



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2603

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Creates the Revised Uniform Unclaimed Property Act. Adds language concerning: definitions; applicability; rulemaking; presumptively abandoned property; taking custody of property that is presumed abandoned; reporting requirements; notice to property owner; taking custody of property by the State Treasurer; sale of property; administration of property; claims to recover; liability; remedies; enforcement; agreements to locate property; confidentiality; uniformity of application and construction; relation to federal laws; transitional provisions; and severability. Repeals the Uniform Disposition of Unclaimed Property Act and makes corresponding changes in the following Acts: the Illinois Administrative Procedure Act; the Freedom of Information Act; the State Comptroller Act; the State Treasurer Act; the Financial Institutions Code; the State Finance Act; the State Officers and Employees Money Disposition Act; the Counties Code; the Illinois Banking Act; the Savings Bank Act; the Illinois Credit Union Act; the Currency Exchange Act; the Corporate Fiduciary Act; the Transmitters of Money Act; the Adverse Claims to Deposit Accounts Act; the Illinois Insurance Code; the Unclaimed Life Insurance Benefits Act; the Real Estate License Act of 2000; the Code of Criminal Procedure of 1963; the Probate Act of 1975; the Sale of Unclaimed Property Act; the Business Corporation Act of 1983; and the General Not For Profit Corporation Act of 1986. Effective January 1, 2018.

LRB100 09334 HEP 21525 b

1 AN ACT concerning civil law.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 101. Short title. This Act may be cited as the
6 Revised Uniform Unclaimed Property Act.

7 Section 102. Definitions. In this Act:

8 (1) "Administrator" means the State Treasurer.

9 (2) "Administrator's agent" means a person with which
10 the administrator contracts to conduct an examination
11 under Article 10 on behalf of the administrator. The term
12 includes an independent contractor of the person and each
13 individual participating in the examination on behalf of
14 the person or contractor.

15 (3) "Apparent owner" means a person whose name appears
16 on the records of a holder as the owner of property held,
17 issued, or owing by the holder.

18 (4) "Business association" means a corporation, joint
19 stock company, investment company, unincorporated
20 association, joint venture, limited liability company,
21 business trust, trust company, land bank, safe deposit
22 company, safekeeping depository, financial organization,

1 insurance company, federally chartered entity, utility,
2 sole proprietorship, or other business entity, whether or
3 not for profit.

4 (5) "Confidential information" means information that
5 is "personal information" under the Personal Information
6 Protection Act, "private information" under the Freedom of
7 Information Act or personal information contained within
8 public records, the disclosure of which would constitute a
9 clearly unwarranted invasion of personal privacy, unless
10 the disclosure is consented to in writing by the individual
11 subjects of the information as provided in the Freedom of
12 Information Act.

13 (6) "Domicile" means:

14 (A) for a corporation, the state of its
15 incorporation;

16 (B) for a business association whose formation
17 requires a filing with a state, other than a
18 corporation, the state of its filing;

19 (C) for a federally chartered entity or an
20 investment company registered under the Investment
21 Company Act of 1940, the state of its home office; and

22 (D) for any other holder, the state of its
23 principal place of business.

24 (7) "Electronic" means relating to technology having
25 electrical, digital, magnetic, wireless, optical,
26 electromagnetic, or similar capabilities.

1 (8) "Electronic mail" means a communication by
2 electronic means which is automatically retained and
3 stored and may be readily accessed or retrieved.

4 (9) "Financial organization" means a savings and loan
5 association, building and loan association, savings bank,
6 industrial bank, bank, banking organization, or credit
7 union.

8 (10) "Game-related digital content" means digital
9 content that exists only in an electronic game or
10 electronic-game platform. The term:

11 (A) includes:

12 (i) game-play currency such as a virtual
13 wallet, even if denominated in United States
14 currency; and

15 (ii) the following if for use or redemption
16 only within the game or platform or another
17 electronic game or electronic-game platform:

18 (I) points sometimes referred to as gems,
19 tokens, gold, and similar names; and

20 (II) digital codes; and

21 (B) does not include an item that the issuer:

22 (i) permits to be redeemed for use outside a
23 game or platform for:

24 (I) money; or

25 (II) goods or services that have more than
26 minimal value; or

1 (ii) otherwise monetizes for use outside a
2 game or platform.

3 (11) "Gift card" means:

4 (A) a stored-value card:

5 (i) the value of which does not expire;

6 (ii) that may be decreased in value only by
7 redemption for merchandise, goods, or services;
8 and

9 (iii) that, unless required by law, may not be
10 redeemed for or converted into money or otherwise
11 monetized by the issuer; and

12 (B) includes a prepaid commercial mobile radio
13 service, as defined in 47 CFR 20.3, as amended.

14 (12) "Holder" means a person obligated to hold for the
15 account of, or to deliver or pay to, the owner, property
16 subject to this Act.

17 (13) "Insurance company" means an association,
18 corporation, or fraternal or mutual-benefit organization,
19 whether or not for profit, engaged in the business of
20 providing life endowments, annuities, or insurance,
21 including accident, burial, casualty, credit-life,
22 contract-performance, dental, disability, fidelity, fire,
23 health, hospitalization, illness, life, malpractice,
24 marine, mortgage, surety, wage-protection, and
25 worker-compensation insurance.

26 (14) "Loyalty card" means a record given without direct

1 monetary consideration under an award, reward, benefit,
2 loyalty, incentive, rebate, or promotional program which
3 may be used or redeemed only to obtain goods or services or
4 a discount on goods or services. The term does not include
5 a record that may be redeemed for money or otherwise
6 monetized by the issuer.

7 (15) "Mineral" means gas, oil, coal, oil shale, other
8 gaseous liquid or solid hydrocarbon, cement material, sand
9 and gravel, road material, building stone, chemical raw
10 material, gemstone, fissionable and nonfissionable ores,
11 colloidal and other clay, steam and other geothermal
12 resources, and any other substance defined as a mineral by
13 law of this State other than this Act.

14 (16) "Mineral proceeds" means an amount payable for
15 extraction, production, or sale of minerals, or, on the
16 abandonment of the amount, an amount that becomes payable
17 after abandonment. The term includes an amount payable:

18 (A) for the acquisition and retention of a mineral
19 lease, including a bonus, royalty, compensatory
20 royalty, shut-in royalty, minimum royalty, and delay
21 rental;

22 (B) for the extraction, production, or sale of
23 minerals, including a net revenue interest, royalty,
24 overriding royalty, extraction payment, and production
25 payment; and

26 (C) under an agreement or option, including a

1 joint-operating agreement, unit agreement, pooling
2 agreement, and farm-out agreement.

3 (17) "Money order" means a payment order for a
4 specified amount of money. The term includes an express
5 money order and a personal money order on which the
6 remitter is the purchaser.

7 (18) "Municipal bond" means a bond or evidence of
8 indebtedness issued by a municipality or other political
9 subdivision of a state.

10 (19) "Net card value" means the original purchase price
11 or original issued value of a stored-value card, plus
12 amounts added to the original price or value, minus amounts
13 used and any service charge, fee, or dormancy charge
14 permitted by law.

15 (20) "Non-freely transferable security" means a
16 security that cannot be delivered to the administrator by
17 the Depository Trust Clearing Corporation or similar
18 custodian of securities providing post-trade clearing and
19 settlement services to financial markets or cannot be
20 delivered because there is no agent to effect transfer. The
21 term includes a worthless security.

22 (21) "Owner" means a person that has a legal,
23 beneficial, or equitable interest in property subject to
24 this Act or the person's legal representative when acting
25 on behalf of the owner. The term includes:

26 (A) a depositor, for a deposit;

1 (B) a beneficiary, for a trust other than a deposit
2 in trust;

3 (C) a creditor, claimant, or payee, for other
4 property; and

5 (D) the lawful bearer of a record that may be used
6 to obtain money, a reward, or a thing of value.

7 (22) "Payroll card" means a record that evidences a
8 payroll-card account as defined in Regulation E, 12 CFR
9 Part 1005, as amended.

10 (23) "Person" means an individual, estate, business
11 association, public corporation, government or
12 governmental subdivision, agency, or instrumentality, or
13 other legal entity whether or not for profit.

14 (24) "Property" means tangible property described in
15 Section 205 or a fixed and certain interest in intangible
16 property held, issued, or owed in the course of a holder's
17 business or by a government, governmental subdivision,
18 agency, or instrumentality. The term:

19 (A) includes all income from or increments to the
20 property;

21 (B) includes property referred to as or evidenced
22 by:

23 (i) money, virtual currency, interest, or a
24 dividend, check, draft, deposit, or payroll card;

25 (ii) a credit balance, customer's overpayment,
26 stored-value card, security deposit, refund,

1 credit memorandum, unpaid wage, unused ticket for
2 which the issuer has an obligation to provide a
3 refund, mineral proceeds, or unidentified
4 remittance;

5 (iii) a security except for:

6 (I) a worthless security; or

7 (II) a security that is subject to a lien,
8 legal hold, or restriction evidenced on the
9 records of the holder or imposed by operation
10 of law, if the lien, legal hold, or restriction
11 restricts the holder's or owner's ability to
12 receive, transfer, sell, or otherwise
13 negotiate the security;

14 (iv) a bond, debenture, note, or other
15 evidence of indebtedness;

16 (v) money deposited to redeem a security, make
17 a distribution, or pay a dividend;

18 (vi) an amount due and payable under an annuity
19 contract or insurance policy; and

20 (vii) an amount distributable from a trust or
21 custodial fund established under a plan to provide
22 health, welfare, pension, vacation, severance,
23 retirement, death, stock purchase, profit-sharing,
24 employee-savings, supplemental-unemployment
25 insurance, or a similar benefit; and

26 (C) does not include:

1 (i) game-related digital content; or

2 (ii) a loyalty card.

3 (25) "Putative holder" means a person believed by the
4 administrator to be a holder, until the person pays or
5 delivers to the administrator property subject to this Act
6 or the administrator or a court makes a final determination
7 that the person is or is not a holder.

8 (26) "Record" means information that is inscribed on a
9 tangible medium or that is stored in an electronic or other
10 medium and is retrievable in perceivable form. The phrase
11 "records of the holder" includes records maintained by a
12 third party that has contracted with the holder.

13 (27) "Security" means:

14 (A) a security as defined in Article 8 of the
15 Uniform Commercial Code;

16 (B) a security entitlement as defined in Article 8
17 of the Uniform Commercial Code, including a customer
18 security account held by a registered broker-dealer,
19 to the extent the financial assets held in the security
20 account are not:

21 (i) registered on the books of the issuer in
22 the name of the person for which the broker-dealer
23 holds the assets;

24 (ii) payable to the order of the person; or

25 (iii) specifically indorsed to the person; or

26 (C) an equity interest in a business association

1 not included in subparagraph (A) or (B).

2 (28) "Sign" means, with present intent to authenticate
3 or adopt a record:

4 (A) to execute or adopt a tangible symbol; or

5 (B) to attach to or logically associate with the
6 record an electronic symbol, sound, or process.

7 (29) "State" means a state of the United States, the
8 District of Columbia, the Commonwealth of Puerto Rico, the
9 United States Virgin Islands, or any territory or insular
10 possession subject to the jurisdiction of the United
11 States.

12 (30) "Stored-value card" means a record evidencing a
13 promise made for consideration by the seller or issuer of
14 the record that goods, services, or money will be provided
15 to the owner of the record to the value or amount shown in
16 the record. The term:

17 (A) includes:

18 (i) a record that contains or consists of a
19 microprocessor chip, magnetic strip, or other
20 means for the storage of information, which is
21 prefunded and whose value or amount is decreased on
22 each use and increased by payment of additional
23 consideration; and

24 (ii) a gift card and payroll card; and

25 (B) does not include a loyalty card or game-related
26 digital content.

1 (31) "Utility" means a person that owns or operates for
2 public use a plant, equipment, real property, franchise, or
3 license for the following public services:

4 (A) transmission of communications or information;

5 (B) production, storage, transmission, sale,
6 delivery, or furnishing of electricity, water, steam,
7 or gas; or

8 (C) provision of sewage or septic services, or
9 trash, garbage, or recycling disposal.

10 (32) "Virtual currency" means a digital representation
11 of value used as a medium of exchange, unit of account, or
12 store of value, which does not have legal tender status
13 recognized by the United States. The term does not include:

14 (A) the software or protocols governing the
15 transfer of the digital representation of value;

16 (B) game-related digital content; or

17 (C) a loyalty card.

18 (33) "Worthless security" means a security whose cost
19 of liquidation and delivery to the administrator would
20 exceed the value of the security on the date a report is
21 due under this Act.

22 Section 103. Inapplicability to foreign transaction. This
23 Act does not apply to property held, due, and owing in a
24 foreign country if the transaction out of which the property
25 arose was a foreign transaction.

1 Section 104. Rulemaking. The administrator may adopt rules
2 to implement and administer this Act pursuant to the Illinois
3 Administrative Procedure Act.

4 ARTICLE 2. PRESUMPTION OF ABANDONMENT

5 Section 201. When property presumed abandoned. Subject to
6 Section 210, the following property is presumed abandoned if it
7 is unclaimed by the apparent owner during the period specified
8 below:

9 (1) a traveler's check, 15 years after issuance;

10 (2) a money order, 7 years after issuance;

11 (3) funds represented by a non-activated stored value
12 card or other non-activated electronic payment medium that
13 require activation for use, including amounts held in a
14 payroll card, one year after the funds would have otherwise
15 first been available to the owner.

16 (4) a state or municipal bond, bearer bond, or
17 original-issue-discount bond, 3 years after the earliest
18 of the date the bond matures or is called or the obligation
19 to pay the principal of the bond arises;

20 (5) a debt of a business association, 3 years after the
21 obligation to pay arises;

22 (6) a demand, savings, or time deposit, 3 years after
23 the earlier of maturity or the date of the last indication

1 of interest in the property by the apparent owner, except
2 for a deposit that is automatically renewable, 3 years
3 after its initial date of maturity unless the apparent
4 owner consented in a record on file with the holder to
5 renewal at or about the time of the renewal;

6 (7) money or a credit owed to a customer as a result of
7 a retail business transaction, including an in-store
8 credit for returned merchandise, 3 years after the
9 obligation arose;

10 (8) an amount owed by an insurance company on a life or
11 endowment insurance policy or an annuity contract that has
12 matured or terminated, 3 years after the obligation to pay
13 arose under the terms of the policy or contract or, if a
14 policy or contract for which an amount is owed on proof of
15 death has not matured by proof of the death of the insured
16 or annuitant, as follows:

17 (A) with respect to an amount owed on a life or
18 endowment insurance policy, the earlier of:

19 (i) 3 years after the death of the insured; or

20 (ii) 2 years after the insured has attained, or
21 would have attained if living, the limiting age
22 under the mortality table on which the reserve for
23 the policy is based; and

24 (B) with respect to an amount owed on an annuity
25 contract, 3 years after the death of the annuitant.

26 (9) funds on deposit or held in trust for the

1 prepayment of a funeral or other funeral-related expenses,
2 the earliest of:

3 (A) 2 years after the date of death of the
4 beneficiary;

5 (B) one year after the date the beneficiary has
6 attained, or would have attained if living, the age of
7 105 where the holder does not know whether the
8 beneficiary is deceased;

9 (C) 30 years after the contract for prepayment was
10 executed;

11 (10) property distributable by a business association
12 in the course of dissolution or distributions from the
13 termination of a retirement plan, one year after the
14 property becomes distributable;

15 (11) property held by a court, including property
16 received as proceeds of a class action, one year after the
17 property becomes distributable;

18 (12) property held by a government or governmental
19 subdivision, agency, or instrumentality, including
20 municipal bond interest and unredeemed principal under the
21 administration of a paying agent or indenture trustee, 3
22 years after the property becomes distributable;

23 (13) wages, commissions, bonuses, or reimbursements to
24 which an employee is entitled, or other compensation for
25 personal services, including amounts held on a payroll
26 card, one year after the amount becomes payable;

1 (14) a deposit or refund owed to a subscriber by a
2 utility, one year after the deposit or refund becomes
3 payable; and

4 (15) property not specified in this Section or Sections
5 202 through 208, the earlier of 3 years after the owner
6 first has a right to demand the property or the obligation
7 to pay or distribute the property arises.

8 Section 201.1. When abandonment period is accelerated.
9 Notwithstanding Section 201, and subject to Section 210:

10 (1) If the holder has imposed a charge against property
11 for reason of owner inactivity or the failure of the owner
12 to claim the property within a specified period of time,
13 and the abandonment period for the property as specified in
14 Section 201 is greater than 2 years, the property shall
15 instead be presumed abandoned 2 years from the date of the
16 owner's last indication of interest in the property.

17 (2) A deceased owner cannot indicate interest in his or
18 her property. If the owner is deceased, and the abandonment
19 period for the owner's property as specified in Section 201
20 is greater than 2 years, the property shall instead be
21 presumed abandoned 2 years from the date of the owner's
22 last indication of interest in the property.

23 Section 202. When tax-deferred retirement account presumed
24 abandoned.

1 (a) Subject to Section 210, property held in a pension
2 account or retirement account that qualifies for tax deferral
3 under the income-tax laws of the United States is presumed
4 abandoned if it is unclaimed by the apparent owner after the
5 later of:

6 (1) 3 years after the following dates:

7 (A) except as in subparagraph (B), the date a
8 communication sent by the holder by first-class United
9 States mail to the apparent owner is returned to the
10 holder undelivered by the United States Postal
11 Service; or

12 (B) if such communication is re-sent within 30 days
13 after the date the first communication is returned
14 undelivered, the date the second communication was
15 returned undelivered by the United States Postal
16 Service; or

17 (2) the earlier of the following dates:

18 (A) 3 years after the date the apparent owner
19 becomes 70.5 years of age, if determinable by the
20 holder; or

21 (B) one year after the date of mandatory
22 distribution following death if the Internal Revenue
23 Code requires distribution to avoid a tax penalty and
24 the holder:

25 (i) receives confirmation of the death of the
26 apparent owner in the ordinary course of its

1 business; or

2 (ii) confirms the death of the apparent owner
3 under subsection (b).

4 (b) If a holder in the ordinary course of its business
5 receives notice or an indication of the death of an apparent
6 owner and subsection (a) (2) applies, the holder shall attempt
7 not later than 90 days after receipt of the notice or
8 indication to confirm whether the apparent owner is deceased.

9 (c) If the holder does not send communications to the
10 apparent owner of an account described in subsection (a) by
11 first-class United States mail on at least an annual basis, the
12 holder shall attempt to confirm the apparent owner's interest
13 in the property by sending the apparent owner an
14 electronic-mail communication not later than 2 years after the
15 apparent owner's last indication of interest in the property.
16 However, the holder promptly shall attempt to contact the
17 apparent owner by first-class United States mail if:

18 (1) the holder does not have information needed to send
19 the apparent owner an electronic mail communication or the
20 holder believes that the apparent owner's electronic mail
21 address in the holder's records is not valid;

22 (2) the holder receives notification that the
23 electronic-mail communication was not received; or

24 (3) the apparent owner does not respond to the
25 electronic-mail communication within 30 days after the
26 communication was sent.

1 (d) If first-class United States mail sent under subsection
2 (c) is returned to the holder undelivered by the United States
3 Postal Service, the property is presumed abandoned 3 years
4 after the later of:

5 (1) except as in paragraph (2), the date a
6 communication to contact the apparent owner sent by
7 first-class United States mail is returned to the holder
8 undelivered;

9 (2) if such communication is re-sent within 30 days
10 after the date the first communication is returned
11 undelivered, the date the second communication was
12 returned undelivered; or

13 (3) the date established by subsection (a) (2).

14 Section 203. When other tax-deferred account presumed
15 abandoned.

16 (a) Subject to Section 210 and except for property
17 described in Section 202, property held in an account or plan,
18 including a health savings account, that qualifies for tax
19 deferral under the income-tax laws of the United States is
20 presumed abandoned if it is unclaimed by the apparent owner 3
21 years after the earlier of:

22 (1) the date, if determinable by the holder, specified
23 in the income-tax laws and regulations of the United States
24 by which distribution of the property must begin to avoid a
25 tax penalty, with no distribution having been made; or

1 (2) 30 years after the date the account was opened.

2 (b) If the owner is deceased, then property subject to this
3 Section is presumed abandoned 2 years from the earliest of:

4 (1) the date of the distribution or attempted
5 distribution of the property;

6 (2) the date of the required distribution as stated in
7 the plan or trust agreement governing the plan; or

8 (3) the date, if determinable by the holder, specified
9 in the income tax laws of the United States by which
10 distribution of the property must begin in order to avoid a
11 tax penalty.

12 Section 204. When custodial account for minor presumed
13 abandoned.

14 (a) Subject to Section 210, and except as provided in
15 subsections (c) and (d), property held in an account
16 established under a state's Uniform Gifts to Minors Act or
17 Uniform Transfers to Minors Act is presumed abandoned if it is
18 unclaimed by or on behalf of the minor on whose behalf the
19 account was opened 3 years after the later of:

20 (1) except as in subparagraph (2), the date a
21 communication sent by the holder by first-class United
22 States mail to the custodian of the minor on whose behalf
23 the account was opened is returned undelivered to the
24 holder by the United States Postal Service;

25 (2) if a communication is re-sent within 30 days after

1 the date the first communication is returned undelivered,
2 the date the second communication was returned
3 undelivered; or

4 (3) the date on which the custodian is required to
5 transfer the property to the minor or the minor's estate in
6 accordance with the Uniform Gifts to Minors Act or Uniform
7 Transfers to Minors Act of the state in which the account
8 was opened.

9 (b) If the holder does not send communications to the
10 custodian of the minor on whose behalf an account described in
11 subsection (a) was opened by first-class United States mail on
12 at least an annual basis, the holder shall attempt to confirm
13 the custodian's interest in the property by sending the
14 custodian an electronic-mail communication not later than 2
15 years after the custodian's last indication of interest in the
16 property. However, the holder promptly shall attempt to contact
17 the custodian by first-class United States mail if:

18 (1) the holder does not have information needed to send
19 the custodian an electronic mail communication or the
20 holder believes that the custodian's electronic-mail
21 address in the holder's records is not valid;

22 (2) the holder receives notification that the
23 electronic-mail communication was not received; or

24 (3) the custodian does not respond to the
25 electronic-mail communication within 30 days after the
26 communication was sent.

1 (c) If first-class United States mail sent under subsection
2 (b) is returned undelivered to the holder by the United States
3 Postal Service, the property is presumed abandoned 3 years
4 after the later of:

5 (1) the date a communication to contact the custodian
6 by first-class United States mail is returned to the holder
7 undelivered by the United States Postal Service; or

8 (2) the date established by subsection (a) (3).

9 (d) Subject to Section 210, if the custodian of the minor
10 on whose behalf the account was opened is the holder, then
11 property held in an account established under a state's Uniform
12 Gifts to Minors Act or Uniform Transfers to Minors Act is
13 presumed abandoned if it is unclaimed by or on behalf of the
14 minor on whose behalf the account was opened 3 years after the
15 date on which the custodian is required to transfer the
16 property to the minor or the minor's estate in accordance with
17 the Uniform Gifts to Minors Act or Uniform Transfers to Minors
18 Act of the state in which the account was opened.

19 (e) Subject to Section 210, if the custodian of the minor
20 on whose behalf the account was opened is the parent or
21 guardian of the minor, the then property held in an account
22 established under a state's Uniform Gifts to Minors Act or
23 Uniform Transfers to Minors Act is presumed abandoned if it is
24 unclaimed by or on behalf of the minor on whose behalf the
25 account was opened 3 years after the last indication of
26 interest in the property by the custodian.

1 (f) When the property in the account described in
2 subsection (a) is transferred to the minor on whose behalf an
3 account was opened or to the minor's estate, the property in
4 the account is no longer subject to this Section.

5 Section 205. When contents of safe-deposit box presumed
6 abandoned. Tangible property held in a safe-deposit box are
7 presumed abandoned if the property remains unclaimed by the
8 apparent owner 5 years after the expiration of the lease or
9 rental period for the box.

10 Section 206. When stored-value card presumed abandoned.

11 (a) Subject to Section 210, the net card value of a
12 stored-value card, other than a payroll card or a gift card, is
13 presumed abandoned on the latest of 3 years after:

14 (1) December 31 of the year in which the card is issued
15 or additional funds are deposited into it;

16 (2) the most recent indication of interest in the card
17 by the apparent owner; or

18 (3) a verification or review of the balance by or on
19 behalf of the apparent owner.

20 (b) The amount presumed abandoned in a stored-value card is
21 the net card value at the time it is presumed abandoned.

22 Section 207. When gift card presumed abandoned. Subject to
23 Section 210, a gift card is presumed abandoned if it is

1 unclaimed by the apparent owner 5 years after the later of the
2 date of purchase or its most recent use. However, an issuer
3 that has reported and remitted to the administrator the net
4 card value on a gift card presumed abandoned under this Section
5 must honor the card on presentation indefinitely and may then
6 request reimbursement from the administrator under Section
7 605.

8 Section 208. When security presumed abandoned.

9 (a) Subject to Section 210, a security is presumed
10 abandoned upon the earlier of the following:

11 (1) 3 years after the date a communication sent by the
12 holder by first-class United States mail to the apparent
13 owner is returned to the holder undelivered by the United
14 States Postal Service; however, if such returned
15 communication is re-sent within one month to the apparent
16 owner, the 3-year period does not begin to run until the
17 day the resent item is returned as undeliverable; or

18 (2) 5 years after the date of the apparent owner's last
19 indication of interest in the security.

20 (b) If the holder does not send communications to the
21 apparent owner of a security by first-class United States mail
22 on at least an annual basis, the holder shall attempt to
23 confirm the apparent owner's interest in the security by
24 sending the apparent owner an electronic-mail communication
25 not later than 3 years after the apparent owner's last

1 indication of interest in the security. However, the holder
2 promptly shall attempt to contact the apparent owner by
3 first-class United States mail if:

4 (1) the holder does not have information needed to send
5 the apparent owner an electronic-mail communication or the
6 holder believes that the apparent owner's electronic-mail
7 address in the holder's records is not valid;

8 (2) the holder receives notification that the
9 electronic-mail communication was not received; or

10 (3) the apparent owner does not respond to the
11 electronic-mail communication within 30 days after the
12 communication was sent.

13 (c) If first-class United States mail sent under subsection
14 (b) is returned to the holder undelivered by the United States
15 Postal Service, the security is presumed abandoned in
16 accordance with subsection (a)(2) above.

17 (d) Notwithstanding the standards set forth in subsections
18 (a), (b) and (c), if the owner is deceased, the property is
19 presumed abandoned 2 years after the date of death of the
20 owner.

21 Section 209. When related property presumed abandoned. At
22 and after the time property is presumed abandoned under this
23 Act, any other property right or interest accrued or accruing
24 from the property and not previously presumed abandoned is also
25 presumed abandoned.

1 Section 210. Indication of apparent owner interest in
2 property.

3 (a) The period after which property is presumed abandoned
4 is measured from the later of:

5 (1) the date the property is presumed abandoned under
6 this Article; or

7 (2) the latest indication of interest by the apparent
8 owner in the property.

9 (b) Under this Act, an indication of an apparent owner's
10 interest in property includes:

11 (1) a record communicated by the apparent owner to the
12 holder or agent of the holder concerning the property or
13 the account in which the property is held;

14 (2) an oral communication by the apparent owner to the
15 holder or agent of the holder concerning the property or
16 the account in which the property is held, if the holder or
17 its agent contemporaneously makes and preserves a record of
18 the fact of the apparent owner's communication;

19 (3) presentment of a check or other instrument of
20 payment of a dividend, interest payment, or other
21 distribution, or evidence of receipt of a distribution made
22 by electronic or similar means, with respect to an account,
23 underlying security, or interest in a business
24 association;

25 (4) activity directed by an apparent owner in the

1 account in which the property is held, including accessing
2 the account or information concerning the account, or a
3 direction by the apparent owner to increase, decrease, or
4 otherwise change the amount or type of property held in the
5 account;

6 (5) a deposit into or withdrawal from an account at a
7 financial organization, except for a recurring Automated
8 Clearing House (ACH) debit or credit previously authorized
9 by the apparent owner or an automatic reinvestment of
10 dividends or interest; and

11 (6) subject to subsection (e), payment of a premium on
12 an insurance policy.

13 (c) An action by an agent or other representative of an
14 apparent owner, other than the holder acting as the apparent
15 owner's agent, is presumed to be an action on behalf of the
16 apparent owner.

17 (d) A communication with an apparent owner by a person
18 other than the holder or the holder's representative is not an
19 indication of interest in the property by the apparent owner
20 unless a record of the communication evidences the apparent
21 owner's knowledge of a right to the property.

22 (e) If the insured dies or the insured or beneficiary of an
23 insurance policy otherwise becomes entitled to the proceeds
24 before depletion of the cash surrender value of the policy by
25 operation of an automatic-premium-loan provision or other
26 nonforfeiture provision contained in the policy, the operation

1 does not prevent the policy from maturing or terminating.

2 Section 211. Knowledge of death of insured or annuitant.

3 (a) In this Section, "death master file" means the United
4 States Social Security Administration Death Master File or
5 other database or service that is at least as comprehensive as
6 the United States Social Security Administration Death Master
7 File for determining that an individual reportedly has died.

8 (b) With respect to a life or endowment insurance policy or
9 annuity contract for which an amount is owed on proof of death,
10 but which has not matured by proof of death of the insured or
11 annuitant, the company has knowledge of the death of an insured
12 or annuitant when:

13 (1) the company receives a death certificate or court
14 order determining that the insured or annuitant has died;

15 (2) the company:

16 (A) receives notice of the death of the insured or
17 annuitant from the administrator or an unclaimed
18 property administrator of another state, a
19 beneficiary, a policy owner, a relative of the insured,
20 a representative under the Probate Act of 1975, or from
21 an executor or other legal representative of the
22 insured's or annuitant's estate; and

23 (B) validates the death of the insured or
24 annuitant;

25 (3) the company conducts a comparison for any purpose

1 between a death master file and the names of some or all of
2 the company's insureds or annuitants, finds a match that
3 provides notice that the insured or annuitant has died; or

4 (4) the administrator or the administrator's agent
5 conducts a comparison for the purpose of finding matches
6 during an examination conducted under Article 10 between a
7 death master file and the names of some or all of the
8 company's insureds or annuitants, finds a match that
9 provides notice that the insured or annuitant has died.

10 (c) The following rules apply under this Section:

11 (1) A death-master-file match under subsection (b) (3)
12 or (4) occurs if the criteria for an exact or partial match
13 are satisfied as provided by either:

14 (A) the Unclaimed Life Insurance Benefits Act or
15 other law of this State other than this Act; or

16 (B) a rule or policy adopted by the Director of the
17 Department of Insurance.

18 (2) The death-master-file match does not constitute
19 proof of death for the purpose of submission to an
20 insurance company of a claim by a beneficiary, annuitant,
21 or owner of the policy or contract for an amount due under
22 an insurance policy or annuity contract.

23 (3) The death-master-file match or validation of the
24 insured's or annuitant's death does not alter the
25 requirements for a beneficiary, annuitant, or owner of the
26 policy or contract to make a claim to receive proceeds

1 under the terms of the policy or contract.

2 (4) An insured or an annuitant is presumed dead if the
3 date of his or her death is indicated by the
4 death-master-file match under either subsection (b) (3) or
5 (b) (4), unless the insurer has competent and substantial
6 evidence that the person is living, including, but not
7 limited to, a contact made by the insurer with the person
8 or his or her legal representative.

9 (d) This Act does not affect the determination of the
10 extent to which an insurance company before the effective date
11 of this Act had knowledge of the death of an insured or
12 annuitant or was required to conduct a death-master-file
13 comparison to determine whether amounts owed by the company on
14 a life or endowment insurance policy or annuity contract were
15 presumed abandoned or unclaimed.

16 Section 212. Deposit account for proceeds of insurance
17 policy or annuity contract. If proceeds payable under a life or
18 endowment insurance policy or annuity contract are deposited
19 into an account with check or draft-writing privileges for the
20 beneficiary of the policy or contract and, under a
21 supplementary contract not involving annuity benefits other
22 than death benefits, the proceeds are retained by the insurance
23 company or the financial organization where the account is
24 held, the policy or contract includes the assets in the
25 account.

1 Section 213. United States savings bonds.

2 (a) As used in this Section, "United States savings bond"
3 means property, tangible or intangible, in the form of a
4 savings bond issued by the United States Treasury, whether in
5 paper, electronic, or paperless form, along with all proceeds
6 thereof in the possession of the administrator.

7 (b) Notwithstanding any provision of this Act to the
8 contrary, a United States savings bond subject to this Section
9 or held or owing in this State by any person is presumed
10 abandoned when such bond has remained unclaimed and unredeemed
11 for 5 years after its date of final extended maturity.

12 (c) United States savings bonds that are presumed abandoned
13 and unclaimed under subsection (b) shall escheat to the State
14 of Illinois and all property rights and legal title to and
15 ownership of the United States savings bonds, or proceeds from
16 the bonds, including all rights, powers, and privileges of
17 survivorship of any owner, co-owner, or beneficiary, shall vest
18 solely in the State according to the procedure set forth in
19 subsections (d) through (f).

20 (d) Within 180 days after a United States savings bond has
21 been presumed abandoned, in the absence of a claim having been
22 filed with the administrator for the savings bond, the
23 administrator shall commence a civil action in the Circuit
24 Court of Sangamon County for a determination that the United
25 States savings bonds has escheated to the State. The

1 administrator may postpone the bringing of the action until
2 sufficient United States savings bonds have accumulated in the
3 administrator's custody to justify the expense of the
4 proceedings.

5 (e) The administrator shall make service by publication in
6 the civil action in accordance with Sections 2-206 and 2-207 of
7 the Code of Civil Procedure, which shall include the filing
8 with the Circuit Court of Sangamon County of the affidavit
9 required in Section 2-206 of that Code by an employee of the
10 administrator with personal knowledge of the efforts made to
11 contact the owners of United States savings bonds presumed
12 abandoned under this Section. In addition to the diligent
13 inquiries made pursuant to Section 2-206 of the Code of Civil
14 Procedure, the administrator may also utilize additional
15 discretionary means to attempt to provide notice to persons who
16 may own a United States savings bond registered to a person
17 with a last known address in the State of Illinois subject to a
18 civil action pursuant to subsection (d).

