall not, unless the Commission so
27 provides, stay the issuance or effect of any interim order
28 under this subsection. A request for oral hearing on a
29 request for temporary relief shall, unless otherwise
30 specified by the party making the request for oral hearing,
31 be construed as a request for oral hearing on the application
32 for permanent relief as well.

33 (3) Final orders. Any party to a proceeding before the
34 Commission shall be entitled, on timely written request, to

1 an oral hearing prior to issuance of a final order in the
2 proceeding. Where the Commission has issued an interim order
3 and no timely request for oral hearing has been filed or is
4 pending, the Commission may issue a final order without oral
5 hearing, except in household goods carrier authority
6 proceedings.

7 (4) Section not applicable to household goods carrier
8 authority proceedings. Nothing in this Section shall have
9 application to any household goods carrier authority
10 proceeding.

11 (Source: P.A. 89-444, eff. 1-25-96; revised 12-07-01.)

12 Section 78. The Boat Registration and Safety Act is
13 amended by changing Section 5-7 as follows:

14 (625 ILCS 45/5-7) (from Ch. 95 1/2, par. 315-7)

15 Sec. 5-7. Restricted areas. No person shall operate a
16 watercraft within a water area that has been clearly marked
17 by buoys or some other distinguishing device as a bathing,
18 fishing, swimming or otherwise restricted area by the
19 Department or a political subdivision of the State or by an
20 owner or lessee of property in accordance with his or her
21 rights to the use of the property, except in the manner
22 prescribed by the buoys or other distinguishing devices.
23 This Section shall not apply in the case of an emergency, or
24 to patrol or rescue craft.

25 No person shall operate a watercraft within 150 feet of a
26 public launching ramp owned, operated or maintained by the
27 Department or a political subdivision of the State at greater
28 than a "No Wake" speed as defined in Section 5-12 5-7-5 of
29 this Act. Posting of the areas by the Department or a
30 political subdivision of the State is not required.

31 The Department and other political subdivisions of the
32 State may, within their discretion and after issuing an

1 administrative rule in accordance with the Illinois
2 Administrative Procedure Act, designate certain areas by
3 proper signs to be bathing, fishing, swimming or otherwise
4 restricted areas, or eliminate, alter or otherwise modify
5 existing areas. The Department or a political subdivision of
6 the State shall further have the authority in order to fully
7 carry out the provisions of this Act to place signs, beacons
8 and buoys in designated areas controlling the flow of
9 traffic.

10 It shall be unlawful for any person to deface, move,
11 obliterate, tear down, or destroy, in whole or in part, or
12 attempt to deface, move, obliterate, tear down or destroy any
13 buoys or signs posted pursuant to the provisions of this Act,
14 except as authorized by the Department.

15 (Source: P.A. 87-803; revised 12-04-01.)

16 Section 79. The Clerks of Courts Act is amended by
17 changing Section 27.6 as follows:

18 (705 ILCS 105/27.6)

19 Sec. 27.6. (a) All fees, fines, costs, additional
20 penalties, bail balances assessed or forfeited, and any other
21 amount paid by a person to the circuit clerk equalling an
22 amount of \$55 or more, except the additional fee required by
23 subsections (b) and (c), restitution under Section 5-5-6 of
24 the Unified Code of Corrections, reimbursement for the costs
25 of an emergency response as provided under Section 5-5-3 of
26 the Unified Code of Corrections, any fees collected for
27 attending a traffic safety program under paragraph (c) of
28 Supreme Court Rule 529, any fee collected on behalf of a
29 State's Attorney under Section 4-2002 of the Counties Code or
30 a sheriff under Section 4-5001 of the Counties Code, or any
31 cost imposed under Section 124A-5 of the Code of Criminal
32 Procedure of 1963, for convictions, orders of supervision, or

1 any other disposition for a violation of Chapters 3, 4, 6,
2 11, and 12 of the Illinois Vehicle Code, or a similar
3 provision of a local ordinance, and any violation of the
4 Child Passenger Protection Act, or a similar provision of a
5 local ordinance, and except as provided in subsection (d)
6 shall be disbursed within 60 days after receipt by the
7 circuit clerk as follows: 44.5% shall be disbursed to the
8 entity authorized by law to receive the fine imposed in the
9 case; 16.825% shall be disbursed to the State Treasurer; and
10 38.675% shall be disbursed to the county's general corporate
11 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
12 shall be deposited by the State Treasurer into the Violent
13 Crime Victims Assistance Fund, 5.052/17 shall be deposited
14 into the Traffic and Criminal Conviction Surcharge Fund, 3/17
15 shall be deposited into the Drivers Education Fund, and
16 6.948/17 shall be deposited into the Trauma Center Fund. Of
17 the 6.948/17 deposited into the Trauma Center Fund from the
18 16.825% disbursed to the State Treasurer, 50% shall be
19 disbursed to the Department of Public Health and 50% shall be
20 disbursed to the Department of Public Aid. For fiscal year
21 1993, amounts deposited into the Violent Crime Victims
22 Assistance Fund, the Traffic and Criminal Conviction
23 Surcharge Fund, or the Drivers Education Fund shall not
24 exceed 110% of the amounts deposited into those funds in
25 fiscal year 1991. Any amount that exceeds the 110% limit
26 shall be distributed as follows: 50% shall be disbursed to
27 the county's general corporate fund and 50% shall be
28 disbursed to the entity authorized by law to receive the fine
29 imposed in the case. Not later than March 1 of each year the
30 circuit clerk shall submit a report of the amount of funds
31 remitted to the State Treasurer under this Section during the
32 preceding year based upon independent verification of fines
33 and fees. All counties shall be subject to this Section,
34 except that counties with a population under 2,000,000 may,

1 by ordinance, elect not to be subject to this Section. For
2 offenses subject to this Section, judges shall impose one
3 total sum of money payable for violations. The circuit clerk
4 may add on no additional amounts except for amounts that are
5 required by Sections 27.3a and 27.3c of this Act, unless
6 those amounts are specifically waived by the judge. With
7 respect to money collected by the circuit clerk as a result
8 of forfeiture of bail, ex parte judgment or guilty plea
9 pursuant to Supreme Court Rule 529, the circuit clerk shall
10 first deduct and pay amounts required by Sections 27.3a and
11 27.3c of this Act. This Section is a denial and limitation of
12 home rule powers and functions under subsection (h) of
13 Section 6 of Article VII of the Illinois Constitution.

14 (b) In addition to any other fines and court costs
15 assessed by the courts, any person convicted or receiving an
16 order of supervision for driving under the influence of
17 alcohol or drugs shall pay an additional fee of \$100 to the
18 clerk of the circuit court. This amount, less 2 1/2% that
19 shall be used to defray administrative costs incurred by the
20 clerk, shall be remitted by the clerk to the Treasurer within
21 60 days after receipt for deposit into the Trauma Center
22 Fund. This additional fee of \$100 shall not be considered a
23 part of the fine for purposes of any reduction in the fine
24 for time served either before or after sentencing. Not later
25 than March 1 of each year the Circuit Clerk shall submit a
26 report of the amount of funds remitted to the State Treasurer
27 under this subsection during the preceding calendar year.

28 (b-1) In addition to any other fines and court costs
29 assessed by the courts, any person convicted or receiving an
30 order of supervision for driving under the influence of
31 alcohol or drugs shall pay an additional fee of \$5 to the
32 clerk of the circuit court. This amount, less 2 1/2% that
33 shall be used to defray administrative costs incurred by the
34 clerk, shall be remitted by the clerk to the Treasurer within

1 60 days after receipt for deposit into the Spinal Cord Injury
2 Paralysis Cure Research Trust Fund. This additional fee of \$5
3 shall not be considered a part of the fine for purposes of
4 any reduction in the fine for time served either before or
5 after sentencing. Not later than March 1 of each year the
6 Circuit Clerk shall submit a report of the amount of funds
7 remitted to the State Treasurer under this subsection during
8 the preceding calendar year.

9 (c) In addition to any other fines and court costs
10 assessed by the courts, any person convicted for a violation
11 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of
12 1961 or a person sentenced for a violation of the Cannabis
13 Control Act or the Controlled Substance Act shall pay an
14 additional fee of \$100 to the clerk of the circuit court.
15 This amount, less 2 1/2% that shall be used to defray
16 administrative costs incurred by the clerk, shall be remitted
17 by the clerk to the Treasurer within 60 days after receipt
18 for deposit into the Trauma Center Fund. This additional fee
19 of \$100 shall not be considered a part of the fine for
20 purposes of any reduction in the fine for time served either
21 before or after sentencing. Not later than March 1 of each
22 year the Circuit Clerk shall submit a report of the amount of
23 funds remitted to the State Treasurer under this subsection
24 during the preceding calendar year.

25 (c-1) In addition to any other fines and court costs
26 assessed by the courts, any person sentenced for a violation
27 of the Cannabis Control Act or the Illinois Controlled
28 Substances Act shall pay an additional fee of \$5 to the clerk
29 of the circuit court. This amount, less 2 1/2% that shall be
30 used to defray administrative costs incurred by the clerk,
31 shall be remitted by the clerk to the Treasurer within 60
32 days after receipt for deposit into the Spinal Cord Injury
33 Paralysis Cure Research Trust Fund. This additional fee of \$5
34 shall not be considered a part of the fine for purposes of

1 any reduction in the fine for time served either before or
2 after sentencing. Not later than March 1 of each year the
3 Circuit Clerk shall submit a report of the amount of funds
4 remitted to the State Treasurer under this subsection during
5 the preceding calendar year.

6 (d) The following amounts must be remitted to the State
7 Treasurer for deposit into the Illinois Animal Abuse Fund:

8 (1) 50% of amounts collected for Class 4 felonies
9 under subsection (a), paragraph (4) of subsection (b),
10 and paragraphs (6), (7), (8.5), and (9) of subsection (c)
11 of Section 16 of the Humane Care for Animals Act and
12 Class 3 felonies under paragraph (5) of subsection (c) of
13 Section 16 of that Act.

14 (2) 20% of amounts collected for Class A
15 misdemeanors under subsection (a), paragraph (4) of
16 subsection (b), and paragraphs (6) and (7) of subsection
17 (c) of Section 16 of the Humane Care for Animals Act and
18 Class B misdemeanors under paragraph (9) of subsection
19 (c) of Section 16 of that Act.

20 (3) 20% of amounts collected for Class B
21 misdemeanors under subsection (d) of Section 16 of the
22 Humane Care for Animals Act.

23 (4) 50% of amounts collected for Class C
24 misdemeanors under subsection (d) of Section 16 of the
25 Humane Care for Animals Act.

26 (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02;
27 revised 10-11-01.)

28 Section 80. The Juvenile Court Act of 1987 is amended by
29 changing Sections 5-615 and 5-715 as follows:

30 (705 ILCS 405/5-615)

31 Sec. 5-615. Continuance under supervision.

32 (1) The court may enter an order of continuance under

1 supervision for an offense other than first degree murder, a
2 Class X felony or a forcible felony (a) upon an admission or
3 stipulation by the appropriate respondent or minor respondent
4 of the facts supporting the petition and before proceeding to
5 adjudication, or after hearing the evidence at the trial, and
6 (b) in the absence of objection made in open court by the
7 minor, his or her parent, guardian, or legal custodian, the
8 minor's attorney or the State's Attorney.

9 (2) If the minor, his or her parent, guardian, or legal
10 custodian, the minor's attorney or State's Attorney objects
11 in open court to any continuance and insists upon proceeding
12 to findings and adjudication, the court shall so proceed.

13 (3) Nothing in this Section limits the power of the
14 court to order a continuance of the hearing for the
15 production of additional evidence or for any other proper
16 reason.

17 (4) When a hearing where a minor is alleged to be a
18 delinquent is continued pursuant to this Section, the period
19 of continuance under supervision may not exceed 24 months.
20 The court may terminate a continuance under supervision at
21 any time if warranted by the conduct of the minor and the
22 ends of justice.

23 (5) When a hearing where a minor is alleged to be
24 delinquent is continued pursuant to this Section, the court
25 may, as conditions of the continuance under supervision,
26 require the minor to do any of the following:

27 (a) not violate any criminal statute of any
28 jurisdiction;

29 (b) make a report to and appear in person before
30 any person or agency as directed by the court;

31 (c) work or pursue a course of study or vocational
32 training;

33 (d) undergo medical or psychotherapeutic treatment
34 rendered by a therapist licensed under the provisions of

1 the Medical Practice Act of 1987, the Clinical
2 Psychologist Licensing Act, or the Clinical Social Work
3 and Social Work Practice Act, or an entity licensed by
4 the Department of Human Services as a successor to the
5 Department of Alcoholism and Substance Abuse, for the
6 provision of drug addiction and alcoholism treatment;

7 (e) attend or reside in a facility established for
8 the instruction or residence of persons on probation;

9 (f) support his or her dependents, if any;

10 (g) pay costs;

11 (h) refrain from possessing a firearm or other
12 dangerous weapon, or an automobile;

13 (i) permit the probation officer to visit him or
14 her at his or her home or elsewhere;

15 (j) reside with his or her parents or in a foster
16 home;

17 (k) attend school;

18 (k-5) with the consent of the superintendent of the
19 facility, attend an educational program at a facility
20 other than the school in which the offense was committed
21 if he or she committed a crime of violence as defined in
22 Section 2 of the Crime Victims Compensation Act in a
23 school, on the real property comprising a school, or
24 within 1,000 feet of the real property comprising a
25 school;

26 (l) attend a non-residential program for youth;

27 (m) contribute to his or her own support at home or
28 in a foster home;

29 (n) perform some reasonable public or community
30 service;

31 (o) make restitution to the victim, in the same
32 manner and under the same conditions as provided in
33 subsection (4) of Section 5-710, except that the
34 "sentencing hearing" referred to in that Section shall be

1 the adjudicatory hearing for purposes of this Section;

2 (p) comply with curfew requirements as designated
3 by the court;

4 (q) refrain from entering into a designated
5 geographic area except upon terms as the court finds
6 appropriate. The terms may include consideration of the
7 purpose of the entry, the time of day, other persons
8 accompanying the minor, and advance approval by a
9 probation officer;

10 (r) refrain from having any contact, directly or
11 indirectly, with certain specified persons or particular
12 types of persons, including but not limited to members of
13 street gangs and drug users or dealers;

14 (r-5) undergo a medical or other procedure to have
15 a tattoo symbolizing allegiance to a street gang removed
16 from his or her body;

17 (s) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act or the Illinois Controlled Substances Act,
20 unless prescribed by a physician, and submit samples of
21 his or her blood or urine or both for tests to determine
22 the presence of any illicit drug; or

23 (t) comply with any other conditions as may be
24 ordered by the court.

25 (6) A minor whose case is continued under supervision
26 under subsection (5) shall be given a certificate setting
27 forth the conditions imposed by the court. Those conditions
28 may be reduced, enlarged, or modified by the court on motion
29 of the probation officer or on its own motion, or that of the
30 State's Attorney, or, at the request of the minor after
31 notice and hearing.

32 (7) If a petition is filed charging a violation of a
33 condition of the continuance under supervision, the court
34 shall conduct a hearing. If the court finds that a condition

1 of supervision has not been fulfilled, the court may proceed
2 to findings and adjudication and disposition. The filing of
3 a petition for violation of a condition of the continuance
4 under supervision shall toll the period of continuance under
5 supervision until the final determination of the charge, and
6 the term of the continuance under supervision shall not run
7 until the hearing and disposition of the petition for
8 violation; provided where the petition alleges conduct that
9 does not constitute a criminal offense, the hearing must be
10 held within 30 days of the filing of the petition unless a
11 delay shall continue the tolling of the period of continuance
12 under supervision for the period of the delay.

13 (8) When a hearing in which a minor is alleged to be a
14 delinquent for reasons that include a violation of Section
15 21-1.3 of the Criminal Code of 1961 is continued under this
16 Section, the court shall, as a condition of the continuance
17 under supervision, require the minor to perform community
18 service for not less than 30 and not more than 120 hours, if
19 community service is available in the jurisdiction. The
20 community service shall include, but need not be limited to,
21 the cleanup and repair of the damage that was caused by the
22 alleged violation or similar damage to property located in
23 the municipality or county in which the alleged violation
24 occurred. The condition may be in addition to any other
25 condition.

26 (8.5) When a hearing in which a minor is alleged to be a
27 delinquent for reasons that include a violation of Section
28 3.02 or Section 3.03 of the Humane Care for Animals Act or
29 paragraph (d) of subsection (1) of Section 21-1 of the
30 Criminal Code of 1961 is continued under this Section, the
31 court shall, as a condition of the continuance under
32 supervision, require the minor to undergo medical or
33 psychiatric treatment rendered by a psychiatrist or
34 psychological treatment rendered by a clinical psychologist.

1 The condition may be in addition to any other condition.

2 (9) When a hearing in which a minor is alleged to be a
3 delinquent is continued under this Section, the court, before
4 continuing the case, shall make a finding whether the offense
5 alleged to have been committed either: (i) was related to or
6 in furtherance of the activities of an organized gang or was
7 motivated by the minor's membership in or allegiance to an
8 organized gang, or (ii) is a violation of paragraph (13) of
9 subsection (a) of Section 12-2 of the Criminal Code of 1961,
10 a violation of any Section of Article 24 of the Criminal Code
11 of 1961, or a violation of any statute that involved the
12 unlawful use of a firearm. If the court determines the
13 question in the affirmative the court shall, as a condition
14 of the continuance under supervision and as part of or in
15 addition to any other condition of the supervision, require
16 the minor to perform community service for not less than 30
17 hours, provided that community service is available in the
18 jurisdiction and is funded and approved by the county board
19 of the county where the offense was committed. The community
20 service shall include, but need not be limited to, the
21 cleanup and repair of any damage caused by an alleged
22 violation of Section 21-1.3 of the Criminal Code of 1961 and
23 similar damage to property located in the municipality or
24 county in which the alleged violation occurred. When
25 possible and reasonable, the community service shall be
26 performed in the minor's neighborhood. For the purposes of
27 this Section, "organized gang" has the meaning ascribed to it
28 in Section 10 of the Illinois Streetgang Terrorism Omnibus
29 Prevention Act.

30 (10) The court shall impose upon a minor placed on
31 supervision, as a condition of the supervision, a fee of \$25
32 for each month of supervision ordered by the court, unless
33 after determining the inability of the minor placed on
34 supervision to pay the fee, the court assesses a lesser

1 amount. The court may not impose the fee on a minor who is
2 made a ward of the State under this Act while the minor is in
3 placement. The fee shall be imposed only upon a minor who is
4 actively supervised by the probation and court services
5 department. A court may order the parent, guardian, or legal
6 custodian of the minor to pay some or all of the fee on the
7 minor's behalf.

8 (Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99;
9 92-16, eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff.
10 1-1-02; revised 10-11-01.)

11 (705 ILCS 405/5-715)

12 Sec. 5-715. Probation.

13 (1) The period of probation or conditional discharge
14 shall not exceed 5 years or until the minor has attained the
15 age of 21 years, whichever is less, except as provided in
16 this Section for a minor who is found to be guilty for an
17 offense which is first degree murder, a Class X felony or a
18 forcible felony. The juvenile court may terminate probation
19 or conditional discharge and discharge the minor at any time
20 if warranted by the conduct of the minor and the ends of
21 justice; provided, however, that the period of probation for
22 a minor who is found to be guilty for an offense which is
23 first degree murder, a Class X felony, or a forcible felony
24 shall be at least 5 years.

25 (2) The court may as a condition of probation or of
26 conditional discharge require that the minor:

27 (a) not violate any criminal statute of any
28 jurisdiction;

29 (b) make a report to and appear in person before
30 any person or agency as directed by the court;

31 (c) work or pursue a course of study or vocational
32 training;

33 (d) undergo medical or psychiatric treatment,

1 rendered by a psychiatrist or psychological treatment
2 rendered by a clinical psychologist or social work
3 services rendered by a clinical social worker, or
4 treatment for drug addiction or alcoholism;

5 (e) attend or reside in a facility established for
6 the instruction or residence of persons on probation;

7 (f) support his or her dependents, if any;

8 (g) refrain from possessing a firearm or other
9 dangerous weapon, or an automobile;

10 (h) permit the probation officer to visit him or
11 her at his or her home or elsewhere;

12 (i) reside with his or her parents or in a foster
13 home;

14 (j) attend school;

15 (j-5) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was committed
18 if he or she committed a crime of violence as defined in
19 Section 2 of the Crime Victims Compensation Act in a
20 school, on the real property comprising a school, or
21 within 1,000 feet of the real property comprising a
22 school;

23 (k) attend a non-residential program for youth;

24 (l) make restitution under the terms of subsection
25 (4) of Section 5-710;

26 (m) contribute to his or her own support at home or
27 in a foster home;

28 (n) perform some reasonable public or community
29 service;

30 (o) participate with community corrections programs
31 including unified delinquency intervention services
32 administered by the Department of Human Services subject
33 to Section 5 of the Children and Family Services Act;

34 (p) pay costs;

1 (q) serve a term of home confinement. In addition
2 to any other applicable condition of probation or
3 conditional discharge, the conditions of home confinement
4 shall be that the minor:

5 (i) remain within the interior premises of the
6 place designated for his or her confinement during
7 the hours designated by the court;

8 (ii) admit any person or agent designated by
9 the court into the minor's place of confinement at
10 any time for purposes of verifying the minor's
11 compliance with the conditions of his or her
12 confinement; and

13 (iii) use an approved electronic monitoring
14 device if ordered by the court subject to Article 8A
15 of Chapter V of the Unified Code of Corrections;

16 (r) refrain from entering into a designated
17 geographic area except upon terms as the court finds
18 appropriate. The terms may include consideration of the
19 purpose of the entry, the time of day, other persons
20 accompanying the minor, and advance approval by a
21 probation officer, if the minor has been placed on
22 probation, or advance approval by the court, if the minor
23 has been placed on conditional discharge;

24 (s) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of
27 street gangs and drug users or dealers;

28 (s-5) undergo a medical or other procedure to have
29 a tattoo symbolizing allegiance to a street gang removed
30 from his or her body;

31 (t) refrain from having in his or her body the
32 presence of any illicit drug prohibited by the Cannabis
33 Control Act or the Illinois Controlled Substances Act,
34 unless prescribed by a physician, and shall submit

1 samples of his or her blood or urine or both for tests to
2 determine the presence of any illicit drug; or

3 (u) comply with other conditions as may be ordered
4 by the court.

5 (3) The court may as a condition of probation or of
6 conditional discharge require that a minor found guilty on
7 any alcohol, cannabis, or controlled substance violation,
8 refrain from acquiring a driver's license during the period
9 of probation or conditional discharge. If the minor is in
10 possession of a permit or license, the court may require that
11 the minor refrain from driving or operating any motor vehicle
12 during the period of probation or conditional discharge,
13 except as may be necessary in the course of the minor's
14 lawful employment.

15 (3.5) The court shall, as a condition of probation or of
16 conditional discharge, require that a minor found to be
17 guilty and placed on probation for reasons that include a
18 violation of Section 3.02 or Section 3.03 of the Humane Care
19 for Animals Act or paragraph (d) of subsection (1) of Section
20 21-1 of the Criminal Code of 1961 undergo medical or
21 psychiatric treatment rendered by a psychiatrist or
22 psychological treatment rendered by a clinical psychologist.
23 The condition may be in addition to any other condition.

24 (4) A minor on probation or conditional discharge shall
25 be given a certificate setting forth the conditions upon
26 which he or she is being released.

27 (5) The court shall impose upon a minor placed on
28 probation or conditional discharge, as a condition of the
29 probation or conditional discharge, a fee of \$25 for each
30 month of probation or conditional discharge supervision
31 ordered by the court, unless after determining the inability
32 of the minor placed on probation or conditional discharge to
33 pay the fee, the court assesses a lesser amount. The court
34 may not impose the fee on a minor who is made a ward of the

1 State under this Act while the minor is in placement. The
2 fee shall be imposed only upon a minor who is actively
3 supervised by the probation and court services department.
4 The court may order the parent, guardian, or legal custodian
5 of the minor to pay some or all of the fee on the minor's
6 behalf.

7 (6) The General Assembly finds that in order to protect
8 the public, the juvenile justice system must compel
9 compliance with the conditions of probation by responding to
10 violations with swift, certain, and fair punishments and
11 intermediate sanctions. The Chief Judge of each circuit
12 shall adopt a system of structured, intermediate sanctions
13 for violations of the terms and conditions of a sentence of
14 supervision, probation or conditional discharge, under this
15 Act.

16 The court shall provide as a condition of a disposition
17 of probation, conditional discharge, or supervision, that the
18 probation agency may invoke any sanction from the list of
19 intermediate sanctions adopted by the chief judge of the
20 circuit court for violations of the terms and conditions of
21 the sentence of probation, conditional discharge, or
22 supervision, subject to the provisions of Section 5-720 of
23 this Act.

24 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
25 92-454, eff. 1-1-02; revised 10-11-01.)

