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1 AMENDMENT TO SENATE BILL 1657

2 AMENDMENT NO. _____. Amend Senate Bill 1657 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Gun
5 Dealer Licensing Act.

6 Section 5. Definitions. As used in this Act:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's, dealer's or dealership
9 agent's application file or license file as maintained by the
10 Department's licensure maintenance unit. It is the duty of the
11 applicant or dealer to inform the Department of any change of
12 address, and those changes must be made either through the
13 Department's website or by contacting the Department's
14 licensure maintenance unit.

15 "Applicant" means any person who applies for a dealership
16 license or dealer license, or the renewal of the dealership

1 license or dealer license under this Act.

2 "Board" means the Gun Dealer Licensing Board.

3 "Collector" means as defined by 18 U.S.C. 921(a)(13) any
4 person who acquires, holds, or disposes of firearms as curios
5 or relics, as the United States Attorney General shall by
6 regulation define. "Collector" includes the following type of
7 Federal Firearms License: Type 03-collector of curios and
8 relics.

9 "Confidential or security information" means information
10 which identifies the purchasers or other transferees of
11 firearms from a dealer or dealership.

12 "Dealer" means any person engaged in the business of
13 selling, leasing, or otherwise transferring firearms or any
14 person within the meanings provided by 18 U.S.C. 921(a)(11) and
15 27 CFR 478.11 to include any person engaged in the business of
16 selling firearms at wholesale or retail, or repairing firearms
17 or making or fitting special barrels, stocks, or trigger
18 mechanisms to firearms. "Dealer" includes the following
19 Federal Firearms Licenses: Type 01-dealer in firearms other
20 than destructive devices; Type 02-pawnbroker in firearms other
21 than destructive devices; Type 09-dealer of destructive
22 devices.

23 "Dealership" means a person, firm, corporation, or other
24 legal entity that engages in the business of selling, leasing,
25 or otherwise transferring firearms and employs, in addition to
26 the gun dealer licensee-in-charge, at least one other

1 dealership agent.

2 "Dealership agent" means an owner, officer, paid or unpaid
3 agent, volunteer or employee of a licensed dealership who has
4 access to or control of firearms in the inventory of the
5 dealership or confidential or security information of the
6 dealership.

7 "Dealership licensee-in-charge" or "licensee-in-charge"
8 means a dealer who has been designated by a dealership to be
9 the licensee-in-charge of the dealership, who is a full-time
10 management employee or owner who assumes sole responsibility
11 for maintaining all records required by this Act, and who
12 assumes sole responsibility for assuring the dealership's
13 compliance with its responsibilities as stated in this Act. The
14 Department shall adopt rules mandating licensee-in-charge
15 participation in dealership affairs.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Engaged in the business" means a person who, as provided
19 in 18 U.S.C. 921(a)(21) and 27 CFR 478.11(a), devotes time,
20 attention, and labor to engaging in such activity as a regular
21 course of trade or business with the principal objective of
22 livelihood and profit, or who:

23 (1) conducts a business selling, leasing, or
24 transferring firearms;

25 (2) holds himself or herself out as engaged in the
26 business of selling, leasing, or otherwise transferring

1 firearms; or

2 (3) sells, leases, or transfers firearms in quantity,
3 in series, or in any other manner indicative of trade.

4 "Firearm" has the same meaning as "firearm" in Section 1.1
5 of the Firearm Owners Identification Card Act.

6 "Gunsmith" means, as defined in 27 CFR 478.11(d), any
7 person who receives firearms (frames, receivers, or otherwise)
8 provided by a customer for the purpose of repairing, modifying,
9 embellishing, refurbishing, or installing parts in or on those
10 firearms. A gunsmith is not "engaged in the business" of
11 manufacturing firearms because the firearms being produced are
12 not owned by the gunsmith and he does not sell or distribute
13 the firearms manufactured.

14 "Importer" means, as defined by 18 U.S.C. 921 (a)(9) and 18
15 U.S.C. 921 (a)(21)(E), a person who devotes time, attention,
16 and labor to importing firearms as a regular course of trade or
17 business with the principal objective of livelihood and profit
18 through the sale or distribution of the firearms imported.

19 "Importer" shall include the following types of Federal
20 Firearms Licenses: Type 08-importer of firearms other than
21 destructive devices or ammunition for firearms other than
22 destructive devices, or ammunition other than armor piercing
23 ammunition; Type 11-importer of destructive devices,
24 ammunition for destructive devices, or armor piercing
25 ammunition.

26 "Licensee" means a dealer or a dealership licensed under

1 this Act. Anyone who holds himself or herself out as a licensee
2 or who is accused of unlicensed business is considered a
3 licensee for purposes of enforcement, investigation, hearings,
4 and the Illinois Administrative Procedure Act.

5 "Licensed collector" means any person licensed as a
6 collector under 18 U.S.C. 923.

7 "Manufacturer" means, as defined by 18 U.S.C. 921 (a)(10)
8 and 27 CFR 478.11, any person engaged in the business of
9 manufacturing firearms or ammunition for purposes of sale or
10 distribution. "Manufacturer" includes the following types of
11 Federal Firearms Licenses: Type 06-manufacturer of ammunition
12 for firearms other than ammunition for destructive devices or
13 armor piercing ammunition; Type 07-manufacturer of firearms
14 other than destructive devices; Type 10-manufacturer of
15 destructive devices, ammunition for destructive devices, or
16 armor piercing ammunition.

17 "Person" means a natural person.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 Section 10. License requirement.

21 (a) It is unlawful for a person to engage in the business
22 of selling, leasing, or otherwise transferring firearms
23 without a license under this Act. A dealership agent other than
24 a dealer licensee-in-charge may act on behalf of the licensed
25 dealership under Section 75 without being licensed as a dealer

1 under this Act.

2 (b) It is unlawful for a person, firm, corporation, group
3 of individuals, or other legal entity to act as a dealership
4 licensed under this Act, to advertise, or to assume to act as a
5 licensed dealership or to use a title implying that the person,
6 firm, or other entity is engaged in business as a dealership
7 without a license under this Act. An individual or sole
8 proprietor licensed as a dealer who operates without any
9 dealership agents may act as a dealership without having to
10 obtain a dealership license, provided the dealer notifies the
11 Department that he or she is operating in this manner and
12 provides the information required under Section 65, as
13 determined to be applicable to the dealer by the Department.
14 The dealer may operate under a "doing business as" or assumed
15 name certification so long as the assumed name is first
16 registered with the Department.

17 (b-5) A person licensed as an auctioneer under the Auction
18 License Act may facilitate a transfer permitted under this Act
19 without being registered as a dealer under this Act.

20 (c) No dealership shall operate a branch office without
21 first applying for and receiving a branch office license for
22 each location. The term "branch office" does not include a
23 location at which the dealership conducts business
24 temporarily, such as at a gun show.

25 (d) It is unlawful to obtain or attempt to obtain any
26 license or authorization issued under this Act by fraudulent

1 misrepresentation.

2 (e) A person who violates any provision of this Section is
3 guilty of a Class A misdemeanor for a first violation, and a
4 Class 4 felony for a second or subsequent violation.

5 (f) In addition to any other penalty provided by law, any
6 person or entity who violates any provision of this Section
7 shall pay a civil penalty to the Department in an amount not to
8 exceed \$10,000 for each offense as determined by the
9 Department. The civil penalty shall be assessed by the
10 Department after a hearing is held in accordance with the
11 provisions set forth in this Act regarding the provision of a
12 hearing for the discipline of a licensee.

13 (g) The Department has the authority and power to
14 investigate any and all unlicensed activity.

15 (h) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty. The
17 order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 Section 15. Exemptions. The provisions of this Act related
21 to the licensure of dealers and dealerships do not apply to a
22 person or other entity that engages in the following
23 activities:

24 (1) transfers of less than 10 firearms within each calendar
25 year;

1 (2) temporary transfers of firearms solely for use at the
2 location or on the premises where the transfer takes place,
3 such as transfers at a shooting range for use at that location;

4 (3) temporary transfers of firearms solely for use while in
5 the presence of the transferor, such as transfers for the
6 purposes of firearm safety training by a training instructor;

7 (4) transfers of firearms among immediate family or
8 household members, as "immediate family or household member" is
9 defined in Section 3-2.7-10 of the Unified Code of Corrections;

10 (5) transfers by persons or entities acting under operation
11 of law or a court order;

12 (6) transfers by persons or entities liquidating all or
13 part of a collection. For purposes of this paragraph (6),
14 "collection" means 2 or more firearms which are of special
15 interest to collectors by reason of some quality other than is
16 associated with firearms intended for sporting use or as
17 offensive or defensive weapons;

18 (7) transfers of firearms that have been rendered
19 permanently inoperable to a nonprofit historical society,
20 museum, or institutional collection;

21 (8) transfers by a law enforcement or corrections agency or
22 a law enforcement or corrections officer acting within the
23 course and scope of his or her official duties;

24 (9) transfers by a person who has his or her Firearm
25 Owner's Identification Card revoked to a State or local law
26 enforcement agency;

1 (10) transfers of curios and relics, as defined under
2 federal law, between collectors licensed under subsection (b)
3 of Section 923 of the federal Gun Control Act of 1968;

4 (11) transfers by a manufacturer or importer; provided,
5 that a dealer holding a Federal Firearms License Type 01-dealer
6 in firearms other than destructive devices; Type 02-pawnbroker
7 in firearms other than destructive devices; or Type 09-dealer
8 of destructive devices on April 1, 2017, is not exempt from
9 this Act by obtaining a Manufacturer Federal Firearms License
10 or Importer Federal Firearms License;

11 (12) transfers of pieces or parts of a firearm that do not
12 themselves qualify as firearms under paragraph (3) of
13 subsection (a) of Section 921 of the federal Gun Control Act of
14 1968 by a person who is actually engaged in manufacturing and
15 selling those pieces or parts but only on the activities which
16 are within the lawful scope of that business, and the
17 manufacture of which do not require the manufacturer to hold a
18 Federal Firearms License; or

19 (13) transfers of firearms by a dealer in which 20% or less
20 of the dealer's annual sales are from the sale of firearms.