19 (f) The owner of a United States savings bond registered to
20 a person with a last known address in the State of Illinois
21 subject to a civil action pursuant to subsection (d) may file a
22 claim for such United States savings bond with either the
23 administrator or by filing a claim in the civil action in the
24 Circuit Court of Sangamon County in which the savings bond
25 registered to that person is at issue prior to the entry of a
26 final judgment by the Circuit Court pursuant to this

1 subsection, and unless the Circuit Court determines that such
2 United States savings bond is not owned by the claimant, then
3 such United States savings bond shall no longer be presumed
4 abandoned. If no person files a claim or appears at the hearing
5 to substantiate a disputed claim or if the court determines
6 that a claimant is not entitled to the property claimed by the
7 claimant, then the court, if satisfied by evidence that the
8 administrator has substantially complied with the laws of this
9 State, shall enter a judgment that the United States savings
10 bonds have escheated to this State, and all property rights and
11 legal title to and ownership of such United States savings
12 bonds or proceeds from such bonds, including all rights,
13 powers, and privileges of survivorship of any owner, co-owner,
14 or beneficiary, shall vest in this State.

15 (g) The administrator shall redeem from the Bureau of the
16 Fiscal Service of the United States Treasury the United States
17 savings bonds escheated to the State and deposit the proceeds
18 from the redemption of United States savings bonds into the
19 Unclaimed Property Trust Fund.

20 (h) Any person making a claim for the United States savings
21 bonds escheated to the State under this subsection, or for the
22 proceeds from such bonds, may file a claim with the
23 administrator. Upon providing sufficient proof of the validity
24 of such person's claim, the administrator may, in his or her
25 sole discretion, pay such claim. If payment has been made to
26 any claimant, no action thereafter may be maintained by any

1 other claimant against the State or any officer thereof for or
2 on account of such funds.

3 ARTICLE 3. RULES FOR TAKING CUSTODY OF PROPERTY PRESUMED
4 ABANDONED

5 Section 301. Address of apparent owner to establish
6 priority. In this Article, the following rules apply:

7 (1) The last-known address of an apparent owner is any
8 description, code, or other indication of the location of
9 the apparent owner which identifies the state, even if the
10 description, code, or indication of location is not
11 sufficient to direct the delivery of first-class United
12 States mail to the apparent owner.

13 (2) If the United States postal zip code associated
14 with the apparent owner is for a post office located in
15 this State, this State is deemed to be the state of the
16 last-known address of the apparent owner unless other
17 records associated with the apparent owner specifically
18 identify the physical address of the apparent owner to be
19 in another state.

20 (3) If the address under paragraph (2) is in another
21 state, the other state is deemed to be the state of the
22 last-known address of the apparent owner.

23 (4) The address of the apparent owner of a life or
24 endowment insurance policy or annuity contract or its

1 proceeds is presumed to be the address of the insured or
2 annuitant if a person other than the insured or annuitant
3 is entitled to the amount owed under the policy or contract
4 and the address of the other person is not known by the
5 insurance company and cannot be determined under Section
6 302. The address of the apparent owner of other property
7 where ownership vests in a beneficiary upon the death of
8 the owner is presumed to be the address of the now-deceased
9 owner if the address of the beneficiary is not known by the
10 holder and cannot be determined under Section 302.

11 Section 302. Address of apparent owner in this State. The
12 administrator may take custody of property that is presumed
13 abandoned, whether located in this State, another state, or a
14 foreign country if:

15 (1) the last-known address of the apparent owner in the
16 records of the holder is in this State; or

17 (2) the records of the holder do not reflect the
18 identity or last-known address of the apparent owner, but
19 the administrator has determined that the last-known
20 address of the apparent owner is in this State.

21 Section 303. If records show multiple addresses of apparent
22 owner.

23 (a) Except as in subsection (b), if records of a holder
24 reflect multiple addresses for an apparent owner and this State

1 is the state of the most recently recorded address, this State
2 may take custody of property presumed abandoned, whether
3 located in this State or another state.

4 (b) If it appears from records of the holder that the most
5 recently recorded address of the apparent owner under
6 subsection (a) is a temporary address and this State is the
7 state of the next most recently recorded address that is not a
8 temporary address, this State may take custody of the property
9 presumed abandoned.

10 Section 304. Holder domiciled in this State.

11 (a) Except as in subsection (b) or Section 302 or 303, the
12 administrator may take custody of property presumed abandoned,
13 whether located in this State, another state, or a foreign
14 country, if the holder is domiciled in this State or is this
15 State or a governmental subdivision, agency, or
16 instrumentality of this State, and

17 (1) another state or foreign country is not entitled to
18 the property because there is no last-known address of the
19 apparent owner or other person entitled to the property in
20 the records of the holder; or

21 (2) the state or foreign country of the last-known
22 address of the apparent owner or other person entitled to
23 the property does not provide for custodial taking of the
24 property.

25 (b) Property is not subject to custody of the administrator

1 under subsection (a) if the property is specifically exempt
2 from custodial taking under the law of this State or the state
3 or foreign country of the last-known address of the apparent
4 owner.

5 (c) If a holder's state of domicile has changed since the
6 time property was presumed abandoned, the holder's state of
7 domicile under this Section is deemed to be the state where the
8 holder was domiciled at the time the property was presumed
9 abandoned.

10 Section 305. Custody if transaction took place in this
11 State. Except as in Section 302, 303, or 304, the administrator
12 may take custody of property presumed abandoned whether located
13 in this State or another state if:

14 (1) the transaction out of which the property arose
15 took place in this State;

16 (2) the holder is domiciled in a state that does not
17 provide for the custodial taking of the property, except
18 that if the property is specifically exempt from custodial
19 taking under the law of the state of the holder's domicile,
20 the property is not subject to the custody of the
21 administrator; and

22 (3) the last-known address of the apparent owner or
23 other person entitled to the property is unknown or in a
24 state that does not provide for the custodial taking of the
25 property, except that if the property is specifically

1 exempt from custodial taking under the law of the state of
2 the last-known address, the property is not subject to the
3 custody of the administrator.

4 Section 306. Traveler's check, money order, or similar
5 instrument. The administrator may take custody of sums payable
6 on a traveler's check, money order, or similar instrument
7 presumed abandoned to the extent permissible under 12 U.S.C.
8 Sections 2501 through 2503, as amended.

9 Section 307. Burden of proof to establish administrator's
10 right to custody. Subject to Article 4 and Section 1005, if the
11 administrator asserts a right to custody of unclaimed property
12 and there is a dispute concerning such property, the
13 administrator has the initial burden to prove:

- 14 (1) the amount of the property;
15 (2) the property is presumed abandoned; and
16 (3) the property is subject to the custody of the
17 administrator.

18 ARTICLE 4. REPORT BY HOLDER

19 Section 401. Report required by holder.

20 (a) A holder of property presumed abandoned and subject to
21 the custody of the administrator shall report in a record to
22 the administrator concerning the property. A holder shall

1 report via the internet in a format approved by the
2 administrator, unless the administrator gives a holder
3 specific permission to file a paper report.

4 (b) A holder may contract with a third party to make the
5 report required under subsection (a).

6 (c) Whether or not a holder contracts with a third party
7 under subsection (b), the holder is responsible:

8 (1) to the administrator for the complete, accurate,
9 and timely reporting of property presumed abandoned; and

10 (2) for paying or delivering to the administrator
11 property described in the report.

12 Section 402. Content of report.

13 (a) The report required under Section 401 must:

14 (1) be signed by or on behalf of the holder and
15 verified as to its completeness and accuracy;

16 (2) if filed electronically, be in a secure format
17 approved by the administrator which protects confidential
18 information of the apparent owner;

19 (3) describe the property;

20 (4) except for a traveler's check, money order, or
21 similar instrument, contain the name, if known, last-known
22 address, if known, and Social Security number or taxpayer
23 identification number, if known or readily ascertainable,
24 of the apparent owner of property with a value of \$5 or
25 more;

1 (5) for an amount held or owing under a life or
2 endowment insurance policy, annuity contract, or other
3 property where ownership vests in a beneficiary upon the
4 death of the owner, contain the name and last-known address
5 of the insured, annuitant, or other apparent owner of the
6 policy or contract and of the beneficiary;

7 (6) for property held in or removed from a safe-deposit
8 box, indicate the location of the property, where it may be
9 inspected by the administrator, and any amounts owed to the
10 holder under Section 606;

11 (7) contain the commencement date for determining
12 abandonment under Article 2;

13 (8) state that the holder has complied with the notice
14 requirements of Section 501;

15 (9) identify property that is a non-freely
16 transferable security and explain why it is a non-freely
17 transferable security; and

18 (10) contain other information the administrator
19 prescribes by rules.

20 (b) A report under Section 401 may include in the aggregate
21 items valued under \$5 each. If the report includes items in the
22 aggregate valued under \$5 each, the administrator may not
23 require the holder to provide the name and address of an
24 apparent owner of an item unless the information is necessary
25 to verify or process a claim in progress by the apparent owner.

26 (c) A report under Section 401 may include personal

1 information as defined in Section 1401(a) about the apparent
2 owner or the apparent owner's property.

3 (d) If a holder has changed its name while holding property
4 presumed abandoned or is a successor to another person that
5 previously held the property for the apparent owner, the holder
6 must include in the report under Section 401 its former name or
7 the name of the previous holder, if any, and the known name and
8 address of each previous holder of the property.

9 Section 403. When report to be filed.

10 (a) Except as otherwise provided in subsection (b) and
11 subject to subsection (c), the report under Section 401 must be
12 filed before November 1 of each year and cover the 12 months
13 preceding July 1 of that year.

14 (b) Subject to subsection (c), the report under Section 401
15 to be filed by business associations, utilities, and life
16 insurance companies must be filed before May 1 of each year for
17 the immediately preceding calendar year.

18 (c) Before the date for filing the report under Section
19 401, the holder of property presumed abandoned may request the
20 administrator to extend the time for filing. The administrator
21 may grant an extension. If the extension is granted, the holder
22 may pay or make a partial payment of the amount the holder
23 estimates ultimately will be due. The payment or partial
24 payment terminates accrual of interest on the amount paid.

1 Section 404. Retention of records by holder. A holder
2 required to file a report under Section 401 shall retain
3 records for 10 years after the later of the date the report was
4 filed or the last date a timely report was due to be filed,
5 unless a shorter period is provided by rule of the
6 administrator. The holder may satisfy the requirement to retain
7 records under this Section through an agent. The records must
8 contain:

9 (1) the information required to be included in the
10 report;

11 (2) the date, place, and nature of the circumstances
12 that gave rise to the property right;

13 (3) the amount or value of the property;

14 (4) the last address of the apparent owner, if known to
15 the holder;

16 (5) sufficient records of items which were not reported
17 as unclaimed, to allow examination to determine whether the
18 holder has complied with the Act; and

19 (6) if the holder sells, issues, or provides to others
20 for sale or issue in this State traveler's checks, money
21 orders, or similar instruments, other than third-party
22 bank checks, on which the holder is directly liable, a
23 record of the instruments while they remain outstanding
24 indicating the state and date of issue.

25 Section 405. Property reportable and payable or

1 deliverable absent owner demand. Property is reportable and
2 payable or deliverable under this Act even if the owner fails
3 to make demand or present an instrument or document otherwise
4 required to obtain payment.

5 ARTICLE 5. NOTICE TO APPARENT OWNER OF PROPERTY PRESUMED

6 ABANDONED

7 Section 501. Notice to apparent owner by holder.

8 (a) Subject to subsections (b) and (c), the holder of
9 property presumed abandoned shall send to the apparent owner
10 notice by first-class United States mail that complies with
11 Section 502 in a format acceptable to the administrator not
12 more than one year nor less than 60 days before filing the
13 report under Section 401 if:

14 (1) the holder has in its records an address for the
15 apparent owner which the holder's records do not disclose
16 to be invalid and is sufficient to direct the delivery of
17 first-class United States mail to the apparent owner; and

18 (2) the value of the property is \$50 or more.

19 (b) If an apparent owner has consented to receive
20 electronic-mail delivery from the holder, the holder shall send
21 the notice described in subsection (a) both by first-class
22 United States mail to the apparent owner's last-known mailing
23 address and by electronic mail, unless the holder believes that
24 the apparent owner's electronic-mail address is invalid.

1 (c) The holder of securities presumed abandoned under
2 Sections 202, 203, or 208 shall send to the apparent owner
3 notice by certified United States mail that complies with
4 Section 502 in a format acceptable to the administrator not
5 less than 60 days before filing the report under Section 401
6 if:

7 (1) the holder has in its records an address for the
8 apparent owner which the holder's records do not disclose
9 to be invalid and is sufficient to direct the delivery of
10 United States mail to the apparent owner; and

11 (2) the value of the property is \$1,000 or more.

12 The administrator may issue rules allowing a holder to
13 deduct reasonable costs incurred in sending a notice by
14 certified United States mail under this subsection.

15 (d) In addition to other indications of an apparent owner's
16 interest in property pursuant to Section 210, a signed return
17 receipt in response to a notice sent pursuant to this Section
18 by certified United States mail shall constitute a record
19 communicated by the apparent owner to the holder concerning the
20 property or the account in which the property is held.

21 Section 502. Contents of notice by holder.

22 (a) Notice under Section 501 must contain a heading that
23 reads substantially as follows: "Notice. The State of Illinois
24 requires us to notify you that your property may be transferred
25 to the custody of the administrator if you do not contact us

1 before (insert date that is 30 days after the date of this
2 notice)."

3 (b) The notice under Section 501 must:

4 (1) identify the nature and, except for property that
5 does not have a fixed value, the value of the property that
6 is the subject of the notice;

7 (2) state that the property will be turned over to the
8 State Treasurer;

9 (3) state that after the property is turned over to the
10 State Treasurer an apparent owner that seeks return of the
11 property may file a claim with the administrator;

12 (4) state that property that is not legal tender of the
13 United States may be sold by the State Treasurer;

14 (5) provide instructions that the apparent owner must
15 follow to prevent the holder from reporting and paying or
16 delivering the property to the State Treasurer; and

17 (6) provide the name, address, and e-mail address or
18 telephone number to contact the holder.

19 (c) The holder may supplement the required information by
20 listing a website where apparent owners may obtain more
21 information about how to prevent the holder from reporting and
22 paying or delivering the property to the State Treasurer.

23 Section 503. Notice by administrator.

24 (a) The administrator shall give notice to an apparent
25 owner that property presumed abandoned and appears to be owned

1 by the apparent owner is held by the administrator under this
2 Act.

3 (b) In providing notice under subsection (a), the
4 administrator shall:

5 (1) except as otherwise provided in paragraph (2), send
6 written notice by first-class United States mail to each
7 apparent owner of property valued at \$100 or more held by
8 the administrator, unless the administrator determines
9 that a mailing by first-class United States mail would not
10 be received by the apparent owner, and, in the case of a
11 security held in an account for which the apparent owner
12 had consented to receiving electronic mail from the holder,
13 send notice by electronic mail if the electronic-mail
14 address of the apparent owner is known to the administrator
15 instead of by first-class United States mail; or

16 (2) send the notice to the apparent owner's
17 electronic-mail address if the administrator does not have
18 a valid United States mail address for an apparent owner,
19 but has an electronic-mail address that the administrator
20 does not know to be invalid.

21 (c) In addition to the notice under subsection (b), the
22 administrator shall:

23 (1) publish every 6 months in at least one English
24 language newspaper of general circulation in each county in
25 this State notice of property held by the administrator
26 which must include:

1 (A) the total value of property received by the
2 administrator during the preceding 6-month period,
3 taken from the reports under Section 401;

4 (B) the total value of claims paid by the
5 administrator during the preceding 6-month period;

6 (C) the Internet web address of the unclaimed
7 property website maintained by the administrator;

8 (D) a telephone number and electronic-mail address
9 to contact the administrator to inquire about or claim
10 property; and

11 (E) a statement that a person may access the
12 Internet by a computer to search for unclaimed property
13 and a computer may be available as a service to the
14 public at a local public library.

15 (2) The administrator shall maintain a website
16 accessible by the public and electronically searchable
17 which contains the names reported to the administrator of
18 apparent owners for whom property is being held by the
19 administrator. The administrator need not list property on
20 such website when: no owner name was reported, a claim has
21 been initiated or is pending for the property, the
22 administrator has made direct contact with the apparent
23 owner of the property, and in other instances where the
24 administrator reasonably believes exclusion of the
25 property is in the best interests of both the State and the
26 owner of the property.

1 (d) The website or database maintained under subsection
2 (c)(2) must include instructions for filing with the
3 administrator a claim to property and a printable claim form
4 with instructions for its use.

5 (e) Tax return identification of apparent owners of
6 abandoned property.

7 (1) At least annually the administrator shall notify
8 the Department of Revenue of the names of persons appearing
9 to be owners of abandoned property under this Section. The
10 administrator shall also provide to the Department of
11 Revenue the social security numbers of the persons, if
12 available.

13 (2) The Department of Revenue shall notify the
14 administrator if any person under subsection (e)(1) has
15 filed an Illinois income tax return and shall provide the
16 administrator with the address of the person as it appears
17 in Department of Revenue Records. The Department of Revenue
18 may also provide additional addresses for the same taxpayer
19 from the records of the Department.

20 (3) In order to facilitate the return of property under
21 this subsection, the administrator and the Department of
22 Revenue may enter into an interagency agreement concerning
23 protection of confidential information, data match rules,
24 and other issues.

25 (4) If the value of the property that is owed the
26 person is \$2,000 or less, the person is not required to

1 file a claim under Section 903 and the administrator shall
2 deliver the property or pay the amount owing to the person
3 in the manner provided under Section 905.

4 (5) If the value of the property that is owed the
5 person is greater than \$2,000, the administrator shall
6 provide notice to the person, informing the person that he
7 or she is the owner of abandoned property held by the State
8 and may file a claim with the administrator for return of
9 the property.

10 (6) The administrator may change the limit in
11 subsections (4) and (5) by administrative rules.

12 (f) The administrator may utilize publicly and
13 commercially available databases to find and update or add
14 information for apparent owners of property held by the
15 administrator.

16 (g) In addition to giving notice under subsection (b),
17 publishing the information under subsection (c)(1) and
18 maintaining the website or database under subsection (c)(2),
19 the administrator may use other printed publication,
20 telecommunication, the Internet, or other media to inform the
21 public of the existence of unclaimed property held by the
22 administrator.

23 Section 504. Cooperation among State officers and agencies
24 to locate apparent owner. Unless prohibited by law of this
25 State other than this Act, on request of the administrator,

1 each officer, agency, board, commission, division, and
2 department of this State, any body politic and corporate
3 created by this State for a public purpose, and each political
4 subdivision of this State shall make its books and records
5 available to the administrator and cooperate with the
6 administrator to determine the current address of an apparent
7 owner of property held by the administrator under this Act or
8 to otherwise assist the administrator in the administration of
9 this Act. The administrator may also enter into data sharing
10 agreements to enable such other governmental agencies to
11 provide an additional notice to apparent owners of property
12 held by the administrator.

13 ARTICLE 6. TAKING CUSTODY OF PROPERTY BY ADMINISTRATOR

14 Section 601. Definition of good faith. In this Article,
15 payment or delivery of property is made in good faith if a
16 holder:

17 (1) had a reasonable basis for believing, based on the
18 facts then known, that the property was required or
19 permitted to be paid or delivered to the administrator
20 under this Act; or

21 (2) made payment or delivery:

22 (A) in response to a demand by the administrator or
23 administrator's agent; or

24 (B) under a guidance or ruling issued by the

1 administrator which the holder reasonably believed
2 required or permitted the property to be paid or
3 delivered.

4 Section 602. Dormancy charge.

5 (a) A holder may deduct a dormancy charge from property
6 required to be paid or delivered to the administrator if:

7 (1) a valid contract between the holder and the
8 apparent owner authorizes imposition of the charge for the
9 apparent owner's failure to claim the property within a
10 specified time; and

11 (2) the holder regularly imposes the charge and
12 regularly does not reverse or otherwise cancel the charge.

13 (b) The amount of the deduction under subsection (a) is
14 limited to an amount that is not unconscionable considering all
15 relevant factors, including the marginal transactional costs
16 incurred by the holder in maintaining the apparent owner's
17 property and any services received by the apparent owner.

18 (c) A holder may not deduct an escheat fee or other charges
19 imposed solely by virtue of property being reported as presumed
20 abandoned.

21 Section 603. Payment or delivery of property to
22 administrator.

23 (a) Except as otherwise provided in this Section, on filing
24 a report under Section 401, the holder shall pay or deliver to

1 the administrator the property described in the report.

2 (b) If property in a report under Section 401 is an
3 automatically renewable deposit and a penalty or forfeiture in
4 the payment of interest would result from paying the deposit to
5 the administrator at the time of the report, the date for
6 payment of the property to the administrator is extended until
7 a penalty or forfeiture no longer would result from payment, if
8 the holder informs the administrator of the extended date.

9 (c) Tangible property in a safe-deposit box may not be
10 delivered to the administrator until a mutually agreed upon
11 date that is no sooner than 60 days after filing the report
12 under Section 401.

13 (d) If property reported to the administrator under Section
14 401 is a security, the administrator may:

15 (1) make an endorsement, instruction, or entitlement
16 order on behalf of the apparent owner to invoke the duty of
17 the issuer, its transfer agent, or the securities
18 intermediary to transfer the security; or

19 (2) dispose of the security under Section 702.

20 (e) If the holder of property reported to the administrator
21 under Section 401 is the issuer of a certificated security, the
22 administrator may obtain a replacement certificate in physical
23 or book-entry form under Section 8-405 of the Uniform
24 Commercial Code. An indemnity bond is not required.

25 (f) The administrator shall establish procedures for the
26 registration, issuance, method of delivery, transfer, and

1 maintenance of securities delivered to the administrator by a
2 holder.

3 (g) An issuer, holder, and transfer agent or other person
4 acting in good faith under this Section under instructions of
5 and on behalf of the issuer or holder is not liable to the
6 apparent owner for a claim arising with respect to property
7 after the property has been delivered to the administrator.

8 (h) A holder is not required to deliver to the
9 administrator a security identified by the holder as a
10 non-freely transferable security in a report filed under
11 Section 401. If the administrator or holder determines that a
12 security is no longer a non-freely transferable security, the
13 holder shall report and deliver the security on the next
14 regular date prescribed for delivery of securities under this
15 Act. The holder shall make a determination annually whether a
16 security identified in a report filed under Section 401 as a
17 non-freely transferable security is no longer a non-freely
18 transferable security.

19 Section 604. Effect of payment or delivery of property to
20 administrator.

21 (a) On payment or delivery of property to the administrator
22 under this Act, the administrator as agent for the State
23 assumes custody and responsibility for safekeeping the
24 property. A holder that pays or delivers property to the
25 administrator in good faith and substantially complies with

1 Sections 501 and 502 is relieved of all liability which
2 thereafter may arise or be made in respect to the property to
3 the extent of the value of the property so paid or delivered.

4 (b) If legal proceedings are instituted by any other state
5 or states in any state or federal court with respect to
6 unclaimed funds or abandoned property previously paid or
7 delivered to the administrator, the holder shall give written
8 notification to the administrator and the Attorney General of
9 this State of such proceedings within 10 days after service of
10 process, or in the alternative at least 10 days before the
11 return date or date on which an answer or similar pleading is
12 due (or any extension thereof secured by the holder). The
13 Attorney General may take such action as he or she deems
14 necessary or expedient to protect the interests of this State.
15 The Attorney General by written notice prior to the return date
16 or date on which an answer or similar pleading is due (or any
17 extension thereof secured by the holder), but in any event in
18 reasonably sufficient time for the holder to comply with the
19 directions received, shall either direct the holder actively to
20 defend in such proceedings or that no defense need be entered
21 in such proceedings. If a direction is received from the
22 Attorney General that the holder need not make a defense, such
23 shall not preclude the holder from entering a defense in its
24 own name if it should so choose. However, any defense made by
25 the holder on its own initiative shall not entitle the holder
26 to reimbursement for legal fees, costs and other expenses as is

1 hereinafter provided in respect to defenses made pursuant to
2 the directions of the Attorney General. If, after the holder
3 has actively defended in such proceedings pursuant to a
4 direction of the Attorney General, or has been notified in
5 writing by the Attorney General that no defense need be made
6 with respect to such funds, a judgment is entered against the
7 holder for any amount paid to the administrator under this Act,
8 the administrator shall, upon being furnished with proof of
9 payment in satisfaction of such judgment, reimburse the holder
10 the amount so paid. The administrator shall also reimburse the
11 holder for any legal fees, costs and other directly related
12 expenses incurred in legal proceedings undertaken pursuant to
13 the direction of the Attorney General.

14 Section 605. Recovery of property by holder from
15 administrator.

16 (a) A holder that under this Act pays money to the
17 administrator may file a claim for reimbursement from the
18 administrator of the amount paid if the holder:

19 (1) paid the money in error; or

20 (2) after paying the money to the administrator, paid
21 money to a person the holder reasonably believed entitled
22 to the money.

23 (b) If a claim for reimbursement under subsection (a) is
24 made for a payment made on a negotiable instrument, including a
25 traveler's check, money order, or similar instrument, the

1 holder must submit proof that the instrument was presented and
2 payment was made to a person the holder reasonably believed
3 entitled to payment. The holder may claim reimbursement even if
4 the payment was made to a person whose claim was made after
5 expiration of a period of limitation on the owner's right to
6 receive or recover property, whether specified by contract,
7 statute, or court order.

8 (c) If a holder is reimbursed by the administrator under
9 subsection (a)(2), the holder may also recover from the
10 administrator income or gain under Section 607 that would have
11 been paid to the owner if the money had been claimed from the
12 administrator by the owner to the extent the income or gain was
13 paid by the holder to the owner.

14 (d) A holder that under this Act delivers property other
15 than money to the administrator may file a claim for return of
16 the property from the administrator if:

- 17 (1) the holder delivered the property in error; or
18 (2) the apparent owner has claimed the property from
19 the holder.

20 (e) If a claim for return of property under subsection (d)
21 is made, the holder shall include with the claim evidence
22 sufficient to establish that the apparent owner has claimed the
23 property from the holder or that the property was delivered by
24 the holder to the administrator in error.

25 (f) The administrator may determine that an affidavit
26 submitted by a holder is evidence sufficient to establish that

1 the holder is entitled to reimbursement or to recover property
2 under this Section.

3 (g) A holder is not required to pay a fee or other charge
4 for reimbursement or return of property under this Section.

5 (h) Unless extended for reasonable cause, not later than 90
6 days after a holder's claim is complete the administrator shall
7 allow or deny the claim and give the holder notice in a record
8 of the decision. If a holder fails to provide all the
9 information and documentation requested by the administrator
10 as necessary to establish legal ownership of the property and
11 the claim is inactive for at least 90 days, then the
12 administrator may close the claim without issuing a final
13 decision. However, if the claimant makes a request in writing
14 for a final decision prior to the administrator's closing of
15 the claim, the administrator shall issue a final decision. A
16 claim will be considered complete when a holder has provided
17 all the information and documentation requested by the
18 administrator as necessary to establish legal ownership and
19 such information or documentation is entered into the
20 administrator's unclaimed property system.

21 (i) The claimant may initiate a proceeding under the
22 Illinois Administrative Procedure Act for review of the
23 administrator's decision or the deemed denial under subsection
24 (h) not later than:

25 (1) 30 days following receipt of the notice of the
26 administrator's decision; or

1 (2) 120 days following the filing of a claim under
2 subsection (a) or (d) in the case of a deemed denial under
3 subsection (h).

4 Section 606. Property removed from safe-deposit box.
5 Property removed from a safe-deposit box and delivered under
6 this Act to the administrator under this Act is subject to the
7 holder's right to reimbursement for the cost of opening the box
8 and a lien or contract providing reimbursement to the holder
9 for unpaid rent charges for the box. Upon application by the
10 holder, after the sale of the property, and after deducting the
11 expense incurred by the administrator in selling the property,
12 the administrator shall reimburse the holder from the proceeds
13 remaining. The administrator shall promulgate administrative
14 rules concerning the reimbursement process under this Section.

15 Section 607. Crediting income or gain to owner's account.
16 If property other than money is delivered to the administrator,
17 the owner is entitled to receive from the administrator income
18 or gain realized or accrued on the property before the property
19 is sold. Interest on money is not payable to an owner for
20 periods where the property is in the possession of the
21 administrator.

22 Section 608. Administrator's options as to custody.

23 (a) The administrator may decline to take custody of

1 property reported under Section 401 if the administrator
2 determines that:

3 (1) the property has a value less than the estimated
4 expenses of notice and sale of the property; or

5 (2) taking custody of the property would be unlawful.

6 (b) A holder may pay or deliver property to the
7 administrator before the property is presumed abandoned under
8 this Act if the holder:

9 (1) provides the apparent owner of the property any
10 notice required by Section 501 and provides the
11 administrator evidence of the holder's compliance with
12 this paragraph;

13 (2) includes with the payment or delivery a report
14 regarding the property conforming to Section 402; and

15 (3) first obtains the administrator's consent in a
16 record to accept payment or delivery.

17 (c) A holder's request for the administrator's consent
18 under subsection (b)(3) must be in a record. If the
19 administrator fails to respond to the request not later than 30
20 days after receipt of the request, the administrator is deemed
21 to consent to the payment or delivery of the property and the
22 payment or delivery is considered to have been made in good
23 faith.

24 (d) On payment or delivery of property under subsection
25 (b), the property is presumed abandoned.

1 Section 609. Disposition of property having no substantial
2 value; immunity from liability.

3 (a) If the administrator takes custody of property
4 delivered under this Act and later determines that the property
5 has no substantial commercial value or that the cost of
6 disposing of the property will exceed the value of the
7 property, the administrator may return the property to the
8 holder or destroy or otherwise dispose of the property.

9 (b) An action or proceeding may not be commenced against
10 the State, an agency of the State, the administrator, another
11 officer, employee, or agent of the State, or a holder for or
12 because of an act of the administrator under this Section,
13 except for intentional misconduct or malfeasance.

14 Section 610. Periods of limitation and repose.

15 (a) Expiration, before, on, or after the effective date of
16 this Act, of a period of limitation on an owner's right to
17 receive or recover property, whether specified by contract,
18 statute, or court order, does not prevent the property from
19 being presumed abandoned or affect the duty of a holder under
20 this Act to file a report or pay or deliver property to the
21 administrator.

22 (b) An action or proceeding may not be maintained by the
23 administrator to enforce this Act in regard to the reporting,
24 delivery, or payment of property more than 10 years after the
25 holder specifically identified the property in a report filed

1 with the administrator or gave express notice to the
2 administrator of a dispute regarding the property. In the
3 absence of such a report or other express notice, the period of
4 limitation is tolled. The period of limitation is also tolled
5 by the filing of a report that is fraudulent.

6 ARTICLE 7. SALE OF PROPERTY BY ADMINISTRATOR

7 Section 701. Public sale of property.

8 (a) Subject to Section 702, not earlier than 3 years after
9 receipt of property presumed abandoned, the administrator may
10 sell the property.

11 (b) Before selling property under subsection (a), the
12 administrator shall give notice to the public of:

13 (1) the date of the sale; and

14 (2) a reasonable description of the property.

15 (c) A sale under subsection (a) must be to the highest
16 bidder:

17 (1) at public sale at a location in this State which
18 the administrator determines to be the most favorable
19 market for the property;

20 (2) on the Internet; or

21 (3) on another forum the administrator determines is
22 likely to yield the highest net proceeds of sale.

23 (d) The administrator may decline the highest bid at a sale
24 under this Section and reoffer the property for sale if the

1 administrator determines the highest bid is insufficient.

2 (e) If a sale held under this Section is to be conducted
3 other than on the Internet, the administrator must cause to be
4 published at least one notice of the sale, at least 2 weeks but
5 not more than 5 weeks before the sale, in a newspaper of
6 general circulation in the county in which the property is to
7 be sold. For purposes of this subsection, the reasonable
8 description of property to be sold required by subsection (b)
9 above may be satisfied by posting such information on the
10 administrator's website so long as the newspaper notice
11 includes the website address where such information is posted.

12 (f) Property eligible for sale will not be sold when a
13 claim has been filed with the administrator by an apparent
14 owner, heir, or agent. However, upon approval of a claim, the
15 owner, heir or, agent may request the administrator to dispose
16 of the property by sale and remit the net proceeds to the
17 owner, heir, or agent. Upon disapproval of the claim, the
18 administrator may dispose of the property by sale.

19 Section 702. Disposal of securities.

20 (a) The administrator may not sell or otherwise liquidate a
21 security until 3 years after the administrator receives the
22 security and gives the apparent owner notice under Section 503
23 that the administrator holds the security unless the
24 administrator determines it would be in the best interests of
25 the owner for the sale to occur prior to the expiration of the

1 3-year period after the administrator receives the security and
2 gives the apparent owner notice under Section 503.

3 (b) The administrator may not sell a security listed on an
4 established stock exchange for less than the price prevailing
5 on the exchange at the time of sale. The administrator may sell
6 a security not listed on an established exchange by any
7 commercially reasonable method.

8 Section 703. Recovery of securities or value by owner.

9 (a) If the administrator sells a security before the
10 expiration of 3 years after delivery of the security to the
11 administrator, an apparent owner that files a valid claim under
12 this Act of ownership of the security before the 3-year period
13 expires is entitled, at the option of the owner, to receive:

14 (1) replacement of the security;

15 (2) the market value of the security at the time the
16 claim is filed, plus dividends, interest, and other
17 increments on the security up to the time the claim is
18 paid; or

19 (3) the net proceeds of the sale of the security, plus
20 dividends, interest, and other increments on the security
21 up to the time the security was sold.

22 (b) Replacement of the security or calculation of market
23 value under subsection (a) must take into account a stock
24 split, reverse stock split, stock dividend, or similar
25 corporate action.

1 (c) A person that makes a valid claim under this Act of
2 ownership of a security after expiration of 3 years after
3 delivery of the security to the administrator is entitled to
4 receive:

5 (1) the security the holder delivered to the
6 administrator, if it is in the custody of the
7 administrator, plus dividends, interest, and other
8 increments on the security up to the time the administrator
9 delivers the security to the person; or

10 (2) the net proceeds of the sale of the security, plus
11 dividends, interest, and other increments on the security
12 up to the time the security was sold.

13 (d) Securities eligible for sale will not be sold when a
14 claim has been filed with the administrator by an apparent
15 owner, heir, or agent. However, upon approval of a claim, the
16 owner, heir or, agent may request the administrator to dispose
17 of the securities by sale and remit the net proceeds to the
18 owner, heir, or agent. Upon disapproval of the claim, the
19 administrator may dispose of the securities by sale.