26 Section 81. The Criminal Code of 1961 is amended by
27 changing Section 12-21.6 and the heading to Article 16G as
28 follows:

29 (720 ILCS 5/12-21.6)

30 (Text of Section before amendment by P.A. 92-515)

31 Sec. 12-21.6. Endangering the life or health of a child.

32 (a) It is unlawful for any person to willfully cause or

1 permit the life or health of a child under the age of 18 to
2 be endangered or to willfully cause or permit a child to be
3 placed in circumstances that endanger the child's life or
4 health, except that it is not unlawful for a person to
5 relinquish a child in accordance with the Abandoned Newborn
6 Infant Protection Act.

7 (b) A violation of this Section is a Class A
8 misdemeanor. A second or subsequent violation of this
9 Section is a Class 3 felony. A violation of this Section
10 that is a proximate cause of the death of the child is a
11 Class 3 felony for which a person, if sentenced to a term of
12 imprisonment, shall be sentenced to a term of not less than 2
13 years and not more than 10 years.

14 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

15 (Text of Section after amendment by P.A. 92-515)

16 Sec. 12-21.6. Endangering the life or health of a child.

17 (a) It is unlawful for any person to willfully cause or
18 permit the life or health of a child under the age of 18 to
19 be endangered or to willfully cause or permit a child to be
20 placed in circumstances that endanger the child's life or
21 health, except that it is not unlawful for a person to
22 relinquish a child in accordance with the Abandoned Newborn
23 Infant Protection Act.

24 (b) There is a rebuttable presumption that a person
25 committed the offense if he or she left a child 6 years of
26 age or younger unattended in a motor vehicle for more than 10
27 minutes.

28 (c) "Unattended" means either: (i) not accompanied by a
29 person 14 years of age or older; or (ii) if accompanied by a
30 person 14 years of age or older, out of sight of that person.

31 (d) A violation of this Section is a Class A
32 misdemeanor. A second or subsequent violation of this
33 Section is a Class 3 felony. A violation of this Section
34 that is a proximate cause of the death of the child is a

1 Class 3 felony for which a person, if sentenced to a term of
2 imprisonment, shall be sentenced to a term of not less than 2
3 years and not more than 10 years.

4 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
5 92-515, eff. 6-1-02; revised 1-7-02.)

6 (720 ILCS 5/Art. 16G heading)

7 ARTICLE 16G.

8 FINANCIAL IDENTITY THEFT AND ASSET FORFEITURE LAW

9 Section 82. The Code of Criminal Procedure of 1963 is
10 amended by changing Section 110-10 as follows:

11 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

12 Sec. 110-10. Conditions of bail bond.

13 (a) If a person is released prior to conviction, either
14 upon payment of bail security or on his or her own
15 recognizance, the conditions of the bail bond shall be that
16 he or she will:

17 (1) Appear to answer the charge in the court having
18 jurisdiction on a day certain and thereafter as ordered
19 by the court until discharged or final order of the
20 court;

21 (2) Submit himself or herself to the orders and
22 process of the court;

23 (3) Not depart this State without leave of the
24 court;

25 (4) Not violate any criminal statute of any
26 jurisdiction;

27 (5) At a time and place designated by the court,
28 surrender all firearms in his or her possession to a law
29 enforcement officer designated by the court to take
30 custody of and impound the firearms and physically
31 surrender his or her Firearm Owner's Identification Card

1 to the clerk of the circuit court when the offense the
2 person has been charged with is a forcible felony,
3 stalking, aggravated stalking, domestic battery, any
4 violation of either the Illinois Controlled Substances
5 Act or the Cannabis Control Act that is classified as a
6 Class 2 or greater felony, or any felony violation of
7 Article 24 of the Criminal Code of 1961; the court may,
8 however, forgo the imposition of this condition when the
9 circumstances of the case clearly do not warrant it or
10 when its imposition would be impractical; all legally
11 possessed firearms shall be returned to the person upon
12 that person completing a sentence for a conviction on a
13 misdemeanor domestic battery, upon the charges being
14 dismissed, or if the person is found not guilty, unless
15 the finding of not guilty is by reason of insanity; and

16 (6) At a time and place designated by the court,
17 submit to a psychological evaluation when the person has
18 been charged with a violation of item (4) of subsection
19 (a) of Section 24-1 of the Criminal Code of 1961 and that
20 violation occurred in a school or in any conveyance
21 owned, leased, or contracted by a school to transport
22 students to or from school or a school-related activity,
23 or on any public way within 1,000 feet of real property
24 comprising any school.

25 Psychological evaluations ordered pursuant to this
26 Section shall be completed promptly and made available to the
27 State, the defendant, and the court. As a further condition
28 of bail under these circumstances, the court shall order the
29 defendant to refrain from entering upon the property of the
30 school, including any conveyance owned, leased, or contracted
31 by a school to transport students to or from school or a
32 school-related activity, or on any public way within 1,000
33 feet of real property comprising any school. Upon receipt of
34 the psychological evaluation, either the State or the

1 defendant may request a change in the conditions of bail,
2 pursuant to Section 110-6 of this Code. The court may change
3 the conditions of bail to include a requirement that the
4 defendant follow the recommendations of the psychological
5 evaluation, including undergoing psychiatric treatment. The
6 conclusions of the psychological evaluation and any
7 statements elicited from the defendant during its
8 administration are not admissible as evidence of guilt during
9 the course of any trial on the charged offense, unless the
10 defendant places his or her mental competency in issue.

11 (b) The court may impose other conditions, such as the
12 following, if the court finds that such conditions are
13 reasonably necessary to assure the defendant's appearance in
14 court, protect the public from the defendant, or prevent the
15 defendant's unlawful interference with the orderly
16 administration of justice:

17 (1) Report to or appear in person before such
18 person or agency as the court may direct;

19 (2) Refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) Refrain from approaching or communicating with
22 particular persons or classes of persons;

23 (4) Refrain from going to certain described
24 geographical areas or premises;

25 (5) Refrain from engaging in certain activities or
26 indulging in intoxicating liquors or in certain drugs;

27 (6) Undergo treatment for drug addiction or
28 alcoholism;

29 (7) Undergo medical or psychiatric treatment;

30 (8) Work or pursue a course of study or vocational
31 training;

32 (9) Attend or reside in a facility designated by
33 the court;

34 (10) Support his or her dependents;

1 (11) If a minor resides with his or her parents or
2 in a foster home, attend school, attend a non-residential
3 program for youths, and contribute to his or her own
4 support at home or in a foster home;

5 (12) Observe any curfew ordered by the court;

6 (13) Remain in the custody of such designated
7 person or organization agreeing to supervise his release.
8 Such third party custodian shall be responsible for
9 notifying the court if the defendant fails to observe the
10 conditions of release which the custodian has agreed to
11 monitor, and shall be subject to contempt of court for
12 failure so to notify the court;

13 (14) Be placed under direct supervision of the
14 Pretrial Services Agency, Probation Department or Court
15 Services Department in a pretrial bond home supervision
16 capacity with or without the use of an approved
17 electronic monitoring device subject to Article 8A of
18 Chapter V of the Unified Code of Corrections;

19 (14.1) The court shall impose upon a defendant who
20 is charged with any alcohol, cannabis or controlled
21 substance violation and is placed under direct
22 supervision of the Pretrial Services Agency, Probation
23 Department or Court Services Department in a pretrial
24 bond home supervision capacity with the use of an
25 approved monitoring device, as a condition of such bail
26 bond, a fee that represents costs incidental to the
27 electronic monitoring for each day of such bail
28 supervision ordered by the court, unless after
29 determining the inability of the defendant to pay the
30 fee, the court assesses a lesser fee or no fee as the
31 case may be. The fee shall be collected by the clerk of
32 the circuit court. The clerk of the circuit court shall
33 pay all monies collected from this fee to the county
34 treasurer for deposit in the substance abuse services

1 fund under Section 5-1086.1 of the Counties Code;

2 (14.2) The court shall impose upon all defendants,
3 including those defendants subject to paragraph (14.1)
4 above, placed under direct supervision of the Pretrial
5 Services Agency, Probation Department or Court Services
6 Department in a pretrial bond home supervision capacity
7 with the use of an approved monitoring device, as a
8 condition of such bail bond, a fee which shall represent
9 costs incidental to such electronic monitoring for each
10 day of such bail supervision ordered by the court, unless
11 after determining the inability of the defendant to pay
12 the fee, the court assesses a lesser fee or no fee as the
13 case may be. The fee shall be collected by the clerk of
14 the circuit court. The clerk of the circuit court shall
15 pay all monies collected from this fee to the county
16 treasurer who shall use the monies collected to defray
17 the costs of corrections. The county treasurer shall
18 deposit the fee collected in the county working cash fund
19 under Section 6-27001 or Section 6-29002 of the Counties
20 Code, as the case may be;

21 (14.3) The Chief Judge of the Judicial Circuit may
22 establish reasonable fees to be paid by a person
23 receiving pretrial services while under supervision of a
24 pretrial services agency, probation department, or court
25 services department. Reasonable fees may be charged for
26 pretrial services including, but not limited to, pretrial
27 supervision, diversion programs, electronic monitoring,
28 victim impact services, drug and alcohol testing, and
29 victim mediation services. The person receiving pretrial
30 services may be ordered to pay all costs incidental to
31 pretrial services in accordance with his or her ability
32 to pay those costs;

33 (15) Comply with the terms and conditions of an
34 order of protection issued by the court under the

1 Illinois Domestic Violence Act of 1986 or an order of
2 protection issued by the court of another state, tribe,
3 or United States territory;

4 (16) Under Section 110-6.5 comply with the
5 conditions of the drug testing program; and

6 (17) Such other reasonable conditions as the court
7 may impose.

8 (c) When a person is charged with an offense under
9 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
10 "Criminal Code of 1961", involving a victim who is a minor
11 under 18 years of age living in the same household with the
12 defendant at the time of the offense, in granting bail or
13 releasing the defendant on his own recognizance, the judge
14 shall impose conditions to restrict the defendant's access to
15 the victim which may include, but are not limited to
16 conditions that he will:

17 1. Vacate the Household.

18 2. Make payment of temporary support to his
19 dependents.

20 3. Refrain from contact or communication with the
21 child victim, except as ordered by the court.

22 (d) When a person is charged with a criminal offense and
23 the victim is a family or household member as defined in
24 Article 112A, conditions shall be imposed at the time of the
25 defendant's release on bond that restrict the defendant's
26 access to the victim. Unless provided otherwise by the court,
27 the restrictions shall include requirements that the
28 defendant do the following:

29 (1) refrain from contact or communication with the
30 victim for a minimum period of 72 hours following the
31 defendant's release; and

32 (2) refrain from entering or remaining at the
33 victim's residence for a minimum period of 72 hours
34 following the defendant's release.

1 (e) Local law enforcement agencies shall develop
2 standardized bond forms for use in cases involving family or
3 household members as defined in Article 112A, including
4 specific conditions of bond as provided in subsection (d).
5 Failure of any law enforcement department to develop or use
6 those forms shall in no way limit the applicability and
7 enforcement of subsections (d) and (f).

8 (f) If the defendant is admitted to bail after
9 conviction the conditions of the bail bond shall be that he
10 will, in addition to the conditions set forth in subsections
11 (a) and (b) hereof:

12 (1) Duly prosecute his appeal;

13 (2) Appear at such time and place as the court may
14 direct;

15 (3) Not depart this State without leave of the
16 court;

17 (4) Comply with such other reasonable conditions as
18 the court may impose; and,

19 (5) If the judgment is affirmed or the cause
20 reversed and remanded for a new trial, forthwith
21 surrender to the officer from whose custody he was
22 bailed.

23 (g) Upon a finding of guilty for any felony offense, the
24 defendant shall physically surrender, at a time and place
25 designated by the court, any and all firearms in his or her
26 possession and his or her Firearm Owner's Identification Card
27 as a condition of remaining on bond pending sentencing.

28 (Source: P.A. 91-11, eff. 6-4-99; 91-312, eff. 1-1-00;
29 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-329, eff.
30 8-9-01; 92-442, eff. 8-17-01; revised 10-11-01.)

31 Section 83. The Unified Code of Corrections is amended
32 by changing Sections 3-3-4, 5-1-22, 5-5-3, 5-6-3, 5-6-3.1,
33 and 5-8-3 as follows:

1 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)
2 Sec. 3-3-4. Preparation for Parole Hearing.

3 (a) The Prisoner Review Board shall consider the parole
4 of each eligible person committed to the Adult Division at
5 least 30 days prior to the date he shall first become
6 eligible for parole, and shall consider the parole of each
7 person committed to the Juvenile Division as a delinquent at
8 least 30 days prior to the expiration of the first year of
9 confinement.

10 (b) A person eligible for parole shall, in advance of
11 his parole hearing, prepare a parole plan in accordance with
12 the rules of the Prisoner Review Board. The person shall be
13 assisted in preparing his parole plan by personnel of the
14 Department and may, for this purpose, be released on furlough
15 under Article 11 or on authorized absence under Section
16 3-9-4. The Department shall also provide assistance in
17 obtaining information and records helpful to the individual
18 for his parole hearing.

19 (c) The members of the Board shall have access at all
20 reasonable times to any committed person and to his master
21 record file within the Department, and the Department shall
22 furnish such reports to the Board as the Board may require
23 concerning the conduct and character of any such person.

24 (d) In making its determination of parole, the Board
25 shall consider:

26 (1) material transmitted to the Department by the
27 clerk of the committing court under Section 5-4-1 or
28 Section 5-10 of the Juvenile Court Act or Section 5-750
29 of the Juvenile Court Act of 1987;

30 (2) the report under Section 3-8-2 or 3-10-2;

31 (3) a report by the Department and any report by
32 the chief administrative officer of the institution or
33 facility;

34 (4) a parole progress report;

1 (5) a medical and psychological report, if
2 requested by the Board;

3 (6) material in writing, or on film, video tape or
4 other electronic means in the form of a recording
5 submitted by the person whose parole is being considered;
6 and

7 (7) material in writing, or on film, video tape or
8 other electronic means in the form of a recording or
9 testimony submitted by the State's Attorney and the
10 victim pursuant to the ~~Bill--of~~ Bill of Rights of Crime for
11 ~~Victims and Witnesses of-Violent-Crime~~ Act.

12 (e) The prosecuting State's Attorney's office shall
13 receive reasonable written notice not less than 15 days prior
14 to the parole hearing and may submit relevant information in
15 writing, or on film, video tape or other electronic means or
16 in the form of a recording to the Board for its
17 consideration. The State's Attorney may waive the written
18 notice.

19 (f) The victim of the violent crime for which the
20 prisoner has been sentenced shall receive notice of a parole
21 hearing as provided in paragraph (4) of subsection (d) ~~(16)~~
22 of Section 4.5 of ~~4--of~~ the Bill of Rights of Crime for
23 ~~Victims and Witnesses of-Violent-Crime~~ Act.

24 (g) Any recording considered under the provisions of
25 subsection (d)(6), (d)(7) or (e) of this Section shall be in
26 the form designated by the Board. Such recording shall be
27 both visual and aural. Every voice on the recording and
28 person present shall be identified and the recording shall
29 contain either a visual or aural statement of the person
30 submitting such recording, the date of the recording and the
31 name of the person whose parole eligibility is being
32 considered. Such recordings, if retained by the Board shall
33 be deemed to be submitted at any subsequent parole hearing if
34 the victim or State's Attorney submits in writing a

1 declaration clearly identifying such recording as
2 representing the present position of the victim or State's
3 Attorney regarding the issues to be considered at the parole
4 hearing.

5 (Source: P.A. 90-590, eff. 1-1-99; revised 12-07-01.)

6 (730 ILCS 5/5-1-22) (from Ch. 38, par. 1005-1-22)

7 Sec. 5-1-22. Victim. "Victim" shall have the meaning
8 ascribed to the term "crime victim" ~~it~~ in subsection (a) of
9 Section 3 of the ~~Bill--of~~ Rights of Crime ~~for~~ Victims and
10 Witnesses ~~of-Violent-Crime~~ Act.

11 (Source: P.A. 83-1499; revised 12-07-01.)

12 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

13 Sec. 5-5-3. Disposition.

14 (a) Every person convicted of an offense shall be
15 sentenced as provided in this Section.

16 (b) The following options shall be appropriate
17 dispositions, alone or in combination, for all felonies and
18 misdemeanors other than those identified in subsection (c) of
19 this Section:

- 20 (1) A period of probation.
- 21 (2) A term of periodic imprisonment.
- 22 (3) A term of conditional discharge.
- 23 (4) A term of imprisonment.
- 24 (5) An order directing the offender to clean up and
25 repair the damage, if the offender was convicted under
26 paragraph (h) of Section 21-1 of the Criminal Code of
27 1961.
- 28 (6) A fine.
- 29 (7) An order directing the offender to make
30 restitution to the victim under Section 5-5-6 of this
31 Code.
- 32 (8) A sentence of participation in a county impact

1 incarceration program under Section 5-8-1.2 of this Code.
2 Whenever an individual is sentenced for an offense based
3 upon an arrest for a violation of Section 11-501 of the
4 Illinois Vehicle Code, or a similar provision of a local
5 ordinance, and the professional evaluation recommends
6 remedial or rehabilitative treatment or education, neither
7 the treatment nor the education shall be the sole disposition
8 and either or both may be imposed only in conjunction with
9 another disposition. The court shall monitor compliance with
10 any remedial education or treatment recommendations contained
11 in the professional evaluation. Programs conducting alcohol
12 or other drug evaluation or remedial education must be
13 licensed by the Department of Human Services. However, if
14 the individual is not a resident of Illinois, the court may
15 accept an alcohol or other drug evaluation or remedial
16 education program in the state of such individual's
17 residence. Programs providing treatment must be licensed
18 under existing applicable alcoholism and drug treatment
19 licensure standards.

20 In addition to any other fine or penalty required by law,
21 any individual convicted of a violation of Section 11-501 of
22 the Illinois Vehicle Code or a similar provision of local
23 ordinance, whose operation of a motor vehicle while in
24 violation of Section 11-501 or such ordinance proximately
25 caused an incident resulting in an appropriate emergency
26 response, shall be required to make restitution to a public
27 agency for the costs of that emergency response. Such
28 restitution shall not exceed \$500 per public agency for each
29 such emergency response. For the purpose of this paragraph,
30 emergency response shall mean any incident requiring a
31 response by: a police officer as defined under Section 1-162
32 of the Illinois Vehicle Code; a fireman carried on the rolls
33 of a regularly constituted fire department; and an ambulance
34 as defined under Section 4.05 of the Emergency Medical

1 Services (EMS) Systems Act.

2 Neither a fine nor restitution shall be the sole
3 disposition for a felony and either or both may be imposed
4 only in conjunction with another disposition.

5 (c) (1) When a defendant is found guilty of first degree
6 murder the State may either seek a sentence of
7 imprisonment under Section 5-8-1 of this Code, or where
8 appropriate seek a sentence of death under Section 9-1 of
9 the Criminal Code of 1961.

10 (2) A period of probation, a term of periodic
11 imprisonment or conditional discharge shall not be
12 imposed for the following offenses. The court shall
13 sentence the offender to not less than the minimum term
14 of imprisonment set forth in this Code for the following
15 offenses, and may order a fine or restitution or both in
16 conjunction with such term of imprisonment:

17 (A) First degree murder where the death
18 penalty is not imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the
22 Illinois Controlled Substances Act, or a violation
23 of subdivision (c)(2) of Section 401 of that Act
24 which relates to more than 5 grams of a substance
25 containing cocaine or an analog thereof.

26 (E) A violation of Section 5.1 or 9 of the
27 Cannabis Control Act.

28 (F) A Class 2 or greater felony if the
29 offender had been convicted of a Class 2 or greater
30 felony within 10 years of the date on which the
31 offender committed the offense for which he or she
32 is being sentenced, except as otherwise provided in
33 Section 40-10 of the Alcoholism and Other Drug Abuse
34 and Dependency Act.

1 (G) Residential burglary, except as otherwise
2 provided in Section 40-10 of the Alcoholism and
3 Other Drug Abuse and Dependency Act.

4 (H) Criminal sexual assault, except as
5 otherwise provided in subsection (e) of this
6 Section.

7 (I) Aggravated battery of a senior citizen.

8 (J) A forcible felony if the offense was
9 related to the activities of an organized gang.

10 Before July 1, 1994, for the purposes of this
11 paragraph, "organized gang" means an association of
12 5 or more persons, with an established hierarchy,
13 that encourages members of the association to
14 perpetrate crimes or provides support to the members
15 of the association who do commit crimes.

16 Beginning July 1, 1994, for the purposes of
17 this paragraph, "organized gang" has the meaning
18 ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (K) Vehicular hijacking.

21 (L) A second or subsequent conviction for the
22 offense of hate crime when the underlying offense
23 upon which the hate crime is based is felony
24 aggravated assault or felony mob action.

25 (M) A second or subsequent conviction for the
26 offense of institutional vandalism if the damage to
27 the property exceeds \$300.

28 (N) A Class 3 felony violation of paragraph
29 (1) of subsection (a) of Section 2 of the Firearm
30 Owners Identification Card Act.

31 (O) A violation of Section 12-6.1 of the
32 Criminal Code of 1961.

33 (P) A violation of paragraph (1), (2), (3),
34 (4), (5), or (7) of subsection (a) of Section

1 11-20.1 of the Criminal Code of 1961.

2 (Q) A violation of Section 20-1.2 of the
3 Criminal Code of 1961.

4 (R) A violation of Section 24-3A of the
5 Criminal Code of 1961.

6 (S) A violation of Section 11-501(c-1)(3) of
7 the Illinois Vehicle Code.

8 (3) A minimum term of imprisonment of not less than
9 5 days or 30 days of community service as may be
10 determined by the court shall be imposed for a second
11 violation committed within 5 years of a previous
12 violation of Section 11-501 of the Illinois Vehicle Code
13 or a similar provision of a local ordinance. In the case
14 of a third or subsequent violation committed within 5
15 years of a previous violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance, a minimum term of either 10 days of
18 imprisonment or 60 days of community service shall be
19 imposed.

20 (4) A minimum term of imprisonment of not less than
21 10 consecutive days or 30 days of community service shall
22 be imposed for a violation of paragraph (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.1) A minimum term of 30 consecutive days of
25 imprisonment, 40 days of 24 hour periodic imprisonment or
26 720 hours of community service, as may be determined by
27 the court, shall be imposed for a violation of Section
28 11-501 of the Illinois Vehicle Code during a period in
29 which the defendant's driving privileges are revoked or
30 suspended, where the revocation or suspension was for a
31 violation of Section 11-501 or Section 11-501.1 of that
32 Code.

33 (4.2) Except as provided in paragraph (4.3) of this
34 subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of
2 Section 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or
4 300 hours of community service, as determined by the
5 court, shall be imposed for a second violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle
7 Code.

8 (4.4) Except as provided in paragraph (4.5) and
9 paragraph (4.6) of this subsection (c), a minimum term of
10 imprisonment of 30 days or 300 hours of community
11 service, as determined by the court, shall be imposed for
12 a third or subsequent violation of Section 6-303 of the
13 Illinois Vehicle Code.

14 (4.5) A minimum term of imprisonment of 30 days
15 shall be imposed for a third violation of subsection (c)
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.6) A minimum term of imprisonment of 180 days
18 shall be imposed for a fourth or subsequent violation of
19 subsection (c) of Section 6-303 of the Illinois Vehicle
20 Code.

21 (5) The court may sentence an offender convicted of
22 a business offense or a petty offense or a corporation or
23 unincorporated association convicted of any offense to:

- 24 (A) a period of conditional discharge;
- 25 (B) a fine;
- 26 (C) make restitution to the victim under
27 Section 5-5-6 of this Code.

28 (5.1) In addition to any penalties imposed under
29 paragraph (5) of this subsection (c), and except as
30 provided in paragraph (5.2) or (5.3), a person convicted
31 of violating subsection (c) of Section 11-907 of the
32 Illinois Vehicle Code shall have his or her driver's
33 license, permit, or privileges suspended for at least 90
34 days but not more than one year, if the violation

1 resulted in damage to the property of another person.

2 (5.2) In addition to any penalties imposed under
3 paragraph (5) of this subsection (c), and except as
4 provided in paragraph (5.3), a person convicted of
5 violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's
7 license, permit, or privileges suspended for at least 180
8 days but not more than 2 years, if the violation resulted
9 in injury to another person.

10 (5.3) In addition to any penalties imposed under
11 paragraph (5) of this subsection (c), a person convicted
12 of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for 2 years, if
15 the violation resulted in the death of another person.

16 (6) In no case shall an offender be eligible for a
17 disposition of probation or conditional discharge for a
18 Class 1 felony committed while he was serving a term of
19 probation or conditional discharge for a felony.

20 (7) When a defendant is adjudged a habitual
21 criminal under Article 33B of the Criminal Code of 1961,
22 the court shall sentence the defendant to a term of
23 natural life imprisonment.

