

SB1306 Engrossed	LRB097 08920 CEL 49052 b

1	AN ACT concerning regulation.
2	<b>Be it enacted by the People of the State of Illinois,</b>
3	<b>represented in the General Assembly:</b>
4	Section 1. Short title. This Act may be cited as the
5	Collateral Recovery Act.
6	Section 5. Findings; purpose. The General Assembly finds
7	that collateral recovery practices affect public health,
8	safety, and welfare and declares that the purpose of this Act
9	is to regulate individuals and entities engaged in the business
10	of collateral recovery for the protection of the public.
11	Section 10. Definitions. In this Act:
12	"Assignment" means a written authorization by a legal
13	owner, lien holder, lessor, or lessee to locate or repossess
14	any collateral, including, but not limited to, collateral
15	registered under the Illinois Vehicle Code that is subject to a
16	security agreement that contains a repossession clause.
17	"Assignment" also means a written authorization by an employer
18	to recover any collateral entrusted to an employee or former
19	employee if the possessor is wrongfully in the possession of

20	the collateral. A photocopy, facsimile copy, or electronic copy
21	of an assignment shall have the same force and effect as an
22	original written assignment.

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1	"Branch office" means each additional office and secured
2	storage facility location of a repossession agency conducting
3	business within the State of Illinois and operating under the
4	same name as the repossession agency where business is actively
5	conducted that advertises as performing or is engaged in the
6	business authorized by the licensure. Each branch office must
7	be individually licensed.
8	"Collateral" means any vehicle, boat, recreational
9	vehicle, motor home, motorcycle, or other property that is
10	subject to a security agreement.
11	"Commission" means the Illinois Commerce Commission.
12	"Debtor" means any person or entity obligated under a
13	security agreement.
14	"Financial institution" means a bank, a licensee under the
15	Consumer Installment Loan Act, savings bank, savings and loan
16	association, or credit union organized and operating under the
17	laws of this or any other state or of the United States, and
18	any subsidiary or affiliate thereof.
19	"Legal owner" means a person holding (i) a

20	security
20	interest in any collateral that is subject to a security
21	agreement, (ii) a lien against any collateral, or (iii) an
22	interest in any collateral that is subject to a lease
23	agreement.
24	"Licensure" means the approval of the required criteria
25	that has been submitted for review in accordance with the
26	provisions of this Act.

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1	"Licensed recovery manager" means a person who possesses a
2	valid license in accordance with the provisions of this Act and
3	is in control or management of an Illinois repossession agency.
4	"Personal effects" means any property contained within or
5	on repossessed collateral that is not the property of the legal
6	owner.
7	"Recovery permit" means a permit issued by the Commission
8	to a repossession agency employee who has met all the
9	requirements under this Act.
10	"Recovery ticket" means a serialized record obtained from
11	the Commission for any repossessed vehicle or collateral from
12	any person, business, financial institution, state agency,
13	automotive dealership, or towing company that shows a recovery
14	ticket fee has been paid to the Commission.

15	"Repossession agency" means any person or entity
16	conducting business within the State of Illinois, that, for any
17	type of consideration, engages in the business of, accepts
18	employment to furnish, or agrees to provide or provides
19	property locating services, property recovery, recovered
20	property transportation, recovered property storage, or all
21	services relevant to any of the following:
22	(1) The location, disposition, or recovery of property
23	as authorized by the self-help provisions of the Uniform
24	Commercial Code.
25	(2) The location, disposition, or recovery of lost or
26	stolen property.

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1	(3) Securing evidence concerning repossession and
2	recovery to be used before any court, board, office, or
3	investigating committee.
4	(4) Inventory of property contained in or on the
5	collateral or recovered property.
6	(5) The possession of collateral.
7	(6) The prevention of the misappropriation or
8	concealment of chattel, vehicles, goods, objects,
9	documents, or papers. A repossession agency must maintain a
10	secured storage facility.
11	"Repossession agency" does not include any of

	the
12	following:
13	(1) An attorney at law who is performing his or her
14	duties as an attorney at law.
15	(2) The legal owner of collateral that is subject to a
16	security agreement.
17	(3) An officer or employee of the United States of
18	America or of this State or a political subdivision of this
19	State while the officer or employee is engaged in the
20	performance of his or her official duties.
21	(4) A qualified license or recovery permit holder or a
22	registrant when performing services for, or on behalf of, a
23	licensed repossession agency.
24	"Repossession agency employee" means any person or
25	self-employed independent contractor who is hired by a
26	repossession agency.

1	"Secured storage facility" means an area located on the
2	same premises as a repossession agency office or branch office
3	that is designated for the storage of collateral and has a
4	perimeter that is secured with a fencing construction that
5	makes the area not accessible to the public. Each repossession
6	agency office or branch office must maintain a secured storage
7	facility.

8	"Security agreement" means an obligation, pledge,
9	mortgage, chattel mortgage, lease agreement, deposit, or lien,
10	given by a debtor as security for payment or performance of his
11	or her debt by furnishing the creditor with a recourse to be
12	used in case of failure in the principal obligation. "Security
13	agreement" includes a bailment where an employer-employee
14	relationship exists or existed between the bailor and the
15	bailee.
16	Section 15. Powers of Commission.
17	(a) The Commission shall regulate repossession agencies
18	and their employees, managers or agents in accordance with this
19	Act, and to that end may establish reasonable requirements with
20	respect to proper service and practices relating thereto.
21	(b) The Commission shall have the following powers:
22	(1) To require that all employees, agents, or other
23	personnel used in repossession be employees, agents, or
24	personnel of a licensed repossession agency.
25	(2) To adopt reasonable and proper rules covering the

1	exercise of powers conferred upon it by this Act, and
2	reasonable rules governing investigations, hearings, and
3	proceedings under this Act.

4	(3) To adopt appropriate rules setting forth the
5	standards and procedures by which it will administer and
6	enforce this Act.
7	(4) To create special procedures for the receipt and
8	handling of consumer complaints.
9	(5) To employ such persons as are needed to administer
10	and enforce this Act, in such capacities as they are
11	needed, whether as hearing examiners, special examiners,
12	enforcement officers, investigators, or otherwise.
13	(c) The staff of the Commission shall have full power and
14	authority in the performance of their official duties to enter
15	into or upon any place, building, or premises of any
16	repossession agency location or branch office location at any
17	reasonable time for the purpose of inspecting such agency
18	operating under this Act.
19	Section 20. Rulemaking enforcement.
20	(a) The Commission may adopt any rules and procedures
21	necessary to enforce and administer the provisions of this Act.
22	(b) The Commission may, by administrative rule, modify any
23	rules or procedures or adjust any fees necessary to regulate
24	and enforce the provisions of this Act.