20 Section 704. Purchaser owns property after sale. A
21 purchaser of property at a sale conducted by the administrator
22 under this Act takes the property free of all claims of the
23 owner, a previous holder, or a person claiming through the
24 owner or holder. The administrator shall execute documents
25 necessary to complete the transfer of ownership to the

1 purchaser.

2 Section 705. Exceptions to the sale of tangible property.
3 The administrator shall dispose of tangible property
4 identified by this Section in accordance with this Section.

5 (a) Military medals or decorations. The administrator may
6 not sell a medal or decoration awarded for military service in
7 the armed forces of the United States. Instead, the
8 administrator, with the consent of the respective organization
9 under paragraph (1), agency under paragraph (2), or entity
10 under paragraph (3), may deliver a medal or decoration to be
11 held in custody for the owner, to:

12 (1) a military veterans organization qualified under
13 Section 501(c)(19) of the Internal Revenue Code;

14 (2) the agency that awarded the medal or decoration; or

15 (3) a governmental entity.

16 After delivery, the administrator is not responsible for
17 the safekeeping of the medal or decoration.

18 (b) Property with historical value. Property that the
19 administrator reasonably believes may have historical value
20 may be, at his or her discretion, loaned to an accredited
21 museum in the United States where it will be kept until such
22 time as the administrator orders it to be returned to his or
23 her custody.

24 (c) Human remains. If human remains are delivered to the
25 administrator under this Act, the administrator shall deliver

1 those human remains to the coroner of the county in which the
2 human remains were abandoned for disposition under Section
3 3-3034 of the Counties Code. The only human remains that may be
4 delivered to the administrator under this Act and that the
5 administrator may receive are those that are reported and
6 delivered as contents of a safe deposit box.

7 (d) Evidence in a criminal investigation. Property that may
8 have been used in the commission of a crime or that may assist
9 in the investigation of a crime, as determined after consulting
10 with the Department of State Police, shall be delivered to the
11 Department of State Police or other appropriate law enforcement
12 authority to allow law enforcement to determine whether a
13 criminal investigation should take place. Any such property
14 delivered to a law enforcement authority shall be held in
15 accordance with existing statutes and rules related to the
16 gathering, retention, and release of evidence.

17 (e) Firearms.

18 (1) The administrator, in cooperation with the
19 Department of State Police, shall develop a procedure to
20 determine whether a firearm delivered to the administrator
21 under this Act has been stolen or used in the commission of
22 a crime. The Department of State Police shall determine the
23 appropriate disposition of a firearm that has been stolen
24 or used in the commission of a crime. The administrator
25 shall attempt to return a firearm that has not been stolen
26 or used in the commission of a crime to the rightful owner

1 if the Department of State Police determines that the owner
2 may lawfully possess the firearm.

3 (2) If the administrator is unable to return a firearm
4 to its owner, the administrator shall transfer custody of
5 the firearm to the Department of State Police. Legal title
6 to a firearm transferred to the Department of State Police
7 under this subsection (e) is vested in the Department of
8 State Police by operation of law if:

9 (i) the administrator cannot locate the owner of
10 the firearm;

11 (ii) the owner of the firearm may not lawfully
12 possess the firearm;

13 (iii) the apparent owner does not respond to notice
14 published under Section 503 of this Act; or

15 (iv) the apparent owner responds to notice
16 published under Section 502 and states that he or she
17 no longer claims an interest in the firearm.

18 (3) With respect to a firearm whose title is
19 transferred to the Department of State Police under this
20 subsection (e), the Department of State Police may:

21 (i) retain the firearm for use by the crime
22 laboratory system, for training purposes, or for
23 any other application as deemed appropriate by the
24 Department;

25 (ii) transfer the firearm to the Illinois
26 State Museum if the firearm has historical value;

1 or

2 (iii) destroy the firearm if it is not retained
3 pursuant to subparagraph (i) or transferred
4 pursuant to subparagraph (ii).

5 As used in this subsection, "firearm" has the meaning
6 provided in the Firearm Owners Identification Card Act.

7 ARTICLE 8. ADMINISTRATION OF PROPERTY

8 Section 801. Deposit of funds by administrator.

9 (a) Except as otherwise provided in this Section, the
10 administrator shall deposit in the Unclaimed Property Trust
11 Fund all funds received under this Act, including proceeds from
12 the sale of property under Article 7. The administrator may
13 deposit any amount in the Unclaimed Property Trust Fund into
14 the State Pensions Fund during the fiscal year at his or her
15 discretion; however, he or she shall, on April 15 and October
16 15 of each year, deposit any amount in the Unclaimed Property
17 Trust Fund exceeding \$2,500,000 into the State Pensions Fund.
18 If on either April 15 or October 15, the administrator
19 determines that a balance of \$2,500,000 is insufficient for the
20 prompt payment of unclaimed property claims authorized under
21 this Act, the administrator may retain more than \$2,500,000 in
22 the Unclaimed Property Trust Fund in order to ensure the prompt
23 payment of claims. Beginning in State fiscal year 2018, all
24 amounts that are deposited into the State Pensions Fund from

1 the Unclaimed Property Trust Fund shall be apportioned to the
2 designated retirement systems as provided in subsection (c-6)
3 of Section 8.12 of the State Finance Act to reduce their
4 actuarial reserve deficiencies.

5 (b) The administrator shall make prompt payment of claims
6 he or she duly allows as provided for in this Act from the
7 Unclaimed Property Trust Fund. This shall constitute an
8 irrevocable and continuing appropriation of all amounts in the
9 Unclaimed Property Trust Fund necessary to make prompt payment
10 of claims duly allowed by the administrator pursuant to this
11 Act.

12 Section 802. Administrator to retain records of property.
13 The administrator shall:

14 (1) record and retain the name and last-known address
15 of each person shown on a report filed under Section 401 to
16 be the apparent owner of property delivered to the
17 administrator;

18 (2) record and retain the name and last-known address
19 of each insured or annuitant and beneficiary shown on the
20 report;

21 (3) for each policy of insurance or annuity contract
22 listed in the report of an insurance company, record and
23 retain the policy or account number, the name of the
24 company, and the amount due or paid shown on the report;

25 (4) for each apparent owner listed in the report,

1 record and retain the name of the holder that filed the
2 report and the amount due or paid; and

3 (5) maintain records sufficient to indicate the filing
4 of reports required under Section 401 and the payment or
5 delivery of property to the administrator under Section
6 603.

7 Records created or maintained pursuant to this Section are
8 subject to the requirements of the Illinois State Records Act.

9 Section 803. Expenses and service charges of
10 administrator. Before making a deposit of funds received under
11 this Act to the Unclaimed Property Trust Fund, the
12 administrator may deduct expenses incurred in examining
13 records of or collecting property from a putative holder or
14 holder as provided in the State Officers and Employees Money
15 Disposition Act.

16 Section 804. Administrator holds property as custodian for
17 owner. Upon the payment or delivery of abandoned property to
18 the administrator, the State shall assume custody and shall be
19 responsible for the safekeeping thereof.

20 ARTICLE 9. CLAIM TO RECOVER PROPERTY FROM ADMINISTRATOR

21 Section 901. Claim of another state to recover property.

22 (a) If the administrator knows that property held by the

1 administrator under this Act is subject to a superior claim of
2 another state, the administrator shall:

3 (1) report and pay or deliver the property to the other
4 state; or

5 (2) return the property to the holder so that the
6 holder may pay or deliver the property to the other state.

7 (b) The administrator is not required to enter into an
8 agreement to transfer property to the other state under
9 subsection (a).

10 Section 902. Property subject to recovery by another state.

11 (a) Property held under this Act by the administrator is
12 subject to the right of another state to take custody of the
13 property if:

14 (1) the property was paid or delivered to the
15 administrator because the records of the holder did not
16 reflect a last-known address in the other state of the
17 apparent owner and:

18 (A) the other state establishes that the
19 last-known address of the apparent owner or other
20 person entitled to the property was in the other state;
21 or

22 (B) under the law of the other state, the property
23 has become subject to a claim by the other state of
24 abandonment;

25 (2) the records of the holder did not accurately

1 identify the owner of the property, the last-known address
2 of the owner was in another state, and, under the law of
3 the other state, the property has become subject to a claim
4 by the other state of abandonment;

5 (3) the property was subject to the custody of the
6 administrator of this State under Section 305 and, under
7 the law of the state of domicile of the holder, the
8 property has become subject to a claim by the state of
9 domicile of the holder of abandonment; or

10 (4) the property:

11 (A) is a sum payable on a traveler's check, money
12 order, or similar instrument that was purchased in the
13 other state and delivered to the administrator under
14 Section 306; and

15 (B) under the law of the other state, has become
16 subject to a claim by the other state of abandonment.

17 (b) A claim by another state to recover property under this
18 Section must be presented in a form prescribed by the
19 administrator, unless the administrator waives presentation of
20 the form.

21 (c) The administrator shall decide a claim under this
22 Section not later than 90 days after it is presented. If the
23 administrator determines that the other state is entitled under
24 subsection (a) to custody of the property, the administrator
25 shall allow the claim and pay or deliver the property to the
26 other state.

1 (d) The administrator may require another state, before
2 recovering property under this Section, to agree to indemnify
3 this State and its agents, officers and employees against any
4 liability on a claim to the property.

5 Section 903. Claim for property by person claiming to be
6 owner.

7 (a) A person claiming to be the owner of property held
8 under this Act by the administrator or to the proceeds from the
9 sale thereof may file a claim for the property on a form
10 prescribed by the administrator. The claimant must verify the
11 claim as to its completeness and accuracy.

12 (b) The administrator may waive the requirement in
13 subsection (a) and may pay or deliver property directly to a
14 person if:

15 (1) the person receiving the property or payment is
16 shown to be the apparent owner included on a report filed
17 under Section 401;

18 (2) the administrator reasonably believes the person
19 is entitled to receive the property or payment; and

20 (3) the property has a value of less than \$500.

21 (c) The administrator may change the maximum value in
22 subsection (b) by administrative rule.

23 Section 904. When administrator must honor claim for
24 property.

1 (a) The administrator shall pay or deliver property to a
2 claimant under Section 903(a) if the administrator receives
3 evidence sufficient to establish to the satisfaction of the
4 administrator that the claimant is the owner of the property.

5 (b) A claim will be considered complete when a claimant has
6 provided all the information and documentation requested by the
7 administrator as necessary to establish legal ownership and
8 such information or documentation is entered into the
9 administrator's unclaimed property system. Unless extended for
10 reasonable cause, not later than 90 days after a claim is
11 complete the administrator shall allow or deny the claim and
12 give the claimant notice in a record of the decision. If a
13 claimant fails to provide all the information and documentation
14 requested by the administrator as necessary to establish legal
15 ownership of the property and the claim is inactive for at
16 least 90 days, then the administrator may close the claim
17 without issuing a final decision. However, if the claimant
18 makes a request in writing for a final decision prior to the
19 administrator's closing of the claim, the administrator shall
20 issue a final decision.

21 (c) If the claim is denied or there is insufficient
22 evidence to allow the claim under subsection (b):

23 (1) the administrator shall inform the claimant of the
24 reason for the denial and may specify what additional
25 evidence, if any, is required for the claim to be allowed;

26 (2) the claimant may file an amended claim with the

1 administrator or commence an action under Section 906; and
2 (3) the administrator shall consider an amended claim
3 filed under paragraph (2) as an initial claim.

4 Section 905. Allowance of claim for property.

5 (a) The administrator shall pay or deliver to the owner the
6 property or pay to the owner the net proceeds of a sale of the
7 property, together with income or gain to which the owner is
8 entitled under Section 607. On request of the owner, the
9 administrator may sell or liquidate property and pay the net
10 proceeds to the owner, even if the property had been held by
11 the administrator for less than 3 years or the administrator
12 has not complied with the notice requirements under Section
13 503.

14 (b) Property held under this Act by the administrator is
15 subject to offset under Section 10.05 of the State Comptroller
16 Act.

17 Section 906. Action by person whose claim is denied. Not
18 later than one year after filing a claim under Section 903(a),
19 the claimant may commence a contested case pursuant to the
20 Illinois Administrative Procedure Act to establish a claim by
21 the preponderance of the evidence after either receiving notice
22 under Section 903(b) or the claim is deemed denied under
23 Section 903(d).

1 ARTICLE 10. VERIFIED REPORT OF PROPERTY; EXAMINATION OF RECORDS

2 Section 1001. Verified report of property. If a person does
3 not file a report required by Section 401 or the administrator
4 believes that a person may have filed an inaccurate,
5 incomplete, or false report, the administrator may require the
6 person to file a verified report in a form prescribed by the
7 administrator. The verified report must:

8 (1) state whether the person is holding property
9 reportable under this Act;

10 (2) describe property not previously reported or about
11 which the administrator has inquired;

12 (3) specifically identify property described under
13 paragraph (2) about which there is a dispute whether it is
14 reportable under this Act; and

15 (4) state the amount or value of the property.

16 Section 1002. Examination of records to determine
17 compliance. The administrator, at reasonable times and on
18 reasonable notice, may:

19 (1) examine the records of any person to determine
20 whether the person has complied with this Act even if the
21 person believes it is not in possession of any property
22 that must be reported, paid, or delivered under this Act;

23 (2) issue an administrative subpoena requiring the
24 person or agent of the person to make records available for

1 examination; and

2 (3) bring an action seeking judicial enforcement of the
3 subpoena.

4 Section 1003. Rules for conducting examination.

5 (a) The administrator shall adopt rules governing
6 procedures and standards for an examination under Section 1002;
7 the rules may reference any standards concerning unclaimed
8 property examinations promulgated by the National Association
9 of Unclaimed Property Administrators and shall make provisions
10 for multi-state examinations.

11 (b) After the adoption of rules under subsection (a), an
12 examination under Section 1002 must be performed under the
13 rules adopted under subsection (a).

14 (c) If a person subject to examination under Section 1002
15 has filed the reports required under Section 401 and Section
16 1001 and has retained the records required by Section 404, the
17 following rules apply:

18 (1) The examination must include a review of the
19 person's records.

20 (2) The examination may not be based on an estimate
21 unless the person expressly consents in a record to the use
22 of an estimate.

23 (3) The person conducting the examination shall
24 consider the evidence presented in good faith by the person
25 in preparing the findings of the examination under Section

1 1007.

2 Section 1004. Records obtained in examination. Records
3 obtained and records, including work papers, compiled by the
4 administrator in the course of conducting an examination under
5 Section 1002:

6 (1) are subject to the confidentiality and security
7 provisions of Article 14 and are exempt from disclosure
8 under the Freedom of Information Act;

9 (2) may be used by the administrator in an action to
10 collect property or otherwise enforce this Act;

11 (3) may be used in a joint examination conducted with
12 another state, the United States, a foreign country or
13 subordinate unit of a foreign country, or any other
14 governmental entity if the governmental entity conducting
15 the examination is legally bound to maintain the
16 confidentiality and security of information obtained from
17 a person subject to examination in a manner substantially
18 equivalent to Article 14;

19 (4) may be disclosed, on request, to the person that
20 administers the unclaimed property law of another state for
21 that state's use in circumstances equivalent to
22 circumstances described in this Article, if the other state
23 is required to maintain the confidentiality and security of
24 information obtained in a manner substantially equivalent
25 to Article 14;

1 (5) must be produced by the administrator under an
2 administrative or judicial subpoena or administrative or
3 court order; and

4 (6) must be produced by the administrator on request of
5 the person subject to the examination in an administrative
6 or judicial proceeding relating to the property.

7 Section 1005. Evidence of unpaid debt or undischarged
8 obligation.

9 (a) A record of a putative holder showing an unpaid debt or
10 undischarged obligation is prima facie evidence of the debt or
11 obligation.

12 (b) A putative holder may establish by a preponderance of
13 the evidence that there is no unpaid debt or undischarged
14 obligation for a debt or obligation described in subsection (a)
15 or that the debt or obligation was not, or no longer is, a
16 fixed and certain obligation of the putative holder.

17 (c) A putative holder may overcome prima facie evidence
18 under subsection (a) by establishing by a preponderance of the
19 evidence that a check, draft, or similar instrument was:

20 (1) issued as an unaccepted offer in settlement of an
21 unliquidated amount;

22 (2) issued but later was replaced with another
23 instrument because the earlier instrument was lost or
24 contained an error that was corrected;

25 (3) issued to a party affiliated with the issuer;

- 1 (4) paid, satisfied, or discharged;
2 (5) issued in error;
3 (6) issued without consideration;
4 (7) issued but there was a failure of consideration;
5 (8) voided not later than 90 days after issuance for a
6 valid business reason set forth in a contemporaneous
7 record; or
8 (9) issued but not delivered to the third-party payee
9 for a sufficient reason recorded within a reasonable time
10 after issuance.

11 (d) In asserting a defense under this Section, and subject
12 to the records retention requirements of Section 404, a
13 putative holder may present evidence of a course of dealing
14 between the putative holder and the apparent owner.

15 Section 1006. Failure of person examined to retain records.
16 If a person subject to examination under Section 1002 does not
17 retain the records required by Section 404, the administrator
18 may determine the value of property due using a reasonable
19 method of estimation based on all information available to the
20 administrator, including extrapolation and use of statistical
21 sampling when appropriate and necessary, consistent with
22 examination procedures and standards adopted under Section
23 1003. A payment made based on estimation under this Section is
24 a penalty for failure to maintain the records required by
25 Section 404 and does not relieve a person from an obligation to

1 report and deliver property to a State in which the holder is
2 domiciled.

3 Section 1007. Report to person whose records were examined.
4 At the conclusion of an examination under Section 1002, unless
5 waived in writing by the person being examined, the
6 administrator shall provide to the person whose records were
7 examined a report that specifies:

8 (1) the work performed;

9 (2) the property types reviewed;

10 (3) the methodology of any estimation technique,
11 extrapolation, or statistical sampling used in conducting
12 the examination;

13 (4) each calculation showing the value of property
14 determined to be due; and

15 (5) the findings of the person conducting the
16 examination.

17 Section 1008. Informal conference during examination.

18 (a) If a person subject to examination under Section 1002
19 believes the person conducting the examination has made an
20 unreasonable or unauthorized request or is not proceeding
21 expeditiously to complete the examination, the person in a
22 record may request an informal conference with the
23 administrator.

24 (b) If a person in a record requests an informal conference

1 with the administrator, the administrator shall hold the
2 informal conference not later than 30 days after receiving the
3 request. For good cause, and after notice in a record to the
4 person requesting an informal conference, the administrator
5 may extend the time for the holding of an informal conference.
6 The administrator may hold the informal conference in person,
7 by telephone, or by electronic means.

8 (c) If an informal conference is held under subsection (b),
9 not later than 30 days after the conference ends, the
10 administrator shall provide a response to the person that
11 requested the conference.

12 (d) The administrator may deny a request for an informal
13 conference under this Section if the administrator reasonably
14 believes that the request was made in bad faith or primarily to
15 delay the examination. If the administrator denies a request
16 for an informal conference the denial shall be in a record
17 provided to the person requesting the informal conference.

18 Section 1009. Administrator's contract with another to
19 conduct examination.

20 (a) The administrator may contract with a person to conduct
21 an examination under this Article. The contract shall be
22 awarded pursuant to a request for proposals issued in
23 compliance with the procurement rules of the administrator.

24 (b) If the administrator contracts with a person under
25 subsection (a):

1 (1) the contract may provide for compensation of the
2 person based on a fixed fee, hourly fee, or contingent fee;

3 (2) a contingent fee arrangement may not provide for a
4 payment that exceeds 15% of the amount or value of property
5 paid or delivered as a result of the examination; and

6 (3) as authorized in the State Officers and Employees
7 Money Disposition Act, the administrator may permit the
8 deduction of fees from property recovered during an
9 examination under this Article prior to depositing funds
10 received under this Act into the Unclaimed Property Trust
11 Fund.

12 (c) A contract under subsection (a) is a public record
13 under the Freedom of Information Act.

14 Section 1010. Report by administrator. As part of the
15 report required by Section 15 of the State Treasurer Act, the
16 administrator shall compile and include the following
17 information about property presumed abandoned for the
18 preceding fiscal year for the State:

19 (1) the total amount and value of all property paid or
20 delivered under this Act to the administrator, separated
21 into:

22 (A) the part voluntarily paid or delivered; and

23 (B) the part paid or delivered as a result of an
24 examination under Section 1002;

25 (2) the total amount and value of all property paid or

1 delivered by the administrator to persons that made claims
2 for property held by the administrator under this Act;

3 (3) the amounts expended from the State Pensions Fund;
4 and

5 (4) such other information as the administrator
6 believes would be useful or informative.

7 Section 1011. Determination of liability for unreported
8 reportable property. If the administrator determines from an
9 examination conducted under Section 1002 that a putative holder
10 failed or refused to pay or deliver to the administrator
11 property which is reportable under this Act, the administrator
12 shall issue a determination of the putative holder's liability
13 to pay or deliver and give notice in a record to the putative
14 holder of the determination.

15 ARTICLE 11. DETERMINATION OF LIABILITY; PUTATIVE HOLDER
16 REMEDIES

17 Section 1101. Informal conference.

18 (a) Not later than 30 days after receipt of a notice under
19 Section 1011, the putative holder may request an informal
20 conference with the administrator to review the determination.
21 Except as otherwise provided in this Section, the administrator
22 may designate an employee to act on behalf of the
23 administrator.

1 (b) If a putative holder makes a timely request under
2 subsection (a) for an informal conference:

3 (1) not later than 30 days after the date of the
4 request, the administrator shall set the time and place of
5 the conference;

6 (2) the administrator shall give the putative holder
7 notice in a record of the time and place of the conference;

8 (3) the conference may be held in person, by telephone,
9 or by electronic means, as determined by the administrator;

10 (4) the request tolls the 90-day period under Sections
11 1103 and 1104 until notice of a decision under paragraph
12 (7) has been given to the putative holder or the putative
13 holder withdraws the request for the conference;

14 (5) the conference may be postponed, adjourned, and
15 reconvened as the administrator determines appropriate;

16 (6) the administrator or administrator's designee with
17 the approval of the administrator may modify a
18 determination made under Section 1011 or withdraw it; and

19 (7) the administrator shall issue a decision in a
20 record and provide a copy of the record to the putative
21 holder and examiner not later than 30 days after the
22 conference ends.

23 (c) A conference under subsection (b) is not an
24 administrative remedy and is not a contested case subject to
25 the Illinois Administrative Procedure Act. An oath is not
26 required and rules of evidence do not apply in the conference.

1 (d) At a conference under subsection (b), the putative
2 holder must be given an opportunity to confer informally with
3 the administrator and the person that examined the records of
4 the putative holder to:

5 (1) discuss the determination made under Section 1011;

6 and

7 (2) present any issue concerning the validity of the
8 determination.

9 (e) If the administrator fails to act within the period
10 prescribed in subsection (b)(1) or (7), the failure does not
11 affect a right of the administrator, except that interest does
12 not accrue on the amount for which the putative holder was
13 determined to be liable under Section 1011 during the period in
14 which the administrator failed to act until the earlier of:

15 (1) the date under Section 1103 the putative holder
16 initiates administrative review or files an action under
17 Section 1104; or

18 (2) 90 days after the putative holder received notice
19 of the administrator's determination under Section 1011 if
20 no review was initiated under Section 1103 and no action
21 was filed under Section 1104.

22 (f) The administrator may hold an informal conference with
23 a putative holder about a determination under Section 1011
24 without a request at any time before the putative holder
25 initiates administrative review under Section 1103 or files an
26 action under Section 1104.

1 (g) Interest and penalties under Section 1204 continue to
2 accrue on property not reported, paid, or delivered as required
3 by this Act after the initiation, and during the pendency, of
4 an informal conference under this Section.

5 Section 1102. Administrative review.

6 (a) Not later than 90 days after receiving notice of the
7 administrator's determination under Section 1011, a putative
8 holder may initiate a contested case under the Illinois
9 Administrative Procedure Act for review of the administrator's
10 determination.

11 (b) A final decision in an administrative proceeding
12 initiated under subsection (a) is subject to judicial review
13 under the Article III of Code of Civil Procedure.

14 ARTICLE 12. ENFORCEMENT BY ADMINISTRATOR

15 Section 1201. Judicial action to enforce liability.

16 (a) If a determination under Section 1011 becomes final and
17 is not subject to administrative or judicial review, the
18 administrator may commence an action in the Circuit Court of
19 Sangamon County or Cook County, federal court, or in an
20 appropriate court of another state to enforce the determination
21 and secure payment or delivery of past due, unpaid, or
22 undelivered property. The action must be brought not later than
23 5 years after the determination becomes final.

1 (b) In an action under subsection (a), if no court in this
2 State has jurisdiction over the defendant, the administrator
3 may commence an action in any court having jurisdiction over
4 the defendant.

5 Section 1202. Interstate and international agreement;
6 cooperation.

7 (a) Subject to subsection (b), the administrator may:

8 (1) exchange information with another state or foreign
9 country relating to property presumed abandoned or
10 relating to the possible existence of property presumed
11 abandoned; and

12 (2) authorize in a record another state or foreign
13 country or a person acting on behalf of the other state or
14 country to examine its records of a putative holder as
15 provided in Article 10.

16 (b) An exchange or examination under subsection (a) may be
17 done only if the state or foreign country has confidentiality
18 and security requirements substantially equivalent to those in
19 Article 14 or agrees in a record to be bound by this State's
20 confidentiality and security requirements.

21 Section 1203. Action involving another state or foreign
22 country.

23 (a) The administrator may join another state or foreign
24 country to examine and seek enforcement of this Act against a

1 putative holder.

2 (b) On request of another state or foreign country, the
3 Attorney General may commence an action on behalf of the other
4 state or country to enforce, in this State, the law of the
5 other state or country against a putative holder subject to a
6 claim by the other state or country.

7 (c) The administrator may request the official authorized
8 to enforce the unclaimed property law of another state or
9 foreign country to commence an action to recover property in
10 the other state or country on behalf of the administrator. This
11 state may pay the costs, including reasonable attorney's fees
12 and expenses, incurred by the other state or foreign country in
13 an action under this subsection.

14 (d) The administrator may pursue an action on behalf of
15 this State to recover property subject to this Act but
16 delivered to the custody of another state if the administrator
17 believes the property is subject to the custody of the
18 administrator.

19 (e) At the request of the administrator, the Attorney
20 General may commence an action to recover property on behalf of
21 the administrator in this State, another state, or a foreign
22 country. With the written consent of the Attorney General, the
23 administrator may retain an attorney in this State, another
24 state, or a foreign country to recover property on behalf of
25 the administrator in this State, another state, or a foreign
26 country and may agree to pay attorney's fees based in whole or

1 in part on a fixed fee, hourly fee, or a percentage of the
2 amounts or value of property recovered in the action.

3 (f) Expenses incurred by this State in an action under this
4 Section may be paid from property received under this Act or
5 the net proceeds of the property. Expenses paid to recover
6 property may not be deducted from the amount that is subject to
7 a claim under this Act by the owner.

8 Section 1204. Interest and penalty for failure to act in
9 timely manner.

10 (a) A holder that fails to report, pay, or deliver property
11 within the time prescribed by this Act shall pay to the
12 administrator interest at a rate of 1% per month on the
13 property or value of the property from the date the property
14 should have been reported, paid, or delivered to the
15 administrator until the date reported, paid, or delivered.

16 (b) Except as otherwise provided in Section 1205 or 1206,
17 the administrator may require a holder that fails to report,
18 pay, or deliver property within the time prescribed by this Act
19 to pay to the administrator, in addition to interest included
20 under subsection (a), a civil penalty of \$200 for each day the
21 duty is not performed, up to a cumulative maximum amount of
22 \$5,000.

23 (c) A holder who fails to report, pay, or deliver property
24 within the time prescribed by this Act shall not be required to
25 pay interest under subsection (a) above or be subject to

1 penalties under subsection (b) above if the failure to report,
2 pay, or deliver the property was due to lack of knowledge of
3 the death that established the period of abandonment under this
4 Act.

5 Section 1205. Other civil penalties.

6 (a) If a holder enters into a contract or other arrangement
7 for the purpose of evading an obligation under this Act or
8 otherwise willfully fails to perform a duty imposed on the
9 holder under this Act, the administrator may require the holder
10 to pay the administrator, in addition to interest as provided
11 in Section 1204(a), a civil penalty of \$1,000 for each day the
12 obligation is evaded or the duty is not performed, up to a
13 cumulative maximum amount of \$25,000, plus 25% of the amount or
14 value of property that should have been but was not reported,
15 paid, or delivered as a result of the evasion or failure to
16 perform.

17 (b) If a holder makes a fraudulent report under this Act,
18 the administrator may require the holder to pay to the
19 administrator, in addition to interest under Section 1204(a), a
20 civil penalty of \$1,000 for each day from the date the report
21 was made until corrected, up to a cumulative maximum of
22 \$25,000, plus 25% of the amount or value of any property that
23 should have been reported but was not included in the report or
24 was underreported.

1 Section 1206. Waiver of interest and penalty. The
2 administrator:

3 (1) may waive, in whole or in part, interest under
4 Section 1204(a) and penalties under Section 1204(b) or
5 1205; and

6 (2) shall waive a penalty under Section 1204(b) if the
7 administrator determines that the holder acted in good
8 faith and without negligence.

9 ARTICLE 13. AGREEMENT TO LOCATE PROPERTY OF APPARENT OWNER HELD
10 BY ADMINISTRATOR

11 Section 1301. When agreement to locate property
12 enforceable. An agreement by an apparent owner and another
13 person, the primary purpose of which is to locate, deliver,
14 recover, or assist in the location, delivery, or recovery of
15 property held by the administrator, is enforceable only if the
16 agreement:

17 (1) is in a record that clearly states the nature of
18 the property and the services to be provided;

19 (2) is signed by or on behalf of the apparent owner;
20 and

21 (3) states the amount or value of the property
22 reasonably expected to be recovered, computed before and
23 after a fee or other compensation to be paid to the person
24 has been deducted.

1 Section 1302. When agreement to locate property void.

2 (a) Subject to subsection (b), an agreement under Section
3 1301 is void if it is entered into during the period beginning
4 on the date the property was presumed abandoned under this Act
5 and ending 24 months after the payment or delivery of the
6 property to the administrator.

7 (b) If a provision in an agreement described in Section
8 1301 applies to mineral proceeds for which compensation is to
9 be paid to the other person based in whole or in part on a part
10 of the underlying minerals or mineral proceeds not then
11 presumed abandoned, the provision is void regardless of when
12 the agreement was entered into.

13 (c) An agreement under subsection (a) which provides for
14 compensation in an amount that is more than 10% of the amount
15 collected is unenforceable except by the apparent owner.

16 (d) An apparent owner or the administrator may assert that
17 an agreement described in this Section is void on a ground
18 other than it provides for payment of unconscionable
19 compensation.

20 (e) A person attempting to collect a contingent fee for
21 discovering, on behalf of an apparent owner, presumptively
22 abandoned property must be licensed as a private detective
23 pursuant to the Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Act of 2004.

25 (f) This Section does not apply to an apparent owner's

1 agreement with an attorney to pursue a claim for recovery of
2 specifically identified property held by the administrator or
3 to contest the administrator's denial of a claim for recovery
4 of the property.

5 ARTICLE 14. CONFIDENTIALITY AND SECURITY OF INFORMATION

6 Section 1401. Confidential information.

7 (a) Except as otherwise provide in this Section,
8 information that is confidential under law of this State other
9 than this Act, another state, or the United States, including
10 "private information" as defined in the Freedom of Information
11 Act and "personal information" as defined in the Personal
12 Information Protection Act, continues to be confidential when
13 disclosed or delivered under this Act to the administrator or
14 administrator's agent.

15 (b) Information provided in reports filed pursuant to
16 Section 401, information obtained in the course of an
17 examination pursuant to Section 1002, and the database required
18 by Section 503 is exempt from disclosure under the Freedom of
19 Information Act.

20 (c) If reasonably necessary to enforce or implement this
21 Act, the administrator or the administrator's agent may
22 disclose confidential information concerning property held by
23 the administrator or the administrator's agent to:

24 (1) an apparent owner or the apparent owner's

1 representative under the Probate Act of 1975, attorney,
2 other legal representative, or relative;

3 (2) the representative under the Probate Act of 1975,
4 other legal representative, relative of a deceased
5 apparent owner, or a person entitled to inherit from the
6 deceased apparent owner;

7 (3) another department or agency of this State or the
8 United States;

9 (4) the person that administers the unclaimed property
10 law of another state, if the other state accords
11 substantially reciprocal privileges to the administrator
12 of this State if the other state is required to maintain
13 the confidentiality and security of information obtained
14 in a manner substantially equivalent to Article 14;

15 (5) a person subject to an examination as required by
16 Section 1004; and

17 (6) an agent of the administrator.

18 (b) The administrator may include on the website or in the
19 database the names and addresses of apparent owners of property
20 held by the administrator as provided in Section 503. The
21 administrator may include in published notices, printed
22 publications, telecommunications, the Internet, or other media
23 and on the website or in the database additional information
24 concerning the apparent owner's property if the administrator
25 believes the information will assist in identifying and
26 returning property to the owner and does not disclose personal

1 information as defined in the Personal Information Protection
2 Act.

3 (c) The administrator and the administrator's agent may not
4 use confidential information provided to them or in their
5 possession except as expressly authorized by this Act or
6 required by law other than this Act.

7 Section 1402. Confidentiality agreement. A person to be
8 examined under Section 1002 may require, as a condition of
9 disclosure of the records of the person to be examined, that
10 the administrator or the administrator's agent execute and
11 deliver to the person to be examined a confidentiality
12 agreement that:

13 (1) is in a form that is reasonably satisfactory to the
14 administrator; and

15 (2) requires the person having access to the records to
16 comply with the provisions of this Article applicable to
17 the person.

18 Section 1403. No confidential information in notice.
19 Except as otherwise provided in Sections 501 and 502, a holder
20 is not required under this Act to include confidential
21 information in a notice the holder is required to provide to an
22 apparent owner under this Act.

23 Section 1404. Security of information.

1 (a) If a holder is required to include confidential
2 information in a report to the administrator, the information
3 must be provided by a secure means.