24 (8) When a defendant, over the age of 21 years, is
25 convicted of a Class 1 or Class 2 felony, after having
26 twice been convicted in any state or federal court of an
27 offense that contains the same elements as an offense now
28 classified in Illinois as a Class 2 or greater Class
29 felony and such charges are separately brought and tried
30 and arise out of different series of acts, such defendant
31 shall be sentenced as a Class X offender. This paragraph
32 shall not apply unless (1) the first felony was committed
33 after the effective date of this amendatory Act of 1977;
34 and (2) the second felony was committed after conviction

1 on the first; and (3) the third felony was committed
2 after conviction on the second. A person sentenced as a
3 Class X offender under this paragraph is not eligible to
4 apply for treatment as a condition of probation as
5 provided by Section 40-10 of the Alcoholism and Other
6 Drug Abuse and Dependency Act.

7 (9) A defendant convicted of a second or subsequent
8 offense of ritualized abuse of a child may be sentenced
9 to a term of natural life imprisonment.

10 (10) When a person is convicted of violating
11 Section 11-501 of the Illinois Vehicle Code or a similar
12 provision of a local ordinance, the following penalties
13 apply when his or her blood, breath, or urine was .16 or
14 more based on the definition of blood, breath, or urine
15 units in Section 11-501.2 or that person is convicted of
16 violating Section 11-501 of the Illinois Vehicle Code
17 while transporting a child under the age of 16:

18 (A) For a first violation of subsection (a) of
19 Section 11-501, in addition to any other penalty
20 that may be imposed under subsection (c) of Section
21 11-501: a mandatory minimum of 100 hours of
22 community service and a minimum fine of \$500.

23 (B) For a second violation of subsection (a)
24 of Section 11-501, in addition to any other penalty
25 that may be imposed under subsection (c) of Section
26 11-501 within 10 years: a mandatory minimum of 2
27 days of imprisonment and a minimum fine of \$1,250.

28 (C) For a third violation of subsection (a) of
29 Section 11-501, in addition to any other penalty
30 that may be imposed under subsection (c) of Section
31 11-501 within 20 years: a mandatory minimum of 90
32 days of imprisonment and a minimum fine of \$2,500.

33 (D) For a fourth or subsequent violation of
34 subsection (a) of Section 11-501: ineligibility for

1 a sentence of probation or conditional discharge and
2 a minimum fine of \$2,500.

3 (d) In any case in which a sentence originally imposed
4 is vacated, the case shall be remanded to the trial court.
5 The trial court shall hold a hearing under Section 5-4-1 of
6 the Unified Code of Corrections which may include evidence of
7 the defendant's life, moral character and occupation during
8 the time since the original sentence was passed. The trial
9 court shall then impose sentence upon the defendant. The
10 trial court may impose any sentence which could have been
11 imposed at the original trial subject to Section 5-5-4 of the
12 Unified Code of Corrections. If a sentence is vacated on
13 appeal or on collateral attack due to the failure of the
14 trier of fact at trial to determine beyond a reasonable doubt
15 the existence of a fact (other than a prior conviction)
16 necessary to increase the punishment for the offense beyond
17 the statutory maximum otherwise applicable, either the
18 defendant may be re-sentenced to a term within the range
19 otherwise provided or, if the State files notice of its
20 intention to again seek the extended sentence, the defendant
21 shall be afforded a new trial.

22 (e) In cases where prosecution for criminal sexual
23 assault or aggravated criminal sexual abuse under Section
24 12-13 or 12-16 of the Criminal Code of 1961 results in
25 conviction of a defendant who was a family member of the
26 victim at the time of the commission of the offense, the
27 court shall consider the safety and welfare of the victim and
28 may impose a sentence of probation only where:

29 (1) the court finds (A) or (B) or both are
30 appropriate:

31 (A) the defendant is willing to undergo a
32 court approved counseling program for a minimum
33 duration of 2 years; or

34 (B) the defendant is willing to participate in

1 a court approved plan including but not limited to
2 the defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the
6 family;

7 (iv) restitution for harm done to the
8 victim; and

9 (v) compliance with any other measures
10 that the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the
12 victim's counseling services, to the extent that the
13 court finds, after considering the defendant's income and
14 assets, that the defendant is financially capable of
15 paying for such services, if the victim was under 18
16 years of age at the time the offense was committed and
17 requires counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section
19 5-6-4; except where the court determines at the hearing that
20 the defendant violated a condition of his or her probation
21 restricting contact with the victim or other family members
22 or commits another offense with the victim or other family
23 members, the court shall revoke the defendant's probation and
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section
27 12-12 of the Criminal Code of 1961.

28 (f) This Article shall not deprive a court in other
29 proceedings to order a forfeiture of property, to suspend or
30 cancel a license, to remove a person from office, or to
31 impose any other civil penalty.

32 (g) Whenever a defendant is convicted of an offense
33 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
34 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,

1 12-15 or 12-16 of the Criminal Code of 1961, the defendant
2 shall undergo medical testing to determine whether the
3 defendant has any sexually transmissible disease, including a
4 test for infection with human immunodeficiency virus (HIV) or
5 any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Any such medical test
7 shall be performed only by appropriately licensed medical
8 practitioners and may include an analysis of any bodily
9 fluids as well as an examination of the defendant's person.
10 Except as otherwise provided by law, the results of such test
11 shall be kept strictly confidential by all medical personnel
12 involved in the testing and must be personally delivered in a
13 sealed envelope to the judge of the court in which the
14 conviction was entered for the judge's inspection in camera.
15 Acting in accordance with the best interests of the victim
16 and the public, the judge shall have the discretion to
17 determine to whom, if anyone, the results of the testing may
18 be revealed. The court shall notify the defendant of the test
19 results. The court shall also notify the victim if requested
20 by the victim, and if the victim is under the age of 15 and
21 if requested by the victim's parents or legal guardian, the
22 court shall notify the victim's parents or legal guardian of
23 the test results. The court shall provide information on the
24 availability of HIV testing and counseling at Department of
25 Public Health facilities to all parties to whom the results
26 of the testing are revealed and shall direct the State's
27 Attorney to provide the information to the victim when
28 possible. A State's Attorney may petition the court to obtain
29 the results of any HIV test administered under this Section,
30 and the court shall grant the disclosure if the State's
31 Attorney shows it is relevant in order to prosecute a charge
32 of criminal transmission of HIV under Section 12-16.2 of the
33 Criminal Code of 1961 against the defendant. The court shall
34 order that the cost of any such test shall be paid by the

1 county and may be taxed as costs against the convicted
2 defendant.

3 (g-5) When an inmate is tested for an airborne
4 communicable disease, as determined by the Illinois
5 Department of Public Health including but not limited to
6 tuberculosis, the results of the test shall be personally
7 delivered by the warden or his or her designee in a sealed
8 envelope to the judge of the court in which the inmate must
9 appear for the judge's inspection in camera if requested by
10 the judge. Acting in accordance with the best interests of
11 those in the courtroom, the judge shall have the discretion
12 to determine what if any precautions need to be taken to
13 prevent transmission of the disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense
15 under Section 1 or 2 of the Hypodermic Syringes and Needles
16 Act, the defendant shall undergo medical testing to determine
17 whether the defendant has been exposed to human
18 immunodeficiency virus (HIV) or any other identified
19 causative agent of acquired immunodeficiency syndrome (AIDS).
20 Except as otherwise provided by law, the results of such test
21 shall be kept strictly confidential by all medical personnel
22 involved in the testing and must be personally delivered in a
23 sealed envelope to the judge of the court in which the
24 conviction was entered for the judge's inspection in camera.
25 Acting in accordance with the best interests of the public,
26 the judge shall have the discretion to determine to whom, if
27 anyone, the results of the testing may be revealed. The court
28 shall notify the defendant of a positive test showing an
29 infection with the human immunodeficiency virus (HIV). The
30 court shall provide information on the availability of HIV
31 testing and counseling at Department of Public Health
32 facilities to all parties to whom the results of the testing
33 are revealed and shall direct the State's Attorney to provide
34 the information to the victim when possible. A State's

1 Attorney may petition the court to obtain the results of any
2 HIV test administered under this Section, and the court
3 shall grant the disclosure if the State's Attorney shows it
4 is relevant in order to prosecute a charge of criminal
5 transmission of HIV under Section 12-16.2 of the Criminal
6 Code of 1961 against the defendant. The court shall order
7 that the cost of any such test shall be paid by the county
8 and may be taxed as costs against the convicted defendant.

9 (i) All fines and penalties imposed under this Section
10 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
11 Vehicle Code, or a similar provision of a local ordinance,
12 and any violation of the Child Passenger Protection Act, or a
13 similar provision of a local ordinance, shall be collected
14 and disbursed by the circuit clerk as provided under Section
15 27.5 of the Clerks of Courts Act.

16 (j) In cases when prosecution for any violation of
17 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
18 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
19 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
20 12-16 of the Criminal Code of 1961, any violation of the
21 Illinois Controlled Substances Act, or any violation of the
22 Cannabis Control Act results in conviction, a disposition of
23 court supervision, or an order of probation granted under
24 Section 10 of the Cannabis Control Act or Section 410 of the
25 Illinois Controlled Substance Act of a defendant, the court
26 shall determine whether the defendant is employed by a
27 facility or center as defined under the Child Care Act of
28 1969, a public or private elementary or secondary school, or
29 otherwise works with children under 18 years of age on a
30 daily basis. When a defendant is so employed, the court
31 shall order the Clerk of the Court to send a copy of the
32 judgment of conviction or order of supervision or probation
33 to the defendant's employer by certified mail. If the
34 employer of the defendant is a school, the Clerk of the Court

1 shall direct the mailing of a copy of the judgment of
2 conviction or order of supervision or probation to the
3 appropriate regional superintendent of schools. The regional
4 superintendent of schools shall notify the State Board of
5 Education of any notification under this subsection.

6 (j-5) A defendant at least 17 years of age who is
7 convicted of a felony and who has not been previously
8 convicted of a misdemeanor or felony and who is sentenced to
9 a term of imprisonment in the Illinois Department of
10 Corrections shall as a condition of his or her sentence be
11 required by the court to attend educational courses designed
12 to prepare the defendant for a high school diploma and to
13 work toward a high school diploma or to work toward passing
14 the high school level Test of General Educational Development
15 (GED) or to work toward completing a vocational training
16 program offered by the Department of Corrections. If a
17 defendant fails to complete the educational training required
18 by his or her sentence during the term of incarceration, the
19 Prisoner Review Board shall, as a condition of mandatory
20 supervised release, require the defendant, at his or her own
21 expense, to pursue a course of study toward a high school
22 diploma or passage of the GED test. The Prisoner Review
23 Board shall revoke the mandatory supervised release of a
24 defendant who wilfully fails to comply with this subsection
25 (j-5) upon his or her release from confinement in a penal
26 institution while serving a mandatory supervised release
27 term; however, the inability of the defendant after making a
28 good faith effort to obtain financial aid or pay for the
29 educational training shall not be deemed a wilful failure to
30 comply. The Prisoner Review Board shall recommit the
31 defendant whose mandatory supervised release term has been
32 revoked under this subsection (j-5) as provided in Section
33 3-3-9. This subsection (j-5) does not apply to a defendant
34 who has a high school diploma or has successfully passed the

1 GED test. This subsection (j-5) does not apply to a defendant
2 who is determined by the court to be developmentally disabled
3 or otherwise mentally incapable of completing the educational
4 or vocational program.

5 (k) A court may not impose a sentence or disposition for
6 a felony or misdemeanor that requires the defendant to be
7 implanted or injected with or to use any form of birth
8 control.

9 (l) (A) Except as provided in paragraph (C) of
10 subsection (l), whenever a defendant, who is an alien as
11 defined by the Immigration and Nationality Act, is
12 convicted of any felony or misdemeanor offense, the court
13 after sentencing the defendant may, upon motion of the
14 State's Attorney, hold sentence in abeyance and remand
15 the defendant to the custody of the Attorney General of
16 the United States or his or her designated agent to be
17 deported when:

18 (1) a final order of deportation has been
19 issued against the defendant pursuant to proceedings
20 under the Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct
23 and would not be inconsistent with the ends of
24 justice.

25 Otherwise, the defendant shall be sentenced as
26 provided in this Chapter V.

27 (B) If the defendant has already been sentenced for
28 a felony or misdemeanor offense, or has been placed on
29 probation under Section 10 of the Cannabis Control Act or
30 Section 410 of the Illinois Controlled Substances Act,
31 the court may, upon motion of the State's Attorney to
32 suspend the sentence imposed, commit the defendant to the
33 custody of the Attorney General of the United States or
34 his or her designated agent when:

1 (1) a final order of deportation has been
2 issued against the defendant pursuant to proceedings
3 under the Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct
6 and would not be inconsistent with the ends of
7 justice.

8 (C) This subsection (1) does not apply to offenders
9 who are subject to the provisions of paragraph (2) of
10 subsection (a) of Section 3-6-3.

11 (D) Upon motion of the State's Attorney, if a
12 defendant sentenced under this Section returns to the
13 jurisdiction of the United States, the defendant shall be
14 recommitted to the custody of the county from which he or
15 she was sentenced. Thereafter, the defendant shall be
16 brought before the sentencing court, which may impose any
17 sentence that was available under Section 5-5-3 at the
18 time of initial sentencing. In addition, the defendant
19 shall not be eligible for additional good conduct credit
20 for meritorious service as provided under Section 3-6-6.

21 (m) A person convicted of criminal defacement of
22 property under Section 21-1.3 of the Criminal Code of 1961,
23 in which the property damage exceeds \$300 and the property
24 damaged is a school building, shall be ordered to perform
25 community service that may include cleanup, removal, or
26 painting over the defacement.

27 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
28 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
29 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,
30 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
31 92-422, eff. 8-17-01; revised 8-28-01.)

32 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

33 Sec. 5-6-3. Conditions of Probation and of Conditional

1 Discharge.

2 (a) The conditions of probation and of conditional
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any
5 jurisdiction;

6 (2) report to or appear in person before such
7 person or agency as directed by the court;

8 (3) refrain from possessing a firearm or other
9 dangerous weapon;

10 (4) not leave the State without the consent of the
11 court or, in circumstances in which the reason for the
12 absence is of such an emergency nature that prior consent
13 by the court is not possible, without the prior
14 notification and approval of the person's probation
15 officer;

16 (5) permit the probation officer to visit him at
17 his home or elsewhere to the extent necessary to
18 discharge his duties;

19 (6) perform no less than 30 hours of community
20 service and not more than 120 hours of community service,
21 if community service is available in the jurisdiction and
22 is funded and approved by the county board where the
23 offense was committed, where the offense was related to
24 or in furtherance of the criminal activities of an
25 organized gang and was motivated by the offender's
26 membership in or allegiance to an organized gang. The
27 community service shall include, but not be limited to,
28 the cleanup and repair of any damage caused by a
29 violation of Section 21-1.3 of the Criminal Code of 1961
30 and similar damage to property located within the
31 municipality or county in which the violation occurred.
32 When possible and reasonable, the community service
33 should be performed in the offender's neighborhood. For
34 purposes of this Section, "organized gang" has the

1 meaning ascribed to it in Section 10 of the Illinois
2 Streetgang Terrorism Omnibus Prevention Act;

3 (7) if he or she is at least 17 years of age and
4 has been sentenced to probation or conditional discharge
5 for a misdemeanor or felony in a county of 3,000,000 or
6 more inhabitants and has not been previously convicted of
7 a misdemeanor or felony, may be required by the
8 sentencing court to attend educational courses designed
9 to prepare the defendant for a high school diploma and to
10 work toward a high school diploma or to work toward
11 passing the high school level Test of General Educational
12 Development (GED) or to work toward completing a
13 vocational training program approved by the court. The
14 person on probation or conditional discharge must attend
15 a public institution of education to obtain the
16 educational or vocational training required by this
17 clause (7). The court shall revoke the probation or
18 conditional discharge of a person who wilfully fails to
19 comply with this clause (7). The person on probation or
20 conditional discharge shall be required to pay for the
21 cost of the educational courses or GED test, if a fee is
22 charged for those courses or test. The court shall
23 resentence the offender whose probation or conditional
24 discharge has been revoked as provided in Section 5-6-4.
25 This clause (7) does not apply to a person who has a high
26 school diploma or has successfully passed the GED test.
27 This clause (7) does not apply to a person who is
28 determined by the court to be developmentally disabled or
29 otherwise mentally incapable of completing the
30 educational or vocational program;

31 (8) if convicted of possession of a substance
32 prohibited by the Cannabis Control Act or Illinois
33 Controlled Substances Act after a previous conviction or
34 disposition of supervision for possession of a substance

1 prohibited by the Cannabis Control Act or Illinois
2 Controlled Substances Act or after a sentence of
3 probation under Section 10 of the Cannabis Control Act or
4 Section 410 of the Illinois Controlled Substances Act and
5 upon a finding by the court that the person is addicted,
6 undergo treatment at a substance abuse program approved
7 by the court; and

8 (9) if convicted of a felony, physically surrender
9 at a time and place designated by the court, his or her
10 Firearm Owner's Identification Card and any and all
11 firearms in his or her possession.

12 (b) The Court may in addition to other reasonable
13 conditions relating to the nature of the offense or the
14 rehabilitation of the defendant as determined for each
15 defendant in the proper discretion of the Court require that
16 the person:

17 (1) serve a term of periodic imprisonment under
18 Article 7 for a period not to exceed that specified in
19 paragraph (d) of Section 5-7-1;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational
22 training;

23 (4) undergo medical, psychological or psychiatric
24 treatment; or treatment for drug addiction or alcoholism;

25 (5) attend or reside in a facility established for
26 the instruction or residence of defendants on probation;

27 (6) support his dependents;

28 (7) and in addition, if a minor:

29 (i) reside with his parents or in a foster
30 home;

31 (ii) attend school;

32 (iii) attend a non-residential program for
33 youth;

34 (iv) contribute to his own support at home or

1 in a foster home;

2 (v) with the consent of the superintendent of
3 the facility, attend an educational program at a
4 facility other than the school in which the offense
5 was committed if he or she is convicted of a crime
6 of violence as defined in Section 2 of the Crime
7 Victims Compensation Act committed in a school, on
8 the real property comprising a school, or within
9 1,000 feet of the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6
11 of this Code;

12 (9) perform some reasonable public or community
13 service;

14 (10) serve a term of home confinement. In addition
15 to any other applicable condition of probation or
16 conditional discharge, the conditions of home confinement
17 shall be that the offender:

18 (i) remain within the interior premises of the
19 place designated for his confinement during the
20 hours designated by the court;

21 (ii) admit any person or agent designated by
22 the court into the offender's place of confinement
23 at any time for purposes of verifying the offender's
24 compliance with the conditions of his confinement;
25 and

26 (iii) if further deemed necessary by the court
27 or the Probation or Court Services Department, be
28 placed on an approved electronic monitoring device,
29 subject to Article 8A of Chapter V;

30 (iv) for persons convicted of any alcohol,
31 cannabis or controlled substance violation who are
32 placed on an approved monitoring device as a
33 condition of probation or conditional discharge, the
34 court shall impose a reasonable fee for each day of

1 the use of the device, as established by the county
2 board in subsection (g) of this Section, unless
3 after determining the inability of the offender to
4 pay the fee, the court assesses a lesser fee or no
5 fee as the case may be. This fee shall be imposed in
6 addition to the fees imposed under subsections (g)
7 and (i) of this Section. The fee shall be collected
8 by the clerk of the circuit court. The clerk of the
9 circuit court shall pay all monies collected from
10 this fee to the county treasurer for deposit in the
11 substance abuse services fund under Section 5-1086.1
12 of the Counties Code; and

13 (v) for persons convicted of offenses other
14 than those referenced in clause (iv) above and who
15 are placed on an approved monitoring device as a
16 condition of probation or conditional discharge, the
17 court shall impose a reasonable fee for each day of
18 the use of the device, as established by the county
19 board in subsection (g) of this Section, unless
20 after determining the inability of the defendant to
21 pay the fee, the court assesses a lesser fee or no
22 fee as the case may be. This fee shall be imposed
23 in addition to the fees imposed under subsections
24 (g) and (i) of this Section. The fee shall be
25 collected by the clerk of the circuit court. The
26 clerk of the circuit court shall pay all monies
27 collected from this fee to the county treasurer who
28 shall use the monies collected to defray the costs
29 of corrections. The county treasurer shall deposit
30 the fee collected in the county working cash fund
31 under Section 6-27001 or Section 6-29002 of the
32 Counties Code, as the case may be.

33 (11) comply with the terms and conditions of an
34 order of protection issued by the court pursuant to the

1 Illinois Domestic Violence Act of 1986, as now or
2 hereafter amended, or an order of protection issued by
3 the court of another state, tribe, or United States
4 territory. A copy of the order of protection shall be
5 transmitted to the probation officer or agency having
6 responsibility for the case;

7 (12) reimburse any "local anti-crime program" as
8 defined in Section 7 of the Anti-Crime Advisory Council
9 Act for any reasonable expenses incurred by the program
10 on the offender's case, not to exceed the maximum amount
11 of the fine authorized for the offense for which the
12 defendant was sentenced;

13 (13) contribute a reasonable sum of money, not to
14 exceed the maximum amount of the fine authorized for the
15 offense for which the defendant was sentenced, to a
16 "local anti-crime program", as defined in Section 7 of
17 the Anti-Crime Advisory Council Act;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer, if the defendant has been placed on
24 probation or advance approval by the court, if the
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or
27 indirectly, with certain specified persons or particular
28 types of persons, including but not limited to members of
29 street gangs and drug users or dealers;

30 (16) refrain from having in his or her body the
31 presence of any illicit drug prohibited by the Cannabis
32 Control Act or the Illinois Controlled Substances Act,
33 unless prescribed by a physician, and submit samples of
34 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug.

2 (c) The court may as a condition of probation or of
3 conditional discharge require that a person under 18 years of
4 age found guilty of any alcohol, cannabis or controlled
5 substance violation, refrain from acquiring a driver's
6 license during the period of probation or conditional
7 discharge. If such person is in possession of a permit or
8 license, the court may require that the minor refrain from
9 driving or operating any motor vehicle during the period of
10 probation or conditional discharge, except as may be
11 necessary in the course of the minor's lawful employment.

12 (d) An offender sentenced to probation or to conditional
13 discharge shall be given a certificate setting forth the
14 conditions thereof.

15 (e) Except where the offender has committed a fourth or
16 subsequent violation of subsection (c) of Section 6-303 of
17 the Illinois Vehicle Code, the court shall not require as a
18 condition of the sentence of probation or conditional
19 discharge that the offender be committed to a period of
20 imprisonment in excess of 6 months. This 6 month limit shall
21 not include periods of confinement given pursuant to a
22 sentence of county impact incarceration under Section
23 5-8-1.2. This 6 month limit does not apply to a person
24 sentenced to probation as a result of a conviction of a
25 fourth or subsequent violation of subsection (c-4) of Section
26 11-501 of the Illinois Vehicle Code or a similar provision of
27 a local ordinance.

28 Persons committed to imprisonment as a condition of
29 probation or conditional discharge shall not be committed to
30 the Department of Corrections.

31 (f) The court may combine a sentence of periodic
32 imprisonment under Article 7 or a sentence to a county impact
33 incarceration program under Article 8 with a sentence of
34 probation or conditional discharge.

1 (g) An offender sentenced to probation or to conditional
2 discharge and who during the term of either undergoes
3 mandatory drug or alcohol testing, or both, or is assigned to
4 be placed on an approved electronic monitoring device, shall
5 be ordered to pay all costs incidental to such mandatory drug
6 or alcohol testing, or both, and all costs incidental to such
7 approved electronic monitoring in accordance with the
8 defendant's ability to pay those costs. The county board
9 with the concurrence of the Chief Judge of the judicial
10 circuit in which the county is located shall establish
11 reasonable fees for the cost of maintenance, testing, and
12 incidental expenses related to the mandatory drug or alcohol
13 testing, or both, and all costs incidental to approved
14 electronic monitoring, involved in a successful probation
15 program for the county. The concurrence of the Chief Judge
16 shall be in the form of an administrative order. The fees
17 shall be collected by the clerk of the circuit court. The
18 clerk of the circuit court shall pay all moneys collected
19 from these fees to the county treasurer who shall use the
20 moneys collected to defray the costs of drug testing, alcohol
21 testing, and electronic monitoring. The county treasurer
22 shall deposit the fees collected in the county working cash
23 fund under Section 6-27001 or Section 6-29002 of the Counties
24 Code, as the case may be.

25 (h) Jurisdiction over an offender may be transferred
26 from the sentencing court to the court of another circuit
27 with the concurrence of both courts, or to another state
28 under an Interstate Probation Reciprocal Agreement as
29 provided in Section 3-3-11. Further transfers or retransfers
30 of jurisdiction are also authorized in the same manner. The
31 court to which jurisdiction has been transferred shall have
32 the same powers as the sentencing court.