1	Section 25. Recovery ticket.
2	(a) A licensed repossession agency must purchase a recovery
3	ticket from the Commission for each repossessed vehicle or
4	collateral. The recovery ticket must show all of the following
5	information:
6	(1) The date, time, and location of the repossession.
7	(2) The Vehicle Identification Number (VIN), the make,
8	the model, and the year of the vehicle or collateral
9	repossessed.
10	(3) The debtor's name, the agency name, the employee's
11	name, and the recovery permit number.
12	(4) The name and officer identification number of the
13	local law enforcement officer notified of the
14	repossession.
15	(b) The recovery ticket must be placed with the vehicle or
16	collateral at the time of repossession and must accompany the
17	vehicle or collateral until it has been liquidated or returned
18	to the lien holder or debtor. A copy of the recovery ticket
19	must be kept for the agency's permanent file for a period of 2
20	years following the date of repossession. A copy of the
21	recovery ticket must be returned to the legal owner or
22	financial institution within 72 hours following the date of
23	repossession.
24	(c) A fee for the recovery ticket must be collected by the
25	Commission at the time of purchase. The cost for each recovery

26	ticket is \$10 and is nonrefundable. Recovery tickets must only		
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1	be sold in lots of 50 and 100. Only an Illinois licensed		
2	repossession agency may purchase recovery tickets.		
3	If a repossession agency's license is revoked by the		
4	Commission, then the repossession agency must return any and		
5	all unused recovery tickets to the Commission immediately upon		
6	license revocation. No refund from the Commission will be		
7	issued for the return of unused recovery tickets.		
8	(d) Any agency or employee found to be in possession of a		
9	repossessed vehicle without having a valid recovery ticket is		
10	in violation of this Act and therefore jeopardizing the license		
11	of the employee or the agency that he or she is repossessing		
12	for.		
13	Section 30. License or registration required.		
14	(a) It shall be unlawful for any person or entity to		
15	repossess a vehicle or collateral in this State, attempt to		
16	repossess a vehicle or collateral in this State, or to hold		
17	himself, herself, or itself out to be a repossession agency		
18	unless licensed under this Act.		
19	(b) It shall be unlawful for any person to repossess a		
20	vehicle or collateral in this State, attempt to repossess a		

21	vehicle or collateral in this State, or to hold himself or
22	herself out to be a licensed recovery manager unless licensed
23	under this Act.
24	(c) It shall be unlawful for any person to repossess a
25	vehicle or collateral in this State, attempt to repossess a

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1	vehicle or collateral in this State, or hold himself or herself
2	out to be a repossession agency employee unless he or she holds
3	a valid recovery permit issued by the Commission under this
4	Act.
5	(d) This Act does not apply to a financial institution or
6	the employee of a financial institution when engaged in an
7	activity otherwise covered by this Act if the activity is
8	conducted by the employee on behalf of that financial
9	institution.
10	Section 35. Application for repossession agency licensure.
11	(a) Application for original licensure as a repossession
12	agency shall be made to the Commission in writing on forms
13	prescribed by the Commission and shall be accompanied by the
14	appropriate documentation and the required fee, which fee is
15	nonrefundable.
16	(b) Every application shall state, in addition to any other

17	requirements, (i) the name of the applicant, (ii) the name
18	under which the applicant will do business, (iii) the proposed
19	location of the agency by number and street and city, and (iv)
20	the usual business hours that the agency will maintain.
21	(c) No license may be issued (i) in any fictitious name
22	that may be confused with or is similar to any federal, state,
23	county, or municipal government function or agency, (ii) in any
24	name that may tend to describe any business function or
25	enterprise not actually engaged in by the applicant, (iii) in

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1	any name that is the same as or similar to any existing
2	licensed company and that would tend to deceive the public,
3	(iv) in any name that would tend to be deceptive or misleading,
4	or (v) to any repossession agency applicant without that
5	agency's location or branch office location maintaining a
6	secured storage facility as defined in Section 10 of this Act.
7	(d) If the applicant for repossession agency licensure is
8	an individual, then his or her application shall include (i)
9	the full residential address of the applicant and (ii) either
10	the sworn statement of the applicant declaring that he or she
11	is the licensed recovery manager who will be personally in

12 control of the agency for which the licensure is  
sought, or the

13 name and signed sworn statement of the licensed  
recovery

14 manager who will be in control of the agency.

15 (e) If the applicant for repossession agency  
licensure is a

16 partnership, then the application shall include (i)  
a statement

17 of the names and full residential addresses of all  
partners in

18 the business and (ii) a sworn statement signed by  
each partner

19 verifying the name of the person who is a licensed  
recovery

20 manager and will be in control of the business. If  
a licensed

21 recovery manager who is not a partner will be in  
control of the

22 agency, then he or she must also sign the sworn  
statement. The

23 application shall also state whether any of the  
partners has

24 ever used an alias.

25 (f) If the applicant for licensure as a  
repossession agency

26 is a corporation, then the application shall  
include (i) the

1 names and full residential addresses of all  
corporation

2 officers and (ii) a sworn statement signed by a  
duly authorized

3 officer of the corporation verifying the name of  
the person who

4 is a licensed recovery manager and will be in  
control of the

5 agency. If a licensed recovery manager who is not  
an officer

6 will be in control of the agency, then he or she

	must also sign
7	the sworn statement. The application shall also state whether
8	any of the officers has ever used an alias.
9	(g) If the applicant for licensure as a repossession agency
10	is a limited liability company, then the application shall
11	include (i) the names and full residential addresses of all
12	company owners and (ii) a sworn statement signed by each owner
13	verifying the name of the person who is a licensed recovery
14	manager and will be in control of the agency. If a licensed
15	recovery manager who is not an owner will be in control of the
16	agency, then he or she must also sign the sworn statement. The
17	application shall also state whether any of the owners has ever
18	used an alias.
19	(h) Each individual, partner of a partnership, officer of a
20	corporation, or owner of a limited liability company shall
21	submit with the application a copy of one form of personal
22	identification upon which must appear a photograph taken within
23	one year immediately preceding the date of the filing of the
24	application.
25	(i) No examination shall be required for licensure as a
26	repossession agency by the Commission.
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1	(j) The Commission may require any additional

	information
2	that, in the judgment of the Commission, will enable the
3	Commission to pass on the qualifications of the applicant for
4	licensure.
5	(k) Applicants have 90 days from the date of application to
6	complete the application process. If the application has not
7	been completed within 90 days, then the application shall be
8	denied, the fee shall be forfeited, and the applicant must
9	reapply and meet the requirements in effect at the time of
10	reapplication.
11	(l) Nothing in this Section precludes a domestic or foreign
12	limited liability company being licensed as a repossession
13	agency.
14	(m) A repossession agency license is not transferable.
15	(n) Repossessions performed in this State must be performed
16	by repossession agencies, their employees, or agents licensed
17	by the Commission, with the exception of financial institutions
18	or the employees of a financial institution that are exempt
19	under subsection (d) of Section 30 of this Act.
20	Section 37. Enforcement. It shall be unlawful for any
21	repossession agency, employee, or agent of a repossession
22	agency to operate in this State without a valid license or
23	recovery permit issued by the Commission. It shall be unlawful
24	for any person or entity to repossess a vehicle or

	collateral
25	in the State without a recovery ticket issued by the
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1	Commission. It shall be unlawful for any person or entity to
2	forward, transfer, or subcontract an assignment to a
3	repossession agency or its employees or agents who do not have
4	a valid license or recovery permit issued by the Commission.
5	The Commission may, at any time during the term of the license,
6	make inquiry into the licensee's management or conduct of
7	business to determine compliance with the provisions of this
8	Act or the rules adopted pursuant to this Act. State, county,
9	and local municipalities shall work in conjunction with the
10	Commission in the enforcement of this Act.
11	Section 40. Qualifications for recovery manager;
12	identification card.
13	(a) An applicant is qualified for licensure as a recovery
14	manager if that person meets all of the following requirements:
15	(1) Is 21 years of age or older.
16	(2) Has not been convicted in any jurisdiction of any
17	felony or at least 10 years has passed from the time of
18	discharge from any sentence imposed for a felony.
19	(3) Has completed no less than 5,000 hours of actual