4 (b) If confidential information in a record is provided to
5 and maintained by the administrator or administrator's agent as
6 required by this Act, the administrator or agent shall
7 implement and maintain reasonable security measures to protect
8 those records from unauthorized access, acquisition,
9 destruction, use, modification, or disclosure as required by
10 the Personal Information Protection Act. If a State or federal
11 law requires the administrator or agent to provide greater
12 protection to records that contain personal information that
13 are maintained by the administrator or agent and the
14 administrator or agent is in compliance with the provisions of
15 that State or federal law, the administrator or agent is deemed
16 to be in compliance with the provisions of this subsection.

17 (c) If there is any breach of the security of the system
18 data or written material, the administrator and the
19 administrator's agent shall comply with the notice
20 requirements of Section 12 of the Personal Information
21 Protection Act, and shall, if applicable, cooperate with a
22 holder in complying with the notice requirements of Section 10
23 of the Personal Information Protection Act.

24 (d) The administrator and the administrator's agent shall
25 either return in a secure manner or destroy in a manner
26 consistent with the Personal Information Protection Act all

1 confidential information no longer reasonably needed under
2 this Act.

3 ARTICLE 15. MISCELLANEOUS

4 Section 1501. Uniformity of application and construction.
5 In applying and construing this uniform Act consideration must
6 be given to the need to promote uniformity of the law with
7 respect to its subject matter among states that enact it.

8 Section 1502. Relation to Electronic Signatures in Global
9 and National Commerce Act. This Act modifies, limits, or
10 supersedes the Electronic Signatures in Global and National
11 Commerce Act, 15 U.S.C. Section 7001 et seq., but does not
12 modify, limit, or supersede Section 101(c) of that Act, 15
13 U.S.C. Section 7001(c), or authorize electronic delivery of any
14 of the notices described in Section 103(b) of that Act, 15
15 U.S.C. Section 7003(b).

16 Section 1503. Transitional provision.

17 (a) An initial report filed under this Act for property
18 that was not required to be reported before the effective date
19 of this Act, but that is required to be reported under this
20 Act, must include all items of property that would have been
21 presumed abandoned during the 10-year period preceding the
22 effective date of this Act as if this Act had been in effect

1 during that period.

2 (b) This Act does not relieve a holder of a duty that arose
3 before the effective date of this Act to report, pay, or
4 deliver property. Subject to Section 610(b) and (c), a holder
5 that did not comply with the law governing unclaimed property
6 before the effective date of this Act is subject to applicable
7 provisions for enforcement and penalties in effect before the
8 effective date of this Act.

9 Section 1504. Severability. If any provision of this Act or
10 its application to any person or circumstance is held invalid,
11 the invalidity does not affect other provisions or applications
12 of this Act which can be given effect without the invalid
13 provision or application, and to this end the provisions of
14 this Act are severable.

15 (765 ILCS 1025/Act rep.)

16 Section 1505. The Uniform Disposition of Unclaimed
17 Property Act is repealed.

18 Section 1505.1. The Illinois Administrative Procedure Act
19 is amended by changing Section 1-5 as follows:

20 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

21 Sec. 1-5. Applicability.

22 (a) This Act applies to every agency as defined in this

1 Act. Beginning January 1, 1978, in case of conflict between the
2 provisions of this Act and the Act creating or conferring power
3 on an agency, this Act shall control. If, however, an agency
4 (or its predecessor in the case of an agency that has been
5 consolidated or reorganized) has existing procedures on July 1,
6 1977, specifically for contested cases or licensing, those
7 existing provisions control, except that this exception
8 respecting contested cases and licensing does not apply if the
9 Act creating or conferring power on the agency adopts by
10 express reference the provisions of this Act. Where the Act
11 creating or conferring power on an agency establishes
12 administrative procedures not covered by this Act, those
13 procedures shall remain in effect.

14 (b) The provisions of this Act do not apply to (i)
15 preliminary hearings, investigations, or practices where no
16 final determinations affecting State funding are made by the
17 State Board of Education, (ii) legal opinions issued under
18 Section 2-3.7 of the School Code, (iii) as to State colleges
19 and universities, their disciplinary and grievance
20 proceedings, academic irregularity and capricious grading
21 proceedings, and admission standards and procedures, and (iv)
22 the class specifications for positions and individual position
23 descriptions prepared and maintained under the Personnel Code.
24 Those class specifications shall, however, be made reasonably
25 available to the public for inspection and copying. ~~The~~
26 ~~provisions of this Act do not apply to hearings under Section~~

1 ~~20 of the Uniform Disposition of Unclaimed Property Act.~~

2 (c) Section 5-35 of this Act relating to procedures for
3 rulemaking does not apply to the following:

4 (1) Rules adopted by the Pollution Control Board that,
5 in accordance with Section 7.2 of the Environmental
6 Protection Act, are identical in substance to federal
7 regulations or amendments to those regulations
8 implementing the following: Sections 3001, 3002, 3003,
9 3004, 3005, and 9003 of the Solid Waste Disposal Act;
10 Section 105 of the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980; Sections 307(b),
12 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
13 Water Pollution Control Act; Sections 1412(b), 1414(c),
14 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act;
15 and Section 109 of the Clean Air Act.

16 (2) Rules adopted by the Pollution Control Board that
17 establish or amend standards for the emission of
18 hydrocarbons and carbon monoxide from gasoline powered
19 motor vehicles subject to inspection under the Vehicle
20 Emissions Inspection Law of 2005 or its predecessor laws.

21 (3) Procedural rules adopted by the Pollution Control
22 Board governing requests for exceptions under Section 14.2
23 of the Environmental Protection Act.

24 (4) The Pollution Control Board's grant, pursuant to an
25 adjudicatory determination, of an adjusted standard for
26 persons who can justify an adjustment consistent with

1 subsection (a) of Section 27 of the Environmental
2 Protection Act.

3 (5) Rules adopted by the Pollution Control Board that
4 are identical in substance to the regulations adopted by
5 the Office of the State Fire Marshal under clause (ii) of
6 paragraph (b) of subsection (3) of Section 2 of the
7 Gasoline Storage Act.

8 (d) Pay rates established under Section 8a of the Personnel
9 Code shall be amended or repealed pursuant to the process set
10 forth in Section 5-50 within 30 days after it becomes necessary
11 to do so due to a conflict between the rates and the terms of a
12 collective bargaining agreement covering the compensation of
13 an employee subject to that Code.

14 (e) Section 10-45 of this Act shall not apply to any
15 hearing, proceeding, or investigation conducted under Section
16 13-515 of the Public Utilities Act.

17 (f) Article 10 of this Act does not apply to any hearing,
18 proceeding, or investigation conducted by the State Council for
19 the State of Illinois created under Section 3-3-11.05 of the
20 Unified Code of Corrections or by the Interstate Commission for
21 Adult Offender Supervision created under the Interstate
22 Compact for Adult Offender Supervision or by the Interstate
23 Commission for Juveniles created under the Interstate Compact
24 for Juveniles.

25 (g) This Act is subject to the provisions of Article XXI of
26 the Public Utilities Act. To the extent that any provision of

1 this Act conflicts with the provisions of that Article XXI, the
2 provisions of that Article XXI control.

3 (Source: P.A. 97-95, eff. 7-12-11; 97-945, eff. 8-10-12;
4 97-1081, eff. 8-24-12; 98-463, eff. 8-16-13.)

5 Section 1505.2. The Freedom of Information Act is amended
6 by changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be exempt
10 from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

17 (c) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other records
20 prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (d) Information and records held by the Department of
24 Public Health and its authorized representatives relating

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

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

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

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) ~~(ed)~~ Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
17 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
18 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
19 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
20 8-19-16; revised 9-1-16.)

21 Section 1505.3. The State Comptroller Act is amended by
22 changing Section 9 as follows:

23 (15 ILCS 405/9) (from Ch. 15, par. 209)

24 Sec. 9. Warrants; vouchers; preaudit.

1 (a) No payment may be made from public funds held by the
2 State Treasurer in or outside of the State treasury, except by
3 warrant drawn by the Comptroller and presented by him to the
4 treasurer to be countersigned except for payments made pursuant
5 to Section 9.03 or 9.05 of this Act.

6 (b) No warrant for the payment of money by the State
7 Treasurer may be drawn by the Comptroller without the
8 presentation of itemized vouchers indicating that the
9 obligation or expenditure is pursuant to law and authorized,
10 and authorizing the Comptroller to order payment.

11 (b-1) An itemized voucher for under \$5 that is presented to
12 the Comptroller for payment shall not be paid except through
13 electronic funds transfer. This subsection (b-1) does not apply
14 to (i) vouchers presented by the legislative branch of State
15 government, (ii) vouchers presented by the State Treasurer's
16 Office for the payment of unclaimed property claims authorized
17 under the Revised Uniform ~~Disposition of~~ Unclaimed Property
18 Act, or (iii) vouchers presented by the Department of Revenue
19 for the payment of refunds of taxes administered by the
20 Department.

21 (c) The Comptroller shall examine each voucher required by
22 law to be filed with him and determine whether unencumbered
23 appropriations or unencumbered obligational or expenditure
24 authority other than by appropriation are legally available to
25 incur the obligation or to make the expenditure of public
26 funds. If he determines that unencumbered appropriations or

1 other obligational or expenditure authority are not available
2 from which to incur the obligation or make the expenditure, the
3 Comptroller shall refuse to draw a warrant.

4 (d) The Comptroller shall examine each voucher and all
5 other documentation required to accompany the voucher, and
6 shall ascertain whether the voucher and documentation meet all
7 requirements established by or pursuant to law. If the
8 Comptroller determines that the voucher and documentation do
9 not meet applicable requirements established by or pursuant to
10 law, he shall refuse to draw a warrant. As used in this
11 Section, "requirements established by or pursuant to law"
12 includes statutory enactments and requirements established by
13 rules and regulations adopted pursuant to this Act.

14 (e) Prior to drawing a warrant, the Comptroller may review
15 the voucher, any documentation accompanying the voucher, and
16 any other documentation related to the transaction on file with
17 him, and determine if the transaction is in accordance with the
18 law. If based on his review the Comptroller has reason to
19 believe that such transaction is not in accordance with the
20 law, he shall refuse to draw a warrant.

21 (f) Where the Comptroller refuses to draw a warrant
22 pursuant to this Section, he shall maintain separate records of
23 such transactions.

24 (g) State agencies shall have the principal responsibility
25 for the preaudit of their encumbrances, expenditures, and other
26 transactions as otherwise required by law.

1 (Source: P.A. 97-969, eff. 8-16-12; 97-1142, eff. 12-28-12;
2 98-421, eff. 8-16-13.)

3 Section 1505.4. The State Treasurer Act is amended by
4 changing Sections 0.02, 0.03, 0.04, 0.05, and 0.06 as follows:

5 (15 ILCS 505/0.02)

6 Sec. 0.02. Transfer of powers. The rights, powers, duties,
7 and functions vested in the Department of Financial
8 Institutions to administer the Uniform Disposition of
9 Unclaimed Property Act (superseded by the Revised Uniform
10 Unclaimed Property Act) are transferred to the State Treasurer
11 on July 1, 1999; provided, however, that the rights, powers,
12 duties, and functions involving the examination of the records
13 of any person that the State Treasurer has reason to believe
14 has failed to report properly under this Act shall be
15 transferred to the Office of Banks and Real Estate if the
16 person is regulated by the Office of Banks and Real Estate
17 under the Illinois Banking Act, the Corporate Fiduciary Act,
18 the Foreign Banking Office Act, the Illinois Savings and Loan
19 Act of 1985, or the Savings Bank Act and shall be retained by
20 the Department of Financial Institutions if the person is doing
21 business in the State under the supervision of the Department
22 of Financial Institutions, the National Credit Union
23 Administration, the Office of Thrift Supervision, or the
24 Comptroller of the Currency.

1 (Source: P.A. 91-16, eff. 6-4-99.)

2 (15 ILCS 505/0.03)

3 Sec. 0.03. Transfer of personnel.

4 (a) Except as provided in subsection (b), personnel
5 employed by the Department of Financial Institutions on June
6 30, 1999 to perform duties pertaining to the administration of
7 the Uniform Disposition of Unclaimed Property Act (superseded
8 by the Revised Uniform Unclaimed Property Act) are transferred
9 to the State Treasurer on July 1, 1999.

10 (b) In the case of a person employed by the Department of
11 Financial Institutions to perform both duties pertaining to the
12 administration of the Uniform Disposition of Unclaimed
13 Property Act (superseded by the Revised Uniform Unclaimed
14 Property Act) and duties pertaining to a function retained by
15 the Department of Financial Institutions, the State Treasurer,
16 in consultation with the Director of Financial Institutions,
17 shall determine whether to transfer the employee to the Office
18 of the State Treasurer; until this determination has been made,
19 the transfer shall not take effect.

20 (c) The rights of State employees, the State, and its
21 agencies under the Personnel Code and applicable collective
22 bargaining agreements and retirement plans are not affected by
23 this amendatory Act of 1999, except that all positions
24 transferred to the State Treasurer shall be subject to the
25 State Treasurer Employment Code effective July 1, 2000.

1 All transferred employees who are members of collective
2 bargaining units shall retain their seniority, continuous
3 service, salary, and accrued benefits. During the pendency of
4 the existing collective bargaining agreement, the rights
5 provided for under that agreement and memoranda and supplements
6 to that agreement, including but not limited to, the rights of
7 employees performing duties pertaining to the administration
8 of the Uniform Disposition of Unclaimed Property Act
9 (superseded by the Revised Uniform Unclaimed Property Act) to
10 positions in other State agencies and the right of employees in
11 other State agencies covered by the agreement to positions
12 performing duties pertaining to the administration of the
13 Uniform Disposition of Unclaimed Property Act (superseded by
14 the Revised Uniform Unclaimed Property Act), shall not be
15 abridged.

16 The State Treasurer shall continue to honor during their
17 pendency all bargaining agreements in effect at the time of the
18 transfer and to recognize all collective bargaining
19 representatives for the employees who perform or will perform
20 functions transferred by this amendatory Act of 1999. For all
21 purposes with respect to the management of the existing
22 agreement and the negotiation and management of any successor
23 agreements, the State Treasurer shall be deemed to be the
24 employer of employees who perform or will perform functions
25 transferred to the Office of the State Treasurer by this
26 amendatory Act of 1999; provided that the Illinois Department

1 of Central Management Services shall be a party to any
2 grievance or arbitration proceeding held pursuant to the
3 provisions of the collective bargaining agreement which
4 involves the movement of employees from the Office of the State
5 Treasurer to an agency under the jurisdiction of the Governor
6 covered by the agreement.

7 (Source: P.A. 91-16, eff. 6-4-99.)

8 (15 ILCS 505/0.04)

9 Sec. 0.04. Transfer of property.

10 (a) Except as provided in subsection (b), all real and
11 personal property, including but not limited to all books,
12 records, and documents, and all unexpended appropriations and
13 pending business pertaining to the administration of the
14 Uniform Disposition of Unclaimed Property Act (superseded by
15 the Revised Uniform Unclaimed Property Act) shall be
16 transferred and delivered to the State Treasurer effective July
17 1, 1999.

18 (b) In the case of books, records, or documents that
19 pertain both to the administration of the Uniform Disposition
20 of Unclaimed Property Act (superseded by the Revised Uniform
21 Unclaimed Property Act) and to a function retained by the
22 Department of Financial Institutions, the State Treasurer, in
23 consultation with the Director of Financial Institutions,
24 shall determine whether the books, records, or documents shall
25 be transferred, copied, or left with the Department of

1 Financial Institutions; until this determination has been
2 made, the transfer shall not take effect.

3 In the case of property or an unexpended appropriation that
4 pertains both to the administration of the Uniform Disposition
5 of Unclaimed Property Act (superseded by the Revised Uniform
6 Unclaimed Property Act) and to a function retained by the
7 Department of Financial Institutions, the State Treasurer, in
8 consultation with the Director of Financial Institutions,
9 shall determine whether the property or unexpended
10 appropriation shall be transferred, divided, or left with the
11 Department of Financial Institutions; until this determination
12 has been made (and, in the case of an unexpended appropriation,
13 notice of the determination has been filed with the State
14 Comptroller), the transfer shall not take effect.

15 (Source: P.A. 91-16, eff. 6-4-99.)

16 (15 ILCS 505/0.05)

17 Sec. 0.05. Rules and standards.

18 (a) The rules and standards of the Department of Financial
19 Institutions that are in effect on June 30, 1999 and pertain to
20 the administration of the Uniform Disposition of Unclaimed
21 Property Act (superseded by the Revised Uniform Unclaimed
22 Property Act) shall become the rules and standards of the State
23 Treasurer on July 1, 1999 and shall continue in effect until
24 amended or repealed by the State Treasurer.

25 (b) Any rules pertaining to the administration of the

1 Uniform Disposition of Unclaimed Property Act (superseded by
2 the Revised Uniform Unclaimed Property Act) that have been
3 proposed by the Department of Financial Institutions but have
4 not taken effect or been finally adopted by June 30, 1999 shall
5 become proposed rules of the State Treasurer on July 1, 1999,
6 and any rulemaking procedures that have already been completed
7 by the Department of Financial Institutions need not be
8 repeated.

9 (c) As soon as practical after July 1, 1999, the State
10 Treasurer shall revise and clarify the rules transferred to it
11 under this amendatory Act of 1999 to reflect the reorganization
12 of rights, powers, duties, and functions effected by this
13 amendatory Act of 1999 using the procedures for recodification
14 of rules available under the Illinois Administrative Procedure
15 Act, except that existing title, part, and section numbering
16 for the affected rules may be retained.

17 (d) As soon as practical after July 1, 1999, the Office of
18 Banks and Real Estate and the Office of the State Treasurer
19 shall jointly promulgate rules to reflect the transfer of
20 examination functions to the Office of Banks and Real Estate
21 under this amendatory Act of 1999 using the procedures
22 available under the Illinois Administrative Procedure Act.

23 (e) As soon as practical after July 1, 1999, the Department
24 of Financial Institutions and the Office of the State Treasurer
25 shall jointly promulgate rules to reflect the retention of
26 examination functions by the Department of Financial

1 Institutions under this amendatory Act of 1999 using the
2 procedures available under the Illinois Administrative
3 Procedure Act.

4 (Source: P.A. 91-16, eff. 6-4-99.)

5 (15 ILCS 505/0.06)

6 Sec. 0.06. Savings provisions.

7 (a) The rights, powers, duties, and functions transferred
8 to the State Treasurer or the Commissioner of Banks and Real
9 Estate by this amendatory Act of 1999 shall be vested in and
10 exercised by the State Treasurer or the Commissioner of Banks
11 and Real Estate subject to the provisions of this amendatory
12 Act of 1999. An act done by the State Treasurer or the
13 Commissioner of Banks and Real Estate or an officer, employee,
14 or agent of the State Treasurer or the Commissioner of Banks
15 and Real Estate in the exercise of the transferred rights,
16 powers, duties, or functions shall have the same legal effect
17 as if done by the Department of Financial Institutions or an
18 officer, employee, or agent of the Department of Financial
19 Institutions prior to the effective date of this amendatory Act
20 of 1999.

21 (b) The transfer of rights, powers, duties, and functions
22 to the State Treasurer or the Commissioner of Banks and Real
23 Estate under this amendatory Act of 1999 does not invalidate
24 any previous action taken by or in respect to the Department of
25 Financial Institutions or its officers, employees, or agents.

1 References to the Department of Financial Institutions or its
2 officers, employees or agents in any document, contract,
3 agreement, or law shall, in appropriate contexts, be deemed to
4 refer to the State Treasurer or the Commissioner of Banks and
5 Real Estate or the officers, employees, or agents of the State
6 Treasurer or the Commissioner of Banks and Real Estate.

7 (c) The transfer of rights, powers, duties, and functions
8 from the Department of Financial Institutions to the State
9 Treasurer or the Commissioner of Banks and Real Estate under
10 this amendatory Act of 1999 does not affect the rights,
11 obligations, or duties of any other person or entity, including
12 any civil or criminal penalties applicable thereto, arising out
13 of those transferred rights, powers, duties, and functions.

14 (d) With respect to matters that pertain to a right, power,
15 duty, or function transferred to the State Treasurer under this
16 amendatory Act of 1999:

17 (1) Beginning July 1, 1999, any report or notice that
18 was previously required to be made or given by any person
19 to the Department of Financial Institutions or any of its
20 officers, employees, or agents under the Uniform
21 Disposition of Unclaimed Property Act (superseded by the
22 Revised Uniform Unclaimed Property Act) or rules
23 promulgated pursuant to that Act shall be made or given in
24 the same manner to the State Treasurer or his or her
25 appropriate officer, employee, or agent.

26 (2) Beginning July 1, 1999, any document that was

1 previously required to be furnished or served by any person
2 to or upon the Department of Financial Institutions or any
3 of its officers, employees, or agents under the Uniform
4 Disposition of Unclaimed Property Act (superseded by the
5 Revised Uniform Unclaimed Property Act) or rules
6 promulgated pursuant to that Act shall be furnished or
7 served in the same manner to or upon the State Treasurer or
8 his or her appropriate officer, employee, or agent.

9 (e) This amendatory Act of 1999 does not affect any act
10 done, ratified, or canceled, any right occurring or
11 established, or any action or proceeding had or commenced in an
12 administrative, civil, or criminal cause before July 1, 1999.
13 Any such action or proceeding that pertains to the Uniform
14 Disposition of Unclaimed Property Act (superseded by the
15 Revised Uniform Unclaimed Property Act) or rules promulgated
16 pursuant to that Act and that is pending on that date may be
17 prosecuted, defended, or continued by the State Treasurer.

18 (Source: P.A. 91-16, eff. 6-4-99.)

19 Section 1505.5. The Financial Institutions Code is amended
20 by changing Sections 7 and 18.1 as follows:

21 (20 ILCS 1205/7) (from Ch. 17, par. 108)

22 Sec. 7. The provisions of "The Illinois Administrative
23 Procedure Act", as now or hereafter amended, are hereby
24 expressly adopted and incorporated herein as though a part of

1 this Act, and shall apply to all administrative rules and
2 procedures of the Director and the Department of Financial
3 Institutions under this Act, except that the provisions of the
4 Administrative Procedure Act regarding contested cases shall
5 not apply to actions of the Director under Section 15.1 of "An
6 Act in relation to the definition, licensing and regulation of
7 community currency exchanges and ambulatory currency
8 exchanges, and the operators and employees thereof, and to make
9 an appropriation therefor, and to provide penalties and
10 remedies for the violation thereof", approved June 30, 1943, as
11 amended, or Sections 8 and 61 of "The Illinois Credit Union
12 Act", ~~or to hearings under Section 20 of the "Uniform~~
13 ~~Disposition of Unclaimed Property Act"~~.

14 (Source: P.A. 81-329.)

15 (20 ILCS 1205/18.1)

16 Sec. 18.1. Transfer of administration of Uniform
17 Disposition of Unclaimed Property Act to State Treasurer. The
18 rights, powers, duties, and functions vested in the Department
19 of Financial Institutions to administer the Uniform
20 Disposition of Unclaimed Property Act (superseded by the
21 Revised Uniform Unclaimed Property Act) are transferred to the
22 State Treasurer on July 1, 1999 in accordance with Sections
23 0.02 through 0.06 of the State Treasurer Act; provided,
24 however, that the rights, powers, duties, and functions
25 involving the examination of the records of any person that the

1 State Treasurer has reason to believe has failed to report
2 properly under this Act shall be transferred to the Office of
3 Banks and Real Estate if the person is regulated by the Office
4 of Banks and Real Estate under the Illinois Banking Act, the
5 Corporate Fiduciary Act, the Foreign Banking Office Act, the
6 Illinois Savings and Loan Act of 1985, or the Savings Bank Act
7 and shall be retained by the Department of Financial
8 Institutions if the person is doing business in the State under
9 the supervision of the Department of Financial Institutions,
10 the National Credit Union Administration, the Office of Thrift
11 Supervision, or the Comptroller of the Currency.

12 (Source: P.A. 91-16, eff. 6-4-99.)

13 Section 1505.6. The State Finance Act is amended by
14 changing Sections 6b-1 and 8.12 as follows:

15 (30 ILCS 105/6b-1) (from Ch. 127, par. 142b1)

16 Sec. 6b-1. There shall be paid into the State Pensions Fund
17 the funds and proceeds from the sale of abandoned property as
18 provided in ~~Section 18 of the Revised Uniform "Uniform~~
19 ~~Disposition of Unclaimed Property Act", enacted by the~~
20 ~~Seventy-second General Assembly.~~

21 (Source: Laws 1961, p. 3423.)

22 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

23 Sec. 8.12. State Pensions Fund.

1 (a) The moneys in the State Pensions Fund shall be used
2 exclusively for the administration of the Revised Uniform
3 ~~Disposition of~~ Unclaimed Property Act and for the expenses
4 incurred by the Auditor General for administering the
5 provisions of Section 2-8.1 of the Illinois State Auditing Act
6 and for operational expenses of the Office of the State
7 Treasurer and for the funding of the unfunded liabilities of
8 the designated retirement systems. Beginning in State fiscal
9 year 2018, payments to the designated retirement systems under
10 this Section shall be in addition to, and not in lieu of, any
11 State contributions required under the Illinois Pension Code.

12 "Designated retirement systems" means:

13 (1) the State Employees' Retirement System of
14 Illinois;

15 (2) the Teachers' Retirement System of the State of
16 Illinois;

17 (3) the State Universities Retirement System;

18 (4) the Judges Retirement System of Illinois; and

19 (5) the General Assembly Retirement System.

20 (b) Each year the General Assembly may make appropriations
21 from the State Pensions Fund for the administration of the
22 Revised Uniform ~~Disposition of~~ Unclaimed Property Act.

23 ~~Each month, the Commissioner of the Office of Banks and~~
24 ~~Real Estate shall certify to the State Treasurer the actual~~
25 ~~expenditures that the Office of Banks and Real Estate incurred~~
26 ~~conducting unclaimed property examinations under the Uniform~~

1 ~~Disposition of Unclaimed Property Act during the immediately~~
2 ~~preceding month. Within a reasonable time following the~~
3 ~~acceptance of such certification by the State Treasurer, the~~
4 ~~State Treasurer shall pay from its appropriation from the State~~
5 ~~Pensions Fund to the Bank and Trust Company Fund, the Savings~~
6 ~~Bank Regulatory Fund, and the Residential Finance Regulatory~~
7 ~~Fund an amount equal to the expenditures incurred by each Fund~~
8 ~~for that month.~~

9 ~~Each month, the Director of Financial Institutions shall~~
10 ~~certify to the State Treasurer the actual expenditures that the~~
11 ~~Department of Financial Institutions incurred conducting~~
12 ~~unclaimed property examinations under the Uniform Disposition~~
13 ~~of Unclaimed Property Act during the immediately preceding~~
14 ~~month. Within a reasonable time following the acceptance of~~
15 ~~such certification by the State Treasurer, the State Treasurer~~
16 ~~shall pay from its appropriation from the State Pensions Fund~~
17 ~~to the Financial Institution Fund and the Credit Union Fund an~~
18 ~~amount equal to the expenditures incurred by each Fund for that~~
19 ~~month.~~

20 (c) As soon as possible after the effective date of this
21 amendatory Act of the 93rd General Assembly, the General
22 Assembly shall appropriate from the State Pensions Fund (1) to
23 the State Universities Retirement System the amount certified
24 under Section 15-165 during the prior year, (2) to the Judges
25 Retirement System of Illinois the amount certified under
26 Section 18-140 during the prior year, and (3) to the General

1 Assembly Retirement System the amount certified under Section
2 2-134 during the prior year as part of the required State
3 contributions to each of those designated retirement systems;
4 except that amounts appropriated under this subsection (c) in
5 State fiscal year 2005 shall not reduce the amount in the State
6 Pensions Fund below \$5,000,000. If the amount in the State
7 Pensions Fund does not exceed the sum of the amounts certified
8 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,
9 the amount paid to each designated retirement system under this
10 subsection shall be reduced in proportion to the amount
11 certified by each of those designated retirement systems.

12 (c-5) For fiscal years 2006 through 2017, the General
13 Assembly shall appropriate from the State Pensions Fund to the
14 State Universities Retirement System the amount estimated to be
15 available during the fiscal year in the State Pensions Fund;
16 provided, however, that the amounts appropriated under this
17 subsection (c-5) shall not reduce the amount in the State
18 Pensions Fund below \$5,000,000.

19 (c-6) For fiscal year 2018 and each fiscal year thereafter,
20 as soon as may be practical after any money is deposited into
21 the State Pensions Fund from the Unclaimed Property Trust Fund,
22 the State Treasurer shall apportion the deposited amount among
23 the designated retirement systems as defined in subsection (a)
24 to reduce their actuarial reserve deficiencies. The State
25 Comptroller and State Treasurer shall pay the apportioned
26 amounts to the designated retirement systems to fund the

1 unfunded liabilities of the designated retirement systems. The
2 amount apportioned to each designated retirement system shall
3 constitute a portion of the amount estimated to be available
4 for appropriation from the State Pensions Fund that is the same
5 as that retirement system's portion of the total actual reserve
6 deficiency of the systems, as determined annually by the
7 Governor's Office of Management and Budget at the request of
8 the State Treasurer. The amounts apportioned under this
9 subsection shall not reduce the amount in the State Pensions
10 Fund below \$5,000,000.

11 (d) The Governor's Office of Management and Budget shall
12 determine the individual and total reserve deficiencies of the
13 designated retirement systems. For this purpose, the
14 Governor's Office of Management and Budget shall utilize the
15 latest available audit and actuarial reports of each of the
16 retirement systems and the relevant reports and statistics of
17 the Public Employee Pension Fund Division of the Department of
18 Insurance.

19 (d-1) As soon as practicable after the effective date of
20 this amendatory Act of the 93rd General Assembly, the
21 Comptroller shall direct and the Treasurer shall transfer from
22 the State Pensions Fund to the General Revenue Fund, as funds
23 become available, a sum equal to the amounts that would have
24 been paid from the State Pensions Fund to the Teachers'
25 Retirement System of the State of Illinois, the State
26 Universities Retirement System, the Judges Retirement System

1 of Illinois, the General Assembly Retirement System, and the
2 State Employees' Retirement System of Illinois after the
3 effective date of this amendatory Act during the remainder of
4 fiscal year 2004 to the designated retirement systems from the
5 appropriations provided for in this Section if the transfers
6 provided in Section 6z-61 had not occurred. The transfers
7 described in this subsection (d-1) are to partially repay the
8 General Revenue Fund for the costs associated with the bonds
9 used to fund the moneys transferred to the designated
10 retirement systems under Section 6z-61.

11 (e) The changes to this Section made by this amendatory Act
12 of 1994 shall first apply to distributions from the Fund for
13 State fiscal year 1996.

14 (Source: P.A. 98-24, eff. 6-19-13; 98-463, eff. 8-16-13;
15 98-674, eff. 6-30-14; 98-1081, eff. 1-1-15; 99-8, eff. 7-9-15;
16 99-78, eff. 7-20-15; 99-523, eff. 6-30-16.)

17 Section 1505.7. The State Officers and Employees Money
18 Disposition Act is amended by changing Section 2 as follows:

19 (30 ILCS 230/2) (from Ch. 127, par. 171)

20 Sec. 2. Accounts of money received; payment into State
21 treasury.

22 (a) Every officer, board, commission, commissioner,
23 department, institution, arm or agency brought within the
24 provisions of this Act by Section 1 shall keep in proper books

1 a detailed itemized account of all moneys received for or on
2 behalf of the State of Illinois, showing the date of receipt,
3 the payor, and purpose and amount, and the date and manner of
4 disbursement as hereinafter provided, and, unless a different
5 time of payment is expressly provided by law or by rules or
6 regulations promulgated under subsection (b) of this Section,
7 shall pay into the State treasury the gross amount of money so
8 received on the day of actual physical receipt with respect to
9 any single item of receipt exceeding \$10,000, within 24 hours
10 of actual physical receipt with respect to an accumulation of
11 receipts of \$10,000 or more, or within 48 hours of actual
12 physical receipt with respect to an accumulation of receipts
13 exceeding \$500 but less than \$10,000, disregarding holidays,
14 Saturdays and Sundays, after the receipt of same, without any
15 deduction on account of salaries, fees, costs, charges,
16 expenses or claims of any description whatever; provided that:

17 (1) the provisions of (i) Section 2505-475 of the
18 Department of Revenue Law (20 ILCS 2505/2505-475), (ii) any
19 specific taxing statute authorizing a claim for credit
20 procedure instead of the actual making of refunds, (iii)
21 Section 505 of the Illinois Controlled Substances Act, (iv)
22 Section 85 of the Methamphetamine Control and Community
23 Protection Act, authorizing the Director of State Police to
24 dispose of forfeited property, which includes the sale and
25 disposition of the proceeds of the sale of forfeited
26 property, and the Department of Central Management

1 Services to be reimbursed for costs incurred with the sales
2 of forfeited vehicles, boats or aircraft and to pay to bona
3 fide or innocent purchasers, conditional sales vendors or
4 mortgagees of such vehicles, boats or aircraft their
5 interest in such vehicles, boats or aircraft, and (v)
6 Section 6b-2 of the State Finance Act, establishing
7 procedures for handling cash receipts from the sale of
8 pari-mutuel wagering tickets, shall not be deemed to be in
9 conflict with the requirements of this Section;

10 (2) any fees received by the State Registrar of Vital
11 Records pursuant to the Vital Records Act which are
12 insufficient in amount may be returned by the Registrar as
13 provided in that Act;

14 (3) any fees received by the Department of Public
15 Health under the Food Handling Regulation Enforcement Act
16 that are submitted for renewal of an expired food service
17 sanitation manager certificate may be returned by the
18 Director as provided in that Act;

19 (3.5) the State Treasurer may permit the deduction of
20 fees by third-party unclaimed property examiners from the
21 property recovered by the examiners for the State of
22 Illinois during examinations of holders located outside
23 the State under which the Office of the Treasurer has
24 agreed to pay for the examinations based upon a percentage,
25 ~~set by rule by the State Treasurer~~ in accordance with the
26 Revised Uniform Unclaimed Property Illinois Administrative

1 ~~Procedure~~ Act, of the property recovered during the
2 examination; and

3 (4) if the amount of money received does not exceed
4 \$500, such money may be retained and need not be paid into
5 the State treasury until the total amount of money so
6 received exceeds \$500, or until the next succeeding 1st or
7 15th day of each month (or until the next business day if
8 these days fall on Sunday or a holiday), whichever is
9 earlier, at which earlier time such money shall be paid
10 into the State treasury, except that if a local bank or
11 savings and loan association account has been authorized by
12 law, any balances shall be paid into the State treasury on
13 Monday of each week if more than \$500 is to be deposited in
14 any fund.