21 Section 20. Powers and duties of the Department. Subject to
22 the provisions of this Act, the Department shall exercise the
23 following powers and duties:

24 (1) Prescribe forms to be issued for the administration
25 and enforcement of this Act.

1 (2) Prescribe and publish rules for issuance of dealer
2 licenses and dealership licenses authorizing qualified
3 applicants to engage in the business of selling, leasing,
4 or otherwise transferring firearms.

5 (3) Review application to ascertain the qualifications
6 of applicants for licenses.

7 (4) Examine the records of licensees or investigate any
8 other aspect of the business of selling, leasing, or
9 otherwise transferring firearms.

10 (5) Conduct hearings on proceedings to refuse to issue
11 or renew licenses or to revoke, suspend, place on
12 probation, reprimand, or take any other disciplinary or
13 non-disciplinary action against licenses issued under this
14 Act.

15 (6) Formulate rules required for the administration of
16 this Act. Notice of proposed rulemaking shall be
17 transmitted to the Board, and the Department shall review
18 the Board's response and any recommendations made in the
19 response.

20 (7) Solicit the advice and expert knowledge of the
21 Board on any matter relating to the administration and
22 enforcement of this Act.

23 (8) Maintain rosters of the names and addresses of all
24 licensees and all persons whose licenses have been
25 suspended, revoked, denied renewal, or otherwise
26 disciplined within the previous calendar year. These

1 rosters shall be available upon written request and payment
2 of the required fee as established by rule.

3 (9) Exercise the powers and duties prescribed by the
4 Civil Administrative Code of Illinois for the
5 administration of licensing Acts.

6 (10) Contract with the Department of State Police, as
7 necessary, to perform inspections of licensees, as
8 provided under this Act.

9 (11) Authorize examinations to ascertain the
10 qualifications and fitness of applicants for licensing as a
11 dealer and pass upon the qualifications of applicants for
12 licensure.

13 Section 25. The Gun Dealer Licensing Board.

14 (a) The Gun Dealer Licensing Board shall consist of 5
15 members to be appointed by the Secretary. Each member shall
16 have a reasonable knowledge of the federal and State laws
17 regarding firearms. Each member shall either be a resident of
18 this State or shall certify that he or she will become a
19 resident of this State before taking office. The Board shall
20 consist of:

21 (1) one member with at least 5 years of service as a
22 county sheriff or chief of police of a municipal police
23 department within this State;

24 (2) one representative of the Department of State
25 Police with at least 5 years investigative experience or

1 duties related to criminal justice;

2 (3) one member with at least 5 years of experience as a
3 federally licensed firearms dealer in good standing within
4 this State;

5 (4) one member who is a representative of an advocacy
6 group for public safety; and

7 (5) one member shall be a lawyer licensed to practice
8 law in this State. The membership shall reasonably reflect
9 the different geographic areas in this State.

10 (b) Members shall serve 4 year terms and may serve until
11 their successors are appointed and qualified. Partial terms of
12 over 2 years in length shall be considered full terms. No
13 member shall serve for more than 2 successive terms. Whenever a
14 vacancy in the Board occurs, the remaining members of the Board
15 shall notify the Secretary of that vacancy within 5 days after
16 its occurrence and the Secretary shall fill the vacancy within
17 45 days. Appointments to fill vacancies shall be made in the
18 same manner as the original appointments for the unexpired
19 portion of the vacated term.

20 (c) The Secretary may recommend the removal of any member
21 of the Board for cause at any time before the expiration of his
22 or her term. A majority vote of the members is required for a
23 decision to remove any member of the Board. A member subject to
24 formal disciplinary proceedings shall disqualify himself or
25 herself from all Board business until the charge is resolved. A
26 member also shall disqualify himself or herself from any matter

1 on which the member cannot act objectively.

2 (d) The Board shall annually elect one of its members as
3 chairperson and one of its members as vice-chair.

4 (e) Members shall receive compensation as set by law. Each
5 member shall receive reimbursement as set by the Governor's
6 Travel Control Board for expenses incurred in carrying out the
7 duties as a Board member.

8 (f) A majority of Board members constitutes a quorum. A
9 majority vote of the members is required for a decision. A
10 vacancy in the membership of the Board shall not impair the
11 right of a quorum to exercise all of the rights and perform all
12 of the duties of the Board.

13 (g) The Board may recommend policies, procedures, and rules
14 relevant to the administration and enforcement of this Act.

15 Section 30. Application for license; forms.

16 (a) Each license application shall be on forms provided by
17 the Department.

18 (b) Every application for an original dealer license shall
19 include the applicant's social security number, which shall be
20 retained in the dealership's records pertaining to the license.
21 As soon as practical, the Department shall assign a customer's
22 identification number to each applicant for a license.

23 Every application for a renewal or restored license shall
24 require the applicant's customer identification number.

25 (c) Beginning January 1, 2019, the Department shall accept

1 applications for dealership licenses and dealer licenses.

2 Section 35. Issuance of license; renewal; fees.

3 (a) The Department shall, upon the applicant's
4 satisfactory completion of the requirements under this Act and
5 receipt of the fee, issue the license indicating the name and
6 business location of the licensee and the date of expiration.
7 On or before December 31, 2019, the Department shall issue
8 dealer and dealership licenses to all qualified applicants
9 whose business existed in that location on the effective date
10 of this Act, and who submitted the application to the
11 Department on or after January 1, 2019 but before October 1,
12 2019. If an applicant submits an application for a license
13 before October 1, 2019 and the Department does not issue or
14 deny the license on or before December 31, 2019, or the
15 Department does not issue or deny a license within 90 days to
16 an applicant who submits an application for a license or
17 renewal of a license on October 1, 2019 or thereafter, the
18 applicant or licensee shall not be in violation of this Act on
19 the basis of continuing to operate the business.

20 (b) The expiration date, renewal period, and conditions for
21 renewal and restoration of each license shall be set by rule.
22 The holder may renew the license during the 90 days preceding
23 its expiration by paying the required fee and by meeting
24 conditions that the Department may specify. As a condition of
25 renewal of a dealer's license, the Department shall receive

1 from the applicant a copy of his or her valid and unexpired
2 concealed carry license, or shall verify the validity of the
3 applicant's Firearm Owner's Identification Card through the
4 Department of State Police in a manner prescribed by rule by
5 the Department of State Police. A dealership or dealer
6 operating on an expired license is considered to be practicing
7 without a license.

8 (c) A dealership that has permitted a license to expire may
9 have it restored by submitting an application to the
10 Department, successfully completing an inspection by the
11 Department, and by paying the required restoration fee and all
12 lapsed renewal fees.

13 (d) A dealer that has permitted a license to expire may
14 have it restored by submitting an application to the
15 Department, paying the required restoration fee and all lapsed
16 renewal fees and by providing evidence of competence to resume
17 practice satisfactory to the Department and the Board, which
18 shall include a copy of the license holder's valid and
19 unexpired concealed carry license, or verification of the
20 continued validity of the license holder's Firearm Owner's
21 Identification Card through the Department of State Police in a
22 manner prescribed by rule by the Department of State Police,
23 and may include passing a written examination.

24 (e) Any dealer whose license has expired while he or she
25 has been engaged (1) in the federal service in active duty with
26 the Army of the United States, the United States Navy, the

1 Marine Corps, the Air Force, the Coast Guard, or the State
2 Militia called into the service or training of the United
3 States of America, or (2) in training or education under the
4 supervision of the United States preliminary to induction into
5 the military service, may have his or her license restored
6 without paying any lapsed renewal fees or restoration fee, if
7 within 2 years after termination of that service, training or
8 education, other than by dishonorable discharge, he or she
9 furnishes the Department with an affidavit to the effect that
10 he or she has been so engaged and that his or her service,
11 training or education has been so terminated.

12 (f) A license shall not be denied any applicant because of
13 the race, religion, creed, national origin, political beliefs
14 or activities, age, sex, sexual orientation, or physical
15 disability that does not affect a person's ability to practice
16 with reasonable judgment, skill, or safety.

17 Section 40. Continuing education. The Department may adopt
18 rules of continuing education for persons licensed under this
19 Act. The Department shall consider the recommendations of the
20 Board in establishing guidelines for the continuing education
21 requirements.

22 Section 45. Examination of applicants; fee forfeiture.

23 (a) Applicants for licensure as a dealer shall be examined
24 as provided by this Section if they are qualified to be

1 examined under this Act. All applicants taking the examination
2 shall be evaluated using the same standards as others who are
3 examined for the respective license.

4 (b) Examinations for licensure shall be held at the time
5 and place as the Department may determine, but shall be held at
6 least twice a year.

7 (c) Examinations shall test the amount of knowledge and
8 skill needed to perform the duties set under this Act and
9 comply with other provisions of federal and State law
10 applicable to the sale and transfer of firearms. The Department
11 may contract with a testing service for the preparation and
12 conduct of the examination.

13 (d) If an applicant neglects, fails, or refuses to take an
14 examination within one year after filing an application, the
15 fee shall be forfeited. However, an applicant may, after a
16 1-year period, make a new application for examination
17 accompanied by the required fee. If an applicant fails to pass
18 the examination within 3 years after filing an application, the
19 application shall be denied. An applicant may make a new
20 application after the 3-year period.