20	compensated collateral recovery work as an employee of a
21	repossession agency, a financial institution, or a vehicle
22	dealer in the 3 years immediately preceding the filing of
23	an application, acceptable proof of which must be submitted
24	to the Commission.
25	(4) Has submitted to the Commission 2 sets of

1	fingerprints, which shall be checked against the
2	fingerprint records on file with the Illinois Commerce
3	Commission Police and the Federal Bureau of Investigation
4	in the manner set forth in Section 60 of this Act.
5	(5) Has successfully completed the Certified Asset
6	Recovery Specialist (C.A.R.S.) program, or any other
7	nationally recognized certification program.
8	(6) Has paid the required application fees.
9	(b) Upon the issuance of a recovery manager license, the
10	Commission shall issue the license holder a suitable pocket
11	identification card that shall include a photograph of the
12	license holder. The identification card must contain the name
13	of the license holder and that of the repossession agency that
14	employs the license holder, in addition to any other
15	information required by the Commission.

16 (c) A recovery manager license is not  
transferable.

17 Section 45. Repossession agency employee  
requirements.

18 (a) All employees of a licensed repossession  
agency whose

19 duties include the actual repossession of  
collateral must apply

20 for a recovery permit. The holder of a repossession  
agency

21 license issued under this Act, known in this  
Section as the

22 "employer", may employ in the conduct of the  
business under the

23 following provisions:

24 (1) No person may be issued a recovery  
permit who meets

25 any of the following criteria:

1 (A) Is younger than 21 years of age.

2 (B) Has been determined by the  
Commission to be

3 unfit by reason of conviction of an offense  
in this or

4 another state, other than a minor traffic  
offense. The

5 Commission shall adopt rules for making  
those

6 determinations.

7 (C) Has had a license or recovery  
permit denied,

8 suspended, or revoked under this Act.

9 (D) Has not successfully completed the  
Certified

10 Asset Recovery Specialist (C.A.R.S.)  
program, or any

11 other nationally recognized certification  
program.

12	(2) No person may be employed by a repossession agency
13	under this Section until he or she has executed and
14	furnished to the Commission, on forms furnished by the
15	Commission, a verified statement to be known as an
16	"Employee's Statement" setting forth all of the following:
17	(A) The person's full name, age, and residence
18	address.
19	(B) The business or occupation engaged in for the 5
20	years immediately before the date of the execution of
21	the statement, the place where the business or
22	occupation was engaged in, and the names of the
23	employers, if any.
24	(C) That the person has not had a license or
25	recovery permit denied, revoked, or suspended under
26	this Act.
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1	(D) Any conviction of a felony.
2	(E) Any other information as may be required by any
3	rule of the Commission to show the good character,
4	competency, and integrity of the person executing the
5	statement.
6	(b) Each applicant for a recovery permit shall have his or
7	her fingerprints submitted to the Commission in an

	electronic
8	format that complies with the form and manner for requesting
9	and furnishing criminal history record information as
10	prescribed by the Illinois Commerce Commission Police. These
11	fingerprints shall be checked against the Illinois Commerce
12	Commission Police and Federal Bureau of Investigation criminal
13	history record databases now and hereafter filed. The
14	Commission shall charge applicants a fee for conducting the
15	criminal history records check, which shall not exceed the
16	actual cost of the records check. The Illinois Commerce
17	Commission Police shall furnish, pursuant to positive
18	identification, records of Illinois convictions to the
19	Commission. The Commission, in its discretion, may allow an
20	applicant who does not have reasonable access to a designated
21	vendor to provide his or her fingerprints in an alternative
22	manner. The Commission, in its discretion, may also use other
23	procedures in performing or obtaining criminal history records
24	checks of applicants. Instead of submitting his or her
25	fingerprints, an individual may submit proof that is
26	satisfactory to the Commission that an equivalent security
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1	clearance has been conducted.
2	(c) Qualified applicants shall purchase a recovery permit
3	from a vendor designated by the Commission and in a form that
4	the Commission prescribes. The Commission shall notify the
5	submitting person within 10 days after receipt of the
6	application of its intent to issue or deny the recovery permit.
7	The holder of a recovery permit shall carry the recovery permit
8	at all times while actually engaged in the performance of the
9	duties of his or her employment. Expiration and requirements
10	for renewal of recovery permits shall be established by rule of
11	the Commission. Possession of a recovery permit does not in any
12	way imply that the holder of the recovery permit is employed by
13	any agency unless the recovery permit is accompanied by the
14	employee identification card required by subsection (e) of this
15	Section.
16	(d) Each employer shall maintain a record of each employee
17	that is accessible to the duly authorized representatives of
18	the Commission. The record shall contain all of the following
19	information:
20	(1) A photograph taken within 10 days after the date
21	that the employee begins employment with the employer. The
22	photograph shall be replaced with a current photograph
23	every 3 calendar years.
24	(2) The Employee's Statement specified in

	paragraph
25	(2) of subsection (a) of this Section.
26	(3) All correspondence or documents relating to the
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1	character and integrity of the employee received by the
2	employer from any official source or law enforcement
3	agency.
4	(4) In the case of former employees, the employee
5	identification card of that person issued under subsection
6	(e) of this Section.
7	(e) Every employer shall furnish an employee
8	identification card to each of his or her employees. This
9	subsection (e) shall not apply to office or clerical personnel.
10	This employee identification card shall contain a recent
11	photograph of the employee, the employee's name, the name and
12	agency license number of the employer, the employee's personal
13	description, the signature of the employer, the signature of
14	that employee, the date of issuance, and an employee
15	identification card number.
16	(f) No employer may issue an employee identification card
17	to any person who is not employed by the employer in accordance
18	with this Section or falsely state or represent that a person
19	is or has been in his or her employ. It is unlawful for an

20	applicant for registration to file with the Commission the
21	fingerprints of a person other than himself or herself or to
22	fail to exercise due diligence in resubmitting replacement
23	fingerprints for those employees who have had original
24	fingerprint submissions returned as unclassifiable.
25	(g) Every employer shall obtain the identification card of
26	every employee who terminates employment with the employer.