33 (i) The court shall impose upon an offender sentenced to
34 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992, as a condition of such probation or
2 conditional discharge, a fee of \$25 for each month of
3 probation or conditional discharge supervision ordered by the
4 court, unless after determining the inability of the person
5 sentenced to probation or conditional discharge to pay the
6 fee, the court assesses a lesser fee. The court may not
7 impose the fee on a minor who is made a ward of the State
8 under the Juvenile Court Act of 1987 while the minor is in
9 placement. The fee shall be imposed only upon an offender who
10 is actively supervised by the probation and court services
11 department. The fee shall be collected by the clerk of the
12 circuit court. The clerk of the circuit court shall pay all
13 monies collected from this fee to the county treasurer for
14 deposit in the probation and court services fund under
15 Section 15.1 of the Probation and Probation Officers Act.

16 (j) All fines and costs imposed under this Section for
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance,
19 and any violation of the Child Passenger Protection Act, or a
20 similar provision of a local ordinance, shall be collected
21 and disbursed by the circuit clerk as provided under Section
22 27.5 of the Clerks of Courts Act.

23 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
24 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
25 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised
26 10-11-01.)

27 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
28 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

29 (a) When a defendant is placed on supervision, the court
30 shall enter an order for supervision specifying the period of
31 such supervision, and shall defer further proceedings in the
32 case until the conclusion of the period.

33 (b) The period of supervision shall be reasonable under

1 all of the circumstances of the case, but may not be longer
2 than 2 years, unless the defendant has failed to pay the
3 assessment required by Section 10.3 of the Cannabis Control
4 Act or Section 411.2 of the Illinois Controlled Substances
5 Act, in which case the court may extend supervision beyond 2
6 years. Additionally, the court shall order the defendant to
7 perform no less than 30 hours of community service and not
8 more than 120 hours of community service, if community
9 service is available in the jurisdiction and is funded and
10 approved by the county board where the offense was committed,
11 when the offense (1) was related to or in furtherance of the
12 criminal activities of an organized gang or was motivated by
13 the defendant's membership in or allegiance to an organized
14 gang; or (2) is a violation of any Section of Article 24 of
15 the Criminal Code of 1961 where a disposition of supervision
16 is not prohibited by Section 5-6-1 of this Code. The
17 community service shall include, but not be limited to, the
18 cleanup and repair of any damage caused by violation of
19 Section 21-1.3 of the Criminal Code of 1961 and similar
20 damages to property located within the municipality or county
21 in which the violation occurred. Where possible and
22 reasonable, the community service should be performed in the
23 offender's neighborhood.

24 For the purposes of this Section, "organized gang" has
25 the meaning ascribed to it in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

27 (c) The court may in addition to other reasonable
28 conditions relating to the nature of the offense or the
29 rehabilitation of the defendant as determined for each
30 defendant in the proper discretion of the court require that
31 the person:

32 (1) make a report to and appear in person before or
33 participate with the court or such courts, person, or
34 social service agency as directed by the court in the

1 order of supervision;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational
4 training;

5 (4) undergo medical, psychological or psychiatric
6 treatment; or treatment for drug addiction or alcoholism;

7 (5) attend or reside in a facility established for
8 the instruction or residence of defendants on probation;

9 (6) support his dependents;

10 (7) refrain from possessing a firearm or other
11 dangerous weapon;

12 (8) and in addition, if a minor:

13 (i) reside with his parents or in a foster
14 home;

15 (ii) attend school;

16 (iii) attend a non-residential program for
17 youth;

18 (iv) contribute to his own support at home or
19 in a foster home; or

20 (v) with the consent of the superintendent of
21 the facility, attend an educational program at a
22 facility other than the school in which the offense
23 was committed if he or she is placed on supervision
24 for a crime of violence as defined in Section 2 of
25 the Crime Victims Compensation Act committed in a
26 school, on the real property comprising a school, or
27 within 1,000 feet of the real property comprising a
28 school;

29 (9) make restitution or reparation in an amount not
30 to exceed actual loss or damage to property and pecuniary
31 loss or make restitution under Section 5-5-6 to a
32 domestic violence shelter. The court shall determine the
33 amount and conditions of payment;

34 (10) perform some reasonable public or community

1 service;

2 (11) comply with the terms and conditions of an
3 order of protection issued by the court pursuant to the
4 Illinois Domestic Violence Act of 1986 or an order of
5 protection issued by the court of another state, tribe,
6 or United States territory. If the court has ordered the
7 defendant to make a report and appear in person under
8 paragraph (1) of this subsection, a copy of the order of
9 protection shall be transmitted to the person or agency
10 so designated by the court;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council
13 Act for any reasonable expenses incurred by the program
14 on the offender's case, not to exceed the maximum amount
15 of the fine authorized for the offense for which the
16 defendant was sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, to a
20 "local anti-crime program", as defined in Section 7 of
21 the Anti-Crime Advisory Council Act;

22 (14) refrain from entering into a designated
23 geographic area except upon such terms as the court finds
24 appropriate. Such terms may include consideration of the
25 purpose of the entry, the time of day, other persons
26 accompanying the defendant, and advance approval by a
27 probation officer;

28 (15) refrain from having any contact, directly or
29 indirectly, with certain specified persons or particular
30 types of person, including but not limited to members of
31 street gangs and drug users or dealers;

32 (16) refrain from having in his or her body the
33 presence of any illicit drug prohibited by the Cannabis
34 Control Act or the Illinois Controlled Substances Act,

1 unless prescribed by a physician, and submit samples of
2 his or her blood or urine or both for tests to determine
3 the presence of any illicit drug;

4 (17) refrain from operating any motor vehicle not
5 equipped with an ignition interlock device as defined in
6 Section 1-129.1 of the Illinois Vehicle Code. Under this
7 condition the court may allow a defendant who is not
8 self-employed to operate a vehicle owned by the
9 defendant's employer that is not equipped with an
10 ignition interlock device in the course and scope of the
11 defendant's employment.

12 (d) The court shall defer entering any judgment on the
13 charges until the conclusion of the supervision.

14 (e) At the conclusion of the period of supervision, if
15 the court determines that the defendant has successfully
16 complied with all of the conditions of supervision, the court
17 shall discharge the defendant and enter a judgment dismissing
18 the charges.

19 (f) Discharge and dismissal upon a successful conclusion
20 of a disposition of supervision shall be deemed without
21 adjudication of guilt and shall not be termed a conviction
22 for purposes of disqualification or disabilities imposed by
23 law upon conviction of a crime. Two years after the
24 discharge and dismissal under this Section, unless the
25 disposition of supervision was for a violation of Sections
26 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
27 Vehicle Code or a similar provision of a local ordinance, or
28 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
29 Code of 1961, in which case it shall be 5 years after
30 discharge and dismissal, a person may have his record of
31 arrest sealed or expunged as may be provided by law.
32 However, any defendant placed on supervision before January
33 1, 1980, may move for sealing or expungement of his arrest
34 record, as provided by law, at any time after discharge and

1 dismissal under this Section. A person placed on supervision
2 for a sexual offense committed against a minor as defined in
3 subsection (g) of Section 5 of the Criminal Identification
4 Act or for a violation of Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance
6 shall not have his or her record of arrest sealed or
7 expunged.

8 (g) A defendant placed on supervision and who during the
9 period of supervision undergoes mandatory drug or alcohol
10 testing, or both, or is assigned to be placed on an approved
11 electronic monitoring device, shall be ordered to pay the
12 costs incidental to such mandatory drug or alcohol testing,
13 or both, and costs incidental to such approved electronic
14 monitoring in accordance with the defendant's ability to pay
15 those costs. The county board with the concurrence of the
16 Chief Judge of the judicial circuit in which the county is
17 located shall establish reasonable fees for the cost of
18 maintenance, testing, and incidental expenses related to the
19 mandatory drug or alcohol testing, or both, and all costs
20 incidental to approved electronic monitoring, of all
21 defendants placed on supervision. The concurrence of the
22 Chief Judge shall be in the form of an administrative order.
23 The fees shall be collected by the clerk of the circuit
24 court. The clerk of the circuit court shall pay all moneys
25 collected from these fees to the county treasurer who shall
26 use the moneys collected to defray the costs of drug testing,
27 alcohol testing, and electronic monitoring. The county
28 treasurer shall deposit the fees collected in the county
29 working cash fund under Section 6-27001 or Section 6-29002 of
30 the Counties Code, as the case may be.

31 (h) A disposition of supervision is a final order for
32 the purposes of appeal.

33 (i) The court shall impose upon a defendant placed on
34 supervision after January 1, 1992, as a condition of

1 supervision, a fee of \$25 for each month of supervision
2 ordered by the court, unless after determining the inability
3 of the person placed on supervision to pay the fee, the court
4 assesses a lesser fee. The court may not impose the fee on a
5 minor who is made a ward of the State under the Juvenile
6 Court Act of 1987 while the minor is in placement. The fee
7 shall be imposed only upon a defendant who is actively
8 supervised by the probation and court services department.
9 The fee shall be collected by the clerk of the circuit court.
10 The clerk of the circuit court shall pay all monies collected
11 from this fee to the county treasurer for deposit in the
12 probation and court services fund pursuant to Section 15.1 of
13 the Probation and Probation Officers Act.

14 (j) All fines and costs imposed under this Section for
15 any violation of Chapters 3, 4, 6, and 11 of the Illinois
16 Vehicle Code, or a similar provision of a local ordinance,
17 and any violation of the Child Passenger Protection Act, or a
18 similar provision of a local ordinance, shall be collected
19 and disbursed by the circuit clerk as provided under Section
20 27.5 of the Clerks of Courts Act.

21 (k) A defendant at least 17 years of age who is placed
22 on supervision for a misdemeanor in a county of 3,000,000 or
23 more inhabitants and who has not been previously convicted of
24 a misdemeanor or felony may as a condition of his or her
25 supervision be required by the court to attend educational
26 courses designed to prepare the defendant for a high school
27 diploma and to work toward a high school diploma or to work
28 toward passing the high school level Test of General
29 Educational Development (GED) or to work toward completing a
30 vocational training program approved by the court. The
31 defendant placed on supervision must attend a public
32 institution of education to obtain the educational or
33 vocational training required by this subsection (k). The
34 defendant placed on supervision shall be required to pay for

1 the cost of the educational courses or GED test, if a fee is
2 charged for those courses or test. The court shall revoke
3 the supervision of a person who wilfully fails to comply with
4 this subsection (k). The court shall resentence the
5 defendant upon revocation of supervision as provided in
6 Section 5-6-4. This subsection (k) does not apply to a
7 defendant who has a high school diploma or has successfully
8 passed the GED test. This subsection (k) does not apply to a
9 defendant who is determined by the court to be
10 developmentally disabled or otherwise mentally incapable of
11 completing the educational or vocational program.

12 (l) The court shall require a defendant placed on
13 supervision for possession of a substance prohibited by the
14 Cannabis Control Act or Illinois Controlled Substances Act
15 after a previous conviction or disposition of supervision for
16 possession of a substance prohibited by the Cannabis Control
17 Act or Illinois Controlled Substances Act or a sentence of
18 probation under Section 10 of the Cannabis Control Act or
19 Section 410 of the Illinois Controlled Substances Act and
20 after a finding by the court that the person is addicted, to
21 undergo treatment at a substance abuse program approved by
22 the court.

23 (m) The Secretary of State shall require anyone placed
24 on court supervision for a violation of Section 3-707 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance to give proof of his or her financial
27 responsibility as defined in Section 7-315 of the Illinois
28 Vehicle Code. The proof shall be maintained by the
29 individual in a manner satisfactory to the Secretary of State
30 for a minimum period of one year after the date the proof is
31 first filed. The proof shall be limited to a single action
32 per arrest and may not be affected by any post-sentence
33 disposition. The Secretary of State shall suspend the
34 driver's license of any person determined by the Secretary to

1 be in violation of this subsection.

2 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;
3 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.
4 8-22-01; revised 10-11-01.)

5 (730 ILCS 5/5-8-3) (from Ch. 38, par. 1005-8-3)

6 Sec. 5-8-3. Sentence of Imprisonment for Misdemeanor.}

7 (a) A sentence of imprisonment for a misdemeanor shall
8 be for a determinate term according to the following
9 limitations:

10 (1) for a Class A misdemeanor, for any term less
11 than one year;

12 (2) for a Class B misdemeanor, for not more than 6
13 months;

14 (3) for a Class C misdemeanor, for not more than 30
15 days.

16 (b) The good behavioral allowance shall be determined
17 under Section 3 of the County Jail Misdemeanant Good Behavior
18 Allowance Act.

19 (Source: P.A. 81-1050; revised 12-07-01.)

20 Section 84. The Code of Civil Procedure is amended by
21 changing Sections 3-101 and 8-402 as follows:

22 (735 ILCS 5/3-101) (from Ch. 110, par. 3-101)

23 Sec. 3-101. Definitions. For the purpose of this Act:

24 "Administrative agency" means a person, body of persons,
25 group, officer, board, bureau, commission or department
26 (other than a court or judge) of the State, or of any
27 political subdivision of the State or municipal ~~in-the--State~~
28 corporation in the State, having power under law to make
29 administrative decisions.

30 "Administrative decision" or "decision" means any
31 decision, order or determination of any administrative agency

1 rendered in a particular case, which affects the legal
2 rights, duties or privileges of parties and which terminates
3 the proceedings before the administrative agency. In all
4 cases in which a statute or a rule of the administrative
5 agency requires or permits an application for a rehearing or
6 other method of administrative review to be filed within a
7 specified time (as distinguished from a statute which permits
8 the application for rehearing or administrative review to be
9 filed at any time before judgment by the administrative
10 agency against the applicant or within a specified time after
11 the entry of such judgment), and an application for such
12 rehearing or review is made, no administrative decision of
13 such agency shall be final as to the party applying therefor
14 until such rehearing or review is had or denied. However, if
15 the particular statute permits an application for rehearing
16 or other method of administrative review to be filed with the
17 administrative agency for an indefinite period of time after
18 the administrative decision has been rendered (such as
19 permitting such application to be filed at any time before
20 judgment by the administrative agency against the applicant
21 or within a specified time after the entry of such judgment),
22 then the authorization for the filing of such application for
23 rehearing or review shall not postpone the time when the
24 administrative decision as to which such application shall be
25 filed would otherwise become final, but the filing of the
26 application for rehearing or review with the administrative
27 agency in this type of case shall constitute the commencement
28 of a new proceeding before such agency, and the decision
29 rendered in order to dispose of such rehearing or other
30 review proceeding shall constitute a new and independent
31 administrative decision. If such new and independent
32 decision consists merely of the denial of the application for
33 rehearing or other method of administrative review, the
34 record upon judicial review of such decision shall be limited

1 to the application for rehearing or other review and the
2 order or decision denying such application and shall not
3 include the record of proceedings had before the rendering of
4 the administrative decision as to which the application for
5 rehearing or other administrative review shall have been
6 filed unless the suit for judicial review is commenced within
7 the time in which it would be authorized by this Act to have
8 been commenced if no application for rehearing or other
9 method of administrative review had been filed. On the other
10 hand, if the rehearing or other administrative review is
11 granted by the administrative agency, then the record on
12 judicial review of the resulting administrative decision
13 rendered pursuant to the rehearing or other administrative
14 review may consist not only of the record of proceedings had
15 before the administrative agency in such rehearing or other
16 administrative review proceeding, but also of the record of
17 proceedings had before such administrative agency prior to
18 its rendering of the administrative decision as to which the
19 rehearing or other administrative review shall have been
20 granted. The term "administrative decision" or "decision"
21 does not mean or include rules, regulations, standards, or
22 statements of policy of general application issued by an
23 administrative agency to implement, interpret, or make
24 specific the legislation enforced or administered by it
25 unless such a rule, regulation, standard or statement of
26 policy is involved in a proceeding before the agency and its
27 applicability or validity is in issue in such proceeding, nor
28 does it mean or include regulations concerning the internal
29 management of the agency not affecting private rights or
30 interests.

31 (Source: P.A. 88-1; revised 4-19-01.)

32 (735 ILCS 5/8-402) (from Ch. 110, par. 8-402)

33 Sec. 8-402. Production of books and writings. The

1 circuit courts shall have power, in any action pending before
2 them, upon motion, and good and sufficient cause shown, and
3 reasonable notice thereof given, to require the parties, or
4 either of them, to produce books or writings in their
5 possession or of power which contain evidence pertinent to
6 the issue.

7 (Source: P.A. 82-280; revised 4-17-01.)

8 Section 85. The Crime Victims Compensation Act is
9 amended by changing Section 10.1 as follows:

10 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

11 Sec. 10.1. Amount of compensation. The amount of
12 compensation to which an applicant and other persons are ~~is~~
13 entitled shall be based on the following factors:

14 (a) A victim may be compensated for his or her pecuniary
15 loss.;

16 (b) A dependent may be compensated for loss of support.;

17 (c) Any person, even though not dependent upon the
18 victim for his or her support, may be compensated for
19 reasonable funeral, medical and hospital expenses of the
20 victim to the extent to which he or she has paid or become
21 obligated to pay such expenses and only after compensation
22 for reasonable funeral, medical and hospital expenses of the
23 victim have been awarded may compensation be made for
24 reasonable expenses of the victim incurred for psychological
25 treatment of a mental or emotional condition caused or
26 aggravated by the crime.;

27 (d) An award shall be reduced or denied according to the
28 extent to which the victim's acts or conduct provoked or
29 contributed to his or her injury or death, or the extent to
30 which any prior criminal conviction or conduct of the victim
31 may have directly or indirectly contributed to the injury or
32 death of the victim.;

1 (e) An award shall be reduced by the amount of benefits,
2 payments or awards payable under those sources which are
3 required to be listed under item (7) of Section 7.1(a) and
4 any other sources except annuities, pension plans, Federal
5 Social Security payments payable to dependents of the victim
6 and the net proceeds of the first \$25,000 of life insurance
7 that would inure to the benefit of the applicant, which the
8 applicant or any other person dependent for the support of a
9 deceased victim, as the case may be, has received or to which
10 he or she is entitled as a result of injury to or death of
11 the victim.

12 (f) A final award shall not exceed \$10,000 for a crime
13 committed prior to September 22, 1979, \$15,000 for a crime
14 committed on or after September 22, 1979 and prior to January
15 1, 1986, \$25,000 for a crime committed on or after January 1,
16 1986 and prior to August 7, ~~the--effective--date--of--this~~
17 ~~amendatory--Act--of~~ 1998, or \$27,000 for a crime committed on
18 or after August 7, ~~the--effective--date--of--this--amendatory--Act~~
19 ~~of~~ 1998. If the total pecuniary loss is greater than the
20 maximum amount allowed, the award shall be divided in
21 proportion to the amount of actual loss among those entitled
22 to compensation.†

23 (g) Compensation under this Act is a secondary source of
24 compensation and the applicant must show that he or she has
25 exhausted the benefits reasonably available under the
26 Criminal Victims' Escrow Account Act or any governmental or
27 medical or health insurance programs, including, but not
28 limited to Workers' Compensation, the Federal Medicare
29 program, the State Public Aid program, Social Security
30 Administration burial benefits, Veterans Administration
31 burial benefits, and life, health, accident or liability
32 insurance.

33 (Source: P.A. 92-427, eff. 1-1-02; revised 12-04-01.)

1 Section 86. The Whistleblower Reward and Protection Act
2 is amended by changing Section 6 as follows:

3 (740 ILCS 175/6) (from Ch. 127, par. 4106)

4 Sec. 6. Civil investigative demands.

5 (a) In general.

6 (1) Issuance and service. Whenever the Attorney
7 General has reason to believe that any person may be in
8 possession, custody, or control of any documentary
9 material or information relevant to an investigation, the
10 Attorney General may, before commencing a civil
11 proceeding under this Act, issue in writing and cause to
12 be served upon such person, a civil investigative demand
13 requiring such person:

14 (A) to produce such documentary material for
15 inspection and copying,

16 (B) to answer, in writing, written
17 interrogatories with respect to such documentary
18 material or information,

19 (C) to give oral testimony concerning such
20 documentary material or information, or

21 (D) to furnish any combination of such
22 material, answers, or testimony.

23 The Attorney General shall delegate the authority to issue
24 civil investigative demands under this subsection (a) to the
25 Department of State Police. Whenever a civil investigative
26 demand is an express demand for any product of discovery, the
27 Attorney General, an Assistant Attorney General or the
28 delegate of the Department of State Police shall cause to be
29 served, in any manner authorized by this Section, a copy of
30 such demand upon the person from whom the discovery was
31 obtained and shall notify the person to whom such demand is
32 issued of the date on which such copy was served.

33 (2) Contents and deadlines.

1 (A) Each civil investigative demand issued
2 under paragraph (1) shall state the nature of the
3 conduct constituting and alleged violation which is
4 under investigation, and the applicable provision of
5 law alleged to be violated.

6 (B) If such demand is for the production of
7 documentary material, the demand shall:

8 (i) describe each class of documentary
9 material to be produced with such definiteness
10 and certainty as to permit such material to be
11 fairly identified;

12 (ii) prescribe a return date for each
13 such class which will provide a reasonable
14 period of time within which the material so
15 demanded may be assembled and made available
16 for inspection and copying; and

17 (iii) identify the investigator to whom
18 such material shall be made available.

19 (C) If such demand is for answers to written
20 interrogatories, the demand shall:

21 (i) set forth with specificity the
22 written interrogatories to be answered;

23 (ii) prescribe dates at which time
24 answers to written interrogatories shall be
25 submitted; and

26 (iii) identify the investigator to whom
27 such answers shall be submitted.

28 (D) If such demand is for the giving of oral
29 testimony, the demand shall:

30 (i) prescribe a date, time, and place at
31 which oral testimony shall be commenced;

32 (ii) identify an investigator who shall
33 conduct the examination and the custodian to
34 whom the transcript of such examination shall

1 be submitted;

2 (iii) specify that such attendance and
3 testimony are necessary to the conduct of the
4 investigation;

5 (iv) notify the person receiving the
6 demand of the right to be accompanied by an
7 attorney and any other representative; and

8 (v) describe the general purpose for
9 which the demand is being issued and the
10 general nature of the testimony, including the
11 primary areas of inquiry, which will be taken
12 pursuant to the demand.

13 (E) Any civil investigative demand issued
14 under this Section which is an express demand for
15 any product of discovery shall not be returned or
16 returnable until 20 days after a copy of such demand
17 has been served upon the person from whom the
18 discovery was obtained.

19 (F) The date prescribed for the commencement
20 of oral testimony pursuant to a civil investigative
21 demand issued under this Section shall be a date
22 which is not less than 7 days after the date on
23 which demand is received, unless the Attorney
24 General or an Assistant Attorney General designated
25 by the Attorney General or the delegate of the
26 Department of State Police determines that
27 exceptional circumstances are present which warrant
28 the commencement of such testimony within a lesser
29 period of time.

30 (G) The Attorney General or the delegate of
31 the Department of State Police shall not authorize
32 the issuance under this Section of more than one
33 civil investigative demand for oral testimony by the
34 same person unless the person requests otherwise or

1 unless the Attorney General or the delegate of the
2 Department of State Police, after investigation,
3 notifies that person in writing that an additional
4 demand for oral testimony is necessary. The
5 Attorney General shall authorize the performance by
6 the delegate of the Department of State Police of
7 any function vested in the Attorney General under
8 this subparagraph (G).

9 (b) Protected material or information.

10 (1) In general. A civil investigative demand
11 issued under subsection (a) may not require the
12 production of any documentary material, the submission of
13 any answers to written interrogatories, or the giving of
14 any oral testimony if such material, answers, or
15 testimony would be protected from disclosure under:

16 (A) the standards applicable to subpoenas or
17 subpoenas duces tecum issued by a court of this
18 State to aid in a grand jury investigation; or

19 (B) the standards applicable to discovery
20 requests under the Code of Civil Procedure, to the
21 extent that the application of such standards to any
22 such demand is appropriate and consistent with the
23 provisions and purposes of this Section.

24 (2) Effect on other orders, rules, and laws. Any
25 such demand which is an express demand for any product of
26 discovery supersedes any inconsistent order, rule, or
27 provision of law (other than this Section) preventing or
28 restraining disclosure of such product of discovery to
29 any person. Disclosure of any product of discovery
30 pursuant to any such express demand does not constitute a
31 waiver of any right or privilege which the person making
32 make such disclosure may be entitled to invoke to resist
33 discovery of trial preparation materials.

34 (c) Service; jurisdiction.

1 (1) By whom served. Any civil investigative demand
2 issued under subsection (a) may be served by an
3 investigator, or by any person authorized to serve
4 process on individuals within Illinois.

5 (2) Service in foreign countries. Any such demand
6 or any petition filed under subsection (j) may be served
7 upon any person who is not found within Illinois in such
8 manner as the Code of Civil Procedure prescribes for
9 service of process outside Illinois. To the extent that
10 the courts of this State can assert jurisdiction over any
11 such person consistent with due process, the courts of
12 this State shall have the same jurisdiction to take any
13 action respecting compliance with this Section by any
14 such person that such court would have if such person
15 were personally within the jurisdiction of such court.