21 (e) This Section does not apply to an applicant who was
22 properly licensed as a firearms dealer under Section 923 of the
23 federal Gun Control Act of 1968 (18 U.S.C. 923) on the
24 effective date of this Act, in operation in this State.

25 Section 50. Qualifications for licensure as a dealer.

1 (a) A person is qualified for licensure as a dealer if he
2 or she meets all of the following requirements:

3 (1) is at least 21 years of age;

4 (2) has a currently valid and unexpired concealed carry
5 license or Firearm Owner's Identification Card. The
6 Department shall verify the validity of the applicant's
7 Firearm Owner's Identification Card through the Department
8 of State Police in a manner prescribed by rule by the
9 Department of State Police. The Department of State Police
10 shall provide the Department with an approval number if the
11 Firearm Owner's Identification Card is currently valid;

12 (3) has not had a license or permit to sell, lease,
13 transfer, purchase, or possess firearms from the federal
14 government or the government of any state or subdivision of
15 any state revoked or suspended for good cause within the
16 preceding 3 years, or been terminated from employment with
17 a licensee or former licensee for good cause within the
18 preceding 3 years;

19 (4) has a minimum of one year of experience, with a
20 minimum of 100 hours per year, during the 5 years
21 immediately preceding the application: (i) as a dealership
22 agent under this Act; or (ii) as a federal firearms dealer
23 licensed under Section 923 of the federal Gun Control Act
24 of 1968 (18 U.S.C. 923) or an employee of the business who
25 had access to firearms;

26 (5) has paid the fees required by this Act; and

1 (6) has passed an examination authorized by the
2 Department.

3 (b) The Department may request a personal interview of an
4 applicant before the Board to further evaluate his or her
5 qualifications for a license.

6 Section 55. Qualifications for licensure as a dealership.

7 (a) Upon receipt of the required fee and the information
8 listed in subsection (b) of this Section, the Department shall
9 issue a license as a dealership to any of the following:

10 (1) An individual who submits an application and is a
11 licensed dealer under this Act.

12 (2) A firm that submits an application and all of the
13 members of the firm are licensed dealers under this Act.

14 (3) A corporation or limited liability company doing
15 business in this State that is authorized by its articles
16 of incorporation or organization to engage in the business
17 of conducting a dealership if at least one executive
18 employee is licensed as a dealer under this Act.

19 (b) The Department shall require all of the following
20 information from each applicant for licensure as a dealership
21 under this Act:

22 (1) The name, full business address, and telephone
23 number of the dealership. The business address for the
24 dealership shall be the complete street address where
25 firearms in the inventory of the dealership are regularly

1 stored, shall be located within the State, and may not be a
2 Post Office Box. The applicant shall submit proof that the
3 business location is or will be used to conduct the
4 dealership's business.

5 (2) All trade or business names used by the licensee.

6 (3) The type of ownership or operation, such as a
7 partnership, corporation, or sole proprietorship.

8 (4) The name of the owner or operator of the
9 dealership, including:

10 (A) if a person, then the name and address of
11 record of the person;

12 (B) if a partnership, then the name and address of
13 record of each partner and the name of the partnership;

14 (C) if a corporation, then the name, address of
15 record, and title of each corporate officer and
16 director, the corporate names, and the name of the
17 state of incorporation; and

18 (D) if a sole proprietorship, then the full name
19 and address of record of the sole proprietor and the
20 name of the business entity.

21 (5) The name and license number of the
22 licensee-in-charge for the dealership.

23 (6) Proof that the applicant has applied for or
24 received a certificate of registration under the
25 Retailers' Occupation Tax Act.

26 (7) From the sheriff of the county in which the

1 business address is located written confirmation stating
2 that, to the best of the sheriff's knowledge, the applicant
3 is in compliance with applicable federal, State, and local
4 laws. A sheriff that refuses to provide this confirmation
5 within 30 days after the date of the application shall
6 instead submit an objection in writing to the Department
7 and the license applicant based upon a reasonable suspicion
8 that the applicant is not in compliance with applicable
9 federal, State, and local laws. If no written confirmation
10 or objection is made under this paragraph (7) within 30
11 days after the date of the application, the Department
12 shall proceed as if the sheriff had provided confirmation.
13 A municipality or county may impose additional
14 requirements for the operation of gun dealers and
15 dealerships beyond the requirements of this Act and
16 consistent with the United States Constitution and the
17 Constitution of the State of Illinois, including local
18 license requirements. It shall be the duty of local
19 authorities to investigate and enforce any failure of a
20 dealer or dealership to meet these requirements and to
21 notify the Department of these investigations and
22 enforcement actions. This paragraph (7) supersedes Section
23 13.1 of the Firearm Owners Identification Card Act and
24 Section 90 of the Firearm Concealed Carry Act as applied to
25 the local regulation of dealers and dealerships.

26 (8) Proof that the dealership is properly licensed as a

1 firearms dealer under federal law.

2 (9) A final inspection report demonstrating that the
3 Department has determined upon inspection that the
4 proposed business premises comply with Section 70 of this
5 Act.

6 (c) No dealer may be the licensee-in-charge for more than
7 one dealership. Upon written request by a representative of a
8 dealership, within 10 days after the loss of a
9 licensee-in-charge of a dealership because of the death of that
10 individual or because of the termination of the employment of
11 that individual, the Department shall issue a temporary
12 certificate of authority allowing the continuing operation of
13 the licensed dealership. No temporary certificate of authority
14 shall be valid for more than 90 days. An extension of an
15 additional 90 days may be granted upon written request by the
16 representative of the dealership. Not more than 2 extensions
17 may be granted to any dealership. No temporary permit shall be
18 issued for loss of the licensee-in-charge because of
19 disciplinary action by the Department related to his or her
20 conduct on behalf of the dealership.

21 (d) The Department may request a personal interview of a
22 gun dealership licensee-in-charge to evaluate the dealership's
23 qualifications for a license.

24 Section 60. Training of dealership agents. The Department
25 shall adopt rules requiring dealership agents to undergo

1 training regarding legal requirements and responsible business
2 practices as applicable to the sale or transfer of firearms.
3 Before a dealership agent has unsupervised access to or control
4 over firearms in the dealership's inventory or confidential or
5 security information, the dealership shall ensure that the
6 dealership agent receives the training that the Department may
7 require.

8 Section 65. Display of license. Each licensee shall
9 prominently display his or her individual, agency, or branch
10 office license at each place where business is being conducted,
11 as required under this Act. A licensee-in-charge is required to
12 post his or her license only at the dealership office.

13 Section 70. Requirements; prohibitions.

14 (a) The Department of Financial and Professional
15 Regulation shall implement the provisions of this Section by
16 rule.

17 (b) A licensee shall maintain operating documents which
18 shall include procedures for the oversight of the licensee and
19 procedures to ensure accurate recordkeeping.

20 (c) By the date of application, a licensee shall implement
21 appropriate security measures, as provided by rule, to deter
22 and prevent the theft of firearms and unauthorized entrance
23 into areas containing firearms. The rules may provide for:

24 (1) the manner of securing firearms when the location

1 is both open and closed for business;

2 (2) alarm systems for licensees; and

3 (3) other reasonable requirements to deter illegal
4 sales and reduce the risk of burglaries and other crimes or
5 accidents at licensees' business establishments.

6 (d) If a licensee operates the business at a permanent
7 physical location that is open to the public, that location
8 shall be equipped with a video surveillance system sufficient
9 to monitor the critical areas of the business premises,
10 including, but not limited to, all places where firearms are
11 stored, handled, sold, transferred, or carried. The video
12 surveillance system shall operate without interruption
13 whenever the licensee is open for business. Whenever the
14 licensee is not open for business, the system shall be
15 triggered by a motion detector and begin recording immediately
16 upon detection of any motion within the monitored area. The
17 stored images shall be maintained on the business premises of
18 the licensee for a period of not less than 90 days from the
19 date of recording and shall only be available for inspection on
20 the premises by the licensee, the licensee's dealership agents,
21 the Department, or federal, State, and local law enforcement
22 upon request, and neither the stored images, copies, records,
23 or reproductions of the stored images shall leave the custody
24 of the licensee except under a court order, subpoena, or search
25 warrant. The licensee shall post a sign in a conspicuous place
26 at each entrance to the premises that states in block letters

1 not less than one inch in height:

2 "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE
3 MAY BE RECORDED."

4 (e) The area where the licensee stores firearms that are
5 inventory of the licensee shall only be accessed by dealership
6 agents, Department of Financial and Professional Regulation
7 staff performing inspections, law enforcement or other
8 emergency personnel, and contractors working on jobs unrelated
9 to firearms, such as installing or maintaining security devices
10 or performing electrical wiring.

11 (f) A licensee shall operate its business and conduct all
12 sales and transfers of firearms in compliance with all federal
13 and State laws, and maintain all records as required by federal
14 and State laws.

15 (g) A licensee shall make a photo copy of a buyer's or
16 transferee's valid photo I.D. card whenever a sale transaction
17 takes place. The photo copy shall be attached to the
18 documentation detailing the record of sale.

19 (h) A licensee shall post in a conspicuous position on the
20 premises where the licensee conducts business a sign that
21 contains the following warning in block letters not less than
22 one inch in height:

23 "With few exceptions, it is unlawful for you to:

24 (1) store or leave an unsecured firearm in a place
25 where a child can obtain access to it,

26 (2) sell or transfer your firearm to someone else

1 without receiving approval for the transfer from the
2 Department of State Police, or

3 (3) fail to report the loss or theft of your
4 firearm to local law enforcement within 72 hours."

5 A licensee shall post any additional warnings or provide
6 any other information regarding firearms laws and the safe
7 storage of firearms to consumers as required by the Department
8 by rule.