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1	(h) No agency may employ any person to perform any activity
2	under this Act unless the person possesses a valid license or
3	recovery permit under this Act.
4	(i) Notwithstanding the provisions of subsection (h) of
5	this Section, an agency may employ a person in a temporary
6	capacity if all of the following conditions are met:
7	(1) The agency completes in its entirety and submits to
8	the Commission an application for a recovery permit,
9	including the required fees.
10	(2) The agency has verification from the Commission
11	that the applicant has no record of any criminal conviction
12	pursuant to the criminal history records check conducted by
13	the Illinois Commerce Commission Police. The agency shall
14	maintain the verification of the results of the Illinois

15	Commerce Commission Police criminal history records check
16	as part of the employee record as required under subsection
17	(d) of this Section.
18	(3) The agency exercises due diligence to ensure that
19	the person is qualified under the requirements of the Act
20	to be issued a recovery permit.
21	(4) The agency maintains a separate roster of the names
22	of all employees whose applications are currently pending
23	with the Commission and submits the roster to the
24	Commission on a monthly basis. Rosters are to be maintained
25	by the agency for a period of at least 24 months. An agency
26	may employ an employee applicant only if (i) it either

1	submits an employee application and all required forms and
2	fees or confirms with the Commission that an employee
3	application and all required forms and fees have been
4	submitted by another agency, and (ii) all other
5	requirements of this Section are met. The Commission shall
6	have the authority to revoke, without a hearing, the
7	temporary authority of an individual to work upon receipt
8	of Federal Bureau of Investigation fingerprint data or the
9	report of another official authority indicating a criminal

10	conviction. If the Commission has not received a temporary
11	employee's Federal Bureau of Investigation fingerprint
12	data within 120 days after the date the Commission received
13	the Illinois Commerce Commission Police fingerprint data,
14	then the Commission may, at its discretion, revoke the
15	employee's temporary authority to work with 15 days written
16	notice to the individual and the employing agency.
17	An agency may not employ a person in a temporary capacity
18	if it knows or reasonably should know that the person has been
19	convicted of a crime under the laws of this State, has been
20	convicted in another state of any crime that is a crime under
21	the laws of this State, has been convicted of any crime in
22	federal court, or has been posted as an unapproved applicant by
23	the Commission. Notice by the Commission to the agency, via
24	certified mail, personal delivery, electronic mail, or posting
25	on an internet site accessible to the agency that the person
26	has been convicted of a crime shall be deemed constructive

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1	knowledge of the conviction on the part of the agency. The
2	Commission may adopt rules to implement this subsection (i).
3	(j) If information is discovered affecting the

4 registration of a person whose fingerprints were  
submitted

5 under this Section, then the Commission shall so  
notify the

6 agency that submitted the fingerprints on behalf of  
that

7 person.

8 (k) A person employed under this Section shall  
have 15

9 business days within which to notify the Commission  
of any

10 change in employer. Upon notification and payment  
of the

11 required fee, the Commission shall issue that  
person a new

12 recovery card, provided that the person's current  
employer is a

13 licensed repossession agency.

14 (l) This Section applies only to those  
employees of

15 licensed repossession agencies whose duties include  
actual

16 repossession of collateral.

17 Section 50. Fees.

18 (a) The license and permit fees required under  
this Act are

19 as follows:

20 (1) Class "R" license (recovery agency),  
\$825.

21 (2) Class "RR" license (branch office),  
\$425.

22 (3) Class "MR" license (recovery agency  
manager),

23 \$325.

24 (4) Class "E" recovery permit (recovery  
agent), \$75.

25 (5) Class "EE" recovery permit (recovery  
agent

1	intern), \$75.
2	(b) The Commission may establish by rule a fee for the
3	replacement or revision of a license or recovery permit.
4	(c) The fees set forth in this Section must be paid by
5	certified check or money order, or at the discretion of the
6	Commission, by agency check at the time the application is
7	approved, except that an applicant for a Class "E", Class "EE",
8	or Class "MR" license or permit must pay the license or permit
9	fee at the time the application is made. If a license or permit
10	is revoked or denied, or if an application is withdrawn, then
11	the license or permit fee shall not be refunded.
12	Section 55. Social Security Number or Federal Employee
13	Identification Number on application. In addition to any other
14	information required by the Commission to be contained in the
15	application, every application for original, renewal, or
16	restored license or permit shall include the applicant's Social
17	Security Number, if an individual, or Federal Employer
18	Identification Number, if not an individual. The Commission
19	shall not disclose an individual's Social Security Number and
20	must keep that Social Security Number confidential unless
21	disclosure is required by law.
22	Section 60. Criminal background check. The Commission

23	shall require that each individual, partner of a partnership,
24	officer of a corporation, or owner of a limited liability

1	company, as part of the application process, authorize a
2	criminal history records check to determine if such applicant
3	has ever been charged with a crime and, if so, the disposition
4	of those charges. Upon this authorization, each individual,
5	partner of a partnership, officer of a corporation, or owner of
6	a limited liability company shall submit his or her
7	fingerprints to the Commission in the form and manner
8	prescribed by the Illinois Commerce Commission Police. These
9	fingerprints shall be checked against the fingerprint records
10	now and hereafter filed in the Illinois Commerce Commission
11	Police and Federal Bureau of Investigation criminal history
12	records databases. The Commission shall charge a fee for
13	conducting the criminal history records check, which shall be
14	deposited in the Transportation Regulatory Fund and shall not
15	exceed the actual cost of the records check. The Illinois
16	Commerce Commission Police shall provide information
17	concerning any criminal charges, and their disposition, now or
18	hereafter filed against an applicant upon request of the

19	Commission when the request is made in the form and manner
20	required by the Illinois Commerce Commission Police.
21	Section 65. Licensed recovery manager in control of
22	repossession agency.
23	(a) As a condition of licensure, a licensed recovery
24	manager must, at all times, be in control of a repossession
25	agency. Each licensed repossession agency and licensed branch

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1	office location must have a licensed recovery manager on site.
2	The licensed recovery manager in control must spend over 51% of
3	the usual business hours conducting business related to
4	collateral recovery at the licensed location.
5	(b) A licensed recovery manager may only be in control of
6	one repossession agency or branch office location at one time.
7	Upon written request by a representative of an agency within 10
8	days after the loss of the licensed recovery manager in control
9	due to the death of the license holder or because of an
10	unanticipated termination of his or her employment, the
11	Commission shall issue a temporary permit allowing the
12	continuing operation of a previously licensed repossession
13	agency. The temporary permit shall be valid for no more than 90

14 days. Upon written request by the representative of  
the agency,

15 an extension of an additional 90 days may be  
granted by the

16 Commission for good cause shown. No more than 2  
extensions may

17 be granted to any repossession agency. A temporary  
permit may

18 not be issued for loss of the licensed recovery  
manager in

19 control if that loss is due to disciplinary action  
taken by the

20 Commission.

21 (c) Whenever a licensed recovery manager in  
control of a

22 repossession agency ceases to be in control, the  
licensed

23 agency shall file notice with the Commission within  
30 days

24 after the cessation. If the repossession agency  
fails to give

25 written notice at the end of the 30-day period,  
then the

26 agency's license shall automatically be suspended.  
If the

1 notice is filed, then the license shall remain in  
force for a

2 period of 90 days after the filing of the notice.  
At the end of

3 the 90-day period or an additional period, not to  
exceed one

4 year, as specified by the Commission, if written  
notice is not

5 given that a licensed recovery manager is then in  
control of

6 the agency, then the agency's license shall  
automatically be

7 suspended. A license suspended under this Section  
may be

8	reinstated upon payment of a reinstatement fee, to be
9	determined by the Commission, and submission of a reinstatement
10	application.
11	(d) Except as otherwise provided in this Act, no person may
12	serve as the licensed recovery manager in control of a licensed
13	repossession agency if that person has ever had a repossession
14	agency's license revoked or if the person was a partner,
15	managing employee, owner, or officer of a repossession agency
16	the license of which has been revoked for cause.
17	(e) The license of the recovery manager in control of a
18	licensed repossession agency, together with the agency's
19	license, shall be conspicuously displayed at the agency
20	location of which the recovery manager is in control.
21	(f) A license extended under this Section is subject to all
22	other provisions of this Act.
23	Section 70. License extension in cases of death or
24	disassociation.
25	(a) In the case of the death of a person who is licensed