16 (d) Service upon legal entities and natural persons. (1)
17 Legal entities. Service of any civil investigative demand
18 issued under subsection (a) or of any petition filed under
19 subsection (j) may be made upon a partnership, corporation,
20 association, or other legal entity by:

21 (A) delivering an executed copy of such demand
22 or petition to any partner, executive officer,
23 managing agent, general agent, or registered agent
24 of the partnership, corporation, association or
25 entity;

26 (B) delivering an executed copy of such demand
27 or petition to the principal office or place of
28 business of the partnership, corporation,
29 association, or entity; or

30 (C) depositing an executed copy of such demand
31 or petition in the United States mails by registered
32 or certified mail, with a return receipt requested,
33 addressed to such partnership, corporation,
34 association, or entity as its principal office or

1 place of business.

2 (2) Natural person. Service of any such demand or
3 petition may be made upon any natural person by:

4 (A) delivering an executed copy of such demand
5 or petition to the person; or

6 (B) depositing an executed copy of such demand
7 or petition in the United States mails by registered
8 or certified mail, with a return receipt requested,
9 addressed to the person at the person's residence or
10 principal office or place of business.

11 (e) Proof of service. A verified return by the
12 individual serving any civil investigative demand issued
13 under subsection (a) or any petition filed under subsection
14 (j) setting forth the manner of such service shall be proof
15 of such service. In the case of service by registered or
16 certified mail, such return shall be accompanied by the
17 return post office receipt of delivery of such demand.

18 (f) Documentary material. (1) Sworn certificates. The
19 production of documentary material in response to a civil
20 investigative demand served under this Section shall be made
21 under a sworn certificate, in such form as the demand
22 designates, by:

23 (A) in the case of a natural person, the
24 person to whom the demand is directed, or

25 (B) in the case of a person other than a
26 natural person, a person having knowledge of the
27 facts and circumstances relating to such production
28 and authorized to act on behalf of such person.

29 The certificate shall state that all of the documentary
30 material required by the demand and in the possession,
31 custody, or control of the person to whom the demand is
32 directed has been produced and made available to the
33 investigator identified in the demand.

34 (2) Production of materials. Any person upon whom

1 any civil investigative demand for the production of
2 documentary material has been served under this Section
3 shall make such material available for inspection and
4 copying to the investigator identified in such demand at
5 the principal place of business of such person, or at
6 such other place as the investigator and the person
7 thereafter may agree and prescribe in writing, or as the
8 court may direct under subsection (j)(1). Such material
9 shall be made so available on the return date specified
10 in such demand, or on such later date as the investigator
11 may prescribe in writing. Such person may, upon written
12 agreement between the person and the investigator,
13 substitute copies for originals of all or any part of
14 such material.

15 (g) Interrogatories. Each interrogatory in a civil
16 investigative demand served under this Section shall be
17 answered separately and fully in writing under oath and shall
18 be submitted under a sworn certificate, in such form as the
19 demand designates by:

20 (1) in the case of a natural person, the person to
21 whom the demand is directed, or

22 (2) in the case of a person other than a natural
23 person, the person or persons responsible for answering
24 each interrogatory.

25 If any interrogatory is objected to, the reasons for the
26 objection shall be stated in the certificate instead of an
27 answer. The certificate shall state that all information
28 required by the demand and in the possession, custody,
29 control, or knowledge of the person to whom the demand is
30 directed has been submitted. To the extent that any
31 information is not furnished, the information shall be
32 identified and reasons set forth with particularity regarding
33 the reasons why the information was not furnished.

34 (h) Oral examinations.

1 (1) Procedures. The examination of any person
2 pursuant to a civil investigative demand for oral
3 testimony served under this Section shall be taken before
4 an officer authorized to administer oaths and
5 affirmations by the laws of this State or of the place
6 where the examination is held. The officer before whom
7 the testimony is to be taken shall put the witness on
8 oath or affirmation and shall, personally or by someone
9 acting under the direction of the officer and in the
10 officer's presence, record the testimony of the witness.
11 The testimony shall be taken stenographically and shall
12 be transcribed. When the testimony is fully transcribed,
13 the officer before whom the testimony is taken shall
14 promptly transmit a copy of the transcript of the
15 testimony to the custodian. This subsection shall not
16 preclude the taking of testimony by any means authorized
17 by, and in a manner consistent with, the Code of Civil
18 Procedure.

19 (2) Persons present. The investigator conducting
20 the examination shall exclude from the place where the
21 examination is held all persons except the person giving
22 the testimony, the attorney for and any other
23 representative of the person giving the testimony, the
24 attorney for the State, any person who may be agreed upon
25 by the attorney for the State and the person giving the
26 testimony, the officer before whom the testimony is to be
27 taken, and any stenographer taking such testimony.

28 (3) Where testimony taken. The oral testimony of
29 any person taken pursuant to a civil investigative demand
30 served under this Section shall be taken in the county
31 within which such person resides, is found, or transacts
32 business, or in such other place as may be agreed upon by
33 the investigator conducting the examination and such
34 person.

1 (4) Transcript of testimony. When the testimony is
2 fully transcribed, the investigator or the officer before
3 whom the testimony is taken shall afford the witness, who
4 may be accompanied by counsel, a reasonable opportunity
5 to examine and read the transcript, unless such
6 examination and reading are waived by the witness. Any
7 changes in form or substance which the witness desires to
8 make shall be entered and identified upon the transcript
9 by the officer or the investigator, with a statement of
10 the reasons given by the witness for making such changes.
11 The transcript shall then be signed by the witness,
12 unless the witness in writing waives the signing, is ill,
13 cannot be found, or refuses to sign. If the transcript
14 is not signed by the witness within 30 days after being
15 afforded a reasonable opportunity to examine it, the
16 officer of investigator shall sign it and state on the
17 record the fact of the waiver, illness, absence of the
18 witness, or the refusal to sign, together with the
19 reasons, if any, given therefor.

20 (5) Certification and delivery to custodian. The
21 officer before whom the testimony is taken shall certify
22 on the transcript that the witness was sworn by the
23 officer and that the transcript is a true record of the
24 testimony given by the witness, and the officer or
25 investigator shall promptly deliver the transcript, or
26 send the transcript by registered or certified mail, to
27 the custodian.

28 (6) Furnishing or inspection of transcript by
29 witness. Upon payment of reasonable charges therefor, the
30 investigator shall furnish a copy of the transcript to
31 the witness only, except that the Attorney General, an
32 Assistant Attorney General or employee of the Department
33 of State Police may, for good cause, limit such witness
34 to inspection of the official transcript of the witness'

1 testimony.

2 (7) Conduct of oral testimony.

3 (A) Any person compelled to appear for oral
4 testimony under a civil investigative demand issued
5 under subsection (a) may be accompanied,
6 represented, and advised by counsel. Counsel may
7 advise such person, in confidence, with respect to
8 any question asked of such person. Such person or
9 counsel may object on the record to any question, in
10 whole or in part, and shall briefly state for the
11 record the reason for the objection. An objection
12 may be made, received, and entered upon the record
13 when it is claimed that such person is entitled to
14 refuse to answer the question on the grounds of any
15 constitutional or other legal right or privilege,
16 including the privilege against self-incrimination.
17 If such person refuses to answer any question, a
18 petition may be filed in circuit court under
19 subsection (j)(1) for an order compelling such
20 person to answer such question.

21 (B) If such person refuses any question on the
22 grounds of the privilege against self-incrimination,
23 the testimony of such person may be compelled in
24 accordance with Article 106 of the Code of Criminal
25 Procedure of 1963.

26 (8) Witness fees and allowances. Any person
27 appearing for oral testimony under a civil investigative
28 demand issued under subsection (a) shall be entitled to
29 the same fees and allowances which are paid to witnesses
30 in the circuit court.

31 (i) Custodians of documents, answers, and
32 transcripts.

33 (1) Designation. The Attorney General shall
34 designate the Department of State Police to serve as

1 custodian of documentary material, answers to
2 interrogatories, and transcripts of oral testimony
3 received under this Section and shall designate
4 additional employees of the Department of State Police as
5 the Attorney General determines from time to time to be
6 necessary to serve as deputies to the custodian.

7 (2) Responsibility for materials; disclosure.

8 (A) An investigator who receives any
9 documentary material, answers to interrogatories, or
10 transcripts of oral testimony under this Section
11 shall transmit them to the custodian. The custodian
12 shall take physical possession of such material,
13 answers, or transcripts and shall be responsible for
14 the use made of them and for the return of
15 documentary material under paragraph (4).

16 (B) The custodian may cause the preparation of
17 such copies of such documentary material, answers to
18 interrogatories, or transcripts of oral testimony as
19 may be required for official use by any
20 investigator, or other officer or employee of the
21 Attorney General or employee of the Department of
22 State Police who is authorized for such use under
23 regulations which the Attorney General shall issue.
24 Such material, answers, and transcripts may be used
25 by any such authorized investigator or other officer
26 or employee in connection with the taking of oral
27 testimony under this Section.

28 (C) Except as otherwise provided in this
29 subsection (i), no documentary material, answers to
30 interrogatories, or transcripts of oral testimony,
31 or copies thereof, while in the possession of the
32 custodian, shall be available for examination by any
33 individual other than an investigator or other
34 officer or employee of the Attorney General or

1 employee of the Department of State Police
2 authorized under subparagraph (B). The prohibition
3 in the preceding sentence on the availability of
4 material, answers, or transcripts shall not apply if
5 consent is given by the person who produced such
6 material, answers, or transcripts, or, in the case
7 of any product of discovery produced pursuant to an
8 express demand for such material, consent is given
9 by the person from whom the discovery was obtained.
10 Nothing in this subparagraph is intended to prevent
11 disclosure to the General Assembly, including any
12 committee or subcommittee of the General Assembly,
13 or to any other State agency for use by such agency
14 in furtherance of its statutory responsibilities.
15 Disclosure of information to any such other agency
16 shall be allowed only upon application, made by the
17 Attorney General to a circuit court, showing
18 substantial need for the use of the information by
19 such agency in furtherance of its statutory
20 responsibilities.

21 (D) While in the possession of the custodian
22 and under such reasonable terms and conditions as
23 the Attorney General shall prescribe:

24 (i) documentary material and answers to
25 interrogatories shall be available for examination by the
26 person who produced such material or answers, or by a
27 representative for that person authorized by that person
28 to examine such material and answers; and

29 (ii) transcripts of oral testimony shall be
30 available for examination by the person who produced such
31 testimony, or by a representative of that person
32 authorized by that person to examine such transcripts.

33 (3) Use of material, answers, or transcripts in
34 other proceedings. Whenever any attorney of the office of

1 the Attorney General, or State's Attorney upon a
2 referral, has been designated to appear before any court,
3 grand jury, or State agency in any case or proceeding,
4 the custodian of any documentary material, answers to
5 interrogatories, or transcripts of oral testimony
6 received under this Section may deliver to such attorney
7 such material, answers, or transcripts for official use
8 in connection with any such case or proceeding as such
9 attorney determines to be required. Upon the completion
10 of any such case or proceeding, such attorney shall
11 return to the custodian any such material, answers, or
12 transcripts so delivered which have not passed into the
13 control of such court, grand jury, or agency through
14 introduction into the record of such case or proceeding.

15 (4) Conditions for return of material. If any
16 documentary material has been produced by any person in
17 the course of any investigation pursuant to a civil
18 investigative demand under this Section and:

19 (A) any case or proceeding before the court or
20 grand jury arising out of such investigation, or any
21 proceeding before any State agency involving such
22 material, has been completed, or

23 (B) no case or proceeding in which such
24 material may be used has been commenced within a
25 reasonable time after completion of the examination
26 and analysis of all documentary material and other
27 information assembled in the course of such
28 investigation,

29 the custodian shall, upon written request of the person who
30 produced such material, return to such person any such
31 material (other than copies furnished to the investigator
32 under subsection (f)(2) or made for the Attorney General or
33 employee of the Department of State Police under paragraph
34 (2)(B)) which has not passed into the control of any court,

1 grand jury, or agency through introduction into the record of
2 such case or proceeding.

3 (5) Appointment of successor custodians. In the event
4 of the death, disability, or separation from service in the
5 Department of State Police of the custodian of any
6 documentary material, answers to interrogatories, or
7 transcripts of oral testimony produced pursuant to a civil
8 investigative demand under this Section, or in the event of
9 the official relief of such custodian from responsibility for
10 the custody and control of such material, answers, or
11 transcripts, the Attorney General shall promptly:

12 (A) designate another employee of the
13 Department of State Police to serve as custodian of
14 such material, answers, or transcripts, and

15 (B) transmit in writing to the person who
16 produced such material, answers, or testimony notice
17 of the identity and address of the successor so
18 designated.

19 Any person who is designated to be a successor under this
20 paragraph (5) shall have, with regard to such material,
21 answers, or transcripts, the same duties and responsibilities
22 as were imposed by this Section upon that person's
23 predecessor in office, except that the successor shall not be
24 held responsible for any default or dereliction which
25 occurred before that designation.

26 (J) Judicial proceedings. (1) Petition for
27 enforcement. Whenever any person fails to comply
28 with any civil investigative demand issued under
29 subsection (a), or whenever satisfactory copying or
30 reproduction of any material requested in such
31 demand cannot be done and such person refuses to
32 surrender such material, the Attorney General may
33 file, in the circuit court of any county in which
34 such person resides, is found, or transacts

1 business, and serve upon such person a petition for
2 an order of such court for the enforcement of the
3 civil investigative demand.

4 (2) Petition to modify or set aside demand. (A) Any
5 person who has received a civil investigative demand
6 issued under subsection (a) may file, in the circuit
7 court of any county within which such person resides, is
8 found, or transacts business, and serve upon the
9 investigator identified in such demand a petition for an
10 order of the court to modify or set aside such demand. In
11 the case of a petition addressed to an express demand for
12 any product of discovery, a petition to modify or set
13 aside such demand may be brought only in the circuit
14 court of the county in which the proceeding in which such
15 discovery was obtained is or was last pending. Any
16 petition under this subparagraph (A) must be filed:

17 (i) within 20 days after the date of
18 service of the civil investigative demand, or
19 at any time before the return date specified in
20 the demand, whichever date is earlier, or

21 (ii) within such longer period as may be
22 prescribed in writing by any investigator
23 identified in the demand.

24 (B) The petition shall specify each ground
25 upon which the petitioner relies in seeking relief
26 under subparagraph (A), and may be based upon any
27 failure of the demand to comply with the provisions
28 of this Section or upon any constitutional or other
29 legal right or privilege of such person. During the
30 pendency of the petition in the court, the court may
31 stay, as it deems proper, the running of the time
32 allowed for compliance with the demand, in whole or
33 in part, except that the person filing the petition
34 shall comply with any portion of the demand not

1 sought to be modified or set aside.

2 (3) Petition to modify or set aside demand for
3 product of discovery. (A) In the case of any civil
4 investigative demand issued under subsection (a) which is
5 an express demand for any product of discovery, the
6 person from whom such discovery was obtained may file, in
7 the circuit court of the county in which the proceeding
8 in which such discovery was obtained is or was last
9 pending, and serve upon any investigator identified in
10 the demand and upon the recipient of the demand, a
11 petition for an order of such court to modify or set
12 aside those portions of the demand requiring production
13 of any such product of discovery. Any petition under this
14 subparagraph (A) must be filed:

15 (i) within 20 days after the date of
16 service of the civil investigative demand, or
17 at any time before the return date specified in
18 the demand, whichever date is earlier, or

19 (ii) within such longer period as may be
20 prescribed in writing by any investigator
21 identified in the demand.

22 (B) The petition shall specify each ground
23 upon which the petitioner relies in seeking relief
24 under subparagraph (A), and may be based upon any
25 failure of the portions of the demand from which
26 relief is sought to comply with the provisions of
27 this Section, or upon any constitutional or other
28 legal right or privilege of the petitioner. During
29 the pendency of the petition, the court may stay, as
30 it deems proper, compliance with the demand and the
31 running of the time allowed from compliance with the
32 demand.

33 (4) Petition to require performance by custodian of
34 duties. At any time during which any custodian is in

1 custody or control of any documentary material or answers
2 to interrogatories produced, or transcripts of oral
3 testimony given, by any person in compliance with any
4 civil investigative demand issued under subsection (a),
5 such person, and in the case of an express demand for any
6 product of discovery, the person from whom such discovery
7 was obtained, may file, in the circuit court of the
8 county within which the office of such custodian is
9 situated, and serve upon such custodian, a petition for
10 an order of such court to require the performance by the
11 custodian of any duty imposed upon the custodian by this
12 Section.

13 (5) Jurisdiction. Whenever any petition is filed in
14 any circuit court under this subsection (j), such court
15 shall have jurisdiction to hear and determine the matter
16 so presented, and to enter such orders as may be required
17 to carry out the provisions of this Section. Any final
18 order so entered shall be subject to appeal in the same
19 manner as appeals of other final orders in civil matters.
20 Any disobedience of any final order entered under this
21 Section by any court shall be punished as a contempt of
22 the court.

23 (k) Disclosure exemption. Any documentary material,
24 answers to written interrogatories, or oral testimony
25 provided under any civil investigative demand issued under
26 subsection (a) shall be exempt from disclosure under the
27 Illinois Administrative Procedure Act.

28 (Source: P.A. 87-662; revised 12-07-01.)

29 Section 87. The Illinois Marriage and Dissolution of
30 Marriage Act is amended by changing Sections 505, 505.3, and
31 510 as follows:

32 (750 ILCS 5/505) (from Ch. 40, par. 505)

1 Sec. 505. Child support; contempt; penalties.

2 (a) In a proceeding for dissolution of marriage, legal
3 separation, declaration of invalidity of marriage, a
4 proceeding for child support following dissolution of the
5 marriage by a court which lacked personal jurisdiction over
6 the absent spouse, a proceeding for modification of a
7 previous order for child support under Section 510 of this
8 Act, or any proceeding authorized under Section 501 or 601 of
9 this Act, the court may order either or both parents owing a
10 duty of support to a child of the marriage to pay an amount
11 reasonable and necessary for his support, without regard to
12 marital misconduct. The duty of support owed to a minor
13 child includes the obligation to provide for the reasonable
14 and necessary physical, mental and emotional health needs of
15 the child.

16 (1) The Court shall determine the minimum amount of
17 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

26 (2) The above guidelines shall be applied in each
27 case unless the court makes a finding that application of
28 the guidelines would be inappropriate, after considering
29 the best interests of the child in light of evidence
30 including but not limited to one or more of the following
31 relevant factors:

32 (a) the financial resources and needs of the
33 child;

34 (b) the financial resources and needs of the

1 custodial parent;

2 (c) the standard of living the child would
3 have enjoyed had the marriage not been dissolved;

4 (d) the physical and emotional condition of
5 the child, and his educational needs; and

6 (e) the financial resources and needs of the
7 non-custodial parent.

8 If the court deviates from the guidelines, the
9 court's finding shall state the amount of support that
10 would have been required under the guidelines, if
11 determinable. The court shall include the reason or
12 reasons for the variance from the guidelines.

13 (3) "Net income" is defined as the total of all
14 income from all sources, minus the following deductions:

15 (a) Federal income tax (properly calculated
16 withholding or estimated payments);

17 (b) State income tax (properly calculated
18 withholding or estimated payments);

19 (c) Social Security (FICA payments);

20 (d) Mandatory retirement contributions
21 required by law or as a condition of employment;

22 (e) Union dues;

23 (f) Dependent and individual
24 health/hospitalization insurance premiums;

25 (g) Prior obligations of support or
26 maintenance actually paid pursuant to a court order;

27 (h) Expenditures for repayment of debts that
28 represent reasonable and necessary expenses for the
29 production of income, medical expenditures necessary
30 to preserve life or health, reasonable expenditures
31 for the benefit of the child and the other parent,
32 exclusive of gifts. The court shall reduce net
33 income in determining the minimum amount of support
34 to be ordered only for the period that such payments

1 are due and shall enter an order containing
2 provisions for its self-executing modification upon
3 termination of such payment period.

4 (4) In cases where the court order provides for
5 health/hospitalization insurance coverage pursuant to
6 Section 505.2 of this Act, the premiums for that
7 insurance, or that portion of the premiums for which the
8 supporting party is responsible in the case of insurance
9 provided through an employer's health insurance plan
10 where the employer pays a portion of the premiums, shall
11 be subtracted from net income in determining the minimum
12 amount of support to be ordered.

13 (4.5) In a proceeding for child support following
14 dissolution of the marriage by a court that lacked
15 personal jurisdiction over the absent spouse, and in
16 which the court is requiring payment of support for the
17 period before the date an order for current support is
18 entered, there is a rebuttable presumption that the
19 supporting party's net income for the prior period was
20 the same as his or her net income at the time the order
21 for current support is entered.

22 (5) If the net income cannot be determined because
23 of default or any other reason, the court shall order
24 support in an amount considered reasonable in the
25 particular case. The final order in all cases shall
26 state the support level in dollar amounts. However, if
27 the court finds that the child support amount cannot be
28 expressed exclusively as a dollar amount because all or a
29 portion of the payor's net income is uncertain as to
30 source, time of payment, or amount, the court may order a
31 percentage amount of support in addition to a specific
32 dollar amount and enter such other orders as may be
33 necessary to determine and enforce, on a timely basis,
34 the applicable support ordered.

1 (6) If (i) the non-custodial parent was properly
2 served with a request for discovery of financial
3 information relating to the non-custodial parent's
4 ability to provide child support, (ii) the non-custodial
5 parent failed to comply with the request, despite having
6 been ordered to do so by the court, and (iii) the
7 non-custodial parent is not present at the hearing to
8 determine support despite having received proper notice,
9 then any relevant financial information concerning the
10 non-custodial parent's ability to provide child support
11 that was obtained pursuant to subpoena and proper notice
12 shall be admitted into evidence without the need to
13 establish any further foundation for its admission.

14 (a-5) In an action to enforce an order for support based
15 on the respondent's failure to make support payments as
16 required by the order, notice of proceedings to hold the
17 respondent in contempt for that failure may be served on the
18 respondent by personal service or by regular mail addressed
19 to the respondent's last known address. The respondent's last
20 known address may be determined from records of the clerk of
21 the court, from the Federal Case Registry of Child Support
22 Orders, or by any other reasonable means.

23 (b) Failure of either parent to comply with an order to
24 pay support shall be punishable as in other cases of
25 contempt. In addition to other penalties provided by law the
26 Court may, after finding the parent guilty of contempt, order
27 that the parent be:

28 (1) placed on probation with such conditions of
29 probation as the Court deems advisable;

30 (2) sentenced to periodic imprisonment for a period
31 not to exceed 6 months; provided, however, that the Court
32 may permit the parent to be released for periods of time
33 during the day or night to:

34 (A) work; or

1 (B) conduct a business or other self-employed
2 occupation.

3 The Court may further order any part or all of the
4 earnings of a parent during a sentence of periodic
5 imprisonment paid to the Clerk of the Circuit Court or to the
6 parent having custody or to the guardian having custody of
7 the minor children of the sentenced parent for the support of
8 said minor children until further order of the Court.

9 If there is a unity of interest and ownership sufficient
10 to render no financial separation between a non-custodial
11 parent and another person or persons or business entity, the
12 court may pierce the ownership veil of the person, persons,
13 or business entity to discover assets of the non-custodial
14 parent held in the name of that person, those persons, or
15 that business entity. The following circumstances are
16 sufficient to authorize a court to order discovery of the
17 assets of a person, persons, or business entity and to compel
18 the application of any discovered assets toward payment on
19 the judgment for support:

20 (1) the non-custodial parent and the person,
21 persons, or business entity maintain records together.

22 (2) the non-custodial parent and the person,
23 persons, or business entity fail to maintain an arms
24 length relationship between themselves with regard to any
25 assets.

26 (3) the non-custodial parent transfers assets to
27 the person, persons, or business entity with the intent
28 to perpetrate a fraud on the custodial parent.

29 With respect to assets which are real property, no order
30 entered under this paragraph shall affect the rights of bona
31 fide purchasers, mortgagees, judgment creditors, or other
32 lien holders who acquire their interests in the property
33 prior to the time a notice of lis pendens pursuant to the
34 Code of Civil Procedure or a copy of the order is placed of

1 record in the office of the recorder of deeds for the county
2 in which the real property is located.

3 The court may also order in cases where the parent is 90
4 days or more delinquent in payment of support or has been
5 adjudicated in arrears in an amount equal to 90 days
6 obligation or more, that the parent's Illinois driving
7 privileges be suspended until the court determines that the
8 parent is in compliance with the order of support. The court
9 may also order that the parent be issued a family financial
10 responsibility driving permit that would allow limited
11 driving privileges for employment and medical purposes in
12 accordance with Section 7-702.1 of the Illinois Vehicle Code.
13 The clerk of the circuit court shall certify the order
14 suspending the driving privileges of the parent or granting
15 the issuance of a family financial responsibility driving
16 permit to the Secretary of State on forms prescribed by the
17 Secretary. Upon receipt of the authenticated documents, the
18 Secretary of State shall suspend the parent's driving
19 privileges until further order of the court and shall, if
20 ordered by the court, subject to the provisions of Section
21 7-702.1 of the Illinois Vehicle Code, issue a family
22 financial responsibility driving permit to the parent.