15 Single items of receipt exceeding \$10,000 received after 2 p.m.
16 on a working day may be deemed to have been received on the
17 next working day for purposes of fulfilling the requirement
18 that the item be deposited on the day of actual physical
19 receipt.

20 No money belonging to or left for the use of the State
21 shall be expended or applied except in consequence of an
22 appropriation made by law and upon the warrant of the State
23 Comptroller. However, payments made by the Comptroller to
24 persons by direct deposit need not be made upon the warrant of
25 the Comptroller, but if not made upon a warrant, shall be made
26 in accordance with Section 9.02 of the State Comptroller Act.

1 All moneys so paid into the State treasury shall, unless
2 required by some statute to be held in the State treasury in a
3 separate or special fund, be covered into the General Revenue
4 Fund in the State treasury. Moneys received in the form of
5 checks, drafts or similar instruments shall be properly
6 endorsed, if necessary, and delivered to the State Treasurer
7 for collection. The State Treasurer shall remit such collected
8 funds to the depositing officer, board, commission,
9 commissioner, department, institution, arm or agency by
10 Treasurers Draft or through electronic funds transfer. The
11 draft or notification of the electronic funds transfer shall be
12 provided to the State Comptroller to allow deposit into the
13 appropriate fund.

14 (b) Different time periods for the payment of public funds
15 into the State treasury or to the State Treasurer, in excess of
16 the periods established in subsection (a) of this Section, but
17 not in excess of 30 days after receipt of such funds, may be
18 established and revised from time to time by rules or
19 regulations promulgated jointly by the State Treasurer and the
20 State Comptroller in accordance with the Illinois
21 Administrative Procedure Act. The different time periods
22 established by rule or regulation under this subsection may
23 vary according to the nature and amounts of the funds received,
24 the locations at which the funds are received, whether
25 compliance with the deposit requirements specified in
26 subsection (a) of this Section would be cost effective, and

1 such other circumstances and conditions as the promulgating
2 authorities consider to be appropriate. The Treasurer and the
3 Comptroller shall review all such different time periods
4 established pursuant to this subsection every 2 years from the
5 establishment thereof and upon such review, unless it is
6 determined that it is economically unfeasible for the agency to
7 comply with the provisions of subsection (a), shall repeal such
8 different time period.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 Section 1505.8. The Counties Code is amended by changing
11 Section 3-3034 as follows:

12 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

13 Sec. 3-3034. Disposition of body. After the inquest the
14 coroner may deliver the body or human remains of the deceased
15 to the family of the deceased or, if there are no family
16 members to accept the body or the remains, then to friends of
17 the deceased, if there be any, but if not, the coroner shall
18 cause the body or the remains to be decently buried, cremated,
19 or donated for medical science purposes, the expenses to be
20 paid from the property of the deceased, if there is sufficient,
21 if not, by the county. The coroner may not approve the
22 cremation or donation of the body if it is necessary to
23 preserve the body for law enforcement purposes. If the State
24 Treasurer, pursuant to the Revised Uniform ~~Disposition of~~

1 Unclaimed Property Act, delivers human remains to the coroner,
2 the coroner shall cause the human remains to be disposed of as
3 provided in this Section. If the police department of any
4 municipality or county investigates abandoned cremated
5 remains, determines that they are human remains, and cannot
6 locate the owner of the remains, then the police shall deliver
7 the remains to the coroner, and the coroner shall cause the
8 remains to be disposed of as provided in this Section.

9 (Source: P.A. 96-1339, eff. 7-27-10; 97-679, eff. 2-6-12.)

10 Section 1505.9. The Illinois Banking Act is amended by
11 changing Sections 48, 48.1, 48.3, and 65 as follows:

12 (205 ILCS 5/48)

13 Sec. 48. Secretary's powers; duties. The Secretary shall
14 have the powers and authority, and is charged with the duties
15 and responsibilities designated in this Act, and a State bank
16 shall not be subject to any other visitorial power other than
17 as authorized by this Act, except those vested in the courts,
18 or upon prior consultation with the Secretary, a foreign bank
19 regulator with an appropriate supervisory interest in the
20 parent or affiliate of a state bank. In the performance of the
21 Secretary's duties:

22 (1) The Commissioner shall call for statements from all
23 State banks as provided in Section 47 at least one time
24 during each calendar quarter.

1 (2) (a) The Commissioner, as often as the Commissioner
2 shall deem necessary or proper, and no less frequently than
3 18 months following the preceding examination, shall
4 appoint a suitable person or persons to make an examination
5 of the affairs of every State bank, except that for every
6 eligible State bank, as defined by regulation, the
7 Commissioner in lieu of the examination may accept on an
8 alternating basis the examination made by the eligible
9 State bank's appropriate federal banking agency pursuant
10 to Section 111 of the Federal Deposit Insurance Corporation
11 Improvement Act of 1991, provided the appropriate federal
12 banking agency has made such an examination. A person so
13 appointed shall not be a stockholder or officer or employee
14 of any bank which that person may be directed to examine,
15 and shall have powers to make a thorough examination into
16 all the affairs of the bank and in so doing to examine any
17 of the officers or agents or employees thereof on oath and
18 shall make a full and detailed report of the condition of
19 the bank to the Commissioner. In making the examination the
20 examiners shall include an examination of the affairs of
21 all the affiliates of the bank, as defined in subsection
22 (b) of Section 35.2 of this Act, or subsidiaries of the
23 bank as shall be necessary to disclose fully the conditions
24 of the subsidiaries or affiliates, the relations between
25 the bank and the subsidiaries or affiliates and the effect
26 of those relations upon the affairs of the bank, and in

1 connection therewith shall have power to examine any of the
2 officers, directors, agents, or employees of the
3 subsidiaries or affiliates on oath. After May 31, 1997, the
4 Commissioner may enter into cooperative agreements with
5 state regulatory authorities of other states to provide for
6 examination of State bank branches in those states, and the
7 Commissioner may accept reports of examinations of State
8 bank branches from those state regulatory authorities.
9 These cooperative agreements may set forth the manner in
10 which the other state regulatory authorities may be
11 compensated for examinations prepared for and submitted to
12 the Commissioner.

13 (b) After May 31, 1997, the Commissioner is authorized
14 to examine, as often as the Commissioner shall deem
15 necessary or proper, branches of out-of-state banks. The
16 Commissioner may establish and may assess fees to be paid
17 to the Commissioner for examinations under this subsection
18 (b). The fees shall be borne by the out-of-state bank,
19 unless the fees are borne by the state regulatory authority
20 that chartered the out-of-state bank, as determined by a
21 cooperative agreement between the Commissioner and the
22 state regulatory authority that chartered the out-of-state
23 bank.

24 (2.1) Pursuant to paragraph (a) of subsection (6) of
25 this Section, the Secretary shall adopt rules that ensure
26 consistency and due process in the examination process. The

1 Secretary may also establish guidelines that (i) define the
2 scope of the examination process and (ii) clarify
3 examination items to be resolved. The rules, formal
4 guidance, interpretive letters, or opinions furnished to
5 State banks by the Secretary may be relied upon by the
6 State banks.

7 (2.5) Whenever any State bank, any subsidiary or
8 affiliate of a State bank, or after May 31, 1997, any
9 branch of an out-of-state bank causes to be performed, by
10 contract or otherwise, any bank services for itself,
11 whether on or off its premises:

12 (a) that performance shall be subject to
13 examination by the Commissioner to the same extent as
14 if services were being performed by the bank or, after
15 May 31, 1997, branch of the out-of-state bank itself on
16 its own premises; and

17 (b) the bank or, after May 31, 1997, branch of the
18 out-of-state bank shall notify the Commissioner of the
19 existence of a service relationship. The notification
20 shall be submitted with the first statement of
21 condition (as required by Section 47 of this Act) due
22 after the making of the service contract or the
23 performance of the service, whichever occurs first.
24 The Commissioner shall be notified of each subsequent
25 contract in the same manner.

26 For purposes of this subsection (2.5), the term "bank

1 services" means services such as sorting and posting of
2 checks and deposits, computation and posting of interest
3 and other credits and charges, preparation and mailing of
4 checks, statements, notices, and similar items, or any
5 other clerical, bookkeeping, accounting, statistical, or
6 similar functions performed for a State bank, including but
7 not limited to electronic data processing related to those
8 bank services.

9 (3) The expense of administering this Act, including
10 the expense of the examinations of State banks as provided
11 in this Act, shall to the extent of the amounts resulting
12 from the fees provided for in paragraphs (a), (a-2), and
13 (b) of this subsection (3) be assessed against and borne by
14 the State banks:

15 (a) Each bank shall pay to the Secretary a Call
16 Report Fee which shall be paid in quarterly
17 installments equal to one-fourth of the sum of the
18 annual fixed fee of \$800, plus a variable fee based on
19 the assets shown on the quarterly statement of
20 condition delivered to the Secretary in accordance
21 with Section 47 for the preceding quarter according to
22 the following schedule: 16¢ per \$1,000 of the first
23 \$5,000,000 of total assets, 15¢ per \$1,000 of the next
24 \$20,000,000 of total assets, 13¢ per \$1,000 of the next
25 \$75,000,000 of total assets, 9¢ per \$1,000 of the next
26 \$400,000,000 of total assets, 7¢ per \$1,000 of the next

1 \$500,000,000 of total assets, and 5¢ per \$1,000 of all
2 assets in excess of \$1,000,000,000, of the State bank.
3 The Call Report Fee shall be calculated by the
4 Secretary and billed to the banks for remittance at the
5 time of the quarterly statements of condition provided
6 for in Section 47. The Secretary may require payment of
7 the fees provided in this Section by an electronic
8 transfer of funds or an automatic debit of an account
9 of each of the State banks. In case more than one
10 examination of any bank is deemed by the Secretary to
11 be necessary in any examination frequency cycle
12 specified in subsection 2(a) of this Section, and is
13 performed at his direction, the Secretary may assess a
14 reasonable additional fee to recover the cost of the
15 additional examination; ~~provided, however, that an~~
16 ~~examination conducted at the request of the State~~
17 ~~Treasurer pursuant to the Uniform Disposition of~~
18 ~~Unclaimed Property Act shall not be deemed to be an~~
19 ~~additional examination under this Section.~~ In lieu of
20 the method and amounts set forth in this paragraph (a)
21 for the calculation of the Call Report Fee, the
22 Secretary may specify by rule that the Call Report Fees
23 provided by this Section may be assessed semiannually
24 or some other period and may provide in the rule the
25 formula to be used for calculating and assessing the
26 periodic Call Report Fees to be paid by State banks.

1 (a-1) If in the opinion of the Commissioner an
2 emergency exists or appears likely, the Commissioner
3 may assign an examiner or examiners to monitor the
4 affairs of a State bank with whatever frequency he
5 deems appropriate, including but not limited to a daily
6 basis. The reasonable and necessary expenses of the
7 Commissioner during the period of the monitoring shall
8 be borne by the subject bank. The Commissioner shall
9 furnish the State bank a statement of time and expenses
10 if requested to do so within 30 days of the conclusion
11 of the monitoring period.

12 (a-2) On and after January 1, 1990, the reasonable
13 and necessary expenses of the Commissioner during
14 examination of the performance of electronic data
15 processing services under subsection (2.5) shall be
16 borne by the banks for which the services are provided.
17 An amount, based upon a fee structure prescribed by the
18 Commissioner, shall be paid by the banks or, after May
19 31, 1997, branches of out-of-state banks receiving the
20 electronic data processing services along with the
21 Call Report Fee assessed under paragraph (a) of this
22 subsection (3).

23 (a-3) After May 31, 1997, the reasonable and
24 necessary expenses of the Commissioner during
25 examination of the performance of electronic data
26 processing services under subsection (2.5) at or on

1 behalf of branches of out-of-state banks shall be borne
2 by the out-of-state banks, unless those expenses are
3 borne by the state regulatory authorities that
4 chartered the out-of-state banks, as determined by
5 cooperative agreements between the Commissioner and
6 the state regulatory authorities that chartered the
7 out-of-state banks.

8 (b) "Fiscal year" for purposes of this Section 48
9 is defined as a period beginning July 1 of any year and
10 ending June 30 of the next year. The Commissioner shall
11 receive for each fiscal year, commencing with the
12 fiscal year ending June 30, 1987, a contingent fee
13 equal to the lesser of the aggregate of the fees paid
14 by all State banks under paragraph (a) of subsection
15 (3) for that year, or the amount, if any, whereby the
16 aggregate of the administration expenses, as defined
17 in paragraph (c), for that fiscal year exceeds the sum
18 of the aggregate of the fees payable by all State banks
19 for that year under paragraph (a) of subsection (3),
20 plus any amounts transferred into the Bank and Trust
21 Company Fund from the State Pensions Fund for that
22 year, plus all other amounts collected by the
23 Commissioner for that year under any other provision of
24 this Act, plus the aggregate of all fees collected for
25 that year by the Commissioner under the Corporate
26 Fiduciary Act, excluding the receivership fees

1 provided for in Section 5-10 of the Corporate Fiduciary
2 Act, and the Foreign Banking Office Act. The aggregate
3 amount of the contingent fee thus arrived at for any
4 fiscal year shall be apportioned amongst, assessed
5 upon, and paid by the State banks and foreign banking
6 corporations, respectively, in the same proportion
7 that the fee of each under paragraph (a) of subsection
8 (3), respectively, for that year bears to the aggregate
9 for that year of the fees collected under paragraph (a)
10 of subsection (3). The aggregate amount of the
11 contingent fee, and the portion thereof to be assessed
12 upon each State bank and foreign banking corporation,
13 respectively, shall be determined by the Commissioner
14 and shall be paid by each, respectively, within 120
15 days of the close of the period for which the
16 contingent fee is computed and is payable, and the
17 Commissioner shall give 20 days' ~~days~~ advance notice of
18 the amount of the contingent fee payable by the State
19 bank and of the date fixed by the Commissioner for
20 payment of the fee.

21 (c) The "administration expenses" for any fiscal
22 year shall mean the ordinary and contingent expenses
23 for that year incident to making the examinations
24 provided for by, and for otherwise administering, this
25 Act, the Corporate Fiduciary Act, excluding the
26 expenses paid from the Corporate Fiduciary

1 Receivership account in the Bank and Trust Company
2 Fund, the Foreign Banking Office Act, the Electronic
3 Fund Transfer Act, and the Illinois Bank Examiners'
4 Education Foundation Act, including all salaries and
5 other compensation paid for personal services rendered
6 for the State by officers or employees of the State,
7 including the Commissioner and the Deputy
8 Commissioners, communication equipment and services,
9 office furnishings, surety bond premiums, and travel
10 expenses of those officers and employees, employees,
11 expenditures or charges for the acquisition,
12 enlargement or improvement of, or for the use of, any
13 office space, building, or structure, or expenditures
14 for the maintenance thereof or for furnishing heat,
15 light, or power with respect thereto, all to the extent
16 that those expenditures are directly incidental to
17 such examinations or administration. The Commissioner
18 shall not be required by paragraphs (c) or (d-1) of
19 this subsection (3) to maintain in any fiscal year's
20 budget appropriated reserves for accrued vacation and
21 accrued sick leave that is required to be paid to
22 employees of the Commissioner upon termination of
23 their service with the Commissioner in an amount that
24 is more than is reasonably anticipated to be necessary
25 for any anticipated turnover in employees, whether due
26 to normal attrition or due to layoffs, terminations, or

1 resignations.

2 (d) The aggregate of all fees collected by the
3 Secretary under this Act, the Corporate Fiduciary Act,
4 or the Foreign Banking Office Act on and after July 1,
5 1979, shall be paid promptly after receipt of the same,
6 accompanied by a detailed statement thereof, into the
7 State treasury and shall be set apart in a special fund
8 to be known as the "Bank and Trust Company Fund",
9 except as provided in paragraph (c) of subsection (11)
10 of this Section. All earnings received from
11 investments of funds in the Bank and Trust Company Fund
12 shall be deposited in the Bank and Trust Company Fund
13 and may be used for the same purposes as fees deposited
14 in that Fund. The amount from time to time deposited
15 into the Bank and Trust Company Fund shall be used: (i)
16 to offset the ordinary administrative expenses of the
17 Secretary as defined in this Section or (ii) as a
18 credit against fees under paragraph (d-1) of this
19 subsection (3). Nothing in this amendatory Act of 1979
20 shall prevent continuing the practice of paying
21 expenses involving salaries, retirement, social
22 security, and State-paid insurance premiums of State
23 officers by appropriations from the General Revenue
24 Fund. However, the General Revenue Fund shall be
25 reimbursed for those payments made on and after July 1,
26 1979, by an annual transfer of funds from the Bank and

1 Trust Company Fund. Moneys in the Bank and Trust
2 Company Fund may be transferred to the Professions
3 Indirect Cost Fund, as authorized under Section
4 2105-300 of the Department of Professional Regulation
5 Law of the Civil Administrative Code of Illinois.

6 Notwithstanding provisions in the State Finance
7 Act, as now or hereafter amended, or any other law to
8 the contrary, the sum of \$18,788,847 shall be
9 transferred from the Bank and Trust Company Fund to the
10 Financial Institutions Settlement of 2008 Fund on the
11 effective date of this amendatory Act of the 95th
12 General Assembly, or as soon thereafter as practical.

13 Notwithstanding provisions in the State Finance
14 Act, as now or hereafter amended, or any other law to
15 the contrary, the Governor may, during any fiscal year
16 through January 10, 2011, from time to time direct the
17 State Treasurer and Comptroller to transfer a
18 specified sum not exceeding 10% of the revenues to be
19 deposited into the Bank and Trust Company Fund during
20 that fiscal year from that Fund to the General Revenue
21 Fund in order to help defray the State's operating
22 costs for the fiscal year. Notwithstanding provisions
23 in the State Finance Act, as now or hereafter amended,
24 or any other law to the contrary, the total sum
25 transferred during any fiscal year through January 10,
26 2011, from the Bank and Trust Company Fund to the

1 General Revenue Fund pursuant to this provision shall
2 not exceed during any fiscal year 10% of the revenues
3 to be deposited into the Bank and Trust Company Fund
4 during that fiscal year. The State Treasurer and
5 Comptroller shall transfer the amounts designated
6 under this Section as soon as may be practicable after
7 receiving the direction to transfer from the Governor.

8 (d-1) Adequate funds shall be available in the Bank
9 and Trust Company Fund to permit the timely payment of
10 administration expenses. In each fiscal year the total
11 administration expenses shall be deducted from the
12 total fees collected by the Commissioner and the
13 remainder transferred into the Cash Flow Reserve
14 Account, unless the balance of the Cash Flow Reserve
15 Account prior to the transfer equals or exceeds
16 one-fourth of the total initial appropriations from
17 the Bank and Trust Company Fund for the subsequent
18 year, in which case the remainder shall be credited to
19 State banks and foreign banking corporations and
20 applied against their fees for the subsequent year. The
21 amount credited to each State bank and foreign banking
22 corporation shall be in the same proportion as the Call
23 Report Fees paid by each for the year bear to the total
24 Call Report Fees collected for the year. If, after a
25 transfer to the Cash Flow Reserve Account is made or if
26 no remainder is available for transfer, the balance of

1 the Cash Flow Reserve Account is less than one-fourth
2 of the total initial appropriations for the subsequent
3 year and the amount transferred is less than 5% of the
4 total Call Report Fees for the year, additional amounts
5 needed to make the transfer equal to 5% of the total
6 Call Report Fees for the year shall be apportioned
7 amongst, assessed upon, and paid by the State banks and
8 foreign banking corporations in the same proportion
9 that the Call Report Fees of each, respectively, for
10 the year bear to the total Call Report Fees collected
11 for the year. The additional amounts assessed shall be
12 transferred into the Cash Flow Reserve Account. For
13 purposes of this paragraph (d-1), the calculation of
14 the fees collected by the Commissioner shall exclude
15 the receivership fees provided for in Section 5-10 of
16 the Corporate Fiduciary Act.

17 (e) The Commissioner may upon request certify to
18 any public record in his keeping and shall have
19 authority to levy a reasonable charge for issuing
20 certifications of any public record in his keeping.

21 (f) In addition to fees authorized elsewhere in
22 this Act, the Commissioner may, in connection with a
23 review, approval, or provision of a service, levy a
24 reasonable charge to recover the cost of the review,
25 approval, or service.

26 (4) Nothing contained in this Act shall be construed to

1 limit the obligation relative to examinations and reports
2 of any State bank, deposits in which are to any extent
3 insured by the United States or any agency thereof, nor to
4 limit in any way the powers of the Commissioner with
5 reference to examinations and reports of that bank.

6 (5) The nature and condition of the assets in or
7 investment of any bonus, pension, or profit sharing plan
8 for officers or employees of every State bank or, after May
9 31, 1997, branch of an out-of-state bank shall be deemed to
10 be included in the affairs of that State bank or branch of
11 an out-of-state bank subject to examination by the
12 Commissioner under the provisions of subsection (2) of this
13 Section, and if the Commissioner shall find from an
14 examination that the condition of or operation of the
15 investments or assets of the plan is unlawful, fraudulent,
16 or unsafe, or that any trustee has abused his trust, the
17 Commissioner shall, if the situation so found by the
18 Commissioner shall not be corrected to his satisfaction
19 within 60 days after the Commissioner has given notice to
20 the board of directors of the State bank or out-of-state
21 bank of his findings, report the facts to the Attorney
22 General who shall thereupon institute proceedings against
23 the State bank or out-of-state bank, the board of directors
24 thereof, or the trustees under such plan as the nature of
25 the case may require.

26 (6) The Commissioner shall have the power:

1 (a) To promulgate reasonable rules for the purpose
2 of administering the provisions of this Act.

3 (a-5) To impose conditions on any approval issued
4 by the Commissioner if he determines that the
5 conditions are necessary or appropriate. These
6 conditions shall be imposed in writing and shall
7 continue in effect for the period prescribed by the
8 Commissioner.

9 (b) To issue orders against any person, if the
10 Commissioner has reasonable cause to believe that an
11 unsafe or unsound banking practice has occurred, is
12 occurring, or is about to occur, if any person has
13 violated, is violating, or is about to violate any law,
14 rule, or written agreement with the Commissioner, or
15 for the purpose of administering the provisions of this
16 Act and any rule promulgated in accordance with this
17 Act.

18 (b-1) To enter into agreements with a bank
19 establishing a program to correct the condition of the
20 bank or its practices.

21 (c) To appoint hearing officers to execute any of
22 the powers granted to the Commissioner under this
23 Section for the purpose of administering this Act and
24 any rule promulgated in accordance with this Act and
25 otherwise to authorize, in writing, an officer or
26 employee of the Office of Banks and Real Estate to

1 exercise his powers under this Act.

2 (d) To subpoena witnesses, to compel their
3 attendance, to administer an oath, to examine any
4 person under oath, and to require the production of any
5 relevant books, papers, accounts, and documents in the
6 course of and pursuant to any investigation being
7 conducted, or any action being taken, by the
8 Commissioner in respect of any matter relating to the
9 duties imposed upon, or the powers vested in, the
10 Commissioner under the provisions of this Act or any
11 rule promulgated in accordance with this Act.

12 (e) To conduct hearings.

13 (7) Whenever, in the opinion of the Secretary, any
14 director, officer, employee, or agent of a State bank or
15 any subsidiary or bank holding company of the bank or,
16 after May 31, 1997, of any branch of an out-of-state bank
17 or any subsidiary or bank holding company of the bank shall
18 have violated any law, rule, or order relating to that bank
19 or any subsidiary or bank holding company of the bank,
20 shall have obstructed or impeded any examination or
21 investigation by the Secretary, shall have engaged in an
22 unsafe or unsound practice in conducting the business of
23 that bank or any subsidiary or bank holding company of the
24 bank, or shall have violated any law or engaged or
25 participated in any unsafe or unsound practice in
26 connection with any financial institution or other

1 business entity such that the character and fitness of the
2 director, officer, employee, or agent does not assure
3 reasonable promise of safe and sound operation of the State
4 bank, the Secretary may issue an order of removal. If, in
5 the opinion of the Secretary, any former director, officer,
6 employee, or agent of a State bank or any subsidiary or
7 bank holding company of the bank, prior to the termination
8 of his or her service with that bank or any subsidiary or
9 bank holding company of the bank, violated any law, rule,
10 or order relating to that State bank or any subsidiary or
11 bank holding company of the bank, obstructed or impeded any
12 examination or investigation by the Secretary, engaged in
13 an unsafe or unsound practice in conducting the business of
14 that bank or any subsidiary or bank holding company of the
15 bank, or violated any law or engaged or participated in any
16 unsafe or unsound practice in connection with any financial
17 institution or other business entity such that the
18 character and fitness of the director, officer, employee,
19 or agent would not have assured reasonable promise of safe
20 and sound operation of the State bank, the Secretary may
21 issue an order prohibiting that person from further service
22 with a bank or any subsidiary or bank holding company of
23 the bank as a director, officer, employee, or agent. An
24 order issued pursuant to this subsection shall be served
25 upon the director, officer, employee, or agent. A copy of
26 the order shall be sent to each director of the bank

1 affected by registered mail. A copy of the order shall also
2 be served upon the bank of which he is a director, officer,
3 employee, or agent, whereupon he shall cease to be a
4 director, officer, employee, or agent of that bank. The
5 Secretary may institute a civil action against the
6 director, officer, or agent of the State bank or, after May
7 31, 1997, of the branch of the out-of-state bank against
8 whom any order provided for by this subsection (7) of this
9 Section 48 has been issued, and against the State bank or,
10 after May 31, 1997, out-of-state bank, to enforce
11 compliance with or to enjoin any violation of the terms of
12 the order. Any person who has been the subject of an order
13 of removal or an order of prohibition issued by the
14 Secretary under this subsection or Section 5-6 of the
15 Corporate Fiduciary Act may not thereafter serve as
16 director, officer, employee, or agent of any State bank or
17 of any branch of any out-of-state bank, or of any corporate
18 fiduciary, as defined in Section 1-5.05 of the Corporate
19 Fiduciary Act, or of any other entity that is subject to
20 licensure or regulation by the Division of Banking unless
21 the Secretary has granted prior approval in writing.

22 For purposes of this paragraph (7), "bank holding
23 company" has the meaning prescribed in Section 2 of the
24 Illinois Bank Holding Company Act of 1957.

25 (8) The Commissioner may impose civil penalties of up
26 to \$100,000 against any person for each violation of any

1 provision of this Act, any rule promulgated in accordance
2 with this Act, any order of the Commissioner, or any other
3 action which in the Commissioner's discretion is an unsafe
4 or unsound banking practice.

5 (9) The Commissioner may impose civil penalties of up
6 to \$100 against any person for the first failure to comply
7 with reporting requirements set forth in the report of
8 examination of the bank and up to \$200 for the second and
9 subsequent failures to comply with those reporting
10 requirements.

11 (10) All final administrative decisions of the
12 Commissioner hereunder shall be subject to judicial review
13 pursuant to the provisions of the Administrative Review
14 Law. For matters involving administrative review, venue
15 shall be in either Sangamon County or Cook County.

16 (11) The endowment fund for the Illinois Bank
17 Examiners' Education Foundation shall be administered as
18 follows:

19 (a) (Blank).

20 (b) The Foundation is empowered to receive
21 voluntary contributions, gifts, grants, bequests, and
22 donations on behalf of the Illinois Bank Examiners'
23 Education Foundation from national banks and other
24 persons for the purpose of funding the endowment of the
25 Illinois Bank Examiners' Education Foundation.

26 (c) The aggregate of all special educational fees

1 collected by the Secretary and property received by the
2 Secretary on behalf of the Illinois Bank Examiners'
3 Education Foundation under this subsection (11) on or
4 after June 30, 1986, shall be either (i) promptly paid
5 after receipt of the same, accompanied by a detailed
6 statement thereof, into the State Treasury and shall be
7 set apart in a special fund to be known as "The
8 Illinois Bank Examiners' Education Fund" to be
9 invested by either the Treasurer of the State of
10 Illinois in the Public Treasurers' Investment Pool or
11 in any other investment he is authorized to make or by
12 the Illinois State Board of Investment as the State
13 Banking Board of Illinois may direct or (ii) deposited
14 into an account maintained in a commercial bank or
15 corporate fiduciary in the name of the Illinois Bank
16 Examiners' Education Foundation pursuant to the order
17 and direction of the Board of Trustees of the Illinois
18 Bank Examiners' Education Foundation.

19 (12) (Blank).

20 (13) The Secretary may borrow funds from the General
21 Revenue Fund on behalf of the Bank and Trust Company Fund
22 if the Director of Banking certifies to the Governor that
23 there is an economic emergency affecting banking that
24 requires a borrowing to provide additional funds to the
25 Bank and Trust Company Fund. The borrowed funds shall be
26 paid back within 3 years and shall not exceed the total

1 funding appropriated to the Agency in the previous year.

2 (14) In addition to the fees authorized in this Act,
3 the Secretary may assess reasonable receivership fees
4 against any State bank that does not maintain insurance
5 with the Federal Deposit Insurance Corporation. All fees
6 collected under this subsection (14) shall be paid into the
7 Non-insured Institutions Receivership account in the Bank
8 and Trust Company Fund, as established by the Secretary.
9 The fees assessed under this subsection (14) shall provide
10 for the expenses that arise from the administration of the
11 receivership of any such institution required to pay into
12 the Non-insured Institutions Receivership account, whether
13 pursuant to this Act, the Corporate Fiduciary Act, the
14 Foreign Banking Office Act, or any other Act that requires
15 payments into the Non-insured Institutions Receivership
16 account. The Secretary may establish by rule a reasonable
17 manner of assessing fees under this subsection (14).

18 (Source: P.A. 98-784, eff. 7-24-14; 99-39, eff. 1-1-16.)

19 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

20 Sec. 48.1. Customer financial records; confidentiality.

21 (a) For the purpose of this Section, the term "financial
22 records" means any original, any copy, or any summary of:

23 (1) a document granting signature authority over a
24 deposit or account;

25 (2) a statement, ledger card or other record on any

1 deposit or account, which shows each transaction in or with
2 respect to that account;

3 (3) a check, draft or money order drawn on a bank or
4 issued and payable by a bank; or

5 (4) any other item containing information pertaining
6 to any relationship established in the ordinary course of a
7 bank's business between a bank and its customer, including
8 financial statements or other financial information
9 provided by the customer.

10 (b) This Section does not prohibit:

11 (1) The preparation, examination, handling or
12 maintenance of any financial records by any officer,
13 employee or agent of a bank having custody of the records,
14 or the examination of the records by a certified public
15 accountant engaged by the bank to perform an independent
16 audit.

17 (2) The examination of any financial records by, or the
18 furnishing of financial records by a bank to, any officer,
19 employee or agent of (i) the Commissioner of Banks and Real
20 Estate, (ii) after May 31, 1997, a state regulatory
21 authority authorized to examine a branch of a State bank
22 located in another state, (iii) the Comptroller of the
23 Currency, (iv) the Federal Reserve Board, or (v) the
24 Federal Deposit Insurance Corporation for use solely in the
25 exercise of his duties as an officer, employee, or agent.

26 (3) The publication of data furnished from financial

1 records relating to customers where the data cannot be
2 identified to any particular customer or account.

3 (4) The making of reports or returns required under
4 Chapter 61 of the Internal Revenue Code of 1986.

5 (5) Furnishing information concerning the dishonor of
6 any negotiable instrument permitted to be disclosed under
7 the Uniform Commercial Code.

8 (6) The exchange in the regular course of business of
9 (i) credit information between a bank and other banks or
10 financial institutions or commercial enterprises, directly
11 or through a consumer reporting agency or (ii) financial
12 records or information derived from financial records
13 between a bank and other banks or financial institutions or
14 commercial enterprises for the purpose of conducting due
15 diligence pursuant to a purchase or sale involving the bank
16 or assets or liabilities of the bank.

17 (7) The furnishing of information to the appropriate
18 law enforcement authorities where the bank reasonably
19 believes it has been the victim of a crime.

20 (8) The furnishing of information under the Revised
21 Uniform ~~Disposition of~~ Unclaimed Property Act.

22 (9) The furnishing of information under the Illinois
23 Income Tax Act and the Illinois Estate and
24 Generation-Skipping Transfer Tax Act.

25 (10) The furnishing of information under the federal
26 Currency and Foreign Transactions Reporting Act Title 31,

1 United States Code, Section 1051 et seq.

2 (11) The furnishing of information under any other
3 statute that by its terms or by regulations promulgated
4 thereunder requires the disclosure of financial records
5 other than by subpoena, summons, warrant, or court order.

6 (12) The furnishing of information about the existence
7 of an account of a person to a judgment creditor of that
8 person who has made a written request for that information.

9 (13) The exchange in the regular course of business of
10 information between commonly owned banks in connection
11 with a transaction authorized under paragraph (23) of
12 Section 5 and conducted at an affiliate facility.

13 (14) The furnishing of information in accordance with
14 the federal Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996. Any bank governed by this Act
16 shall enter into an agreement for data exchanges with a
17 State agency provided the State agency pays to the bank a
18 reasonable fee not to exceed its actual cost incurred. A
19 bank providing information in accordance with this item
20 shall not be liable to any account holder or other person
21 for any disclosure of information to a State agency, for
22 encumbering or surrendering any assets held by the bank in
23 response to a lien or order to withhold and deliver issued
24 by a State agency, or for any other action taken pursuant
25 to this item, including individual or mechanical errors,
26 provided the action does not constitute gross negligence or

1 willful misconduct. A bank shall have no obligation to
2 hold, encumber, or surrender assets until it has been
3 served with a subpoena, summons, warrant, court or
4 administrative order, lien, or levy.

5 (15) The exchange in the regular course of business of
6 information between a bank and any commonly owned affiliate
7 of the bank, subject to the provisions of the Financial
8 Institutions Insurance Sales Law.

9 (16) The furnishing of information to law enforcement
10 authorities, the Illinois Department on Aging and its
11 regional administrative and provider agencies, the
12 Department of Human Services Office of Inspector General,
13 or public guardians: (i) upon subpoena by the investigatory
14 entity or the guardian, or (ii) if there is suspicion by
15 the bank that a customer who is an elderly person or person
16 with a disability has been or may become the victim of
17 financial exploitation. For the purposes of this item (16),
18 the term: (i) "elderly person" means a person who is 60 or
19 more years of age, (ii) "disabled person" means a person
20 who has or reasonably appears to the bank to have a
21 physical or mental disability that impairs his or her
22 ability to seek or obtain protection from or prevent
23 financial exploitation, and (iii) "financial exploitation"
24 means tortious or illegal use of the assets or resources of
25 an elderly or disabled person, and includes, without
26 limitation, misappropriation of the elderly or disabled

1 person's assets or resources by undue influence, breach of
2 fiduciary relationship, intimidation, fraud, deception,
3 extortion, or the use of assets or resources in any manner
4 contrary to law. A bank or person furnishing information
5 pursuant to this item (16) shall be entitled to the same
6 rights and protections as a person furnishing information
7 under the Adult Protective Services Act and the Illinois
8 Domestic Violence Act of 1986.