1	individually as a repossession agency, a member of the
2	deceased's immediate family shall be entitled to continue
3	operating the agency under the same license for up to 120 days

4	following the date of death, provided that written notice is
5	given to the Commission within 30 days following the date of
6	death. At the end of the 120-day period, the license shall
7	automatically be revoked.
8	(b) In the case of the death or disassociation of a partner
9	of a partnership licensed as a repossession agency, the company
10	shall notify the Commission, in writing, within 30 days from
11	the death or disassociation of the partner. If they fail to
12	notify the Commission within the 30-day period, then the
13	license shall automatically be revoked at the end of that
14	period. If proper notice is given, then the license shall
15	remain in force for 90 days following the date of death or
16	disassociation of the partner. At the end of the 90-day period,
17	the license shall automatically be revoked.
18	(c) A license extended under this Section is subject to all
19	other provisions of this Act.
20	Section 75. Licenses and recovery permits; renewals;
21	restoration; person in military service.
22	(a) An original Class "R" license, Class "RR" license, and
23	Class "MR" license shall expire 2 years after the date of
24	issuance.
25	(b) An original Class "E" recovery permit and Class "EE"

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1	recovery permit shall expire one year after the date of		
2	issuance.		
3	(c) A renewal Class "R" license, Class "RR" license and		
4	Class "MR" license shall expire 2 years after the date of		
5	renewal.		
6	(d) A renewal Class "E" recovery permit and Class "EE"		
7	recovery permit shall expire one year after the date of		
8	renewal.		
9	(e) The following are guidelines for the classes of		
10	licensure and registration:		
11	(1) Any person, firm, company, partnership, or		
12	corporation that engages in business as a recovery agency		
13	shall have a Class "R" license. A Class "R" license is		
14	valid for only one location.		
15	(2) Each branch office of a Class "R" agency shall have		
16	a Class "RR" license.		
17	(3) Any individual who performs the services of a		
18	manager for a Class "R" recovery agency or a Class "RR"		
19	branch office must have a Class "MR" license.		
20	(4) Any individual who performs recovery services as a		
21	repossession agency employee for a Class "R" recovery		
22	agency or a Class "RR" branch office must have a Class "E"		
23	recovery permit.		
24	(5) Any individual who performs repossessions as an		

25	intern under the direction and control of a designated,
26	sponsoring Class "E" recovery permit or a designated,
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1	sponsoring Class "MR" license shall have a Class "EE"
2	recovery permit.
3	(6) An individual shall have a Class "E" recovery
4	permit if he or she owns or is an employee of a Class "R"
5	agency or Class "RR" branch office.
6	(7) Class "R", Class "RR", Class "MR", Class "E", and
7	Class "EE" licenses and recovery permits are not
8	transferable.
9	(f) At least 90 days prior to the expiration of a license
10	or recovery permit, the Commission shall mail to the license or
11	permit holder a renewal form in the form and manner prescribed
12	by the Commission. The license holder or recovery permit holder
13	must complete and mail the renewal form to the Commission, pay
14	any fines assessed, and pay any renewal fee required by the
15	Commission.
16	(g) Any person or entity that has permitted a license or
17	recovery permit to expire may have that license or recovery
18	permit restored by making an application to the Commission
19	within one year after the expiration of a repossession agency's

20	license or a qualified manager license or within 30 days after
21	the expiration of a recovery permit, filing proof acceptable to
22	the Commission of fitness to have the license or recovery
23	permit restored, and paying the required restoration fee.
24	However, any person whose license or recovery permit expired
25	while (i) in federal service on active duty with the Armed
26	Forces of the United States or called into service or training

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1	with the State militia or (ii) in training or education under
2	the supervision of the United States preliminary to induction
3	into military service may have his or her license or recovery
4	permit renewed or restored without paying any lapsed renewal
5	fees, if within 2 years after honorable termination of the
6	service, training, or education, except under condition other
7	than honorable, he or she furnishes the Commission with
8	satisfactory evidence to the effect that he or she has been so
9	engaged and that the service, training, or education has been
10	so terminated.
11	(h) A suspended repossession agency license, recovery
12	manager license, or recovery permit is subject to expiration as
13	set forth in this Section. Renewal of a certificate or

14	registration card does not entitle the license holder or
15	recovery permit holder, while the license or recovery permit
16	remains suspended and until it is reinstated, to engage in the
17	licensed or permitted activity.
18	(i) A revoked repossession agency license, recovery
19	manager license, or recovery permit is subject to expiration as
20	set forth in this Section; however, it may not be renewed. If a
21	revoked license or recovery permit is reinstated after its
22	expiration, then the license holder or recovery permit holder,
23	as a condition of reinstatement, shall pay a reinstatement fee
24	in an amount equal to the renewal fee in effect on the last
25	regular renewal date prior to the date on which the license or
26	recovery permit is reinstated and any additional delinquency

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1	fee required by the Commission.
2	(j) Any person or entity that notifies the Commission, in
3	writing on forms prescribed by the Commission, may place a
4	license or recovery permit on inactive status and shall be
5	excused from the payment of renewal fees until the person or
6	entity notifies the Commission in writing of the intention to
7	resume active practice. Any person or entity requesting that a
8	license or recovery permit be changed from inactive

	to active
9	status shall be required to pay the current renewal fee.
10	(k) Any repossession agency license holder, recovery
11	manager license holder, or recovery permit holder whose license
12	or recovery permit is nonrenewed or on inactive status shall
13	not engage in the practice of recovery in this State or use the
14	title or advertise that he, she, or it performs the services of
15	a licensed repossession agency, licensed recovery manager, or
16	repossession agency employee.
17	(l) Any person violating subsection (k) of this Section
18	shall be considered to be operating a repossession agency
19	without a license, acting as a recovery manager without a
20	license, or acting as a repossession agency employee without a
21	recovery permit and is subject to the disciplinary provisions
22	of this Act.
23	(m) A repossession agency license, recovery manager
24	license, or recovery permit that is not renewed within 3 years
25	after its expiration may not be renewed, restored, reinstated,
26	or reissued thereafter. The holder of the license or recovery
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1	permit may obtain a new license or recovery permit only upon
2	compliance with all of the provisions of this Act concerning