9 (i) Before issuance, renewal, or restoration of a
10 dealership license, the Department shall inspect the premises
11 of the proposed business to ensure compliance with this Act.
12 Licensees shall have their places of business open for
13 inspection by the Department and law enforcement during all
14 hours of operation, provided that the Department may conduct no
15 more than one unannounced inspection per dealer or dealership
16 per year without good cause. Licensees shall make all records,
17 documents, and firearms accessible for inspection upon the
18 request of law enforcement and the Department.

19 (j) The premises where the licensee conducts business shall
20 not be located in any district or area that is within 500 feet
21 of any school, pre-school, or day-care facility. This
22 subsection (j) does not apply to a licensee whose business
23 existed in that location on the effective date of this Act, and
24 does not limit the authority of a local government to impose
25 and enforce additional limits on the location of a business
26 regulated under this Act.

1 Section 75. Dealership agent requirements. A licensed
2 dealership may employ in the conduct of his or her business
3 dealership agents under the following provisions:

4 (1) A dealership shall not knowingly allow a person to have
5 unsupervised access to firearms in the inventory of the
6 dealership or confidential or security information who:

7 (A) is younger than 21 years of age;

8 (B) does not have a valid and unexpired concealed carry
9 license or Firearm Owner's Identification Card; or

10 (C) has had a license denied, suspended, or revoked
11 under this Act, or been terminated from employment as a
12 dealership agent:

13 (i) within one year before the date the person's
14 application for employment with the dealership; and

15 (ii) that refusal, denial, suspension, revocation,
16 or termination was based on any provision of this Act.

17 (2) No person may act as a dealership agent under this
18 Section until he or she has executed and furnished to the
19 employer, on forms furnished by the Department, a verified
20 statement to be known as "Dealership Agent's Statement" setting
21 forth:

22 (A) The person's full name, age, and residence address.

23 (B) That the person has not had a license denied,
24 revoked, or suspended under this Act, or been terminated
25 from employment as a dealership agent:

1 (i) within one year before the date the person's
2 application for employment with the dealership; and

3 (ii) that refusal, denial, suspension, revocation,
4 or termination was based on any provision of this Act.

5 (C) That the person will notify the dealership
6 immediately if his or her Firearm Owner's Identification
7 Card or concealed carry license is revoked for any reason.

8 (D) That the person will not divert firearms in
9 violation of the law.

10 (3) Each applicant for employment as a dealership agent
11 shall provide a copy of his or her valid and unexpired
12 concealed carry license, or have the validity of his or her
13 Firearm Owner's Identification Card confirmed by the
14 dealership through the Department of State Police in a manner
15 prescribed by rule by the Department of State Police. The
16 Department of State Police shall provide the dealership with an
17 approval number if the Firearm Owner's Identification Card is
18 currently valid.

19 (4) As part of an application for renewal or restoration of
20 a dealership license, the dealership shall confirm the validity
21 of the Firearm Owner's Identification Card of each dealership
22 agent employed by the dealership, and record the unique
23 approval number provided by the Department of State Police in
24 the record maintained under paragraph (5) of this Section,
25 provided that a dealership shall not be required to confirm the
26 validity of the Firearm Owner's Identification Card of a

1 dealership agent if the dealership has already confirmed the
2 validity of the dealership agent's Firearm Owner's
3 Identification Card within the last 6 months or the dealership
4 agent has provided the dealership with a copy of his or her
5 valid and unexpired concealed carry license within the last 6
6 months.

7 (5) Each dealership shall maintain a record of each
8 dealership agent that is accessible to the Department. The
9 record shall contain the following information:

10 (A) The Dealership Agent's Statement specified in
11 paragraph (2) of this Section; and

12 (B) A copy of the dealership agent's concealed carry
13 license or Firearm Owner's Identification Card, and the
14 approval number provided by the Department of State Police
15 when the dealership last confirmed the validity of the
16 dealership agent's Firearm Owner's Identification Card.
17 The Department may, by rule, prescribe further record
18 requirements.

19 (6) Every dealership shall maintain a separate roster of
20 the names of all dealership agents and submit the roster to the
21 Department on request.

22 (7) No dealership may employ any person to perform a
23 licensed activity under this Act unless the person possesses a
24 valid dealer license under this Act or the requirements of this
25 Section are met, or the person is exempt under paragraph (8) of
26 this Section.

1 (8) Peace officers shall be exempt from the requirements of
2 this Section relating to Firearm Owner's Identification Cards
3 and concealed carry licenses. The dealership shall remain
4 responsible for any peace officer employed under this
5 exemption, regardless of whether the peace officer is
6 compensated as an employee or as an independent contractor and
7 as further defined by rule.

8 (9) Persons who have no unsupervised access to firearms in
9 the inventory of a dealership or confidential or security
10 information are exempt from the requirements of a dealership
11 agent.

12 (10) This Section shall apply to unpaid or paid volunteers
13 or other agents of the dealership who will have access to or
14 control over firearms in the inventory of the dealership or
15 confidential or security information, just as it applies to
16 paid employees.

17 Section 80. Employment requirement. A dealership licensed
18 under this Act is prohibited from evading or attempting to
19 evade the requirements for dealership agents under this Act by
20 engaging a contractor or independent contractor to perform the
21 activities of a dealer or dealership agent, unless that person
22 is licensed under this Act.

23 Section 85. Disciplinary sanctions.

24 (a) The Department may deny issuance, refuse to renew, or

1 restore or may reprimand, place on probation, suspend, revoke,
2 or take other disciplinary or non-disciplinary action against
3 any license, may impose a fine not to exceed \$10,000 for each
4 violation, and may assess costs as provided for under Section
5 150, for any of the following, consistent with the Protection
6 of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903 or
7 amendments thereto:

8 (1) Material misstatement in furnishing information to
9 the Department or to any other State or federal agency.

10 (2) Violations of this Act, any of the rules adopted
11 under this Act, or any law applicable to the sale or
12 transfer of firearms.

13 (3) Making any misrepresentation for the purpose of
14 obtaining licenses or cards.

15 (4) A pattern of practice or other behavior which
16 demonstrates incapacity or incompetency to practice under
17 this Act.

18 (5) Aiding or assisting another person in violating any
19 provision of this Act or rules adopted under this Act.

20 (6) Failing, within 60 days, to provide information in
21 response to a written request made by the Department.

22 (7) Conviction of or plea of guilty or plea of nolo
23 contendere to any crime that disqualifies the person from
24 obtaining a valid Firearm Owner's Identification Card.

25 (8) Continued practice, although the person has become
26 unfit to practice due to any of the following:

1 (A) Physical illness, mental illness, or other
2 impairment, including, but not limited to,
3 deterioration through the aging process or loss of
4 motor skills that results in the inability to serve the
5 public with reasonable judgment, skill, or safety.

6 (B) Any circumstance that disqualifies the person
7 from obtaining a valid Firearm Owner's Identification
8 Card.

9 (C) Habitual or excessive use or abuse of drugs
10 defined in law as controlled substances, alcohol, or
11 any other substance that results in the inability to
12 practice with reasonable judgment, skill, or safety.

13 (9) Receiving, directly or indirectly, compensation
14 for any firearms sold or transferred illegally.

15 (10) Discipline by another United States jurisdiction,
16 foreign nation, or governmental agency, if at least one of
17 the grounds for the discipline is the same or substantially
18 equivalent to those set forth in this Act.

19 (11) Giving differential treatment to a person that is
20 to that person's detriment because of race, color, creed,
21 sex, sexual orientation, religion, or national origin.

22 (12) Violation of any disciplinary order imposed on a
23 licensee by the Department.

24 (13) Conducting a dealership without a valid license.

25 (14) Revealing confidential or security information,
26 except as specifically authorized by law, including but not

1 limited to information about purchasers and transferees of
2 firearms, provided that a licensee or dealership agent may
3 disclose this information under a court order, subpoena, or
4 search warrant or to the Department or federal, State, or
5 local law enforcement agencies upon request.

6 (15) Purporting to be a licensee-in-charge of an agency
7 without active participation in the agency.

8 (16) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (17) Failure to report in writing to the Department,
12 within 60 days of an entry of a settlement or a verdict in
13 excess of \$10,000, any legal action in which the business
14 of the dealer, dealership, or dealership agent was the
15 subject of the legal action.

16 (b) All fines imposed under this Section shall be paid
17 within 60 days after the effective date of the order imposing
18 the fine.

19 Section 90. Suspension or revocation of dealership agent
20 authority.

21 (a) Dealership agents shall be subject to the disciplinary
22 sanctions of this Act and shall otherwise comply with this Act
23 and the rules adopted under it. Notwithstanding any other
24 provision in this Act to the contrary, dealership agents shall
25 not be responsible for compliance with any requirement that

1 this Act assigns to the dealership or the licensee-in-charge
2 regardless of the agent's job title, job duties, or position in
3 the dealership. The procedures for disciplining a licensee
4 shall also apply in taking action against a dealership agent.

5 (b) The revocation of a dealer's or dealership agent's
6 Firearm Owner's Identification Card or concealed carry
7 license, if applicable, operates as an automatic suspension of
8 the dealer license or dealership agent's authority under this
9 Act. The suspension shall end only upon the issuance by the
10 Department of State Police of a new Firearm Owner's
11 Identification Card or concealed carry license to the dealer or
12 dealership agent.