9 (17) The disclosure of financial records or
10 information as necessary to effect, administer, or enforce
11 a transaction requested or authorized by the customer, or
12 in connection with:

13 (A) servicing or processing a financial product or
14 service requested or authorized by the customer;

15 (B) maintaining or servicing a customer's account
16 with the bank; or

17 (C) a proposed or actual securitization or
18 secondary market sale (including sales of servicing
19 rights) related to a transaction of a customer.

20 Nothing in this item (17), however, authorizes the sale
21 of the financial records or information of a customer
22 without the consent of the customer.

23 (18) The disclosure of financial records or
24 information as necessary to protect against actual or
25 potential fraud, unauthorized transactions, claims, or
26 other liability.

1 (19) (a) The disclosure of financial records or
2 information related to a private label credit program
3 between a financial institution and a private label party
4 in connection with that private label credit program. Such
5 information is limited to outstanding balance, available
6 credit, payment and performance and account history,
7 product references, purchase information, and information
8 related to the identity of the customer.

9 (b) (1) For purposes of this paragraph (19) of
10 subsection (b) of Section 48.1, a "private label credit
11 program" means a credit program involving a financial
12 institution and a private label party that is used by a
13 customer of the financial institution and the private label
14 party primarily for payment for goods or services sold,
15 manufactured, or distributed by a private label party.

16 (2) For purposes of this paragraph (19) of subsection
17 (b) of Section 48.1, a "private label party" means, with
18 respect to a private label credit program, any of the
19 following: a retailer, a merchant, a manufacturer, a trade
20 group, or any such person's affiliate, subsidiary, member,
21 agent, or service provider.

22 (c) Except as otherwise provided by this Act, a bank may
23 not disclose to any person, except to the customer or his duly
24 authorized agent, any financial records or financial
25 information obtained from financial records relating to that
26 customer of that bank unless:

1 (1) the customer has authorized disclosure to the
2 person;

3 (2) the financial records are disclosed in response to
4 a lawful subpoena, summons, warrant, citation to discover
5 assets, or court order which meets the requirements of
6 subsection (d) of this Section; or

7 (3) the bank is attempting to collect an obligation
8 owed to the bank and the bank complies with the provisions
9 of Section 2I of the Consumer Fraud and Deceptive Business
10 Practices Act.

11 (d) A bank shall disclose financial records under paragraph
12 (2) of subsection (c) of this Section under a lawful subpoena,
13 summons, warrant, citation to discover assets, or court order
14 only after the bank mails a copy of the subpoena, summons,
15 warrant, citation to discover assets, or court order to the
16 person establishing the relationship with the bank, if living,
17 and, otherwise his personal representative, if known, at his
18 last known address by first class mail, postage prepaid, unless
19 the bank is specifically prohibited from notifying the person
20 by order of court or by applicable State or federal law. A bank
21 shall not mail a copy of a subpoena to any person pursuant to
22 this subsection if the subpoena was issued by a grand jury
23 under the Statewide Grand Jury Act.

24 (e) Any officer or employee of a bank who knowingly and
25 willfully furnishes financial records in violation of this
26 Section is guilty of a business offense and, upon conviction,

1 shall be fined not more than \$1,000.

2 (f) Any person who knowingly and willfully induces or
3 attempts to induce any officer or employee of a bank to
4 disclose financial records in violation of this Section is
5 guilty of a business offense and, upon conviction, shall be
6 fined not more than \$1,000.

7 (g) A bank shall be reimbursed for costs that are
8 reasonably necessary and that have been directly incurred in
9 searching for, reproducing, or transporting books, papers,
10 records, or other data of a customer required or requested to
11 be produced pursuant to a lawful subpoena, summons, warrant,
12 citation to discover assets, or court order. The Commissioner
13 shall determine the rates and conditions under which payment
14 may be made.

15 (Source: P.A. 98-49, eff. 7-1-13; 99-143, eff. 7-27-15.)

16 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

17 Sec. 48.3. Disclosure of reports of examinations and
18 confidential supervisory information; limitations.

19 (a) Any report of examination, visitation, or
20 investigation prepared by the Commissioner under this Act, the
21 Electronic Fund Transfer Act, the Corporate Fiduciary Act, the
22 Illinois Bank Holding Company Act of 1957, and the Foreign
23 Banking Office Act, any report of examination, visitation, or
24 investigation prepared by the state regulatory authority of
25 another state that examines a branch of an Illinois State bank

1 in that state, any document or record prepared or obtained in
2 connection with or relating to any examination, visitation, or
3 investigation, and any record prepared or obtained by the
4 Commissioner to the extent that the record summarizes or
5 contains information derived from any report, document, or
6 record described in this subsection shall be deemed
7 "confidential supervisory information". Confidential
8 supervisory information shall not include any information or
9 record routinely prepared by a bank or other financial
10 institution and maintained in the ordinary course of business
11 or any information or record that is required to be made
12 publicly available pursuant to State or federal law or rule.
13 Confidential supervisory information shall be the property of
14 the Commissioner and shall only be disclosed under the
15 circumstances and for the purposes set forth in this Section.

16 The Commissioner may disclose confidential supervisory
17 information only under the following circumstances:

18 (1) The Commissioner may furnish confidential
19 supervisory information to the Board of Governors of the
20 Federal Reserve System, the federal reserve bank of the
21 federal reserve district in which the State bank is located
22 or in which the parent or other affiliate of the State bank
23 is located, any official or examiner thereof duly
24 accredited for the purpose, or any other state regulator,
25 federal regulator, or in the case of a foreign bank
26 possessing a certificate of authority pursuant to the

1 Foreign Banking Office Act or a license pursuant to the
2 Foreign Bank Representative Office Act, the bank regulator
3 in the country where the foreign bank is chartered, that
4 the Commissioner determines to have an appropriate
5 regulatory interest. Nothing contained in this Act shall be
6 construed to limit the obligation of any member State bank
7 to comply with the requirements relative to examinations
8 and reports of the Federal Reserve Act and of the Board of
9 Governors of the Federal Reserve System or the federal
10 reserve bank of the federal reserve district in which the
11 bank is located, nor to limit in any way the powers of the
12 Commissioner with reference to examinations and reports.

13 (2) The Commissioner may furnish confidential
14 supervisory information to the United States, any agency
15 thereof that has insured a bank's deposits in whole or in
16 part, or any official or examiner thereof duly accredited
17 for the purpose. Nothing contained in this Act shall be
18 construed to limit the obligation relative to examinations
19 and reports of any State bank, deposits in which are to any
20 extent insured by the United States, any agency thereof,
21 nor to limit in any way the powers of the Commissioner with
22 reference to examination and reports of such bank.

23 (3) The Commissioner may furnish confidential
24 supervisory information to the appropriate law enforcement
25 authorities when the Commissioner reasonably believes a
26 bank, which the Commissioner has caused to be examined, has

1 been a victim of a crime.

2 (4) The Commissioner may furnish confidential
3 supervisory information relating to a bank or other
4 financial institution, which the Commissioner has caused
5 to be examined, to be sent to the administrator of the
6 Revised Uniform ~~Disposition of~~ Unclaimed Property Act.

7 (5) The Commissioner may furnish confidential
8 supervisory information relating to a bank or other
9 financial institution, which the Commissioner has caused
10 to be examined, relating to its performance of obligations
11 under the Illinois Income Tax Act and the Illinois Estate
12 and Generation-Skipping Transfer Tax Act to the Illinois
13 Department of Revenue.

14 (6) The Commissioner may furnish confidential
15 supervisory information relating to a bank or other
16 financial institution, which the Commissioner has caused
17 to be examined, under the federal Currency and Foreign
18 Transactions Reporting Act, Title 31, United States Code,
19 Section 1051 et seq.

20 (6.5) The Commissioner may furnish confidential
21 supervisory information to any other agency or entity that
22 the Commissioner determines to have a legitimate
23 regulatory interest.

24 (7) The Commissioner may furnish confidential
25 supervisory information under any other statute that by its
26 terms or by regulations promulgated thereunder requires

1 the disclosure of financial records other than by subpoena,
2 summons, warrant, or court order.

3 (8) At the request of the affected bank or other
4 financial institution, the Commissioner may furnish
5 confidential supervisory information relating to a bank or
6 other financial institution, which the Commissioner has
7 caused to be examined, in connection with the obtaining of
8 insurance coverage or the pursuit of an insurance claim for
9 or on behalf of the bank or other financial institution;
10 provided that, when possible, the Commissioner shall
11 disclose only relevant information while maintaining the
12 confidentiality of financial records not relevant to such
13 insurance coverage or claim and, when appropriate, may
14 delete identifying data relating to any person or
15 individual.

16 (9) The Commissioner may furnish a copy of a report of
17 any examination performed by the Commissioner of the
18 condition and affairs of any electronic data processing
19 entity to the banks serviced by the electronic data
20 processing entity.

21 (10) In addition to the foregoing circumstances, the
22 Commissioner may, but is not required to, furnish
23 confidential supervisory information under the same
24 circumstances authorized for the bank or financial
25 institution pursuant to subsection (b) of this Section,
26 except that the Commissioner shall provide confidential

1 supervisory information under circumstances described in
2 paragraph (3) of subsection (b) of this Section only upon
3 the request of the bank or other financial institution.

4 (b) A bank or other financial institution or its officers,
5 agents, and employees may disclose confidential supervisory
6 information only under the following circumstances:

7 (1) to the board of directors of the bank or other
8 financial institution, as well as the president,
9 vice-president, cashier, and other officers of the bank or
10 other financial institution to whom the board of directors
11 may delegate duties with respect to compliance with
12 recommendations for action, and to the board of directors
13 of a bank holding company that owns at least 80% of the
14 outstanding stock of the bank or other financial
15 institution;

16 (2) to attorneys for the bank or other financial
17 institution and to a certified public accountant engaged by
18 the State bank or financial institution to perform an
19 independent audit provided that the attorney or certified
20 public accountant shall not permit the confidential
21 supervisory information to be further disseminated;

22 (3) to any person who seeks to acquire a controlling
23 interest in, or who seeks to merge with, the bank or
24 financial institution, provided that all attorneys,
25 certified public accountants, officers, agents, or
26 employees of that person shall agree to be bound to respect

1 the confidentiality of the confidential supervisory
2 information and to not further disseminate the information
3 therein contained;

4 (4) (blank); or

5 (5) to the bank's insurance company in relation to an
6 insurance claim or the effort by the bank to procure
7 insurance coverage, provided that, when possible, the bank
8 shall disclose only information that is relevant to the
9 insurance claim or that is necessary to procure the
10 insurance coverage, while maintaining the confidentiality
11 of financial information pertaining to customers. When
12 appropriate, the bank may delete identifying data relating
13 to any person.

14 The disclosure of confidential supervisory information by
15 a bank or other financial institution pursuant to this
16 subsection (b) and the disclosure of information to the
17 Commissioner or other regulatory agency in connection with any
18 examination, visitation, or investigation shall not constitute
19 a waiver of any legal privilege otherwise available to the bank
20 or other financial institution with respect to the information.

21 (c) (1) Notwithstanding any other provision of this Act or
22 any other law, confidential supervisory information shall be
23 the property of the Commissioner and shall be privileged from
24 disclosure to any person except as provided in this Section. No
25 person in possession of confidential supervisory information
26 may disclose that information for any reason or under any

1 circumstances not specified in this Section without the prior
2 authorization of the Commissioner. Any person upon whom a
3 demand for production of confidential supervisory information
4 is made, whether by subpoena, order, or other judicial or
5 administrative process, must withhold production of the
6 confidential supervisory information and must notify the
7 Commissioner of the demand, at which time the Commissioner is
8 authorized to intervene for the purpose of enforcing the
9 limitations of this Section or seeking the withdrawal or
10 termination of the attempt to compel production of the
11 confidential supervisory information.

12 (2) Any request for discovery or disclosure of confidential
13 supervisory information, whether by subpoena, order, or other
14 judicial or administrative process, shall be made to the
15 Commissioner, and the Commissioner shall determine within 15
16 days whether to disclose the information pursuant to procedures
17 and standards that the Commissioner shall establish by rule. If
18 the Commissioner determines that such information will not be
19 disclosed, the Commissioner's decision shall be subject to
20 judicial review under the provisions of the Administrative
21 Review Law, and venue shall be in either Sangamon County or
22 Cook County.

23 (3) Any court order that compels disclosure of confidential
24 supervisory information may be immediately appealed by the
25 Commissioner, and the order shall be automatically stayed
26 pending the outcome of the appeal.

1 (d) If any officer, agent, attorney, or employee of a bank
2 or financial institution knowingly and willfully furnishes
3 confidential supervisory information in violation of this
4 Section, the Commissioner may impose a civil monetary penalty
5 up to \$1,000 for the violation against the officer, agent,
6 attorney, or employee.

7 (Source: P.A. 90-301, eff. 8-1-97; 91-201, eff. 1-1-00.)

8 (205 ILCS 5/65) (from Ch. 17, par. 377)

9 Sec. 65. Dividends; dissolution. From time to time during a
10 receivership other than a receivership conducted by the Federal
11 Deposit Insurance Corporation, the Commissioner shall make and
12 pay from monies of the bank a ratable dividend on all claims as
13 may be proved to his or her satisfaction or adjudicated by the
14 court. Claims so proven or adjudicated shall bear interest at
15 the rate of 3% per annum from the date of the appointment of
16 the receiver to the date of payment, but all dividends on a
17 claim shall be applied first to principal. In computing the
18 amount of any dividend to be paid, if the Commissioner deems it
19 desirable in the interests of economy of administration and to
20 the interest of the bank and its creditors, he or she may pay
21 up to the amount of \$10 of each claim or unpaid portion thereof
22 in full. As the proceeds of the assets of the bank are
23 collected in the course of liquidation, the Commissioner shall
24 make and pay further dividends on all claims previously proven
25 or adjudicated. After one year from the entry of a judgment of

1 dissolution, all unclaimed dividends shall be remitted to the
2 State Treasurer in accordance with the Revised Uniform
3 Unclaimed Property Act ~~"Uniform Disposition of Unclaimed~~
4 ~~Property Act"~~, as now or hereafter amended, together with a
5 list of all unpaid claimants, their last known addresses and
6 the amounts unpaid.

7 (Source: P.A. 91-16, eff. 7-1-99.)

8 Section 1505.10. The Savings Bank Act is amended by
9 changing Sections 4013, 9012, and 10090 as follows:

10 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

11 Sec. 4013. Access to books and records; communication with
12 members and shareholders.

13 (a) Every member or shareholder shall have the right to
14 inspect books and records of the savings bank that pertain to
15 his accounts. Otherwise, the right of inspection and
16 examination of the books and records shall be limited as
17 provided in this Act, and no other person shall have access to
18 the books and records nor shall be entitled to a list of the
19 members or shareholders.

20 (b) For the purpose of this Section, the term "financial
21 records" means any original, any copy, or any summary of (1) a
22 document granting signature authority over a deposit or
23 account; (2) a statement, ledger card, or other record on any
24 deposit or account that shows each transaction in or with

1 respect to that account; (3) a check, draft, or money order
2 drawn on a savings bank or issued and payable by a savings
3 bank; or (4) any other item containing information pertaining
4 to any relationship established in the ordinary course of a
5 savings bank's business between a savings bank and its
6 customer, including financial statements or other financial
7 information provided by the member or shareholder.

8 (c) This Section does not prohibit:

9 (1) The preparation, examination, handling, or
10 maintenance of any financial records by any officer,
11 employee, or agent of a savings bank having custody of
12 records or examination of records by a certified public
13 accountant engaged by the savings bank to perform an
14 independent audit.

15 (2) The examination of any financial records by, or the
16 furnishing of financial records by a savings bank to, any
17 officer, employee, or agent of the Commissioner of Banks
18 and Real Estate or the federal depository institution
19 regulator for use solely in the exercise of his duties as
20 an officer, employee, or agent.

21 (3) The publication of data furnished from financial
22 records relating to members or holders of capital where the
23 data cannot be identified to any particular member,
24 shareholder, or account.

25 (4) The making of reports or returns required under
26 Chapter 61 of the Internal Revenue Code of 1986.

1 (5) Furnishing information concerning the dishonor of
2 any negotiable instrument permitted to be disclosed under
3 the Uniform Commercial Code.

4 (6) The exchange in the regular course of business of
5 (i) credit information between a savings bank and other
6 savings banks or financial institutions or commercial
7 enterprises, directly or through a consumer reporting
8 agency or (ii) financial records or information derived
9 from financial records between a savings bank and other
10 savings banks or financial institutions or commercial
11 enterprises for the purpose of conducting due diligence
12 pursuant to a purchase or sale involving the savings bank
13 or assets or liabilities of the savings bank.

14 (7) The furnishing of information to the appropriate
15 law enforcement authorities where the savings bank
16 reasonably believes it has been the victim of a crime.

17 (8) The furnishing of information pursuant to the
18 Revised Uniform ~~Disposition of~~ Unclaimed Property Act.

19 (9) The furnishing of information pursuant to the
20 Illinois Income Tax Act and the Illinois Estate and
21 Generation-Skipping Transfer Tax Act.

22 (10) The furnishing of information pursuant to the
23 federal "Currency and Foreign Transactions Reporting Act",
24 (Title 31, United States Code, Section 1051 et seq.).

25 (11) The furnishing of information pursuant to any
26 other statute which by its terms or by regulations

1 promulgated thereunder requires the disclosure of
2 financial records other than by subpoena, summons,
3 warrant, or court order.

4 (12) The furnishing of information in accordance with
5 the federal Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996. Any savings bank governed by
7 this Act shall enter into an agreement for data exchanges
8 with a State agency provided the State agency pays to the
9 savings bank a reasonable fee not to exceed its actual cost
10 incurred. A savings bank providing information in
11 accordance with this item shall not be liable to any
12 account holder or other person for any disclosure of
13 information to a State agency, for encumbering or
14 surrendering any assets held by the savings bank in
15 response to a lien or order to withhold and deliver issued
16 by a State agency, or for any other action taken pursuant
17 to this item, including individual or mechanical errors,
18 provided the action does not constitute gross negligence or
19 willful misconduct. A savings bank shall have no obligation
20 to hold, encumber, or surrender assets until it has been
21 served with a subpoena, summons, warrant, court or
22 administrative order, lien, or levy.

23 (13) The furnishing of information to law enforcement
24 authorities, the Illinois Department on Aging and its
25 regional administrative and provider agencies, the
26 Department of Human Services Office of Inspector General,

1 or public guardians: (i) upon subpoena by the investigatory
2 entity or the guardian, or (ii) if there is suspicion by
3 the savings bank that a customer who is an elderly person
4 or person with a disability has been or may become the
5 victim of financial exploitation. For the purposes of this
6 item (13), the term: (i) "elderly person" means a person
7 who is 60 or more years of age, (ii) "person with a
8 disability" means a person who has or reasonably appears to
9 the savings bank to have a physical or mental disability
10 that impairs his or her ability to seek or obtain
11 protection from or prevent financial exploitation, and
12 (iii) "financial exploitation" means tortious or illegal
13 use of the assets or resources of an elderly person or
14 person with a disability, and includes, without
15 limitation, misappropriation of the assets or resources of
16 the elderly person or person with a disability by undue
17 influence, breach of fiduciary relationship, intimidation,
18 fraud, deception, extortion, or the use of assets or
19 resources in any manner contrary to law. A savings bank or
20 person furnishing information pursuant to this item (13)
21 shall be entitled to the same rights and protections as a
22 person furnishing information under the Adult Protective
23 Services Act and the Illinois Domestic Violence Act of
24 1986.

25 (14) The disclosure of financial records or
26 information as necessary to effect, administer, or enforce

1 a transaction requested or authorized by the member or
2 holder of capital, or in connection with:

3 (A) servicing or processing a financial product or
4 service requested or authorized by the member or holder
5 of capital;

6 (B) maintaining or servicing an account of a member
7 or holder of capital with the savings bank; or

8 (C) a proposed or actual securitization or
9 secondary market sale (including sales of servicing
10 rights) related to a transaction of a member or holder
11 of capital.

12 Nothing in this item (14), however, authorizes the sale
13 of the financial records or information of a member or
14 holder of capital without the consent of the member or
15 holder of capital.

16 (15) The exchange in the regular course of business of
17 information between a savings bank and any commonly owned
18 affiliate of the savings bank, subject to the provisions of
19 the Financial Institutions Insurance Sales Law.

20 (16) The disclosure of financial records or
21 information as necessary to protect against or prevent
22 actual or potential fraud, unauthorized transactions,
23 claims, or other liability.

24 (17) (a) The disclosure of financial records or
25 information related to a private label credit program
26 between a financial institution and a private label party

1 in connection with that private label credit program. Such
2 information is limited to outstanding balance, available
3 credit, payment and performance and account history,
4 product references, purchase information, and information
5 related to the identity of the customer.

6 (b) (1) For purposes of this paragraph (17) of
7 subsection (c) of Section 4013, a "private label credit
8 program" means a credit program involving a financial
9 institution and a private label party that is used by a
10 customer of the financial institution and the private label
11 party primarily for payment for goods or services sold,
12 manufactured, or distributed by a private label party.

13 (2) For purposes of this paragraph (17) of subsection
14 (c) of Section 4013, a "private label party" means, with
15 respect to a private label credit program, any of the
16 following: a retailer, a merchant, a manufacturer, a trade
17 group, or any such person's affiliate, subsidiary, member,
18 agent, or service provider.

19 (d) A savings bank may not disclose to any person, except
20 to the member or holder of capital or his duly authorized
21 agent, any financial records relating to that member or
22 shareholder of the savings bank unless:

23 (1) the member or shareholder has authorized
24 disclosure to the person; or

25 (2) the financial records are disclosed in response to
26 a lawful subpoena, summons, warrant, citation to discover

1 assets, or court order that meets the requirements of
2 subsection (e) of this Section.

3 (e) A savings bank shall disclose financial records under
4 subsection (d) of this Section pursuant to a lawful subpoena,
5 summons, warrant, citation to discover assets, or court order
6 only after the savings bank mails a copy of the subpoena,
7 summons, warrant, citation to discover assets, or court order
8 to the person establishing the relationship with the savings
9 bank, if living, and otherwise, his personal representative, if
10 known, at his last known address by first class mail, postage
11 prepaid, unless the savings bank is specifically prohibited
12 from notifying the person by order of court.

13 (f) Any officer or employee of a savings bank who knowingly
14 and willfully furnishes financial records in violation of this
15 Section is guilty of a business offense and, upon conviction,
16 shall be fined not more than \$1,000.

17 (g) Any person who knowingly and willfully induces or
18 attempts to induce any officer or employee of a savings bank to
19 disclose financial records in violation of this Section is
20 guilty of a business offense and, upon conviction, shall be
21 fined not more than \$1,000.

22 (h) If any member or shareholder desires to communicate
23 with the other members or shareholders of the savings bank with
24 reference to any question pending or to be presented at an
25 annual or special meeting, the savings bank shall give that
26 person, upon request, a statement of the approximate number of

1 members or shareholders entitled to vote at the meeting and an
2 estimate of the cost of preparing and mailing the
3 communication. The requesting member shall submit the
4 communication to the Commissioner who, upon finding it to be
5 appropriate and truthful, shall direct that it be prepared and
6 mailed to the members upon the requesting member's or
7 shareholder's payment or adequate provision for payment of the
8 expenses of preparation and mailing.

9 (i) A savings bank shall be reimbursed for costs that are
10 necessary and that have been directly incurred in searching
11 for, reproducing, or transporting books, papers, records, or
12 other data of a customer required to be reproduced pursuant to
13 a lawful subpoena, warrant, citation to discover assets, or
14 court order.

15 (j) Notwithstanding the provisions of this Section, a
16 savings bank may sell or otherwise make use of lists of
17 customers' names and addresses. All other information
18 regarding a customer's account is ~~are~~ subject to the disclosure
19 provisions of this Section. At the request of any customer,
20 that customer's name and address shall be deleted from any list
21 that is to be sold or used in any other manner beyond
22 identification of the customer's accounts.

23 (Source: P.A. 98-49, eff. 7-1-13; 99-143, eff. 7-27-15; revised
24 9-14-16.)

1 Sec. 9012. Disclosure of reports of examinations and
2 confidential supervisory information; limitations.

3 (a) Any report of examination, visitation, or
4 investigation prepared by the Commissioner under this Act, any
5 report of examination, visitation, or investigation prepared
6 by the state regulatory authority of another state that
7 examines a branch of an Illinois State savings bank in that
8 state, any document or record prepared or obtained in
9 connection with or relating to any examination, visitation, or
10 investigation, and any record prepared or obtained by the
11 Commissioner to the extent that the record summarizes or
12 contains information derived from any report, document, or
13 record described in this subsection shall be deemed
14 confidential supervisory information. "Confidential
15 supervisory information" shall not include any information or
16 record routinely prepared by a savings bank and maintained in
17 the ordinary course of business or any information or record
18 that is required to be made publicly available pursuant to
19 State or federal law or rule. Confidential supervisory
20 information shall be the property of the Commissioner and shall
21 only be disclosed under the circumstances and for the purposes
22 set forth in this Section.

23 The Commissioner may disclose confidential supervisory
24 information only under the following circumstances:

25 (1) The Commissioner may furnish confidential
26 supervisory information to federal and state depository

1 institution regulators, or any official or examiner
2 thereof duly accredited for the purpose. Nothing contained
3 in this Act shall be construed to limit the obligation of
4 any savings bank to comply with the requirements relative
5 to examinations and reports nor to limit in any way the
6 powers of the Commissioner relative to examinations and
7 reports.

8 (2) The Commissioner may furnish confidential
9 supervisory information to the United States or any agency
10 thereof that to any extent has insured a savings bank's
11 deposits, or any official or examiner thereof duly
12 accredited for the purpose. Nothing contained in this Act
13 shall be construed to limit the obligation relative to
14 examinations and reports of any savings bank in which
15 deposits are to any extent insured by the United States or
16 any agency thereof nor to limit in any way the powers of
17 the Commissioner with reference to examination and reports
18 of the savings bank.

19 (3) The Commissioner may furnish confidential
20 supervisory information to the appropriate law enforcement
21 authorities when the Commissioner reasonably believes a
22 savings bank, which the Commissioner has caused to be
23 examined, has been a victim of a crime.

24 (4) The Commissioner may furnish confidential
25 supervisory information related to a savings bank, which
26 the Commissioner has caused to be examined, to the

1 administrator of the Revised Uniform ~~Disposition~~ of
2 Unclaimed Property Act.

3 (5) The Commissioner may furnish confidential
4 supervisory information relating to a savings bank, which
5 the Commissioner has caused to be examined, relating to its
6 performance of obligations under the Illinois Income Tax
7 Act and the Illinois Estate and Generation-Skipping
8 Transfer Tax Act to the Illinois Department of Revenue.

9 (6) The Commissioner may furnish confidential
10 supervisory information relating to a savings bank, which
11 the Commissioner has caused to be examined, under the
12 federal Currency and Foreign Transactions Reporting Act,
13 31 United States Code, Section 1051 et seq.

14 (7) The Commissioner may furnish confidential
15 supervisory information to any other agency or entity that
16 the Commissioner determines to have a legitimate
17 regulatory interest.

18 (8) The Commissioner may furnish confidential
19 supervisory information as otherwise permitted or required
20 by this Act and may furnish confidential supervisory
21 information under any other statute that by its terms or by
22 regulations promulgated thereunder requires the disclosure
23 of financial records other than by subpoena, summons,
24 warrant, or court order.

25 (9) At the request of the affected savings bank, the
26 Commissioner may furnish confidential supervisory

1 information relating to the savings bank, which the
2 Commissioner has caused to be examined, in connection with
3 the obtaining of insurance coverage or the pursuit of an
4 insurance claim for or on behalf of the savings bank;
5 provided that, when possible, the Commissioner shall
6 disclose only relevant information while maintaining the
7 confidentiality of financial records not relevant to such
8 insurance coverage or claim and, when appropriate, may
9 delete identifying data relating to any person.

10 (10) The Commissioner may furnish a copy of a report of
11 any examination performed by the Commissioner of the
12 condition and affairs of any electronic data processing
13 entity to the savings banks serviced by the electronic data
14 processing entity.

15 (11) In addition to the foregoing circumstances, the
16 Commissioner may, but is not required to, furnish
17 confidential supervisory information under the same
18 circumstances authorized for the savings bank pursuant to
19 subsection (b) of this Section, except that the
20 Commissioner shall provide confidential supervisory
21 information under circumstances described in paragraph (3)
22 of subsection (b) of this Section only upon the request of
23 the savings bank.

24 (b) A savings bank or its officers, agents, and employees
25 may disclose confidential supervisory information only under
26 the following circumstances:

1 (1) to the board of directors of the savings bank, as
2 well as the president, vice-president, cashier, and other
3 officers of the savings bank to whom the board of directors
4 may delegate duties with respect to compliance with
5 recommendations for action, and to the board of directors
6 of a savings bank holding company that owns at least 80% of
7 the outstanding stock of the savings bank or other
8 financial institution.

9 (2) to attorneys for the savings bank and to a
10 certified public accountant engaged by the savings bank to
11 perform an independent audit; provided that the attorney or
12 certified public accountant shall not permit the
13 confidential supervisory information to be further
14 disseminated.

15 (3) to any person who seeks to acquire a controlling
16 interest in, or who seeks to merge with, the savings bank;
17 provided that the person shall agree to be bound to respect
18 the confidentiality of the confidential supervisory
19 information and to not further disseminate the information
20 other than to attorneys, certified public accountants,
21 officers, agents, or employees of that person who likewise
22 shall agree to be bound to respect the confidentiality of
23 the confidential supervisory information and to not
24 further disseminate the information.

25 (4) to the savings bank's insurance company, if the
26 supervisory information contains information that is

1 otherwise unavailable and is strictly necessary to
2 obtaining insurance coverage or pursuing an insurance
3 claim for or on behalf of the savings bank; provided that,
4 when possible, the savings bank shall disclose only
5 information that is relevant to obtaining insurance
6 coverage or pursuing an insurance claim, while maintaining
7 the confidentiality of financial information pertaining to
8 customers; and provided further that, when appropriate,
9 the savings bank may delete identifying data relating to
10 any person.

11 The disclosure of confidential supervisory information by
12 a savings bank pursuant to this subsection (b) and the
13 disclosure of information to the Commissioner or other
14 regulatory agency in connection with any examination,
15 visitation, or investigation shall not constitute a waiver of
16 any legal privilege otherwise available to the savings bank
17 with respect to the information.

18 (c) (1) Notwithstanding any other provision of this Act or
19 any other law, confidential supervisory information shall be
20 the property of the Commissioner and shall be privileged from
21 disclosure to any person except as provided in this Section. No
22 person in possession of confidential supervisory information
23 may disclose that information for any reason or under any
24 circumstances not specified in this Section without the prior
25 authorization of the Commissioner. Any person upon whom a
26 demand for production of confidential supervisory information

1 is made, whether by subpoena, order, or other judicial or
2 administrative process, must withhold production of the
3 confidential supervisory information and must notify the
4 Commissioner of the demand, at which time the Commissioner is
5 authorized to intervene for the purpose of enforcing the
6 limitations of this Section or seeking the withdrawal or
7 termination of the attempt to compel production of the
8 confidential supervisory information.

9 (2) Any request for discovery or disclosure of confidential
10 supervisory information, whether by subpoena, order, or other
11 judicial or administrative process, shall be made to the
12 Commissioner, and the Commissioner shall determine within 15
13 days whether to disclose the information pursuant to procedures
14 and standards that the Commissioner shall establish by rule. If
15 the Commissioner determines that such information will not be
16 disclosed, the Commissioner's decision shall be subject to
17 judicial review under the provisions of the Administrative
18 Review Law, and venue shall be in either Sangamon County or
19 Cook County.

20 (3) Any court order that compels disclosure of confidential
21 supervisory information may be immediately appealed by the
22 Commissioner, and the order shall be automatically stayed
23 pending the outcome of the appeal.

24 (d) If any officer, agent, attorney, or employee of a
25 savings bank knowingly and willfully furnishes confidential
26 supervisory information in violation of this Section, the

1 Commissioner may impose a civil monetary penalty up to \$1,000
2 for the violation against the officer, agent, attorney, or
3 employee.

4 (e) Subject to the limits of this Section, the
5 Commissioner also may promulgate regulations to set procedures
6 and standards for disclosure of the following items:

7 (1) All fixed orders and opinions made in cases of
8 appeals of the Commissioner's actions.

9 (2) Statements of policy and interpretations adopted
10 by the Commissioner's office, but not otherwise made
11 public.

12 (3) Nonconfidential portions of application files,
13 including applications for new charters. The Commissioner
14 shall specify by rule as to what part of the files are
15 confidential.

16 (4) Quarterly reports of income, deposits, and
17 financial condition.

18 (Source: P.A. 93-271, eff. 7-22-03.)

19 (205 ILCS 205/10090)

20 Sec. 10090. Dividends; dissolution. From time to time
21 during a receivership other than a receivership conducted by
22 the Federal Deposit Insurance Corporation, the Secretary shall
23 make and pay from moneys of the savings bank a ratable dividend
24 on all claims as may be proved to his or her satisfaction or
25 adjudicated by the court. Claims so proven or adjudicated shall

1 bear interest at the rate of 3% per annum from the date of the
2 appointment of the receiver to the date of payment, but all
3 dividends on a claim shall be applied first to principal. In
4 computing the amount of any dividend to be paid, if the
5 Secretary deems it desirable in the interests of economy of
6 administration and to the interest of the savings bank and its
7 creditors, he or she may pay up to the amount of \$10 of each
8 claim or unpaid portion thereof in full. As the proceeds of the
9 assets of the savings bank are collected in the course of
10 liquidation, the Secretary shall make and pay further dividends
11 on all claims previously proven or adjudicated. After one year
12 from the entry of a judgment of dissolution, all unclaimed
13 dividends shall be remitted to the State Treasurer in
14 accordance with the Revised Uniform ~~Disposition of~~ Unclaimed
15 Property Act, as now or hereafter amended, together with a list
16 of all unpaid claimants, their last known addresses and the
17 amounts unpaid.