3	the issuance of original licenses or recovery permits.
4	Section 80. Refusal, revocation, or suspension.
5	(a) The Commission may refuse to issue or renew or may
6	revoke any license or recovery permit or may suspend, place on
7	probation, fine, or take any disciplinary action that the
8	Commission may deem proper, including fines not to exceed
9	\$2,500 for each violation, with regard to any license holder or
10	recovery permit holder for one or any combination of the
11	following causes:
12	(1) Knowingly making any misrepresentation for the
13	purpose of obtaining a license or recovery permit.
14	(2) Violations of this Act or its rules.
15	(3) Conviction of any crime under the laws of the
16	United States or any state or territory thereof that is (i)
17	a felony, (ii) a misdemeanor, an essential element of which
18	is dishonesty, or (iii) a crime that is related to the
19	practice of the profession.
20	(4) Aiding or abetting another in violating any
21	provision of this Act or its rules.
22	(5) Engaging in dishonorable, unethical, or
23	unprofessional conduct of a character likely to deceive,
24	defraud, or harm the public as defined by rule.
25	(6) Violation of any court order from any State or

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1	public agency engaged in the enforcement of payment of		
2	child support arrearages or for noncompliance with certain		
3	processes relating to paternity or support proceeding.		
4	(7) Solicitation of professional services by using		
5	false or misleading advertising.		
6	(8) A finding that the license or recovery permit was		
7	obtained by fraudulent means.		
8	(9) Practicing or attempting to practice under a name		
9	other than the full name shown on the license or recovery		
10	permit or any other legally authorized name.		
11	(b) The Commission may refuse to issue or may suspend the		
12	license or recovery permit of any person or entity who fails to		
13	file a return, pay the tax, penalty, or interest shown in a		
14	filed return, or pay any final assessment of tax, penalty, or		
15	interest, as required by any tax Act administered by the		
16	Department of Revenue, until the time the requirements of the		
17	tax Act are satisfied. The Commission may take into		
18	consideration any pending tax disputes properly filed with the		
19	Department of Revenue.		
20	Section 85. Consideration of past crimes.		
21	(a) Notwithstanding the prohibitions set forth in Sections		
22	40 and 45 of this Act, when considering the denial of a license		
23	or recovery permit on the grounds of conviction of a crime, the		

24	Commission, in evaluating the rehabilitation of the applicant
25	and the applicant's present eligibility for a license or

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1	recovery permit, shall consider each of the following criteria:
2	(1) The nature and severity of the act or crime under
3	consideration as grounds for denial.
4	(2) Evidence of any act committed subsequent to the act
5	or crime under consideration as grounds for denial, which
6	also could be considered as grounds for disciplinary action
7	under this Act.
8	(3) The amount of time that has lapsed since the
9	commission of the act or crime referred to in item (1) or
10	(2) of this subsection (a).
11	(4) The extent to which the applicant has complied with
12	any terms of parole, probation, restitution, or any other
13	sanctions lawfully imposed against the applicant.
14	(5) Evidence, if any, of rehabilitation submitted by
15	the applicant.
16	(b) When considering the suspension or revocation of a
17	license or recovery permit on the grounds of conviction of a
18	crime, the Commission, in evaluating the rehabilitation of the
19	applicant and the applicant's present eligibility for a license

20	or recovery permit, shall consider each of the following
21	criteria:
22	(1) The nature and severity of the act or offense.
23	(2) The license holder's or recovery permit holder's
24	criminal record in its entirety.
25	(3) The amount of time that has lapsed since the
26	commission of the act or offense.

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1	(4) Whether the license holder or recovery permit
2	holder has complied with any terms of parole, probation,
3	restitution, or any other sanctions lawfully imposed
4	against him or her.
5	(5) If applicable, evidence of expungement
6	proceedings.
7	(6) Evidence, if any, of rehabilitation submitted by
8	the license holder or recovery permit holder.
9	Section 90. Insurance required. No repossession agency
10	license shall be issued unless the applicant first files with
11	the Commission a certification of insurance evidencing
12	coverage in the amount required under this Section. The
13	coverage shall provide the Commission as an additional insured
14	for the purpose of receiving all notices of modifications or
15	cancellations of such insurance. Coverage shall be written by

16	an insurance company that is lawfully engaged to provide
17	insurance coverage in Illinois. Coverage shall provide for a
18	combined single limit policy in the amount of at least
19	\$1,000,000 per occurrence, which policy shall include
20	commercial general liability for wrongful repossession, garage
21	keepers, on hook, and drive-away. Coverage shall provide for a
22	dishonesty bond policy in the amount of at least \$1,000,000.
23	Coverage shall insure for the liability of all employees
24	licensed or registered by the Commission while acting in the
25	course of their employment. The agency shall notify the

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1	Commission immediately upon cancellation of the insurance
2	policy, whether the cancellation was initiated by the insurance
3	company or the insured agency. The agency's license shall
4	automatically be suspended on the date of cancellation of the
5	policy, unless new evidence of insurance is provided to the
6	Commission prior to the effective date of cancellation.
7	Section 95. Display of license required. At all times, a
8	repossession agency's license shall be conspicuously displayed
9	at the agency location on record with the Commission.

10 Section 100. Local government; home rule.

11 (a) Nothing in this Act shall prevent local  
 12 authorities in  
 13 any municipality, county, or municipality and  
 14 county, by  
 15 ordinance and within the exercise of the police  
 16 power of the  
 17 municipality or county, from requiring repossession  
 18 agency and  
 19 recovery manager license holders to register their  
 20 names and  
 21 file a copy of their State identification cards  
 22 with the  
 23 municipality, county, or municipality and county.

24 (b) A municipality or county, including a home  
 rule unit,  
 may not regulate individuals and entities engaged  
 in the  
 business of collateral recovery in a manner that is  
 less  
 stringent than the standards established under this  
 Act. To the  
 extent that any regulation by a municipality or  
 county,  
 including a home rule unit, is less stringent than  
 the  
 standards established under this Act, it is  
 superseded by this

1 Act. This Section is a limitation under subsection  
 (i) of

2 Section 6 of Article VII of the Illinois  
 Constitution on the

3 concurrent exercise by home rule units of powers  
 and functions

4 exercised by the State.

5 Section 105. Notification of law enforcement.  
 Prior to a

6 repossession, the licensed repossession agency or

	repossession
7	agency employee must notify the appropriate law enforcement
8	agency located in the jurisdiction in which the licensed
9	repossession agency or repossession agency employee plans to
10	perform the repossession. Upon completion of the repossession,
11	the licensed repossession agency or repossession agency
12	employee must notify the appropriate law enforcement agency
13	that the repossession has occurred within its jurisdiction.
14	Section 110. Repossession of vehicles.
15	(a) With regard to collateral subject to a security
16	agreement, repossession occurs when the licensed repossession
17	agency employee gains entry into the collateral, the collateral
18	becomes connected to a tow vehicle, or the licensed
19	repossession agency employee has physical care, custody, or
20	control of the collateral.
21	(b) The licensed repossession agency shall confirm with the
22	legal owner of a recovered vehicle whether the legal owner
23	holds a security interest in the personal effects or other
24	property contained in or on the recovered vehicle.
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1	(c) If personal effects or other property not covered by a
2	security agreement are contained in or on a recovered vehicle