13 Section 95. Returned checks; fines. Any person who delivers
14 a check or other payment to the Department that is returned to
15 the Department unpaid by the financial institution upon which
16 it is drawn shall pay to the Department, in addition to the
17 amount already owed to the Department, a fine of \$50. The fines
18 imposed by this Section are in addition to any other discipline
19 provided under this Act for unlicensed business or business on
20 a nonrenewed license. The Department shall notify the person
21 that payment of fees and fines shall be paid to the Department
22 by certified check or money order within 30 calendar days of
23 the notification. If, after the expiration of 30 days from the
24 date of the notification, the person has failed to submit the
25 necessary remittance, the Department shall automatically

1 terminate the license or deny the application, without hearing.
2 If, after termination or denial, the person seeks a license, he
3 or she shall apply to the Department for restoration or
4 issuance of the license and pay all fees and fines due to the
5 Department. The Department may establish a fee for the
6 processing of an application for restoration of a license to
7 pay all expenses of processing this application. The Secretary
8 may waive the fines due under this Section in individual cases
9 if the Secretary finds that the fines would be unreasonable or
10 unnecessarily burdensome.

11 Section 100. Statute of limitations. No action may be taken
12 under this Act against a person or entity licensed under this
13 Act unless the action is commenced within 5 years after the
14 occurrence of the alleged violations. A continuing violation
15 shall be deemed to have occurred on the date when the
16 circumstances last existed that give rise to the alleged
17 violation.

18 Section 105. Complaints; investigations; hearings.

19 (a) The Department may investigate the actions of any
20 applicant or of any person or persons holding or claiming to
21 hold a license or registration under this Act.

22 (b) The Department shall, before disciplining a licensee
23 under Section 130 or refusing to issue or license, at least 30
24 days before the date set for the hearing, (i) notify the

1 accused in writing of the charges made and the time and place
2 for the hearing on the charges, (ii) direct him or her to file
3 a written answer to the charges under oath within 20 days after
4 service, and (iii) inform the applicant or licensee that
5 failure to answer will result in a default being entered
6 against the applicant or licensee.

7 (c) At the time and place fixed in the notice, the Board or
8 the hearing officer appointed by the Secretary shall proceed to
9 hear the charges, and the parties or their counsel shall be
10 accorded ample opportunity to present any pertinent
11 statements, testimony, evidence, and arguments. The Board or
12 hearing officer may continue the hearing from time to time. In
13 case the person, after receiving the notice, fails to file an
14 answer, his or her license may, in the discretion of the
15 Secretary, having first received the recommendation of the
16 Board, be suspended, revoked, or placed on probationary status,
17 or be subject to whatever disciplinary action the Secretary
18 considers proper, including limiting the scope, nature, or
19 extent of the person's business or the imposition of a fine,
20 without hearing, if the act or acts charged constitute
21 sufficient grounds for that action under this Act.

22 (d) The written notice and any notice in the subsequent
23 proceeding may be served by certified mail to the licensee's
24 address of record.

25 (e) The Secretary has the authority to appoint any attorney
26 licensed to practice law in this State to serve as the hearing

1 officer in any action for refusal to issue, restore, or renew a
2 license or to discipline a licensee. The hearing officer has
3 full authority to conduct the hearing.

4 Section 110. Hearing; rehearing.

5 (a) The Board or the hearing officer authorized by the
6 Department shall hear evidence in support of the formal charges
7 and evidence produced by the licensee. At the conclusion of the
8 hearing, the Board shall present to the Secretary a written
9 report of its findings of fact, conclusions of law, and
10 recommendations. The report shall contain a finding of whether
11 the accused person violated this Act or failed to comply with
12 the conditions required in this Act. The Board shall specify
13 the nature of the violation or failure to comply and shall make
14 its recommendation to the Secretary.

15 (b) At the conclusion of the hearing, a copy of the Board
16 or hearing officer's report shall be served upon the applicant
17 or licensee by the Department, either personally or as provided
18 in this Act for the service of a notice of hearing. Within 20
19 calendar days after service, the applicant or licensee may
20 present to the Department a motion in writing for a rehearing,
21 which shall specify the particular grounds for rehearing. The
22 Department may respond to the motion for rehearing within 20
23 calendar days after its service on the Department. If no motion
24 for rehearing is filed, then upon the expiration of the time
25 specified for filing such a motion, or upon denial of a motion

1 for rehearing, the Secretary may enter an order in accordance
2 with the recommendations of the Board or hearing officer. If
3 the applicant or licensee orders from the reporting service and
4 pays for a transcript of the record within the time for filing
5 a motion for rehearing, the 20-day period within which a motion
6 may be filed shall commence upon the delivery of the transcript
7 to the applicant or licensee.

8 (c) Whenever the Secretary is not satisfied that
9 substantial justice has been done, the Secretary may order a
10 rehearing by the same or another hearing officer.

11 (d) All proceedings under this Section are matters of
12 public record and shall be preserved.

13 (e) The dealer or dealership may continue to operate as a
14 dealer or dealership during the course of an investigation or
15 hearing, unless the Secretary finds that the public interest,
16 safety, or welfare requires an emergency action.

17 (f) Upon the suspension or revocation of a license, the
18 licensee shall surrender the license to the Department and,
19 upon failure to do so, the Department shall seize the same.

20 Section 115. Disposition by consent order. At any point in
21 any investigation or disciplinary proceeding provided for in
22 the Act, both parties may agree to a negotiated consent order.
23 The consent order shall be final upon signature of the
24 Secretary.

1 Section 120. Restoration of license after disciplinary
2 proceedings. At any time after the successful completion of a
3 term of indefinite probation, indefinite suspension, or
4 revocation of a license, the Department may restore it to the
5 licensee, unless, after an investigation and a hearing, the
6 Secretary determines that restoration is not in the public
7 interest. No person or entity whose license, card, or authority
8 has been revoked as authorized in this Act may apply for
9 restoration of that license, registration, or authority until
10 such time as provided for in the Civil Administrative Code of
11 Illinois.

12 Section 125. Injunction; cease and desist orders.

13 (a) Upon the filing of a verified petition in court, if
14 satisfied by affidavit or otherwise that the person, firm,
15 corporation, or other legal entity is or has been conducting
16 activities in violation of this Act, the court may enter a
17 temporary restraining order or preliminary injunction, without
18 bond, enjoining the defendant from further activity. A copy of
19 the verified complaint shall be served upon the defendant and
20 the proceedings shall be conducted as in civil cases. If it is
21 established the defendant has been or is conducting activities
22 in violation of this Act, the court may enter a judgment
23 enjoining the defendant from that activity. In case of
24 violation of any injunctive order or judgment entered under
25 this Section, the court may punish the offender for contempt of

1 court. Injunctive proceedings shall be in addition to all other
2 penalties under this Act.

3 (b) If any person has engaged in the business of selling,
4 leasing, or otherwise transferring firearms without having a
5 valid license under this Act, then any licensee, any interested
6 party, or any person injured thereby may, in addition to the
7 Secretary, petition for relief as provided in subsection (a) of
8 this Section.

9 (c) Whenever the Department has reason to believe a person,
10 firm, corporation, or other legal entity has violated any
11 provision of this Act, the Department may issue a rule to show
12 cause why an order to cease and desist should not be entered
13 against that person, firm, corporation, or other legal entity.
14 The rule shall clearly set forth the grounds relied upon by the
15 Department and shall provide a period of 7 days from the date
16 of the rule to file an answer to the satisfaction of the
17 Department. Failure to answer to the satisfaction of the
18 Department shall cause an order to cease and desist to be
19 issued immediately.

20 Section 130. Administrative review. All final
21 administrative decisions of the Department are subject to
22 judicial review under Article III of the Code of Civil
23 Procedure. The term "administrative decision" is defined as in
24 Section 3-101 of the Code of Civil Procedure. The proceedings
25 for judicial review shall be commenced in the circuit court of

1 the county in which the party applying for review resides; but
2 if the party is not a resident of this State, the venue shall
3 be in Sangamon County. The Department shall not be required to
4 certify any record to the court or file any answer in court or
5 otherwise appear in any court in a judicial review proceeding,
6 unless and until the Department has received from the plaintiff
7 payment of the costs of furnishing and certifying the record,
8 which costs shall be determined by the Department. Exhibits
9 shall be certified without cost. Failure on the part of the
10 applicant or licensee to file a receipt in court is grounds for
11 dismissal of the action.

12 Section 135. Prima facie proof.

13 (a) An order or a certified copy thereof, over the seal of
14 the Department and purporting to be signed by the Secretary, is
15 prima facie proof that the signature is that of the Secretary,
16 and the Secretary is qualified to act.

17 (b) A certified copy of a record of the Department shall,
18 without further proof, be admitted into evidence in any legal
19 proceeding, and shall be prima facie correct and prima facie
20 evidence of the information contained therein.

21 Section 140. Subpoenas.

22 (a) The Department may subpoena and bring before it any
23 person to take the oral or written testimony or compel the
24 production of any books, papers, records, or any other

1 documents that the Secretary or his or her designee deems
2 relevant or material to any such investigation or hearing
3 conducted by the Department with the same fees and in the same
4 manner as prescribed in civil cases in the courts of this
5 State.

6 (b) Any circuit court, upon the application of the
7 applicant, licensee, or Department, may order the attendance
8 and testimony of witnesses and the production of relevant
9 documents, files, records, books, and papers in connection with
10 any hearing or investigation. The circuit court may compel
11 obedience to its order by proceedings for contempt.

12 (c) The Secretary, the hearing officer, any member of the
13 Board, or a certified shorthand court reporter may administer
14 oaths at any hearing the Department conducts. Notwithstanding
15 any other statute or Department rule to the contrary, all
16 requests for testimony, production of documents or records
17 shall be in accordance with this Act.

18 Section 145. Stenographers. The Department, at its
19 expense, shall preserve the record of all proceedings at a
20 formal hearing of any case. The notice of hearing, complaint,
21 all other documents in the nature of pleadings and written
22 motions filed in the proceedings, the transcript of testimony,
23 the report of the Board and orders of the Department shall be
24 in the record of the proceedings.