18 (Source: P.A. 96-1365, eff. 7-28-10.)

19 Section 1505.11. The Illinois Credit Union Act is amended
20 by changing Sections 10 and 62 as follows:

21 (205 ILCS 305/10) (from Ch. 17, par. 4411)

22 Sec. 10. Credit union records; member financial records.

23 (1) A credit union shall establish and maintain books,
24 records, accounting systems and procedures which accurately

1 reflect its operations and which enable the Department to
2 readily ascertain the true financial condition of the credit
3 union and whether it is complying with this Act.

4 (2) A photostatic or photographic reproduction of any
5 credit union records shall be admissible as evidence of
6 transactions with the credit union.

7 (3) (a) For the purpose of this Section, the term "financial
8 records" means any original, any copy, or any summary of (1) a
9 document granting signature authority over an account, (2) a
10 statement, ledger card or other record on any account which
11 shows each transaction in or with respect to that account, (3)
12 a check, draft or money order drawn on a financial institution
13 or other entity or issued and payable by or through a financial
14 institution or other entity, or (4) any other item containing
15 information pertaining to any relationship established in the
16 ordinary course of business between a credit union and its
17 member, including financial statements or other financial
18 information provided by the member.

19 (b) This Section does not prohibit:

20 (1) The preparation, examination, handling or
21 maintenance of any financial records by any officer,
22 employee or agent of a credit union having custody of such
23 records, or the examination of such records by a certified
24 public accountant engaged by the credit union to perform an
25 independent audit.

26 (2) The examination of any financial records by or the

1 furnishing of financial records by a credit union to any
2 officer, employee or agent of the Department, the National
3 Credit Union Administration, Federal Reserve board or any
4 insurer of share accounts for use solely in the exercise of
5 his duties as an officer, employee or agent.

6 (3) The publication of data furnished from financial
7 records relating to members where the data cannot be
8 identified to any particular customer of account.

9 (4) The making of reports or returns required under
10 Chapter 61 of the Internal Revenue Code of 1954.

11 (5) Furnishing information concerning the dishonor of
12 any negotiable instrument permitted to be disclosed under
13 the Uniform Commercial Code.

14 (6) The exchange in the regular course of business of
15 (i) credit information between a credit union and other
16 credit unions or financial institutions or commercial
17 enterprises, directly or through a consumer reporting
18 agency or (ii) financial records or information derived
19 from financial records between a credit union and other
20 credit unions or financial institutions or commercial
21 enterprises for the purpose of conducting due diligence
22 pursuant to a merger or a purchase or sale of assets or
23 liabilities of the credit union.

24 (7) The furnishing of information to the appropriate
25 law enforcement authorities where the credit union
26 reasonably believes it has been the victim of a crime.

1 (8) The furnishing of information pursuant to the
2 Revised Uniform ~~Disposition of~~ Unclaimed Property Act.

3 (9) The furnishing of information pursuant to the
4 Illinois Income Tax Act and the Illinois Estate and
5 Generation-Skipping Transfer Tax Act.

6 (10) The furnishing of information pursuant to the
7 federal "Currency and Foreign Transactions Reporting Act",
8 Title 31, United States Code, Section 1051 et sequentia.

9 (11) The furnishing of information pursuant to any
10 other statute which by its terms or by regulations
11 promulgated thereunder requires the disclosure of
12 financial records other than by subpoena, summons, warrant
13 or court order.

14 (12) The furnishing of information in accordance with
15 the federal Personal Responsibility and Work Opportunity
16 Reconciliation Act of 1996. Any credit union governed by
17 this Act shall enter into an agreement for data exchanges
18 with a State agency provided the State agency pays to the
19 credit union a reasonable fee not to exceed its actual cost
20 incurred. A credit union providing information in
21 accordance with this item shall not be liable to any
22 account holder or other person for any disclosure of
23 information to a State agency, for encumbering or
24 surrendering any assets held by the credit union in
25 response to a lien or order to withhold and deliver issued
26 by a State agency, or for any other action taken pursuant

1 to this item, including individual or mechanical errors,
2 provided the action does not constitute gross negligence or
3 willful misconduct. A credit union shall have no obligation
4 to hold, encumber, or surrender assets until it has been
5 served with a subpoena, summons, warrant, court or
6 administrative order, lien, or levy.

7 (13) The furnishing of information to law enforcement
8 authorities, the Illinois Department on Aging and its
9 regional administrative and provider agencies, the
10 Department of Human Services Office of Inspector General,
11 or public guardians: (i) upon subpoena by the investigatory
12 entity or the guardian, or (ii) if there is suspicion by
13 the credit union that a member who is an elderly person or
14 person with a disability has been or may become the victim
15 of financial exploitation. For the purposes of this item
16 (13), the term: (i) "elderly person" means a person who is
17 60 or more years of age, (ii) "person with a disability"
18 means a person who has or reasonably appears to the credit
19 union to have a physical or mental disability that impairs
20 his or her ability to seek or obtain protection from or
21 prevent financial exploitation, and (iii) "financial
22 exploitation" means tortious or illegal use of the assets
23 or resources of an elderly person or person with a
24 disability, and includes, without limitation,
25 misappropriation of the elderly or disabled person's
26 assets or resources by undue influence, breach of fiduciary

1 relationship, intimidation, fraud, deception, extortion,
2 or the use of assets or resources in any manner contrary to
3 law. A credit union or person furnishing information
4 pursuant to this item (13) shall be entitled to the same
5 rights and protections as a person furnishing information
6 under the Adult Protective Services Act and the Illinois
7 Domestic Violence Act of 1986.

8 (14) The disclosure of financial records or
9 information as necessary to effect, administer, or enforce
10 a transaction requested or authorized by the member, or in
11 connection with:

12 (A) servicing or processing a financial product or
13 service requested or authorized by the member;

14 (B) maintaining or servicing a member's account
15 with the credit union; or

16 (C) a proposed or actual securitization or
17 secondary market sale (including sales of servicing
18 rights) related to a transaction of a member.

19 Nothing in this item (14), however, authorizes the sale
20 of the financial records or information of a member without
21 the consent of the member.

22 (15) The disclosure of financial records or
23 information as necessary to protect against or prevent
24 actual or potential fraud, unauthorized transactions,
25 claims, or other liability.

26 (16) (a) The disclosure of financial records or

1 information related to a private label credit program
2 between a financial institution and a private label party
3 in connection with that private label credit program. Such
4 information is limited to outstanding balance, available
5 credit, payment and performance and account history,
6 product references, purchase information, and information
7 related to the identity of the customer.

8 (b) (1) For purposes of this paragraph (16) of
9 subsection (b) of Section 10, a "private label credit
10 program" means a credit program involving a financial
11 institution and a private label party that is used by a
12 customer of the financial institution and the private label
13 party primarily for payment for goods or services sold,
14 manufactured, or distributed by a private label party.

15 (2) For purposes of this paragraph (16) of subsection
16 (b) of Section 10, a "private label party" means, with
17 respect to a private label credit program, any of the
18 following: a retailer, a merchant, a manufacturer, a trade
19 group, or any such person's affiliate, subsidiary, member,
20 agent, or service provider.

21 (c) Except as otherwise provided by this Act, a credit
22 union may not disclose to any person, except to the member or
23 his duly authorized agent, any financial records relating to
24 that member of the credit union unless:

25 (1) the member has authorized disclosure to the person;

26 (2) the financial records are disclosed in response to

1 a lawful subpoena, summons, warrant, citation to discover
2 assets, or court order that meets the requirements of
3 subparagraph (d) of this Section; or

4 (3) the credit union is attempting to collect an
5 obligation owed to the credit union and the credit union
6 complies with the provisions of Section 2I of the Consumer
7 Fraud and Deceptive Business Practices Act.

8 (d) A credit union shall disclose financial records under
9 subparagraph (c)(2) of this Section pursuant to a lawful
10 subpoena, summons, warrant, citation to discover assets, or
11 court order only after the credit union mails a copy of the
12 subpoena, summons, warrant, citation to discover assets, or
13 court order to the person establishing the relationship with
14 the credit union, if living, and otherwise his personal
15 representative, if known, at his last known address by first
16 class mail, postage prepaid unless the credit union is
17 specifically prohibited from notifying the person by order of
18 court or by applicable State or federal law. In the case of a
19 grand jury subpoena, a credit union shall not mail a copy of a
20 subpoena to any person pursuant to this subsection if the
21 subpoena was issued by a grand jury under the Statewide Grand
22 Jury Act or notifying the person would constitute a violation
23 of the federal Right to Financial Privacy Act of 1978.

24 (e)(1) Any officer or employee of a credit union who
25 knowingly and wilfully furnishes financial records in
26 violation of this Section is guilty of a business offense and

1 upon conviction thereof shall be fined not more than \$1,000.

2 (2) Any person who knowingly and wilfully induces or
3 attempts to induce any officer or employee of a credit union to
4 disclose financial records in violation of this Section is
5 guilty of a business offense and upon conviction thereof shall
6 be fined not more than \$1,000.

7 (f) A credit union shall be reimbursed for costs which are
8 reasonably necessary and which have been directly incurred in
9 searching for, reproducing or transporting books, papers,
10 records or other data of a member required or requested to be
11 produced pursuant to a lawful subpoena, summons, warrant,
12 citation to discover assets, or court order. The Secretary and
13 the Director may determine, by rule, the rates and conditions
14 under which payment shall be made. Delivery of requested
15 documents may be delayed until final reimbursement of all costs
16 is received.

17 (Source: P.A. 98-49, eff. 7-1-13; 99-143, eff. 7-27-15.)

18 (205 ILCS 305/62) (from Ch. 17, par. 4463)

19 Sec. 62. Liquidation.

20 (1) A credit union may elect to dissolve voluntarily and
21 liquidate its affairs in the manner prescribed in this Section.

22 (2) The board of directors shall adopt a resolution
23 recommending the credit union be dissolved voluntarily, and
24 directing that the question of liquidating be submitted to the
25 members.

1 (3) Within 10 days after the board of directors decides to
2 submit the question of liquidation to the members, the chairman
3 or president shall notify the Secretary thereof, in writing,
4 setting forth the reasons for the proposed action. Within 10
5 days after the members act on the question of liquidation, the
6 chairman or president shall notify the Secretary, in writing,
7 as to whether or not the members approved the proposed
8 liquidation. The Secretary then must determine whether this
9 Section has been complied with and if his decision is
10 favorable, he shall prepare a certificate to the effect that
11 this Section has been complied with, a copy of which will be
12 retained by the Department and the other copy forwarded to the
13 credit union. The certificate must be filed with the recorder
14 or if there is no recorder, in the office of the county clerk
15 of the county or counties in which the credit union is
16 operating, whereupon the credit union must cease operations
17 except for the purpose of its liquidation.

18 (4) As soon as the board of directors passes a resolution
19 to submit the question of liquidation to the members, payment
20 on shares, withdrawal of shares, making any transfer of shares
21 to loans and interest, making investments of any kind and
22 granting loans shall be suspended pending action by members. On
23 approval by the members of such proposal, all such operations
24 shall be permanently discontinued. The necessary expenses of
25 operating shall, however, continue to be paid on authorization
26 of the board of directors or the liquidating agent during the

1 period of liquidation.

2 (5) For a credit union to enter voluntary liquidation, it
3 must be approved by affirmative vote of the members owning a
4 majority of the shares entitled to vote, in person or by proxy,
5 at a regular or special meeting of the members. Notice, in
6 writing, shall be given to each member, by first class mail, at
7 least 10 days prior to such meeting. If liquidation is
8 approved, the board of directors shall appoint a liquidating
9 agent for the purpose of conserving and collecting the assets,
10 closing the affairs of the credit union and distributing the
11 assets as required by this Act.

12 (6) A liquidating credit union shall continue in existence
13 for the purpose of discharging its debts, collecting and
14 distributing its assets, and doing all acts required in order
15 to terminate its operations and may sue and be sued for the
16 purpose of enforcing such debts and obligations until its
17 affairs are fully adjusted.

18 (7) Subject to such rules and regulations as the Secretary
19 may promulgate, the liquidating agent shall use the assets of
20 the credit union to pay; first, expenses incidental to
21 liquidating including any surety bond that may be required;
22 then, liabilities of the credit union; then special classes of
23 shares. The remaining assets shall then be distributed to the
24 members proportionately to the dollar value of the shares held
25 by each member in relation to the total dollar value of all
26 shares outstanding as of the date the dissolution was voted.

1 (8) As soon as the liquidating agent determines that all
2 assets as to which there is a reasonable expectancy of sale or
3 transfer have been liquidated and distributed as set forth in
4 this Section, he shall execute a certificate of dissolution on
5 a form prescribed by the Department and file the same, together
6 with all pertinent books and records of the liquidating credit
7 union with the Department, whereupon such credit union shall be
8 dissolved. The liquidating agent must, within 3 years after
9 issuance of a certificate by the Secretary referred to in
10 Subsection (3) of this Section, discharge the debts of the
11 credit union, collect and distribute its assets and do all
12 other acts required to wind up its business.

13 (9) If the Secretary determines that the liquidating agent
14 has failed to make reasonable progress in the liquidating of
15 the credit union's affairs and distribution of its assets or
16 has violated this Act, the Secretary may take possession and
17 control of the credit union and remove the liquidating agent
18 and appoint a liquidating agent to complete the liquidation
19 under his direction and control. The Secretary shall fill any
20 vacancy caused by the resignation, death, illness, removal,
21 desertion or incapacity to function of the liquidating agent.

22 (10) Any funds representing unclaimed dividends and shares
23 in liquidation and remaining in the hands of the board of
24 directors or the liquidating agent at the end of the
25 liquidation must be deposited by them, together with all books
26 and papers of the credit union, with the State Treasurer in

1 compliance with the Revised Uniform ~~Disposition of~~ Unclaimed
2 Property Act, ~~approved August 17, 1961, as amended.~~

3 (Source: P.A. 97-133, eff. 1-1-12.)

4 Section 1505.12. The Currency Exchange Act is amended by
5 changing Sections 15.1b and 19.3 as follows:

6 (205 ILCS 405/15.1b) (from Ch. 17, par. 4827)

7 Sec. 15.1b. Liquidation; distribution; priority. The
8 General Assembly finds and declares that community currency
9 exchanges provide important and vital services to Illinois
10 citizens. The General Assembly also finds that in providing
11 such services, community currency exchanges transact extensive
12 business involving check cashing and the writing of money
13 orders in communities in which banking services are generally
14 unavailable. It is therefore declared to be the policy of this
15 State that customers who receive these services must be
16 protected from insolvencies of currency exchanges and
17 interruptions of services. To carry out this policy and to
18 insure that customers of community currency exchanges are
19 protected in the event it is determined that a community
20 currency exchange in receivership should be liquidated in
21 accordance with Section 15.1a of this Act, the Secretary shall
22 make a distribution of moneys collected by the receiver in the
23 following order of priority: First, allowed claims for the
24 actual necessary expenses of the receivership of the community

1 currency exchange being liquidated, including (a) reasonable
2 receiver fees and receiver's attorney's fees approved by the
3 Secretary, (b) all expenses of any preliminary or other
4 examinations into the condition of the community currency
5 exchange or receivership, (c) all expenses incurred by the
6 Secretary which are incident to possession and control of any
7 property or records of the community currency exchange, and (d)
8 reasonable expenses incurred by the Secretary as the result of
9 business agreements or contractual arrangements necessary to
10 insure that the services of the community currency exchanges
11 are delivered to the community without interruption. Said
12 business agreements or contractual arrangements may include,
13 but are not limited to, agreements made by the Secretary, or by
14 the Receiver with the approval of the Secretary, with banks,
15 money order companies, bonding companies and other types of
16 financial institutions; Second, allowed claims by a purchaser
17 of money orders issued on demand of the community currency
18 exchange being liquidated; Third, allowed claims arising by
19 virtue of and to the extent of the amount a utility customer
20 deposits with the community currency exchange being liquidated
21 which are not remitted to the utility company; Fourth, allowed
22 claims arising by virtue of and to the extent of the amount
23 paid by a purchaser of Illinois license plates, vehicle
24 stickers sold for State and municipal governments in Illinois,
25 and temporary Illinois registration permits purchased at the
26 currency exchange being liquidated; Fifth, allowed unsecured

1 claims for wages or salaries, excluding vacation, severance and
2 sick leave pay earned by employee earned within 90 days prior
3 to the appointment of a Receiver; Sixth, secured claims;
4 Seventh, allowed unsecured claims of any tax, and interest and
5 penalty on the tax; Eighth, allowed unsecured claims other than
6 a kind specified in paragraph one, two and three of this
7 Section, filed with the Secretary within the time the Secretary
8 fixes for filing claims; Ninth, allowed unsecured claims, other
9 than a kind specified in paragraphs one, two and three of this
10 Section filed with the Secretary after the time fixed for
11 filing claims by the Secretary; Tenth, allowed creditor claims
12 asserted by an owner, member, or stockholder of the community
13 currency exchange in liquidation; Eleventh, after one year from
14 the final dissolution of the currency exchange, all assets not
15 used to satisfy allowed claims shall be distributed pro rata to
16 the owner, owners, members, or stockholders of the currency
17 exchange.

18 The Secretary shall pay all claims of equal priority
19 according to the schedule set out above, and shall not pay
20 claims of lower priority until all higher priority claims are
21 satisfied. If insufficient assets are available to meet all
22 claims of equal priority, those assets shall be distributed pro
23 rata among those claims. All unclaimed assets of a currency
24 exchange shall be deposited with the Secretary to be paid out
25 by him when proper claims therefor are presented to the
26 Secretary. If there are funds remaining after the conclusion of

1 a receivership of an abandoned currency exchange, the remaining
2 funds shall be considered unclaimed property and remitted to
3 the State Treasurer under the Revised Uniform ~~Disposition of~~
4 Unclaimed Property Act.

5 (Source: P.A. 97-315, eff. 1-1-12.)

6 (205 ILCS 405/19.3) (from Ch. 17, par. 4838)

7 Sec. 19.3. (A) The General Assembly hereby finds and
8 declares: community currency exchanges and ambulatory currency
9 exchanges provide important and vital services to Illinois
10 citizens. In so doing, they transact extensive business
11 involving check cashing and the writing of money orders in
12 communities in which banking services are generally
13 unavailable. Customers of currency exchanges who receive these
14 services must be protected from being charged unreasonable and
15 unconscionable rates for cashing checks and purchasing money
16 orders. The Illinois Department of Financial and Professional
17 Regulation has the responsibility for regulating the
18 operations of currency exchanges and has the expertise to
19 determine reasonable maximum rates to be charged for check
20 cashing and money order purchases. Therefore, it is in the
21 public interest, convenience, welfare and good to have the
22 Department establish reasonable maximum rate schedules for
23 check cashing and the issuance of money orders and to require
24 community and ambulatory currency exchanges to prominently
25 display to the public the fees charged for all services. The

1 Secretary shall review, each year, the cost of operation of the
2 Currency Exchange Section and the revenue generated from
3 currency exchange examinations and report to the General
4 Assembly if the need exists for an increase in the fees
5 mandated by this Act to maintain the Currency Exchange Section
6 at a fiscally self-sufficient level. The Secretary shall
7 include in such report the total amount of funds remitted to
8 the State and delivered to the State Treasurer by currency
9 exchanges pursuant to the Revised Uniform ~~Disposition~~ of
10 Unclaimed Property Act.

11 (B) The Secretary shall, by rules adopted in accordance
12 with the Illinois Administrative Procedure Act, expeditiously
13 formulate and issue schedules of reasonable maximum rates which
14 can be charged for check cashing and writing of money orders by
15 community currency exchanges and ambulatory currency
16 exchanges.

17 (1) In determining the maximum rate schedules for the
18 purposes of this Section the Secretary shall take into
19 account:

20 (a) Rates charged in the past for the cashing of
21 checks and the issuance of money orders by community
22 and ambulatory currency exchanges.

23 (b) Rates charged by banks or other business
24 entities for rendering the same or similar services and
25 the factors upon which those rates are based.

26 (c) The income, cost and expense of the operation

1 of currency exchanges.

2 (d) Rates charged by currency exchanges or other
3 similar entities located in other states for the same
4 or similar services and the factors upon which those
5 rates are based.

6 (e) Rates charged by the United States Postal
7 Service for the issuing of money orders and the factors
8 upon which those rates are based.

9 (f) A reasonable profit for a currency exchange
10 operation.

11 (2) (a) The schedule of reasonable maximum rates
12 established pursuant to this Section may be modified by the
13 Secretary from time to time pursuant to rules adopted in
14 accordance with the Illinois Administrative Procedure Act.

15 (b) Upon the filing of a verified petition setting
16 forth allegations demonstrating reasonable cause to
17 believe that the schedule of maximum rates previously
18 issued and promulgated should be adjusted, the Secretary
19 shall expeditiously:

20 (i) reject the petition if it fails to demonstrate
21 reasonable cause to believe that an adjustment is
22 necessary; or

23 (ii) conduct such hearings, in accordance with
24 this Section, as may be necessary to determine whether
25 the petition should be granted in whole or in part.

26 (c) No petition may be filed pursuant to subparagraph

1 (a) of paragraph (2) of subsection (B) unless:

2 (i) at least nine months have expired since the
3 last promulgation of schedules of maximum rates; and

4 (ii) at least one-fourth of all community currency
5 exchange licensees join in a petition or, in the case
6 of ambulatory currency exchanges, a licensee or
7 licensees authorized to serve at least 100 locations
8 join in a petition.

9 (3) Any currency exchange may charge lower fees than
10 those of the applicable maximum fee schedule after filing
11 with the Secretary a schedule of fees it proposes to use.

12 (Source: P.A. 97-315, eff. 1-1-12.)

13 Section 1505.13. The Corporate Fiduciary Act is amended by
14 changing Section 6-14 as follows:

15 (205 ILCS 620/6-14) (from Ch. 17, par. 1556-14)

16 Sec. 6-14. From time to time during receivership the
17 Commissioner shall make and pay from monies of the corporate
18 fiduciary a ratable dividend on all claims as may be proved to
19 his or her satisfaction or adjudicated by the court. After one
20 year from the entry of a judgment of dissolution, all unclaimed
21 dividends shall be remitted to the State Treasurer in
22 accordance with the Revised Uniform ~~Disposition of~~ Unclaimed
23 Property Act, as now or hereafter amended, together with a list
24 of all unpaid claimants, their last known addresses and the

1 amounts unpaid.

2 (Source: P.A. 91-16, eff. 7-1-99.)

3 Section 1505.14. The Transmitters of Money Act is amended
4 by changing Section 30 as follows:

5 (205 ILCS 657/30)

6 Sec. 30. Surety bond.

7 (a) An applicant for a license shall post and a licensee
8 must maintain with the Director a bond or bonds issued by
9 corporations qualified to do business as surety companies in
10 this State.

11 (b) The applicant or licensee shall post a bond in the
12 amount of the greater of \$100,000 or an amount equal to the
13 daily average of outstanding payment instruments for the
14 preceding 12 months or operational history, whichever is
15 shorter, up to a maximum amount of \$2,000,000. When the amount
16 of the required bond exceeds \$1,000,000, the applicant or
17 licensee may, in the alternative, post a bond in the amount of
18 \$1,000,000 plus a dollar for dollar increase in the net worth
19 of the applicant or licensee over and above the amount required
20 in Section 20, up to a total amount of \$2,000,000.

21 (c) The bond must be in a form satisfactory to the Director
22 and shall run to the State of Illinois for the benefit of any
23 claimant against the applicant or licensee with respect to the
24 receipt, handling, transmission, and payment of money by the

1 licensee or authorized seller in connection with the licensed
2 operations. A claimant damaged by a breach of the conditions of
3 a bond shall have a right to action upon the bond for damages
4 suffered thereby and may bring suit directly on the bond, or
5 the Director may bring suit on behalf of the claimant.

6 (d) (Blank).

7 (e) (Blank).

8 (f) After receiving a license, the licensee must maintain
9 the required bond plus net worth (if applicable) until 5 years
10 after it ceases to do business in this State unless all
11 outstanding payment instruments are eliminated or the
12 provisions under the Revised Uniform ~~Disposition of~~ Unclaimed
13 Property Act have become operative and are adhered to by the
14 licensee. Notwithstanding this provision, however, the amount
15 required to be maintained may be reduced to the extent that the
16 amount of the licensee's payment instruments outstanding in
17 this State are reduced.

18 (g) If the Director at any time reasonably determines that
19 the required bond is insecure, deficient in amount, or
20 exhausted in whole or in part, he may in writing require the
21 filing of a new or supplemental bond in order to secure
22 compliance with this Act and may demand compliance with the
23 requirement within 30 days following service on the licensee.

24 (Source: P.A. 92-400, eff. 1-1-02.)

25 Section 1505.15. The Adverse Claims to Deposit Accounts Act

1 is amended by changing Section 10 as follows:

2 (205 ILCS 700/10)

3 Sec. 10. Application of Act. This Act shall not preempt:

4 (1) the Revised Uniform ~~Disposition of~~ Unclaimed Property
5 Act, nor shall any provision of this Act be construed to
6 relieve any holder, including a financial institution, from
7 reporting and remitting all unclaimed property, including
8 deposit accounts, under the Revised Uniform ~~Disposition of~~
9 Unclaimed Property Act;

10 (2) the Uniform Commercial Code, nor shall any provision of
11 this Act be construed as affecting the rights of a person with
12 respect to a deposit account under the Uniform Commercial Code;

13 (3) the provisions of Section 2-1402 of the Code of Civil
14 Procedure, nor shall any provision of this Act be construed as
15 affecting the rights of a person with respect to a deposit
16 account under Section 2-1402 of the Code of Civil Procedure;

17 (4) the provisions of Part 7 of Article II of the Code of
18 Civil Procedure, nor shall any provision of this Act be
19 construed as affecting the rights of a person with respect to a
20 deposit account under the provisions of Part 7 of Article II of
21 the Code of Civil Procedure;

22 (5) the provisions of Article XXV of the Probate Act of
23 1975, nor shall any provision of this Act be construed as
24 affecting the rights of a person with respect to a deposit
25 account under the provisions of Article XXV of the Probate Act

1 of 1975; or

2 (6) the Safety Deposit Box Opening Act, nor shall any
3 provision of this Act be construed as affecting the rights of a
4 person with respect to a deposit account under the Safety
5 Deposit Box Opening Act.

6 (Source: P.A. 89-601, eff. 8-2-96.)

7 Section 1505.16. The Illinois Insurance Code is amended by
8 changing Section 210 as follows:

9 (215 ILCS 5/210) (from Ch. 73, par. 822)

10 Sec. 210. Distribution of assets; priorities; unpaid
11 dividends.

12 (1) Any time after the last day fixed for the filing of
13 proofs of claims in the liquidation of a company, the court
14 may, upon the application of the Director authorize him to
15 declare out of the funds remaining in his hands, one or more
16 dividends upon all claims allowed in accordance with the
17 priorities established in Section 205.

18 (2) Where there has been no adjudication of insolvency, the
19 Director shall pay all allowed claims in full in accordance
20 with the priorities set forth in Section 205. The director
21 shall not be chargeable for any assets so distributed to any
22 claimant who has failed to file a proper proof of claim before
23 such distribution has been made.

24 (3) When subsequent to an adjudication of insolvency,

1 pursuant to Section 208, a surplus is found to exist after the
2 payment in full of all allowed claims falling within the
3 priorities set forth in paragraphs (a), (b), (c), (d), (e), (f)
4 and (g) of subsection (1) of Section 205 and which have been
5 duly filed prior to the last date fixed for the filing thereof,
6 and after the setting aside of a reserve for all additional
7 costs and expenses of the proceeding, the court shall set a new
8 date for the filing of claims. After the expiration of the new
9 date, all allowed claims filed on or before said new date
10 together with all previously allowed claims falling within the
11 priorities set forth in paragraphs (h) and (i) of subsection
12 (1) of Section 205 shall be paid in accordance with the
13 priorities set forth in Section 205.

14 (4) Dividends remaining unclaimed or unpaid in the hands of
15 the Director for 6 months after the final order of distribution
16 may be by him deposited in one or more savings and loan
17 associations, State or national banks, trust companies or
18 savings banks to the credit of the Director, whomsoever he may
19 be, in trust for the person entitled thereto, but no such
20 person shall be entitled to any interest upon such deposit. All
21 such deposits shall be entitled to priority of payment in case
22 of the insolvency or voluntary or involuntary liquidation of
23 the depositary on an equality with any other priority given by
24 the banking law. Any such funds together with interest, if any,
25 paid or credited thereon, remaining and unclaimed in the hands
26 of the Director in Trust after 2 years shall be presumed

1 abandoned and reported and delivered to the State Treasurer and
2 become subject to the provisions of the Revised Uniform
3 ~~Disposition of~~ Unclaimed Property Act.

4 (Source: P.A. 91-16, eff. 7-1-99.)

5 Section 1505.17. The Unclaimed Life Insurance Benefits Act
6 is amended by changing Sections 5, 15, and 20 as follows:

7 (215 ILCS 185/5)

8 Sec. 5. Purpose. This Act shall require recognition of the
9 Revised Uniform ~~Disposition of~~ Unclaimed Property Act and
10 require the complete and proper disclosure, transparency, and
11 accountability relating to any method of payment for life
12 insurance, annuity, or retained asset agreement death
13 benefits.

14 (Source: P.A. 99-893, eff. 1-1-17.)

15 (215 ILCS 185/15)

16 Sec. 15. Insurer conduct.

17 (a) An insurer shall initially perform a comparison of its
18 insureds', annuitants', and retained asset account holders'
19 in-force policies, annuity contracts, and retained asset
20 accounts by using the full Death Master File. The initial
21 comparison shall be completed on or before December 31, 2017,
22 unless extended by the Department pursuant to administrative
23 rule. Thereafter, an insurer shall perform a comparison on at

1 least a semi-annual basis using the Death Master File update
2 files for comparisons to identify potential matches of its
3 insureds, annuitants, and retained asset account holders. In
4 the event that one of the insurer's lines of business conducts
5 a search for matches of its insureds, annuitants, and retained
6 asset account holders against the Death Master File at
7 intervals more frequently than semi-annually, then all lines of
8 the insurer's business shall conduct searches for matches
9 against the Death Master File with the same frequency.

10 An insured, an annuitant, or a retained asset account
11 holder is presumed dead if the date of his or her death is
12 indicated by the comparison required in this subsection (a),
13 unless the insurer has competent and substantial evidence that
14 the person is living, including, but not limited to, a contact
15 made by the insurer with the person or his or her legal
16 representative.

17 For those potential matches identified as a result of a
18 Death Master File match, the insurer shall within 120 days
19 after the date of death notice, if the insurer has not been
20 contacted by a beneficiary, determine whether benefits are due
21 in accordance with the applicable policy or contract and, if
22 benefits are due in accordance with the applicable policy or
23 contract:

- 24 (1) use good faith efforts, which shall be documented
25 by the insurer, to locate the beneficiary or beneficiaries;
26 the Department shall establish by administrative rule

1 minimum standards for what constitutes good faith efforts
2 to locate a beneficiary, which shall include: (A) searching
3 insurer records; (B) the appropriate use of First Class
4 United States mail, e-mail addresses, and telephone calls;
5 and (C) reasonable efforts by insurers to obtain updated
6 contact information for the beneficiary or beneficiaries;
7 good faith efforts shall not include additional attempts to
8 contact the beneficiary at an address already confirmed not
9 to be current; and

10 (2) provide the appropriate claims forms or
11 instructions to the beneficiary or beneficiaries to make a
12 claim, including the need to provide an official death
13 certificate if applicable under the policy or annuity
14 contract.

15 (b) Insurers shall implement procedures to account for the
16 following when conducting searches of the Death Master File:

17 (1) common nicknames, initials used in lieu of a first
18 or middle name, use of a middle name, compound first and
19 middle names, and interchanged first and middle names;

20 (2) compound last names, maiden or married names, and
21 hyphens, blank spaces, or apostrophes in last names;

22 (3) transposition of the "month" and "date" portions of
23 the date of birth; and

24 (4) incomplete social security numbers.

25 (c) To the extent permitted by law, an insurer may disclose
26 the minimum necessary personal information about the insured,

1 annuity owner, retained asset account holder, or beneficiary to
2 a person whom the insurer reasonably believes may be able to
3 assist the insurer with locating the beneficiary or a person
4 otherwise entitled to payment of the claims proceeds.

5 (d) An insurer or its service provider shall not charge any
6 beneficiary or other authorized representative for any fees or
7 costs associated with a Death Master File search or
8 verification of a Death Master File match conducted pursuant to
9 this Act.

10 (e) The benefits from a policy, annuity contract, or a
11 retained asset account, plus any applicable accrued interest,
12 shall first be payable to the designated beneficiaries or
13 owners and, in the event the beneficiaries or owners cannot be
14 found, shall be reported and delivered to the State Treasurer
15 pursuant to the Revised Uniform ~~Disposition of~~ Unclaimed
16 Property Act. Nothing in this subsection (e) is intended to
17 alter the amounts reportable under the existing provisions of
18 the Revised Uniform ~~Disposition of~~ Unclaimed Property Act or to
19 allow the imposition of additional statutory interest under
20 Article XIV of the Illinois Insurance Code.

21 (f) Failure to meet any requirement of this Section with
22 such frequency as to constitute a general business practice is
23 a violation of Section 424 of the Illinois Insurance Code.
24 Nothing in this Section shall be construed to create or imply a
25 private cause of action for a violation of this Section.

26 (Source: P.A. 99-893, eff. 1-1-17.)

1 (215 ILCS 185/20)

2 Sec. 20. Revised Uniform ~~Disposition of~~ Unclaimed Property
3 Act. Nothing in this Act shall be construed to amend, modify,
4 or supersede the Revised Uniform ~~Disposition of~~ Unclaimed
5 Property Act, including the authority of the State Treasurer to
6 examine the records of any person if the State Treasurer has
7 reason to believe that such person has failed to report
8 property that should have been reported pursuant to the Revised
9 Uniform ~~Disposition of~~ Unclaimed Property Act.
10 (Source: P.A. 99-893, eff. 1-1-17.)

11 Section 1505.18. The Real Estate License Act of 2000 is
12 amended by changing Section 20-20 as follows:

13 (225 ILCS 454/20-20)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 20-20. Grounds for discipline.