3	at the time it is recovered, then the personal effects and
4	other property not covered by a security agreement must be
5	completely and accurately inventoried, and a record of the
6	inventory shall be maintained on file with the licensed
7	repossession agency for a period of 2 years following the date
8	of repossession. The licensed repossession agency shall hold
9	all personal effects and other property not covered by a
10	security agreement until the licensed repossession agency
11	either returns the personal effects and other property to the
12	debtor or disposes of the personal effects and other property
13	in accordance with this Section.
14	(d) Within 5 working days following the date of
15	repossession, the licensed repossession agency shall give
16	written notification to the debtor of the whereabouts of
17	personal effects or other property inventoried. At least 45
18	days prior to disposing of such personal effects or other
19	property, the licensed repossession agency shall, by United
20	States Postal Service proof of mailing or certified mail,
21	notify the debtor of the intent to dispose of the property.
22	Should the debtor, or his or her lawful designee, appear to
23	retrieve the personal property prior to the date on which the
24	licensed repossession agency is allowed to dispose of the
25	property, the licensed repossession agency shall surrender the

26	personal property to that individual upon payment of any
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1	reasonably incurred expenses for inventory and storage.
2	(e) If personal property is not claimed within 45 days of
3	the notice of intent to dispose, then the licensed repossession
4	agency may dispose of the personal property at its discretion,
5	except that illegal items or contraband shall be surrendered to
6	a law enforcement agency, and the licensed repossession agency
7	shall retain a receipt or other proof of surrender as part of
8	the inventory and disposal records it maintains. The inventory
9	of the personal property and the records regarding any disposal
10	of personal property shall be maintained for a period of 2
11	years in the permanent records of the licensed repossession
12	agency and shall be made available upon request to the
13	Commission.
14	Section 115. Deposit of fees and fines. All of the fees and
15	fines collected under this Act shall be deposited into the
16	Transportation Regulatory Fund and, subject to appropriation,
17	may be used by the Commission for the administration of this
18	Act.
19	Section 120. Payments; penalty for insufficient funds. Any

20	person or entity who delivers a check or other payment to the
21	Commission that is returned to the Commission unpaid by the
22	financial institution upon which it is drawn shall pay to the
23	Commission, in addition to the amount already owed to the
24	Commission, a fine amount as determined by the Commission. The

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1	finances imposed by this Section are in addition to any other
2	discipline provided under this Act prohibiting unlicensed or
3	unregistered practice or practice on a nonrenewed license or
4	recovery permit. The Commission shall notify the person or
5	entity that fees and fines shall be paid to the Commission by
6	certified check or money order within 30 calendar days after
7	notification. If, after the expiration of 30 days from the date
8	of notification, the person or entity has failed to submit the
9	necessary remittance, then the Commission shall automatically
10	terminate the license or recovery permit or deny the
11	application without hearing. If, after termination or denial,
12	the person seeks a license or recovery permit, then the person
13	or entity shall apply to the Commission for restoration or
14	issuance of the license or recovery permit and pay all fees and
15	fines due to the Commission. The Commission may establish a fee

16	for the processing of an application for restoration of a
17	license or recovery permit to pay all expenses of processing
18	the application. The Commission may waive the fines due under
19	this Section in individual cases where the Commission finds
20	that the fines would be unreasonable or unnecessarily
21	burdensome.
22	Section 125. Filings, formal complaints. All repossession
23	activity correspondence relating to complaints and alleged
24	violations of this Act shall be submitted to the Commission in
25	writing on forms and in a manner prescribed by the Commission.

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1	Section 130. Roster. The Commission shall maintain a
2	roster of names and addresses of all persons who hold valid
3	licenses and recovery permits and all persons whose licenses or
4	recovery permits have been suspended or revoked within the
5	previous year.
6	Section 135. Violations; injunctions; cease and desist
7	order.
8	(a) If any person or entity violates a provision of this
9	Act, then the Commission may, in the name of the People of the
10	State of Illinois, through the Attorney General of the State of

11	Illinois, petition for an order enjoining the violation or for
12	an order enforcing compliance with this Act. Upon the filing of
13	a verified petition in court, the court may issue a temporary
14	restraining order, without notice or bond, and may
15	preliminarily and permanently enjoin the violation. If it is
16	established that the person or entity has violated or is
17	violating the injunction, the court may punish the offender for
18	contempt of court. Proceedings under this Section are in
19	addition to, and not in lieu of, all other remedies and
20	penalties provided by this Act.
21	(b) If any person or entity practices as a repossession
22	agency or a recovery manager or holds himself, herself, or
23	itself out as such without having a valid license or recovery
24	permit under this Act, then any license holder or recovery

1	permit holder, any person injured thereby, or any resident of
2	or legal entity within the State may, in addition to the
3	Commission, petition for relief as provided in subsection (a)
4	of this Section.
5	(c) Whenever, in the opinion of the Commission, any person
6	or entity violates any provision of this Act, the Commission
7	may issue a rule to show cause why an order to cease and desist

8	should not be entered against that person or entity. The rule
9	shall clearly set forth the grounds relied upon by the
10	Commission and shall provide a period of 7 days from the date
11	of the rule to file an answer to the satisfaction of the
12	Commission. Failure to answer to the satisfaction of the
13	Commission shall cause an order to cease and desist to be
14	issued immediately.
15	Section 140. Investigation; notice and hearing. The
16	Commission may investigate the actions or qualifications of any
17	person or entity holding or claiming to hold a license or
18	recovery permit. The Commission may take any immediate
19	disciplinary action that the Commission may deem proper if a
20	person or entity repossesses a vehicle or collateral in the
21	State without a valid license and permit. For all other
22	disciplinary actions against a license or recovery permit
23	holder, the Commission shall (i) notify the accused in writing
24	of any charges made and the time and place for a hearing on the
25	charges at least 30 days before the date set for the hearing,
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1	(ii) direct the accused to file a written answer to the charges
2	under oath within 20 days after the service on the person or

3	entity of such notice, and (iii) inform the accused that
4	failure to file an answer shall result in a default judgment
5	against the person or entity and the person's or entity's
6	license or recovery permit may be suspended, revoked, placed on
7	probationary status, or other disciplinary action taken with
8	regard to the license or recovery permit as the Commission may
9	deem proper.
10	In case the person or entity, after receiving notice, fails
11	to file an answer, the person's or entity's license or recovery
12	permit may, in the discretion of the Commission, be suspended,
13	revoked, placed on probationary status, or the Commission, may
14	take whatever disciplinary action it deems proper, including
15	the imposition of a fine, without a hearing, if the act or acts
16	charged constitute sufficient grounds for such action under
17	this Act. This written notice and any notice in the subsequent
18	proceedings may be served by personal delivery to the accused,
19	or by registered or certified mail to the address last
20	specified by the accused in the last notification to the
21	Commission.
22	The written answer shall be served by personal delivery,
23	certified delivery, or certified or registered mail to the
24	Commission. At the time and place fixed in the notice, the
25	Commission shall proceed to hear the charges and the parties or