1 Section 150. Fees; deposit of fees and fines. The
2 Department shall by rule provide for fees for the
3 administration and enforcement of this Act, and those fees are
4 nonrefundable. All of the fees, penalties, and fines collected
5 under this Act shall be deposited into the General Professions
6 Dedicated Fund and shall be appropriated to the Department for
7 the ordinary and contingent expenses of the Department in the
8 administration and enforcement of this Act.

9 Section 155. Illinois Administrative Procedure Act;
10 application.

11 (a) All rules required under this Act shall be adopted in
12 accordance with Article 5 of the Illinois Administrative
13 Procedure Act.

14 (b) Article 10 of the Illinois Administrative Procedure Act
15 is expressly adopted and incorporated in this Act as if all of
16 the provisions of that Article were included in this Act,
17 except that the provision of paragraph (d) of Section 10-65 of
18 the Illinois Administrative Procedure Act, which provides that
19 at hearings the registrant or licensee has the right to show
20 compliance with all lawful requirements for retention or
21 continuation or renewal of the license, is specifically
22 excluded. For the purpose of this Act, the notice required
23 under Section 10-25 of the Illinois Administrative Procedure
24 Act is considered sufficient when mailed to the address of
25 record of a party.

1 Section 160. Confidentiality. All information collected by
2 the Department in the course of an examination or investigation
3 of a licensee or applicant, including, but not limited to, any
4 complaint against a licensee filed with the Department and
5 information collected to investigate any such complaint, shall
6 be maintained for the confidential use of the Department and
7 shall not be disclosed. The Department shall not disclose the
8 information to anyone other than law enforcement officials,
9 regulatory agencies that have an appropriate regulatory
10 interest as determined by the Secretary, or a party presenting
11 a lawful subpoena to the Department. Information and documents
12 disclosed to a federal, State, county, or local law enforcement
13 agency shall not be disclosed by the agency for any purpose to
14 any other agency or person. A formal complaint filed against a
15 licensee by the Department or any order issued by the
16 Department against a licensee or applicant shall be a public
17 record, except as otherwise prohibited by law.

18 Section 165. Rules. The Department shall adopt rules
19 necessary to implement the provisions of this Act no later than
20 180 days after the effective date of this Act. The Department
21 may adopt rules necessary to implement the provisions of this
22 Act through the use of emergency rulemaking in accordance with
23 Section 5-45 of the Illinois Administrative Procedure Act for a
24 period not to exceed 180 days after the effective date of this

1 Act.

2 Section 900. The Regulatory Sunset Act is amended by adding
3 Section 4.38 as follows:

4 (5 ILCS 80/4.38 new)

5 Sec. 4.38. Act repealed on January 1, 2028. The following
6 Act is repealed on January 1, 2028:

7 The Gun Dealer Licensing Act.

8 Section 905. The Illinois Administrative Procedure Act is
9 amended by changing Section 5-45 as follows:

10 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

11 (Text of Section before amendment by P.A. 99-906)

12 Sec. 5-45. Emergency rulemaking.

13 (a) "Emergency" means the existence of any situation that
14 any agency finds reasonably constitutes a threat to the public
15 interest, safety, or welfare.

16 (b) If any agency finds that an emergency exists that
17 requires adoption of a rule upon fewer days than is required by
18 Section 5-40 and states in writing its reasons for that
19 finding, the agency may adopt an emergency rule without prior
20 notice or hearing upon filing a notice of emergency rulemaking
21 with the Secretary of State under Section 5-70. The notice
22 shall include the text of the emergency rule and shall be

1 published in the Illinois Register. Consent orders or other
2 court orders adopting settlements negotiated by an agency may
3 be adopted under this Section. Subject to applicable
4 constitutional or statutory provisions, an emergency rule
5 becomes effective immediately upon filing under Section 5-65 or
6 at a stated date less than 10 days thereafter. The agency's
7 finding and a statement of the specific reasons for the finding
8 shall be filed with the rule. The agency shall take reasonable
9 and appropriate measures to make emergency rules known to the
10 persons who may be affected by them.

11 (c) An emergency rule may be effective for a period of not
12 longer than 150 days, but the agency's authority to adopt an
13 identical rule under Section 5-40 is not precluded. No
14 emergency rule may be adopted more than once in any 24-month ~~24~~
15 ~~month~~ period, except that this limitation on the number of
16 emergency rules that may be adopted in a 24-month ~~24-month~~
17 period does not apply to (i) emergency rules that make
18 additions to and deletions from the Drug Manual under Section
19 5-5.16 of the Illinois Public Aid Code or the generic drug
20 formulary under Section 3.14 of the Illinois Food, Drug and
21 Cosmetic Act, (ii) emergency rules adopted by the Pollution
22 Control Board before July 1, 1997 to implement portions of the
23 Livestock Management Facilities Act, (iii) emergency rules
24 adopted by the Illinois Department of Public Health under
25 subsections (a) through (i) of Section 2 of the Department of
26 Public Health Act when necessary to protect the public's

1 health, (iv) emergency rules adopted pursuant to subsection (n)
2 of this Section, (v) emergency rules adopted pursuant to
3 subsection (o) of this Section, or (vi) emergency rules adopted
4 pursuant to subsection (c-5) of this Section. Two or more
5 emergency rules having substantially the same purpose and
6 effect shall be deemed to be a single rule for purposes of this
7 Section.

8 (c-5) To facilitate the maintenance of the program of group
9 health benefits provided to annuitants, survivors, and retired
10 employees under the State Employees Group Insurance Act of
11 1971, rules to alter the contributions to be paid by the State,
12 annuitants, survivors, retired employees, or any combination
13 of those entities, for that program of group health benefits,
14 shall be adopted as emergency rules. The adoption of those
15 rules shall be considered an emergency and necessary for the
16 public interest, safety, and welfare.

17 (d) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 1999 budget,
19 emergency rules to implement any provision of Public Act 90-587
20 or 90-588 or any other budget initiative for fiscal year 1999
21 may be adopted in accordance with this Section by the agency
22 charged with administering that provision or initiative,
23 except that the 24-month limitation on the adoption of
24 emergency rules and the provisions of Sections 5-115 and 5-125
25 do not apply to rules adopted under this subsection (d). The
26 adoption of emergency rules authorized by this subsection (d)

1 shall be deemed to be necessary for the public interest,
2 safety, and welfare.

3 (e) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2000 budget,
5 emergency rules to implement any provision of Public Act 91-24
6 or any other budget initiative for fiscal year 2000 may be
7 adopted in accordance with this Section by the agency charged
8 with administering that provision or initiative, except that
9 the 24-month limitation on the adoption of emergency rules and
10 the provisions of Sections 5-115 and 5-125 do not apply to
11 rules adopted under this subsection (e). The adoption of
12 emergency rules authorized by this subsection (e) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (f) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2001 budget,
17 emergency rules to implement any provision of Public Act 91-712
18 or any other budget initiative for fiscal year 2001 may be
19 adopted in accordance with this Section by the agency charged
20 with administering that provision or initiative, except that
21 the 24-month limitation on the adoption of emergency rules and
22 the provisions of Sections 5-115 and 5-125 do not apply to
23 rules adopted under this subsection (f). The adoption of
24 emergency rules authorized by this subsection (f) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare.

1 (g) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2002 budget,
3 emergency rules to implement any provision of Public Act 92-10
4 or any other budget initiative for fiscal year 2002 may be
5 adopted in accordance with this Section by the agency charged
6 with administering that provision or initiative, except that
7 the 24-month limitation on the adoption of emergency rules and
8 the provisions of Sections 5-115 and 5-125 do not apply to
9 rules adopted under this subsection (g). The adoption of
10 emergency rules authorized by this subsection (g) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (h) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 2003 budget,
15 emergency rules to implement any provision of Public Act 92-597
16 or any other budget initiative for fiscal year 2003 may be
17 adopted in accordance with this Section by the agency charged
18 with administering that provision or initiative, except that
19 the 24-month limitation on the adoption of emergency rules and
20 the provisions of Sections 5-115 and 5-125 do not apply to
21 rules adopted under this subsection (h). The adoption of
22 emergency rules authorized by this subsection (h) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (i) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2004 budget,

1 emergency rules to implement any provision of Public Act 93-20
2 or any other budget initiative for fiscal year 2004 may be
3 adopted in accordance with this Section by the agency charged
4 with administering that provision or initiative, except that
5 the 24-month limitation on the adoption of emergency rules and
6 the provisions of Sections 5-115 and 5-125 do not apply to
7 rules adopted under this subsection (i). The adoption of
8 emergency rules authorized by this subsection (i) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare.

11 (j) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2005 budget as provided under the Fiscal Year 2005 Budget
14 Implementation (Human Services) Act, emergency rules to
15 implement any provision of the Fiscal Year 2005 Budget
16 Implementation (Human Services) Act may be adopted in
17 accordance with this Section by the agency charged with
18 administering that provision, except that the 24-month
19 limitation on the adoption of emergency rules and the
20 provisions of Sections 5-115 and 5-125 do not apply to rules
21 adopted under this subsection (j). The Department of Public Aid
22 may also adopt rules under this subsection (j) necessary to
23 administer the Illinois Public Aid Code and the Children's
24 Health Insurance Program Act. The adoption of emergency rules
25 authorized by this subsection (j) shall be deemed to be
26 necessary for the public interest, safety, and welfare.