16 (a) The Department may refuse to issue or renew a license,
17 may place on probation, suspend, or revoke any license,
18 reprimand, or take any other disciplinary or non-disciplinary
19 action as the Department may deem proper and impose a fine not
20 to exceed \$25,000 upon any licensee or applicant under this Act
21 or any person who holds himself or herself out as an applicant
22 or licensee or against a licensee in handling his or her own
23 property, whether held by deed, option, or otherwise, for any

1 one or any combination of the following causes:

2 (1) Fraud or misrepresentation in applying for, or
3 procuring, a license under this Act or in connection with
4 applying for renewal of a license under this Act.

5 (2) The conviction of or plea of guilty or plea of nolo
6 contendere to a felony or misdemeanor in this State or any
7 other jurisdiction; or the entry of an administrative
8 sanction by a government agency in this State or any other
9 jurisdiction. Action taken under this paragraph (2) for a
10 misdemeanor or an administrative sanction is limited to a
11 misdemeanor or administrative sanction that has as an
12 essential element dishonesty or fraud or involves larceny,
13 embezzlement, or obtaining money, property, or credit by
14 false pretenses or by means of a confidence game.

15 (3) Inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of a
17 physical illness, including, but not limited to,
18 deterioration through the aging process or loss of motor
19 skill, or a mental illness or disability.

20 (4) Practice under this Act as a licensee in a retail
21 sales establishment from an office, desk, or space that is
22 not separated from the main retail business by a separate
23 and distinct area within the establishment.

24 (5) Having been disciplined by another state, the
25 District of Columbia, a territory, a foreign nation, or a
26 governmental agency authorized to impose discipline if at

1 least one of the grounds for that discipline is the same as
2 or the equivalent of one of the grounds for which a
3 licensee may be disciplined under this Act. A certified
4 copy of the record of the action by the other state or
5 jurisdiction shall be prima facie evidence thereof.

6 (6) Engaging in the practice of real estate brokerage
7 without a license or after the licensee's license was
8 expired or while the license was inoperative.

9 (7) Cheating on or attempting to subvert the Real
10 Estate License Exam or continuing education exam.

11 (8) Aiding or abetting an applicant to subvert or cheat
12 on the Real Estate License Exam or continuing education
13 exam administered pursuant to this Act.

14 (9) Advertising that is inaccurate, misleading, or
15 contrary to the provisions of the Act.

16 (10) Making any substantial misrepresentation or
17 untruthful advertising.

18 (11) Making any false promises of a character likely to
19 influence, persuade, or induce.

20 (12) Pursuing a continued and flagrant course of
21 misrepresentation or the making of false promises through
22 licensees, employees, agents, advertising, or otherwise.

23 (13) Any misleading or untruthful advertising, or
24 using any trade name or insignia of membership in any real
25 estate organization of which the licensee is not a member.

26 (14) Acting for more than one party in a transaction

1 without providing written notice to all parties for whom
2 the licensee acts.

3 (15) Representing or attempting to represent a broker
4 other than the sponsoring broker.

5 (16) Failure to account for or to remit any moneys or
6 documents coming into his or her possession that belong to
7 others.

8 (17) Failure to maintain and deposit in a special
9 account, separate and apart from personal and other
10 business accounts, all escrow moneys belonging to others
11 entrusted to a licensee while acting as a broker, escrow
12 agent, or temporary custodian of the funds of others or
13 failure to maintain all escrow moneys on deposit in the
14 account until the transactions are consummated or
15 terminated, except to the extent that the moneys, or any
16 part thereof, shall be:

17 (A) disbursed prior to the consummation or
18 termination (i) in accordance with the written
19 direction of the principals to the transaction or their
20 duly authorized agents, (ii) in accordance with
21 directions providing for the release, payment, or
22 distribution of escrow moneys contained in any written
23 contract signed by the principals to the transaction or
24 their duly authorized agents, or (iii) pursuant to an
25 order of a court of competent jurisdiction; or

26 (B) deemed abandoned and transferred to the Office

1 of the State Treasurer to be handled as unclaimed
2 property pursuant to the Revised Uniform ~~Disposition~~
3 ~~of~~ Unclaimed Property Act. Escrow moneys may be deemed
4 abandoned under this subparagraph (B) only: (i) in the
5 absence of disbursement under subparagraph (A); (ii)
6 in the absence of notice of the filing of any claim in
7 a court of competent jurisdiction; and (iii) if 6
8 months have elapsed after the receipt of a written
9 demand for the escrow moneys from one of the principals
10 to the transaction or the principal's duly authorized
11 agent.

12 The account shall be noninterest bearing, unless the
13 character of the deposit is such that payment of interest
14 thereon is otherwise required by law or unless the
15 principals to the transaction specifically require, in
16 writing, that the deposit be placed in an interest bearing
17 account.

18 (18) Failure to make available to the Department all
19 escrow records and related documents maintained in
20 connection with the practice of real estate within 24 hours
21 of a request for those documents by Department personnel.

22 (19) Failing to furnish copies upon request of
23 documents relating to a real estate transaction to a party
24 who has executed that document.

25 (20) Failure of a sponsoring broker to timely provide
26 information, sponsor cards, or termination of licenses to

1 the Department.

2 (21) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (22) Commingling the money or property of others with
6 his or her own money or property.

7 (23) Employing any person on a purely temporary or
8 single deal basis as a means of evading the law regarding
9 payment of commission to nonlicensees on some contemplated
10 transactions.

11 (24) Permitting the use of his or her license as a
12 broker to enable a leasing agent or unlicensed person to
13 operate a real estate business without actual
14 participation therein and control thereof by the broker.

15 (25) Any other conduct, whether of the same or a
16 different character from that specified in this Section,
17 that constitutes dishonest dealing.

18 (26) Displaying a "for rent" or "for sale" sign on any
19 property without the written consent of an owner or his or
20 her duly authorized agent or advertising by any means that
21 any property is for sale or for rent without the written
22 consent of the owner or his or her authorized agent.

23 (27) Failing to provide information requested by the
24 Department, or otherwise respond to that request, within 30
25 days of the request.

26 (28) Advertising by means of a blind advertisement,

1 except as otherwise permitted in Section 10-30 of this Act.

2 (29) Offering guaranteed sales plans, as defined in
3 clause (A) of this subdivision (29), except to the extent
4 hereinafter set forth:

5 (A) A "guaranteed sales plan" is any real estate
6 purchase or sales plan whereby a licensee enters into a
7 conditional or unconditional written contract with a
8 seller, prior to entering into a brokerage agreement
9 with the seller, by the terms of which a licensee
10 agrees to purchase a property of the seller within a
11 specified period of time at a specific price in the
12 event the property is not sold in accordance with the
13 terms of a brokerage agreement to be entered into
14 between the sponsoring broker and the seller.

15 (B) A licensee offering a guaranteed sales plan
16 shall provide the details and conditions of the plan in
17 writing to the party to whom the plan is offered.

18 (C) A licensee offering a guaranteed sales plan
19 shall provide to the party to whom the plan is offered
20 evidence of sufficient financial resources to satisfy
21 the commitment to purchase undertaken by the broker in
22 the plan.

23 (D) Any licensee offering a guaranteed sales plan
24 shall undertake to market the property of the seller
25 subject to the plan in the same manner in which the
26 broker would market any other property, unless the

1 agreement with the seller provides otherwise.

2 (E) The licensee cannot purchase seller's property
3 until the brokerage agreement has ended according to
4 its terms or is otherwise terminated.

5 (F) Any licensee who fails to perform on a
6 guaranteed sales plan in strict accordance with its
7 terms shall be subject to all the penalties provided in
8 this Act for violations thereof and, in addition, shall
9 be subject to a civil fine payable to the party injured
10 by the default in an amount of up to \$25,000.

11 (30) Influencing or attempting to influence, by any
12 words or acts, a prospective seller, purchaser, occupant,
13 landlord, or tenant of real estate, in connection with
14 viewing, buying, or leasing real estate, so as to promote
15 or tend to promote the continuance or maintenance of
16 racially and religiously segregated housing or so as to
17 retard, obstruct, or discourage racially integrated
18 housing on or in any street, block, neighborhood, or
19 community.

20 (31) Engaging in any act that constitutes a violation
21 of any provision of Article 3 of the Illinois Human Rights
22 Act, whether or not a complaint has been filed with or
23 adjudicated by the Human Rights Commission.

24 (32) Inducing any party to a contract of sale or lease
25 or brokerage agreement to break the contract of sale or
26 lease or brokerage agreement for the purpose of

1 substituting, in lieu thereof, a new contract for sale or
2 lease or brokerage agreement with a third party.

3 (33) Negotiating a sale, exchange, or lease of real
4 estate directly with any person if the licensee knows that
5 the person has an exclusive brokerage agreement with
6 another broker, unless specifically authorized by that
7 broker.

8 (34) When a licensee is also an attorney, acting as the
9 attorney for either the buyer or the seller in the same
10 transaction in which the licensee is acting or has acted as
11 a managing broker or broker.

12 (35) Advertising or offering merchandise or services
13 as free if any conditions or obligations necessary for
14 receiving the merchandise or services are not disclosed in
15 the same advertisement or offer. These conditions or
16 obligations include without limitation the requirement
17 that the recipient attend a promotional activity or visit a
18 real estate site. As used in this subdivision (35), "free"
19 includes terms such as "award", "prize", "no charge", "free
20 of charge", "without charge", and similar words or phrases
21 that reasonably lead a person to believe that he or she may
22 receive or has been selected to receive something of value,
23 without any conditions or obligations on the part of the
24 recipient.

25 (36) Disregarding or violating any provision of the
26 Land Sales Registration Act of 1989, the Illinois Real

1 Estate Time-Share Act, or the published rules promulgated
2 by the Department to enforce those Acts.

3 (37) Violating the terms of a disciplinary order issued
4 by the Department.

5 (38) Paying or failing to disclose compensation in
6 violation of Article 10 of this Act.

7 (39) Requiring a party to a transaction who is not a
8 client of the licensee to allow the licensee to retain a
9 portion of the escrow moneys for payment of the licensee's
10 commission or expenses as a condition for release of the
11 escrow moneys to that party.

12 (40) Disregarding or violating any provision of this
13 Act or the published rules promulgated by the Department to
14 enforce this Act or aiding or abetting any individual,
15 partnership, registered limited liability partnership,
16 limited liability company, or corporation in disregarding
17 any provision of this Act or the published rules
18 promulgated by the Department to enforce this Act.

19 (41) Failing to provide the minimum services required
20 by Section 15-75 of this Act when acting under an exclusive
21 brokerage agreement.

22 (42) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in a managing broker, broker, or leasing
25 agent's inability to practice with reasonable skill or
26 safety.

1 (43) Enabling, aiding, or abetting an auctioneer, as
2 defined in the Auction License Act, to conduct a real
3 estate auction in a manner that is in violation of this
4 Act.

5 (b) The Department may refuse to issue or renew or may
6 suspend the license of any person who fails to file a return,
7 pay the tax, penalty or interest shown in a filed return, or
8 pay any final assessment of tax, penalty, or interest, as
9 required by any tax Act administered by the Department of
10 Revenue, until such time as the requirements of that tax Act
11 are satisfied in accordance with subsection (g) of Section
12 2105-15 of the Civil Administrative Code of Illinois.

13 (c) The Department shall deny a license or renewal
14 authorized by this Act to a person who has defaulted on an
15 educational loan or scholarship provided or guaranteed by the
16 Illinois Student Assistance Commission or any governmental
17 agency of this State in accordance with item (5) of subsection
18 (a) of Section 2105-15 of the Civil Administrative Code of
19 Illinois.

20 (d) In cases where the Department of Healthcare and Family
21 Services (formerly Department of Public Aid) has previously
22 determined that a licensee or a potential licensee is more than
23 30 days delinquent in the payment of child support and has
24 subsequently certified the delinquency to the Department may
25 refuse to issue or renew or may revoke or suspend that person's
26 license or may take other disciplinary action against that

1 person based solely upon the certification of delinquency made
2 by the Department of Healthcare and Family Services in
3 accordance with item (5) of subsection (a) of Section 2105-15
4 of the Civil Administrative Code of Illinois.

5 (e) In enforcing this Section, the Department or Board upon
6 a showing of a possible violation may compel an individual
7 licensed to practice under this Act, or who has applied for
8 licensure under this Act, to submit to a mental or physical
9 examination, or both, as required by and at the expense of the
10 Department. The Department or Board may order the examining
11 physician to present testimony concerning the mental or
12 physical examination of the licensee or applicant. No
13 information shall be excluded by reason of any common law or
14 statutory privilege relating to communications between the
15 licensee or applicant and the examining physician. The
16 examining physicians shall be specifically designated by the
17 Board or Department. The individual to be examined may have, at
18 his or her own expense, another physician of his or her choice
19 present during all aspects of this examination. Failure of an
20 individual to submit to a mental or physical examination, when
21 directed, shall be grounds for suspension of his or her license
22 until the individual submits to the examination if the
23 Department finds, after notice and hearing, that the refusal to
24 submit to the examination was without reasonable cause.

25 If the Department or Board finds an individual unable to
26 practice because of the reasons set forth in this Section, the

1 Department or Board may require that individual to submit to
2 care, counseling, or treatment by physicians approved or
3 designated by the Department or Board, as a condition, term, or
4 restriction for continued, reinstated, or renewed licensure to
5 practice; or, in lieu of care, counseling, or treatment, the
6 Department may file, or the Board may recommend to the
7 Department to file, a complaint to immediately suspend, revoke,
8 or otherwise discipline the license of the individual. An
9 individual whose license was granted, continued, reinstated,
10 renewed, disciplined or supervised subject to such terms,
11 conditions, or restrictions, and who fails to comply with such
12 terms, conditions, or restrictions, shall be referred to the
13 Secretary for a determination as to whether the individual
14 shall have his or her license suspended immediately, pending a
15 hearing by the Department.

16 In instances in which the Secretary immediately suspends a
17 person's license under this Section, a hearing on that person's
18 license must be convened by the Department within 30 days after
19 the suspension and completed without appreciable delay. The
20 Department and Board shall have the authority to review the
21 subject individual's record of treatment and counseling
22 regarding the impairment to the extent permitted by applicable
23 federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department or Board that he or she can resume practice in
2 compliance with acceptable and prevailing standards under the
3 provisions of his or her license.

4 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;
5 99-227, eff. 8-3-15.)

6 Section 1505.19. The Code of Criminal Procedure of 1963 is
7 amended by changing Section 110-17 as follows:

8 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

9 Sec. 110-17. Unclaimed Bail Deposits. Notwithstanding the
10 provisions of the Revised Uniform ~~Disposition of~~ Unclaimed
11 Property Act, any sum of money deposited by any person to
12 secure his release from custody which remains unclaimed by the
13 person entitled to its return for 3 years after the conditions
14 of the bail bond have been performed and the accused has been
15 discharged from all obligations in the cause shall be presumed
16 to be abandoned.

17 (a) The clerk of the circuit court, as soon thereafter as
18 practicable, shall cause notice to be published once, in
19 English, in a newspaper or newspapers of general circulation in
20 the county wherein the deposit of bond was received.

21 (b) The published notice shall be entitled "Notice of
22 Persons Appearing to be Owners of Abandoned Property" and shall
23 contain:

24 (1) The names, in alphabetical order, of persons to

1 whom the notice is directed.

2 (2) A statement that information concerning the amount
3 of the property may be obtained by any persons possessing
4 an interest in the property by making an inquiry at the
5 office of the clerk of the circuit court at a location
6 designated by him.

7 (3) A statement that if proof of claim is not presented
8 by the owner to the clerk of the circuit court and if the
9 owner's right to receive the property is not established to
10 the satisfaction of the clerk of the court within 65 days
11 from the date of the published notice, the abandoned
12 property will be placed in the custody of the treasurer of
13 the county, not later than 85 days after such publication,
14 to whom all further claims must thereafter be directed. If
15 the claim is established as aforesaid and after deducting
16 an amount not to exceed \$20 to cover the cost of notice
17 publication and related clerical expenses, the clerk of the
18 court shall make payment to the person entitled thereto.

19 (4) The clerk of the circuit court is not required to
20 publish in such notice any items of less than \$100 unless
21 he deems such publication in the public interest.

22 (c) Any clerk of the circuit court who has caused notice to
23 be published as provided by this Section shall, within 20 days
24 after the time specified in this Section for claiming the
25 property from the clerk of the court, pay or deliver to the
26 treasurer of the county having jurisdiction of the offense,

1 whether the bond was taken there or any other county, all sums
2 deposited as specified in this section less such amounts as may
3 have been returned to the persons whose rights to receive the
4 sums deposited have been established to the satisfaction of the
5 clerk of the circuit court. Any clerk of the circuit court who
6 transfers such sums to the county treasury including sums
7 deposited by persons whose names are not required to be set
8 forth in the published notice aforesaid, is relieved of all
9 liability for such sums as have been transferred as unclaimed
10 bail deposits or any claim which then exists or which
11 thereafter may arise or be made in respect to such sums.

12 (d) The treasurer of the county shall keep just and true
13 accounts of all moneys paid into the treasury, and if any
14 person appears within 5 years after the deposit of moneys by
15 the clerk of the circuit court and claims any money paid into
16 the treasury, he shall file a claim therefor on the form
17 prescribed by the treasurer of the county who shall consider
18 any claim filed under this Act and who may, in his discretion,
19 hold a hearing and receive evidence concerning it. The
20 treasurer of the county shall prepare a finding and the
21 decision in writing on each hearing, stating the substance of
22 any evidence heard by him, his findings of fact in respect
23 thereto, and the reasons for his decision. The decision shall
24 be a public record.

25 (e) All claims which are not filed within the 5 year period
26 shall be forever barred.

1 (Source: P.A. 85-768.)

2 Section 1505.20. The Probate Act of 1975 is amended by
3 changing Sections 2-1 and 2-2 as follows:

4 (755 ILCS 5/2-1) (from Ch. 110 1/2, par. 2-1)

5 Sec. 2-1. Rules of descent and distribution. The intestate
6 real and personal estate of a resident decedent and the
7 intestate real estate in this State of a nonresident decedent,
8 after all just claims against his estate are fully paid,
9 descends and shall be distributed as follows:

10 (a) If there is a surviving spouse and also a descendant of
11 the decedent: 1/2 of the entire estate to the surviving spouse
12 and 1/2 to the decedent's descendants per stirpes.

13 (b) If there is no surviving spouse but a descendant of the
14 decedent: the entire estate to the decedent's descendants per
15 stirpes.

16 (c) If there is a surviving spouse but no descendant of the
17 decedent: the entire estate to the surviving spouse.

18 (d) If there is no surviving spouse or descendant but a
19 parent, brother, sister or descendant of a brother or sister of
20 the decedent: the entire estate to the parents, brothers and
21 sisters of the decedent in equal parts, allowing to the
22 surviving parent if one is dead a double portion and to the
23 descendants of a deceased brother or sister per stirpes the
24 portion which the deceased brother or sister would have taken

1 if living.

2 (e) If there is no surviving spouse, descendant, parent,
3 brother, sister or descendant of a brother or sister of the
4 decedent but a grandparent or descendant of a grandparent of
5 the decedent: (1) 1/2 of the entire estate to the decedent's
6 maternal grandparents in equal parts or to the survivor of
7 them, or if there is none surviving, to their descendants per
8 stirpes, and (2) 1/2 of the entire estate to the decedent's
9 paternal grandparents in equal parts or to the survivor of
10 them, or if there is none surviving, to their descendants per
11 stirpes. If there is no surviving paternal grandparent or
12 descendant of a paternal grandparent, but a maternal
13 grandparent or descendant of a maternal grandparent of the
14 decedent: the entire estate to the decedent's maternal
15 grandparents in equal parts or to the survivor of them, or if
16 there is none surviving, to their descendants per stirpes. If
17 there is no surviving maternal grandparent or descendant of a
18 maternal grandparent, but a paternal grandparent or descendant
19 of a paternal grandparent of the decedent: the entire estate to
20 the decedent's paternal grandparents in equal parts or to the
21 survivor of them, or if there is none surviving, to their
22 descendants per stirpes.

23 (f) If there is no surviving spouse, descendant, parent,
24 brother, sister, descendant of a brother or sister or
25 grandparent or descendant of a grandparent of the decedent: (1)
26 1/2 of the entire estate to the decedent's maternal

1 great-grandparents in equal parts or to the survivor of them,
2 or if there is none surviving, to their descendants per
3 stirpes, and (2) 1/2 of the entire estate to the decedent's
4 paternal great-grandparents in equal parts or to the survivor
5 of them, or if there is none surviving, to their descendants
6 per stirpes. If there is no surviving paternal
7 great-grandparent or descendant of a paternal
8 great-grandparent, but a maternal great-grandparent or
9 descendant of a maternal great-grandparent of the decedent: the
10 entire estate to the decedent's maternal great-grandparents in
11 equal parts or to the survivor of them, or if there is none
12 surviving, to their descendants per stirpes. If there is no
13 surviving maternal great-grandparent or descendant of a
14 maternal great-grandparent, but a paternal great-grandparent
15 or descendant of a paternal great-grandparent of the decedent:
16 the entire estate to the decedent's paternal
17 great-grandparents in equal parts or to the survivor of them,
18 or if there is none surviving, to their descendants per
19 stirpes.

20 (g) If there is no surviving spouse, descendant, parent,
21 brother, sister, descendant of a brother or sister,
22 grandparent, descendant of a grandparent, great-grandparent or
23 descendant of a great-grandparent of the decedent: the entire
24 estate in equal parts to the nearest kindred of the decedent in
25 equal degree (computing by the rules of the civil law) and
26 without representation.

1 (h) If there is no surviving spouse and no known kindred of
2 the decedent: the real estate escheats to the county in which
3 it is located; the personal estate physically located within
4 this State and the personal estate physically located or held
5 outside this State which is the subject of ancillary
6 administration of an estate being administered within this
7 State escheats to the county of which the decedent was a
8 resident, or, if the decedent was not a resident of this State,
9 to the county in which it is located; all other personal
10 property of the decedent of every class and character, wherever
11 situate, or the proceeds thereof, shall escheat to this State
12 and be delivered to the State Treasurer pursuant to the Revised
13 Uniform Disposition of Unclaimed Property Act.

14 In no case is there any distinction between the kindred of
15 the whole and the half blood.

16 (Source: P.A. 91-16, eff. 7-1-99.)

17 (755 ILCS 5/2-2) (from Ch. 110 1/2, par. 2-2)

18 Sec. 2-2. Children born out of wedlock. The intestate real
19 and personal estate of a resident decedent who was a child born
20 out of wedlock at the time of death and the intestate real
21 estate in this State of a nonresident decedent who was a child
22 born out of wedlock at the time of death, after all just claims
23 against his estate are fully paid, descends and shall be
24 distributed as provided in Section 2-1, subject to Section
25 2-6.5 of this Act, if both parents are eligible parents. As

1 used in this Section, "eligible parent" means a parent of the
2 decedent who, during the decedent's lifetime, acknowledged the
3 decedent as the parent's child, established a parental
4 relationship with the decedent, and supported the decedent as
5 the parent's child. "Eligible parents" who are in arrears of in
6 excess of one year's child support obligations shall not
7 receive any property benefit or other interest of the decedent
8 unless and until a court of competent jurisdiction makes a
9 determination as to the effect on the deceased of the arrearage
10 and allows a reduced benefit. In no event shall the reduction
11 of the benefit or other interest be less than the amount of
12 child support owed for the support of the decedent at the time
13 of death. The court's considerations shall include but are not
14 limited to the considerations in subsections (1) through (3) of
15 Section 2-6.5 of this Act.

16 If neither parent is an eligible parent, the intestate real
17 and personal estate of a resident decedent who was a child born
18 out of wedlock at the time of death and the intestate real
19 estate in this State of a nonresident decedent who was a child
20 born out of wedlock at the time of death, after all just claims
21 against his or her estate are fully paid, descends and shall be
22 distributed as provided in Section 2-1, but the parents of the
23 decedent shall be treated as having predeceased the decedent.

24 If only one parent is an eligible parent, the intestate
25 real and personal estate of a resident decedent who was a child
26 born out of wedlock at the time of death and the intestate real

1 estate in this State of a nonresident decedent who was a child
2 born out of wedlock at the time of death, after all just claims
3 against his or her estate are fully paid, subject to Section
4 2-6.5 of this Act, descends and shall be distributed as
5 follows:

6 (a) If there is a surviving spouse and also a descendant of
7 the decedent: 1/2 of the entire estate to the surviving spouse
8 and 1/2 to the decedent's descendants per stirpes.

9 (b) If there is no surviving spouse but a descendant of the
10 decedent: the entire estate to the decedent's descendants per
11 stirpes.

12 (c) If there is a surviving spouse but no descendant of the
13 decedent: the entire estate to the surviving spouse.

14 (d) If there is no surviving spouse or descendant but the
15 eligible parent or a descendant of the eligible parent of the
16 decedent: the entire estate to the eligible parent and the
17 eligible parent's descendants, allowing 1/2 to the eligible
18 parent and 1/2 to the eligible parent's descendants per
19 stirpes.

20 (e) If there is no surviving spouse, descendant, eligible
21 parent, or descendant of the eligible parent of the decedent,
22 but a grandparent on the eligible parent's side of the family
23 or descendant of such grandparent of the decedent: the entire
24 estate to the decedent's grandparents on the eligible parent's
25 side of the family in equal parts, or to the survivor of them,
26 or if there is none surviving, to their descendants per

1 stirpes.

2 (f) If there is no surviving spouse, descendant, eligible
3 parent, descendant of the eligible parent, grandparent on the
4 eligible parent's side of the family, or descendant of such
5 grandparent of the decedent: the entire estate to the
6 decedent's great-grandparents on the eligible parent's side of
7 the family in equal parts or to the survivor of them, or if
8 there is none surviving, to their descendants per stirpes.

9 (g) If there is no surviving spouse, descendant, eligible
10 parent, descendant of the eligible parent, grandparent on the
11 eligible parent's side of the family, descendant of such
12 grandparent, great-grandparent on the eligible parent's side
13 of the family, or descendant of such great-grandparent of the
14 decedent: the entire estate in equal parts to the nearest
15 kindred of the eligible parent of the decedent in equal degree
16 (computing by the rules of the civil law) and without
17 representation.

18 (h) If there is no surviving spouse, descendant, or
19 eligible parent of the decedent and no known kindred of the
20 eligible parent of the decedent: the real estate escheats to
21 the county in which it is located; the personal estate
22 physically located within this State and the personal estate
23 physically located or held outside this State which is the
24 subject of ancillary administration within this State escheats
25 to the county of which the decedent was a resident or, if the
26 decedent was not a resident of this State, to the county in

1 which it is located; all other personal property of the
2 decedent of every class and character, wherever situate, or the
3 proceeds thereof, shall escheat to this State and be delivered
4 to the State Treasurer of this State pursuant to the Revised
5 Uniform ~~Disposition of~~ Unclaimed Property Act.

6 For purposes of inheritance, the changes made by this
7 amendatory Act of 1998 apply to all decedents who die on or
8 after the effective date of this amendatory Act of 1998. For
9 the purpose of determining the property rights of any person
10 under any instrument, the changes made by this amendatory Act
11 of 1998 apply to all instruments executed on or after the
12 effective date of this amendatory Act of 1998.

13 A child born out of wedlock is heir of his mother and of
14 any maternal ancestor and of any person from whom his mother
15 might have inherited, if living; and the descendants of a
16 person who was a child born out of wedlock shall represent such
17 person and take by descent any estate which the parent would
18 have taken, if living. If a decedent has acknowledged paternity
19 of a child born out of wedlock or if during his lifetime or
20 after his death a decedent has been adjudged to be the father
21 of a child born out of wedlock, that person is heir of his
22 father and of any paternal ancestor and of any person from whom
23 his father might have inherited, if living; and the descendants
24 of a person who was a child born out of wedlock shall represent
25 that person and take by descent any estate which the parent
26 would have taken, if living. If during his lifetime the

1 decedent was adjudged to be the father of a child born out of
2 wedlock by a court of competent jurisdiction, an authenticated
3 copy of the judgment is sufficient proof of the paternity; but
4 in all other cases paternity must be proved by clear and
5 convincing evidence. A person who was a child born out of
6 wedlock whose parents intermarry and who is acknowledged by the
7 father as the father's child is a lawful child of the father.
8 After a child born out of wedlock is adopted, that person's
9 relationship to his or her adopting and natural parents shall
10 be governed by Section 2-4 of this Act. For purposes of
11 inheritance, the changes made by this amendatory Act of 1997
12 apply to all decedents who die on or after January 1, 1998. For
13 the purpose of determining the property rights of any person
14 under any instrument, the changes made by this amendatory Act
15 of 1997 apply to all instruments executed on or after January
16 1, 1998.

17 (Source: P.A. 94-229, eff. 1-1-06.)

18 Section 1505.21. The Sale of Unclaimed Property Act is
19 amended by changing Section 3 as follows:

20 (770 ILCS 90/3) (from Ch. 141, par. 3)

21 Sec. 3. All persons other than common carriers having a
22 lien on personal property, by virtue of the Innkeepers Lien Act
23 or for more than \$2,000 by virtue of the Labor and Storage Lien
24 Act may enforce the lien by a sale of the property, on giving

1 to the owner thereof, if he and his residence be known to the
2 person having such lien, 30 days' notice by certified mail, in
3 writing of the time and place of such sale, and if the owner or
4 his place of residence be unknown to the person having such
5 lien, then upon his filing his affidavit to that effect with
6 the clerk of the circuit court in the county where such
7 property is situated; notice of the sale may be given by
8 publishing the same once in each week for 3 successive weeks in
9 some newspaper of general circulation published in the county,
10 and out of the proceeds of the sale all costs and charges for
11 advertising and making the same, and the amount of the lien
12 shall be paid, and the surplus, if any, shall be paid to the
13 owner of the property or, if not claimed by said owner, such
14 surplus, if any, shall be disposed under the Revised Uniform
15 ~~Disposition of~~ Unclaimed Property Act. All sales pursuant to
16 this Section must be public and conducted in a commercially
17 reasonable manner so as to maximize the net proceeds of the
18 sale. Conformity to the requirements of this Act shall be a
19 perpetual bar to any action against such lienor by any person
20 for the recovery of such chattels or the value thereof or any
21 damages growing out of the failure of such person to receive
22 such chattels.

23 (Source: P.A. 87-206.)

24 Section 1505.22. The Business Corporation Act of 1983 is
25 amended by changing Section 12.70 as follows:

1 (805 ILCS 5/12.70) (from Ch. 32, par. 12.70)

2 Sec. 12.70. Deposit of amount due certain shareholders.

3 Upon the distribution of the assets of a corporation among its
4 shareholders, the distributive portion to which a shareholder
5 would be entitled who is unknown or cannot ~~can not~~ be found, or
6 who is under disability and there is no person legally
7 competent to receive such distributive portion, shall be
8 presumed abandoned and reported and delivered to the State
9 Treasurer and become subject to the provision of the Revised
10 Uniform ~~Disposition of~~ Unclaimed Property Act. In the event
11 such distribution is ~~be~~ made other than in cash, such
12 distributive portion of the assets shall be reduced to cash
13 before being so reported and delivered.

14 (Source: P.A. 91-16, eff. 7-1-99.)

15 Section 1505.23. The General Not For Profit Corporation Act
16 of 1986 is amended by changing Section 112.70 as follows:

17 (805 ILCS 105/112.70) (from Ch. 32, par. 112.70)

18 Sec. 112.70. Deposit of amount due. Upon the distribution
19 of the assets of a corporation, the distributive portion to
20 which a person would be entitled who is unknown or cannot be
21 found, or who is under disability and there is no person
22 legally competent to receive such distributive portion, shall
23 be presumed abandoned and reported and delivered to the State

1 Treasurer and become subject to the Revised ~~provision of the~~
2 Uniform ~~Disposition of~~ Unclaimed Property Act. In the event
3 such distribution is ~~be~~ made other than in cash, such
4 distributive portion of the assets shall be reduced to cash
5 before being so reported and delivered.

6 (Source: P.A. 91-16, eff. 7-1-99.)

7 Section 1506. Effective date. This Act takes effect January
8 1, 2018.

1	INDEX	
2	Statutes amended in order of appearance	
3	New Act	
4	765 ILCS 1025/Act rep.	
5	5 ILCS 100/1-5	from Ch. 127, par. 1001-5
6	5 ILCS 140/7.5	
7	15 ILCS 405/9	from Ch. 15, par. 209
8	15 ILCS 505/0.02	
9	15 ILCS 505/0.03	
10	15 ILCS 505/0.04	
11	15 ILCS 505/0.05	
12	15 ILCS 505/0.06	
13	20 ILCS 1205/7	from Ch. 17, par. 108
14	20 ILCS 1205/18.1	
15	30 ILCS 105/6b-1	from Ch. 127, par. 142b1
16	30 ILCS 105/8.12	from Ch. 127, par. 144.12
17	30 ILCS 230/2	from Ch. 127, par. 171
18	55 ILCS 5/3-3034	from Ch. 34, par. 3-3034
19	205 ILCS 5/48	
20	205 ILCS 5/48.1	from Ch. 17, par. 360
21	205 ILCS 5/48.3	from Ch. 17, par. 360.2
22	205 ILCS 5/65	from Ch. 17, par. 377
23	205 ILCS 205/4013	from Ch. 17, par. 7304-13
24	205 ILCS 205/9012	from Ch. 17, par. 7309-12
25	205 ILCS 205/10090	

1	205 ILCS 305/10	from Ch. 17, par. 4411
2	205 ILCS 305/62	from Ch. 17, par. 4463
3	205 ILCS 405/15.1b	from Ch. 17, par. 4827
4	205 ILCS 405/19.3	from Ch. 17, par. 4838
5	205 ILCS 620/6-14	from Ch. 17, par. 1556-14
6	205 ILCS 657/30	
7	205 ILCS 700/10	
8	215 ILCS 5/210	from Ch. 73, par. 822
9	215 ILCS 185/5	
10	215 ILCS 185/15	
11	215 ILCS 185/20	
12	225 ILCS 454/20-20	
13	725 ILCS 5/110-17	from Ch. 38, par. 110-17
14	755 ILCS 5/2-1	from Ch. 110 1/2, par. 2-1
15	755 ILCS 5/2-2	from Ch. 110 1/2, par. 2-2
16	770 ILCS 90/3	from Ch. 141, par. 3
17	805 ILCS 5/12.70	from Ch. 32, par. 12.70
18	805 ILCS 105/112.70	from Ch. 32, par. 112.70