26	their counsel shall be accorded ample opportunity to present
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1	such statements, testimony, evidence, and argument as may be
2	pertinent to the charges or to the defense thereto. The
3	Commission may continue such hearing from time to time. At the
4	discretion of the Commission, the accused person's or entity's
5	license or recovery permit may be suspended or revoked, if the
6	evidence constitutes sufficient grounds for such action under
7	this Act.
8	Section 145. Record of proceeding. The Commission, at its
9	expense, shall preserve a record of all proceedings at the
10	formal hearing of any case. The notice of hearing, complaint
11	and all other documents in the nature of pleadings and written
12	motions filed in the proceedings, the transcript of testimony,
13	and orders of the Commission shall be in the record of the
14	proceedings.
15	Section 150. Subpoenas; oaths; attendance of witnesses.
16	The Commission has the power to subpoena and to bring before it
17	any person and to take testimony either orally or by
18	deposition, or both, with the same fees and mileage and in the
19	same manner as is prescribed in civil cases in the courts of

20	this State. The Commission and the designated hearing officer
21	have the power to administer oaths to witnesses at any hearing
22	that the Commission is authorized to conduct and any other
23	oaths authorized in any Act administered by the Commission. Any
24	circuit court may, upon application of the Commission or its

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1	designee or of the applicant, license holder, or recovery
2	permit holder against whom proceedings under this Act are
3	pending, enter an order requiring the attendance of witnesses
4	and their testimony, and the production of documents, papers,
5	files, books, and records in connection with any hearing or
6	investigation. The court may compel obedience to its order by
7	proceedings for contempt.
8	Section 155. Recommendations for disciplinary action. At
9	the conclusion of the hearing, the Commission shall prepare a
10	written report of its findings and recommendations. The report
11	shall contain a finding whether or not the accused person or
12	entity violated this Act or failed to comply with the
13	conditions required in this Act. The finding is not admissible
14	in evidence against the person in a criminal prosecution
15	brought for the violation of this Act, but the hearing and

16	finding are not a bar to a criminal prosecution brought for the
17	violation of this Act.
18	Section 160. Rehearing. In any hearing involving
19	disciplinary action against a license holder or recovery permit
20	holder, a copy of the Commission's report shall be served upon
21	the respondent by the Commission, either personally or as
22	provided in this Act for the service of the notice of hearing.
23	Within 20 calendar days after service, the respondent may
24	present to the Commission a motion in writing for a rehearing

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1	that shall specify the particular grounds for rehearing. If no
2	motion for rehearing is filed, then upon the expiration of the
3	time specified for filing a motion, or if a motion for
4	rehearing is denied, then upon denial, the Commission may enter
5	an order in accordance with its own recommendations except as
6	provided in this Act. If the respondent orders from the
7	reporting service, and pays for, a transcript of the record
8	within the time for filing a motion for rehearing, then the 20
9	calendar day period within which a motion may be filed shall
10	commence upon the delivery of the transcript to the respondent.
11	Section 165. Appointment of a hearing officer.

	The
12	Commission has the authority to appoint any attorney duly
13	licensed to practice law in the State of Illinois to serve as
14	the hearing officer in any action for refusal to issue or renew
15	a license or recovery permit or to discipline a license holder
16	or recovery permit holder. The hearing officer has full
17	authority to conduct the hearing. The hearing officer shall
18	report his or her findings and recommendations to the
19	Commission. The Commission has 60 calendar days from receipt of
20	the report to review the report of the hearing officer. If the
21	Commission disagrees with the recommendation of the hearing
22	officer, then the Commission may issue an order in
23	contravention of the recommendation.
24	Section 170. Hearing by other examiner. Whenever the

1	Commission is not satisfied that substantial justice has been
2	done in revoking or suspending a license or recovery permit, or
3	refusing to issue or renew a license or recovery permit, the
4	Commission may order a rehearing by the same or other
5	examiners.
6	Section 175. Order; certified copy. An order or a
7	certified copy thereof, over the seal of the

	Commission, shall
8	be prima facie proof:
9	(a) that the seal is the genuine seal of the Commission;
10	and
11	(b) that the Commission is duly appointed and qualified.
12	Section 180. Restoration. At any time after the suspension
13	or revocation of any license or recovery permit, the Commission
14	may restore the license or recovery permit to the accused
15	person, unless after an investigation and a hearing the
16	Commission determines that restoration is not in the public
17	interest.
18	Section 185. License and recovery permit surrender. Upon
19	the revocation or suspension of any license or recovery permit,
20	the license holder or recovery permit holder shall immediately
21	surrender the license or recovery permit to the Commission. If
22	the license holder or recovery permit holder fails to do so,
23	then the Commission has the right to seize the license or

1	recovery permit.
2	Section 190. Summary suspension. The Commission may
3	summarily suspend the license of a repossession agency, the
4	license of a recovery manager, or the recovery

	permit of an
5	employee without a hearing, simultaneously with the
6	institution of proceedings for a hearing provided for in this
7	Act, if the Commission finds that evidence in its possession
8	indicates that a repossession agency's, recovery manager's, or
9	employee's continuation in the business of collateral recovery
10	would constitute an imminent danger to the public. In the event
11	that the Commission summarily suspends a license or recovery
12	permit without a hearing, a hearing by the Commission must be
13	held within 30 calendar days after the suspension has occurred.
14	Section 195. Judicial review. All final administrative
15	decisions of the Commission are subject to judicial review
16	under the Administrative Review Law and its rules. The term
17	"administrative decision" is defined as in Section 3-101 of the
18	Code of Civil Procedure. Proceedings for judicial review shall
19	be commenced in the circuit court of the county in which the
20	party applying for review resides; but if the party is not a
21	resident of this State, the venue shall be in Sangamon County.
22	Section 200. Certification of records. The Commission
23	shall not be required to certify any record to the court or

1	file any answer in court or otherwise appear in any court in a
2	judicial review proceeding, unless there is filed in the court,
3	with the complaint, a receipt from the Commission acknowledging
4	payment of the costs of furnishing and certifying the record.
5	Failure on the part of the plaintiff to file such a receipt in
6	court shall be grounds for dismissal of the action.
7	Section 205. Violations; criminal penalties. Any person
8	who is found to have violated any provision of this Act is
9	guilty of a Class A misdemeanor for the first offense, and a
10	Class 4 felony for a second or subsequent offense.
11	Section 210. Illinois Administrative Procedure Act. The
12	Illinois Administrative Procedure Act is expressly adopted and
13	incorporated in this Act as if all of the provisions of that
14	Act were included in this Act, except that the provision of
15	paragraph (d) of Section 10-65 of the Illinois Administrative
16	Procedure Act, which provides that at hearings the license
17	holder has the right to show compliance with all lawful
18	requirements for retention, continuation, or renewal of the
19	license, is specifically excluded. For the purpose of this Act,
20	the notice required under Section 10-25 of the Illinois
21	Administrative Procedure Act is deemed sufficient when mailed
22	to the last known address of a party.

23	Section 215. The Regulatory Sunset Act is amended by adding
	SB1306 Engrossed - 49 - LRB097 08920 CEL 49052 b
1	Section 4.32 as follows:
2	(5 ILCS 80/4.32 new)
3	<u>Sec. 4.32. Act repealed on January 1, 2022. The following</u>
4	<u>Act is repealed on January 1, 2022:</u>
5	<u>The Collateral Recovery Act.</u>
6	Section 999. Effective date. This Act takes effect on July
7	1, 2012.