1 (k) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2006 budget, emergency rules to implement any provision of
4 Public Act 94-48 or any other budget initiative for fiscal year
5 2006 may be adopted in accordance with this Section by the
6 agency charged with administering that provision or
7 initiative, except that the 24-month limitation on the adoption
8 of emergency rules and the provisions of Sections 5-115 and
9 5-125 do not apply to rules adopted under this subsection (k).
10 The Department of Healthcare and Family Services may also adopt
11 rules under this subsection (k) necessary to administer the
12 Illinois Public Aid Code, the Senior Citizens and Persons with
13 Disabilities Property Tax Relief Act, the Senior Citizens and
14 Disabled Persons Prescription Drug Discount Program Act (now
15 the Illinois Prescription Drug Discount Program Act), and the
16 Children's Health Insurance Program Act. The adoption of
17 emergency rules authorized by this subsection (k) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (1) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2007 budget, the Department of Healthcare and Family Services
23 may adopt emergency rules during fiscal year 2007, including
24 rules effective July 1, 2007, in accordance with this
25 subsection to the extent necessary to administer the
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal
2 Centers for Medicare and Medicaid Services necessitated by the
3 requirements of Title XIX and Title XXI of the federal Social
4 Security Act. The adoption of emergency rules authorized by
5 this subsection (l) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (m) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2008 budget, the Department of Healthcare and Family Services
10 may adopt emergency rules during fiscal year 2008, including
11 rules effective July 1, 2008, in accordance with this
12 subsection to the extent necessary to administer the
13 Department's responsibilities with respect to amendments to
14 the State plans and Illinois waivers approved by the federal
15 Centers for Medicare and Medicaid Services necessitated by the
16 requirements of Title XIX and Title XXI of the federal Social
17 Security Act. The adoption of emergency rules authorized by
18 this subsection (m) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (n) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2010 budget, emergency rules to implement any provision of
23 Public Act 96-45 or any other budget initiative authorized by
24 the 96th General Assembly for fiscal year 2010 may be adopted
25 in accordance with this Section by the agency charged with
26 administering that provision or initiative. The adoption of

1 emergency rules authorized by this subsection (n) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare. The rulemaking authority granted in this subsection
4 (n) shall apply only to rules promulgated during Fiscal Year
5 2010.

6 (o) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2011 budget, emergency rules to implement any provision of
9 Public Act 96-958 or any other budget initiative authorized by
10 the 96th General Assembly for fiscal year 2011 may be adopted
11 in accordance with this Section by the agency charged with
12 administering that provision or initiative. The adoption of
13 emergency rules authorized by this subsection (o) is deemed to
14 be necessary for the public interest, safety, and welfare. The
15 rulemaking authority granted in this subsection (o) applies
16 only to rules promulgated on or after July 1, 2010 (the
17 effective date of Public Act 96-958) through June 30, 2011.

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act 97-689
21 may be adopted in accordance with this subsection (p) by the
22 agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (p). The adoption of emergency rules authorized by
3 this subsection (p) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (q) In order to provide for the expeditious and timely
6 implementation of the provisions of Articles 7, 8, 9, 11, and
7 12 of Public Act 98-104, emergency rules to implement any
8 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
9 may be adopted in accordance with this subsection (q) by the
10 agency charged with administering that provision or
11 initiative. The 24-month limitation on the adoption of
12 emergency rules does not apply to rules adopted under this
13 subsection (q). The adoption of emergency rules authorized by
14 this subsection (q) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (r) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 98-651,
18 emergency rules to implement Public Act 98-651 may be adopted
19 in accordance with this subsection (r) by the Department of
20 Healthcare and Family Services. The 24-month limitation on the
21 adoption of emergency rules does not apply to rules adopted
22 under this subsection (r). The adoption of emergency rules
23 authorized by this subsection (r) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (s) In order to provide for the expeditious and timely
26 implementation of the provisions of Sections 5-5b.1 and 5A-2 of

1 the Illinois Public Aid Code, emergency rules to implement any
2 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
3 Public Aid Code may be adopted in accordance with this
4 subsection (s) by the Department of Healthcare and Family
5 Services. The rulemaking authority granted in this subsection
6 (s) shall apply only to those rules adopted prior to July 1,
7 2015. Notwithstanding any other provision of this Section, any
8 emergency rule adopted under this subsection (s) shall only
9 apply to payments made for State fiscal year 2015. The adoption
10 of emergency rules authorized by this subsection (s) is deemed
11 to be necessary for the public interest, safety, and welfare.

12 (t) In order to provide for the expeditious and timely
13 implementation of the provisions of Article II of Public Act
14 99-6, emergency rules to implement the changes made by Article
15 II of Public Act 99-6 to the Emergency Telephone System Act may
16 be adopted in accordance with this subsection (t) by the
17 Department of State Police. The rulemaking authority granted in
18 this subsection (t) shall apply only to those rules adopted
19 prior to July 1, 2016. The 24-month limitation on the adoption
20 of emergency rules does not apply to rules adopted under this
21 subsection (t). The adoption of emergency rules authorized by
22 this subsection (t) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (u) In order to provide for the expeditious and timely
25 implementation of the provisions of the Burn Victims Relief
26 Act, emergency rules to implement any provision of the Act may

1 be adopted in accordance with this subsection (u) by the
2 Department of Insurance. The rulemaking authority granted in
3 this subsection (u) shall apply only to those rules adopted
4 prior to December 31, 2015. The adoption of emergency rules
5 authorized by this subsection (u) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (v) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 99-516 ~~this~~
9 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
10 implement Public Act 99-516 ~~this amendatory Act of the 99th~~
11 ~~General Assembly~~ may be adopted in accordance with this
12 subsection (v) by the Department of Healthcare and Family
13 Services. The 24-month limitation on the adoption of emergency
14 rules does not apply to rules adopted under this subsection
15 (v). The adoption of emergency rules authorized by this
16 subsection (v) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (w) ~~(v)~~ In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 99-796 ~~this~~
20 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
21 implement the changes made by Public Act 99-796 ~~this amendatory~~
22 ~~Act of the 99th General Assembly~~ may be adopted in accordance
23 with this subsection (w) ~~(v)~~ by the Adjutant General. The
24 adoption of emergency rules authorized by this subsection (w)
25 ~~(v)~~ is deemed to be necessary for the public interest, safety,
26 and welfare.

1 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
2 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
3 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
4 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised
5 9-21-16.)

6 (Text of Section after amendment by P.A. 99-906)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's
24 finding and a statement of the specific reasons for the finding
25 shall be filed with the rule. The agency shall take reasonable

1 and appropriate measures to make emergency rules known to the
2 persons who may be affected by them.

3 (c) An emergency rule may be effective for a period of not
4 longer than 150 days, but the agency's authority to adopt an
5 identical rule under Section 5-40 is not precluded. No
6 emergency rule may be adopted more than once in any 24-month
7 period, except that this limitation on the number of emergency
8 rules that may be adopted in a 24-month period does not apply
9 to (i) emergency rules that make additions to and deletions
10 from the Drug Manual under Section 5-5.16 of the Illinois
11 Public Aid Code or the generic drug formulary under Section
12 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
13 emergency rules adopted by the Pollution Control Board before
14 July 1, 1997 to implement portions of the Livestock Management
15 Facilities Act, (iii) emergency rules adopted by the Illinois
16 Department of Public Health under subsections (a) through (i)
17 of Section 2 of the Department of Public Health Act when
18 necessary to protect the public's health, (iv) emergency rules
19 adopted pursuant to subsection (n) of this Section, (v)
20 emergency rules adopted pursuant to subsection (o) of this
21 Section, or (vi) emergency rules adopted pursuant to subsection
22 (c-5) of this Section. Two or more emergency rules having
23 substantially the same purpose and effect shall be deemed to be
24 a single rule for purposes of this Section.

25 (c-5) To facilitate the maintenance of the program of group
26 health benefits provided to annuitants, survivors, and retired

1 employees under the State Employees Group Insurance Act of
2 1971, rules to alter the contributions to be paid by the State,
3 annuitants, survivors, retired employees, or any combination
4 of those entities, for that program of group health benefits,
5 shall be adopted as emergency rules. The adoption of those
6 rules shall be considered an emergency and necessary for the
7 public interest, safety, and welfare.

8 (d) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 1999 budget,
10 emergency rules to implement any provision of Public Act 90-587
11 or 90-588 or any other budget initiative for fiscal year 1999
12 may be adopted in accordance with this Section by the agency
13 charged with administering that provision or initiative,
14 except that the 24-month limitation on the adoption of
15 emergency rules and the provisions of Sections 5-115 and 5-125
16 do not apply to rules adopted under this subsection (d). The
17 adoption of emergency rules authorized by this subsection (d)
18 shall be deemed to be necessary for the public interest,
19 safety, and welfare.

20 (e) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2000 budget,
22 emergency rules to implement any provision of Public Act 91-24
23 or any other budget initiative for fiscal year 2000 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (e). The adoption of
3 emergency rules authorized by this subsection (e) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (f) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2001 budget,
8 emergency rules to implement any provision of Public Act 91-712
9 or any other budget initiative for fiscal year 2001 may be
10 adopted in accordance with this Section by the agency charged
11 with administering that provision or initiative, except that
12 the 24-month limitation on the adoption of emergency rules and
13 the provisions of Sections 5-115 and 5-125 do not apply to
14 rules adopted under this subsection (f). The adoption of
15 emergency rules authorized by this subsection (f) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (g) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2002 budget,
20 emergency rules to implement any provision of Public Act 92-10
21 or any other budget initiative for fiscal year 2002 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (g). The adoption of

1 emergency rules authorized by this subsection (g) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (h) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2003 budget,
6 emergency rules to implement any provision of Public Act 92-597
7 or any other budget initiative for fiscal year 2003 may be
8 adopted in accordance with this Section by the agency charged
9 with administering that provision or initiative, except that
10 the 24-month limitation on the adoption of emergency rules and
11 the provisions of Sections 5-115 and 5-125 do not apply to
12 rules adopted under this subsection (h). The adoption of
13 emergency rules authorized by this subsection (h) shall be
14 deemed to be necessary for the public interest, safety, and
15 welfare.