23 In addition to the penalties or punishment that may be
24 imposed under this Section, any person whose conduct
25 constitutes a violation of Section 15 of the Non-Support
26 Punishment Act may be prosecuted under that Act, and a person
27 convicted under that Act may be sentenced in accordance with
28 that Act. The sentence may include but need not be limited
29 to a requirement that the person perform community service
30 under Section 50 of that Act or participate in a work
31 alternative program under Section 50 of that Act. A person
32 may not be required to participate in a work alternative
33 program under Section 50 of that Act if the person is
34 currently participating in a work program pursuant to Section

1 505.1 of this Act.

2 A support obligation, or any portion of a support
3 obligation, which becomes due and remains unpaid for 30 days
4 or more shall accrue simple interest at the rate of 9% per
5 annum. An order for support entered or modified on or after
6 January 1, 2002 shall contain a statement that a support
7 obligation required under the order, or any portion of a
8 support obligation required under the order, that becomes due
9 and remains unpaid for 30 days or more shall accrue simple
10 interest at the rate of 9% per annum. Failure to include the
11 statement in the order for support does not affect the
12 validity of the order or the accrual of interest as provided
13 in this Section.

14 (c) A one-time charge of 20% is imposable upon the
15 amount of past-due child support owed on July 1, 1988 which
16 has accrued under a support order entered by the court. The
17 charge shall be imposed in accordance with the provisions of
18 Section 10-21 of the Illinois Public Aid Code and shall be
19 enforced by the court upon petition.

20 (d) Any new or existing support order entered by the
21 court under this Section shall be deemed to be a series of
22 judgments against the person obligated to pay support
23 thereunder, each such judgment to be in the amount of each
24 payment or installment of support and each such judgment to
25 be deemed entered as of the date the corresponding payment or
26 installment becomes due under the terms of the support order.
27 Each such judgment shall have the full force, effect and
28 attributes of any other judgment of this State, including the
29 ability to be enforced. A lien arises by operation of law
30 against the real and personal property of the noncustodial
31 parent for each installment of overdue support owed by the
32 noncustodial parent.

33 (e) When child support is to be paid through the clerk
34 of the court in a county of 1,000,000 inhabitants or less,

1 the order shall direct the obligor to pay to the clerk, in
2 addition to the child support payments, all fees imposed by
3 the county board under paragraph (3) of subsection (u) of
4 Section 27.1 of the Clerks of Courts Act. Unless paid in
5 cash or pursuant to an order for withholding, the payment of
6 the fee shall be by a separate instrument from the support
7 payment and shall be made to the order of the Clerk.

8 (f) All orders for support, when entered or modified,
9 shall include a provision requiring the obligor to notify the
10 court and, in cases in which a party is receiving child and
11 spouse services under Article X of the Illinois Public Aid
12 Code, the Illinois Department of Public Aid, within 7 days,
13 (i) of the name and address of any new employer of the
14 obligor, (ii) whether the obligor has access to health
15 insurance coverage through the employer or other group
16 coverage and, if so, the policy name and number and the names
17 of persons covered under the policy, and (iii) of any new
18 residential or mailing address or telephone number of the
19 non-custodial parent. In any subsequent action to enforce a
20 support order, upon a sufficient showing that a diligent
21 effort has been made to ascertain the location of the
22 non-custodial parent, service of process or provision of
23 notice necessary in the case may be made at the last known
24 address of the non-custodial parent in any manner expressly
25 provided by the Code of Civil Procedure or this Act, which
26 service shall be sufficient for purposes of due process.

27 (g) An order for support shall include a date on which
28 the current support obligation terminates. The termination
29 date shall be no earlier than the date on which the child
30 covered by the order will attain the age of majority or is
31 otherwise emancipated. The order for support shall state that
32 the termination date does not apply to any arrearage that may
33 remain unpaid on that date. Nothing in this subsection shall
34 be construed to prevent the court from modifying the order.

1 (h) An order entered under this Section shall include a
2 provision requiring the obligor to report to the obligee and
3 to the clerk of court within 10 days each time the obligor
4 obtains new employment, and each time the obligor's
5 employment is terminated for any reason. The report shall be
6 in writing and shall, in the case of new employment, include
7 the name and address of the new employer. Failure to report
8 new employment or the termination of current employment, if
9 coupled with nonpayment of support for a period in excess of
10 60 days, is indirect criminal contempt. For any obligor
11 arrested for failure to report new employment bond shall be
12 set in the amount of the child support that should have been
13 paid during the period of unreported employment. An order
14 entered under this Section shall also include a provision
15 requiring the obligor and obligee parents to advise each
16 other of a change in residence within 5 days of the change
17 except when the court finds that the physical, mental, or
18 emotional health of a party or that of a minor child, or
19 both, would be seriously endangered by disclosure of the
20 party's address.

21 (i) The court does not lose the powers of contempt,
22 driver's license suspension, or other child support
23 enforcement mechanisms, including, but not limited to,
24 criminal prosecution as set forth in this Act, upon the
25 emancipation of the minor child or children.

26 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;
27 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.
28 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; revised
29 10-15-01.)

30 (750 ILCS 5/505.3)

31 Sec. 505.3. Information to State Case Registry.

32 (a) In this Section:

33 "Order for support", "obligor", "obligee", and "business

1 day" are defined as set forth in the Income Withholding for
2 Support Act.

3 "State Case Registry" means the State Case Registry
4 established under Section 10-27 of the Illinois Public Aid
5 Code.

6 (b) Each order for support entered or modified by the
7 circuit court under this Act shall require that the obligor
8 and obligee (i) file with the clerk of the circuit court the
9 information required by this Section (and any other
10 information required under Title IV, Part D of the Social
11 Security Act or by the federal Department of Health and Human
12 Services) at the time of entry or modification of the order
13 for support and (ii) file updated information with the clerk
14 within 5 business days of any change. Failure of the obligor
15 or obligee to file or update the required information shall
16 be punishable as in cases of contempt. The failure shall not
17 prevent the court from entering or modifying the order for
18 support, however.

19 (c) The obligor shall file the following information:
20 the obligor's name, date of birth, social security number,
21 and mailing address.

22 If either the obligor or the obligee receives child
23 support enforcement services from the Illinois Department of
24 Public Aid under Article X of the Illinois Public Aid Code,
25 the obligor shall also file the following information: the
26 obligor's telephone number, driver's license number, and
27 residential address (if different from the obligor's mailing
28 address), and the name, address, and telephone number of the
29 obligor's employer or employers.

30 (d) The obligee shall file the following information:

31 (1) The names of the obligee and the child or
32 children covered by the order for support.

33 (2) The dates of birth of the obligee and the child
34 or children covered by the order for support.

1 (3) The social security numbers of the obligee and
2 the child or children covered by the order for support.

3 (4) The obligee's mailing address.

4 (e) In cases in which the obligee receives child support
5 enforcement services from the Illinois Department of Public
6 Aid under Article X of the Illinois Public Aid Code, the
7 order for support shall (i) require that the obligee file the
8 information required under subsection (d) with the Illinois
9 Department of Public Aid for inclusion in the State Case
10 Registry, rather than file the information with the clerk,
11 and (ii) require that the obligee include the following
12 additional information:

13 (1) The obligee's telephone and driver's license
14 numbers.

15 (2) The obligee's residential address, if different
16 from the obligee's mailing address.

17 (3) The name, address, and telephone number of the
18 obligee's employer or employers.

19 The order for support shall also require that the obligee
20 update the information filed with the Illinois Department of
21 Public Aid within 5 business days of any change.

22 (f) The clerk shall provide the information filed under
23 this Section, together with the court docket number and
24 county in which the order for support was entered, to the
25 State Case Registry within 5 business days after receipt of
26 the information.

27 (g) In a case in which a party is receiving child
28 support enforcement services under Article X of the Illinois
29 Public Aid Code, the clerk shall provide the following
30 additional information to the State Case Registry within 5
31 business days after entry or modification of an order for
32 support or request from the Illinois Department of Public
33 Aid:

34 (1) The amount of monthly or other periodic support

1 owed under the order for support and other amounts,
2 including arrearage, interest, or late payment penalties
3 and fees, due or overdue under the order.

4 (2) Any such amounts that have been received by the
5 clerk, and the distribution of those amounts by the
6 clerk.

7 (h) Information filed by the obligor and obligee under
8 this Section that is not specifically required to be included
9 in the body of an order for support under other laws is not a
10 public record and shall be treated as confidential and
11 subject to disclosure only in accordance with the provisions
12 of this Section, Section 10-27 of the Illinois Public Aid
13 Code, and Title IV, Part D of the Social Security Act. ~~be~~
14 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;
15 92-463, eff. 8-22-01; revised 10-12-01.)

16 (750 ILCS 5/510) (from Ch. 40, par. 510)

17 Sec. 510. Modification and termination of provisions for
18 maintenance, support, educational expenses, and property
19 disposition.

20 (a) Except as otherwise provided in paragraph (f) of
21 Section 502 and in subsection (b) ~~(d)~~, clause (3) of Section
22 505.2, the provisions of any judgment respecting maintenance
23 or support may be modified only as to installments accruing
24 subsequent to due notice by the moving party of the filing of
25 the motion for modification and, with respect to maintenance,
26 only upon a showing of a substantial change in circumstances.
27 An order for child support may be modified as follows:

28 (1) upon a showing of a substantial change in
29 circumstances; and

30 (2) without the necessity of showing a substantial
31 change in circumstances, as follows:

32 (A) upon a showing of an inconsistency of at
33 least 20%, but no less than \$10 per month, between

1 the amount of the existing order and the amount of
2 child support that results from application of the
3 guidelines specified in Section 505 of this Act
4 unless the inconsistency is due to the fact that the
5 amount of the existing order resulted from a
6 deviation from the guideline amount and there has
7 not been a change in the circumstances that resulted
8 in that deviation; or

9 (B) Upon a showing of a need to provide for
10 the health care needs of the child under the order
11 through health insurance or other means. In no
12 event shall the eligibility for or receipt of
13 medical assistance be considered to meet the need to
14 provide for the child's health care needs.

15 The provisions of subparagraph (a)(2)(A) shall apply only
16 in cases in which a party is receiving child and spouse
17 support services from the Illinois Department of Public Aid
18 under Article X of the Illinois Public Aid Code, and only
19 when at least 36 months have elapsed since the order for
20 child support was entered or last modified.

21 (b) The provisions as to property disposition may not be
22 revoked or modified, unless the court finds the existence of
23 conditions that justify the reopening of a judgment under the
24 laws of this State.

25 (c) Unless otherwise agreed by the parties in a written
26 agreement set forth in the judgment or otherwise approved by
27 the court, the obligation to pay future maintenance is
28 terminated upon the death of either party, or the remarriage
29 of the party receiving maintenance, or if the party receiving
30 maintenance cohabits with another person on a resident,
31 continuing conjugal basis.

32 (d) Unless otherwise agreed in writing or expressly
33 provided in a judgment, provisions for the support of a child
34 are terminated by emancipation of the child, except as

1 otherwise provided herein, but not by the death of a parent
2 obligated to support or educate the child. An existing
3 obligation to pay for support or educational expenses, or
4 both, is not terminated by the death of a parent. When a
5 parent obligated to pay support or educational expenses, or
6 both, dies, the amount of support or educational expenses, or
7 both, may be enforced, modified, revoked or commuted to a
8 lump sum payment, as equity may require, and that
9 determination may be provided for at the time of the
10 dissolution of the marriage or thereafter.

11 (e) The right to petition for support or educational
12 expenses, or both, under Sections 505 and 513 is not
13 extinguished by the death of a parent. Upon a petition filed
14 before or after a parent's death, the court may award sums of
15 money out of the decedent's estate for the child's support or
16 educational expenses, or both, as equity may require. The
17 time within which a claim may be filed against the estate of
18 a decedent under Sections 505 and 513 and subsection (d) and
19 this subsection shall be governed by the provisions of the
20 Probate Act of 1975, as a barrable, noncontingent claim.

21 (f) A petition to modify or terminate child support,
22 custody, or visitation shall not delay any child support
23 enforcement litigation or supplementary proceeding on behalf
24 of the obligee, including, but not limited to, a petition for
25 a rule to show cause, for non-wage garnishment, or for a
26 restraining order.

27 (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

28 Section 88. The Non-Support Punishment Act is amended by
29 changing Section 50 as follows:

30 (750 ILCS 16/50)

31 Sec. 50. Community service; work alternative program.

32 (a) In addition to any other penalties imposed against

1 an offender under this Act, the court may order the offender
2 to perform community service for not less than 30 and not
3 more than 120 hours per month, if community service is
4 available in the jurisdiction and is funded and approved by
5 the county board of the county where the offense was
6 committed. In addition, whenever any person is placed on
7 supervision for committing an offense under this Act, the
8 supervision shall be conditioned on the performance of the
9 community service.

10 (b) In addition to any other penalties imposed against an
11 offender under this Act, the court may sentence the offender
12 to service in a work alternative program administered by the
13 sheriff. The conditions of the program are that the offender
14 obtain or retain employment and participate in a work
15 alternative program administered by the sheriff during
16 non-working hours. A person may not be required to
17 participate in a work alternative program under this
18 subsection if the person is currently participating in a work
19 program pursuant to another provision of this Act, Section
20 10-11.1 of the Illinois Public Aid Code, Section 505.1 of the
21 Illinois Marriage and Dissolution of Marriage Act, or Section
22 15.1 of the Illinois Parentage Act of 1984.

23 (c) In addition to any other penalties imposed against
24 an offender under this Act, the court may order, in cases
25 where the offender has been in violation of this Act for 90
26 days or more, that the offender's Illinois driving privileges
27 be suspended until the court determines that the offender is
28 in compliance with this Act.

29 The court may determine that the offender is in
30 compliance with this Act if the offender has agreed (i) to
31 pay all required amounts of support and maintenance as
32 determined by the court or (ii) to the garnishment of his or
33 her income for the purpose of paying those amounts.

34 The court may also order that the offender be issued a

1 family financial responsibility driving permit that would
2 allow limited driving privileges for employment and medical
3 purposes in accordance with Section 7-702.1 of the Illinois
4 Vehicle Code. The clerk of the circuit court shall certify
5 the order suspending the driving privileges of the offender
6 or granting the issuance of a family financial responsibility
7 driving permit to the Secretary of State on forms prescribed
8 by the Secretary. Upon receipt of the authenticated
9 documents, the Secretary of State shall suspend the
10 offender's driving privileges until further order of the
11 court and shall, if ordered by the court, subject to the
12 provisions of Section 7-702.1 of the Illinois Vehicle Code,
13 issue a family financial responsibility driving permit to the
14 offender.

15 (d) If the court determines that the offender has been
16 in violation of this Act for more than 60 days, the court may
17 determine whether the offender has applied for or been issued
18 a professional license by the Department of Professional
19 Regulation or another licensing agency. If the court
20 determines that the offender has applied for or been issued
21 such a license, the court may certify to the Department of
22 Professional Regulation or other licensing agency that the
23 offender has been in violation of this Act for more than 60
24 days so that the Department or other agency may take
25 appropriate steps with respect to the license or application
26 as provided in Section 10-65 of the Illinois Administrative
27 Procedure Act and Section 2105-15 of the Department of
28 Professional Regulation Law 60 of the Civil Administrative
29 Code of Illinois. The court may take the actions required
30 under this subsection in addition to imposing any other
31 penalty authorized under this Act.

32 (Source: P.A. 91-613, eff. 10-1-99; revised 12-04-01.)

33 Section 89. The Adoption Act is amended by changing

1 Section 1 as follows:

2 (750 ILCS 50/1) (from Ch. 40, par. 1501)

3 Sec. 1. Definitions. When used in this Act, unless the
4 context otherwise requires:

5 A. "Child" means a person under legal age subject to
6 adoption under this Act.

7 B. "Related child" means a child subject to adoption
8 where either or both of the adopting parents stands in any of
9 the following relationships to the child by blood or
10 marriage: parent, grand-parent, brother, sister, step-parent,
11 step-grandparent, step-brother, step-sister, uncle, aunt,
12 great-uncle, great-aunt, or cousin of first degree. A child
13 whose parent has executed a final irrevocable consent to
14 adoption or a final irrevocable surrender for purposes of
15 adoption, or whose parent has had his or her parental rights
16 terminated, is not a related child to that person, unless the
17 consent is determined to be void or is void pursuant to
18 subsection O of Section 10.

19 C. "Agency" for the purpose of this Act means a public
20 child welfare agency or a licensed child welfare agency.

21 D. "Unfit person" means any person whom the court shall
22 find to be unfit to have a child, without regard to the
23 likelihood that the child will be placed for adoption. The
24 grounds of unfitness are any one or more of the following,
25 except that a person shall not be considered an unfit person
26 for the sole reason that the person has relinquished a child
27 in accordance with the Abandoned Newborn Infant Protection
28 Act:

29 (a) Abandonment of the child.

30 (a-1) Abandonment of a newborn infant in a
31 hospital.

32 (a-2) Abandonment of a newborn infant in any
33 setting where the evidence suggests that the parent

1 intended to relinquish his or her parental rights.

2 (b) Failure to maintain a reasonable degree of
3 interest, concern or responsibility as to the child's
4 welfare.

5 (c) Desertion of the child for more than 3 months
6 next preceding the commencement of the Adoption
7 proceeding.

8 (d) Substantial neglect of the child if continuous
9 or repeated.

10 (d-1) Substantial neglect, if continuous or
11 repeated, of any child residing in the household which
12 resulted in the death of that child.

13 (e) Extreme or repeated cruelty to the child.

14 (f) Two or more findings of physical abuse to any
15 children under Section 4-8 of the Juvenile Court Act or
16 Section 2-21 of the Juvenile Court Act of 1987, the most
17 recent of which was determined by the juvenile court
18 hearing the matter to be supported by clear and
19 convincing evidence; a criminal conviction or a finding
20 of not guilty by reason of insanity resulting from the
21 death of any child by physical child abuse; or a finding
22 of physical child abuse resulting from the death of any
23 child under Section 4-8 of the Juvenile Court Act or
24 Section 2-21 of the Juvenile Court Act of 1987.

25 (g) Failure to protect the child from conditions
26 within his environment injurious to the child's welfare.

27 (h) Other neglect of, or misconduct toward the
28 child; provided that in making a finding of unfitness the
29 court hearing the adoption proceeding shall not be bound
30 by any previous finding, order or judgment affecting or
31 determining the rights of the parents toward the child
32 sought to be adopted in any other proceeding except such
33 proceedings terminating parental rights as shall be had
34 under either this Act, the Juvenile Court Act or the

1 Juvenile Court Act of 1987.

2 (i) Depravity. Conviction of any one of the
3 following crimes shall create a presumption that a parent
4 is depraved which can be overcome only by clear and
5 convincing evidence: (1) first degree murder in violation
6 of paragraph 1 or 2 of subsection (a) of Section 9-1 of
7 the Criminal Code of 1961 or conviction of second degree
8 murder in violation of subsection (a) of Section 9-2 of
9 the Criminal Code of 1961 of a parent of the child to be
10 adopted; (2) first degree murder or second degree murder
11 of any child in violation of the Criminal Code of 1961;
12 (3) attempt or conspiracy to commit first degree murder
13 or second degree murder of any child in violation of the
14 Criminal Code of 1961; (4) solicitation to commit murder
15 of any child, solicitation to commit murder of any child
16 for hire, or solicitation to commit second degree murder
17 of any child in violation of the Criminal Code of 1961;
18 or (5) aggravated criminal sexual assault in violation of
19 Section 12-14(b)(1) of the Criminal Code of 1961.

20 There is a rebuttable presumption that a parent is
21 depraved if the parent has been criminally convicted of
22 at least 3 felonies under the laws of this State or any
23 other state, or under federal law, or the criminal laws
24 of any United States territory; and at least one of these
25 convictions took place within 5 years of the filing of
26 the petition or motion seeking termination of parental
27 rights.

28 There is a rebuttable presumption that a parent is
29 depraved if that parent has been criminally convicted of
30 either first or second degree murder of any person as
31 defined in the Criminal Code of 1961 within 10 years of
32 the filing date of the petition or motion to terminate
33 parental rights.

34 (j) Open and notorious adultery or fornication.

1 (j-1) (Blank).

2 (k) Habitual drunkenness or addiction to drugs,
3 other than those prescribed by a physician, for at least
4 one year immediately prior to the commencement of the
5 unfitness proceeding.

6 There is a rebuttable presumption that a parent is
7 unfit under this subsection with respect to any child to
8 which that parent gives birth where there is a confirmed
9 test result that at birth the child's blood, urine, or
10 meconium contained any amount of a controlled substance
11 as defined in subsection (f) of Section 102 of the
12 Illinois Controlled Substances Act or metabolites of such
13 substances, the presence of which in the newborn infant
14 was not the result of medical treatment administered to
15 the mother or the newborn infant; and the biological
16 mother of this child is the biological mother of at least
17 one other child who was adjudicated a neglected minor
18 under subsection (c) of Section 2-3 of the Juvenile Court
19 Act of 1987.

20 (l) Failure to demonstrate a reasonable degree of
21 interest, concern or responsibility as to the welfare of
22 a new born child during the first 30 days after its
23 birth.

24 (m) Failure by a parent (i) to make reasonable
25 efforts to correct the conditions that were the basis for
26 the removal of the child from the parent, or (ii) to make
27 reasonable progress toward the return of the child to the
28 parent within 9 months after an adjudication of neglected
29 or abused minor under Section 2-3 of the Juvenile Court
30 Act of 1987 or dependent minor under Section 2-4 of that
31 Act, or (iii) to make reasonable progress toward the
32 return of the child to the parent during any 9-month
33 period after the end of the initial 9-month period
34 following the adjudication of neglected or abused minor

1 under Section 2-3 of the Juvenile Court Act of 1987 or
2 dependent minor under Section 2-4 of that Act. If a
3 service plan has been established as required under
4 Section 8.2 of the Abused and Neglected Child Reporting
5 Act to correct the conditions that were the basis for the
6 removal of the child from the parent and if those
7 services were available, then, for purposes of this Act,
8 "failure to make reasonable progress toward the return of
9 the child to the parent" includes (I) the parent's
10 failure to substantially fulfill his or her obligations
11 under the service plan and correct the conditions that
12 brought the child into care within 9 months after the
13 adjudication under Section 2-3 or 2-4 of the Juvenile
14 Court Act of 1987 and (II) the parent's failure to
15 substantially fulfill his or her obligations under the
16 service plan and correct the conditions that brought the
17 child into care during any 9-month period after the end
18 of the initial 9-month period following the adjudication
19 under Section 2-3 or 2-4 of the Juvenile Court Act of
20 1987.

21 (m-1) Pursuant to the Juvenile Court Act of 1987, a
22 child has been in foster care for 15 months out of any 22
23 month period which begins on or after the effective date
24 of this amendatory Act of 1998 unless the child's parent
25 can prove by a preponderance of the evidence that it is
26 more likely than not that it will be in the best
27 interests of the child to be returned to the parent
28 within 6 months of the date on which a petition for
29 termination of parental rights is filed under the
30 Juvenile Court Act of 1987. The 15 month time limit is
31 tolled during any period for which there is a court
32 finding that the appointed custodian or guardian failed
33 to make reasonable efforts to reunify the child with his
34 or her family, provided that (i) the finding of no

1 reasonable efforts is made within 60 days of the period
2 when reasonable efforts were not made or (ii) the parent
3 filed a motion requesting a finding of no reasonable
4 efforts within 60 days of the period when reasonable
5 efforts were not made. For purposes of this subdivision
6 (m-1), the date of entering foster care is the earlier
7 of: (i) the date of a judicial finding at an adjudicatory
8 hearing that the child is an abused, neglected, or
9 dependent minor; or (ii) 60 days after the date on which
10 the child is removed from his or her parent, guardian, or
11 legal custodian.

12 (n) Evidence of intent to forgo his or her parental
13 rights, whether or not the child is a ward of the court,
14 (1) as manifested by his or her failure for a period of
15 12 months: (i) to visit the child, (ii) to communicate
16 with the child or agency, although able to do so and not
17 prevented from doing so by an agency or by court order,
18 or (iii) to maintain contact with or plan for the future
19 of the child, although physically able to do so, or (2)
20 as manifested by the father's failure, where he and the
21 mother of the child were unmarried to each other at the
22 time of the child's birth, (i) to commence legal
23 proceedings to establish his paternity under the Illinois
24 Parentage Act of 1984 or the law of the jurisdiction of
25 the child's birth within 30 days of being informed,
26 pursuant to Section 12a of this Act, that he is the
27 father or the likely father of the child or, after being
28 so informed where the child is not yet born, within 30
29 days of the child's birth, or (ii) to make a good faith
30 effort to pay a reasonable amount of the expenses related
31 to the birth of the child and to provide a reasonable
32 amount for the financial support of the child, the court
33 to consider in its determination all relevant
34 circumstances, including the financial condition of both

1 parents; provided that the ground for termination
2 provided in this subparagraph (n)(2)(ii) shall only be
3 available where the petition is brought by the mother or
4 the husband of the mother.

5 Contact or communication by a parent with his or her
6 child that does not demonstrate affection and concern
7 does not constitute reasonable contact and planning under
8 subdivision (n). In the absence of evidence to the
9 contrary, the ability to visit, communicate, maintain
10 contact, pay expenses and plan for the future shall be
11 presumed. The subjective intent of the parent, whether
12 expressed or otherwise, unsupported by evidence of the
13 foregoing parental acts manifesting that intent, shall
14 not preclude a determination that the parent has intended
15 to forgo his or her parental rights. In making this
16 determination, the court may consider but shall not
17 require a showing of diligent efforts by an authorized
18 agency to encourage the parent to perform the acts
19 specified in subdivision (n).

20 It shall be an affirmative defense to any allegation
21 under paragraph (2) of this subsection that the father's
22 failure was due to circumstances beyond his control or to
23 impediments created by the mother or any other person
24 having legal custody. Proof of that fact need only be by
25 a preponderance of the evidence.

26 (o) Repeated or continuous failure by the parents,
27 although physically and financially able, to provide the
28 child with adequate food, clothing, or shelter.

29 (p) Inability to discharge parental
30 responsibilities supported by competent evidence from a
31 psychiatrist, licensed clinical social worker, or
32 clinical psychologist of mental impairment, mental
33 illness or mental retardation as defined in Section 1-116
34 of the Mental Health and Developmental Disabilities Code,

1 or developmental disability as defined in Section 1-106
2 of that Code, and there is sufficient justification to
3 believe that the inability to discharge parental
4 responsibilities shall extend beyond a reasonable time
5 period. However, this subdivision (p) shall not be
6 construed so as to permit a licensed clinical social
7 worker to conduct any medical diagnosis to determine
8 mental illness or mental impairment.

9 (q) The parent has been criminally convicted of
10 aggravated battery, heinous battery, or attempted murder
11 of any child.

12 (r) The child is in the temporary custody or
13 guardianship of the Department of Children and Family
14 Services, the parent is incarcerated as a result of
15 criminal conviction at the time the petition or motion
16 for termination of parental rights is filed, prior to
17 incarceration the parent had little or no contact with
18 the child or provided little or no support for the child,
19 and the parent's incarceration will prevent the parent
20 from discharging his or her parental responsibilities for
21 the child for a period in excess of 2 years after the
22 filing of the petition or motion for termination of
23 parental rights.

24 (s) The child is in the temporary custody or
25 guardianship of the Department of Children and Family
26 Services, the parent is incarcerated at the time the
27 petition or motion for termination of parental rights is
28 filed, the parent has been repeatedly incarcerated as a
29 result of criminal convictions, and the parent's repeated
30 incarceration has prevented the parent from discharging
31 his or her parental responsibilities for the child.

32 (t) A finding that at birth the child's blood,
33 urine, or meconium contained any amount of a controlled
34 substance as defined in subsection (f) of Section 102 of

1 the Illinois Controlled Substances Act, or a metabolite
2 of a controlled substance, with the exception of
3 controlled substances or metabolites of such substances,
4 the presence of which in the newborn infant was the
5 result of medical treatment administered to the mother or
6 the newborn infant, and that the biological mother of
7 this child is the biological mother of at least one other
8 child who was adjudicated a neglected minor under
9 subsection (c) of Section 2-3 of the Juvenile Court Act
10 of 1987, after which the biological mother had the
11 opportunity to enroll in and participate in a clinically
12 appropriate substance abuse counseling, treatment, and
13 rehabilitation program.

14 E. "Parent" means the father or mother of a legitimate
15 or illegitimate child. For the purpose of this Act, a person
16 who has executed a final and irrevocable consent to adoption
17 or a final and irrevocable surrender for purposes of
18 adoption, or whose parental rights have been terminated by a
19 court, is not a parent of the child who was the subject of
20 the consent or surrender, unless the consent is void pursuant
21 to subsection O of Section 10.

22 F. A person is available for adoption when the person
23 is:

24 (a) a child who has been surrendered for adoption
25 to an agency and to whose adoption the agency has
26 thereafter consented;

27 (b) a child to whose adoption a person authorized
28 by law, other than his parents, has consented, or to
29 whose adoption no consent is required pursuant to Section
30 8 of this Act;

31 (c) a child who is in the custody of persons who
32 intend to adopt him through placement made by his
33 parents;

34 (c-1) a child for whom a parent has signed a

1 specific consent pursuant to subsection O of Section 10;

2 (d) an adult who meets the conditions set forth in
3 Section 3 of this Act; or

4 (e) a child who has been relinquished as defined in
5 Section 10 of the Abandoned Newborn Infant Protection
6 Act.

7 A person who would otherwise be available for adoption
8 shall not be deemed unavailable for adoption solely by reason
9 of his or her death.

10 G. The singular includes the plural and the plural
11 includes the singular and the "male" includes the "female",
12 as the context of this Act may require.

13 H. "Adoption disruption" occurs when an adoptive
14 placement does not prove successful and it becomes necessary
15 for the child to be removed from placement before the
16 adoption is finalized.

17 I. "Foreign placing agency" is an agency or individual
18 operating in a country or territory outside the United States
19 that is authorized by its country to place children for
20 adoption either directly with families in the United States
21 or through United States based international agencies.

22 J. "Immediate relatives" means the biological parents,
23 the parents of the biological parents and siblings of the
24 biological parents.

25 K. "Intercountry adoption" is a process by which a child
26 from a country other than the United States is adopted.

27 L. "Intercountry Adoption Coordinator" is a staff person
28 of the Department of Children and Family Services appointed
29 by the Director to coordinate the provision of services by
30 the public and private sector to prospective parents of
31 foreign-born children.

32 M. "Interstate Compact on the Placement of Children" is
33 a law enacted by most states for the purpose of establishing
34 uniform procedures for handling the interstate placement of

1 children in foster homes, adoptive homes, or other child care
2 facilities.

3 N. "Non-Compact state" means a state that has not
4 enacted the Interstate Compact on the Placement of Children.

5 O. "Preadoption requirements" are any conditions
6 established by the laws or regulations of the Federal
7 Government or of each state that must be met prior to the
8 placement of a child in an adoptive home.

9 P. "Abused child" means a child whose parent or
10 immediate family member, or any person responsible for the
11 child's welfare, or any individual residing in the same home
12 as the child, or a paramour of the child's parent:

13 (a) inflicts, causes to be inflicted, or allows to
14 be inflicted upon the child physical injury, by other
15 than accidental means, that causes death, disfigurement,
16 impairment of physical or emotional health, or loss or
17 impairment of any bodily function;

18 (b) creates a substantial risk of physical injury
19 to the child by other than accidental means which would
20 be likely to cause death, disfigurement, impairment of
21 physical or emotional health, or loss or impairment of
22 any bodily function;

23 (c) commits or allows to be committed any sex
24 offense against the child, as sex offenses are defined in
25 the Criminal Code of 1961 and extending those definitions
26 of sex offenses to include children under 18 years of
27 age;

28 (d) commits or allows to be committed an act or
29 acts of torture upon the child; or

30 (e) inflicts excessive corporal punishment.

31 Q. "Neglected child" means any child whose parent or
32 other person responsible for the child's welfare withholds or
33 denies nourishment or medically indicated treatment including
34 food or care denied solely on the basis of the present or

1 anticipated mental or physical impairment as determined by a
2 physician acting alone or in consultation with other
3 physicians or otherwise does not provide the proper or
4 necessary support, education as required by law, or medical
5 or other remedial care recognized under State law as
6 necessary for a child's well-being, or other care necessary
7 for his or her well-being, including adequate food, clothing
8 and shelter; or who is abandoned by his or her parents or
9 other person responsible for the child's welfare.

10 A child shall not be considered neglected or abused for
11 the sole reason that the child's parent or other person
12 responsible for his or her welfare depends upon spiritual
13 means through prayer alone for the treatment or cure of
14 disease or remedial care as provided under Section 4 of the
15 Abused and Neglected Child Reporting Act. A child shall not
16 be considered neglected or abused for the sole reason that
17 the child's parent or other person responsible for the
18 child's welfare failed to vaccinate, delayed vaccination, or
19 refused vaccination for the child due to a waiver on
20 religious or medical grounds as permitted by the law.

21 R. "Putative father" means a man who may be a child's
22 father, but who (1) is not married to the child's mother on
23 or before the date that the child was or is to be born and
24 (2) has not established paternity of the child in a court
25 proceeding before the filing of a petition for the adoption
26 of the child. The term includes a male who is less than 18
27 years of age. "Putative father" does not mean a man who is
28 the child's father as a result of criminal sexual abuse or
29 assault as defined under Article 12 of the Criminal Code of
30 1961. A child shall not be considered neglected or abused
31 for the sole reason that the child's parent or other person
32 responsible for the child's welfare failed to vaccinate,
33 delayed vaccination, or refused vaccination for the child due
34 to a waiver on religious or medical grounds as permitted by

1 the law.

2 S. "Standby adoption" means an adoption in which a
3 terminally ill parent consents to custody and termination of
4 parental rights to become effective upon the occurrence of a
5 future event, which is either the death of the terminally ill
6 parent or the request of the parent for the entry of a final
7 judgment of adoption.

8 T. "Terminally ill parent" means a person who has a
9 medical prognosis by a physician licensed to practice
10 medicine in all of its branches that the person has an
11 incurable and irreversible condition which will lead to
12 death.

13 (Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00;
14 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff.
15 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; revised
16 10-15-01.)

17 Section 90. The Illinois Domestic Violence Act of 1986
18 is amended by changing Section 222 as follows:

19 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

20 Sec. 222. Notice of orders.

21 (a) Entry and issuance. Upon issuance of any order of
22 protection, the clerk shall immediately, or on the next court
23 day if an emergency order is issued in accordance with
24 subsection (c) of Section 217, (i) enter the order on the
25 record and file it in accordance with the circuit court
26 procedures and (ii) provide a file stamped copy of the order
27 to respondent, if present, and to petitioner.

28 (b) Filing with sheriff. The clerk of the issuing judge
29 shall, or the petitioner may, on the same day that an order
30 of protection is issued, file a certified copy of that order
31 with the sheriff or other law enforcement officials charged
32 with maintaining Department of State Police records or

1 charged with serving the order upon respondent. If the order
2 was issued in accordance with subsection (c) of Section 217,
3 the clerk shall on the next court day, file a certified copy
4 of the order with the Sheriff or other law enforcement
5 officials charged with maintaining Department of State Police
6 records.

7 (c) Service by sheriff. Unless respondent was present
8 in court when the order was issued, the sheriff, other law
9 enforcement official or special process server shall promptly
10 serve that order upon respondent and file proof of such
11 service, in the manner provided for service of process in
12 civil proceedings. Instead of serving the order upon the
13 respondent, however, the sheriff, other law enforcement
14 official, or special process server may serve the respondent
15 with a short form notification as provided in Section 222.10.
16 If process has not yet been served upon the respondent, it
17 shall be served with the order or short form notification. A
18 single fee may be charged for service of an order obtained in
19 civil court, or for service of such an order together with
20 process, unless waived or deferred under Section 210.

21 (c-5) If the person against whom the order of protection
22 is issued is arrested and the written order is issued in
23 accordance with subsection (c) of Section 217 and received by
24 the custodial law enforcement agency before the respondent or
25 arrestee is released from custody, the custodial law
26 enforcement agent shall promptly serve the order upon the
27 respondent or arrestee before the respondent or arrestee is
28 released from custody. In no event shall detention of the
29 respondent or arrestee be extended for hearing on the
30 petition for order of protection or receipt of the order
31 issued under Section 217 of this Act.

32 (d) Extensions, modifications and revocations. Any
33 order extending, modifying or revoking any order of
34 protection shall be promptly recorded, issued and served as

1 provided in this Section.

2 (e) Notice to schools. Upon the request of the
3 petitioner, within 24 hours of the issuance of an order of
4 protection, the clerk of the issuing judge shall send written
5 notice of the order of protection along with a certified copy
6 of the order of protection to the day-care facility,
7 pre-school or pre-kindergarten, or private school or the
8 principal office of the public school district or any college
9 or university in which any child who is a protected person
10 under the order of protection or any child of the petitioner
11 is enrolled. If the child transfers enrollment to another
12 day-care facility, pre-school, pre-kindergarten, private
13 school, public school, college, or university, the petitioner
14 may, within 24 hours of the transfer, send to the clerk
15 written notice of the transfer, including the name and
16 address of the institution to which the child is
17 transferring. Within 24 hours of receipt of notice from the
18 petitioner that a child is transferring to another day-care
19 facility, pre-school, pre-kindergarten, private school,
20 public school, college, or university, the clerk shall send
21 written notice of the order of protection, along with a
22 certified copy of the order, to the institution to which the
23 child is transferring.

24 (f) Disclosure by schools. After receiving a certified
25 copy of an order of protection that prohibits a respondent's
26 access to records, neither a day-care facility, pre-school,
27 pre-kindergarten, public or private school, college, or
28 university nor its employees shall allow a respondent access
29 to a protected child's records or release information in
30 those records to the respondent. The school shall file the
31 copy of the order of protection in the records of a child who
32 is a protected person under the order of protection. When a
33 child who is a protected person under the order of protection
34 transfers to another day-care facility, pre-school,

1 pre-kindergarten, public or private school, college, or
2 university, the institution from which the child is
3 transferring may, at the request of the petitioner, provide,
4 within 24 hours of the transfer, written notice of the order
5 of protection, along with a certified copy of the order, to
6 the institution to which the child is transferring.
7 (Source: P.A. 92-90, eff. 7-18-01; 92-162, eff. 1-1-02;
8 revised 9-18-01.)

9 Section 91. The Cemetery Care Act is amended by changing
10 Section 2 as follows:

11 (760 ILCS 100/2) (from Ch. 21, par. 64.2)

12 Sec. 2. Definitions. The following words, terms and
13 phrases used in this Act, for the purpose of this Act, have
14 the following meanings:

15 "Person" means any person, partnership, association,
16 corporation, or other entity.

17 "Trustee" means any person authorized to hold funds under
18 this Act.

19 "Comptroller" means the Comptroller of the State of
20 Illinois.

21 "Care" means the maintenance of a cemetery and of the
22 lots, graves, crypts, niches, family mausoleums, memorials,
23 and markers therein; including: (i) the cutting and trimming
24 of lawn, shrubs, and trees at reasonable intervals; (ii)
25 keeping in repair the drains, water lines, roads, buildings,
26 fences, and other structures, in keeping with a well
27 maintained cemetery; (iii) maintenance of machinery, tools,
28 and equipment for such care; (iv) compensation of employees,
29 payment of insurance premiums, and reasonable payments for
30 employees pension and other benefits plans; and (v) to the
31 extent surplus income from the care fund is available, the
32 payment of overhead expenses necessary for such purposes and

1 for maintaining necessary records of lot ownership,
2 transfers, and burials.

3 "Care funds" as distinguished from receipts from annual
4 charges or gifts for current or annual care, means any realty
5 or personalty impressed with a trust by the terms of any
6 gift, grant, contribution, payment, legacy, or pursuant to
7 contract, accepted by any cemetery authority owning,
8 operating, controlling or managing a privately operated
9 cemetery, or by any trustee or licensee, agent or custodian
10 for the same, under Section 3 of this Act, and the amounts
11 set aside under Section 4 of this Act, and any income
12 accumulated therefrom, where legally so directed by the terms
13 of the transaction by which the principal was established.

14 "Cemetery" means any land or structure in this State
15 dedicated to and used, or intended to be used, for the
16 interment of human remains.

17 "Cemetery authority" means any person, firm, corporation,
18 trustee, partnership, association or municipality owning,
19 operating, controlling or managing a cemetery or holding
20 lands for burial grounds or burial purposes in this State.

21 "Mausoleum crypt" means a space in a mausoleum used or
22 intended to be used, above or under ground, to entomb human
23 remains.

24 "Family burying ground" means a cemetery in which no lots
25 are sold to the public and in which interments are restricted
26 to a group of persons related to each other by blood or
27 marriage.

28 "Fraternal cemetery" means a cemetery owned, operated,
29 controlled, or managed by any fraternal organization or
30 auxiliary organizations thereof, in which the sale of lots,
31 graves, crypts or niches is restricted principally to its
32 members.

33 "Grave" means a space of ground in a cemetery, used, or
34 intended to be used, for burial.

1 "Investment Company Act of 1940" means Title 15, of the
2 United States Code, Sections 80a-1 to 80a-51, inclusive, as
3 amended.

4 "Investment Company" means any issuer (a) whose
5 securities are purchasable only with care funds or trust
6 funds, or both; and (b) which is an open and diversified
7 management company as defined in and registered under the
8 "Investment Company Act of 1940"; and (c) which has entered
9 into an agreement with the Comptroller containing such
10 provisions as the Comptroller by regulation reasonably
11 requires for the proper administration of this Act.

12 "Municipal cemetery" means a cemetery owned, operated,
13 controlled or managed by any city, village, incorporated
14 town, township, county, or other municipal corporation,
15 political subdivision, or instrumentality thereof authorized
16 by law to own, operate, or manage a cemetery.

17 "Niche" means a space in a columbarium used or intended
18 to be used, for inurnment of cremated human remains.

19 "Privately operated cemetery" means any entity that
20 offers interment rights, entombment rights, or inurnment
21 ~~inurnments~~ rights, other than a fraternal, municipal, State,
22 federal or religious cemetery or a family burying ground.

23 "Religious cemetery" means a cemetery owned, operated,
24 controlled, or managed by any recognized church, religious
25 society, association or denomination, or by any cemetery
26 authority or any corporation administering, or through which
27 is administered, the temporalities of any recognized church,
28 religious society, association or denomination.

29 "State or federal cemetery" means a cemetery owned,
30 operated, controlled, or managed by any State or the federal
31 government or any political subdivision or instrumentality
32 thereof.

33 "Entombment right" means the right to place individual
34 human remains or individual cremated human remains in a

1 specific mausoleum crypt or lawn crypt selected by the
2 consumer for use as a final resting place.

3 "Interment right" means the right to place individual
4 human remains or cremated human remains in a specific
5 underground location selected by the consumer for use as a
6 final resting place.

7 "Inurnment right" means the right to place individual
8 cremated human remains in a specific niche selected by the
9 consumer for use as a final resting place.

10 "Lawn crypt" means a permanent underground crypt usually
11 constructed of reinforced concrete or similar material
12 installed in multiple units for the entombment of human
13 remains.

14 "Imputed value" means the retail price of comparable
15 rights within the same or similar area of the cemetery.

16 (Source: P.A. 90-623, eff. 7-10-98; revised 12-07-01.)

17 Section 92. The General Not For Profit Corporation Act
18 of 1986 is amended by changing Section 115.10 as follows:

19 (805 ILCS 105/115.10) (from Ch. 32, par. 115.10)

20 Sec. 115.10. Fees for filing documents and issuing
21 certificates. The Secretary of State shall charge and
22 collect for:

23 (a) Filing articles of incorporation, \$50.

24 (b) Filing articles of amendment, \$25, unless the
25 amendment is a restatement of the articles of incorporation,
26 in which case the fee shall be \$100.

27 (c) Filing articles of merger or, \$25.

28 (d) Filing articles of dissolution, \$5.

29 (e) Filing application to reserve a corporate name, \$25.

30 (f) Filing a notice of transfer of a reserved corporate
31 name, \$25.

32 (g) Filing statement of change of address of registered

1 office or change of registered agent, or both, if other than
2 on an annual report, \$5.

3 (h) Filing an application of a foreign corporation for
4 authority to conduct affairs in this State, \$50.

5 (i) Filing an application of a foreign corporation for
6 amended authority to conduct affairs in this State, \$25.

7 (j) Filing a copy of amendment to the articles of
8 incorporation of a foreign corporation holding authority to
9 conduct affairs in this State, \$25, unless the amendment is a
10 restatement of the articles of incorporation, in which case
11 the fee shall be \$100.

12 (k) Filing a copy of articles of merger of a foreign
13 corporation holding authority to conduct affairs in this
14 State, \$25.

15 (l) Filing an application for withdrawal and final
16 report or a copy of articles of dissolution of a foreign
17 corporation, \$5.

18 (m) Filing an annual report of a domestic or foreign
19 corporation, \$5.

20 (n) Filing an application for reinstatement of a
21 domestic or a foreign corporation, \$25.

22 (o) Filing an application for use or change of an
23 assumed corporate name, \$150 for each year or part thereof
24 ending in 0 or 5, \$120 for each year or part thereof ending
25 in 1 or 6, \$90 for each year or part thereof ending in 2 or
26 7, \$60 for each year or part thereof ending in 3 or 8, \$30
27 for each year or part thereof ending in 4 or 9, and a renewal
28 fee for each assumed corporate name, \$150.

29 (p) Filing an application for change or cancellation of
30 an assumed corporate name, \$5.

31 (q) Filing an application to register the corporate name
32 of a foreign corporation, \$50; and an annual renewal fee for
33 the registered name, \$50.

34 (r) Filing an application for cancellation of a

1 registered name of a foreign corporation, \$5.

2 (s) Filing a statement of correction, \$25.

3 (t) Filing an election to accept this Act, \$25.

4 (u) Filing any other statement or report, \$5.

5 (Source: P.A. 92-33, eff. 7-1-01; revised 1-25-02.)

6 Section 93. The Uniform Commercial Code is amended by
7 changing Section 2A-103 as follows:

8 (810 ILCS 5/2A-103) (from Ch. 26, par. 2A-103)

9 Sec. 2A-103. Definitions and index of definitions.

10 (1) In this Article unless the context otherwise
11 requires:

12 (a) "Buyer in ordinary course of business" means a
13 person who, in good faith and without knowledge that the
14 sale to him or her is in violation of the ownership
15 rights or security interest or leasehold interest of a
16 third party in the goods, buys in ordinary course from a
17 person in the business of selling goods of that kind but
18 does not include a pawnbroker. "Buying" may be for cash
19 or by exchange of other property or on secured or
20 unsecured credit and includes receiving goods or
21 documents of title under a pre-existing contract for sale
22 but does not include a transfer in bulk or as security
23 for or in total or partial satisfaction of a money debt.

24 (b) "Cancellation" occurs when either party puts an
25 end to the lease contract for default by the other party.

26 (c) "Commercial unit" means such a unit of goods as
27 by commercial usage is a single whole for purposes of
28 lease and division of which materially impairs its
29 character or value on the market or in use. A commercial
30 unit may be a single article, as a machine, or a set of
31 articles, as a suite of furniture or a line of machinery,
32 or a quantity, as a gross or carload, or any other unit

1 treated in use or in the relevant market as a single
2 whole.

3 (d) "Conforming" goods or performance under a lease
4 contract means goods or performance that are in
5 accordance with the obligations under the lease contract.

6 (e) "Consumer lease" means a lease that a lessor
7 regularly engaged in the business of leasing or selling
8 makes to a lessee who is an individual and who takes
9 under the lease primarily for a personal, family, or
10 household purpose, if the total payments to be made under
11 the lease contract, excluding payments for options to
12 renew or buy, do not exceed \$40,000.

13 (f) "Fault" means wrongful act, omission, breach,
14 or default.

15 (g) "Finance lease" means a lease with respect to
16 which:

17 (i) the lessor does not select, manufacture,
18 or supply the goods;

19 (ii) the lessor acquires the goods or the
20 right to possession and use of the goods in
21 connection with the lease; and

22 (iii) one of the following occurs:

23 (A) the lessee receives a copy of the
24 contract by which the lessor acquired the goods
25 or the right to possession and use of the goods
26 before signing the lease contract;

27 (B) the lessee's approval of the contract
28 by which the lessor acquired the goods or the
29 right to possession and use of the goods is a
30 condition to effectiveness of the lease
31 contract;

32 (C) the lessee, before signing the lease
33 contract, receives an accurate and complete
34 statement designating the promises and

1 warranties, and any disclaimers of warranties,
2 limitations or modifications of remedies, or
3 liquidated damages, including those of a third
4 party, such as the manufacturer of the goods,
5 provided to the lessor by the person supplying
6 the goods in connection with or as part of the
7 contract by which the lessor acquired the goods
8 or the right to possession and use of the
9 goods; or

10 (D) if the lease is not a consumer lease,
11 the lessor, before the lessee signs the lease
12 contract, informs the lessee in writing (a) of
13 the identity of the person supplying the goods
14 to the lessor, unless the lessee has selected
15 that person and directed the lessor to acquire
16 the goods or the right to possession and use of
17 the goods from that person, (b) that the lessee
18 is entitled under this Article to the promises
19 and warranties, including those of any third
20 party, provided to the lessor by the person
21 supplying the goods in connection with or as
22 part of the contract by which the lessor
23 acquired the goods or the right to possession
24 and use of the goods, and (c) that the lessee
25 may communicate with the person supplying the
26 goods to the lessor and receive an accurate and
27 complete statement of those promises and
28 warranties, including any disclaimers and
29 limitations of them or of remedies.