16 (i) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2004 budget,
18 emergency rules to implement any provision of Public Act 93-20
19 or any other budget initiative for fiscal year 2004 may be
20 adopted in accordance with this Section by the agency charged
21 with administering that provision or initiative, except that
22 the 24-month limitation on the adoption of emergency rules and
23 the provisions of Sections 5-115 and 5-125 do not apply to
24 rules adopted under this subsection (i). The adoption of
25 emergency rules authorized by this subsection (i) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare.

2 (j) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2005 budget as provided under the Fiscal Year 2005 Budget
5 Implementation (Human Services) Act, emergency rules to
6 implement any provision of the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act may be adopted in
8 accordance with this Section by the agency charged with
9 administering that provision, except that the 24-month
10 limitation on the adoption of emergency rules and the
11 provisions of Sections 5-115 and 5-125 do not apply to rules
12 adopted under this subsection (j). The Department of Public Aid
13 may also adopt rules under this subsection (j) necessary to
14 administer the Illinois Public Aid Code and the Children's
15 Health Insurance Program Act. The adoption of emergency rules
16 authorized by this subsection (j) shall be deemed to be
17 necessary for the public interest, safety, and welfare.

18 (k) In order to provide for the expeditious and timely
19 implementation of the provisions of the State's fiscal year
20 2006 budget, emergency rules to implement any provision of
21 Public Act 94-48 or any other budget initiative for fiscal year
22 2006 may be adopted in accordance with this Section by the
23 agency charged with administering that provision or
24 initiative, except that the 24-month limitation on the adoption
25 of emergency rules and the provisions of Sections 5-115 and
26 5-125 do not apply to rules adopted under this subsection (k).

1 The Department of Healthcare and Family Services may also adopt
2 rules under this subsection (k) necessary to administer the
3 Illinois Public Aid Code, the Senior Citizens and Persons with
4 Disabilities Property Tax Relief Act, the Senior Citizens and
5 Disabled Persons Prescription Drug Discount Program Act (now
6 the Illinois Prescription Drug Discount Program Act), and the
7 Children's Health Insurance Program Act. The adoption of
8 emergency rules authorized by this subsection (k) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare.

11 (l) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2007 budget, the Department of Healthcare and Family Services
14 may adopt emergency rules during fiscal year 2007, including
15 rules effective July 1, 2007, in accordance with this
16 subsection to the extent necessary to administer the
17 Department's responsibilities with respect to amendments to
18 the State plans and Illinois waivers approved by the federal
19 Centers for Medicare and Medicaid Services necessitated by the
20 requirements of Title XIX and Title XXI of the federal Social
21 Security Act. The adoption of emergency rules authorized by
22 this subsection (l) shall be deemed to be necessary for the
23 public interest, safety, and welfare.

24 (m) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2008 budget, the Department of Healthcare and Family Services

1 may adopt emergency rules during fiscal year 2008, including
2 rules effective July 1, 2008, in accordance with this
3 subsection to the extent necessary to administer the
4 Department's responsibilities with respect to amendments to
5 the State plans and Illinois waivers approved by the federal
6 Centers for Medicare and Medicaid Services necessitated by the
7 requirements of Title XIX and Title XXI of the federal Social
8 Security Act. The adoption of emergency rules authorized by
9 this subsection (m) shall be deemed to be necessary for the
10 public interest, safety, and welfare.

11 (n) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2010 budget, emergency rules to implement any provision of
14 Public Act 96-45 or any other budget initiative authorized by
15 the 96th General Assembly for fiscal year 2010 may be adopted
16 in accordance with this Section by the agency charged with
17 administering that provision or initiative. The adoption of
18 emergency rules authorized by this subsection (n) shall be
19 deemed to be necessary for the public interest, safety, and
20 welfare. The rulemaking authority granted in this subsection
21 (n) shall apply only to rules promulgated during Fiscal Year
22 2010.

23 (o) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2011 budget, emergency rules to implement any provision of
26 Public Act 96-958 or any other budget initiative authorized by

1 the 96th General Assembly for fiscal year 2011 may be adopted
2 in accordance with this Section by the agency charged with
3 administering that provision or initiative. The adoption of
4 emergency rules authorized by this subsection (o) is deemed to
5 be necessary for the public interest, safety, and welfare. The
6 rulemaking authority granted in this subsection (o) applies
7 only to rules promulgated on or after July 1, 2010 (the
8 effective date of Public Act 96-958) through June 30, 2011.

9 (p) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 97-689,
11 emergency rules to implement any provision of Public Act 97-689
12 may be adopted in accordance with this subsection (p) by the
13 agency charged with administering that provision or
14 initiative. The 150-day limitation of the effective period of
15 emergency rules does not apply to rules adopted under this
16 subsection (p), and the effective period may continue through
17 June 30, 2013. The 24-month limitation on the adoption of
18 emergency rules does not apply to rules adopted under this
19 subsection (p). The adoption of emergency rules authorized by
20 this subsection (p) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (q) In order to provide for the expeditious and timely
23 implementation of the provisions of Articles 7, 8, 9, 11, and
24 12 of Public Act 98-104, emergency rules to implement any
25 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
26 may be adopted in accordance with this subsection (q) by the

1 agency charged with administering that provision or
2 initiative. The 24-month limitation on the adoption of
3 emergency rules does not apply to rules adopted under this
4 subsection (q). The adoption of emergency rules authorized by
5 this subsection (q) is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (r) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 98-651,
9 emergency rules to implement Public Act 98-651 may be adopted
10 in accordance with this subsection (r) by the Department of
11 Healthcare and Family Services. The 24-month limitation on the
12 adoption of emergency rules does not apply to rules adopted
13 under this subsection (r). The adoption of emergency rules
14 authorized by this subsection (r) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (s) In order to provide for the expeditious and timely
17 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
18 the Illinois Public Aid Code, emergency rules to implement any
19 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
20 Public Aid Code may be adopted in accordance with this
21 subsection (s) by the Department of Healthcare and Family
22 Services. The rulemaking authority granted in this subsection
23 (s) shall apply only to those rules adopted prior to July 1,
24 2015. Notwithstanding any other provision of this Section, any
25 emergency rule adopted under this subsection (s) shall only
26 apply to payments made for State fiscal year 2015. The adoption

1 of emergency rules authorized by this subsection (s) is deemed
2 to be necessary for the public interest, safety, and welfare.

3 (t) In order to provide for the expeditious and timely
4 implementation of the provisions of Article II of Public Act
5 99-6, emergency rules to implement the changes made by Article
6 II of Public Act 99-6 to the Emergency Telephone System Act may
7 be adopted in accordance with this subsection (t) by the
8 Department of State Police. The rulemaking authority granted in
9 this subsection (t) shall apply only to those rules adopted
10 prior to July 1, 2016. The 24-month limitation on the adoption
11 of emergency rules does not apply to rules adopted under this
12 subsection (t). The adoption of emergency rules authorized by
13 this subsection (t) is deemed to be necessary for the public
14 interest, safety, and welfare.

15 (u) In order to provide for the expeditious and timely
16 implementation of the provisions of the Burn Victims Relief
17 Act, emergency rules to implement any provision of the Act may
18 be adopted in accordance with this subsection (u) by the
19 Department of Insurance. The rulemaking authority granted in
20 this subsection (u) shall apply only to those rules adopted
21 prior to December 31, 2015. The adoption of emergency rules
22 authorized by this subsection (u) is deemed to be necessary for
23 the public interest, safety, and welfare.

24 (v) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 99-516,
26 emergency rules to implement Public Act 99-516 may be adopted

1 in accordance with this subsection (v) by the Department of
2 Healthcare and Family Services. The 24-month limitation on the
3 adoption of emergency rules does not apply to rules adopted
4 under this subsection (v). The adoption of emergency rules
5 authorized by this subsection (v) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (w) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 99-796,
9 emergency rules to implement the changes made by Public Act
10 99-796 may be adopted in accordance with this subsection (w) by
11 the Adjutant General. The adoption of emergency rules
12 authorized by this subsection (w) is deemed to be necessary for
13 the public interest, safety, and welfare.

14 (x) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 99-906 ~~this~~
16 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
17 implement subsection (i) of Section 16-115D, subsection (g) of
18 Section 16-128A, and subsection (a) of Section 16-128B of the
19 Public Utilities Act may be adopted in accordance with this
20 subsection (x) by the Illinois Commerce Commission. The
21 rulemaking authority granted in this subsection (x) shall apply
22 only to those rules adopted within 180 days after June 1, 2017
23 (the effective date of Public Act 99-906) ~~this amendatory Act~~
24 ~~of the 99th General Assembly~~. The adoption of emergency rules
25 authorized by this subsection (x) is deemed to be necessary for
26 the public interest, safety, and welfare.

1 (y) In order to provide for the expeditious and timely
2 implementation of the provisions of the Gun Dealer Licensing
3 Act, emergency rules to implement any provision of the Act may
4 be adopted in accordance with this subsection (y) by the
5 Department of Financial and Professional Regulation. The
6 rulemaking authority granted in this subsection (y) shall apply
7 only to those rules adopted no later than one year after the
8 effective date of this amendatory Act of the 100th General
9 Assembly. The adoption of emergency rules authorized by this
10 subsection (y) is deemed to be necessary for the public
11 interest, safety, and welfare.

12 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
13 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
14 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
15 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906,
16 eff. 6-1-17; revised 1-1-17.)

17 Section 995. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.".