30 (h) "Goods" means all things that are movable at
31 the time of identification to the lease contract, or are
32 fixtures (Section 2A-309), but the term does not include
33 money, documents, instruments, accounts, chattel paper,
34 general intangibles, or minerals or the like, including

1 oil and gas, before extraction. The term also includes
2 the unborn young of animals.

3 (i) "Installment lease contract" means a lease
4 contract that authorizes or requires the delivery of
5 goods in separate lots to be separately accepted, even
6 though the lease contract contains a clause "each
7 delivery is a separate lease" or its equivalent.

8 (j) "Lease" means a transfer of the right to
9 possession and use of goods for a term in return for
10 consideration, but a sale, including a sale on approval
11 or a sale or return, or retention or creation of a
12 security interest is not a lease. Unless the context
13 clearly indicates otherwise, the term includes a
14 sublease.

15 (k) "Lease agreement" means the bargain, with
16 respect to the lease, of the lessor and the lessee in
17 fact as found in their language or by implication from
18 other circumstances including course of dealing or usage
19 of trade or course of performance as provided in this
20 Article. Unless the context clearly indicates otherwise,
21 the term includes a sublease agreement.

22 (l) "Lease contract" means the total legal
23 obligation that results from the lease agreement as
24 affected by this Article and any other applicable rules
25 of law. Unless the context clearly indicates otherwise,
26 the term includes a sublease contract.

27 (m) "Leasehold interest" means the interest of the
28 lessor or the lessee under a lease contract ~~contact~~.

29 (n) "Lessee" means a person who acquires the right
30 to possession and use of goods under a lease. Unless the
31 context clearly indicates otherwise, the term includes a
32 sublessee.

33 (o) "Lessee in ordinary course of business" means a
34 person who in good faith and without knowledge that the

1 lease to him or her is in violation of the ownership
2 rights or security interest or leasehold interest of a
3 third party in the goods leases in ordinary course from a
4 person in the business of selling or leasing goods of
5 that kind but does not include a pawnbroker. "Leasing"
6 may be for cash or by exchange of other property or on
7 secured or unsecured credit and includes receiving goods
8 or documents of title under a pre-existing lease contract
9 but does not include a transfer in bulk or as security
10 for or in total or partial satisfaction of a money debt.

11 (p) "Lessor" means a person who transfers the right
12 to possession and use of goods under a lease. Unless the
13 context clearly indicates otherwise, the term includes a
14 sublessor.

15 (q) "Lessor's residual interest" means the lessor's
16 interest in the goods after expiration, termination, or
17 cancellation of the lease contract.

18 (r) "Lien" means a charge against or interest in
19 goods to secure payment of a debt or performance of an
20 obligation, but the term does not include a security
21 interest.

22 (s) "Lot" means a parcel or a single article that
23 is the subject matter of a separate lease or delivery,
24 whether or not it is sufficient to perform the lease
25 contract.

26 (t) "Merchant lessee" means a lessee that is a
27 merchant with respect to goods of the kind subject to the
28 lease.

29 (u) "Present value" means the amount as of a date
30 certain of one or more sums payable in the future,
31 discounted to the date certain. The discount is
32 determined by the interest rate specified by the parties
33 if the rate was not manifestly unreasonable at the time
34 the transaction was entered into; otherwise, the discount

1 is determined by a commercially reasonable rate that
2 takes into account the facts and circumstances of each
3 case at the time the transaction was entered into.

4 (v) "Purchase" includes taking by sale, lease,
5 mortgage, security interest, pledge, gift, or any other
6 voluntary transaction creating an interest in goods.

7 (w) "Sublease" means a lease of goods the right to
8 possession and use of which was acquired by the lessor as
9 a lessee under an existing lease.

10 (x) "Supplier" means a person from whom a lessor
11 buys or leases goods to be leased under a finance lease.

12 (y) "Supply contract" means a contract under which
13 a lessor buys or leases goods to be leased.

14 (z) "Termination" occurs when either party pursuant
15 to a power created by agreement or law puts an end to the
16 lease contract otherwise than for default.

17 (2) Other definitions applying to this Article and the
18 Sections in which they appear are:

19 "Accessions". Section 2A-310(1).

20 "Construction mortgage". Section 2A-309(1)(d).

21 "Encumbrance". Section 2A-309(1)(e).

22 "Fixtures". Section 2A-309(1)(a).

23 "Fixture filing". Section 2A-309(1)(b).

24 "Purchase money lease". Section 2A-309(1)(c).

25 (3) The following definitions in other Articles apply to
26 this Article:

27 "Account". Section 9-102(a)(2).

28 "Between merchants". Section 2-104(3).

29 "Buyer". Section 2-103(1)(a).

30 "Chattel paper". Section 9-102(a)(11).

31 "Consumer goods". Section 9-102(a)(23).

32 "Document". Section 9-102(a)(30).

33 "Entrusting". Section 2-403(3).

34 "General intangible". Section 9-102(a)(42).

1 "Good faith". Section 2-103(1)(b).

2 "Instrument". Section 9-102(a)(47).

3 "Merchant". Section 2-104(1).

4 "Mortgage". Section 9-102(a)(55).

5 "Pursuant to commitment". Section 9-102(a)(68).

6 "Receipt". Section 2-103(1)(c).

7 "Sale". Section 2-106(1).

8 "Sale on approval". Section 2-326.

9 "Sale or return". Section 2-326.

10 "Seller". Section 2-103(1)(d).

11 (4) In addition, Article 1 contains general definitions
12 and principles of construction and interpretation applicable
13 throughout this Article.

14 (Source: P.A. 91-893, eff. 7-1-01; revised 12-07-01.)

15 Section 94. The Consumer Fraud and Deceptive Business
16 Practices Act is amended by setting forth and renumbering
17 multiple versions of Section 2KK as follows:

18 (815 ILCS 505/2KK)

19 Sec. 2KK. Animal cremation services. It is an unlawful
20 practice within the meaning of this Act for a provider of
21 companion animal cremation services (1) to fail to prepare or
22 distribute a written explanation of services as required by
23 the Companion Animal Cremation Act; (2) to prepare or
24 distribute a written explanation of services under that Act
25 that the provider knows or should know to be false or
26 misleading; or (3) to knowingly make a false certification
27 under Section 20 of that Act.

28 (Source: P.A. 92-287, eff. 1-1-02.)

29 (815 ILCS 505/2LL)

30 Sec. 2LL. ~~2KK~~. Halal food; disclosure.

31 (a) As used in this Section:

1 "Dealer" means any establishment that advertises,
2 represents, or holds itself out as growing animals in a halal
3 way or selling, preparing, or maintaining food as halal,
4 including, but not limited to, manufacturers, animals' farms,
5 slaughterhouses, wholesalers, stores, restaurants, hotels,
6 catering facilities, butcher shops, summer camps, bakeries,
7 delicatessens, supermarkets, grocery stores, licensed health
8 care facilities, freezer dealers, and food plan companies.
9 These establishments may also sell, prepare or maintain food
10 not represented as halal.

11 "Director" means the Director of Agriculture.

12 "Food" means an animal grown to become food for human
13 consumption, a food, a food product, a food ingredient, a
14 dietary supplement, or a beverage.

15 "Halal" means prepared under and maintained in strict
16 compliance with the laws and customs of the Islamic religion
17 including but not limited to those laws and customs of
18 zabiha/zebeeha (slaughtered according to appropriate Islamic
19 codes), and as expressed by reliable recognized Islamic
20 entities and scholars.

21 (b) Any dealer who grows animals represented to be grown
22 in a halal way or who prepares, distributes, sells, or
23 exposes for sale any food represented to be halal shall
24 disclose the basis upon which those representations are made
25 by posting the information required by the Director, in
26 accordance with rules adopted by the Director, on a sign of a
27 type and size specified by the Director, in a conspicuous
28 place upon the premises at which the food is sold or exposed
29 for sale, as required by the Director.

30 (c) Any person subject to the requirements of subsection
31 (b) does not commit an unlawful practice if the person shows
32 by a preponderance of the evidence that the person relied in
33 good faith upon the representations of an animals' farm,
34 slaughterhouse, manufacturer, processor, packer, or

1 distributor of any food represented to be halal.

2 (d) Possession by a dealer of any animal grown to become
3 food for consumption or any food not in conformance with the
4 disclosure required by subsection (b) with respect to that
5 food is presumptive evidence that the person is in possession
6 of that food with the intent to sell.

7 (e) Any dealer who grows animals represented to be grown
8 in a halal way or who prepares, distributes, sells, or
9 exposes for sale any food represented to be halal shall
10 comply with all requirements of the Director, including, but
11 not limited to, recordkeeping, labeling and filing, in
12 accordance with rules adopted by the Director.

13 (f) Neither an animal represented to be grown in a halal
14 way to become food for human consumption, nor a food
15 commodity represented as halal, may be offered for sale by a
16 dealer until the dealer has registered, with the Director,
17 documenting information of the certifying Islamic entity
18 specialized in halal food or the supervising Muslim Inspector
19 of Halal Food.

20 (g) The Director shall adopt rules to carry out this
21 Section in accordance with the Illinois Administrative
22 Procedure Act.

23 (h) It is an unlawful practice under this Act to violate
24 this Section or the rules adopted by the Director to carry
25 out this Section.

26 (Source: P.A. 92-394, eff. 1-1-02; revised 10-17-01.)

27 Section 95. The Business Opportunity Sales Law of 1995
28 is amended by changing Section 5-60 as follows:

29 (815 ILCS 602/5-60)

30 Sec. 5-60. Investigations and subpoenas.

31 (a) The Secretary of State:

32 (1) may make such public or private investigations

1 within or outside of this State as the Secretary of State
2 deems necessary to determine whether any person has
3 violated or is about to violate any provision of this Law
4 or any rule, regulation, or order under this Law, or to
5 aid in the enforcement of this Law or in the prescribing
6 of rules and forms under this Law;

7 (2) may require or permit any person to file a
8 statement, under oath or otherwise as the Secretary of
9 State determines, as to all the facts and circumstances
10 concerning the matter to be investigated; and

11 (3) may publish information concerning any
12 violation of this Law or any rule, regulation, or order
13 under this Law.

14 (b) For the purpose of any investigation or proceeding
15 under this Law, the Secretary of State or his or her designee
16 may administer oaths and affirmations, subpoena witnesses,
17 compel their attendance, take evidence and require, by
18 subpoena or other lawful means provided by this Act or the
19 rules adopted by the Secretary of State, the production of
20 any books, papers, correspondence, memoranda, agreements, or
21 other documents or records which the Secretary of State deems
22 relevant or material to the inquiry.

23 (c) In case of contumacy ~~by~~, or refusal to obey a
24 subpoena issued to any person under this Section, the
25 Secretary of State, through the Office of the Attorney
26 General, may bring an appropriate action in any circuit court
27 of the State of Illinois for the purpose of enforcing the
28 subpoena.

29 (d) It shall be a violation of the provisions of this
30 Law for any person to fail to file with the Secretary of
31 State any report, document, or statement required to be filed
32 under the provisions of this Section or to fail to comply
33 with the terms of any order of the Secretary of State issued
34 pursuant to this Law.

1 (Source: P.A. 92-308, eff. 1-1-02; revised 1-26-02.)

2 Section 96. The Motor Vehicle Franchise Act is amended
3 by changing Section 6 as follows:

4 (815 ILCS 710/6) (from Ch. 121 1/2, par. 756)

5 Sec. 6. Warranty agreements; claims; approval; payment;
6 written disapproval.

7 (a) Every manufacturer, distributor, wholesaler,
8 distributor branch or division, factory branch or division,
9 or wholesale branch or division shall properly fulfill any
10 warranty agreement and adequately and fairly compensate each
11 of its motor vehicle dealers for labor and parts.

12 (b) In no event shall such compensation fail to include
13 reasonable compensation for diagnostic work, as well as
14 repair service, labor, and parts. Time allowances for the
15 diagnosis and performance of warranty work and service shall
16 be reasonable and adequate for the work to be performed. In
17 the determination of what constitutes reasonable compensation
18 under this Section, the principal factor to be given
19 consideration shall be the prevailing wage rates being paid
20 by the dealer in the relevant market area in which the motor
21 vehicle dealer is doing business, and in no event shall such
22 compensation of a motor vehicle dealer for warranty service
23 be less than the rates charged by such dealer for like
24 service to retail customers for nonwarranty service and
25 repairs. The franchiser shall reimburse the franchisee for
26 any parts provided in satisfaction of a warranty at the
27 prevailing retail price charged by that dealer for the same
28 parts when not provided in satisfaction of a warranty;
29 provided that such motor vehicle franchisee's prevailing
30 retail price is not unreasonable when compared with that of
31 the holders of motor vehicle franchises from the same motor
32 vehicle franchiser for identical merchandise in the

1 geographic area in which the motor vehicle franchisee is
2 engaged in business. All claims, either original or
3 resubmitted, made by motor vehicle dealers hereunder and
4 under Section 5 for such labor and parts shall be either
5 approved or disapproved within 30 days following their
6 submission. All approved claims shall be paid within 30 days
7 following their approval. The motor vehicle dealer who
8 submits a claim which is disapproved shall be notified in
9 writing of the disapproval within the same period, and each
10 such notice shall state the specific grounds upon which the
11 disapproval is based. The motor vehicle dealer shall be
12 permitted to correct and resubmit such disapproved claims
13 within 30 days of receipt of disapproval. Any claims not
14 specifically disapproved in writing within 30 days from their
15 submission shall be deemed approved and payment shall follow
16 within 30 days. The manufacturer or franchiser shall have
17 the right to require reasonable documentation for claims and
18 to audit such claims within a one year period from the date
19 the claim was paid or credit issued by the manufacturer or
20 franchiser, and to charge back any false or unsubstantiated
21 claims. The audit and charge back provisions of this Section
22 also apply to all other incentive and reimbursement programs
23 for a period of 18 months after the date of the transactions
24 that are subject to audit by the franchiser. However, the
25 manufacturer retains the right to charge back any fraudulent
26 claim if the manufacturer establishes in a court of competent
27 jurisdiction in this State that the claim is fraudulent.

28 (c) The motor vehicle franchiser shall not, by
29 agreement, by restrictions upon reimbursement, or otherwise,
30 restrict the nature and extent of services to be rendered or
31 parts to be provided so that such restriction prevents the
32 motor vehicle franchisee from satisfying the warranty by
33 rendering services in a good and workmanlike manner and
34 providing parts which are required in accordance with

1 generally accepted standards. Any such restriction shall
2 constitute a prohibited practice.

3 (d) For the purposes of this Section, the "prevailing
4 retail price charged by that dealer for the same parts" means
5 the price paid by the motor vehicle franchisee for parts,
6 including all shipping and other charges, multiplied by the
7 sum of 1.0 and the franchisee's average percentage markup
8 over the price paid by the motor vehicle franchisee for parts
9 purchased by the motor vehicle franchisee from the motor
10 vehicle franchiser and sold at retail. The motor vehicle
11 franchisee may establish average percentage markup under this
12 Section by submitting to the motor vehicle franchiser 100
13 sequential customer paid service repair orders or 90 days of
14 customer paid service repair orders, whichever is less,
15 covering repairs made no more than 180 days before the
16 submission, and declaring what the average percentage markup
17 is. The average percentage markup so declared shall go into
18 effect 30 days following the declaration, subject to audit of
19 the submitted repair orders by the motor vehicle franchiser
20 and adjustment of the average percentage markup based on that
21 audit. Any audit must be conducted within 30 days following
22 the declaration. Only retail sales not involving warranty
23 repairs, parts covered by subsection (e) of this Section, or
24 parts supplied for routine vehicle maintenance, shall be
25 considered in calculating average percentage markup. No
26 motor vehicle franchiser shall require a motor vehicle
27 franchisee to establish average percentage markup by a
28 methodology, or by requiring information, that is unduly
29 burdensome or time consuming to provide, including, but not
30 limited to, part by part or transaction by transaction
31 calculations. A motor vehicle franchisee shall not request a
32 change in the average percentage markup more than twice in
33 one calendar year.

34 (e) If a motor vehicle franchiser supplies a part or

1 parts for use in a repair rendered under a warranty other
2 than by sale of that part or parts to the motor vehicle
3 franchisee, the motor vehicle franchisee shall be entitled to
4 compensation equivalent to the motor vehicle franchisee's
5 average percentage markup on the part or parts, as if the
6 part or parts had been sold to the motor vehicle franchisee
7 by the motor vehicle franchiser. The requirements of this
8 subsection (e) shall not apply to entire engine assemblies
9 and entire transmission assemblies. In the case of those
10 assemblies, the motor vehicle franchiser shall reimburse the
11 motor vehicle franchisee in the amount of 30% of what the
12 motor vehicle franchisee would have paid the motor vehicle
13 franchiser for the assembly if the assembly had not been
14 supplied by the franchiser other than by the sale of that
15 assembly to the motor vehicle franchisee.

16 (f) The obligations imposed on motor vehicle franchisers
17 by this Section shall apply to any parent, subsidiary,
18 affiliate, or agent of the motor vehicle franchiser, any
19 person under common ownership or control, any employee of the
20 motor vehicle franchiser, and any person holding 1% or more
21 of the shares of any class of securities or other ownership
22 interest in the motor vehicle franchiser, if a warranty or
23 service or repair plan is issued by that person instead of or
24 in addition to one issued by the motor vehicle franchiser.

25 (g) (1) Any motor vehicle franchiser and at least a
26 majority of its Illinois franchisees of the same line make
27 may agree in an express written contract citing this Section
28 upon a uniform warranty reimbursement policy used by
29 contracting franchisees to perform warranty repairs. The
30 policy shall only involve either reimbursement for parts used
31 in warranty repairs or the use of a Uniform Time Standards
32 Manual, or both. Reimbursement for parts under the agreement
33 shall be used instead of the franchisees' "prevailing retail
34 price charged by that dealer for the same parts" as defined

1 in this Section to calculate compensation due from the
2 franchiser for parts used in warranty repairs. This Section
3 does not authorize a franchiser and its Illinois franchisees
4 to establish a uniform hourly labor reimbursement.

5 Each franchiser shall only have one such agreement with
6 each line make. Any such agreement shall:

7 (A) Establish a uniform parts reimbursement rate.
8 The uniform parts reimbursement rate shall be greater
9 than the franchiser's nationally established parts
10 reimbursement rate in effect at the time the first such
11 agreement becomes effective; however, any subsequent
12 agreement shall result in a uniform reimbursement rate
13 that is greater or equal to the rate set forth in the
14 immediately prior agreement.

15 (B) Apply to all warranty repair orders written
16 during the period that the agreement is effective.

17 (C) Be available, during the period it is
18 effective, to any motor vehicle franchisee of the same
19 line make at any time and on the same terms.

20 (D) Be for a term not to exceed 3 years so long as
21 any party to the agreement may terminate the agreement
22 upon the annual anniversary of the agreement and with 30
23 days' prior written notice; however, the agreement shall
24 remain in effect for the term of the agreement regardless
25 of the number of dealers of the same line make that may
26 terminate the agreement.

27 (2) A franchiser that enters into an agreement with its
28 franchisees pursuant to paragraph (1) of this subsection (g)
29 may seek to recover its costs from only those franchisees
30 that are receiving their "prevailing retail price charged by
31 that dealer" under subsections (a) through (f) of this
32 Section, subject to the following requirements:

33 (A) "costs" means the difference between the
34 uniform reimbursement rate set forth in an agreement

1 entered into pursuant to paragraph (1) of this subsection
2 (g) and the "prevailing retail price charged by that
3 dealer" received by those franchisees of the same line
4 make;

5 (B) the costs shall be recovered only by increasing
6 the invoice price on new vehicles received by those
7 franchisees; and

8 (C) price increases imposed for the purpose of
9 recovering costs imposed by this Section may vary from
10 time to time and from model to model, but shall apply
11 uniformly to all franchisees of the same line make in the
12 State of Illinois that have requested reimbursement for
13 warranty repairs at their "prevailing retail price
14 charged by that dealer", except that a franchiser may
15 make an exception for vehicles that are titled in the
16 name of a consumer in another state.

17 (3) If a franchiser contracts with its Illinois dealers
18 pursuant to paragraph (1) of this subsection (g), the
19 franchiser shall certify under oath to the Motor Vehicle
20 Review Board that a majority of the franchisees of that line
21 make did agree to such an agreement and file a sample copy of
22 the agreement. On an annual basis, each franchiser shall
23 certify under oath to the Motor Vehicle Review Board that the
24 reimbursement costs it recovers under paragraph (2) of this
25 subsection (g) do not exceed the amounts authorized by
26 paragraph (2) of this subsection (g). The franchiser shall
27 maintain for a period of 3 years a file that contains the
28 information upon which its certification is based.

29 (4) If a franchiser and its franchisees do not enter
30 into an agreement pursuant to paragraph (1) of this
31 subsection (g), and for any matter that is not the subject of
32 an agreement, this subsection (g) shall have no effect
33 whatsoever.

34 (5) For purposes of this subsection (g), a Uniform Time

1 Standard Manual is a document created by a franchiser that
2 establishes the time allowances for the diagnosis and
3 performance of warranty work and service. The allowances
4 shall be reasonable and adequate for the work and service to
5 be performed. Each franchiser shall have a reasonable and
6 fair process that allows a franchisee to request a
7 modification or adjustment of a standard or standards
8 included in such a manual.

9 (Source: P.A. 91-485, eff. 1-1-00; 92-498, eff. 12-12-01;
10 revised 1-25-02.)

11 Section 97. The Public Safety Employee Benefits Act is
12 amended by changing Section 15 as follows:

13 (820 ILCS 320/15)

14 Sec. 15. Required educational benefits. If a
15 firefighter, law enforcement, or correctional or correctional
16 probation officer is accidentally or unlawfully and
17 intentionally killed as specified in subsection (b) of
18 Section 10 ~~Section-5~~ on or after July 1, 1980, the State
19 shall waive certain educational expenses which children of
20 the deceased incur while obtaining a vocational-technical
21 certificate or an undergraduate education at a State
22 supported institution. The amount waived by the State shall
23 be an amount equal to the cost of tuition and matriculation
24 and registration fees for a total of 120 credit hours. The
25 child may attend a State vocational-technical school, a
26 public community college, or a State university. The child
27 may attend any or all of the institutions specified in this
28 Section, on either a full-time or part-time basis. The
29 benefits provided under this Section shall continue to the
30 child until the child's 25th birthday.

31 (1) Upon failure of any child benefited by the
32 provisions of this Section to comply with the ordinary

1 and minimum requirements of the institution attended,
2 both as to discipline and scholarship, the benefits shall
3 be withdrawn as to the child and no further moneys may be
4 expended for the child's benefits so long as the failure
5 or delinquency continues.

6 (2) Only a student in good standing in his or her
7 respective institution may receive the benefits under
8 this Section.

9 (3) A child receiving benefits under this Section
10 must be enrolled according to the customary rules and
11 requirements of the institution attended.

12 (Source: P.A. 90-535, eff. 11-14-97; revised 9-22-00.)

13 Section 997. No acceleration or delay. Where this Act
14 makes changes in a statute that is represented in this Act by
15 text that is not yet or no longer in effect (for example, a
16 Section represented by multiple versions), the use of that
17 text does not accelerate or delay the taking effect of (i)
18 the changes made by this Act or (ii) provisions derived from
19 any other Public Act.

20 Section 998. No revival or extension. This Act does not
21 revive or extend any Section or Act otherwise repealed.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.

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- 5 ILCS 100/1-90
- 5 ILCS 140/2 from Ch. 116, par. 202
- 5 ILCS 140/7 from Ch. 116, par. 207
- 5 ILCS 375/3 from Ch. 127, par. 523
- 20 ILCS 5/1-5
- 20 ILCS 105/4.01 from Ch. 23, par. 6104.01
- 20 ILCS 505/5d
- 20 ILCS 505/5e
- 20 ILCS 505/7 from Ch. 23, par. 5007
- 20 ILCS 605/605-605 was 20 ILCS 605/46.57
- 20 ILCS 605/605-710
- 20 ILCS 830/2-1 from Ch. 96 1/2, par. 9702-1
- 20 ILCS 2605/2605-302 was 20 ILCS 2605/55a in part
- 20 ILCS 2605/2605-555
- 20 ILCS 2630/5 from Ch. 38, par. 206-5
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- 7 305 ILCS 5/8A-7.1 from Ch. 23, par. 8A-7.1
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